

## **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING**

### **CONDITIONS**

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March 1988

Revised: March 1990  
July 1993  
October 2001  
February 2008  
October 2008

## PART I

### Introduction

1. These conditions have been compiled in order to assist those persons wishing to license vehicles as either Hackney Carriages or Private Hire vehicles.
2. These conditions are in operation from the date printed on the front page of this document and those vehicles licensed before that date remain subject to the conditions which were in operation at the time of their approval.
3. Although a vehicle may comply with these conditions approval may be withheld if the Council is of the opinion that the particular vehicle is unsuitable for public use. A vehicle used as a Hackney Carriage or a Private Hire Vehicle must, in the opinion of the Borough Council, be suitable in type, size and design and be capable of carrying not less than 4 nor more than 8 passengers.
4. Notwithstanding anything in these conditions, the Council may, at its discretion, grant approval to any vehicle, which it considers suitable for use as either a Hackney Carriage or a Private Hire Vehicle. Applications for the licensing of stretched limousines as Hackney Carriage or Private Hire Vehicles will only be considered if a Single Vehicle Approval Test Certificate is provided in addition to the inspections and documentation required in respect of all vehicles. Appropriate conditions would be applied to licenses granted in respect of such vehicles.
5. Unless the context otherwise requires any reference to "licensed vehicles" includes both Hackney Carriages and Private Hire Vehicles.
6. A vehicle presented for licensing as a Hackney Carriage or Private Hire Vehicle shall be a suitable condition to the satisfaction of the Borough Council's Inspector. Vehicles over 6 years old must be maintained to an equally high standard and will be inspected and licensed at 6 monthly intervals. The six year rule applies to all vehicles.
7. Normally the age of the vehicle will be calculated from the day of its first registration at the D.V.L.A.
8. Before any application is considered, the vehicle to be licensed must have been inspected and approved by the Council's Vehicle Inspector. All applicants must arrange for this inspection to be carried out and an appointment should be made direct with the Inspector, telephone Andover 368363.
9. Whilst a policy of comprehensive insurance is recommended, this will not be insisted upon, provided that there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1972.

- 9a. The licence holder shall produce to the Council within 72 hours of any change of insurer a copy of the relevant insurance cover note or certificate.
- 9b. The requirements of the Health Act 2006 must be met whereby all hackney carriages and private hire vehicles are smoke free vehicles.
- 9c. Drivers are reminded that legislation prohibits the use of mobile telephones in vehicles unless an approved hands free device is installed.

PART II

GENERAL CONDITIONS OF FITNESS OF VEHICLES

10. General

All licensed vehicles must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles in force at the time of licensing.

11. Wheels

All vehicles must have a minimum of four road wheels and carry a spare wheel to the same specification as the road wheels. Space-saver tyres, tyre sealants and other puncture safety features are not permitted.

12. Doors

All vehicles must have at least four doors, excluding any tail gate or must be purpose built mini-buses with rear tail-gates of full width and height.

13. Seating Capacities

(a) Vehicles shall have seating capacities as per the registration document or per the number of seat belts fixed therein or calculated on the basis of a passenger unit seat width of 16 inches (40cm) measured laterally across the middle of any continuous seat, which ever is the least.

(b) Subject to the further considerations of vehicle wheel-base and engine size as follows:-  
Any vehicle with a wheel-base of 96" (2.438m) or more shall be licensed to carry 4 (or more to a maximum of 8) passengers subject to engine size of 1500cc+ and seat measurement criteria as at (a).

14. Estate Cars

Estate cars must have sufficient luggage space for the number of passengers the vehicle is licensed to carry without having to fold any seat. A metal grille or any alternative method recommended by the manufacturer must be fitted between luggage and passengers to ensure passenger safety to the satisfaction of the Council's Inspector.

15. Steering

(a) The steering wheel must be on the offside of the vehicle.

(b) The steering mechanism must be so constructed or arranged that no over-lock is possible and that the road wheels do not in any circumstances foul any part of the vehicle.

- (c) The steering arms and connections must be of adequate strength and as far as possible protected from damage by collision.

16. Brakes

- (a) All brakes must act directly on the wheels of the vehicle.
- (b) The pedal operated braking system must be so designed that notwithstanding the failure of the brakes on any pair of wheels, either on one axle or diagonally opposite, there must still be available for application brakes on the other pair sufficient to bring the vehicle to rest within a reasonable distance.

17. Tyres

All tyres must be kept at correct pressure and meet legal requirements and be suitable for use on the vehicle.

18. Suspension

Every vehicle must be fitted with an efficient suspension system so designed and constructed that there is no excessive roll or pitch.

