

## **GATESHEAD COUNCIL**

### **HACKNEY CARRIAGE LICENCE**

#### **Local Government (Miscellaneous Provisions) Act 1976**

This document contains legislation, policy and conditions relating to your licence.

#### **LEGISLATION AND POLICY**

**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.**

The Council has decided to attach conditions to Hackney Carriage Licences that it considers reasonable and necessary. It is allowed to do this under section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976. 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 twenty-one days of receipt of the licence.

Failure to comply with any legislation is an offence and you may be prosecuted.

Failure to comply with the Council's conditions may result in your Hackney Carriage Licence being suspended or revoked.

Please note that the conditions are not exhaustive, and copies of the Hackney Carriage Byelaws are available from Regulatory Services.

The Principal Office for the purpose of the Local Government (Miscellaneous Provisions) Act 1976 is The Licensing Section, Regulatory Services, Civic Centre, Regent Street, Gateshead.

You must maintain a policy of insurance for your licensed vehicle in accordance with Section 143 of the Road Traffic Act 1988.

If your vehicle has an accident which results in damage which may affect its safety, performance or appearance or the comfort or convenience of your passengers you must report this to the Council within 72 hours. (Section 50(3) of Local Government (Miscellaneous Provisions) Act 1976)

You must not obstruct any Authorised Officer or Police Officer. You must provide any assistance or information he may reasonably require. (Section 73 Local Government (Miscellaneous Provisions) Act 1976)

## GENERAL

The licence expires twelve months from the date of issue. Any application for renewal must be made at least 14 days before the licence expires.

The licence is issued to you but it cannot be transferred without the Council's written consent. The renewal of the licence will be at the Council's discretion. Application for transfer must be made in writing and indicate the consent of all interested parties.

If any information given by you on the application form for this licence proves to be false, the licence may be revoked.

## THE VEHICLE INSPECTION

A licence will be granted or renewed only if the vehicle is considered by the Local Environmental Services Department to be roadworthy and fit for purpose.

If an officer is not satisfied that a vehicle is fit for use as a Hackney Carriage, the officer may remove the licence plate, door crests and transfers, and return them only when (s)he is satisfied as to the condition of the vehicle.

It is the responsibility of the licensee to ensure that the vehicle is presented for test at the time indicated. Any vehicle that is presented after this time will not be inspected.

You may cancel a test appointment only if you provide at least two working days notice (excluding Saturday, Sunday and Bank Holidays) to the Licensing Section, Civic Centre, Regent Street, Gateshead.

If you fail to present a vehicle for a scheduled test, you may have to pay a test fee before any further test appointment will be allocated.

If the vehicle fails a Local Environmental Services test, the licence plate will be removed. The return of the plate, and issue of a licence, will be conditional on the vehicle passing a retest in accordance with instructions from Local Environmental Services.

## AGE OF VEHICLES

When first registered with Gateshead Council as a Hackney Carriage, no vehicle shall be more than three years old.

No vehicle more than eight years old will be permitted to continue as a licensed Hackney Carriage.

The age of the vehicle will be determined as follows –

- (i) if not previously used on a road anywhere in the world: date of first registration with DVLA
- (ii) if previously used on a road anywhere in the world (e.g. an imported vehicle): the date of manufacture.

## DOCUMENTS

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
- (b) A Certificate of Mechanical Compliance Test from Local Environmental Services
- (c) V5 vehicle registration document. In 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.

Before or on the date of expiry of any certificate, the certificate about to expire shall be produced together with the relevant renewal certificate to an Authorised Officer.

**All documentation must be originals.**

## ENGINE/CHASSIS NUMBERS

The Chassis/Vehicle Identification Number Plate and engine numbers must match the numbers recorded with the DVLA. 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.

## DOOR CRESTS

Should you lose or damage the insignias provided to you by the Council that you are required to display on your Hackney Carriage, duplicate insignias may be purchased from the Council.

## SURRENDER AND GRANT OF LICENCES

If you wish to change the vehicle on your licence the following procedures must be followed:

- (a) You must complete an application form for the “new” vehicle.
- (b) You must pay the stated fee for a 12-month period.
- (c) You must surrender the original licence. Any refund against a licence will be calculated by the Council, taking into account the period of time for which the licence has been held and the administration costs incurred, and shall be subject to a de minimis level of £50, under which no refund will be made.
- (d) Your new vehicle must be presented for test and subsequently pass.
- (e) Written proof of consent to the change of vehicle must be provided from all interested parties.
- (f) You must maintain and produce evidence of a continuous policy of insurance, which clearly states that the vehicle is to be used for hire or reward.

