

Appendix A (from Hackney Carriage and Private Hire Licensing Police 2016)

Hackney Carriages and Private Hire Vehicles - Vehicle Conditions

1.0 General

- 1.1 **This appendix sets out those conditions applicable to both Private Hire and Hackney Carriages. For specific additional conditions for hackney carriages please see Appendix K, and for private hire vehicles please see Appendix M.**
- 1.2 The following vehicle conditions are made in addition to the requirements of the road traffic legislation, which relates to all motor vehicles. It is also recommended that vehicles with Euro NCAP star ratings of 4 or more should be considered when purchasing a new vehicle.
- 1.3 Vehicles must be less than 5 years old when presented for licensing. Vehicles older than this will be licensed only at the discretion of the Licensing Sub Committee (see also Sect 3.4).
- 1.4 All vehicles shall be fitted with right hand drive, with the exception of stretch limousines (see Appendix N).
- 1.5 Vehicles that have been declared an insurance 'write off' in category A, B, and C will not be licensed. Vehicles that have been declared a category D write off may be licensed, providing the applicant provides an appropriate engineers report, approved by the Council, certifying the standard of repairs.

2.0 Doors

- 2.1 All vehicles shall have at least 3 side opening doors (excluding drivers door), which may be opened from the inside and the outside.
- 2.2 All vehicles shall be constructed so that the doors open sufficiently wide as to allow easy access into and egress from the vehicle.
- 2.3 All vehicles, including multi purpose vehicles, must have sufficient safe and suitable access and egress from the vehicle for the driver and all passengers, excluding the rear exit and the driver's front door.

3 Interior Dimensions

- 3.1 Height Inside: there must be sufficient space between the seat cushions and the lowest part of the roof to safely accommodate the driver and passengers in reasonable comfort.
- 3.2 Knee Space: there must be sufficient space between the front and back seats to safely accommodate the driver and passengers in reasonable comfort.

4 Seats

- 4.1 The seats (width): the width across the rear seat, measured in a straight line across the widest part of the seat, must allow sitting accommodation to the extent of at least 16 inches (40.64cm) per person; with a minimum overall

width of 48 inches (121.92cm) if accommodating three persons. The number of persons carried must not exceed the number specified on the plate.

- 4.2 In the case of multi-seater type vehicles where there is a third row of seats, and those in the back row are distinctly separated (by distance) then a relaxation of the 16 inches (40.64cm) per person rule may be allowed.
- 4.3 In relation to the carriage of Child Passengers under 3 years of age in the front seat, an appropriate child restraint **MUST** be worn. Where a child passenger is between 3-11 years old an adult seat belt must be worn if an appropriate child restraint is not available.

5 Seat Belts

- 5.1 All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with British Standards except where the law specifically provides an exemption.
- 5.2 Taxis cannot be expected to have the correct child restraint (child seat or booster seat) unless parents have bought one with them, however if a child restraint is **not available** then:-
 - Child up to 3 years old may travel unrestrained in the rear only;
 - Child from 3 years old up to EITHER 135cms in height OR up to 12 years old must use an adult belt in the rear seat only;
 - Child over 135cm in height or 12-13 years old, may sit in the front or the rear, but must wear a seat belt in either case.
 - Adult passengers (14 years and over) may sit in the front or the rear, but must wear a seat belt in either case.

6 Passenger Capacity

- 6.1 The carrying capacity of saloon and estate type vehicles will be at the discretion of the Licensing Authority having regard to manufacturer's specifications and compliance with dimensions referred to previously.
- 6.2 The number of persons licensed to be carried shall be exhibited outside the vehicle on the Vehicle Licence Plate. This number of passengers carried must not exceed that number recorded on the vehicle's plate. For these purposes children (of any age) are counted as one person.

7 Fire Extinguishers

- 7.1 A fire extinguisher must be suitably located and safely secured in the vehicle. Such an appliance must be a minimum of either a 2kg ABC General Purpose Powder or 2 litre AFFF Foam and conform to BSEN 3, showing the appropriate kite-mark (alternatively two fire extinguishers of 1kg General Purpose Powder/AFFF Foam conforming to BSEN 3 will prove acceptable).
- 7.2 All extinguishers must be checked every 12 months, prior to vehicle testing or prior to change of vehicle test. Such a check shall be carried out in accordance with the requirements of BS5306 Part 3 and Part 8, by a registered competent company. The date of the test and signatures must be clearly visible on a

sticker attached to the extinguisher. The extinguisher must be marked with the vehicle registration number.