19. Transmission

Vehicles using automatic or semi-automatic transmission must be fitted with a device to prevent the engine starting with the transmission selector in a DRIVE or REVERSE position.

20. Bolts and Nuts

All moving parts and parts subject to severe vibration connected by bolts or studs and nuts must be fitted with an approved locking device.

21. Fuel Tanks

- (a) Fuel tanks must not be placed in the engine compartment and must be adequately protected from damage by collision.
- (b) All fuel tanks and all apparatus supplying fuel to the engine must be so placed or shielded that no fuel overflowing or leaking there from can fall or accumulate upon any part or fitting where it is capable of being readily ignited or can fall into any receptacle where it might accumulate.
- (c) The filling points for all fuel tanks must be accessible only from the outside of the vehicle and filler caps must be so designed and constructed that they cannot be dislodged by accident.

- (d) In the case of an engine powered by LPG a device must be fitted by which the supply of fuel to the engine may be immediately cut off. Its situation, together with the means of operation and 'OFF' position must be clearly marked on the outside of the vehicle.

22. Electrical Equipment

- (a) All electrical leads and cables must be adequately insulated and where liable to be affected by exposure to water, diesel, petrol or oil, must be adequately protected.
- (b) All electrical circuits must be protected by suitable fuses.
- (c) Batteries must be placed and protected so that they cannot be a source of danger.

23. First Aid Kit and Fire Extinguisher

A suitable first aid kit of a type or standard approved by the A.A. or R.A.C. shall be carried in the vehicle, together with an efficient fire extinguisher conforming to a recognised standard such as British Standard EN3 or 5423. The fire extinguisher shall be kept in a readily accessible position and both the extinguisher and the first aid kit shall have the registration number of the vehicle and the Council's licence number affixed thereon.

24. Exhaust Pipes

The exhaust pipe must be so fixed or shielded that no inflammable material can fall or be thrown upon it from any other part of the vehicle and that it is not likely to cause a fire through proximity to any inflammable material on the vehicle. The outlet must be placed at the rear of the vehicle and in such a position as to prevent fumes from entering the vehicle.

25. Body

The body must be of the fixed head type. An approved sun roof may be fitted.

26. Driver's Compartment

The driver's seat must be designed to accommodate the driver only and be adjustable for reach.

The vehicle must be fitted with adequate devices for de-misting, defrosting and washing the windscreen and with a sun visor adjustable by the driver.

Direction indicators of an approved type must be fitted.

27. Windows

- (a) Windows must be provided at the sides and at the rear, unless they could be obstructed by a wheelchair ramp.
- (b) All passenger door windows must be capable of being opened easily by passengers when seated.
- (c) Windscreens shall comply to current MOT regulations and a windscreen which is cracked to an extent in excess of ¼" shall be immediately replaced.

28. Heating and Ventilation

An adequate heating and ventilation system must be fitted for the driver and passengers.

29. Glass

The windscreen and all windows must be safety glass in accordance with the latest British Standard at the time of approval. The windscreen and front side windows must not be excessively tinted such that the vehicle does not meet legal requirements.

30. Door Fittings

Passengers' doors must be capable of being readily opened from inside and outside the vehicle by one operation of the latch mechanism.

Approved central locking systems are permitted. Double catches of approved types must be fitted to all doors.

31. Floor Coverings

The floor of the vehicle must be suitably covered and in good repair.

32. Luggage

- (a) Provision must be made for carrying luggage sufficient for the number of persons for which the vehicle is licensed.
- (b) If it is intended to carry luggage on the roof, the carrier must be of an approved type fitted to the roof guttering. It must not be used to carry weight in excess of the manufacturer's recommendation.

33. Horn

A legal horn of an approved type must be fitted and maintained in working order.

34. Taximeter

A Taximeter must be of an approved type and tested by or on behalf of the Council and must be sealed at all times. **A Taximeter must be fitted to Hackney Carriages.** A Taximeter need not be fitted to Private Hire Vehicle but if one is fitted it must comply with this condition.

35. Taxi Sign

A 'TAXI' sign of approved pattern, clearly visible both by day and by night, when the vehicle is in hire must be fitted to the roof of the Hackney Carriage. For the avoidance of doubt, all "Taxi" roof signs shall be of an approved pattern and attached to the outside of the Hackney Carriage in a central position upon the roof when viewed from either the front or the rear of the vehicle.

No sign will be approved for use on the roof of any Private Hire Vehicle.

36. Radio Apparatus

(a) Where apparatus for the operation of a two-way radio system is fitted no part of the apparatus may be fitted in the rear boot compartment if LPG tanks or equipment are situated therein.

