

**HACKNEY CARRIAGE PROPRIETOR (VEHICLE) LICENCES****Town Police Clauses Act 1847****Local Government (Miscellaneous Provisions) Act 1976**

1. This document contains the policy, byelaws, conditions and legislation relating to a hackney carriage proprietor (vehicle) licence. The legislation refers to hackney carriage proprietor licences, but as these are often referred to as hackney carriage vehicle licences, for the avoidance of doubt the term "hackney carriage proprietor (vehicle)" will be used throughout this policy.
2. As hackney carriage proprietor (vehicle) licences can be held by limited companies, limited liability partnerships (LLP) and conventional partnerships as well as individuals, this policy must be read to give effect to that. Any reference to a "person", "you", "licensee" or "proprietor" is taken to mean the proprietor of the hackney carriage.
3. The Council has the power to make byelaws relating to hackney carriages under the legislation, and it has done so.
4. There is also a power to attach conditions to hackney carriage proprietor (vehicle) licences, and the Council has standard conditions which attach to these licences. These are contained within this document.
5. There is also a list of the main laws and byelaws that apply to hackney carriage proprietors.

**Introduction**

6. The purpose of licensing hackney carriage vehicles is to protect the public, including passengers and others who may otherwise be placed at risk from unlicensed and potentially dangerous vehicles.
7. It is a privilege to hold a hackney carriage proprietor (vehicle) licence and licensees have responsibilities to their drivers, passengers and customers, other road users and the public generally. The Council has to have been satisfied that when you applied for your licence the vehicle was suitable and safe for use as a hackney carriage and that you were a safe and suitable person to have that licence granted. In assessing that, the Council took into account the type of the vehicle, the condition of the vehicle and your entire character and behaviour.

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8. As a vehicle proprietor this assessment of your character not only includes times when you are working within the hackney carriage trade, but at all other times as well. This can include your use of social media as well as other forms of communication. The requirement to satisfy the Council that you are a safe and suitable person continues throughout the duration of the licence. If at any time the standard of the vehicle or your behaviour falls below the standards expected for new applications, the Council will consider taking action against that licence. This could be suspension, revocation or refusal to renew that licence. In relation to your personal actions, it is no defence to argue that your actions took place when you were not working within the hackney carriage trade. You should appreciate that under the DFT Guidance, if the unacceptable or criminal behaviour took place whilst you were working within the hackney carriage trade that will be viewed as an aggravating feature by the Council.
9. In many cases a hackney carriage is the first vehicle that a visitor to the county will encounter following arrival at a railway or bus station. As a consequence, the appearance of hackney carriages can affect a person for their entire visit. Hackney carriage proprietors should be aware of this and ensure that their vehicle is therefore maintained to the highest standard at all times.
10. Please note, this section reminds you of some of the important legal requirements with which you must comply. This is not a comprehensive list. You should familiarise yourself with the Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976 and all other relevant legislation.
11. The Council has decided to attach conditions to hackney carriage licences that it considers reasonably necessary under the powers contained in section 47(1) of the 1976 Act. The conditions are in addition to the statutory requirements of the legislation. Section 47(3) of the 1976 Act gives the right of appeal to the Magistrates' Court to any person aggrieved by any of the conditions attached to their licence within 21 days of receipt of the licence.
12. You must understand and comply with the legal requirements relating to the hackney carriage licensed in your name, including a limited company in which you are a director or secretary, a limited liability partnership in which you are a partner, or in joint names when you are one of the named individuals. Failure to comply with the requirements may result in your hackney carriage proprietor (vehicle) licence being suspended or revoked.
13. The Council office for hackney carriage and private hire licensing purposes is The Licensing Section, Herefordshire Council, Plough Lane Offices, Hereford

HR4 OLE, telephone: 01432 261761, email: [taxi-licensing@herefordshire.gov.uk](mailto:taxi-licensing@herefordshire.gov.uk).

14. This is the address to which all applications, notices, reports of incidents and any other communications with the Council must be sent.

### **Sanctions against the Hackney Carriage Proprietor (Vehicle) Licence**

15. Where a proprietor breaches any legislation, byelaw or condition of the licence, they may be referred to Committee.
16. The Council also runs its own Penalty Points Scheme as a method of enforcing the requirements for hackney carriage and private hire licensees.
17. Whenever, and in what circumstances a proprietor is brought before Committee, the Committee will decide each case on its merits, after hearing the facts.
18. The Committee may also suspend or revoke the hackney carriage proprietor (vehicle) licence or remove penalty points.

### **Power to take action against a Hackney Carriage Proprietors (Vehicle) Licence**

19. Under section 60 of the 1976 Act, the Council may suspend, revoke or refuse to renew a hackney carriage proprietor (vehicle) licence on the following grounds:
  - a) that the hackney carriage vehicle is unfit for use as a hackney carriage;
  - b) any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the operator or driver; or
  - c) any other reasonable cause.
20. An authorised officer of the Council, an authorised officer of another council where there is a reciprocal arrangement, or a police constable can immediately suspend a hackney carriage proprietor (vehicle) licence under section 68 of the 1976 Act on the grounds of:
  - a) the vehicle is unfit;
  - b) the taximeter is inaccurate.
21. Failure to comply with any hackney carriage legislation (including byelaws), or other road traffic legislation is an offence and you may be liable to prosecution. In addition (irrespective of whether you were prosecuted or convicted of the offence(s)), the Council may take action against your

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- licence which could lead to your hackney carriage proprietor (vehicle) licence being suspended, revoked or the renewal refused.
22. Failure to comply with the Council's conditions may result in your hackney carriage licence being suspended, revoked or the renewal refused.
  23. If any information given by you on the application form for this licence proves to be false, or you fail to disclose any relevant information on your application form, the licence may be revoked and you may also be prosecuted under section 57(3) of the 1976 Act.
  24. The hackney carriage proprietor (vehicle) licence remains the property of the Council.
  25. In the event that you lose your proprietor licence, hackney carriage proprietor (vehicle) licence plates or additional signage, or if they are damaged or defaced, you must get a replacement licence or plates on payment of a fee determined by the Council, and you cannot use the hackney carriage until such replacements are obtained and fitted.
  26. It must be understood that a decision to grant a Hackney Carriage proprietor (vehicle) licence is made on the basis of the condition and suitability of the vehicle and the suitability of the proprietor(s) on the particular facts of the case on the day of the decision. That suitability can be lost at any time in the future and you must ensure that the condition of your vehicle and your behaviour remains of the highest standard to protect your vehicle licence and therefore your livelihood.

## **POLICY**

### **Applicants**

27. Hackney carriage proprietor (vehicle) licences can be held by individuals, limited liability partnerships (LLP), conventional partnerships (two or more people in business together) or limited companies. Usually the vehicle must be registered to one of those, but there will be occasions where the vehicle is leased or hired. In all cases the applicant(s) must demonstrate that they have ownership of the vehicle, a financial interest in the vehicle or permission to use the vehicle on an extended basis (in the case of a lease or hire). A V5 registration document is not proof of ownership and other documentation will be required. This can include, but is not limited to:
  - a) Receipt for the purchase of the vehicle;
  - b) Lease/hire contract;

- c) Partnership agreement between 2 or more individuals.

