

## BABERGH DISTRICT COUNCIL

<b>From: Head of Environment</b>	<b>Report Number: P18</b>
<b>To: Regulatory Committee</b>	<b>Date of Meeting: 30 May 2014</b>

### **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING – HACKNEY CARRIAGE VEHICLE LICENSING POLICY AND CONDITIONS (PERIODIC REVIEW / REVISION)**

#### **1. Purpose of Report**

- 1.1 To update the Regulatory Committee on matters relating to the hackney carriage policy, practice and activity in the controlled zone of 'All of Babergh District'. This will provide the Committee with an opportunity to consider the current position and determine whether any policy, criteria or conditions adjustments are required at this time.
- 1.2 To assist with this consideration, officers have prepared a document (at Appendix A) containing some possible areas for revisions together with some consequential updates since the last review in 2009. The legislation is due to change in 2014/15 hence there has not been any periodic review since then as, due to resources, officers have been awaiting clarity on those pending national changes.

#### **2. Recommendation**

- 2.1 That the Committee consider the issues contained within the report and determine whether any updates or revisions should be made to the local hackney carriage licensing scheme, subject to a suitable period of consultation with stakeholders.

The Committee is able to resolve this matter.

#### **3. Financial Implications**

- 3.1 Licence fees are payable upon application and set on a cost recovery basis, which does not include enforcement action costs against unlicensed operators. Licence fees are periodically reviewed.
- 3.2 Any person aggrieved by any conditions attached to a hackney carriage proprietor's licence may appeal to the magistrates' court. Appeals on refusals to grant a hackney carriage proprietor's licences are to the Crown Court. General challenges on policy are to the High Court.

#### **4. Risk Management**

- 4.1 The overarching purpose of licensing is public protection. In the context of vehicle licensing the considerations and parameters for decision-making are expressed in this report.
- 4.2 The strategic priorities most closely linked to this matter are (a) enabling growth whilst protecting and enhancing the environment; and (b) supporting and facilitating active, healthy and safe communities.

## **5. Consultations**

- 5.1 A suitable period of consultation with the trade and any other stakeholders identified will need to be undertaken before any revisions are implemented. A further Regulatory Committee referral will therefore be necessary post-consultation to consider any responses and resolve any changes to be made.

## **6. Equality Analysis**

- 6.1 The Council's approved hackney carriage scheme is actively promoting equality for disabled persons. Prior to 2009 there were no wheelchair accessible hackney carriages available in the district.

## **7. Shared Service / Partnership Implications**

- 7.1 None directly arising from this report. Once national law reform detail is available the Babergh and Mid Suffolk scheme will be 'root and branch' reviewed and aligned. This item is also on the work plan of the Suffolk Licensing Officers' Group and greater consistency across district and borough boundaries is likely to be the outcome of that work. Some benchmarking with cross-border Authorities beyond Suffolk will also be appropriate.

## **8. Key Information**

- 8.1 Hackney carriage and private hire licensing is a complex and outdated licensing regime with frequent challenges and ad-hoc amendments, conflicting case law and significant variance across district and borough boundaries. Specifically this report is examining the local hackney carriage licensing regime – vehicles available for immediate hire via designated taxi ranks (also known as hackney carriage stands), plying for hire, waiting or being hailed (as well as being pre-booked in advance).
- 8.2 Applications made for driver, vehicle or operator licences are an each on merit consideration for the District Council within its general scheme framework and controlled zone. A hackney carriage needs a licence granted by the district council under section 37 of the Town Police Clauses Act 1847 (referred to by the legislation as a hackney carriage proprietor's licence). A local authority has discretionary, and wide ranging, powers in relation to attaching criteria/conditions to a licence for a hackney carriage under section 47 of the Local Government (Miscellaneous Provisions) Act 1976.
- 8.3 Hackney carriage vehicle licensing policy is still a matter for local determination particularly around accessible vehicles policy. The Disability Discrimination Act 1995 regulations that were to address a national scheme for accessible vehicles were never fully activated, and that legislation has since been repealed by the Equality Act 2010. The same situation now applies under the 2010 Act – successor regulations that may in time apply in terms of hackney vehicle standards and policy have yet to be fully activated by the Secretary of State and are unlikely to be made for some considerable period to come. Three national pilot schemes are being undertaken by the Government which will influence this matter further in due course.

- 8.4 Another element which may in due course influence vehicle standards in terms of both private hire and hackney carriage vehicles is the nearly finalised Law Commission review into licensing arrangements for this sector. It is likely that any new legislation will set national minimum vehicle standards, with some enhanced local discretion available for hackney carriage standards. This important review was due to publish findings in December 2013 but this then slipped to April 2014, with a draft Bill now expected on 23 May 2014 (any update on that available in time for this Committee meeting will be given as a verbal update). Therefore any changes arising from the Committee's current review are only likely to be an interim arrangement pending a further wider review within the next 6 months or so.
- 8.5 Babergh District Council made some significant strategic changes to the local policy and criteria in 2009. The outcomes sought were to:
- (a) reduce some of the negative impacts of the 1847 legislation on modern day business flexible operation, by amalgamating the three zones into a single zone (district wide);
  - (b) delimit the numbers of hackney carriages as recommended by the Department for Transport (DfT) and Office of Fair Trading (OFT); and
  - (c) introduce a new mixed fleet of hackney carriages to allow consumer choice and ensure that wheelchair accessible vehicles would be made available for immediate hire to the travelling public.

The Council resolved that any new hackney carriage plates to be issued would be for wheelchair accessible vehicles only and would be required to meet locally set enhanced entry criteria, including on the age of the vehicle. This has also mitigated a 'market saturation' situation which may have otherwise occurred if delimiting without enhanced standards.