(b) Any other radio receiver fitting must be of an approved type.

37. Registration Marks

Must comply with the latest specifications.

38. Maintenance

Vehicles, including all fittings, etc. must be well maintained and kept clean and in good working order. The vehicles will at all times be subject to test and inspection and should it be found that a vehicle is not being properly maintained or that any part or fitting is not in good working order, a notice will be served on the owner prohibiting him from using the vehicle until the defect has been remedied.

38a Stretched Limousines

The Head of Administration has delegated powers to determine applications for licences relating to Hackney Carriages and Private Hire Vehicles in respect of Stretched Limousines subject to a Single Vehicle Approval Certificate being provided in addition to the Inspections and documentation required in respect of all vehicles.

Miscellaneous

39. A side mirror shall be provided on the near-side and on the offside of any vehicle licensed as a Hackney Carriage or Private Hire Vehicle.



- 40 For the convenience of subsequent passengers the consumption of food in a Hackney Carriage or a Private Hire Vehicle shall be discouraged.
- 40a The requirements of the Smoke-free (Exemptions and Vehicles) Regulations 2007 and the Smoke-free (Signs) Regulations 2007 must be met in relation to hackney carriages and private hire vehicles.
- 40b The Council actively encourages the installation of security measures such as CCTV systems as a means of providing protection for vehicle drivers. Installation and usage of CCTV systems must comply with the Council's CCTV Code of Practice in use at that time. See Appendix 1.

PART III

Additional Conditions relating to Mini-Buses

41. Legislation Regulations

- (a) Vehicles registered on or after 1st April, 1988 and manufactured after 1st October, 1987 shall comply with the new unified standards of construction and equipment contained in Regulations 41 to 43 of the Road Vehicles (Construction and Use) Regulations 1986.
- (b) Vehicles registered on or before 1st April, 1988 and manufactured before 1st October, 1987 and which do not comply with the new unified standards shall comply with the Mini Bus (Conditions of Fitness, Equipment and Use) Regulations 1977 as amended.

42. Sliding Doors

Side doors, whether sliding or hinged, must be fitted with an audible or visual warning device, not connected to the horn, to indicate when they are open.

43. Emergency Exit

Rear doors must be clearly marked on the inside and outside of the vehicle 'Emergency Exit' with the means of operation clearly indicated. Rear doors must also be fitted with an audible or visual warning device, not connected to the horn, to indicate when they are open.

44. Safety Rails

Vehicles converted or adapted by the removal of passenger seats must be fitted with safety rails constructed in such a manner:-

- (a) to prevent passengers from entering the space in the event of an accident.
- (b) not to obstruct the driver's view to the near-side.
- (c) that any luggage loaded must not interfere with the driver's controls.
- (d) to prevent any luggage loaded from moving into the passenger compartment in the event of an accident.
- (e) to secure any wheelchair, pram, buggy or other similar item

45. A mini-bus which is licensed as either a Hackney Carriage or a Private Hire Vehicle and seating no more than 8 passengers shall be so constructed or adapted that no additional seats can be fitted.

46. A minibus licensed as a Hackney Carriage or Private Hire Vehicle shall have at least one opening window to the rear of the driver's compartment.

PART IV

Additional Conditions Relating to Hackney Carriage Vehicles

47. The provisions of the Byelaws with respect to Hackney Carriages in force within the Borough must be complied with in all respects. A copy of these Byelaws will be supplied on request.
48. At all times the proprietor shall during the currency of the licence keep in force in relation to the use of the vehicle a policy of insurance that complies with the requirements of the Road Traffic Act, 1972 or any re-enactment thereof.
49. The identification plate provided by the Council bearing the number of the licence granted in respect of the vehicle and the maximum number of passengers to be conveyed **shall be securely fixed, to the satisfaction of the Council, to the outside rear of the vehicle** in such a position that it shall be clearly visible from the rear of the vehicle. In any event, the Licence plate shall not be fitted below the level of the rear bumper and shall not be wilfully or negligently concealed from public view while the vehicle is being used for hire (subject to certain exemptions). The licence plate shall remain the property of the Council and may be removed at any time by the Council's Inspector if he is of the opinion that the vehicle contains a fault of a serious nature and that the Licence should be temporarily suspended or where the vehicle is not currently licensed by the Council.

An approved special registration plate unit constructed to carry a licence plate will also be acceptable as will a bracket supplied or approved by the Council. Worn or illegible plates may be removed by the Council's Inspector and a fee for a replacement plate will be payable.

