

**Harrogate Borough Council**

**Rules & Regulations for  
Hackney Carriage/Private Hire  
Vehicles and Drivers**

Revised April 2008



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**SECTION 1**  
**HACKNEY CARRIAGE LICENSING**



## 1.1 CONDITIONS RELATING TO HACKNEY CARRIAGE VEHICLES MADE UNDER THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

### Interpretation

In these conditions;

“**The Council**” means Harrogate Borough Council.

“**The Director**” means the (Director of Community Services), for the time being of the Council.

“**Authorised Officer**” means the Director and any other officers nominated by the Director.

“**The Nominated Officer**” means an Officer nominated in accordance with the above.

“**The Vehicle**” means the vehicle that is the subject of the Hackney Carriage licence.

“**The Proprietor**” means the person for the time being shown on the Hackney Carriage vehicle licence as the proprietor of the vehicle.

“**The Driver**” means the driver for the time being of the vehicle.

“**Mechanical Inspection**” means the certificate issued by the Councils nominated garages certifying that the vehicle is mechanically sound.

“**Nominated Garage**” means those garages approved by the Council for the purpose of undertaking mechanical inspections.

“**Full Application**” means the application forms fully completed, signed and accompanied by the appropriate fee or fees.

Any obligation in these conditions not to do any act, or thing, shall be deemed to include an obligation not to cause or permit that act or thing to be done.

Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

## 1.2 PROCEDURE FOR LICENSING A HACKNEY CARRIAGE VEHICLE

### 1.2.1 Initial Inspection

The vehicle may be presented to the Licensing Officer for inspection to ensure compliance with the following conditions and byelaws;

### 1.2.2 Suitability

**Before purchasing a vehicle seek advice from the Hackney Carriage office about its suitability.** In the case of a first application for a vehicle licence the saloon/estate vehicle/MPV/London Type **it** must be under 5 years of age from date of first registration, and not more than 9 years in the case of any subsequent application for renewal of licence.

Left hand drive vehicles would not normally be licensed.

The maximum overall length of any Hackney Carriage vehicle must not exceed 4.9m.

In the case of a Council approved wheelchair accessible vehicle the age must be less than 5 years from date of first registration, and not more than 12 years in the case of any subsequent renewal application.

The age of the vehicle is as specified in the vehicle registration document.

The maximum age limit **for licensing a vehicle (or extending its life)** may only be exceeded if the vehicle presented is in exceptional condition ~~or a prestige marque~~ **to a Licensing Committee Panel**. See standards, maintenance and appearance of vehicles.

A vehicle shall be taken as being re-licensed (renewal of licence), only if there was in force in respect of that vehicle a current Hackney Carriage vehicle licence previously issued by the Council immediately prior to its being re-licensed. There may be no lapse between licenses.

An MPV (a vehicle which will carry more than 4 passengers, excluding driver) will not be licensed as a Hackney Carriage unless it is wheelchair accessible.

All London type (TX1 etc), MPV and Estate vehicles: - There must be a minimum of two doors to the passenger compartment and any luggage, which occupies that compartment, must be separated from the passengers in a safe manner and not obstruct any passageway or exit door. All passenger seats must face forward or rearward to direction of travel.

Vehicles will not normally be licensed if they require any passenger to move any seat to enter or egress from any seat they may occupy, or that would require them to climb over any seats or luggage in the vehicle.

The vehicle must be of a sufficient size to comfortably accommodate the number of passengers the vehicle will be licensed to carry, (the minimum number being 4), and have rear seat width with not less than 48 inches being clear of any obstruction such as handles or arm rests.

In the case of vehicles, which make provision for the carriage of passengers whilst still occupying a wheelchair, there must be separate means of securing the wheelchair and passenger.

In the case of all vehicles they must be fitted with four road wheels and at least four doors.

In the case of a Hatchback, MPV or estate type vehicle the rear access will not be considered or counted as a door for means of entry or egress.

Luggage space must be minimum of 0.5 cubic metres and be physically separated from the passenger seating.

Any vehicle with a "Q" plate registration will not be licensed if in excess of 5 years old from date of manufacture. Where the age of a "Q" registered Vehicle is not identifiable the age will be calculated as three years old at the date of "Q" registration in line with the policy of the DVLA.

Window tints that are standard at the point of manufacture of the vehicle are permitted. No retrofit tints will be permitted.