- 8.6 However, the anticipated diversification and spread of hackney carriage availability out into the wider district, and migration away from Sudbury town centre/daytime rank work, appears to have not materialised despite these previous policy changes. Re-imposing any quantity restrictions appears not be a viable proposition in the district at the present time due to the previous DfT and Office of Fair Trading national interventions, high costs of third-party transport surveys and associated legal challenge risks, and the active elements of the Equality Act 2010 which apply to those Council areas where limitations still apply.
- 8.7 It is being reported to the Licensing Team from a variety of sources that this lack of diversification has put increased strain on the existing town centre rank spaces (of which there are a maximum of eight) for now thirty-five licensed hackney carriage vehicles. Members of a recent licensing sub-committee dealing with an individual hackney carriage vehicle application have attended the ranks to observe at first-hand some of the activity. Applications and enquiries for longer wheelchair accessible vehicles, in excess of five meters, are being made for rank based work. Whilst these vehicles are specialist, high specification and high cost their increased presence for limited and congested town centre work may exacerbate some of the problems already being reported. Therefore the Committee is requested to re-examine this area of policy to see whether any further specific attention is necessary to the local scheme, and ahead of any national amendments in this area.

- 8.8 The Council's general scheme and policy is not an absolute rule nor does it fetter the Council's discretion. A degree of flexibility and responsiveness is required within the scheme - for example, whilst some vehicles (e.g. rear loading wheelchair accessible vehicles) may not be considered suitable for using the town centre rank space available, they may be considered suitable for licensing for use where a proprietor does not use the designated ranks. The policy must be drafted so that it does not 'close its ears' to any application but it can outline its general expectations.
- 8.9 Consideration for vehicle licences is broadly whether vehicles are mechanically sound and safe, suitable and comfortable in the context of any local criteria. As part of that consideration the Authority is entitled to consider how and where the vehicle will be used if granted a licence. It is not possible to restrict hackney carriage access to a rank by condition (*R (app Maud) v Castle Point DC 2002*). The legislation is drafted that a local authority has discretion whether to grant a hackney carriage licence or not.
- 8.10 There are two town centre hackney carriage stands in Sudbury with combined space for up to eight vehicles. The East Street rank is approximately 21.5 metres in length and the Old Market Place rank approximately 20 metres (with double-yellowed lines at both ends which is enforced by the local PCSOs). Both ranks are well used by the mixed fleet of wheelchair accessible vehicles (WAVs), plates 21 and over, and plates 1-20 (non-WAV regular type vehicles). There are another two (side-by-side) rank spaces available at the train station in Sudbury. A table of the current hackney carriage WAVs, dimensions and other information, is attached as Appendix C.
- 8.11 Of the WAV hackney fleet, currently standing at fifteen vehicles, three are now LWB variants over 5 metres in length (being existing plate numbers HC0023, HC0025 and HC0035). The latest LWB vehicle was granted via sub-committee hearing on 04 April 2014 at which time the members on that sub-committee requested that the policy matter be referred back to Regulatory Committee for its further consideration of the wider implications.
- 8.12 Hackney carriage stands are an important feature for the trade and town centre activity generally and there should be frequent consideration of their existence and use. The licensing team is regularly receiving reports/complaints about congestion, town centre traffic flow and business being impeded from accessing the ranks. Complaints have been made via the taxi trade, Police/PCSOs, town council and other sources. Whilst it is not in the gift of the District Council to progress some of the wider traffic management issues it may take steps within the local hackney carriage regime to address or help reduce some of these issues.
- 8.13 Nearly all prospective hackney vehicle operators contact the Licensing Team for a discussion before committing to a purchase or lease agreement (including when changing vehicles not just for new vehicles) and this can help influence shorter-length vehicles being applied for and also allows a discussion about some of the wider issues. However, operators are not compelled to do so and some put in applications for longer vehicle variants with no prior warning. This may also increase the workload of the sub-committee and increase the Council's resources and costs via any legal challenges. There are also risks associated with refusing licences for expensive and high specification vehicles where the relevant businesses start-up, growth or diversification are affected.

## 9. Appendices

Title	Location
(A) Criteria and conditions (hackney carriage and hackney driver) draft revisions / updates	Attached
(B) Reference summary of draft revisions / updates	Attached
(C) Information on current Babergh DC WAV hackney carriage licensed fleet	Attached

## 10. Background Documents

None.

### Authorship:

Lee Carvell  
Corporate Manager – Licensing

01473 825719  
[licensing@babergh.gov.uk](mailto:licensing@babergh.gov.uk)



## **HACKNEY CARRIAGE VEHICLE LICENSING POLICY, CRITERIA AND CONDITIONS OF LICENCE (CONTROLLED ZONE 'ALL OF BABERGH DISTRICT')**