50. The proprietor of the Hackney Carriage Vehicle shall not convey or permit to be conveyed in such vehicle any greater number of persons than the number of persons specified in the vehicle registration document and indicated on the vehicle licence plate. The council shall be notified of the change of owner or the change of address of the owner of the vehicle within 7 days of the change taking place.
51. The Council shall be notified of all accidents affecting safety, performance or appearance of the vehicle or the comfort or convenience of passengers, such notification to be as soon as reasonably practicable and in any event within 72 hours of the occurrence thereof.
52. The proprietor of the Hackney Carriage shall comply with the provisions of the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and the Transport Act 1985 as far as these provisions apply to Hackney Carriages.
53. The vehicle may be required for inspection by the Council Inspector at any time. If a serious fault is discovered the licence may be temporarily suspended, and the Council's Licence Plate removed in accordance with condition 49 above.

54. The Council may decide to suspend, revoke or refuse to renew any licence in respect of a Hackney Carriage Vehicle for any reasonable cause, including:-
- (a) that the Hackney Carriage Vehicle is unfit for use as a Hackney Carriage, or
  - (b) any offence under, or non-compliance with, the provisions of the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976, or any re-enactment thereof on the part of the proprietor.
55. If a London style taxi is converted to give wheelchair accessibility then:-
- (a) The near-side rear door must be capable of opening as wide as the aperture;
  - (b) There must be sufficient space between the front of the rear seat and the partition for a wheelchair to turn;
  - (c) There must be sufficient space for a wheelchair to travel facing rearwards;
  - (d) A means to secure both the chair and the wheelchair occupant must be provided;
  - (e) Ramps must be carried with the vehicle;
  - (f) Sufficient additional handholds and an additional step must be provided for elderly and ambulant disabled people.
56. A Hackney Carriage must have a taxi-meter fitted and this must be tested and approved by the Council before the vehicle is offered for Hire. Any breakdown or failure of the meter must be notified to the Borough Council immediately and a suitable sign notifying the travelling public of this fact and giving details of fares shall be displayed and brought to the attention of potential passengers until the meter is repaired. However the necessary repair must be carried out within 5 working days and the meter re-tested to the Council's satisfaction.
- 56a At all times a tariff card issued by the Council shall be displayed where it can be conveniently seen by all passengers.

PART V

Additional Conditions Relating to Private Hire Vehicles

57. The identification plate provided by the Council bearing the number of the licence granted in respect of the vehicle and the maximum number of passengers to be conveyed shall be securely fixed, to the satisfaction of the Council, to the outside rear of the vehicle in such position that it shall be clearly visible from the rear of the vehicle, and shall not be wilfully or negligently concealed from public view while the vehicle is being used for hire (subject to certain exemptions). In any event, the licence plate shall not be fixed below the level of the rear bumper. The licence plate shall remain the property of the Council and may be removed at any time by the Council's Inspector if he is of the opinion that the vehicle contains a fault of a serious nature and that the Licence should be temporarily suspended, or where the vehicle is not currently licensed by the Council.

An approved special registration plate unit constructed to carry a licence plate will also be acceptable as will a bracket supplied or approved by the Council. Worn or illegible plates may be removed by the Council's Inspector and a fee for a replacement plate will be payable.

Vehicles seeking exemption from displaying the plate in accordance with section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976 will instead of displaying the plate on the rear of the vehicle be required to display a special version of the plate facing outwards in the front windscreen of the vehicle.

58. The operator of the Private Hire Vehicle:-
- (a) shall not convey or permit to be conveyed in such vehicle any greater number of persons than the number of persons specified in the vehicle registration document and indicated on the vehicle licence plate.
  - (b) shall not display on any Private Hire Vehicle licensed by the Council any sign or notice -
    - i) which consists of or includes the word 'taxi' or 'cab' (or any corruption thereof) whether in the singular or plural and whether alone or as part of another word
    - ii) indicating any telephone number or address or any words which appear to be or resemble a telephone number or address other than the name and/or telephone number of the operator or the trade name and/or telephone number of the operator, of the vehicle providing that the trade name does not conflict with paragraph (b) (i) of this condition which sign may be displayed on either the front and rear of the vehicle or the two front doors of the vehicle in letters not exceeding 5 cm. in height. Where such a sign is displayed it shall also include the words "pre-booking only".

- iii) which consists of the words 'for hire' or the form or wording of which is in any other way such as to suggest that the vehicle on which it is displayed is presently available to take up any passenger wishing to hire it or would be so available if not already hired.

