



Hackney Carriage

Vehicle and Driver Licensing

INFORMATION TO BE PROVIDED AND PROVISIONS TO BE SATISFIED BEFORE A LICENCE IS ISSUED

1. VEHICLE LICENCE

- 1.1 The application form must be completed to the Council's satisfaction and be accompanied by the appropriate fee.
- 1.2 Insurance cover (to be a minimum of £1,000,000) in accordance with Part VI of the Road Traffic Act 1988 must be effected in respect of hackney carriage vehicles.
- 1.3 A Department of Transport certificate, if appropriate, as to the condition of the vehicle shall be produced.
- 1.4 **Testing of Hackney Carriage Vehicles**
It is incumbent upon the hackney carriage proprietor to have vehicles tested by a garage nominated by the Council. Proprietors shall produce with the licence application form, a completed and satisfactory vehicle inspection report in a form approved by the Council and signed by a person authorised to sign Department of Transport Test Certificates at the inspecting garage that the vehicle has passed an inspection relating to safety, comfort and mechanical condition.

(The vehicle must be checked by the inspecting engineer over the measured distances commensurate with the fare tariffs prevailing at the time of the test and he will also check that the meter is sealed, functioning and recording correctly. The cost of the inspection will be borne by the vehicle proprietor.)
- 1.5 The vehicle registration document must be produced in support of each application for a licence or renewal of licence.
- 1.6 The Council's policy is that on initial licensing as a Hackney Carriage, a vehicle shall be not more than four years old from the date of first registration as shown on the registration document, and shall not normally be licensed in the case of ordinary cars beyond eight years old, and purpose built hackney carriages (as so described in the registration document of the vehicle) beyond ten years of age. Vehicles of a greater age shall be licensed subject to a satisfactory test certificate being obtained every six months. This policy shall not exclude a vehicle from being initially licensed as a hackney carriage by reason of being more than four years old if the vehicle was initially licensed and continually licensed thereafter as a private hire vehicle.
- 1.7 The minimum engine capacity of vehicles is to be 1300 cc.
- 1.8 Cars must have a minimum of four doors.

2. VEHICLE LICENCE CONDITIONS

2.1 The proprietor of a hackney carriage shall:

- (a) provide sufficient means by which a person in the carriage may communicate with the driver;
- (b) cause the roof or covering to be kept water-tight;
- (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
- (d) cause the seats to be properly cushioned or covered;
- (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
- (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public use;
- (g) provide means for securing luggage particularly if a vehicle is a hatchback, estate or FX4;
- (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use.

2.2 Each hackney carriage shall carry a First Aid Kit sufficient for the reasonable needs of the passengers.

2.3 Licensed vehicles must be of manufacturers' specification.

2.4 Each Hackney Carriage shall have three rear seat belts fitted.

2.5 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, flat or other device, the operating 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, flat 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 distance and time in pursuance of the fare tariff fixed by the District Council.
- (d) The word "FARE TARIFF" shall be printed on the face of the taximeter in plain letters so as clearly to 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.
- (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.
- (g) Tariff sheets must be displayed inside the vehicle at all times.

2.6 The proprietor of the hackney carriage shall give notification of transfer of ownership to the Council in writing within fourteen days of transfer specifying the name and address of the person to whom the hackney carriage has been transferred (s.49 Local Government (Miscellaneous Provisions) Act 1976.

- 2.7 The licence and plate shall relate exclusively to the vehicle in respect of which it is issued and shall not be transferred to any other vehicle.
- 2.8 All accidents causing damage materially affecting safety, performance or appearance of a vehicle or comfort or convenience of passengers, shall be notified in writing to the Council by the proprietor as soon as reasonably practicable and in any case within seventy two hours (s.50(3) LG (MP) Act 1976).
- 2.9 The licence may be revoked or suspended if the licence holder fails to provide a vehicle for inspection when required to do so by the Council in accordance with the LG (MP) Act 1976 or fails to supply within the time specified information of the address at which the vehicle is kept.
- 2.10 The licensee shall notify the Council in writing of any change of address within seven days of such change.
- 2.11 A hackney carriage vehicle shall be driven only by an appropriately licensed and insured driver except when driven by a mechanic on test.
- 2.12 The proprietor shall within seven days disclose to the Council in writing details of any convictions imposed on him (and if the proprietor is a company or partnership, any conviction against any of the directors, the secretary or partners) during the period of the licence (s.57 LG (MP) Act 1976).
- 2.13 A fee determined by the District Council will be charged whenever a vehicle is substituted for one already licensed during the licensing year.
- 2.14 A hackney carriage vehicle licensed by the East Devon District Council shall not at the same time be licensed as a hackney carriage or private hire vehicle by any other District Council.
- 2.15 The proprietor of a hackney carriage shall cause the plate supplied by the Council bearing the number of the licence granted to him in respect of the carriage to be affixed to the outside rear of the carriage and the number of the said licence shall also be shown on the inside of the carriage.
- 2.16 A proprietor of a hackney carriage shall:-
 - (a) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
 - (b) not 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.
- 2.17 The plate supplied by the District Council identifying it as a hackney carriage vehicle and displaying the licence number and passenger seat capacity of the vehicle shall be affixed on the outside of the vehicle on, immediately above or below the rear bumper and shall be kept clean and clearly visible at all times.
- 2.18 Vehicles to be licensed for the first time from 1 March 2004 by East Devon District Council as hackney carriage vehicles must be right hand drive.