### **General policy information**

- A. The legislation that primarily regulates hackney carriage services is the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976. Local controlled zone policy, criteria and conditions of licence shall be applied alongside the legislation, as may be amended from time to time, and proprietors and drivers should ensure that they are familiar and compliant with all relevant parts of the law and regulation pertaining to their licensed business.
- B. The Council resolved in 2009 to licence a mixed fleet, of standard type vehicles and wheelchair accessible vehicles, with seating for up to 8 passengers. The issue of any plates (from licence plate 21) is subject to enhanced standards for the benefit of the consumer - primarily relating to wheelchair accessibility and the age of a vehicle at initial licence application.
- C. Recognising the investment made in their businesses by plate-holders prior to 2009, plate numbers 1-20 may retain the option of applying for non-wheelchair accessible vehicles. In due course regulations made under the Equality Act 2010 (which repealed the Disability Discrimination Act 1995) may require by law that all Hackney Carriages are to be wheelchair accessible and may set other relevant requirements which are to apply nationally.
- D. There is no statutory requirement for the Council to have a vehicle licensing policy and the Council has wide ranging powers to set local criteria and conditions. The Council has opted to produce a policy statement, criteria and conditions to aid businesses with the Council's expectations, to promote transparency and consistency of decision making and for defending any appeals in a court of law. However, any vehicle proposed for licensing shall be assessed individually and on its merits and any policy does not fetter the discretion of the Council nor does it constitute a rigid rule. Where a delegated officer is not minded to use their power to determine a licence application it shall be referred to a Licensing Sub-Committee for determination on behalf of the Council.
- E. The general minimum requirements which every vehicle is expected to meet before the grant of a licence may be considered are contained within this document. All applicants are strongly encouraged to contact a Licensing Officer regarding the suitability of a particular make, model or specification of vehicle, and advise upon the vehicle's intended use, BEFORE acquiring the vehicle or making any financial commitment.
- F. The number of passengers for which a particular vehicle may be licensed shall be at the discretion of the Licensing Authority having due regard to the recommendations of the vehicle test technician, manufacturer's specifications, V5 registration document, compliance with the following conditions of licence and any other reasonable or relevant factors. Local Councils are obliged to have regard to the intended use of the hackney carriage when determining whether to issue a licence, and this may include where and how the vehicle is to be used. It is the responsibility of the Applicant to directly provide all required information and documentation relating to the vehicle before an application may be considered.

### **1. Definitions**

- 1.1 In these conditions, unless the subject or context otherwise requires, 'the vehicle' means a Hackney Carriage Vehicle licensed under the Town Police Clauses Act 1947 and the Local Government (Miscellaneous Provisions) Act 1976, 'the Proprietor' means the holder of a Hackney Carriage Vehicle Licence and 'the Council' means the Council of the District of Babergh.

### **2. Condition and specification of vehicle**

#### **2.1 (A) For all additional or replacement hackney carriage vehicle licences (from plate number 21 onwards):**

The proprietor shall ensure that the vehicle is:

- (a) a side-loading, wheelchair accessible vehicle which has received European Whole Vehicle Type Approval (ECWVTA) for passenger vehicles (Category M1). This may include, but is not limited to, the following vehicle makes/models:
  - o Peugeot E7, Fiat Scudo, LTI TX4, Mercedes Benz M8 and TW200.

Some variants or conversions of particular vehicles may not be considered suitable for licensing or may require further assessment of intended use and specification.

- (b) no more than four years old since the date of first registration, or ten years old since the date of first registration in respect of a vehicle immediately previously licensed by the Council.

(Note: Applicants should check direct with the vehicle manufacturer to verify whether European Community Whole Vehicle Type Approval is held for a particular make/model).

## **2.1 (B) For hackney carriage vehicle licences (plates 1-20):**

- (a) be no more than seven years old since the date of first registration, or ten years old since the date of first registration in respect of a vehicle immediately previously licensed by the Council.

The Council may, subject to compliance and inspection requirements, disregard these age limits for (i) prestige vehicles in pristine condition (see 2.4 of these conditions) or (ii) vehicles adapted for the carriage of wheelchair users/disabled passengers (see 2.1(A) and 2.3 of this document);

## **2.2 The following terms and conditions apply to all vehicles. The vehicle shall:**

- (a) be of such design to enable any person in the vehicle to communicate with the driver;
- (b) have rear seat accommodation for at least two adult persons;
- (c) be fitted with a roof or covering which can be kept watertight;
- (d) not have any radio microphone, navigation equipment, hands-free mobile telephone or similar device installed in the vehicle in such a position that its use by the driver would impair his control of the vehicle whilst it is in motion;
- (e) be provided with at least four doors where the vehicle is a saloon, estate, purpose-built or similar vehicle, or be provided with at least three doors (not including any rear opening or doors) where the vehicle is a minibus, transit, people carrier or similar vehicle. Doors must allow adequate safe access and egress to and from the vehicle for driver and all passengers;
- (f) contain windows and a means of opening and closing not less than one window on each side;
- (g) be fitted in such a way to enable luggage to be secured safely if the vehicle is so constructed to carry luggage;
- (h) be fitted with front and rear seat restraints in accordance with relevant regulations or any statutory amendment thereto, including the Motor Vehicles (Wearing of Seat Belts) Regulations 1993, as amended by the Motor Vehicle (Wearing of Seat Belts) (Amendment) Regulations 2006 in relation to seating restraints for children. Please refer to **Appendix 1** of these conditions which summarises the relevant provisions in respect of seating restraints for children. No passengers shall be carried in the vehicle in excess of the number of seat restraints available or in breach of these regulations.
- (i) The floor of the vehicle shall be provided with a proper carpet, mat or other suitable covering and shall be kept clean, in good condition and free from obstructions or loose items.
- (j) The fittings and furniture in the vehicle shall be kept in a clean condition, well maintained and in every way fit for public service.
- (k) The vehicle shall be equipped with an efficient fire extinguisher which is of the type currently approved by the Suffolk Chief Fire Officer, for hackney carriage and private hire vehicles, and be carried in such a position so as to be readily available for use, within easy reach from the driver's seat and that the:
  - (i) extinguisher shall be regularly examined, serviced and replaced in accordance with the manufacturers instructions;
  - (ii) operating instructions and precautions printed on the extinguisher shall be read and understood by every person who may drive the vehicle;
  - (iii) extinguisher shall be mounted on a bracket or housing in the vehicle;
  - (iv) fire extinguisher shall be exclusive to the vehicle and so marked.