8 First Aid Kit

- 8.1 There shall be provided in such a position as to be readily available at all time when the vehicle is used for hire, a suitable First Aid Kit containing appropriate dressings and appliance for immediate use in an emergency. The kit carried is to ensure compliance with The Health & Safety (First Aid) Regulations 1981 which requires employers to provide a first aid kit to enable employees to receive first aid if they become injured at work and self employed persons to provide first aid to themselves whilst at work. Only those persons who hold a current recognised First Aid certificate should use the kit on any person other than themselves and your attention is drawn to issues of liability if untrained persons administer first aid.

9 Ventilation

- 9.1 Rear passenger windows must be capable of being opened by passengers when seated, unless air conditioning is available.

10 Luggage

- 10.1 All vehicles are to have sufficient luggage space in the vehicle to accommodate the entire luggage for the maximum number of passengers seated with no encroachment within the occupied area of the passenger compartment. If at any time there is more luggage to carry than there is space in the vehicle to accommodate it, then the luggage must be accommodated within a purpose built trailer which has been approved by the licensing officer and complies with paragraph 15.0 of this Appendix.
- 10.2 Provision must be made for the secure carriage of passenger's luggage without obstructing any emergency exits.

11 Maintenance

- 11.1 Licensed vehicles and their fittings and equipment shall, at all times when in use, be kept in a safe, tidy and clean condition, and in good working order. This applies equally to the interior and the exterior of the vehicles.
- 11.2 Vehicles shall be liable to be inspected and tested at any time. If upon inspection it is discovered that a vehicle is not being properly maintained, or kept in good order, a notice may be served on the owner to this effect, setting out the defects to be remedied. If public safety is compromised by the defects, the further use of the vehicle may be prohibited until the defects have been addressed and the vehicle has successfully undergone a further inspection.

12 Accident Reporting and Inspection following Accidents

- 12.1 If any licensed vehicle is involved in an accident, this must be reported to the Licensing Office as soon as reasonably practicable and in any case, within seventy-two hours of the occurrence of the accident. Accident reports may be

made by telephone, in person or through emailing a specified accident form which can be downloaded from the Council's website.

12.2 Where, following an accident or damage to a licensed vehicle, it is the intention of the owner or operator to continue licensed use, the vehicle must be inspected by either the hackney carriage enforcement officer or an authorised MOT inspector (at the owner's or operator's expense) to determine its fitness for continued use. A Licensing Officer may suspend the use of a licensed vehicle until it is suitably repaired.

12.3 A licensed vehicle which has suffered major accident damage or requires substantial mechanical repair may be replaced by a hire vehicle, provided:

- (i) the damage to, or defect in, the vehicle has been reported;
- (ii) application is made in the usual way for a change of vehicle (albeit temporarily);
- (iii) the replacement vehicle meets the licensing criteria, as in this Appendix, and is suitable to be used for hire purposes;
- (iv) the hiring of the hire vehicle is organised and paid for by the affected licensed owner or operator.

13 Modifications

13.1 No material alteration or change in the specification, design, seating capacity, condition or appearance of the vehicle may be made without first complying with road traffic and insurance legislation and secondly gaining the approval of the Licensing Team in writing, at any time while the licence is in force.

14 Dealing with Disabilities

14.1 Assistance dogs must be carried when required, except where the driver has obtained a medical exemption from so doing.

14.2 In relation to wheelchair access, there is no current requirement for hackney carriages to be adapted for the purpose. Where, however, a hackney carriage may be utilised for wheelchair access, the following conditions shall apply:

- (i) Access to and egress from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus
- (ii) Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit.
- (iii) A suitable restraint must be available for the occupant of a wheelchair.
- (iv) Access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper.
- (v) Ramps and lifts must be securely stored in the vehicle before it may move off.

- 14.3 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307). Any such equipment must be maintained in good working order and be available for use at all times.
- 14.4 Where a vehicle is designed or adapted to carry a wheelchair, the proprietor shall ensure that the driver has received sufficient training to load and convey wheelchair bound passengers.