- 59. The Council shall be notified of all accidents affecting safety, performance or appearance of the vehicle or the comfort or convenience of passengers, such notification to be as soon as reasonably practicable and in any case within 72 hours of the occurrence thereof. The Council shall be notified of the change of owner or the change of address of the owner of the vehicle within 72 hours of the occurrence thereof.
- 60. The proprietor of a licensed vehicle shall comply with the provisions of the Local Government (Miscellaneous Provisions) Act 1976 so far as the provisions thereof relate to the operation and control of Private Hire Vehicles.
- 61. The vehicle may be required for inspection by the Council Inspector at any time. If a serious fault is discovered the licence may be temporarily suspended, and the Council's Licence Plate removed in accordance with condition 57.
- 62. At all times the operator shall during the currency of the licence keep in force in relation to the use of the vehicle a policy of insurance that complies with the requirements of the Road Traffic Act 1972 or any re-enactment thereof.
- 63. The operator shall not assign or in any way part with the benefit of the licence without prior written consent of the Council.
- 64. The Council may decide to suspend, revoke or refuse to renew any licence in respect of a Private Hire Vehicle for any reasonable cause, including:
  - (a) that the Private Hire Vehicle is unfit for use as a Private Hire Vehicle, or
  - (b) any offence under, or non-compliance with, the provisions of the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976, or any re-enactments thereof on the part of the operator.

PART VI

Hackney Carriage Driver's Licence Conditions

65. The Licensed Driver shall when driving any Hackney Carriage observe and comply with the requirements of the provisions of any Orders, Regulations or Byelaws made under any Act of Parliament as if the provisions of such byelaws etc. with respect to the regulation of Hackney Carriage Vehicle applied throughout the whole of the area now administered by the Council.
66. The Licensed Driver shall at all times, in compliance with Section 54 of the Local Government (Miscellaneous Provisions) Act 1976, when standing, plying or driving for a hire a Hackney Carriage wear in a conspicuous position the Driver's badge issued by the Council bearing the number corresponding with the number assigned to the driver in the Register maintained by the Council for that purpose. The badge remains the property of the Council and must be returned to the Council immediately the driver ceases to be licensed by the Council.
67. On expiry, revocation or suspension of this licence, the Licensed Driver shall return the licence and badge in good condition to the Council within seven days.
68. The Licensed Driver shall at all times pay attention to personal cleanliness and shall be suitably attired to the satisfaction of the Council and shall at all times be dressed in a manner not to cause embarrassment to members of the public. Drivers shall wear shirts, long trousers and suitable footwear and in addition female drivers may wear skirts and dresses. The wearing of any attire that is dirty or torn, vests, sleeveless singlets, non-tailored shorts, boxer style sports shorts, psychedelic colours, jeans, cargo trousers, track suits and bathing costumes is not acceptable. The Driver shall at all times behave in a civil, courteous and orderly manner, and shall take all reasonable precautions to ensure the comfort and safety of persons conveyed in or entering or alighting from Hackney Carriage Vehicles.
69. The Licensed Driver shall not convey in a vehicle used as a Hackney Carriage a greater number of persons than the number of persons specified in the vehicle registration document and indicated on the vehicle licence plate.
70. These conditions are without prejudice to the provisions of the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, or any Order made thereunder or the requirements of any other Act of Parliament or Order made thereunder and nothing in these licence conditions shall relieve the Licensed Driver from any duty to observe and carry out any obligation made thereunder.
71. The Council shall be notified of all accidents affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers, such notification to be as soon as reasonably practicable and in any case within 72 hours of the occurrence thereof.

72. The Driver of a licensed vehicle who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.
73. The Driver of a licensed vehicle so constructed as to carry luggage shall when requested by any person hiring the vehicle:
  - (a) convey a reasonable quantity of luggage;
  - (b) render reasonable assistance in loading and unloading of luggage.
74. The Licensed Driver shall not refuse to carry a passenger with a guide dog or other assistance animal unless he/she has medical evidence of an allergy.
75. A Driver shall not, without the express consent of the hirer, drink or eat in the vehicle when conveying passengers in the vehicle.
76. The Licensed Driver shall not at the request of the hirer whilst he is being conveyed in the vehicle play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
77. The Licensed Driver shall at no time cause or permit the noise emitted by any radio Or any previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person whether inside or outside the vehicle.
78. The Licensed Driver shall notify the Council in writing of any change of his address during the period of the Licence within seven days of such change taking place.
79. The Council may vary any or all of the conditions herein contained any time.
80. This Licence may be suspended, revoked or not renewed by the Council:-
  - (a) if the driver has, since the grant of the Licence, been convicted of an offence involving dishonesty, indecency or violence;
  - (b) if the driver commits an offence or otherwise fails to comply with the provisions of the Town Police Clauses Act 1847, Part II of the Local Government (Miscellaneous Provisions) Act 1976 or the Transport Act 1985 or any re-enactments thereof;
  - (c) if the driver becomes disqualified from driving under any of the Road Traffic Acts or re-enactments thereof, in which case the Licence shall be automatically revoked;



- (d) if the driver is suffering, or has suffered, from any illness or disability which in the opinion of the Council renders him/her unfit to continue to act as a Private Hire Driver;
- (e) any other reasonable grounds.