**Character of the applicant**

- 28. The licensee of a hackney carriage can exert control over those who drive that vehicle, and as a consequence it is essential that they satisfy the Council that they are a suitable person to hold a hackney carriage proprietor (vehicle) licence.
- 29. All applicants (new and on renewal) will be required to provide a Basic Disclosure and Barring Service (DBS) check at their own expense every 3 years, as part of the application process. The same will be required of all partners (if they are involved in the operation of the business) in a limited liability or conventional partnership and all directors and secretary of a limited company when the application is made, or the licence is held, by a limited liability or conventional partnership or limited company. If the applicant has already provided a DBS for a dual driver licence this can be used, provided it is up to date.
- 30. The application will then be considered in the light of the DFT Guidance.
- 31. In addition, the Council will take into account the compliance and maintenance history of previous and existing vehicles licensed by the applicant. All vehicles must be maintained to a satisfactory standard.

**Convictions**

- 32. If you or anybody else with an interest in the vehicle or who is named on the licence is arrested in connection with, charged with or convicted of any criminal offence, this must be reported to the Council within 48 hours (including weekends and bank holidays). The same requirement applies in relation to any DVLA penalty notices above 3 points, Community Protection Notices, civil injunctions or Criminal Behaviour Orders that you receive.

**Vehicles**

- 33. It is the applicant's responsibility to ensure that any vehicle presented for licensing as a hackney carriage meets the Council's criteria which are detailed below. As the Council will not be liable for any loss as a result of a vehicle not being licensed, it is vital that applicants ensure that any vehicle that they are considering purchasing meets these criteria.

**Limits on the numbers of Hackney Carriages**

- 34. At present there is no limit on the number of hackney carriages that are licensed by the Council. The Council has no plans to alter that approach.

**Licensed Vehicle Type, Age and Emissions Policy**

35. Any vehicle submitted to be licensed as a hackney carriage must be of Category M1 (as shown on the registration document) unless either of the following apply:

Category M2 or N1 vehicles (as shown on the registration document) will be acceptable provided the vehicle has passed an IVA test.

36. Licences will not be granted in respect of vehicles that were first registered (or, in the case of imported vehicles, manufactured) more than 5 years for WAV vehicles, prior to the date that the application was made.
37. In order to reduce emissions it is important to set standards that are common to all within the hackney carriage fleet, to ensure consistency and a level playing field for proprietors. The age of vehicles and the exhaust emissions are critical to the level of pollutants emitted. Consequently, to improve air quality and reduce emissions from the hackney carriage fleet, the following standards will apply.
38. There is no upper age limit upon renewal, however, the additional test criteria will apply. The licensed vehicle's appearance must also remain in good order and will be examined at the time of the compliance test.
39. All vehicles on the grant of a licence or change of vehicle on plate after March 2025 must meet or exceed Euro 5 emission standards. All new hackney carriage vehicles on plate must be wheelchair accessible.

**Low Emission Vehicles**

40. The Council aims to encourage the uptake of low emission vehicles in the County, and will examine the feasibility of introducing incentives for electric, hybrid and ultra-low emission vehicles.
41. It is anticipated that more Electric Vehicle rapid re-charging points for use by the public will be available in the future at locations in Herefordshire.

**Acquired rights**

42. If a non-wheelchair access vehicle has been continually licensed as a hackney carriage by the Council since 2002 that licence can continue to be attached to any category of vehicle provided a renewal application and fee is made before the expiry of that hackney carriage proprietor licence. If at any time an application form and fee is not received before the expiry of

the current hackney carriage proprietors (vehicle) licence, then the rights acquired will be lost and any application will be treated as a new application requiring a wheelchair accessible vehicle as detailed below.

**Vehicle specification**

43. There are 2 different types of vehicle that can be licensed as hackney carriages: those which are Wheelchair Accessible Vehicles (WAV) and those which are not.
44. Non-WAV vehicles can only be licensed in respect of a hackney carriage proprietor licence that has been in continual existence since 2002.
45. All applications for new hackney carriage proprietor licences, except in respect of renewals of licences granted since 2002, must relate to a wheelchair accessible vehicle.
46. The Council maintains a list of all WAV (both hackney carriages and private hire vehicles). Drivers of those vehicles must then provide mobility assistance to wheelchair-bound passengers.
47. The following specifications detail the minimum requirements for each type of vehicle, together with the requirements for all hackney carriages.

**Non-Wheelchair accessible vehicles**

48. If the vehicle is to be licensed as a Non-WAV (saloons, estate cars, people carriers (MPV), sports utility vehicles (SUV) and any other vehicle that cannot carry a passenger whilst they remain in their wheelchair) it must be approved by the Council and comply with the following specification:
  - a) Be a right-hand drive vehicle;
  - b) Have at least four doors that can be opened from both inside and outside the vehicle. Each door (except the driver's door) must be capable of being opened by passengers;
  - c) Must be so constructed as to provide adequate space within its structure for the safe carriage of each passenger's luggage or any equipment. If that is not possible or practical then the below will apply;
  - d) Roof racks and tow bars will be permitted. Any vehicle using a roof rack must be fitted with a second roof sign, with one sign in front of the roof rack, and one behind, allowing the signs to be seen in the same way as a vehicle without a roof rack. Any luggage carried on the roof rack must be protected from the elements by a waterproof cover and properly secured. A properly fitted roof box is an

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acceptable alternative, subject to the additional signage as detailed above;

- e) Tow bars (if fitted) must be fitted in accordance with the manufacturer's instructions;
- f) Trailers can be used, but only when fulfilling a pre-booked hiring. Any trailer that is used must meet the following requirements and be tested by the Council (the charge to be paid by the licensee) and will be issued with a "trailer plate" which must be displayed on the rear of the trailer and clearly visible whenever the trailer is being used by the hackney carriage. The trailer can only be used on the specified hackney carriage. Trailers must comply with the following standards if being used when booked for a licensed journey:
  - i. Unbraked trailers must be less than 750kgs gross weight.
  - ii. Trailers over 750kgs gross weight must be braked, acting on at least two road wheels.
  - iii. The towing vehicle must have a kerb weight of at least twice the gross weight of the trailer.
  - iv. A suitable lid or other approved means of enclosure must be fitted to secure the contents within the trailer whenever in use.
  - v. The maximum permissible length of the trailer cannot exceed 7 metres, including the drawbar and coupling.
  - vi. The width of the trailer must not be greater than the width of the towing vehicle, subject to no trailer being wider than 2.3m.
  - vii. The maximum length for braked twin axle trailers is 5.54m.
  - viii. The trailer must at all times comply with all Road Traffic legislation requirements
  - ix. The vehicle insurance must cover towing a trailer.
  - x. Trailers must not be left unattended anywhere on the highway.
  - xi. The speed restrictions applicable to trailers must be observed at all times.
  - xii. The registration number plate of the hackney carriage and the Council issued "trailer plate" must be attached to the rear of the trailer.
  - xiii. The trailer must be inspected annually and must be considered to be satisfactory by the Licensing Authority.



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- xiv. Only drivers with the appropriate DVLA driving licence category may drive a vehicle with a trailer. The vehicle proprietor must check any driver's DVLA licence for the required category, prior to allowing the use of a trailer.
- g) Passengers must be able to communicate with the driver via an intercom system, sliding screen, mesh or hole in any division between the driver's and passenger compartments;
- h) Any vehicle which is a convertible will not be licensed as a hackney carriage.

#### **Additional requirements five or more passenger seat vehicles**

- 49. In order to be licensed as a hackney carriage, any Minibus/MPV-type vehicles must be fitted, in addition to the front driver and passenger doors, with at least:
  - a) one other side loading door plus a rear door/doors or tailgate that can be opened from inside the vehicle, or
  - b) two side loading doors that can be opened from the inside.