15.0 Trailers

- 15.1 The use of trailers is permitted, but only as additional luggage space and not as a substitute for not meeting the requirements of paragraph 10 of this Appendix.
- 15.2 The proprietor shall present the trailer for inspection by a Licensing Officer prior to its use and again at each inspection of the vehicle on which the trailer is to be towed.
- 15.3 The trailer must only be used on pre-booked journeys when excess luggage is to be carried and not for general use.
- 15.4 The trailer must comply with all aspects of current road traffic legislation and be of a type recommended by the vehicle manufacturer as being suitable for the intended towing vehicle.
- 15.5 The trailer shall be in good condition and no more than 10 years old.
- 15.6 The trailer shall be purpose built and manufactured for the purpose for which it is intended.
- 15.7 No advertising shall be permitted on the trailer.
- 15.8 The trailer shall be fitted with securely fastened covers, which may be of the hardtop or canvas tarpaulin type.
- 15.9 When the trailer is used with the vehicle, the licence plate issued by the Council specifically for the trailer shall be clearly displayed on the rear of the trailer, with the licence plate for the towing vehicle remaining in place.
- 15.10 The tow bar must be of a type approved by the manufacturer of the vehicle and fitted by an approved agent.
- 15.11 The vehicle must be insured to tow a trailer, and proof of this cover must be supplied.
- 15.12 A charge shall be made for the inspection of the trailer, such charge being payable by the proprietor of the vehicle.
- 15.13 The gross weight of the trailer and the luggage load must be less than 750kg and be less than half the weight of the towing vehicle. With a gross trailer weight of less than 750kg no braking system is required to be fitted nor will the driver require any special categories on his/her driving licence.

16.0 Security Measures

- 16.1 The Hackney Carriage & Private Hire trade provides a valuable public service, especially late at night when other forms of public transport are no longer available. Security for drivers and passengers is of paramount importance. CCTV cameras can be a valuable deterrent as well as protecting the driver from unjustified complaints.
- 16.2 It is not proposed to make the provision of CCTV cameras in vehicles a requirement of the licensing scheme, as it is considered that it is a matter best left to the judgement of the owners and drivers themselves. The hackney carriage and private hire vehicle trades are however encouraged to consider the installation of CCTV cameras in their vehicles on a voluntary basis and it will then be incumbent upon the operator to handle relevant data gathered in an appropriate and secure manner. Systems having an encrypted recorder that only the police can access are recommended.
- 16.3 Where CCTV is installed in a vehicle a sign is to be displayed in a prominent position in the vehicle so that passengers are made aware of the presence of the camera.
- 16.4 The Council believes that the installation of audio recording facilities in hackney carriage and private hire vehicles is not necessary, as the extent of the interference with the right to privacy outweighs the marginal benefits of increasing public safety and reducing crime.

17.0 Vehicles Powered by Liquefied Petroleum Gas (LPG)/Liquefied Natural Gas (LNG)

- 17.1 An applicant for a licence involving a vehicle that has been converted to run on LPG or LNG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with LPG Association Code of Practice; and that the vehicle is therefore considered safe. Such certification shall be kept available for inspection by an authorised officer of the Council and shall form part of the vehicle licence renewal application.
- 17.2 If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle.

18.0 Insurance and M.O.T Test

- 18.1 At all times during the currency of a hackney carriage or private hire vehicle licence, the proprietor shall keep in force in relation to the use of the vehicle as a hackney carriage or private hire vehicle a valid M.O.T test certificate and policy of insurance issued on a Comprehensive or Third Party basis and complying with the requirements of the Council in terms of being for the purposes of hire and third party indemnity.

- 18.2 The proprietor of a hackney carriage or private hire vehicle shall produce to the District Council at their Licensing Office a new M.O.T test certificate, certificate of insurance or covering note within seven days of the expiry of every M.O.T test certificate, certificate of insurance or covering note.
- 18.3 The proprietor of a hackney carriage vehicle shall notify the Licensing Team in writing within 7 days of any cancellation of any certificate of insurance or covering note, or any extent of the terms, within seven days of such cancellation or variations of cover in accordance with Part IV of the Traffic Act 1971 and which indemnifies the use of the vehicle for the carriage of passengers for hire or reward.
- 18.4 Although evidence is not required of public liability insurance on the grant of a hackney carriage or private hire vehicle. The Council expects that all licensed proprietors ensure that they hold appropriate public liability insurance to cover their operation. Likewise it is an expectation that those proprietors with employees hold suitable employers liability cover. Licensed operators should refer to Appendix P for further information with regard to insurance requirements.

