

HACKNEY CARRIAGE LICENCE POLICY AND CONDITIONS

From ~~19 September 2013~~XXXXXX



Commented [BP1]: Date to be confirmed when presented to committee

1. APPLICATIONS

- 1.1 Before a licence is granted in respect of a hackney carriage, a requisition for the same, in such form as the licensing authority from time to time provide for the purpose, shall be made and signed by the licence holder or one of the licence holders of the hackney carriage and in every such requisition shall be truly stated the name and surname and place of abode of the person(s) applying for such licence, and of every licence holder or part licence holder of such carriage, or person concerned, either solely or in partnership with any other person, in the keeping, employing or letting to hire of such carriage. In the case of a Limited Company the requisition shall be signed by the Secretary and all Directors of such Company shall be named.

2. GENERAL

- 2.1 Operators of licensed hackney carriages shall comply with all the requirements of the Town Police Clauses Act 1847 and any byelaw made thereunder, of the Local Government (Miscellaneous Provisions) Act 1976, Part II, and any other local or general legislation regarding the use of motor vehicles.

2.2 Interpretation

- 2.2.1 In this licence and in this document, unless the subject or context otherwise requires: -

2.2.2 "authorised officer" means any officer of the Council authorised in writing in accordance with the Council's scheme of delegations by the Head of Legal and Democratic Services for the purposes of the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976;

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2.2.3 "the Council" means Southampton City Council;

2.2.4 "hackney carriage" has the same meaning as in the Town Police Clauses Act 1847;

2.2.5 "licence plate" means the plate issued by the Council for the purpose of identifying the vehicle as a hackney carriage duly licensed to ply for hire by the Council;

2.2.6 "licence holder" includes a part-licence holder and, in relation to a vehicle which is the subject of a hiring agreement or a hire purchase agreement, means the person in possession of the vehicle.

2.3 Duration of Licence

2.3.1 Each licence shall expire on the date shown in the licence as the expiry date, not being more than one year from the date of issue. ~~(For a period of six months or less of any current licensing year half the licence fee will be payable);~~

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2.3.2 The licence holder shall observe and carry out the following terms and conditions:
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3. TYPE OF VEHICLE

- 3.1 General conditions covering all types of vehicles that are licensable as hackney carriages are set out in 3.2 and 3.3 below.

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- 3.2 The vehicle to be licensed, of whatever type shall, subject to what is to follow and other conditions mentioned herein must be suitable in size, type and design for use as a hackney carriage to the satisfaction of the Council.
- 3.3 Without prejudice to the generality of 3.2 above, the vehicle shall,
- 3.3.1 ~~have an engine producing 68 bhp, or greater; having an engine producing 50 kW, or greater~~
- 3.3.2 have a rear seat with a width of no less than 1220 mm (measured at its leading edge) and must be of a bench seat type, without an arm rest, and in the case of a mini bus, have a minimum seat width of 407 mm per person;
- 3.3.3 shall carry not less than four passengers;
- 3.3.4 have rear headroom that is adequate for passengers to sit comfortably and in any event, the distance from the squab to the headlining, as measured at the squab's central point (from side to side) at the point where it meets the headlining, and then measured vertically to the headlining, shall be no less than 840 mm;
- 3.3.5 be of right hand drive; and
- 3.3.6 shall be fitted with sufficient and suitable seat belts for every person who may be carried in the licensed vehicle, pursuant to condition 16;
- 3.3.7 in the case of estate cars, the space between the top edge of the rear seat and the roof of the vehicle, must be fitted with a grille to ensure the safety of passengers from possible displacement of luggage;
- 3.3.8 must at all times be in and maintained to standards that meet the then current requirements of the Council, and must be in a clean, safe and comfortable condition for the carriage of passengers.
- 3.4 Without prejudice to 3.2 and 3.3 above, and any other general requirement or condition, herein, or from time to time made by this Council, any hackney carriage to be licensed as such must also comply with the requirements within one or the other of the following Categories (according to vehicle type) in order to qualify for licensing. The Categories are as follows:
- 3.4.1 ~~Category A - This Category shall include any vehicle otherwise licensable as a hackney carriage by this Council, other than Category B vehicles, subject to any other requirement or condition herein, or from time to time made by this Council and would satisfy the Council's reasonable requirement as to suitability, that are:~~ Category A – This Category shall include any vehicle otherwise licensable as a hackney carriage by this Council, other than Category B vehicles, subject to any other requirement or condition herein, or from time to time made by this Council and would satisfy the Council's reasonable requirement as to suitability, that are either:
- ~~Specifically designed and manufactured for hackney carriage operation~~
- ~~or~~
- ~~purpose adapted or converted by manufacturers, or those professionally engaged in adaptation or conversion, that are "M1" certified after adaptation or conversion and are wheelchair accessible to a person who wishes to remain in his or her wheelchair during the journey, including entry and exit from the vehicle~~
- ~~or~~