3. SIGNS ON HACKNEY CARRIAGES

3.1 A hackney carriage must be of such design or appearance or carry such distinguishing marks as the District Council shall require so as to clearly identify it as a Hackney Carriage.

3.2 All vehicles when in use as a hackney carriage must:

Display a roof sign of a type and design approved by the Council. The sign to include the word "TAXI" in black letters which are to appear on the front and rear of the sign. The sign to be yellow in colour and the words "FOR HIRE" will be included on each side of the word "TAXI". The sign will be 750 mm (30 inches) in width by 150 mm (6 inches) deep by 165 mm (6.5 inches) high. This condition to apply from 1 December 2003 to all Hackney Carriages licensed for the first time by the District Council. In all other cases the condition to apply from 1 January 2006 except where approval is granted for additional advertising when it will apply from the date the vehicle is presented for approval of the livery/advertisements. As from 1 August 2004, a smaller version of the corporate roof sign will be introduced as an alternative for Hackney Carriage vehicles licensed with this authority with no change to the lettering or colouring in order that drivers may have a choice in relation to the size of the roof sign they display, the sign to be 450 mm (18 inches) in width by 150 mm (6 inches) deep by 165 mm (6.5 inches) high. With the exception of the above-described lettering, no other markings will be permitted on the roof signs. Purpose-built and converted vehicles with integral signs will be exempted from the requirements as to sign size, colour and the wording on the back. All roof signs must be illuminated and connected to the taxi meter and operate so that the sign light is extinguished when the hackney carriage is hired.

3.3 One association badge not exceeding 100 mm x 100 mm (4" x 4") may be carried on the near side of the windscreen.

3.4 **No advertising will be permitted on the exterior or the interior of the vehicle except:**

(a) Exterior Advertising:

- (i) full or part livery, i.e. the advertising material covers the complete or part exterior body shell **except for**
 - the boot lid*
 - back door (below the window line) in the case of an MPV vehicle*
 - back double doors where fitted (below the window line)*
 - the front elevation, i.e. radiator grill and the area either side of it
 - the windows and any other glass areas
 - the wheels
 - the bumpers

*apart from vehicle manufacturers' badges with the Chief Executive's prior approval.

- (ii) single doors, i.e. the advertising material may cover only the lower panels of both front and rear side doors on both sides of the vehicle.

(b) Interior Advertising:

- (i) Advertising is permitted on:
 - the base of the occasional (tip-up) seats
 - leaflets contained in an approved leaflet dispenser
 - the top of the partition bulkhead (non glass area) where fitted
 - floor carpets (logo of vehicle manufacturer or immediate carpet supplier only).

- (ii) Advertising is **not** permitted on any other surfaces, including:
 - seats (other than base of tip-up seats)
 - roof lining
 - partition
 - interior door panels (apart from leaflet dispenser)

3.5 All advertisements must be approved by the East Devon District Council as set out within the “Guidelines for Advertising on and in Licensed Hackney Carriages” and there must be full compliance with the guidance. A copy of the document can be obtained from the District Council’s Licensing Office. All proposals will be considered on their merits but the following advertisements ARE NOT PERMITTED:

- those with political, ethnic, religious, sexual or controversial texts
- those for escort agencies, gaming establishments or massage parlours
- those displaying nude or semi-nude figures
- those which seek to advertise tobacco
- those which seek to involve the driver as an agent of the advertiser
- those likely to offend public taste (including material depicting bodily functions (such as urination) and genitalia and the use of obscene or distasteful language)
- those which seek to advertise more than one company/service or product
- those which detract from the integrity and/or identity of the vehicle.

3.6 These conditions shall not apply to any sign or other matter which is required by law to be displayed in or upon a hackney carriage or which is required as part of a Devon County Council school transport contract.