### **2.3 Vehicles adapted for the carriage of wheelchair users/disabled customers:**

- (a) A vehicle adapted for the carriage of wheelchair users and/or other disabled customers may be proposed for licensing beyond the age restrictions outlined in condition 2.1 above provided that the proprietor shall ensure that:
  - (i) the vehicle, its equipment, fixtures and fittings (internal and external) are kept in a well-maintained condition;
  - (ii) the vehicle is compliant with all applicable construction and use regulations, conditions of licence, guidelines/codes of practice issued by the Department for Transport; and
  - (iii) the vehicle is in every way fit for public service.
- (b) The Council shall assess and determine each such application individually and on its merits. The Council may in particular circumstances require a vehicle test inspection more frequently than once per annum where it is reasonably necessary to ensure the comfort and safety of the travelling public.
- (c) The Council shall not normally licence rear loading wheelchair vehicles, or vehicles which exceed 5 metres (5000mm) in length, as hackney carriages where uses include use of town centre rank spaces (so as to help reduce overcrowding, complaints and congestion due to the limited space and access available). Single-passenger vehicles shall not normally be considered suitable for licensing as hackney carriages (see 2.2(b) above). The Council shall have due regard to the intended use of the hackney carriage when determining whether to issue a licence, and this may include where and how the vehicle is to be used. Applications for replacement vehicles, whether permanent or temporary, shall also be assessed under this criterion.
- (d) The proprietor of the vehicle shall ensure that any driver of the vehicle shall receive adequate training on all aspects of the operation of the vehicle and its equipment, including any lift or ramp, prior to undertaking any bookings. The Council may reasonably require the proprietor to produce written records or evidence to verify details of driver training undertaken.
- (e) Wheelchair accessible vehicles shall be maintained so as configured in accessible vehicle seating configuration at all times whilst available for immediate public hire, including rank based work. Hackney carriages being pre-booked in advance may be configured to non-accessible seating arrangements at the discretion of the proprietor.
- (f) In accordance with section 167 of the Equality Act 2010, the Council maintains a list of wheelchair accessible vehicles which is made available to the public including via the Council's website public register. If a proprietor does not wish their vehicle to be listed for such purposes then they should contact the Licensing Team accordingly.

### **2.4 Prestige vehicles in pristine condition and non-motorised vehicles:**

- (a) A prestige vehicle in pristine condition may be proposed for licensing beyond the age restrictions outlined in condition 2.1(B).
- (b) Judgement of pristine condition is decided by an authorised vehicle test technician in agreement with an authorised Licensing Officer of the Council. An authorised Licensing Officer of the Council shall normally determine whether a particular make/model of vehicle is eligible to be considered as 'prestige' upon enquiry or application. The vehicle may need to be presented to an authorised officer, by prior appointment, for such assessment to be conducted. Examples of luxury or executive type vehicles that may be considered 'prestige' are Mercedes 'C', 'E' or 'S' Class, Jaguar 'XJ' Series, Audi A8, BMW 7 Series and Lexus LS.
- (c) The definition of pristine condition is as follows:

"Such vehicle to be in exceptionally well-maintained condition, the exterior being in near perfect and original condition, with no dents or sign of corrosion, and the paintwork in excellent condition. The interior of the vehicle to be in near perfect and original condition. The upholstery, lining, seats and floor coverings shall be clean with no tears, staining or marks".

- (d) Subject to all applicable terms and conditions outlined in this document, applications for non-motorised vehicle types (i.e. horse-drawn or person-drawn) shall be assessed and determined individually and on merit, including intended use and location. Such vehicles shall not normally be considered suitable for any town centre rank use. Additional or individual requirements and conditions may apply to the grant of such licences, and non-relevant terms and conditions within this document may be disapplied.

### **3. First Aid Equipment**

- 3.1 There shall be provided and maintained in the vehicle, at all times when it is in use or available for hire, a suitable first aid kit containing appropriate first aid dressings and appliances, as identified in **Appendix 2** to these conditions, such equipment to be carried in such a position in the vehicle as to be secure and readily available for immediate use in the event of an emergency.

### **4. Maintenance of Vehicle**

- 4.1 The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements, including in particular those contained in Motor Vehicles (Construction and Use) Regulations, shall be fully complied with.
- 4.2 The vehicle and all its fitting and equipment, including any lift or ramp, shall be maintained and serviced in accordance with the manufacturer's recommendations and any guidance from qualified motor engineers.
- 4.3 The vehicle shall be capable of passing a MoT and meeting the vehicle test standard at all times whilst the licence is in force. Vehicles may be inspected by an authorised officer of the Council at any time, and any vehicle found to be non-compliant with these conditions or unfit for public service in any way may have its licence immediately suspended until such time as any faults or defects are remedied to the reasonable satisfaction of the Council. This may in appropriate circumstances require the vehicle to have a further vehicle test inspection at a Council approved testing station.

### **5. Alteration of Vehicle**

- 5.1 No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made at any time whilst the vehicle licence is in force without the prior written approval of the Council.
- 5.2 The Council will not permit any material alterations or modifications to the vehicle that may cause increased risk to passengers, pedestrians or other road users.

### **6. Insurance documentation**

- 6.1 There shall be a valid policy of motor insurance in place to cover the use of the hackney carriage for public hire at all times during the currency of the vehicle licence, with such cover to comply with the requirements of Part IV of the Road Traffic Act 1988 (as may be amended).
- 6.2 Where the motor insurance policy expires before the expiry date of the vehicle licence, the proprietor of the licensed vehicle shall within 7 days of the expiry of any motor insurance certificate provide the Council with a follow-on certificate confirming continuation of cover.