#### **Wheelchair Accessible Vehicles (WAV)**

- 50. The vehicle must be a purpose built hackney carriage capable of carrying a wheelchair bound passenger which complies with the current Transport for London "Conditions of Fitness" or it meets the following specification.
- 51. Any vehicle, before it can be considered to be licensed as a Wheelchair Accessible Vehicle, must have European Community Whole Vehicle Type Approval (ECWVTA), or Individual Vehicle Type Approval, including an inspection certificate issued by the Driver and Vehicle Standards Agency (DVSA) as a minimum standard.
- 52. In addition:
  - a) The interior of the vehicle must be able to accommodate a wheelchair and its user, riding seated within the wheelchair itself;
  - b) The passenger compartment must have a minimum unobstructed available width of 0.74 metres (including at the point of entry);
  - c) The passenger compartment must have a minimum unobstructed available length of 1.2 metres for a wheelchair and user;
  - d) The passenger compartment must have a minimum unobstructed available height for a wheelchair and user of 1.3 metres at the point of entry and 1.4 metres when in the travelling position;

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- e) The passenger compartment must be fitted with suitable wheelchair anchorages, either chassis or floor linked;
- f) The passenger compartment must be fitted with a suitable 3-point belt or harness, either chassis or floor linked, for a wheelchair and its user. The belt/harness must be independent of the wheelchair anchorages;
- g) The vehicle must have suitable ramps for a wheelchair user. The vehicle must have a secure and safe place for the ramps to be stored when they are not being used. Alternatively, the vehicle may be fitted with a tail lift or some other mechanical means of access, approved by the Council;
- h) Where the vehicle is a rear loading wheelchair accessible vehicle a suitable ramp will be carried in the vehicle to be used at the commencement and end of a journey to ensure that the passenger is delivered safely onto the pavement;
- i) At least one door entrance must be designed and constructed to help elderly and disabled passengers get in and out of the vehicle. The door entrance and any steps must be conspicuously marked, where appropriate, to help visually impaired passengers;
- j) All passenger door entrances must have grab handles or rails suitably located to help elderly and disabled passengers. All handles/rails must be conspicuously marked to help visually impaired passengers;

#### **All vehicles**

53. The following are the minimum requirements for all hackney carriages, irrespective of their type:
- a) The vehicle must be wind and water-tight;
  - b) The vehicle must have a floor properly covered with carpet or other suitable covering;
  - c) The vehicle must have an adequate internal light to enable passengers to enter and leave the vehicle safely;
  - d) The vehicle's bodywork and paintwork must be in good condition, of one colour, free from dents or other damage or rust;
  - e) The vehicle must not be fitted with any additional external accident protection devices (e.g. bull bars or additional bumpers);
  - f) The vehicle must carry a spare wheel and tyre of the correct size to fit the vehicle, together with equipment to change the wheel including a spare wheel and tyre, jack and wheel brace, all of which must be securely stored. If the manufacturer's specification when the

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vehicle was new did not include a spare wheel, the manufacturer's alternative (e.g. spray can) will be acceptable;

- g) The vehicle must be fitted with tyres which meet the specifications detailed by the manufacturer in terms of size and speed rating. They must comply with the legal requirement of tyre depth.
- h) The vehicle must be fitted with nearside and offside exterior rear view mirrors;
- i) The vehicle must have at least one window on each side of the passenger compartment which is capable of being opened and closed;
- j) All seats must be securely fixed/bolted to the vehicle and must be factory fitted with a 3-point seat belt or, where that was not a manufacturer's option when the vehicle was manufactured, a factory fitted lap belt. Any retrospectively fitted seat belts must be approved by the Council;
- k) The vehicle must be fitted with glass which complies with current Construction and Use Regulations (the Road Vehicles (Construction and Use) Regulations 1986 as amended). These regulations require that the front windscreen allows 75% of light to be transmitted and the front door windows allow 70% of light to be transmitted. In addition, the remaining glass within the vehicle must have a minimum light transmittance of not less than 70%. The rear of the vehicle must be fitted with at least one window (or one window per rear door fitted), the light transmission capacity of which must be a minimum of 70%. No self-adhesive material (tinted or clear) can be affixed to any part of the glass without the approval of the Council;
- l) The vehicle must carry a 1kg dry powder extinguisher or a 2 litre AFFF extinguisher approved to BS EN3: 1996, with the licence number permanently marked on it. The fire extinguisher must have been properly maintained in accordance with BS 5306: Part 3 and be secured in such a position in the vehicle as to be accessible for use in an emergency.
- m) The vehicle must carry a first aid kit in a suitable container, with the licence number permanently marked on it.
- n) The vehicle must not be fitted with any additional lights other than those originally fitted by the manufacturer unless they have been approved by the Council, other than an additional internal light;
- o) The minimum unobstructed distance between the uncompressed seat cushion and the roof must be 0.9 metres (measured 0.25 metres from and parallel with the seat back) in relation to the front passenger and driver seats, and 0.84 metres in relation to any other passenger seats;

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- p) The minimum unobstructed distance between the seat back and the foot well bulkhead/facing seat back must be 0.95 metres in relation to the front passenger and driver seats, and 0.6 metres in relation to any other passenger seats;
  - q) The minimum unobstructed interior width of the vehicle must be 1.3 metres (excluding any arm rests);
  - r) Any vehicle that has been converted to run on liquid petroleum gas (LPG) must be accompanied by a certificate stating that the conversion was undertaken in accordance with the LPG gas Association's code of practice, and if the conversion was undertaken more than one month before the application for the licence, an annual installation check which is not more than one month old.
  - s) Right hand drive
54. In addition, in all types of hackney carriage the following requirements must be met.

#### **Seating**

55. Access to all doors must be free from obstruction. Any seats that require passengers to move any part of another seat to gain access or egress must have at least 300mm at the narrowest point. The available boot space must allow room for a standard folded wheelchair. The seating configuration and number of passengers that can be carried is subject to assessment by the Council, but each seat must have a minimum width of 41cm. If the above cannot be complied with seats can only be removed to achieve compliance if the vehicle is designed at manufacture to remove seats as part of its design.

#### **Documents**

56. A vehicle licence will only be issued where the vehicle has evidence of:
- a) A valid vehicle insurance certificate specifically stating that the vehicle is to be used for public hire/hackney, hire and reward carriage use.
  - b) A compliance certificate issued by the Council approved tester which is less than 1 calendar month old for new vehicles and a compliance or MOT as required for renewals.
  - c) A V5 vehicle registration document. In the case of a new vehicle, the sales invoice which must show engine and chassis numbers, shall be produced at the time of application and the registration document when it is received from DVLA. The registration document must in all cases be produced within 6 weeks of the licence being issued.

57. Before or on the date of expiry the relevant renewal certificate must be produced to the Council. This can be done electronically or direct from the originator.
58. All documentation must be originals when copied. If the document has already been produced we will not normally request a copy. Online copies will be accepted directly from the original issuer.