The deposit paid for your licence plate will only be refunded if the plate is returned to the Council in a satisfactory condition.

The Council may, at its discretion and subject to such fees as are from time to time agreed, retain licence plates for safe keeping in case of illness or for other short-term reasons. If this period lasts more than 90 days a written request must be submitted to the Council. Such request must fully explain the reasons for the request to retain the plate and give a date for resumption of use as a Hackney Carriage. The Head of Regulatory Services reserves the right to cancel any licence plate if the plate has been held in this manner for more than 180 days.

## LETTING / LEASING OF VEHICLE

Should you enter into a leasing arrangement you will remain on the vehicle licence as a person with a beneficial interest in the vehicle and will still be jointly responsible for the vehicle.

## ADVERTISEMENTS

Advertisements may be displayed in or from the vehicle subject to such advertising complying with the British Code of Advertising Practice and with the approval of the Licensing and Enforcement Manager. All requests for

permission to advertise on a vehicle must be forwarded to the Council, **before** the advert is put on the vehicle.

**Generally only one advert will be allowed to be applied to any vehicle. Any request for further adverts must be made in writing, and will be at the discretion of the Licensing and Enforcement Manager.**

#### SEATING ARRANGEMENTS

Any seating arrangement other than that approved by the Licensing and Enforcement Manager shall cause for the suspension of the licence.

#### WARNING NOTICE

**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 private or public hire use, then Gateshead Council will not licence that vehicle.**

**Gateshead Council is not liable for any expense incurred in preparing or testing a vehicle, which cannot be licensed for whatever reason.**

**Any unauthorised modifications made since a previous licence was issued may constitute cause to refuse to renew a licence.**

## CONDITIONS

### Your Hackney Carriage Licence

1. You must return your licence to the Licensing Section of the Council immediately if
  - (a) You change your home or business address
  - (b) If the licence expires, or is suspended or revoked
  - (c) You wish to surrender your Hackney Carriage Licence
  - (d) When required to do so by an "Authorised Officer of the Council".

### Deposit of Driver Licence

2. Before you allow anyone to drive your Hackney Carriage you must ask that person for his/her Hackney Carriage Driver Licence and keep it in your possession while that person drives your vehicle.

**Note- No person may drive a Hackney Carriage, unless they hold a Hackney Carriage Driver Licence issued by Gateshead Council. Anyone found driving a Hackney Carriage without a Hackney Carriage Driver Licence, may be prosecuted.**

### Insurance

3. You must ensure that any persons who drive your Hackney Carriage have a valid policy of insurance to drive that vehicle.
4. When licensing or re-licensing a vehicle, the insurance cover produced must cover the vehicle for public hire or private hire use, whichever is appropriate, and must include the names of the persons who will be driving for Private or Public hire purposes.

### Production of Documents

5. Before or on the date of expiry of any certificate that you are required to have in relation to your vehicle licence, each expired certificate shall be produced together with the relevant renewal certificate to an Authorised Officer.
6. If an Authorised Officer of the Council asks you, you must produce:
  - (a) Your licence
  - (b) The Hackney Carriage Driver Licence of any person authorised to drive your Hackney Carriage
  - (c) The vehicle registration document
  - (d) A valid certificate of insurance

within **five days** of the request being made.

## **Licence Plates**

7. The licence plate and numbered transfer remain the property of the Council at all times and must be returned to the Council whenever the vehicle is not being used as a Hackney Carriage.
8. You must secure and display the exterior licence plate permanently to the outmost rear part of the vehicle by a secure means. The rear plate must at all times must be displayed so that it can be clearly read by pedestrians and road users. The licence plate must not be displayed in any window of the vehicle.
9. You must display the two numbered transfers issued by the Council inside the vehicle so that they are visible to front and rear passengers at all times.
10. You must display the insignias (door crests) supplied by the Council on the exterior of both front doors. This insignia must include your licence number.
11. You must report the theft or loss of the licence plate to the Council in writing, and to the Police immediately. You must also obtain a crime or lost property number from the police and present this to the council. You may obtain a duplicate licence plate for which a charge will be made.
12. You shall not willfully or negligently cause or suffer any plate or Hackney Carriage door crests on your vehicle to be concealed from public view at any time.