### **7. Identification Plate**

- 7.1 The plate issued by the Council identifying the vehicle as a hackney carriage shall be securely fixed to the rear exterior of the vehicle in a conspicuous position and in such manner so as to be easily removable by an authorised officer of the Council or Police.

- 7.2 Such plates shall only be removed by an authorised officer of the Council or Police or with the authority of such an officer. Such plates shall specify the maximum number of passengers licensed to be carried in the vehicle (for the avoidance of any doubt a child of any age is counted as one passenger).

## 8. Signs and Notices

- 8.1 No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems, artwork or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provision, required or permitted by these conditions or where prior written consent has been given by the Council. **This condition shall not apply to a sign which:**
- (a) is displayed in, on or from the vehicle while it is stationary;
  - (b) contains no words or numbers other than the name, address and telephone number of an operator of the vehicle or the name under which the business is conducted and its address and telephone number;
  - (c) is displayed in pursuance of a prior arrangement made for the carriage of a passenger or passengers named in the sign.
- 8.2 The proprietor shall cause to be affixed and maintained on the vehicle:
- (a) an external sign on and above the roof of the vehicle showing the word 'TAXI', and the sign may also indicate the proprietor's name and address or the name and address under which he carries on his business. The sign shall be so constructed as to be illuminated when the taximeter is not in use and not to be illuminated when the vehicle is hired and the meter is in use. The sign shall measure no less than 34 inches (86cms) in width and 6 inches (15cms) in height;
  - (b) such insignia as may be determined by the Council to be displayed on the exterior of each of the two front doors of the vehicle.
- 8.3 The proprietor shall display his business or trading name on the vehicle, either on a roof sign or by door advertisements. The telephone number may also be similarly displayed.
- (a) The Council shall assess any requests to display third-party or similar advertising on a licensed hackney carriage on a case-by-case basis. The proprietor of the vehicle shall in all cases await the written approval from the Council prior to the installation of any advertising graphics, wording, pictures, logos etc on the hackney carriage vehicle. Advertising including, implying or suggesting any offensive, misleading, inappropriate, lewd, obscene or other unsuitable wording, pictures, material or design shall be prohibited. Any advertising affecting the safety, comfort or performance of the vehicle, or that presents a distraction or danger to other road users or pedestrians, or obscuring trading name, plates or taxi roof sign, shall also be prohibited.

## 9. Interior Markings

- 9.1 The proprietor shall cause to be clearly marked and maintained inside the vehicle, in such a position so as to be visible at all times to persons conveyed therein, the number of the hackney carriage vehicle licence and the maximum number of passengers prescribed in the licence. This requirement shall be satisfied by means of displaying an interior plate provided by the Council for this purpose.
- 9.2 The proprietor shall ensure that a current statement of fares (fare tariff table) as determined by the Council shall be displayed and maintained on the interior of the front windscreen/dashboard area of the vehicle so that it is visible or available at all times to persons conveyed in the vehicle.
- 9.3 The proprietor shall renew such notices as often as necessary to keep them clearly visible or available.
- 9.4 The proprietor or driver shall not wilfully or negligently cause or suffer the letters or figures in the notices to be concealed or rendered illegible at any time while the vehicle is plying or being used for hire.

## 10. Taximeter

- 10.1 The proprietor shall install a taximeter in the vehicle, which shall be constructed, attached and maintained so as to comply with the following requirements:
- (a) the taximeter shall be accurately calibrated by a competent technician to the maximum fare tariff as set by the Council for the relevant controlled zone, which may vary from time to time, and the vehicle proprietor shall confirm to the Council the name and business address of the technician or supplier who has calibrated the meter before the vehicle is used for public hire;
  - (b) the taximeter shall be so constructed that it is not possible for any persons manually to alter the tariff rate without breaking the seals affixed thereto;
  - (c) the taximeter shall be fitted with a key, flag or other device, the operation of which will bring the machinery of the taximeter into action and cause the word 'hired' to appear on the face of the taximeter;
  - (d) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
  - (e) when the machinery of the taximeter is in action, there shall be recorded in the face thereof in figures clearly legible and free from ambiguity the fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in accordance with the current table of fares;
  - (f) the word 'fare' shall be printed on the face of the taximeter in plain letters so as to clearly apply to the fare recorded thereon;
  - (g) the taximeter shall be so placed that all letters and figures on the face thereof shall be at all times plainly visible to any person being conveyed in the vehicle or for that purpose the letters and figures shall be suitably illuminated during any period of hiring;
  - (h) the taximeter and all the fittings thereof shall be so affixed to the vehicle 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;
  - (i) subject to certain prescribed exceptions, taximeters intended for use for the protection of consumers - which are first placed on the market or put into use on or after the 30th October 2006 - shall be subject to the requirements of The Measuring Instruments (Taximeters) Regulations 2006.

## 11. Fares

- 11.1 The proprietor shall not require for a journey a fare greater than that authorised by the table of fares in force. The customer is entitled to negotiate a lesser fare than the amount shown on the meter for the journey with any lesser fare charged being at the discretion of the vehicle proprietor.
- 11.2 Any use of in vehicle credit or debit card payment facilities system shall be notified to the Council in advance, including the make/model/specification of such equipment or applications. Such equipment or applications shall be securely and diligently operated and maintained by the proprietor in accordance with provider instructions and any relevant code of practice.
- 11.3 In all circumstances the proprietor shall ensure that the vehicle driver is able, immediately at the conclusion of the journey, to give a written or printed receipt to the hirer for the journey.
- 11.4 Any discretionary fee levied from the hirer by the proprietor, within their own policy, for soilage/cleaning or repair charges shall be on display and maintained in the vehicle by means of a legible and visible notice.