### **1.2.3 Alteration of the Vehicle**

No alterations in the specification, design or appearance of the vehicle shall be made without the approval in writing of the Authorised Officer of the Council.

### **1.2.4 Standards, Maintenance and Appearance of Vehicle**

The vehicle and its fittings should be at all times when it is available for hire or being used as a Hackney Carriage vehicle;

- Be safe.
- Be tidy.
- Be clean.

Comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs, including but without prejudice to the generality of the foregoing the Motor Vehicle (Construction and Use) Regulations 1978.

The vehicle must be maintained throughout the term of the Hackney Carriage vehicle licence, to a high standard of appearance to the complete satisfaction of

the Council.

The vehicle must be kept in exceptional condition to include the following:

**RUST** - Any vehicle presented should be free from any significant areas of visible rusting. Although minor blemishes should not constitute a failure, the following general criteria should be followed. Any vehicle with more than 3 visible rust patches of more than 20sq cms, should be failed.

**DENTS** - Any vehicle with minor dents on 3 or more panels where such dents are more than 5 cms in diameter/length or a single scratch of more than 20 cms in diameter/length, should be failed.

**SCRATCHES** - All vehicles with un-repaired scratches down to bare metal on 3 or more panels, of 5 cms in length, or a single scratch of more than 20 cms in length, should be failed.

**PAINT WORK** - All panels on all vehicles including those, which are wheelchair accessible, shall be uniformly painted, except vehicles currently licensed which must meet this requirement upon replacement. Panels should not be painted in unmatched colours or in primer.

**VEHICLE DOOR SILL STEP HEIGHT** – At each passenger door the vehicle must not have a ground to door sill step height in excess of 16 inches **otherwise a step should be fitted to at least one passenger door.**

**SEATS** - In conventional vehicles where it is intended that the licence be for 4 passengers, the rear seat must be at least 48 inches (122cms) in width. All seats shall have a minimum of 16 inches per person and in respect of seating comply with the Road Vehicle (Registration and Licensing) Regs 1971 All seats, including the driver's must be free from repaired cuts, tears or cigarette burns, except of a very minor nature. Any repairs must have been carried out in a professional and neat manner.

**CARPETS/FLOOR COVERING** - All carpets and floor covering shall be complete and free from cuts, tears, serious staining or soiling.

**HEADLINING AND OTHER TRIM** - All interior trim, including headlining, shall be clean, complete, properly fitted and free from serious cuts, tears staining or soiling.

**WINDOW OPERATION** - All passengers, excepting those occupying a middle seat, must be able to open adjacent window without difficulty.

**BOOT/LUGGAGE COMPARTMENT** - This should be empty, except for spare wheel and essential tools. The compartment should be clean and any covering free from major cuts, tears, damage, staining or soiling.

**INTERIOR** - The interior must be kept clean, tidy and free of any litter or other rubbish.

**WHEELCHAIRS & SWIVEL SEATS** - Must comply with Conditions in section 1.2.19

### 1.2.5 Gas Engine Conversions (Pre-conditions)

Prior to installing conversions of standard petrol or diesel engines to liquefied petroleum gas operation, a proprietor shall obtain permission to do so, in writing, from the Council, if the vehicle is already licensed as a Hackney Carriage. If the vehicle is not already licensed by the Council it will be a pre-condition to licensing that the Council's regulations concerning such installation will be met to the Council's satisfaction before a licence is granted or permitted to be transferred to any proprietor.

A certificate of fitness must be presented before any vehicle with a gas conversion is used. Any further certification required by law must be produced for the authorised officer.

### 1.2.6 Certificate of Compliance

The vehicle may not be available for hire or be used as a Hackney Carriage vehicle unless there is a current Certificate of Compliance in force in respect of that vehicle.

If the vehicle meets the standards required by the initial inspection it should be presented to the Council's nominated test centres. The inspection is to determine that the vehicle is in road worthy condition.

The requirement for Certificate of Compliance (Mechanical Inspection) applies to all vehicles except those new vehicles with less than 500 miles on the odometer from date of first registration, which will be exempted for the first year from the date as verified by the vehicle registration document.

**It is the responsibility of the proprietor to ensure that at all times they have a valid Certificate of Compliance.** Proprietors will be notified by letter four weeks in advance of the date of the Certificate of Compliance Test. If you are unable to attend on the date given you will have seven days from the date of the letter to contact the Hackney Carriage Department for a change of appointment.