Commented [BP4]: A more modern reference and caters for electric vehicles

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~~• A purpose built full hybrid, or plug-in hybrid with a minimum range of 16km using battery power only or, full electric with a minimum range of 112km.~~

- ~~3.4.1.1 specifically designed and manufactured for hackney carriage operation; or~~
- ~~3.4.1.2 purpose adapted or converted by manufacturers, or those professionally engaged in adaptation or conversion, that are "M1" certified after adaptation or conversion and are wheelchair accessible to a person who wishes to remain in his or her wheelchair during the journey, including entry and exit from the vehicle.~~
- 3.4.2 **Category B** - This Category shall include any vehicle otherwise licensable as a hackney carriage (other than a Category A vehicle) under the various conditions imposed by this Council.

4. **AGE OF VEHICLE**

- 4.1 No Category A vehicle will be licensed (or relicensed by way of renewal) as a hackney carriage which was first registered under the Vehicles (Excise) Acts of 1949, 1971, or successor legislation, more than twelve years before the date of the commencement of the licence.
- 4.2 No Category B vehicle will be licensed (or relicensed by way of renewal) as a hackney carriage which was first registered under the Vehicles (Excise) Acts of 1949, 1971, or successor legislation, more than nine years before the date of the commencement of the licence.

5. **COLOUR OF VEHICLE**

- 5.1 The bodywork of all hackney carriages (subject to other conditions herein) shall be white. Standard production components etc fitted by the manufacturer in the course of production, which are not white, will be exempted from this requirement.

6 **ADVERTISEMENTS**

- 6.1 No advertisement, sign, notice, mark, illumination or other feature, other than as required by law or permitted by these conditions shall be placed on the exterior of any licensed hackney carriage including the windows.
- 6.2 Advertising, including third party products and services, etc. shall be permitted (subject to conditions and law) on any part of the body of the licensed vehicle. Windows are also excluded from this permission, ~~subject to 7.15 below.~~
- 6.3 All such advertising as mentioned below may only be displayed after consultation with the Head of Legal and Democratic Services, who may grant permission, if satisfied that, all the criteria are met, but otherwise, will refer the decision to the appropriate Sub-Committee following approval by the Service Manager for Licensing.
- 6.4 Consultation will include:
 - 6.4.1 ~~Initial approach to the Head of Legal and Democratic Services by the proprietor or operator with proposals for the style, content and materials to be used. Sight of proposed artwork would be preferred. UNDER NO CIRCUMSTANCES MUST A VEHICLE DISPLAY ANY ADVERTISEMENT OR MARK BEFORE FORMAL PROVISIONAL APPROVAL IS OBTAINED~~

Commented [BP5]: To encourage use of cleaner vehicles this change will extend the life of a hybrid or electric vehicle to that of a wheel chair accessible vehicle, currently 12 years.

