THESE CONDITIONS APPLY TO ALL TYPES OF HACKNEY CARRIAGE VEHICLES UNLESS INDICATED OTHERWISE

1 Qualifying Proprietors

1.1 The applicant must be the proprietor of the vehicle which is the subject of the application.

1.2 The word "proprietor" includes a part proprietor and, in relation to a vehicle which is the subject of a hiring agreement, means the person in possession of the vehicle which is under that agreement.

1.3 No person including the proprietor of a licensed hackney carriage vehicle may drive the same unless they hold a Dual Driver Licence issued by the Council

2 Qualifying Vehicles

2.1.1 In these conditions:

"Minimum useable luggage space" means minimum internal usable luggage space which must be calculated with reference to the comfort and needs of passengers and may result in less passengers being carried at any particular time than the permitted maximum allowed under the licence.

Minimum useable luggage space shall mean that the vehicle must be capable of accommodating as a minimum within its boot space two large suitcases and one fold up wheelchair ("the luggage requirement")

In establishing compliance with the minimum useable luggage space requirement there shall be disregarded any 'boot space' higher than the top of any rear seat within the vehicle.

The luggage requirement is in addition to any boot space which may be taken up by any spare wheel or space saver tyre.

The calculations for establishment compliance with the luggage requirements shall be as follows;

1) A folded wheelchair shall be assumed to be not less than (in inches) (43.5 x 12.5 x 13) = 729 cubic inches (or 11.95 litres)

2) One large suitcase shall be assumed to be not less than (in inches) 30 x 19 x 12 = 14409 cubic inches (or 236.1 litres)

"**vehicle**" means the vehicle which is the subject of a Hackney Carriage Vehicle Licence
"Standard vehicle" means any saloon, hatchback, estate or multi-purpose vehicle that is not fully wheelchair accessible and meets the criteria required by Halton Borough Council.
"Fully wheelchair accessible" means any vehicle capable of carrying a wheelchair in a folded and stored condition with the wheelchair passenger seated in a standard seat or at the election of the wheelchair passenger capable of carrying the passenger while sitting in the wheelchair and meets the criteria required by Halton Borough Council.

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2.1.2 To qualify for a Hackney Carriage Vehicle Licence the vehicle must:

2.1.3 Fully Wheelchair Accessible Vehicles

(1) have a full M1 type approval and
(2) Must have European Community Whole Vehicle Type Approval. If a vehicle holds a European Community Small Series Type Approval or a National Small Series Type Approval then permission must be obtained before a licence may be granted.
(3) A ramp for the loading of a wheelchair and occupant via the nearside passenger door (or in the case of rear loading fully wheelchair accessible vehicles, via the rear door) must be carried in the vehicle at all times. The ramp must be of a design that is able to be effectively secured to the vehicle when being used.

(4) The vehicle must be fitted with a suitable independent restraint system for both wheelchair and passenger.
(5) Doorways which are to be used by passengers in wheelchairs (nearside only) must be constructed as to permit an unrestricted opening across the doorway of at least 75cm. The height of the doorway must be at least 120cm. Where a hinged door is fitted, it must open to a minimum angle of 90 degrees.
(6) Be no more than **13** years old when first licensed by Halton Borough Council.
(7) Be under **16** years old (this will be calculated on the basis of the expiry of the vehicle licence which falls within the **sixteenth** anniversary of first registration of that vehicle).
(8) Be painted black except where the vehicle is a London style vehicle (TX, FX or Metro Cab) where it can be any solid colour.
(9) Have a minimum of 4 useable wheels.

2.1.4 Standard Vehicles (Non Fully Wheelchair Accessible)

(1) Be no more than **5** years old when first licensed by Halton Borough Council.
(2) Be under **10** years old (this will be calculated on the basis of the expiry of the vehicle licence which falls within the **tenth** anniversary of first registration of that vehicle.
(3) 4/5 doors.
(4) Minimum knee room spacing (the distance between the front surface of all seat backs and the back(s) in front): 650mm (25.61”).
(5) Minimum front knee room spacing (the distance between the front surface of the front seat back(s) and the surface of the front console:650mm (25.61”).
(6) Minimum foot space (the clear space in front of the seat): 300mm long, 250mm wide and 80mm high (11.82” x 9.85” x 3.15”).
(7) Minimum rear cabin width: 1346mm (53”).
(8) Painted manufacturer’s black.
(9) Be wheelchair accessible.
(10) Fold up seats within the boot area of any vehicle must be kept in the folded down position and covered with a suitable boot mat, carpet or liner.

