

# APPENDIX D

## HACKNEY CARRIAGE CONDITIONS OF LICENCE

These conditions are attached to the licenses issued by The Borough Council of Newcastle-under-Lyme under sections 47 of the Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act").

The Borough Council of Newcastle-under-Lyme has carefully considered the following conditions and has decided that they are reasonably necessary.

**The licence holder (the owner of the vehicle) must meet all the conditions of this licence. Breach of these conditions may lead to the immediate suspension of the vehicle and consideration of revocation of the licence or prosecution.**

The Conditions attached to the licence are as follows:

### Notification

1. Change of Address - The proprietor of the vehicle ("the owner") must notify the Licensing Administration Team in writing at The Borough Council of Newcastle-under-Lyme ("the Council") within 72 hours of his/her change of address.
2. Identification – The owner must inform the Council in writing of which form of identification on the vehicle he/she wishes to adopt (see condition 22).
3. Accident damage – The owner must report any accident damage to the Council within 72 hours in writing and must be repaired as soon as possible.
4. Transfer of ownership – The owner must inform the Council within 14 days in writing if s/he transfers part or all of her/his interest in the vehicle to any other person.
5. The proprietor must give notice to the Council when any changes are made as to driver of the vehicle
6. Where the licence holder amends or changes their insurance policy for the vehicle they are driving then they must produce their amended/new insurance certificate to the Council Licensing department with 7 days.
7. Where the licence holder changes the operator that they work for they must notify the Council in writing within 7 days of that change with details of which operator they work for.

### Vehicle Condition and Maintenance

8. Safety and good order – The vehicle must be maintained in a safe, comfortable, clean and tidy condition at all times.
9. Maintenance programme – The owner/driver must at all times ensure that the vehicle is properly and regularly maintained. The owner must have in place a programme to ensure that vehicles are inspected regularly, record this in writing and retain for a period of 12 months. The programme and vehicle history must be submitted to the Council on request and must include details of how often the vehicle is inspected, serviced and what checks are carried out.
10. Advisory Work notified during Testing – The Council's garage may, while not failing the vehicle, give advice that further works are recommended to ensure that the vehicle

complies with these conditions. The Council expects that the owner of the vehicle will take account of these advisories and incorporate any recommendations into the maintenance programme required in condition 9 above.

11. Appearance of vehicle – all paintwork shall be maintained to a high standard and be free from dents, scratches and rust other than can be attributed to general wear and tear in the life of a licensed vehicle.
12. Seats - The seats of the vehicle must be properly cushioned and covered.
13. Floor – The floor of the vehicle must be provided with a properly fitted carpet, mat or other suitable covering.
14. Luggage – There must be means of carrying and securing luggage in the rear of the vehicle.
15. Spare Tyre – There must be, in or on the vehicle, a full size spare wheel or space saver design wheel and the tools to change a wheel OR an emergency puncture repair kit OR carry details of their current a contract with a mobile tyre replacement specialist. In any event where a spare wheel or puncture repair kit has been used, it is only to permit the current fare to be completed and any defective wheel must be replaced before taking another fare to ensure passenger safety
16. Safety equipment – The vehicle must carry at all times a suitable and efficient fire extinguisher and a suitable first aid kit that is marked with the registration number of the vehicle. These must be readily available to the driver. The First Aid Kit must meet the British Standard BS 8599 1 and the Fire Extinguisher may be dry powder or CO2 but must meet the British Standard EN 3-10:2009
17. Vehicle Idling - That when the vehicle is parked on the highway or in a public place during the course of their duties that the engine must be kept from idling at any time, unless there is a mitigating reason to. Drivers must turn off the engine when requested by an Authorised Officer of the Council.

#### **Alteration to vehicle**

18. No material alteration or change in the specification, design, condition or appearance of the vehicle (including its colour) shall be made without prior consent of the Council.
19. If the vehicle has CCTV fitted then the proprietor must inform the Council in writing within 7 days. The footage must be made available to authorised officers of the Council within 72 hours and the footage must be kept for a period not less than 14 days of recording. If CCTV is fitted then the proprietor must ensure that there is signage displayed notifying customers

#### **Signs and notices**

20. Licence plate – The Council will issue to each licensed vehicle two white “licence plates” particular to the vehicle, one rectangular plate to be affixed securely to the exterior of the front and one square plate to be affixed securely to the exterior of the rear of the vehicle. The licence plates for the vehicle must be displayed at all times in a clearly visible place and maintained in good order. The plate must not at any time be wholly or partially concealed from view.
21. The Council plates shall be fitted securely to the exterior of the vehicle using a bracket provided by the Council and fixed directly to the body work of the vehicle. Magnetic fixings are not permitted.
22. All parts of the licence plate remain the property of the Council and must be returned to the Council on expiry.