## **12. Plying for hire**

- 12.1 A proprietor shall not by calling out or otherwise importune any person to hire his vehicle and shall not make use of the services of any person for such purpose.

## **13. Drivers**

- 13.1 The proprietor shall ensure that every driver employed by him holds a Council issued combined Hackney Carriage/Private Hire Driver's Licence and that the driver is acquainted with, understands and observes the conditions attached to this licence and the statutory provisions relating to the licence.
- 13.2 Drivers of hackney carriages will be subject to separate driver conditions which reflect specific hackney carriage model byelaws adopted by the Council.
- 13.3 Vehicle proprietors are strongly encouraged to take advantage of passenger transport sector training schemes and qualifications now widely available for drivers. It is strongly recommended that all drivers are trained to a pass competency level for the Driving Standards Agency (DSA) Hackney Carriage and Private Hire Driver's Assessment.

## **14. Passengers**

- 14.1 The proprietor shall not convey or permit to be conveyed in the vehicle a greater number of persons than that prescribed in the licence for the vehicle. For the avoidance of any doubt a child of any age is counted as one passenger.
- 14.2 The proprietor shall not without the consent of the hirer of a vehicle convey or permit to be conveyed any other person in that vehicle.

## **15. Lost property**

- 15.1 The proprietor shall daily search his vehicle for any property which may have accidentally been left therein.
- 15.2 The proprietor shall, if any property accidentally left therein by any person who may have been conveyed in the vehicle be found by or handed to him, carry it as soon as possible, and in any event within 24 hours, if no sooner claimed by or on behalf of its owner, to the local Police station and leave it in the custody of an officer of the Police upon his/her giving a receipt for it. The proprietor shall also notify the Council within 24 hours of finding or being handed any such lost property.

## **16. Sub-letting**

- 16.1 The proprietor shall not at any time sub-let the vehicle licence plate. If sub-letting of the vehicle licence plate is discovered, the Council will normally suspend or revoke that licence plate.

## **17. Convictions**

- 17.1 The proprietor shall within seven days disclose to the Council, in writing, details of any conviction imposed on him or, if the proprietor is a company or partnership, on any directors or partners) during the period of the licence.

## **18. Change of address**

- 18.1 The proprietor shall notify the Council in writing of any change of his address (or, if the proprietor is a company or partnership, of any change in address of the company or partnership) within seven days of the change.

## **19. Deposit of driver's licence(s)**

- 19.1 As provided for by Section 48 of the Town Police Clauses Act 1847, if the Proprietor permits or employs any other person to drive the vehicle as a Hackney Carriage or a Private Hire Vehicle, he shall before the person commences to drive the vehicle cause the driver to deliver to him his combined Hackney Carriage/Private Hire Driver's Licence for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of the proprietor.

## **20. Plate removal**

- 20.1 On the failure by a vehicle of an annual test (or such greater frequency as may be determined) carried out by the Council's approved testing station, the proprietor or person having control of the vehicle shall on demand immediately return the licence plate to the Licensing Team at the Council's main address. A daily levy may be imposed for failure to return plates.

## **21. Assistance dogs**

- 21.1 The Equality Act 2010 (which superseded the Disability Discrimination Act 1995 in relation to this matter) requires hackney carriage proprietors to carry guide, hearing and other assistance dogs for disabled passengers and the proprietor must do so at no extra charge.
- 21.2 Exemption from carrying assistance dogs may only be obtained by individual drivers on medical grounds (such as those with severe allergies or asthma). Any driver of the vehicle wishing to apply for exemption on such grounds should contact the Council accordingly.

## **22. Smoking, eating and drinking in licensed vehicles**

- 22.1 In accordance with smoke-free regulations concerning smoking being prohibited in all enclosed or substantially enclosed public spaces, including public transport facilities, smoking shall not be permitted in any licensed vehicle at any time.
- 22.2 The proprietor and driver of the vehicle shall not permit any passenger or other person to smoke in a licensed vehicle.
- 22.3 The driver shall not, unless given the express consent of the hirer, eat or drink in the vehicle. This condition shall not apply to any consumption where there are relevant medical grounds (for example diabetic control). The driver is expected to exercise due care and attention at all times whilst undertaking his duties.

## **23. Tinted windows**

- 23.1 The windscreen and windows of any vehicle shall not be excessively tinted and must comply with relevant regulations. The Road Vehicles (Construction and Use) Regulations 1986 (as amended) specify the legal limits for levels of light that must pass through the windscreen and windows. The light transmitted through the windscreen must be at least 75% and the front side windows must allow a minimum of 70% of light to be transmitted through them.
- 23.2 Where a particular vehicle is fitted with tinted windows as standard specification the applicant should check with the manufacturer/supplier that the vehicle complies with legal limits PRIOR to acquiring the vehicle and applying for a licence.
- 23.3 Opaque or mirrored glass windows shall not be permitted in any circumstances.
- 23.4 The vehicle shall not be modified so as to increase the level of tinting and reduce the light transmission percentage beyond the manufacturer's original specification.

## 24. Trailers

- 24.1 Trailers may only be used with the prior written approval of the Council. The proprietor may be required to purchase, at additional separate fee, an additional licence plate to ensure that the vehicle licence plate is not obscured.
- 24.2 The trailer must at all times comply with any applicable Road Traffic legislation, and in particular the Road Vehicles (Construction and Use) Regulations 1986 as amended. The trailer shall be adequately secured, lidded or covered whilst in use.
- 24.3 The proprietor shall ensure that appropriate vehicle insurance cover is effective to cover the use of the trailer. Evidence of valid insurance should be forwarded to the Council.