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- 6.4.2 Provisional approval will be given, when the Head of Legal and Democratic Services is satisfied that the criteria and requirements set out below are met by the proposals.
- 6.4.3 ~~Following completion of advertising, the vehicle will be inspected by the Head of Legal and Democratic Services and if satisfied that all criteria and requirements are met will give formal final written approval.~~
- 6.45 At all stages prior to ~~final written~~ approval the proprietor or operator will accept the risk involved in not meeting these criteria or requirements.
- 6.56 The power to give ~~final approval~~ will be delegated to the ~~Head of Legal and Democratic Service Manager for Licensing Services but a refusal of approval can only be given by the appropriate Sub-Committee.~~
- 6.67 All advertising is to be completed to a professional standard and quality.
- 6.78 This advertising may promote the proprietor or operator of the licensed vehicle or a trade, business, goods or services of a third party.
- 6.89 The white body colour shall predominate, as referred to below, over any other sign, notice, mark, illumination or other feature whatsoever. The white body colour shall cover no less than 65% of the total area of the vehicle's body, after the advertising area has been allowed for. The window area and any manufacturers' standard components that may not be white on a white car, such as bumpers, shall be excluded from the calculation.
- 6.9.1 ~~A certificate produced by the Head of Neighbourhood Services to the Head of Legal and Democratic Services shall be conclusive as to compliance with the 65% white requirement referred to above.~~
- 7. ADVERTISEMENT CONTENT**
- 7.1 All advertisements must comply with the British Code of Advertising Practice and it is the responsibility of the agency or individual seeking the Licensing Authority's approval to ensure that they do so.
- 7.2 Each proposal is considered on its merits, but the following advertisements WILL NOT BE APPROVED, always subject to the provisions of the Human Rights Act 1998 and any other law.
- 7.2.1 those with political, ethnic, religious, sexual or controversial texts
- 7.2.2 those for escort agencies, gaming establishments or massage parlours
- 7.2.3 those displaying nude or semi-nude figures
- 7.2.4 those likely to offend public taste.
- 7.2.5 those which seek to advertise more than one company/service or product
- 7.2.6 those which promote the sale or consumption of tobacco products or cigarettes.
- 7.3 The ~~Head of Legal and Democratic Services~~Service Manager for Licensing will be delegated to give approval of matters in 7.11 above, but a refusal of approval can only be given by the appropriate Sub-Committee.
- 7.4 It is the proprietor's responsibility, as part of the contract entered into when commissioning any exterior advertising of the foregoing nature, to ensure that, at the completion of the contract, or upon the vehicle ceasing to be a licensed hackney carriage, a re-spray to the vehicles original manufacturer's colour is included.

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- 7.5 ~~The prohibition contained in 6.1 shall not extend to or prevent the display of an advertisement for Computer Cab Co. Ltd in the form of a window mounted sticker with the sign "CAB CHARGE" thereon provided that its size does not exceed 200 mm in width and 65 mm in height and further provided that it is only fixed to the top centre of the front windscreen in such a position as not to obscure the view of the driver in any way.~~

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8 "TAXI" SIGN

- 8.1 All hackney carriages shall exhibit a TAXI sign on the roof (subject to these conditions) as approved by the Council. This shall be capable of being illuminated at night. No other form of lighting shall be displayed on the vehicle save those required by law.
- 8.2 Category A vehicles not having an integral or otherwise factory fitted TAXI sign mounted on its roof similar in size and design to that fitted to London-style purpose built vehicles, and all Category B vehicles shall display a full-width illuminated roof sign.
- 8.3 The sign will be 900 mm wide and 170 mm high, measured from the centre point of the sign to the top, with a depth of approximately 170 mm. The front of the sign will show the word "TAXI" centrally placed in lettering 83 mm x 460 mm width (in black) above will show the words "CITY OF SOUTHAMPTON" 35 mm height x 460 mm width (in blue). The City Council "Bargate" logo will also appear either side of the word "TAXI" and will be 90 mm in height x 130 mm in width in size and in blue, the lettering will be colour black, and the logo will be prefixed by the words "LICENSED BY" colour white, contained in a black box, text width 130 mm. The front of the sign will be white.
- 8.4 The rear of the sign shall be the same as the front save some dimensions will differ slightly and the background will be white as in the front but will appear red when illuminated. The rear of the sign will show the word "TAXI" centrally placed in lettering 55 mm in height x 460 mm in width (in black), above will appear the words "CITY OF SOUTHAMPTON" 35 mm in height x 460 mm in width (in blue). The City Council "Bargate" logo will also appear either side of the word "TAXI" and will be 75 mm in height x 110 mm in width, colour blue, the lettering will be colour black and the logo will be prefixed by the words "LICENSED BY", colour white, contained in a box, text width 110 mm. The owner of the vehicle may display his/her name and telephone number, or that of the operator, under the word "TAXI" and City logos, in black lettering no higher than 30 mm in height and no wider than 800 mm in width.
- 8.5 The sides of the sign will be left blank other than for the hackney carriage plate number in black on a white background in numbers which will fit a space no larger than 70 mm in height and 90 mm in width.