## **Employment of Drivers**

13. Before you allow any licensed person to drive your Hackney Carriage you must ensure that the person who drives your vehicle understands and observes the conditions attached to his or her Hackney Carriage Driver Licence and the conditions attached to your licence.
14. If a driver leaves your employment, you must notify the Licensing Section in writing, using the Council's approved forms, within 48 hours.

## **Vehicle inspection**

15. You must allow an Authorised Officer of the Council, or Police Officer, to inspect your vehicle at any reasonable time.
16. You must ensure the vehicle is presented for test in accordance with instructions from Regulatory Services and/or Local Environmental Services.

17. You must produce the vehicle registration document (or the last certificate of compliance if the vehicle has been previously tested) to the Local Environmental Services Officer at the test.

### **Specification for a Hackney Carriage**

18. Any modifications/conversions made to the vehicle since manufacture must be approved by the Council.
19. No change in the specification, design, condition or appearance of the vehicle may be made at any time without the prior written approval of the Council.
20. If the vehicle is involved in an accident or its safety or appearance is affected, or may be considered to be affected, you must inform the Council immediately and then provide written details within three days. If you are in doubt as to whether the vehicle is affected you must advise the Council.
21. The vehicle must fully comply with all relevant Road Traffic legislation.
22. The vehicle must be a purpose built Hackney Carriage or, if not purpose built, be approved by the Council and comply with the following specification:
  - a. Have at least four doors that can be opened from both inside and outside the vehicle. Each door must be able to be opened by passengers.
  - b. be right-hand drive
  - c. have a minimum seating capacity for at least four adult passengers
  - d. must be so constructed as to provide adequate space within its structure for the safe carriage of each passenger's luggage or any equipment. Adequate means must be provided for carrying and securing a reasonable amount of luggage. (External luggage racks, tow bars and trailers are not permitted)
  - e. luggage must be properly secured inside a vehicle that does not have a boot
  - f. Passengers must be able to communicate with the driver
  - g. must be wind and water-tight, and it must be maintained in a clean, comfortable, safe, and mechanically sound condition and be in every way suitable for public service

- h. have a floor properly covered with carpet or other suitable covering
- i. have an adequate internal light to enable passengers to enter and leave the vehicle safely
- j. the condition of the vehicle's bodywork and paintwork must be of an above average standard
- k. it must be provided with a spare wheel to fit the vehicle, and the wheel must be securely stored. There must also be provided, equipment to change the wheel including a spare wheel and tyre, jack and wheel brace
- l. it must be provided with nearside and offside exterior rear view mirrors
- m. the fittings and furniture must be kept clean and well maintained and in every way be fit for public service
- n. it must have at least one window on each side which is capable of being opened and closed
- o. all seats must be permanently fixed to the vehicle and must be fitted with a 3-point seat belt or, where it is not practicable, a lap belt. All retrospectively fitted seat belts must be approved by the Council
- p. the vehicle must be fitted with glass which is in accordance with current Vehicle Construction and Use Regulations prescribed in respect of the normal zone of vision i.e. the front windscreen 75 per cent light transmittance and the front door windows 70 per cent light transmittance. In addition the remaining glass within the vehicle shall have a minimum light transmittance of not less than 70 per cent. 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 75 per cent. No unapproved self-adhesive material (tinted or clear) shall be affixed to any part of the glass
- q. not be a convertible
- r. the vehicle's engine capacity must not be less than the industry standard 1.3 litre engine
- s. It is provided with a 1kg 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

- t. It is provided with a first aid kit in a suitable container, with the licence number painted on it
- u. must not be fitted with any type of lights other than those approved by the Local Environmental Services vehicle examiner
- v. The minimum wheelbase of the vehicle must be 2.44 metres.
- w. 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.
- x. The minimum unobstructed distance between the seat back and the footwell 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.
- y. The minimum unobstructed interior width of the vehicle must be 1.3 metres (excluding any armrests).