23. The vehicle must, at all times, have the white stripe identifying the vehicle as a Hackney Carriage permanently affixed to the exterior, in line with the vehicle licensing specifications. Magnetic stripes are not permitted.
24. The vehicle must, at all times, display the Council set tariff sheet on the dashboard of the vehicle or in a suitable location visible to all passengers.
25. Identification Sticker – The Council will issue a white “identification sticker” or “internal plate” particular to the vehicle. Such sticker/plate must be displayed at all times in a clearly visible place in the front of the vehicle in a location visible to all passengers. The sticker must not at any time be wholly or partially concealed from view.
26. Further signs required by the Council – Each vehicle must display such notices as the Council reasonably requires and in the manner the Council prescribes. This includes the requirement to display signs, issued by the Council, on both rear passenger doors stating that vehicle is licensed as a Hackney Carriage by the Council as detailed in **Appendix L**
27. Roof sign – The vehicle must have a roof sign; that bears one of “for hire” or “taxi”. All parts of the sign must be clearly legible from a reasonable distance. The sign must be approved by the Council before use.
28. Door Signs – Where the owner chooses to adopt door signs the form, location and wording must be approved by the Council. It must have the name of the operator or proprietor. The Operator or proprietor may include their telephone number. It may have one of “for hire” or “taxi” but must not have the words “private hire” on the livery. All parts of the sign must be clearly legible from a reasonable distance.
29. Advertisements - The owner must not display any advertisements on or in the vehicle
30. No Smoking Signs – All vehicles must display a reasonable amount of no-smoking signs in the interior of the vehicle so as to be visible to all passengers.
31. Other signs – No other sign, notice, advertisement, inappropriate material, marks, or letters may be displayed on or in the vehicle (other than in accordance with the other conditions detailed above) unless the Council approves such markings or it is required under relevant legislation.
32. Taxi meter for hackney carriages – any hackney carriage must be fitted with a taximeter and this must be well maintained and clearly visible at all times. The meter must be set in accordance with the hackney carriage fare table approved by the Council and the fare table displayed prominently within the hackney carriage. The fare charged when the meter is used must be no more than that permitted by the approved tariff.

### **Insurance**

33. The owner must at all times ensure that there is in force in relation to the use of the vehicle as a Hackney Carriage vehicle a policy of insurance as complies with the requirements of part VI of the Road Traffic Act 1988. Where possible the Council recommends that owners purchase a fully comprehensive insurance policy.

### **Vehicle Tests**

34. MOT - The owner must at all times ensure that there is a valid MOT test certificate in force.
35. Requirement to attend vehicle test – The owner must, if requested, present the vehicle at such place and at such time as the Council may require in order for it to be tested as to whether it is suitable to be licensed as a Hackney Carriage vehicle.

36. Number of passengers – The driver must not allow the Hackney Carriage vehicle to be used for more than the number of passengers the vehicle is licensed to carry.

### **Animals**

37. No animal belonging to the proprietor or driver of the vehicle shall be conveyed in the vehicle.
38. The driver may carry any animal belonging to a passenger at his/her own discretion and it is the responsibility of the driver to ensure that the animal is suitably restrained in order that it will not cause a distraction, or cause injury to you or themselves if you have to stop quickly. N.B. if you are carrying an animal in the front of the vehicle, your vehicle has an airbag and it is not lying in the footwell you must notify the owner.
39. Paragraph 38 does not in any way remove or reduce the duty placed on the driver of the hackney carriage vehicle to carry assistance dogs in the passenger compartment with the dogs' owner under s168 Equality Act 2010 without charge unless the driver has a valid exemption certificate issue by this authority under s169. When plying for hire or attending a booked fare and the passenger has an assistance dog with them the driver must stop to carry them. Failure to do so will be treated as an illegal refusal.

**The licence holder must meet all the conditions of this licence. Breach of these conditions may lead to the immediate suspension of the vehicle and consideration of revocation of the licence or prosecution.**

### **I acknowledge receipt of these conditions**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Printed: \_\_\_\_\_

**PLEASE NOTE THAT SHOULD YOU FEEL AGGRIEVED BY ANY OF THE CONDITIONS SET OUT ABOVE THEN YOU HAVE A RIGHT OF APPEAL TO THE MAGISTRATES COURT WITHIN 21 DAYS FROM THE DATE WHEN THE LICENCE IS ISSUED. YOU ALSO HAVE A RIGHT OF APPEAL TO THE MAGISTRATES COURT AGAINST REFUSAL TO ISSUE A LICENCE WITHIN 21 DAYS FROM REFUSAL.**

### **ADDITIONAL CONDITIONS APPLICABLE TO THE USE OF TRAILERS**

1. Any driver using a trailer must ensure they hold the appropriate DVLA (or equivalent) driving licence.
2. The use of trailers is only permitted for vehicles of the multi-passenger type (more than 4 passenger seats) and on pre-arranged journeys where passenger's luggage cannot be safely accommodated within the vehicle.
3. The licensed towing vehicle's insurance must cover the towing of a trailer.
4. Trailers must not be left unattended anywhere on the highway.
5. The speed restrictions applicable to trailers must be observed at all times.
6. A spare wheel for the trailer and adequate tools to change a wheel must be carried at all times by a licensed vehicle whilst towing a trailer.
7. The towing of a trailer by a licensed vehicle shall only permit the conveyance of luggage and belongings owned by a passenger whilst the vehicle is hired by a passenger within the vehicle, and immediately before and after the journey on the way to and from the booking.
8. The owner of the trailer must carry out periodic checks of the vehicle and be able to provide a written history of the checks and any maintenance that have been carried out,

9. The trailer must at all times comply with all Road Traffic legislation requirements, in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986.
10. The trailer shall not display any form of sign or advertisement not required or approved by the Council or Road Traffic legislation
11. The trailer must display a duplicate of the rear licence plate affixed to the vehicle. The proprietor must inform the Council that they use a trailer and pay an additional fee for the duplicate plate.