2.1.5 be any other type of vehicle, such as a limousine, which may be approved by the Council from time to time subject to any special requirements deemed appropriate to such vehicle

2.1.6 Horse drawn vehicles are subject to special conditions

2.1.7 Calculation of Age (For the avoidance of doubt)

Vehicle ages shall be calculated using the following principles;

- Ages shall be calculated from the date of first registration of the vehicle.
- The maximum and minimum ages specified in these conditions relate to the date when the first application is made in respect of the vehicle or (as the case may be) the date when the current licence applicable to a vehicle is due to expire;
- Where a vehicle has not reached its maximum age when the first application is made in respect of the vehicle a licence granted in respect of such vehicle shall continue for a period of 12 months notwithstanding that the vehicle shall have exceeded its maximum age by the date of expiry of such licence;
- Where a vehicle has not reached its maximum age when the date when the current licence applicable to such vehicle is due to expire a licence granted in respect of such vehicle shall continue for a period of 12 months notwithstanding that the vehicle shall have exceeded its maximum age by the date of expiry of such licence provided that no renewal licence shall be granted in respect of such vehicle if the vehicle shall not have qualified for renewal by such date of expiry

2.2 Passenger Numbers and Seat Configuration

2.2.1 The permitted number of passengers shall be one passenger per permitted passenger seat and the number of permitted passenger seats shall be calculated in accordance with the following rules:

- Fold up seats within the boot area of any vehicle must be kept in the folded down position and covered with a suitable boot mat, carpet or liner.
- In all vehicles the permitted passenger seats shall be in accordance with manufacturer's specifications except where a vehicle has 3 rows of seats in which case the nearside seat on the middle row shall be permanently removed and the connecting points sealed.

2.2.2 In all cases the above rules are subject to (1) the right of proprietors to request fewer passenger numbers to be licensed and (2) to the minimum sizes specified elsewhere in these Conditions.

2.3 Trailers

2.3.1 Trailers shall be subject to prior approval by the Council.
2.3.2 An identity plate supplied by the Council shall be affixed to the rear of the trailer.
2.3.3 A trailer shall only be used in conjunction with one licensed vehicle.
2.3.4 Trailers shall be tested initially before use at the Council's testing facility and thereafter shall be tested annually at the same time as the towing vehicle.
2.3.5 Trailers shall not be used while the towing vehicle is standing or plying for hire i.e. trailer may only be used while the towing vehicle is being used for Private Hire.

2.4 Storage Roof Pods

2.4.1 Storage roof pods shall not be allowed on any Hackney Carriage Vehicles

2.5 Privacy Glass

Privacy glass shall be permitted subject to the following rules:

- The permitted degree of tinting of glass in front of the 'B - Pillar' shall be in accordance with national standards
- The permitted degree of tinting of glass behind the vehicles 'B - Pillar' shall not exceed the vehicle manufacturer's specification for the vehicle in question.

3 All Hackney Carriage Vehicles

3.1 The vehicle **must** be fitted with approved permanent mounting brackets which must be positioned externally on the front near side or centre of the vehicle and the rear off side or centre of the vehicle in an upright position above or below the bumper bar where it is clearly visible and not obstructing lights or indicators;

3.2 The vehicle **must** be fitted with an approved roof sign and mounting as approved which must be fitted and maintained in clean and good working order, positioned above the centre pillars of the vehicle so as to display the red light to the rear. (Vehicles with sunroofs may be subject to special approval for minor positional changes to roof signs);

3.3 The vehicle **must** be fitted with an approved "For Hire" sign which must be positioned by suction to the top near-side of the front windscreen and in such a manner as to conceal all wiring.

3.4 Roof signs and "For Hire" signs **shall** be illuminated at any time when the vehicle is available for hire but not be illuminated at any time when the vehicle is not available for hire.

3.5 The vehicle must be equipped with a full spare tyre or a space saver tyre with the necessary tools for their use as a minimum requirement.

3.6 There is no requirement for a full size spare tyre or a space saver to be carried where the vehicle is fitted with 4 approved run-flat tyres and is equipped with a tyre pressure monitoring system. In the case of a run-flat tyre getting a puncture, the tyre must be replaced (or repaired in accordance with the manufacturers guidelines) prior to carrying any further clients or before the maximum number of miles recommended by the manufacturer is travelled.

3.7 Tyres that are 10 years old or over from the date of manufacture must not be fitted to any licensed vehicle or used as a spare/space-saver tyre. This applies to both new and re-treaded tyres.

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4 Vehicle Testing

4.1 Prior to the issue of a Hackney Carriage Vehicle Licence all vehicles other than brand new vehicles will be tested to ascertain their condition. Brand new vehicles will be checked to establish compliance with taximeter (and its sealing), signs, fire extinguishers and seat belts requirements only;

4.2 All vehicles three years old and over will be subject to automatic six-monthly testing.

4.3 Vehicle tests and checks will take place at the Council's Vehicle Testing Facility at Lowerhouse Lane, Widnes. On passing the annual test a Certificate of Compliance will be issued by the tester in lieu of an MOT Certificate

4.4 Vehicle test fees are payable in accordance with the Council's current scale of charges.

4.5 Arrangements for vehicle testing are entirely the responsibility of the licence holder and in particular, the dates and times of six-monthly tests shall be arranged at each preceding annual test between the licence holder and the Council's Vehicle Testers. No further reminders will be issued by the Council's Licensing Services Section.