## 25. Accidents

- 25.1 The proprietor of a hackney carriage vehicle shall report to the Council as soon as reasonably practicable, and in any case within 72 hours of the occurrence thereof, any accident involving the hackney carriage vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. Failure to report an accident to the Local Authority is an offence under section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976.

## 26. Radio equipment and Scanners

- 26.1 Any two-way radio communications equipment used must be of such type as approved by OFCOM (or any successor agency), and must be fitted securely and safely in the vehicle in accordance with any guidelines published by OFCOM (or any successor agency).
- 26.2 Vehicles are not permitted to carry radio scanners.

## 27. Security / CCTV in licensed vehicles

- 27.1 Where a proprietor feels it necessary to consider installation of security measures in a licensed vehicle, for example such as screening between driver and passengers or CCTV, he must provide full details to the Council in writing and await written approval of the Council prior to installing any such equipment or devices.
- 27.2 The Council shall view each such proposal individually and on merit and will carefully assess whether such installation will impede the ability of passengers to communicate with the driver or conflict with any other conditions of licence. Any approved use may be subject to additional vehicle licence conditions and compliance with data protection legislation and codes of practice.
- 27.3 Licensed taxi and private hire operators make an important and valued contribution to a safe and vibrant night time economy. The Council encourages the Hackney Carriage and Private Hire trade to build good links with the local Police, including contributing to any Crime and Disorder Reduction Partnerships or similar groups.

**NOTE:** The Corporate Manager Licensing administers and controls Hackney Carriage and Private Hire licensing on behalf of the Council as delegated by the Head of Environment. Any matters or queries relating to these conditions should be addressed to him at Babergh District Council, Environment Division, Corks Lane, Hadleigh, IPSWICH, Suffolk IP7 6SJ.

The Council reserves the right to make revisions or amendments to these conditions without prior notice should circumstances require it (following for example any relevant case law, government best practice guidance or legislative/local changes).

## APPENDIX 1 - CHILD SEATING RESTRAINTS

New rules came into force on **18 September 2006** requiring children who are passengers in vehicles to use a child seating restraint.

This table is a summary of these new rules for cars, vans and goods vehicles. There are certain exemptions that may apply in a licensed hackney carriage or private hire vehicle:

	Front seat	Rear seat	Who is responsible?
Child up to 3 years old	<b>Correct child restraint MUST be used</b>	<b>Correct child restraint MUST be used</b>  <b>If a restraint is not available in a licensed taxi/private hire vehicle, the child may travel unrestrained.</b>	Driver
Child from 3rd birthday up to 135cms in height (approx 4' 5") (or 12th birthday whichever they reach first)	<b>Correct child restraint MUST be used</b>	Where <b>seat belts are fitted, the correct child restraint MUST be used. The child must use adult belt if the correct child restraint is not available as follows:</b>  <ul style="list-style-type: none"> <li>- in a licensed taxi or private hire vehicle;</li> <li>or</li> <li>- for a short distance in an unexpected necessity; or</li> <li>- two occupied child restraints prevent fitment of a third.</li> </ul> <b>A child 3 years and over may travel unrestrained in the rear seat of a vehicle if seat belts are not fitted in the rear.</b>	Driver
Child over 1.35 metres (approx 4' 5") in height or 12 or 13 years old	<b>Seat belt MUST be worn if available.</b>	<b>Seat belt MUST be worn if available.</b>	Driver
Passengers aged 14 years old and over	<b>Seat belt MUST be worn if available.</b>	<b>Seat belt MUST be worn if available.</b>	Passenger

In almost all cases, every child up to 135cms (4' 5") or the age of 12 (whichever is reached first) must use a child restraint **and** drivers may not carry children as passengers just in seat belts.

Rear-facing baby seats **MUST NOT** be used in a seat protected by a front air-bag unless the air-bag has been deactivated manually or automatically.

## APPENDIX 2 - FIRST AID KIT REQUIREMENTS

This schedule of conditions of licence relating to private hire vehicles requires that the vehicle is provided with a first aid kit containing appropriate first aid dressings and appliances. In accordance with the guidelines of the Employment Medical Advisory Service of the Health and Safety Executive, the Council requires that the first aid kit to be provided in each vehicle should comprise:

ITEM	MAXIMUM NUMBER OF OCCUPANTS PER VEHICLE (inclusive of driver and licensed passenger capacity)	
	<u>1 to 5</u>	<u>6 to 9</u>
Individually wrapped sterile adhesive dressings.	10	20
Sterile eye pads, with attachment: an example of a suitable eye pad currently available would be the Standard Dressing No. 16 BPC.	1	2
Triangular bandages (if possible, sterile).	1	2
Sterile coverings for serious wounds (if triangular bandages not sterile).	1	2
Safety Pins.	6	6
Medium sized sterile unmedicated dressings approx. 10cm x 8cm: examples of suitable dressings currently available are the Standard Dressings No. 8 and 13 BPC.	3	6
Large sterile unmedicated dressings approx. 13cm x 9cm: examples of suitable dressings currently available are the Standard Dressings No. 9 and No. 14 BPC and the Ambulance Dressing No. 1.	1	2
Extra large sterile unmedicated dressings approx. 28cm x 17.5cm: an example of a suitable dressing currently available would be the Ambulance Dressing No. 3	1	2
Sterile water or sterile normal saline in a disposal container, holding at least 300ml. needs to be kept near the first-aid box. At least these numbers of containers should be kept.	1	1