4. HACKNEY CARRIAGE – TRAILERS

Hackney Carriages licensed by the East Devon District Council are permitted to tow trailers providing the following conditions are complied with at all times:-

- 4.1 The licensed towing vehicle's insurance must cover the towing of a trailer.
- 4.2 Trailers must not be left unattended anywhere on the highway.
- 4.3 Trailers must not be used when plying for hire on a rank.
- 4.4 The speed restrictions applicable to trailers must be observed at all times.
- 4.5 A spare wheel for the trailer and adequate tools to change a wheel must be carried at all times by a licensed vehicle whilst towing a trailer.
- 4.6 The towbar must meet with the type approval regulations in respect of all towbars fitted to cars after August 1998.
- 4.7 The towing of a trailer by a licensed vehicle shall only permit conveyance of luggage and belongings owned by a passenger whilst the vehicle is hired by a passenger within the vehicle.
- 4.8 Drivers of vehicles towing trailers must ensure that they have the correct driving licence group to permit them to tow the relevant trailer.
- 4.9 Only those trailers that comply with the following conditions will be permitted to be towed by a hackney carriage licensed by the East Devon District Council.
 - (a) Trailers must have been manufactured by a recognised manufacturer and have not been structurally altered since manufacture.
 - (b)
 - (i) A District Council Licensing Officer must initially approve all trailers in regard to size and type of construction.
 - (ii) When initial approval is granted and then annually when the towing vehicle undergoes its council test, an authorised Department of Transport Tester/Inspector must inspect the trailer at a garage located within East Devon. The tester/inspector must certify that the trailer meets the equivalent standards that would normally be required to pass a Ministry of Transport (MOT) test. The garage's authentication stamp must be applied to the certificate supplied by the inspector.
 - (iii) When the tester/inspector has certified the trailer, that trailer, together with the licensed vehicle to be used to tow the trailer, will be presented for inspection by a District Council Licensing Officer.
 - (c) A trailer may be used by more than one licensed towing vehicle but each licensed vehicle used to tow the trailer must be separately approved and the additional licence fee paid for each towing vehicle.
 - (d) An additional licence plate will be issued by the District Council for each licensed hackney carriage vehicle licensed to tow trailers and the relevant plate must be affixed to the rear of the trailer near the number plate whenever an approved trailer is towed by the licensed vehicle.
 - (e) Unbraked trailers shall be less than 750 KGs gross weight.
 - (f) Trailers over 750 KGs gross weight shall be braked acting on at least two road wheels.

- (g) The towing vehicle must have a kerb weight of at least twice the gross weight of the trailer.
- (h) A suitable lid or other approved means of enclosure shall be fitted to secure the contents within the trailer when in use and to keep it watertight.
- (i) The maximum permissible length of the trailer shall be 7 metres including the drawbar and coupling.
- (j) The width of the trailer shall not be greater than the towing vehicle subject to no trailer being wider than 2.3 metres.
- (k) The maximum length for braked twin axle trailers is 5.54 metres.
- (l) The trailer must at all times comply with all Road Traffic legislation requirements in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986.
- (m) The trailer's body must be constructed of either glass-reinforced plywood/fibreglass or fully galvanised steel.
- (n) The trailer's full frame must be made of galvanised steel with a straight drawbar.
- (o) With the exception of sub-condition below, the trailer shall not display any form of sign or advertisement not required or approved by the District Council or Road Traffic legislation.

A trailer towed by a hackney carriage may display signs or advertisements approved by the District Council. Reference should be made to the District Council's "Guidelines for Advertising on and in Licensed Hackney Carriages".

5. DRIVER'S LICENCE

5.1 Introduction

The Council will need to be satisfied that the applicant is a fit and proper person to hold a hackney carriage driver's licence and can require from licence applicants such information as may be considered reasonably necessary to determine whether the licence should be granted.

5.2 Driver Application Procedure

In support of the application form (completed to the District Council's satisfaction) the applicant will be required to provide the following:-

- (a) a current full driving licence to drive a motor car, held for more than 12 months;
- (b) after the 1 May 2007, new applicants for a Hackney Carriage or Private Hire driver's licence who have not held a such a licence with the District Council in the 12 months previous to the application or who have had their licence revoked be required to have passed the Driving Standards Agency taxi assessment test prior to issue of a licence or be able to produce a pass certificate which has been issued by the Driving Standards Agency not earlier than 12 months before the application date;