4.6 **Expiry of Hackney Carriage Licences**

- Hackney carriage vehicle licences last for 12 months.
- Applications to renew hackney carriage vehicle licences must be made before they expire.
- A hackney carriage vehicle licence may be renewed after it has expired but this is subject to limitations. These limitations may cause no problems for private hire vehicles but for hackney carriage vehicles it is a different matter.
- There are often requests from new and existing drivers who wish to obtain a hackney carriage licence if an existing one is not renewed. Accordingly, if a renewal application is not made in time the Council may decide to grant a new licence to another applicant: should a renewal application then come in the Council could refuse to renew.
- There is no particular period specified in the legislation as to how long the Council should wait but the courts have ruled that it would only be in exceptional circumstances (each exceptional circumstances i.e. those that could reasonably be considered to be outside of the individuals control, being considered on individual merit) that a delay of more than a few days after the expiry of the license would be permissible.(See the judgment of Collins J in Exeter City Council v Sandle [2011] EWHC 1403 (Admin)).
- After this period the Council can refuse an application to renew the license and offer the vacant plate to another person.
- The Court has added to the above guidance. In response to the question how long a Council must wait Collins J concluded: "The simple answer to that surely is that certainly a couple of days, perhaps three days, who knows, but a very short period is one which is appropriate just in case there is a good reason for the delay".

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- Whether or not a licence may be renewed during this very limited period unless and until there is a renewal the vehicle is unlicensed as soon as it expires. In addition a MOT may be required (See Condition 4.7 below).
- If licence holders leave an application to renew a licence until the last minute they run the risk that it will not be renewed.

4.7 **Certificate of Compliance**

- Halton Council is entitled to issue Certificates of Compliance.
- Hackney carriage vehicles and private hire vehicles are exempt from having to have an MOT if a Certificate of Compliance has been issued.
- The exemption only applies while (1) the Certificate of Compliance is in force AND (2) the hackney carriage vehicle licence or private hire vehicle licence is in force.
- An MOT is therefore required if a vehicle licence is revoked or expires but not if it is suspended.

5 Taximeters

An approved taximeter is mandatory and shall be fitted in a position approved by the Council. A taximeter shall be deemed to be approved if it bears the EU Pattern Approval Sign or the EU Partial Initial Verification Mark. In other cases specific approval will be required form the Council. All taximeters shall be 'calendar' type. Taximeters must not be used unless sealed by the Council.

6 Display of Items Supplied by the Council

The following items will be supplied by the Council and must be permanently displayed in an approved manner:

- Licence plates (front and rear)
- An interior licence number plate

7 Return of Vehicle Plates

Licence plates front, rear and internal shall be returned to the Council within 24 hours of a vehicle licence expiring.

8 Fire Extinguishers

A fire extinguisher shall be maintained within the vehicle in a position approved by the Council. The extinguisher shall comply with BSEN3 1996, bear a K mark and licence number and have a gauge. The extinguisher shall be subject to annual test by a qualified tester and the test certificate shall be produced to the Council when the vehicle tested by the Council.

The fire extinguisher shall be permanently marked with the vehicle registration number and/or plate number.

9 Display of Table of Fares

The licence holder shall ensure that a copy of the fare table supplied by the Council from time to time is exhibited inside the vehicle at all times and that the same is not concealed from view or rendered illegible while the vehicle plying for hire.

10 Maintenance of the Vehicle

The licence holder shall ensure that the vehicle shall be maintained in a sound mechanical and structural condition **at all times** and be capable of satisfying the Council's mechanical and structural inspection at any time during the continuance of the vehicle licence.

11 Mechanical and Structural Alterations to the Vehicle

The licence holder shall not allow the mechanical and structural specifications of the vehicle to be varied without the written consent of the Council's Solicitor. No equipment or object shall be placed above the dashboard in a position contrary to the relevant test regulations.

12 Signs and Advertisements

12.1 Hackney Carriage Vehicles that are London style vehicles (TX, FX and Metro Cabs) may be allowed to have "all-over" adverts subject to prior approval from the Council. (The reason for this is that their shape denotes them as taxis and adverts do not detract from this).

12.2 All other vehicles not referred to in condition 12.1 may be allowed to have adverts on side panels and rear windscreen only where prior approval has been given by the Council. (The reason for this is that, since vehicles must all be black, adverts must be restricted to spaces which do not detract from their overall appearance). In respect of authorised adverts for rear windscreens, only one way film may be used.