**Engine/Chassis Numbers**

59. The Chassis/Vehicle Identification Number Plates and engine numbers must match the numbers recorded with the DVLA as detailed on the V5 Document. Vehicle applications cannot be accepted without a copy of the vehicle registration document, or in the case of new vehicle purchase, the sales documentation indicating the engine and chassis numbers. In the event of a vehicle being presented with numbers that do not correspond to the paperwork the Council will inform the Police Vehicle Identification Section who may undertake checks to ensure the vehicle is not stolen. If the engine is changed at any time whilst the vehicle is a licensed hackney carriage, the Council must be notified within 72 hours of that change and the updated V5 must be produced as soon as it is received from DVLA. If an applicant purchases a vehicle they must request this information off the V5 prior to the new keeper slip being handed over.

**Maintenance and servicing**

60. Vehicles must be maintained correctly and serviced in accordance with the manufacturer's recommendations. If the service history is not available, then an acceptable explanation for this must be provided to the authorised officer of the Council.

**Vehicle tests**

61. A licence will be granted or renewed only if the vehicle is considered by the Council to be roadworthy, fit for purpose and meets the criteria specified.
62. Vehicles will be compliance tested before the licence is initially granted, then every 12 months for vehicles up to 6 years old and every 6 months for vehicles older than that. Vehicles older than 12 years will require 3 tests per year. The anniversary date for interim MOT's will remain the same, this will avoid loss of time between tests.
63. Compliance tests in relation to new applications and renewals are to be carried out at the Council's testing centre at Rotherwas in Hereford. The correct fee must be received before the test is carried out.

64. If required by age the vehicle must have an interim MOT certificate which is less than 4 weeks old.
65. The applicant or licensee must make an appointment for the vehicle to be tested as part of the application process. It is the responsibility of the applicant/licensee to do this and then to ensure that the vehicle is presented at the specified location and time. If the vehicle is presented late, there is no guarantee that the test will be able to be conducted on that day and a further test must be arranged. In that case the initial test fee will be forfeited and a second fee must be paid for the rearranged test.
66. A test appointment can be cancelled only if at least two clear working days' notice (excluding Saturday, Sunday and Bank Holidays, the day on which notice is given and the day of the test) is given to the Council.

**Dual Plating**

67. Once a vehicle is licensed as a hackney carriage by the Council, it cannot be licensed as a hackney carriage (or private hire vehicle) by any other local authority during the duration of the Herefordshire licence.

The Council will not licence a vehicle that is licensed as a hackney carriage or private hire vehicle by another local authority.

**Insurance “write-offs”**

68. The Council will not licence any vehicle as a hackney carriage that has been written off by an insurance company.

**Vehicle Use**

69. You must maintain a policy of insurance for your licensed vehicle in accordance with section 143 of the Road Traffic Act 1988.
70. If your hackney carriage vehicle has an accident which results in damage which may affect its safety, performance, or the comfort or convenience of your passengers, you must report this to the Council within 48 working hours (section 50(3) of the 1976 Act). The vehicle must not be driven, apart from to a garage for assessment, repair or testing until the Council confirm that it is satisfactory
71. You must not obstruct any Authorised Officer or police Officer. You must provide assistance or information they may reasonably require (section 73 of the 1976 Act).

72. Any person driving a hackney carriage vehicle at any time, for any purpose and anywhere in the United Kingdom, must be licensed to drive a hackney carriage under section 46 of the 1847 Act, even if the vehicle is not being used for hackney carriage or pre-booked purposes. Any person driving a hackney carriage without the required hackney carriage driver licence will be committing an offence under section 47 of the 1847 Act. The only exceptions to this are when the vehicle is being tested by the Council or a mechanic in connection with vehicle maintenance.
73. If any hackney carriage proprietor permits a person who does not hold a hackney carriage driver licence to drive the vehicle at any time (other than in accordance with the exceptions detailed above) the proprietor commits an offence the Council will consider this a serious matter and action may be taken against the hackney carriage proprietor (vehicle) licence (whether or not a criminal prosecution or conviction ensued).
74. Once a vehicle has been licensed as a hackney carriage by the Council, it retains that status at all times for the duration of the licence (24 hours a day, 7 days a week). In addition to the requirement that it is only driven by a hackney carriage driver licensed by the Council (see above) the proprietor must ensure that at all times and wherever it may be located, it complies with all requirements contained within the legislation and conditions. This includes the cleanliness of the vehicle, display of licence plates and additional signage.
75. If the hackney carriage proprietor (vehicle) licence is suspended, revoked or not renewed, the proprietor must return the licence plates and additional signage to the Council. This must be done immediately after the end of the appeal period (21 days from the written notification of the decision, or after any such appeal is determined or abandoned). If the suspension is immediate (under section 68 of the 1976 Act) this requirement must be complied with immediately.
76. If the proprietor refuses to surrender the vehicle plates and additional signage, tamperproof "Vehicle Licence Suspended" stickers will be affixed to the vehicle plates. These will destroy the plates, and replacements must be purchased from the Council if and when the suspension is lifted.

**Warning Notice**

77. If there is anything in the design, construction, form or working appearance of a vehicle which, in the opinion of the Council or its Authorised Officers or testers renders the vehicle unfit for hackney carriage use (which includes pre-booked work), then the Council will not licence that vehicle.

78. The Council is not liable for any expense incurred in preparing or testing a vehicle which cannot be licensed for whatever reason.
79. Any unauthorised modifications made since a previous licence was issued may lead to the suspension, revocation or refusal to renew a licence.

**Taximeters**

80. All hackney carriage vehicles must be fitted with a Council approved taximeter.
81. The meter must be accurate, be capable of showing that the vehicle is for hire, it must be fitted with a key or other device that, when turned, will operate the meter and must be capable of locking the tariff until the end of the journey.

**Duration and renewal of the licence**

82. The licence expires 12 months from the date of issue. Any application for renewal should be made at least one month before the licence expires. If you do not apply to renew the vehicle licence in time there may be a period when you will be unable to use the vehicle as a hackney carriage. If the renewal application is not received before the expiry of the current hackney carriage proprietor (vehicle) licence, it will be treated as a new application rather than a renewal and you will have to provide all the information and vehicle that is required for a new application. In that case any acquired rights will be lost.
83. Renewals are generally dealt with by officers under delegated powers, and can be processed quite quickly. However, if there have been any changes since the last grant of the licence (e.g. if the vehicle's age or emissions exceed the policy or you or any of your joint proprietors (or directors or secretary in the case of a limited company) have been convicted of any offence, or there have been complaints or causes for concern about your behaviour) the renewal application may need to be considered by Committee/Panel. If this is the case, then a 2 month temporary licence may be considered, without prejudice to any decision the Committee might make. This will only be considered if there are no safeguarding or public safety implications to issuing a temporary licence.
84. The licence is issued to you but it can be transferred to another individual, partnership or limited company. Notification of any transfer must be made in writing and indicate the consent of all interested parties. The Council will then issue a revised licence identifying the new licensee(s).



85. Following any transfer of licence to another person, on expiry of that licence, renewal will be at the Council's discretion.

**Plates and Additional Signage**

86. The licence plates and other additional signage required by the Council must be displayed on the vehicle at all times. In addition, wheelchair accessible vehicles will be required to display "Wheelchair" stickers at all times.
87. If you lose or damage the plates, replacements must be purchased from the Council.