Any vehicle called for inspection which fails to be presented, may have its licence suspended immediately and subsequently the licence may be revoked. Proprietors whose vehicle fails to attend for the mechanical inspection will have to pay an additional fee prior to testing payable to the Council or testing station.

If a vehicle fails the test and in the opinion of the examiner would fail to meet the standards required by the Motor Vehicles (Construction and Use) Regulations 1978, the matter should be referred immediately to the authorised officer who will decide the appropriate course of action. Vehicles failing the above test will incur an extra cost for a retest.

### **1.2.7 Matters to be checked by the authorised officer before a licence is issued**

The following will be checked prior to licensing;

Fully completed application form.

The Certificate of Compliance unless it is a new vehicle, which has done less than 500 miles, recorded on the odometer.

Current vehicle insurance certificate or cover note must be presented, (must be valid for towing and the carriage of the number of wheelchairs for which the vehicle is adapted if necessary).

The registration document.

That the vehicle is displaying a current road fund licence (tax disc), has a fire extinguisher and that all windows are clear of stickers with approved exceptions.

### **1.2.8 Vehicle Insurance**

It is the responsibility of the proprietor to ensure that all vehicles, drivers and passengers shall be adequately covered by a suitable motor vehicle insurance policy, which specifies that cover, includes the licensed carrying of passengers (and their possessions) for hire and reward. Such policy or cover note thereto shall include the name of any driver who is entitled to drive the vehicle with the prior permission of the licensed proprietor (being the policy holder).

### **1.2.9 Mechanical Testing**

The Council's nominated testing centres will endeavour to test all vehicles within 10 working days of a new application for a licence.

If a current licensed vehicle fails the Compliance Test and in the opinion of the examiner would fail to meet the standards required it must not be used for Hackney Carriage work until the pass certificate is issued regardless of the run out date on the current certificate.

If the bodywork is damaged or cleanliness of the vehicle is below that required of a Hackney Carriage this will be reported to the Authorised Officer to take appropriate action.

Any proprietor whose vehicle is called for inspection and which fails to attend will be referred to the authorised officer who will take appropriate action.

Any vehicle failing to keep an appointment for testing will incur a fee payable to the Council or testing station.

### 1.2.10 Issuing a Licence & Renewal

If all the previously mentioned and conditions are met and are satisfactory then the licence will be issued together with other appropriate material after the licence fee has been paid.

By virtue of a vehicle being licensed, it will always be a licensed vehicle and cannot be used for any other purpose, including social, domestic & pleasure, unless it is driven by a person holding the appropriate Hackney Carriage licence under the Local Government (Miscellaneous Provisions) Act 1976.

Vehicle licences will normally be issued for a twelve-month period.

Should the owner change the vehicle within the twelve-month period then a new vehicle licence will be issued for a twelve-month period, after the owner has paid for the additional pro rata full months. The normal vehicle licensing checks and procedures will be applied.

Applications for renewal of vehicle licences must be submitted to the Hackney Carriage Department two weeks prior to the run out date of the existing licences, to allow time for issue prior to commencement of the new licence. Failure to comply will incur a late application fee.

A licence will only be granted if all documents, information and the payment required are complete. Any incomplete application will be returned to the applicant.

### **1.2.11 Vehicle Damage or Accident Involving a Licensed Vehicle**

The proprietor of any Hackney Carriage vehicle must report any damage to the vehicle which materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of the persons carried, to the Authorised Officer as soon as reasonable practicable, and in any case within seventy two hours.

The vehicle will be inspected by the Authorised Officer, as soon as is reasonably practicable, and a decision made as to whether or not the vehicle is in such condition to continue in service.

If any damage to the vehicle is such that the Authorised Officer considers it still to be in a fit condition to continue in service until such time as a permanent repair is undertaken these must be undertaken within a time period agreed by the authorised officer.

If any damage is considered by the Authorised Officer to be extensive enough to affect the safety or general appearance the authorised officer may issue a suspension notice until such time that the faults are remedied.

In the case of any dispute, the vehicle will be taken to the Councils nominated testing station where a qualified mechanic will give a binding decision, which shall be final, the appropriate fee for such examination will be paid for by the proprietor.

### **1.2.12 Vehicle Checks**

The vehicle may be called in for inspection by the Authorised Officer if there are grounds to suspect that the safety or appearance of the car has fallen below the required standard. An authorised officer may inspect a vehicle at any time.