81. The Driver shall inform the Head of Administration of the Borough Council of any conviction in any Court at any level within 7 days following the Court Hearing and failure to meet this Condition may result in any Licence being suspended or revoked.

PART VII

Private Hire Operator's Licence Conditions

82. A Private Hire Vehicle Operator's Licence shall be deemed void if the use of the premises from which the operator of the Private Hire Vehicle carries on business does not comply with the requirements of the Town and Country Planning Acts or Orders and Regulations made thereunder.
83. The Licensed Operator shall maintain a record book in a form satisfactory to the Council and enter therein before the commencement of each journey such particulars of every booking of a private hire vehicle invited or accepted by him whether by accepting the same from the hirer or by undertaking it at the request of another operator, as the Council may prescribe and shall produce such record on request to any "authorised officer" of the Council or any Police Officer for inspection.

The records shall include:-

- Date and time of booking.
- How booking received.
- Name of person making booking.
- Date and time of pick-up.
- Name of passenger.
- Place of pick-up.
- Destination of passenger.
- Vehicle number
- Driver.

Where a booking is legally capable of being subcontracted to or from another licensed operator, in addition to the above details, the record must show the name of the other operator.

The operator of a licensed vehicle who has accepted a booking or has been hired to provide a vehicle at an appointed time and place shall, unless the driver is delayed or prevented by some sufficient cause, ensure that the driver punctually attends with such vehicle at such appointed time and place.

84. The Licensed Operator shall not allow a greater number of Private Hire Vehicles to operate from his premises than the number for which planning permission has been granted by the Council.
85. No advertisement on or near such premises indicating that motor vehicles can be hired at those premises shall include the words "Taxi" or "Cab" (or any corruption thereof), whether in the singular or plural and whether alone or as part of another word unless the vehicles offered for hire are licensed Hackney Carriages or the advertisement makes it clear that they are not. The words "taxi" or "cab" or similar

words likely to mislead members of the public shall be omitted from the title describing the operators undertaking and from any advertising material, in whatever form, commissioned by or on behalf of the licensed operator.

86. The Operator shall not cause or permit a vehicle to be used for the purposes of private hire other than in accordance with the licence granted in respect of the vehicle pursuant to the Local Government (Miscellaneous Provisions) Act 1976.
87. The Operator shall not transfer or assign the benefit of this licence which shall be personal to the licensee. This Licence does not authorise the Licensee to operate from any address other than that specified in the Licence.
88. The operator must inform the Borough Council of the names of all drivers working for him/her within seven days of the commencement of employment.
89. The Licence holder, while carrying on the business of an Operator, must ensure that the use of the office premises complies with the requirements of the Town and Country Planning Act and Orders and Regulations made thereunder.
90. The Licence holder, while carrying on the business of an Operator, shall not permit licensed Private Hire Vehicles to obstruct entrances to adjoining premises, Hackney Carriage Ranks or bus stops and must ensure that such vehicles, when in use, are parked off the highway.
91. The Licence holder must not permit annoyance or interference to be caused to residents of adjoining premises by the use of radio communications operators.
92. The Operator shall within 7 days, notify in writing to the Council any change of his address (including any address from which he operates or otherwise conducts his business) as an Operator.
93. The Operator shall, within 7 days, disclose to the Council in writing details of any convictions imposed upon hi m.
94. The Council may suspend, revoke or refuse to renew an Operator's Licence for any reasonable cause including:-
  - (a) any offence under or non-compliance with the provisions of the Town Police Clauses Act 1847, Part II of the Local Government (Miscellaneous Provisions) Act 1976, or the Transport Act 1985 or any re-enactments thereof;
  - (b) any conduct on the part of the Operator which renders him unfit to hold an Operator's Licence; and
  - (c) a material change in the circumstances of the Operator or the basis on which the Licence was granted.