**Accidents and temporary vehicle transfer conditions**

88. Accidents involving personal injury to passengers shall be notified to the Police. The Licensing Authority shall also be notified as soon as possible, but in any case within 24 hours or, when the office is closed, within 24 hours of it re-opening.
89. Vehicles that have sustained major accident damage will be required to provide a satisfactory steering geometry and alignment report. This shall be in the form of a written or printed document from an approved VBRA vehicle repairer. In addition the vehicle shall be required to undergo a further compliance test.
90. Vehicles which replace a licensed vehicle on a temporary basis shall meet the requirements contained within the standard vehicle licence conditions, other than door signs which can be magnetic.
91. All licensed vehicles including wheelchair accessible and vehicles of a larger seating capacity are allowed to be temporarily substituted by a standard vehicle for use as a replacement, but only for a limited period to be agreed with the Licensing section. This replacement shall comply with section 1 and 4 plus all other relevant conditions.
92. A temporary transfer will be valid for a 3 month maximum period unless authorised by the Licensing Authority due to extenuating circumstances.
93. If the transfer takes place during normal office working hours, the licensing Section shall be notified before the transfer takes place. Transfers outside of normal office working hours shall be notified to the Licensing Section immediately after the office reopens.

94. Vehicles used as a temporary transfer vehicle must have a "Certificate of Readiness" which incorporates a certificate of compliance, inspection sheet. Valid insurance must be in place prior to the vehicle being used. Such vehicles shall comply with Section 4 of the standard licence conditions.
95. If you wish to change the vehicle that is licensed the following procedures must be followed:-
- a) If the licence relates to a wheelchair accessible vehicle, the replacement vehicle must also be a wheelchair accessible vehicle. Non wheelchair accessible vehicles will only be accepted as replacements for licences which have acquired rights
  - b) You must pay the stated fee for a 12 month period
  - c) Any refund against a licence will be calculated by the Council
  - d) A completed application for a change of vehicle on plate must be provided

**Letting/leasing of vehicles**

96. You must not lease, let or hire a licensed hackney carriage to any other person, other than a fare paying passenger, without first notifying the Council in writing. If you do enter into a leasing arrangement you will remain the licensee and will still be responsible for the vehicle.
97. You must notify the Council in writing of anyone no longer having an interest in the vehicle within 72 hours of the event.

**Advertisements**

98. No advertisements may be displayed in or from the vehicle unless prior written approval of the Council has been obtained. Any advertising must comply with all legislation and the British Code of Advertising Practice.

**Navigational devices**

99. Any electronic navigational device which is being used must be securely located within the vehicle and must not be operated by the driver while the vehicle is moving. All devices must be securely located in a suitable cradle or other mounting device.

**The taximeter and table of fares**

100. The vehicle must be fitted with a tamper proof taximeter that has been approved by the Council. It must be mounted in such a way as to avoid injury to the driver or passengers in the case of any collision and where it is visible to passengers. This must be in a safe and practical position in the vehicle where all letters and figures displayed on the meter are clearly visible to any passenger. The letters and figures must therefore be illuminated when in use.
101. The location and fixing must not be located to cause injury to passenger and the Council must test the meter before the vehicle can be used as a hackney carriage and annually as part of the compliance test.
102. The meter must be set to ensure that the charge will never exceed the amount specified in the Council's Hackney Carriage Table of Fares.
103. The meter must be accurate, be capable of showing that the vehicle is or is not hired, it must be fitted with a key or other device that, when turned, will operate the meter and display the word "HIRED". This key or device must be capable of locking the meter and no fare is recorded on it.
104. When the meter is in use, the fare must be clearly legible on the face of the meter. This fare must be unambiguous and must not exceed the fare permitted by the Table of Fares.
105. The word "FARE" must be clearly visible on the meter so it clearly indicates the fare displayed.
106. A notice showing the current Table of Fares must be displayed inside the vehicle in a position where any passengers can easily read it.

**Radios and other equipment**

107. Any radio, booking systems/data heads and/or GPS equipment provided must be maintained in a safe condition and any defects must be repaired promptly. The licensed operator/booking agent must ensure that the licence issued by Ofcom for all radio equipment used is current and valid. All equipment must only be used on the frequencies stipulated in the Ofcom licence and the licensed operator/booking agent must allow the Council access to inspect all equipment and Ofcom licenses.
108. Any radio, booking systems/data heads and/or GPS equipment provided must not interfere with any other radio or telecommunication equipment.

109. Where apparatus for the operation of a two-way radio, booking system/data heads and/or GPS systems are fitted, no part of the apparatus can be situated in a way which could cause accident or injury to a passenger, nor can it be placed in the rear boot compartment if LPG tanks are situated in there.

**Signs**

110. No sign or advertisement is permitted on the vehicle, and no flag or other emblem can be flown from the vehicle, except as detailed below, unless required by law, or has been agreed by the Council in writing (see above in relation to advertisements).
111. The vehicle (apart from purpose-built hackney carriages with a built in roof sign) must be fitted with the roof sign approved by the Council. The sign must be illuminated when the vehicle is available for hire and switch off automatically when the meter is operating. The minimum width must be 45cm, with "Herefordshire Council" above and "Licensed Hackney Carriage" below the word "Taxi" on both the front and rear. The front of the sign shall be green in colour as specified by the Council. The rear of the sign shall be red in colour and may show the fleet number, not more than 7.5 cm in diameter, in the top right hand sign of the sign.
112. An adhesive sign must be permanently fixed to both front doors. These signs must be a minimum of 60 cm wide by 19 cm high and all lettering must measure at least 6 cm in height. It must incorporate the Council's logo and display the vehicle licence number.

**CCTV**

113. From 13<sup>th</sup> January 2025 all licensed vehicles must have a CCTV system which records both audio and video with a monitor, that meets the Council's specification for taxi camera systems and complies with ICO regulations. All such systems must have been installed by a competent installer before the vehicle can be licensed. The device must be active at all times when the vehicle is in use as a licensed vehicle.
114. The picture on the CCTV system must be clear and not obstructed by items which cover part of the lens, this includes items hanging from the rear-view mirror.
115. At least 3 approved signs must be displayed in the vehicle (2 within the rear of the vehicle and 1 in the front) warning customers that CCTV surveillance equipment is in operation.

### **Appendix 3 Hackney Carriage Conditions**

116. Activation of audio recording must be capable of being triggered by the driver pressing a switch/button. Audio recording will continue until such time as the button/switch is pressed to off again. This switch/button will activate/deactivate the audio recording. Once activated the audio recording must continue for an uninterrupted period until it is deactivated.
117. The system must be checked at least weekly and a record kept of the system being operative. Any failure in the system must be notified to the Council as soon as practicable and in any event within one Business Day and a schedule of repair agreed by them. Failure to notify could result in the vehicle licence being suspended. The vehicle cannot be used as a licensed vehicle until the CCTV system is repaired.
118. The Council is the data controller for the personal data collected via the CCTV system. Owners of vehicles with CCTV installed must cooperate with the Licensing Authority to discharge responsibilities under the Data Protection Act 2018, including reporting any data incidents and providing access to recordings in response to requests from the council.
119. Other than the monitor displaying live images in the vehicle, any recorded image captured by the camera can only be viewed by an authorised officer of the Licensing Authority, or an operator authorised by the Council.
120. In addition, audio recording must be used in any of the following circumstances:
  - a) An unaccompanied child (under 18) or vulnerable adult is being carried in the vehicle.
  - b) Where the driver and customer are involved in a dispute, or the driver feels threatened by the behaviour of a passenger.
121. The CCTV recordings held within the taxi (PHV/Hackney) shall only be accessible by the Licensing Authority.
122. The security seal shall only be broken by prior agreement of the Licensing Authority.