19.0 Licence Plates

- 19.1 A current licensing plate identifying the vehicle as a hackney carriage or private hire shall be securely affixed externally to the rear of the vehicle in a position approved by the Council whilst the vehicle is being used for hire purposes and shall be kept fully visible and legible at all times. Plates should not be positioned in the back window of a vehicle.
- 19.2 Once affixed, the licence plate will only be removed from the vehicle by:
- (a) an authorised officer of the Licensing Team;
 - (b) M.O.T inspector at an M.O.T testing station, or;
 - (c) in exceptional circumstances be removed with the express permission of either of the aforesaid.
- 19.3 Hackney carriage and private hire repeater licence plates provided by the Authority will be fixed to the windscreen in front of the front passenger seat repeating on the interior of the vehicle the information contained on the external vehicle plate and is to be displayed in all licensed hackney carriages and private hire vehicles so as to be clearly visible to passengers at all times. The repeater licence plates for purpose build hackney carriage vehicles will be mounted on the lower part of the partition between the driver and passenger compartments facing rearwards into the passenger compartment.

20.0 Replacement of Licensed Vehicle

- 20.1 Any licensed vehicle suffering major accident damage or requiring mechanical repair may be replaced by a hire vehicle provided: -
- (i) The accident damage has been reported in accordance with the requirement of these conditions or the defect to the licensed vehicle has been similarly reported.
 - (ii) Application is made in the normal form for a change of vehicle (albeit temporary).
 - (iii) The replacement vehicle is properly taxed, insured, and MOT tested to the requirements of the normal licensed vehicle.

- (iv) The replacement vehicle is of a suitable type to be used for hire purposes.
- (v) The replacement vehicle satisfactorily passes the vehicle inspection at an appointed Vehicle Test Centre.

21.0 Inspections

- 21.1 In accordance with the provisions of Section 50(1) of the Local Government (Miscellaneous Provision) Act 1976 (as amended) to ensure the maintenance of licensed vehicles to a proper standard, the Council has approved a policy of periodic random vehicle inspection.
- 21.2 As such random tests will be conducted to maintain public safety. The cost of the inspection will be borne by the Council.
- 21.3 Inspections may also be required following the report of an accident (see paragraph 12.0) and where complaints are received etc. Vehicle proprietors should co-operate with the Licensing Authority and make their vehicle available for inspection on request.
- 21.4 Where the enforcement officer is not satisfied with the fitness of any hackney carriage or private hire vehicle, the use of the vehicle will be suspended, and the officer may choose to confirm its fitness or otherwise by instructing a driver or operator to facilitate a vehicle inspection at an authorised MOT test station.
- 21.5 Where upon inspection, the licensed vehicle has been found to be defective and requires re-examination to determine its fitness before resumption of use, the cost of that re-examination will be borne by the licence holder.
- 21.6 Where, at any vehicle inspection test, the vehicle submitted for examination fails in the examination and:
 - (i) A hackney carriage/private hire plate has not previously been issued to the vehicle, a licence plate will not be issued until the faults are rectified and the vehicle has successfully passed further examination.
 - (ii) A current hackney carriage/private hire plate has previously been issued to the vehicle, an approved MOT testing station will assess the danger to the public which may exist if the vehicle is not suspended from use. If, in the view of the authorised M.O.T inspector, such danger exists, the Licensing Office should be informed immediately. The hackney carriage/private hire vehicle plate may then be subsequently removed from the vehicle.

22.0 Spare Tyres and Wheels

Recent advances in technology have brought into question the use of spare wheels and puncture repairs. The devices known to be available at this time are; run flat tyres, self-inflation aerosols, self seal tyres and space-saver wheels.

Although they are not unlawful, the council is not in favour of these devices and therefore where there is safe and adequate provision for a spare wheel (i.e. a wheel well), and it is reasonable to provide a spare when considering factors such as whether the tyres fitted are directional, a spare wheel must be provided.