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## SUMMARY OF POSSIBLE POLICY, CRITERIA AND CONDITIONS REVISIONS

## APPENDIX B

REFERENCE	DETAIL	REASONING / OUTCOME
Renumbering of content	Throughout the document	Ease of reference/clarity
General policy information	Updated A to F. Legislation and local scheme general background references identifying previous key decisions including mixed fleet. Clarity about the Council's expectation for engagement over vehicle proposals and that it is an each on merit consideration.	Clarity/transparency around Council's expectations. Compliance may reduce areas of potential dispute, committee work and challenge
2.1(A)	Expansion to reference 'additional or replacement' for plates 21+ rather than just 'new'	Update for clarity since last policy revision 2009
2.1(A)(a)	Additional reference to Fiat Scudo (popular in the district) and that some vehicle variants may not be suitable or may require further assessment including use.	Clarity/transparency around Council's expectations
2.3(c)	This element is a key local scheme consideration for this Committee. Additional firmer policy statement that longer vehicles (now defined as 5m or longer) will not generally be considered suitable for town centre rank work. Also a reference that this criteria applies to <i>replacement</i> vehicles - potentially removing like-for-like LWB replacements.	Responsive policy consideration to reported issues and recent individual hearing case on 04 April 2014 for another long wheel base rank use vehicle of length 5.13 meters
2.3(d)	Good practice expansion for the proprietor to maintain and be able to produce driver training records.	Strengthens the ability of the LA to ensure that drivers are trained on use of the vehicle (wheelchair anchors, assistance dogs, securing luggage/prams etc).
2.3(e)	New formal requirement for the vehicle to be maintained in the accessible configuration for immediate public hirings.	Responsive update to enquiries received by the Licensing Team. Greater clarity beneficial to mitigate operator/public queries on this point. Helps a level playing field
2.3(f)	New update on one of the few active elements of the Equality Act 2010 affecting taxi/private hire licensing.	Legislative update since last policy revision
2.4(d)	Slight expansion to clarify that non-motorised vehicles will normally not be considered suitable for rank based work.	Transparency of expectation. Doesn't fetter discretion for such vehicles used elsewhere – an each on merit consideration
9.2	Slight expansion to reference fare tariff being 'available' (in the event it is not practical in some vehicles to display the full tariff table)	Business flexibility to operator. Transparency for consumer.

10.1(a)	New update to clarify it is the responsibility of the operator to source a competent technician and advise the Council of details	Resource saving for LA. Consumer benefit
11.1	Expansion to identify clearer that customers may negotiate a lower fare than that shown on the meter	Consumer benefit. Clarity for proprietor
11.2	Responsive update to clarify the expectation in relation to use of payment card readers or smart-phone applications	Consumer benefit. Responsive update
11.3	Responsive update to ensure that the customer can be given a receipt at the end of the journey	Consumer benefit. Responsive update
11.4	Responsive update to help avoiding disputes between drivers and passengers (sickness, spillages etc.) where the vehicle may not be available again for immediate hire until cleaned/repaired	Consumer and operator benefit
13.2	Addition to clarify that some of the driver conditions relevant to hackney carriage drivers are based on model byelaws	Contextual reference update
13.3	Good practice expansion for the proprietor to ensure drivers are trained to an appropriate standard (this can also reduce their insurance premiums)	Consumer and operator benefits
20.1	Slight expansion to clarify that the legislation permits a daily levy/fine for failure to not return expired or withdrawn licence plates (£10 per day)	Transparency and supports the LA levying if so required
21.1	Consequential update to reference the DDA1995 being superseded by the Equality Act 2010 on assistance dogs requirements	Legislative update since last policy revision
24.1	Responsive update for clarity that the proprietor may need to purchase a further plate to ensure trailer not obscuring licence plate	Compliance update for clarity
24.3	More explicit requirement for proprietors to provide evidence of insurance cover for trailers	LA resource saving. Compliance update
27.3	Slight expansion recognising the contribution made by taxi and private hire operators to a safe and vibrant NTE	Consumer and operator benefit

**BABERGH DISTRICT CONTROLLED ZONE - WHEELCHAIR ACCESSIBLE HACKNEY CARRIAGES**


HCV Plate	 Make / model / variant	Operator   Reg	SWB length (mm)	LWB length (mm)	Licensed since	Days licensed
21	Peugeot E7 Expert (awaiting replacement)	Manor   YA06 RTA	4813		01/04/2009	1861
22	Fiat Scudo	A to B   SC09 WFZ	4805		21/07/2009	1750
23	Peugeot Expert E7 LWB Taxi MPV	Elite   SF59 JCU		5143	24/11/2009	1624
24	Peugeot E7 XS SWB Taxi MPV	SCC   SF60HHW	4813		29/04/2011	1103
25	Peugeot Expert E7 Taxi MPV	Femme   SH08 MKF		5135	05/10/2011	944
26	Peugeot Expert SWB E7 Taxi MPV	Angel   SF61 HGP	4813		07/01/2012	850
27	Peugeot Expert E7 Taxi MPV	Village Cars   SF59 LLO	4813		22/08/2012	622
28	Peugeot EUBUS SW MPV	Femme   SF62 AYE	4805		29/09/2012	584
29	Peugeot Expert E7 Taxi MPV	Manor   SF10 BLN	4813		15/09/2012	598
30	Peugeot Expert E7 Taxi MPV	Manor   SF10 BLK	4813		15/09/2012	598
31	Fiat Scudo	AAA   SF31 VRG	4805		08/03/2013	424
32	Fiat Scudo	AAA   SF31 VRO	4805		08/03/2013	424
33	Fiat Scudo	AAA   SB13 PYL	4805		03/07/2013	307
34	Peugeot Euro Taxi SWB Taxi MPV	BMF   SC63 YGL	4813		31/01/2014	95
35	Peugeot Expert E7 LWB	Femme   SF14 AAN		5135	04/04/2014	32
					Date:	06/05/2014