9. IDENTIFICATION

- 9.1 A Category A vehicle, which is not required under these conditions to carry a full-width roof sign, shall display a "taxi" sticker on each side of the vehicle above the rear doors or windows.
- 9.2 The "taxi" stickers shall be to the satisfaction of the City Council and shall be 100 mm in height by 500 mm in width on a white background. The stickers shall comprise the City "Bargate" logo in blue to the left and the words "LICENSED" "SOUTHAMPTON" and "NUMBER" in lettering not less than 14 mm in height across the top of the sticker to the right of the Bargate logo.

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Below these words will appear "TAXI" in bold black upper case lettering not less than 273 mm in total width and 54 mm in height and the number of the licence of the licensed hackney carriage in black numerals being not less than 45 mm in height.

10. LICENCE PLATE

10.1 The licence plate shall be securely fixed in a position at the rear of the hackney carriage to the satisfaction of the Council.

11. RETURN OF LICENCE PLATE

11.1 Licence plates remain the property of the Council and, on revocation, expiry or suspension of the licence, must be returned within seven days after the service on the licence holder by the Council of a notice requiring its return.

12. TAXIMETERS

12.1 An accurate electronic taximeter of a type approved by the Council must be affixed in the hackney carriage in a position satisfactory to the Council. No licence holder or driver may tamper with the mechanism of the taximeter or its seals, provided that, should the meter become defective it may be repaired and a service meter substituted. The service meter and repaired meter must, before use, be duly tested and sealed. ~~Taximeters fitted to licensed hackney carriages must be tested annually. (A tariff increase will count as an annual test).~~

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13. INSPECTION OF VEHICLE

13.1 The hackney carriage shall be submitted for inspection at least once, but not more than three times, in a year. In addition the Council may arrange for the vehicle to be tested at any reasonable time and require further inspection and testing if it proves unsatisfactory. Licence holders will be notified by letter of time and date that vehicle is to be presented for inspection.

13.2 Without prejudice to the foregoing, where more than two years has elapsed since the first registration of the hackney carriage under the Vehicles (Excise) Acts of 1949, 1971, or successor legislation, the hackney carriage shall undergo a VOSA "MOT" test in the period of one week either side of the date six months from the last grant of the vehicle licence (the "due date") and the vehicle test certificate shall be presented for inspection to the ~~Service Manager for Licensing~~ Head of Legal and Democratic Services within 14 days of the due date.

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14. DAMAGE TO VEHICLE

14.1 If a hackney carriage is involved in a road traffic accident and either mechanical or bodily damage is sustained, a report must be made by the licence holder to the ~~Service Manager for Licensing~~ Head of Legal and Democratic Services within three days of the accident and, after repair, which must be completed within ~~one month~~ 28 days of the damage being sustained, may be required to pass a mechanical inspection at a place to be determined by the Council, subject to payment of an appropriate fee. The hackney carriage licence plate is liable to be removed from any vehicle which, in the opinion of an appropriate Officer or agent of the Council in any way constitutes a danger to the public, is in breach of any Road Traffic enactment or the Construction and Use Regulations, or is unfit for use as a hackney carriage.

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Commented [BP17]: Reflects current practice

14.2 On completion of the repairs, to the satisfaction of the ~~Service Manager for Licensing~~ Head of Legal and Democratic Services, the plate may be restored.

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- 14.3 The removal of the hackney carriage licence plate will constitute suspension of the hackney carriage licence.

15. **TARIFF SHEET**

- 15.1 ~~The licence number of the hackney carriage must be exhibited on the tariff sheet, which must be mounted and displayed inside the hackney carriage in a position approved by the Council.~~

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16. **NUMBER OF PASSENGERS**

- 16.1 The licensee shall not convey, or cause or permit to be conveyed in the vehicle a greater number of persons, exclusive of the driver, than specified in the licence. In addition, children under three years will not be conveyed in the front seat of a vehicle whether restrained or unrestrained.

17. **EMPLOYMENT OF DRIVERS**

- 17.1 The holder of a hackney carriage licence shall notify the Council within seven days of the commencement or termination of employment of any driver of his hackney carriage.

18. **CHANGE OF ADDRESS**

- 18.1 The licensee shall notify the Council in writing within seven days of any change of his address.

19. **LOST PROPERTY**

- 19.1 The holder of a hackney carriage licence shall, if any property accidentally left in the vehicle by any passenger is found by or handed to him, take it within 24 hours, if not sooner claimed by or on behalf of its owner, to the nearest Police Station and leave it in the custody of the officer in charge.