- (c) from 1 May 2006, any existing licensed Hackney Carriage or Private Hire driver whose licence shows 6 or more penalty points issued in one year or 9 or more penalty points issued in a 3-year period be required to take a Driving Standards Agency taxi driver assessment within 3 months of being notified in writing of the requirement by the Licensing Manager, and to produce a pass certificate to the Licensing Manager within 14 days of taking the assessment. Failure to produce a satisfactory assessment within the time period will immediately trigger referral to the Licensing and Enforcement Committee or a Sub Committee of that Committee;
- (d) details of any previous criminal convictions that are not spent under the Rehabilitation of Offenders Act 1974;
- (e) a completed Criminal Records Bureau Disclosure Application form with the current CRB and administration fees for carrying out the disclosure together with all necessary supporting documentation;
- (f) a reference from a previous or current employer;
- (g) two references from persons who have known the applicant for at least three years and not being close relatives;
- (h) confirmation of employment by the applicant's proposed employer (unless the applicant is to be self-employed);
- (i) licence fee in force at the time.
- (j) In addition, applicants successful at interview will be required to provide:
 - (i) driver's badge deposit fee
 - (ii) two current passport-size photographs
 - (iii) medical certificate (see 5.3 next).

5.3 Medical Examinations

- (a) Applicants for the grant of a hackney carriage driver's licence will be required to produce a certificate signed by a registered Medical Practitioner certifying that the applicant is physically fit to be the driver of such vehicle, to Group 2 medical standards for vocational drivers' licences. Any cost of which shall be borne by the applicant.
- (b) Further medical certificates will be required every three years, on renewal of the licence until the applicant reaches the first anniversary of the licence renewal date after his/her 65th birthday and then annually at the licence renewal date thereafter.
- (c) Holders of current PSV and/or HGV licences, where the holder is able to provide proof of current recent medical examination to support the issue of such a licence, will not be required to undergo further medical examinations.
- (d) Without prejudice to the above, the District Council may require the applicant to undergo an examination as to physical fitness to be the driver of a hackney carriage by a registered Medical Practitioner selected by the District Council, the cost to be borne by the District Council.
- (e) Where there remains any doubt about the fitness of any applicant, the District Council's Committee or Sub-Committee responsible for hackney carriage licensing will review the medical evidence and will make any final decision in the light of the medical evidence available.

STANDARDS AND FITNESS OF APPLICANTS

5.4 Criteria

In satisfying itself that the applicant is a fit and proper person to whom a driver's licence can be granted the District Council will take the following into account:-

- (a) health/fitness (to be confirmed by medical report following interview)
- (b) age
- (c) character (to be supported by two personal references and one employer's reference)
- (d) EDDC has adopted a policy in relation to the relevance of convictions when applying for a Hackney Carriage Drivers Licence. Please seek advice from the Licensing office should there be any doubt about the relevance of convictions before applying for a licence.
- (e) nature of any previous convictions (disclosed in application, revealed by driving licence and/or Criminal Records Bureau response)
- (f) previous conduct whilst being the holder of a hackney carriage driver's licence
- (g) knowledge of local geography, principal locations, most direct routes, etc.
- (h) employment
 - (i) confirmation from the prospective hackney carriage proprietor that the applicant will be employed as a hackney carriage driver if the licence application is granted;
 - (ii) confirmation of any intended self-employment as a hackney carriage driver;
 - (iii) details of any other occupation or profession being followed by the applicant to ensure that the nature, location or duration of that employment will not adversely affect the driver safety standards of the applicant if the licence is granted.

5.5 Interview Procedure

- (a) The applicant will be determined by the Chief Executive except in cases where an applicant's driving licence discloses offences with more than 3 penalty points.
- (b) Applicants will be interviewed by Licensing Officers acting on behalf of the Chief Executive.

Interview arrangements -

- (c) In all cases applicants will be advised, in writing, of the time, date and venue of the intended interview.
- (d) Applicants refused by the Chief Executive may give notice to the District Council within 14 days of notification of refusal, requesting that the application be reheard by the Committee or Sub-Committee at that time responsible for hackney carriage licensing.
- (e) In the case of applications heard by the Committee or Sub-Committee responsible for hackney carriage licensing, applicants will be given the opportunity of interview by that Committee or Sub-Committee and of making representation thereto before the application is determined by the Committee or Sub-Committee.

- (f) Notification of decision on application
Applicants will be advised, in writing, of the decision made in respect of their application.
- (g) Unsuccessful applicants for the grant of a hackney carriage driver's licence may, in pursuance of section 59(2) of the Local Government (Miscellaneous Provisions) Act 1976 (as amended), appeal to a Magistrates' Court against that decision.
- (h) Successful applicants at either Officer, Committee or Sub-Committee interview, subject to any further requirements to support the application e.g. completed satisfactory medical examination certificate, etc., will be issued with the relevant driver's licence and lapel badge against signature.

5.6 Interviewing of Applicants

Applicants granted short-term licences may be required to undergo re-interview before an extension to a one-year licence is considered.