12.3 The following shall be allowed on any vehicle without the need for specific consent of the Council: a one line display on the rear windscreen (top or bottom so as not to interfere with rear visibility), provided that letters within the advertisement shall not exceed two inches in height and provided that the display shall only contain a telephone number and the identity of the system.

12.4 The licence holder may attach a sign advertising the operator from who they receive bookings. If they wish to do so, the following points must be adhered to:

1. Only the design that has been submitted by the operator and approved as a hackney carriage vehicle door sign by the Council may be used

2. The door sign must be attached to the vehicle by appropriate adhesive. The use of magnets is not allowed.

3. The sign must be fitted to the upper half of both the nearside and offside front door panels only.

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12.5 The Licence Holder shall ensure that before driving a licensed hackney carriage or private hire vehicle or renting a vehicle to a licensed hackney carriage driver or private hire driver that the customer feedback notice, issued by the Council, is displayed in the vehicle in a prominent location so that it can be seen by all passengers.

13 Duration of Licences

The licence period stated on the vehicle licence shall apply unless the licence is revoked earlier except that the licence period shall expire six months after the commencement of the licence period if for whatever reasons the vehicle requires a six-monthly test and does not pass its six-monthly test.

14 Notification of Transfer

The licence holder shall notify the Council in writing immediately of any transfer of the interest in the vehicle.

Licensed Hackney Carriages/Private Hire Vehicles may be “transferred” on payment of a fee, from one proprietor to another on either a permanent or a temporary basis. (see temporary transfers)

In the trade this is known as “transferring the plate” but it is important to clarify that the transfer actually relates to the Licensed Vehicle and to the right to be the proprietor of that vehicle.

The plate is merely a physical indication that a particular vehicle is licensed, and it always remains the property of the Licensing Authority.

Any financial arrangements between transferor and transferee are personal matters in which the Local Authority has no involvement.

PLEASE NOTE IT IS PARTICULARLY IMPORTANT THAT ALL PARTIES ARE FULLY AWARE OF THE EXPIRY DATE OF THE LICENCED VEHICLE WHICH IS THE SUBJECT OF THE TRANSFER.

For renewal of Hackney Carriage vehicle licences please refer to point 4.6 of these Conditions.

15 Temporary Transfers

In certain circumstances, a Vehicle Licence may be subject to a Temporary Transfer. This would occur if the Licensed Vehicle was “off the road” for an extended period. (For example, this situation might arise if the licensed vehicle was involved in a road traffic collision and required extensive repairs.)

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These Temporary Transfers will normally be instigated by the Insurance Company which is dealing with the incident, and will only be permitted between Official bodies who are directly concerned with any incident.

A Temporary Transfer will last for an initial period of 2 months.

Should the period of repair take longer than 2 months the licence holder should contact the Licensing Section and a further fee will be payable for a further temporary licence to be issued for 2 months. A second compliance test is not required.

Failure to contact the Licensing Department and pay the required fee will result in the temporary vehicle being unlicensed.

16 Temporary Plates

All temporary licence plates (front, rear and internal) shall be returned to the Council in exchange for permanent licence plates. No new licence will be issued to the proprietor unless the temporary plates have been returned.

17 Notification of Damage to the Vehicle

The licence holder shall report to the Council's Licensing Department within 72 hours of the occurrence thereof any damage to the vehicle (whether involving an accident or otherwise).

18 Notification of Change of Address

The licence holder shall give notice in writing to the Council's Licensing Department on any change of address during the period of the licence within seven days of such change taking place.

19 Retention of Dual Driver Licences

The licence holder shall retain a copy of the Dual Driver Licence of all drivers using the vehicle and produce the same to an authorised Officer of the Council or Constable on request.

20 Security Cameras in Vehicles

Security cameras in the vehicle shall be permitted provided that:

- the existence of the camera is clearly indicated by a notice displayed on the passenger window; and
- images obtained from the security cameras shall not be used for commercial purposes or in contravention of data protection legislation.

21 Compliance with Legislation

This licence is issued subject to compliance with the current Hackney Carriage By-laws, and relevant provisions in the Town, Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and the Transport Act 1985.

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22 Non-compliance with Conditions

Failure to comply with any of the conditions attached to this licence may result in prosecution.

23 Discretion of the Council

The Council reserves the right to exercise its discretion at any time in connection with any of these conditions.

NOTE: Failure to make a fully completed application for renewal of a licence in sufficient time for the renewal licence to be granted immediately following the expiry of an earlier licence will result in permanent loss of the plate and the Council may at its absolute discretion allocate the plate to another applicant. Except in exceptional circumstances and in any event if there are exceptional circumstances the renewal period cannot be extended for more than 3 working days. (This is derived from and is a summary of the implications of Exeter City Council and Sandle 2011. As to how this will apply in detail please refer to that judgement)

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