### **1.2.13 Interim Inspection**

A vehicle may be inspected and the proprietor of the vehicle may be required to produce documents for inspection in line with Sections 50 or 68 of the Local Government (Miscellaneous Provisions) Act 1976. If the vehicle fails to meet the required standards, the licence may be suspended or revoked under Section 68 of the Act of 1976 until such a time that the faults are remedied. Unless under exceptional circumstances failure to comply within two months will result in automatic revocation of licence.

### **1.2.14 Change of Vehicle**

Any replacement vehicle must comply with sections 1 to 6 as previously mentioned. A change of vehicle form must be completed and other necessary documents submitted and a fee paid prior to any replacement vehicle being used as a Hackney Carriage Vehicle.

### **1.2.15 Change of Vehicle Owner**

If a proprietor transfers his interest in a vehicle to somebody else he must obtain from the Hackney Carriage Department a transfer of vehicle form. The existing owner upon completion of the transfer form must pay payment for the transfer. In no circumstances may the vehicle be used as a licensed vehicle by the new owner until the licence has been transferred to that person and all documentation completed, approved and any the necessary fees paid.

### **1.2.16 Signs**

#### **Obligatory signs:**

Vehicle registration plates.

A plate showing

- (a) the licence number of the vehicle
- (b) The registration of the vehicle
- (c) Maximum number of passengers to be carried
- (d) The expiry date of the vehicle licence

will be issued by the Council and be clearly displayed on the rear of the vehicle within 30 cms of the vehicle registration number plate, where it may be clearly seen by any passenger carried.

Door panels issued by the Council affixed to the front doors of the vehicle showing (a) the licence number of the vehicle (b) the Council Logo (c) the words Taxi.

Internal sign showing the licence number of the vehicle which is to be displayed within the vehicle clearly visible to all passengers carried.

A current vehicle excise disc correctly displayed in the windscreen.

The tariff card to be displayed in a prominent position within the interior of the vehicle clearly visible to all passengers carried.

Any other sign required by statute or subordinate legislation.

Roof signs (see 1.121 Roof Signs)

No signs, notices, advertisements, plates, letters, figures, symbols, emblems or devices whatsoever (collectively referred as to a 'sign'), other than those mentioned below shall be displayed on, in or from the vehicle.

**Signs permitted are:**

Not more than 2 advertising panels located on the rear passenger doors and displayed on the exterior of the vehicle, which:

- \* Do not exceed 24 inches in width and 15 inches in height.
- \* Are displayed on the rear door panel.
- \* Display the proprietor's name and telephone number.
- \* Be submitted for approval by the Authorised Officer.

On the rear/back of the vehicle a sign containing the proprietor's name and telephone number may be used but it must not be placed on the rear windscreen or obstruct the drivers view and it must be no larger than 55cm in ~~width~~ length and 15cm in height.

Any sign indicating membership of a national motoring organisation.

Any sign instructing passengers not to smoke in the vehicle.

Any sign approved by the Council to indicate that the payment of fares may be made by credit card.

Any sign on a taximeter indicating that the vehicle is for hire.

Any sign provided by the North Yorkshire County Council to show that the vehicle is used for school contracts shall be displayed in the windscreen in such a manner so as to not obstruct the driver's vision, and may only be displayed when actually employed in the performance of such contract work with pupils being carried.

Any other sign within the vehicle must be approved by the Authorised Officer and must meet the conditions as set out above, except a wheelchair sign.

Any sign permitted must be positioned so as not to impede visibility and in any event no sign shall be placed on the rear window of the vehicle, and no hanging

obstruction may be placed in any part of the vehicle.

Only licensed vehicles shall be permitted to carry advertising in relation to Hackney Carriage operators.

Any other advertisements or signs may only be displayed with specific approval by the Council.

#### **1.2.17 Licence Plate**

**Lost or Damaged** - The Council must be informed immediately should the licence plate showing the number of the Hackney Carriage licence be broken, lost or defaced. On no account must a Hackney Carriage ply for hire without a plate, as required under the Town Police clauses Act 1847, Section 51 and 52. **The security square containing the plate number and vehicle details must not be drilled through in any way, a replacement will be charged for if this occurs.**

**Affixing Rear Licence Plate** – A Licence Plate, provided by the Council, shall be affixed by permanent means (not magnetic, sliding, pressure or other temporary means), to the rear exterior of the vehicle in such a position that it is kept clean and clearly visible at all times. Such position and fixing to be to the satisfaction of the inspecting Authorised Officer.