#### **SYSTEM DETAILS**

- The taxi camera equipment must be e-marked or CE-marked or UKCA marked
- The device must be always active when the vehicle is in use as a private hire or hackney carriage vehicle. It can be switched off when the vehicle is being used privately

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- The system must automatically overwrite to create a constant cycle recording
- The camera system must be capable of recording and storing a minimum of 7 days of images of D1 (704\*480) size or better
- The Unit must have the ability to operate for at least 10 minutes without power from the ignition. The device must be hard wired to both constant and ignition supply
- SDHC storage cards or hard drives can be used
- In the case of a SDHC card the card must be either:
  - i. Encrypted and password protected or
  - ii. Secured by a lock preventing the card being accessed
- In the case of a hard drive, it shall be encrypted and password protected
- Any password will be set by the Licensing Authority, where a key is used the only keys shall be held by the Licensing Authority.
- Where the system has access to the data through a remote control, such system will be password protected to prevent access
- All systems will be further secured through the use of a security label
- The system should have the ability to start recording audio data by means of a trigger switch or button
- When activated, the audio must record within the video file
- All audio files must simply be added to the video files as a voiceover, not in separate files
- A monitor shall be fitted, which may only display live images. It must not display recorded images. Such monitor should not be visible by the driver when the vehicle is in motion
- The recording must, other than in exceptional circumstances, provide clear images in bright sunshine, shade, dark and total darkness. Also, when strong back light is present without the need for additional components
- The lens or the position of the camera must be of a type that captures the driver and all passengers of the vehicle on the recorded image

### **Appendix 3 Hackney Carriage Conditions**

- At least 1 x camera for saloon type vehicles (5 seats or less) and at least 2 x cameras for larger vehicles (6 to 8 seats)
- The recorder shall be impact resistant, sufficient to withstand a typical car accident, or striking with a large, heavy object such as a suitcase
- None of the installed CCTV components shall be mounted in a way that may cause injury to any person carried in or on that vehicle.
- The storage unit shall be concealed and effectively inaccessible when the vehicle is in motion
- A hard drive recorder shall be equipped with a communication port within the housing for downloading by authorised officer. Such port shall be kept locked with access only available to the licensing authority.
- The system shall record images at the rate of twelve images per second during periods when audio recording is activated (either due to time requirement, or through activation by the driver trigger switch)
- Once any recording is downloaded it shall be capable of being viewed by the Licensing Authority.
- All captured images must be encrypted and viewable only by using the manufacturers software which must be compatible with the Windows Operating System
- A certificate of installation must be provided which will indicate the installation date
- The unit shall only be installed by a competent or authorised installer which has been agreed with the licensing authority.
- The proprietor agrees to allow the Council and West Mercia Police access to the relevant software for the CCTV system
- Each licensed vehicle will display signs, which are capable of being read by the passengers which state 'CCTV in this vehicle records both visual images and audio. The data controllers are Herefordshire Council'

### **Seating Arrangements**

123. Any seating arrangement other than the manufacturer's original specification, or as approved by the Council, will result in the suspension of the licence until such time as either the original or approved arrangement is restored, or the new arrangement is approved by the Council.

**Reportable Incidents**

124. You must report to the Council and/or local police as appropriate, any concerns (including but not limited to concerns about child abuse, abuse of any other person, people trafficking, drug carrying, violence or criminal behaviour) or which may result in a complaint being made about you. When you are driving a private hire vehicle all such incidents must be reported to your operator as soon as possible. If you are driving a hackney carriage that has been booked via a booking agent, all such incidents must be reported to that agent as soon as possible. Where you suspect that the incident involves criminal behaviour you must report this to the police and Council immediately.

**CONDITIONS**

125. The following Conditions are attached to your hackney carriage vehicle licence and must be complied with at all times. Failure to comply with conditions may lead to penalty points being imposed on your hackney carriage proprietor (vehicle) licence, suspension, revocation or refusal to renew the hackney carriage proprietor (vehicle) licence.
126. You must return your licence (and the plates and additional signage if requested by the Council).
127. You must notify the Council within 48 working hours of the event if you or anybody named on the licence as a joint proprietor (or any director or secretary of a limited company, or partner in a Limited Liability Partnership when the licence is held by such a body) is arrested in connection with, charged with, investigated in connection with or convicted of any criminal offence. The same requirement applies in relation to any, community protection notices, civil injunctions that you receive.
128. If your vehicle has an accident which results in serious damage which may affect its safety, performance or the comfort or convenience of your passengers, you must report this to the Council within 48 working hours. If you are in doubt as to whether the vehicle is affected you must notify the Council.

**Drivers**

129. You must notify the Council of the details (name, address and licensed driver number) of any person who is permitted by you to drive your licensed vehicle for any purpose (this does not include mechanics undertaking vehicle maintenance). This notification must be made as soon as possible



### **Appendix 3 Hackney Carriage Conditions**

and in any event within 72 hours of that permission being given. If you no longer permit that person to drive your hackney carriage you must notify the Licensing Section in writing, using the Council's approved forms, within 72 hours.

130. Before you allow anyone to drive your licensed vehicle you must ask that person for their dual driver licence and keep a copy.
131. No person may drive a licensed vehicle, unless they hold a dual driver licence issued by the Council. Anyone found driving a licensed vehicle without a dual driver licence, may be prosecuted.

#### **Insurance**

132. You must ensure that a valid policy of comprehensive insurance for hackney carriage work/public hire, hire and reward is in place for the vehicle and covers anyone who drives your hackney carriage.

#### **Production of Documents**

133. You must not obstruct any Authorised Officer of the Council or police officer. You must provide any assistance or information they may reasonably require.
134. If an Authorised Officer of the Council (or another council with whom a reciprocal arrangement is in place) or a police officer asks you, you must produce within 5 days of the request being made:
  - a) Your licence
  - b) The taxi driver licence of any person authorised to drive your hackney carriage
  - c) The vehicle registration document
  - d) A valid certificate of insurance

#### **Licence Plates**

135. The licence plate remains the property of the Council and must be returned to the Council whenever the vehicle is not licensed as a hackney carriage.
136. You must secure and display the exterior licence plate permanently to the rear part of the vehicle using the fittings provided by the Council. The method of fixing must prevent the plates being removed without the need for specialist tools. The plate must be displayed so that it can be clearly read by pedestrians and road users. The licence plate must not be

### **Appendix 3 Hackney Carriage Conditions**

displayed in any window of the vehicle unless expressly permitted by the Licensing Authority.

137. You must display the signage on the front doors and the internal signs inside the vehicle so that they are visible to front and rear passengers at all times. All wheelchair accessible vehicles must display a wheelchair sticker on the rear doors.
138. You must report the theft or loss of the licence plates to the Council and in any event within 24 hours of becoming aware of the theft or loss, to the Council by email. You must then obtain duplicate licence plates and/or additional signage for which a charge will be made. The vehicle cannot be driven until the replacement plates are in place.
139. You must not wilfully or negligently cause or suffer any plates or additional signage on your vehicle to be concealed from public view at any time.
140. You must return the licence plates to the council if the hackney carriage proprietor (vehicle) licence is suspended, revoked or not renewed.