#### **Additional requirements for minibus and mpv type vehicles**

- 23. In order to be licensed 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 capable of being opened from the inside

#### **Additional specifications for wheelchair accessible Hackney Carriages :**

- 24. If the vehicle is a purpose built Hackney Carriage it must comply with the current Greater London Authority Transport for London "Conditions of Fitness".

#### **Or, if it does not comply or is any other type of vehicle:**

- a. The interior of the vehicle must be able to accommodate a wheelchair and its user
- b. Have a minimum unobstructed available width of 0.74 metres (including at the point of entry)

- c. Have a minimum unobstructed available length of 1.2 metres for a wheelchair and user
  - d. 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.
  - e. The vehicle must be fitted with suitable wheelchair anchorages, either chassis or floor linked.
  - f. The vehicle 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.
  - k. To assist elderly and disabled passengers, at least one passenger seat must be of a "swivel" or other design and construction, approved by the Council.
25. In any case all exits must be easily accessible and not obstructed by another seat. Access to all doors must be free from obstruction. **(Any seating arrangement that requires passengers to climb over another seat is not permitted.)** The seating is subject to scrutiny by the Licensing and Enforcement Manager.

### **Sliding doors**

26. Where sliding doors are an integral part of a vehicle and a locking device has not been fitted, the child locking systems shall be engaged by the driver at all times when the vehicle is in motion and carrying passengers.

### **Lost property**

27. After a hiring, you must ensure the vehicle is checked for any misplaced or lost property.
28. If any property is found or handed to you, you must, unless it is claimed, take it to a Police Station within 48 hours. If you return lost property you may return the property personally to the owner, and charge the metered fare to an agreed meeting point, or £10.00, whichever shall be greater.

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

29. You must provide a meter in the vehicle that is constructed, attached and maintained in compliance with the Byelaws.
30. The meter must comply with the Council's Hackney Carriage Fares Scale. A copy of this Scale must be displayed in your vehicle where it is visible to all passengers.
31. You must have the meter satisfactorily tested by an Authorised Officer of the Council before it is used. With effect from 1<sup>st</sup> April 2008, any meter fitted to a Hackney Carriage must be calendar controlled and sealed.
32. 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 so it does not work and no fare is recorded on it.
33. When the meter is working, the fare must be clearly legible. This fare must be unambiguous and must not exceed the rate as given in the Council's Hackney Carriage Fares Scale.
34. The word "FARE" must be clearly printed on the meter so it clearly indicates the fare displayed.
35. You must place the meter 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.
36. You must report any failure of the meter to the Council by 10.00am the next working day.

37. You must not allow anyone to tamper with the meter or any seals fitted to it.
38. A notice showing the current Tariff of Fares must be displayed inside the vehicle in a position where any passengers can easily read it.
39. 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.
40. If the meter fails or does not comply with the conditions, you must ensure the vehicle is not used as a hackney carriage.

### **Change of engine**

41. In addition to informing the DVLA of the change of engine, you must inform the Council, in writing, within 48 hours if you change the engine in your Hackney Carriage including full details of the replacement engine including the chassis number and the source of the replacement unit.

### **Signage and Advertisements**

42. You must not allow any sign to be displayed on or from the vehicle unless it is required by law, is required or permitted by these conditions, or has been agreed by the Council in writing.
43. You must not allow the vehicle to be used unless a sign with the word “**TAXI**” (minimum size 35cm wide and 10cm high) is fitted on its roof. The sign must be capable of being illuminated.
44. You must display a “**For Hire**” sign in a conspicuous position on the vehicle. This sign may be illuminated when it is dark when the vehicle is available for hire.
45. You must make sure the “**TAXI**” and “**For Hire**” signs switch off automatically when the meter is operating.
46. You may display the name and telephone number of the company operating your vehicle in its front and rear windows. However, the display must be no more than 10cm high, must not contravene any Road Traffic Act, and must not be illuminated.

### **Cleanliness**

47. You must ensure that your Hackney Carriage is in a safe, clean and tidy condition both inside and out to ensure the safety and comfort of your passengers.

### **Letting/leasing of vehicles**

48. You must not lease or let or hire a licensed Hackney Carriage to any other person, other than a fare paying passenger, without first notifying the Council in writing.
49. You must notify the Council in writing of anyone no longer having an interest in the vehicle.