Where it is not possible to carry a spare wheel, alternative devices must comply with any legal requirements and the manufacturer's instructions. Drivers are reminded that the above devices are a temporary 'get-you home' tyre and they should be particularly aware of their responsibilities with regard the maximum operating speed of 50 MPH when utilising them.

The above devices should only be used in an emergency and the vehicle should not be used to carry passengers until a replacement wheel is fitted or a repair is completed by a qualified tyre fitter. If a puncture does occur whilst a fare is being taken, particularly a lengthy journey, drivers are advised to seek alternative arrangements for continuation of the passengers journey. Where this is not possible drivers should complete their fare and return home or to a garage in order to seek an appropriate tyre replacement or repair. Under no circumstances should any subsequent fares be taken even if pre-booked.

23.0 Advertising Internally within a Vehicle via TV Screens (Digital Media Technology)

- 23.1 Hackney carriage and private hire vehicles may install in-vehicle digital media technology to be used for advertising purposes and/or live feed material. To use this form of technology for advertising purposes and/or live feed material it must comply with the following conditions:
- 23.2 Digital media systems must be approved in writing by the licensing authority before they are installed.
- 23.3 Advertising material must comply with relevant legislation; guidance issued by The Committee of Advertising Practice (CAP); the UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing (CAP Code); and any rulings of the Advertising Standards Authority.
- 23.4 All material shown on digital media should be appropriate for viewing by children. All films/video material must be classified by the British Board of Film Classification as Universal or exempt from classification.
- 23.5 The only live feed material that can be shown is national/local news and weather.
- 23.6 Screens must be shatterproof. All equipment must hold a Declaration of Conformity and comply with any relevant legislative requirements in respect of their safety etc.
- 23.7 All equipment must be designed, constructed and installed in such a way and in such material as to present no danger to passengers or driver, including from impact with the equipment in the event of an accident or damage from the electrical integrity being breached through vandalism, misuse or wear and tear.
- 23.8 The equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite or radio system in the vehicle.
- 23.9 The intensity of any screen should not be such as to be visually intrusive or dazzling.

- 23.10 The position of the screen must not obstruct the passenger's view of the meter and the visibility of the screen to following vehicles should be minimal.
- 23.11 Any screen shall be no larger than 9" (22.86cm) x 5" (12.7cm).
- 23.12 Any screens should not be visible from the driver position (directly or by reflection). Screens may be installed in the driver and front passenger seat headrests, or other suitable location agreed by the licensing authority. All ancillary equipment must be installed in the driver's compartment
- 23.13 The installation must not be such as to weaken the structure or any other component part of the vehicle or interfere with the integrity of the manufacturer's original equipment.
- 23.14 The design must be discreet and complement the interior furnishing of the vehicle.
- 23.15 The system must include safeguards to maintain the integrity of the system and prevent the display of un-approved material.
- 23.16 Passengers must be able to control the volume level, including turning the sound off.
- 23.17 The driver must have overall control of the volume to make sure it does not distract them while driving. The sound should be automatically muted when any intercom is operated.
- 23.18 Passengers must be able to turn the screen off.
- 23.19 A notice should be displayed within prominent view and physical reach of all passenger seats giving instructions to passengers as to adjusting the volume and turning the screen off.
- 23.20 The notice shall be in a suitable format and design for visually impaired people and visible in low light conditions.
- 23.21 The mute/volume control must be accessible from the nearside and offside passenger seats.
- 23.22 Once activated the mute should continue without further activation by the passenger until the passenger leaves the vehicle.
- 23.23 All equipment must be protected from the elements, secure from tampering and located such as to have no impact on the seating and luggage carrying capacity of the vehicle.
- 23.24 No advertising will be permitted which causes public offence.
- 23.25 Advertisements of alcohol, sex establishments, gambling products and services, cigarettes, electronic cigarettes (or similar) and other tobacco products are prohibited.
- 23.26 Advertisements relating to any political or religious organisation or campaign are prohibited.

- 23.27 The council may instruct that a particular advert be suspended or withdrawn in the event of concerns or substantiated complaints.
- 23.28 Valid product insurance should be in place at all times for any system installed.
- 23.29 The Council should be presented with the Declaration of Conformity for the equipment to be installed, a disclaimer absolving the Council of any resultant liability and provided a pre-agreed inspection sheet for vehicle inspection.