#### **Vehicle inspection**

141. You must allow an Authorised Officer of the Council, or police officer, to inspect your vehicle at any reasonable time.
142. You must ensure the vehicle is presented for test in accordance with instructions from the Council

#### **Specification to be maintained during the duration of a licence for a hackney carriage**

142. No change in the specification, design, condition or appearance, or any modification, conversion or alteration of the vehicle can be made unless prior written approval has been given by the Council.
143. The vehicle must fully comply with all relevant Road Traffic legislation and in addition:
  - a) All doors must function correctly and be capable of being opened from outside and within the vehicle;
  - b) All opening windows must function correctly and be capable of being opened from within the vehicle;

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- c) All luggage must be properly secured inside a vehicle that does not have a separate and self-contained boot;
- d) If a roof rack (or roof box) is being it must be securely fitted to the roof in accordance with the manufacturer's instructions. The additional signs must be correctly fitted to the front and rear of the roof rack (or roof box). All luggage must be properly secured and in the case of a roof rack a waterproof cover must be fitted. Any roof box must be correctly closed before moving off;
- e) If a trailer is being used (and a trailer can only be used in connection with pre-booked hiring or for personal use when not on duty) the driver must ensure that the lights on the trailer are working correctly and that the trailer plate is properly displayed on the rear of the trailer. A waterproof cover must be used to protect any luggage;
- f) Passengers must be able to communicate with the driver via a sliding screen, mesh, intercom or hole in any division which may be fitted between the drivers and passenger compartments;
- g) The vehicle and all seats, door handles and trim, and all internal and external parts of the vehicle must be maintained at all times in a clean, comfortable, safe, and mechanically sound condition and be in every way suitable for public service;
- h) The floor covering must not be torn or frayed;
- i) The vehicle must have an adequate functioning internal light to enable passengers to enter and leave the vehicle safely;
- j) The vehicle's bodywork and paintwork must be maintained to an acceptable standard free of dents or rust;
- k) The vehicle must carry a spare wheel to fit the vehicle, and the wheel together with equipment to change the wheel, jack and wheel brace must be securely stored. This does not apply if the manufacturers' specification when new did not include a spare wheel, in which case the manufacturer's alternative (e.g. spraycan) will be acceptable;
- l) The vehicle must be fitted with tyres which meet the specifications detailed by the manufacturer in terms of size and speed rating. All tyres must have at least the statutory minimum of tread across the entire contact surface;
- m) The vehicle must be fitted with nearside and offside exterior rear view mirrors which must be maintained in a serviceable condition;
- n) The glass in the vehicle must not be replaced with glass that is different from the glass fitted when the vehicle passed the Council's vehicle test. Any unapproved (by the Council) self-adhesive material (tinted or clear) must not be affixed to any part of the glass;

### **Appendix 3 Hackney Carriage Conditions**

- o) In the case of a replacement engine, the Council must be notified of that within 72 hours of the fitting, and the revised V5 must be presented to the Council as soon as it is received;
- p) At all times the vehicle must carry an in date 1 kg dry powder extinguisher or a 2 litre AFFF extinguisher approved to BS EN3: 1996, with the licence number painted on it. The fire extinguisher must be properly maintained in accordance with BS 5306: Part 3 and be secured in such a position in the vehicle as to be fit for immediate use in an emergency;
- q) At all times the vehicle must carry a first aid kit in a suitable container, with the licence number permanently marked on it;
- r) The vehicle must not be fitted with any additional lights other than those originally fitted by the manufacturer with the exception of an internal light, unless they have been approved by the Council.

#### **Additional Conditions for wheelchair accessible hackney carriages**

- 144. At all times, the vehicle must carry in a safe, usable condition suitable ramps for a wheelchair user. If the alternative tail lift or some other mechanical means of access is fitted it must be maintained in a safe, functioning condition and have an annual tail lift certificate which remains in date.
- 145. The driver must ensure before the commencement of the journey that the passenger is correctly seated and the wheelchair is correctly secured and the passenger is correctly restrained, and at the end of the journey must ensure that the passenger is delivered safely on to the pavement.
- 146. The door entrance and any steps must always be conspicuously marked where appropriate, to help visually impaired passengers.
- 147. All grab handles or rails must always be conspicuously marked to help visually impaired passengers.

#### **Sliding doors**

- 148. Where sliding doors are an integral part of a vehicle and a locking device has not been fitted, the child locking systems must be engaged by the driver when carrying unaccompanied children, or upon request of a passenger.

#### **Lost property**

- 149. The driver must search the vehicle after each hiring has been completed, and any lost property found must be recorded. If the driver knows the identity and/or whereabouts of the last passenger, they can return the

### **Appendix 3 Hackney Carriage Conditions**

property to them. If not it must be delivered to the vehicle proprietor within 48 hours.

#### **The meter / table of fares**

150. The vehicle must be fitted with a tamper proof taximeter that has been approved by the Council. It must be mounted in such a way as to avoid injury to the driver or passengers in the case of any collision and where it is visible to passengers. This must be in a safe and practical position in the vehicle where all letters and figures displayed on the meter are clearly visible to any passenger. The letters and figures must therefore be illuminated when in use.
151. The meter must be accurate, be capable of showing that the vehicle is or is not hired, and lock the tariff until the end of the journey.
152. When the meter is in use, the fare must be clearly legible on the face of the meter. This fare must be unambiguous and must be clearly displayed on the meter so it clearly indicates the fare displayed.
153. The meter must only be brought into action and the fare or charge must only commence from the point at which the hirer starts his/her journey.
154. If the meter fails or does not comply with the conditions, you must ensure the vehicle is not used as a hackney carriage.
155. A notice showing the current Table of Fares must be displayed inside the vehicle in a position where any passengers can easily read it.
156. Vehicles Proprietor(s) must ensure their vehicles are equipped with a functioning cashless payment facility. These cashless facilities must be registered as a "transport" provider or similar with the payment card reader provider. The minimum payment is £5.00, if the fare is less than this the driver will ask for cash.

#### **Navigational devices**

157. Any electronic navigational device which is being used must be securely located within the vehicle.

#### **Signage**

158. No sign or advertisement is permitted on the vehicle, and no flag or other emblem can be flown from the vehicle, unless required by law, or has been agreed by the Council in writing. See below for approval detail:-

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The advertisements will be assessed against the following criteria:

- Non sexual
- Non discriminatory
- Not to cause public offence
- Not misleading
- Location does not distract from council vehicle signs
- Not to obscure vision of the driver
- Not to display, flags or any other national emblems.

The above list is not exhaustive and the assessments will be carried out by staff of the Licensing Authority, if this is contended the matter will be referred to the Officer Panel/Committee for a decision.

159. The vehicle must at all times be fitted with a sign with the word "TAXI" on its roof if it is not built in to the vehicle. This can be combined with a "For Hire" sign if required. A "For Hire/taxi" sign must be fitted, in a conspicuous position on the roof of the vehicle. The sign(s) must be illuminated when the vehicle is available for hire and switch off automatically when the meter is operating.

#### **No Smoking**

160. The vehicle must have at least 3 "no smoking" signs displayed inside the vehicle clearly visible to passengers.

#### **BYELAWS**

### **COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL BYELAWS RELATING TO HACKNEY CARRIAGES**

**BYELAWS** made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the County of Herefordshire District Council with respect to hackney carriages in the County of Herefordshire.

#### **INTERPRETATION**

1. Throughout these byelaws "the Council" means the County of Herefordshire District Council and "the district" means the County of Herefordshire.

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

- 2 (a) The proprietor of a hackney carriage shall cause the number of the licence granted to, in respect of the carriage, to be displayed on the outside and the inside of the carriage only by means of the plates supplied by the Council. .
- (b) A proprietor or driver of a hackney carriage shall not:
  - (i) wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire:
  - (ii) cause or permit the carriage to stand or ply for hire with any such plate so defaced that any figure or material particular is illegible.