PART VIII

Private Hire Driver's Licence Conditions

95. The Licensed Driver shall at all times, in compliance with Section 54 of the Local Government (Miscellaneous Provisions) Act 1976, when driving any Private Hire Vehicle wear in a conspicuous position the drivers badge issued by the Council bearing the number corresponding with the number assigned to the driver in the Register maintained by the Council for that purpose.
96. The badge remains the property of the Council and must be returned to the Council immediately the driver ceases to be licensed by the Council.
97. On expiry, revocation or suspension of this licence, the Licensed Driver shall return this licence in good condition and the badge to the Council within seven days.
98. The Licensed Driver shall at all times pay attention to personal cleanliness and shall be suitably attired to the satisfaction of the Council and shall at all times be dressed in a manner not to cause embarrassment to members of the public. Drivers shall wear shirts, long trousers and suitable footwear and in addition female drivers may wear skirts and dresses. The wearing of any attire that dirty or torn, vests, sleeveless singlets, non-tailored shorts, boxer style shorts, sports shorts, psychedelic colours, jeans, cargo trousers, track suits and bathing costumes is not acceptable. The driver shall at all times behave in a civil, courteous and orderly manner, and shall take all reasonable precautions to ensure the comfort and safety of persons conveyed in or entering or alighting from Private Hire Vehicles. The Licensed Driver shall not convey in a vehicle used for private hire a greater number of persons than the number of persons specified on the vehicle licence plate.
99. These conditions are without prejudice to the provisions of the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, or any Order made thereunder or the requirements of any other Act of Parliament or Order made thereunder and nothing in these licence conditions shall relieve the Licensed Driver from any duty to observe and carry out any obligation made thereunder.
100. The Council shall be notified of accidents affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers, such notification to be as soon as reasonably practicable and in any case within 72 hours of the occurrence thereof.
101. The driver of a Licensed vehicle who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed and place
102. The Driver of a Licensed vehicle so constructed as to carry luggage shall when requested by any persons hiring the vehicle:

- (a) convey a reasonable quantity of luggage;
  - (b) render reasonable assistance in loading and unloading of luggage.
103. The Driver of a Licensed vehicle shall keep a daily record in respect of the vehicle and hiring undertaken therein and in any record shall be entered: vehicle licence number, date, name of the Licensed Operator of the vehicle, name of the driver, number of hours worked by the driver, and full details of every hiring undertaken. This record shall be supplied on request to any authorised Officer of the Council for inspection.
104. The Driver of a licensed Private Hire vehicle shall not ply for hire whether from a Hackney Carriage Stand or anywhere else and shall allow no indication to be given that the Private Hire Vehicle could be mistaken for a Hackney Carriage.
105. The Licensed Driver shall not refuse to carry a passenger with a guide dog or other assistance animal unless he/she has medical evidence of an allergy.
106. This Licence may be suspended, revoked or not renewed by the Council:-
- (a) if the driver has, since the grant of the Licence, been convicted of an offence involving dishonesty, indecency or violence;
  - (b) if the driver commits an offence or otherwise fails to comply with the provisions of the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976 or any re-enactments thereof;
  - (c) if the driver becomes disqualified from driving under any of the Road Traffic Acts or re-enactment thereof, in which case the Licence shall be automatically revoked;
  - (d) if the driver is suffering, or has suffered, from any illness or disability which in the opinion of the Council render him/her unfit to continue to act as a Private Hire Driver;
  - (e) any other reasonable grounds.
107. The Driver shall inform the Head of Administration of the Borough Council of any Conviction in any Court at any level immediately following the Court Hearing and failure to comply with the Condition may result in any Licence being suspended or revoked.
108. A Driver shall not without the express consent of the hirer whilst he is being conveyed in the vehicle drink or eat in the vehicle when conveying passengers in the vehicle.

109. The Licensed Driver shall not at the request of the hirer whilst he is being conveyed in the vehicle play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
110. The Licensed Driver shall at no time cause or permit the noise emitted by a radio or Any previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person whether inside or outside the vehicle.
111. The Licensed Driver shall notify the Council in writing of any change of his address during the period of the Licence within seven days of such change taking place.

**NOTE**

The following rights of appeal are provided by the Local Government (Miscellaneous Provisions) Act 1976:-

- Appeal against conditions imposed on a Hackney Carriage Proprietor's Licence: section 47.
- Appeal against refusal to grant a Private Hire Vehicle Licence, or conditions imposed on such a licence: section 48.
- Appeal against refusal to grant a Private Hire Driver's Licence, or conditions imposed on such a licence: section 52.
- Appeal against refusal to grant a Private Hire Operators' Licence, or conditions imposed on such a licence: section 55.
- Appeal against refusal to grant a Hackney Carriage Driver's Licence: section 59.
- Appeal against suspension, revocation or refusal to renew a Hackney Carriage or Private Hire Driver's Licence: section 61.
- Appeal against suspension, revocation or refusal to renew a Private Hire Operators' Licence: section 62.