20. **TRANSFER OF LICENCE**

- 20.1 If the holder of a hackney carriage licence ~~intends to~~ transfers his interest in the hackney carriage to any other person, ~~he shall within fourteen days after such transfer give notice in writing to the Council specifying the name and address of the person to whom the hackney carriage has been transferred.~~ arrange an appointment to see a licensing officer with all the parties that have an interest in the vehicle and those intending to have an interest in the hackney carriage licence

- 20.2 Those attending that meeting will be required to provide sufficient documentation as required by the Licensing Authority to confirm the identity of those with an interest in the hackney carriage.

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21. **RECORDS OF BOOKINGS**

- 21.1 Where one or more persons form an association for the purpose of providing a hackney carriage service to the public and an office is established for the purpose, records of bookings shall be kept in such form as the Council may prescribe. Such records shall be kept for at least one year. The entries to be entered in such record book to be: -
- 21.1.1 Name of person making booking, name and address of passenger and place where passenger is to be picked up.
- 21.1.2 Time and date when passenger(s) are to be picked up.

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- 21.1.3 Destination.
- 21.1.4 Licence number of hackney carriage so used.
- 21.2 The person acting as the operator or controller of such service shall enter therein before commencement of each journey particulars of every booking of a hackney carriage invited or accepted by them whether by accepting the booking from the hirer or by undertaking it at the request of another operator.
- 21.3 Such record shall be produced on request to any authorised officer of the Council, or to any constable for inspection.
- 22. **ORIGINAL VEHICLE SPECIFICATION**
- 22.1 All licensed hackney carriages shall be maintained to their original specification whilst the licence remains in force.
- 23. **DIGITAL TAXI CAMERAS**
- 23.1 A secure digital taxi camera system approved by the Council shall be fitted to the vehicle prior to the grant of the licence and maintained in the vehicle thereafter for the duration of the licence to the satisfaction of the Council.
- 23.2 The above requirement will be effective immediately on the grant of a new licence (other than by way of renewal) or on the replacement of a licensed vehicle.

Note: For the purposes of condition 9 (Identification) and in order to avoid doubt, an example of the taxi sticker appears below:



Note: For the avoidance of doubt all of the above requirements shall be deemed to form both the Council's policy (i.e. pre requisite to the grant of the licence) as well as conditions subject to which the licence is granted (which will continue to apply throughout the duration of the licence, as appropriate. As a result, any requirement which requires action or implementation prior to the grant of the licence is to be considered the Council's policy and any requirement to be complied with after the grant of the licence is a condition and compliance is required for the duration of the licence.

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ADDITIONAL INFORMATION

Please note that this information does not form part of Southampton City Council's licence policy or conditions

Drivers, proprietors and operators of licensed hackney carriages and private hire vehicles are reminded of the other statutory duties and restriction placed on them, amongst which are the following:

Smoking

The Health Act 2006 prohibits the smoking of tobacco or any other substance by anyone in a licensed hackney carriage or private hire vehicle. The legislation applies at all times whilst the vehicle remains licensed, thus smoking remains prohibited when the vehicle is not hired or not for hire.



Every licensed vehicle is required to carry appropriate signage under the Smokefree (Signs) Regulations 2007. Guidance and signs are available from:

<http://www.smokefreeengland.co.uk/resources/guidance-and-signage.html>

Assistance Dogs

The ~~Disability Discrimination Act 1995~~ Equality Act 2010 imposes a duty on licensed drivers and operators to convey any guide, hearing or other assistance dog in a licensed hackney carriage or private hire vehicle.

Commented [BP21]: Updates to current legislation

Drivers must:

- carry assistance dogs accompanying disabled people;
- do so without additional charge; and
- allow the dog to remain with the passenger

Operators must:

- accept bookings made by or on behalf of a disabled person who is accompanied by an assistance dog;
- accept bookings made by a person who will be accompanied in a PHV by such a disabled person; and
- not make an additional charge for carrying the assistance dog

If a driver has a medical condition, such as severe asthma, which is aggravated by contact with dogs, or is allergic or has an acute phobia to dogs, it may be possible for them to qualify for an exemption. Please discuss this with the licensing team in the first instance, to whom application for exemption must be made. The driver will be required to produce conclusive medical evidence in support of his application.



Please note that the law does not allow for an exemption to be granted on religious grounds.

Additional information is available from:

<http://www.dft.gov.uk/transportforyou/access/taxis/>

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