**Provisions regulating how hackney carriages are to be furnished or provided.**

- 3 The proprietor of a hackney carriage shall:
  - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
  - (b) cause the roof or covering to be kept watertight;
  - (c) provide any necessary windows and a means of opening and closing not less than in window in each side;
  - (d) cause the seats to be properly cushioned or covered;
  - (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
  - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - (g) provide means for securing luggage;
  - (h) provide an efficient fire extinguisher to be carried in such a position as to be readily available for use; and
  - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for

the driver.

4. The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached, and maintained as to comply with the following requirements, that is to say:
  - (a) the taximeter shall be fitted with a key, flag or other device, the operation of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
  - (b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
  - (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council;
  - (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly apply to the fare recorded thereon;
  - (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and
  - (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

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

5. The driver of a hackney carriage shall:
  - (a) when standing or plying for hire, keep the key, flag or other device



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- fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
- (b) before beginning a journey for which a fare is charged for distance and time bring the machinery of the taximeter into action by operating the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
  - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is between half-an-hour after sunset and half-an-hour before sunrise and also at any other time at the request of the hirer. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof or the seals affixed thereto.
6. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:
- (a) proceed with reasonable speed to one of the stands appointed by the Council;
  - (b) If a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
  - (c) on arriving at a stand, other than an angled parking stand, not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand so as to face in the same direction; and
  - (d) from time to time when the carriage immediately in front is driven off or moved forward, cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
7. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.
8. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety

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of every person conveyed in or entering or alighting from the vehicle.

9. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at the appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
10. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such a carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
11. A driver shall when standing or plying for hire and when hired wear the badge provided by the Council in such position and manner as to be plainly and distinctly visible.
12. The driver of a hackney carriage shall, when requested by any person hiring or seeking to hire the carriage:
  - (a) convey a reasonable quantity of luggage;
  - (b) afford reasonable assistance in loading and unloading; and
  - (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

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

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

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges

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authorised by the Council which it may not be possible to record on the face of the taximeter.

14. (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by Council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- (b) The proprietor or driver of a hackney carriage bearing a statement of the fares in accordance with the byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

#### **Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof.**

15. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.
16. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:
  - (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the offices of the Council, and leave it in the custody of the officer in charge of the offices on his giving a receipt for it; and
  - (b) be entitled to receive from any person to whom the property shall be redelivered 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 ten pounds.

#### **Penalties**

17. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 and, in the case of a continuing offence, to a further fine not exceeding two pounds for each day during which the offence continues after

conviction therefore.

**Repeal of Byelaws**

18.

- (a) The following byelaws are hereby repealed:

The byelaws relating to hackney carriages which were made by the Hereford City Council on the 21<sup>st</sup> day of July 1997 and which were confirmed by one of the Majesty's Principal Secretaries of State on the 26<sup>th</sup> day of August 1997.

The byelaws relating to hackney carriages which were made by the South Herefordshire District Council on the 17<sup>th</sup> day of December 1986 and which were confirmed by one of her Majesty's Principal Secretaries of State on the 18<sup>th</sup> day of February 1987.

- (b) The following byelaws inasmuch as they relate to the County of Herefordshire only are hereby repealed:

The byelaws relating to hackney carriages which were made by the Malvern Hills District Council on the 6<sup>th</sup> day of March 1987 and which were confirmed by one of her Majesty's Principal Secretaries of State on the 27<sup>th</sup> day of April 1987.

**Up to date table of fares**

161. These are available from the Web-site.

**LEGAL REQUIREMENTS (contained in national legislation) relating to a hackney carriage**

162. It is an offence to provide false information when applying for a hackney carriage proprietors licence (section 40 of the 1847 Act).
163. The hackney carriage proprietor including any partners must notify the Council of any change of address (section 44 of the 1847 Act).
164. The proprietor of a hackney carriage commits an offence if the vehicle is used to ply or stand for hire other than in the zone or district in which it is licensed (section 45 of the 1847 Act).

**Appendix 3 Hackney Carriage Conditions**

165. The hackney carriage proprietor must not employ an unlicensed driver (section 47 of the 1847 Act).
166. The hackney carriage proprietor must hold a copy of the driver licence of those driving the vehicle, and must produce that copy if requested to do so by a magistrates' court (section 48 of the 1847 Act).
167. The hackney carriage proprietor must ensure that at all times the vehicle displays the hackney carriage plate (section 52 of the 1847 Act).
168. The hackney carriage proprietor must notify any transfer of the vehicle licence to another proprietor within 14 days (section 49 of the 1976 Act).
169. The hackney carriage proprietor must present the hackney carriage for inspection as required by the Council (section 50(1) of the 1976 Act).
170. The hackney carriage proprietor must inform the Council where the hackney carriage is stored if requested to do so (section 50(1) of the 1976 Act).
171. The hackney carriage proprietor must report any collision that has caused damage to the safety performance or appearance of the vehicle to the Council within 72 hours (section 50(3) of the 1976 Act).
172. The hackney carriage proprietor must produce the vehicle licence and insurance if requested to do so by an Authorised Officer of the Council (sections 50(4) of the 1976 Act).
173. The hackney carriage proprietor must return the plate to the Council once you receive notice to do so after expiry, revocation or suspension of the proprietor licence (section 58(2) of the 1976 Act).
174. It is an offence to interfere with a taximeter (section 71 of the 1976 Act).
175. The hackney carriage proprietor must not obstruct, fail to comply with any requirement made by, or fail to give any information to, an Authorised Officer of the Council, an authorised officer of another council with which there is a reciprocal enforcement arrangement, or a police constable (section 73 of the 1976 Act).

### **Appendix 3 Hackney Carriage Conditions**

176. The hackney carriage proprietor must not conceal or obscure the number of the hackney carriage whilst standing or plying for hire, or use the vehicle with a defaced or damaged plate (Hackney Carriage Byelaw 2).
177. The hackney carriage proprietor must provide a means of communication between passenger and driver (Hackney Carriage Byelaw 3).
178. The hackney carriage proprietor must ensure that the vehicle is watertight (Hackney Carriage Byelaw 3).
179. The hackney carriage proprietor must ensure that the windows open and close (Hackney Carriage Byelaw 3).
180. The hackney carriage proprietor must ensure that the seats are properly covered (Hackney Carriage Byelaw 3).
181. The hackney carriage proprietor must ensure that the floor is properly covered (Hackney Carriage Byelaw 3).
182. The hackney carriage proprietor must ensure that the vehicle is clean, well maintained and fit for public service (Hackney Carriage Byelaw 3).
183. The hackney carriage proprietor must ensure that there is a means for securing luggage if required (Hackney Carriage Byelaw 3).
184. The hackney carriage proprietor must ensure that the fire extinguisher is a readily available location (Hackney Carriage Byelaw 3).
185. The hackney carriage proprietor must ensure that the taximeter is plainly visible to passengers and illuminated (Hackney Carriage Byelaw 4).
186. The hackney carriage proprietor must not tamper with the taximeter (Hackney Carriage Byelaw 6).
187. The hackney carriage proprietor must display the table of fares in the vehicle and not conceal it or render it illegible (Hackney Carriage Byelaw 15).
188. The hackney carriage proprietor must search the vehicle after every hiring (usually the responsibility of the driver, but also applies to the proprietor) (Hackney Carriage Byelaw 16).