The rights of appeal in connection with:-

Hackney Carriage Drivers' Licences  
Private Hire Operators' Licences  
Private Hire Drivers' Licences  
Private Hire Vehicle Licences

are to the Magistrates Court. These appeals can be both against a refusal to grant or renew a licence and in respect of a decision to suspend or revoke a licence that is in existence, as well as a right to appeal against any conditions which may have been imposed on any such licence by the Local Authority.

An appeal against a refusal to grant a Hackney Carriage Proprietors Licence lies directly to the Crown Court but an appeal against a failure to renew, or to suspend or revoke, a Hackney Carriage Proprietors Licence, is to the Magistrates Court.

However, of course, in all such cases, in the first instance, any aggrieved person should contact the Licensing Authority.

**Test Valley Borough Council - Code of Practice  
For the installation of in-car CCTV systems in licensed Hackney Carriages and  
Private Hire Vehicles**

**1. Introduction**

- 1.1 The Code of Practice sets out to ensure that in-car camera systems in licensed Hackney Carriages and Private Hire Vehicles are used to prevent crime, identify the perpetrators of crime, enhance the safety of drivers and passengers and reduce the fear of crime.

**2. The purpose of in-car CCTV systems**

- 2.1 The purpose of in-car CCTV systems shall be to provide a safer environment for the benefit of drivers and passengers by:
- Deterring and preventing the occurrence of crime
  - Reducing the fear of crime
  - Assisting the Police in investigating incidents of crime

**3. Installation and operation of CCTV systems**

- 3.1 Installation of CCTV will be carried out in accordance with any manufacturer's instructions and the Code.
- 3.2 All licensed vehicles with CCTV systems installed shall display prominent notices visible from outside the vehicle and also within the vehicle at a point readily visible to passengers, declaring;
- That a CCTV system is in operation within the vehicle
  - Who the owner of the CCTV system is
  - A contact phone number for queries and subject access requests
- 3.3 The driver of a licensed vehicle with an in-car CCTV system may also verbally bring to the attention of passengers that in-car CCTV equipment is installed, if it is felt appropriate.
- 3.4 Such signs shall not be displayed if equipment is not installed or is not operational.
- 3.5 The installation will consist of one rear-facing camera in the vehicle unless the seating arrangements in the vehicle allows rear-facing passengers, in which case an additional camera may be installed to capture images of passengers in those seats. Any proprietor/owner wishing to install additional cameras to those allowed in this paragraph must obtain written consent from the Borough Council prior to doing so.
- 3.6 All cameras shall be installed to ensure a clear view of passengers.



- 3.7 The CCTV system will at all times be operated in accordance with the manufacturers instructions.
- 3.8 The proprietor/owner of a licensed vehicle with a CCTV system will advise the Borough Council of any proposed changes to the installation.

#### **4. Use of information recorded on in-car CCTV systems**

- 4.1 It is important that any person, who suspects that a crime has been committed and that a CCTV system may contain relevant information to the crime, should report that suspected crime to the Police as soon as possible.
- 4.2 A CCTV system shall be used only for the purposes detailed within the Code. Misuse of the system including any data/images contained within it may breach Data Protection legislation and render the person(s) concerned liable to prosecution.
- 4.3 Except for the Borough Council, Police and other law enforcement bodies, images will not be provided to third parties.
- 4.4 Requests from individuals to see CCTV images of themselves shall be treated as Subject Access Requests (Section 7).
- 4.5 There is no specific minimum or maximum period for retaining images but it is recommended that they are retained for a period of at least ten days.

#### **5. Review and enforcement**

- 5.1 The Code shall be subject to review from time to time. Reviews will take place on an annual basis and also at other times when it becomes apparent that a particular matter within the Code requires urgent review.
- 5.2 All licensed proprietors/owners, operators and drivers utilising CCTV systems shall comply with the Code. Failure to do so may result in revocation or suspension of the appropriate licence issued by the Borough Council.

#### **6. Liability**

- 6.1 The in-car CCTV system will at all times remain the property of the licensed proprietor/owner of the vehicle who will at all times be liable for its use in their vehicle(s). The licensed proprietor/owner of the vehicle will be responsible for the maintenance and security of the system.
- 6.2 The licensed proprietor/owner of the vehicle will have responsibility for the control and security of the images recorded on any system. They will be responsible for notifying the Information Commissioner's Office that they are the data controller and for payment of the annual Notification fee.

**7. Subject Access Requests**

- 7.1 An individual has the right to view any images stored on the in-car CCTV system (subject access rights).
- 7.2 The system owner must have in place procedures to respond to such requests and where applicable provide copies of such images.
- 7.3 The system owner may charge a fee of up to £10 for Subject Access Requests.