#### **1.2.18 Roof Signs**

A sign bearing the word “Taxi” on its front and rear face must be installed on the roof of the vehicle in a position central to the width of the roof. The word “Taxi” must be plainly and distinctly visible from the front and rear of the vehicle. The sign may include the name and telephone number of the Hackney Carriage company, and must be capable of being illuminated via the meter when not hired. The sign must at all times comply with any requirements of vehicle lighting regulations when illuminated. The maximum size permitted is 60cm and the minimum is 35cm.

#### **1.2.19 Wheelchair Bound Passengers**

A vehicle complying with the specifications required by the Act must be adapted or designed to carry at least one wheelchair bound passenger.

There must be sufficient space between the front of the rear seat and any partition for an occupied wheelchair to turn.

There must be a separate means of securing the chair and the wheelchair occupant.

There must be wheelchair ramps carried in the vehicle (unless other forms of access are provided e.g. a motorised lift).

A vehicle Licensed for wheelchair use may carry a maximum of two signs indicating that it is capable of carrying wheelchair bound passengers.

Any swivel seat fitted must be DfT approved.

Wheelchairs should only be carried either forward or rearward facing for safety reasons

#### **1.2.20 Seeing and Hearing (Guide) Assistance Dogs**

No driver may refuse to carry a Seeing or Hearing (Guide) assistance dog that is in the charge of a fare paying passenger, and no charge shall be made for the carriage of such a dog whilst in the company of a disabled person or any person training such a dog. Any driver with a medical reason for not complying with this condition must obtain a medical certificate from a registered Medical Practitioner, to exempt him from this condition. Any payment for such certificate is to be paid by the applicant. All vehicles and drivers must comply with the requirements of the Disability Discrimination Act 1995, in respect of such Seeing and Hearing (Guide) dogs.

#### **1.2.21 Mechanical Breakdown**

**If any vehicle becomes unfit to complete a hiring during a hiring;**

The driver shall be entitled to demand the fare for the distance already travelled.

The driver shall secure alternative transport without delay to complete the journey if the hirer so wishes. If the original vehicle is repaired and completes the hiring the driver shall be entitled to the full fare with the exception of any time that the hirer waited for the repair to be executed.

Any such incident must be reported to the Authorised Officer within one working day.

#### **1.2.22 Towing Of Trailers**

Any licensed vehicle towing a trailer shall not use a taxi rank.

No licensed vehicle may tow any trailer, unless valid insurance for that vehicle covers such use for hire and reward, and has been shown to the Authorised Officer.

The vehicle licence plate giving the Hackney Carriage licence number must be clearly displayed on the rear of any trailer used, this sign being in addition to that on the rear of the vehicle.

The contents of such trailer must be secured and covered in a proper manner.

Any trailer used must comply with regulations in all respects and where required the driver must hold the appropriate towing licence as issued by the D.V.L.A.

#### **1.2.23 Ranks**

**No Hackney Carriage vehicle, whether on or off duty at the time, shall be left unattended on any Hackney Carriage Rank**

#### **1.2.24 Dual Plating**

No vehicle will be granted a licence if it is licensed in another district due to problems of meeting the criteria in conditions applied in different districts and the enforcement of those conditions in cases of non-compliance, (i.e. signs, meters, suspensions or revocation).

#### **1.2.25 Applications, Notices Etc (In Writing)**

Every application, transfer of interest in plate or vehicle, change of vehicle, (either permanent or temporary), change of vehicle colour, engine, signs or other variation in licensing conditions or criteria, accident report or other reportable information which affects the conditions or criteria upon which a licence is based must be made known to the Hackney Carriage Office in writing and/or the correct form received.

#### **1.2.26 Conditions**

The Council has the power to attach conditions to Hackney Carriage Licences. The standard conditions are as set out in this handbook. Proprietors should ensure that their vehicle complies with these conditions before they submit it for its test. If you are in any doubt about the application of any of these conditions to your vehicle please contact the Authorised Officer.

#### **1.2.27 Complying with the Conditions**

The responsibility for complying with these conditions, unless otherwise stated, shall be the proprietor's and drivers jointly and severally. Where joint responsibility occurs due diligence will be considered for each party before deciding the appropriate course of action.

#### **1.2.28 Suspension or Revocation**

The Council has the power to suspend or revoke a licence if the vehicle is unfit or gives rise to an offence or non-compliance with the 1976 Act by operator or driver, or any other reasonable cause. In the case of revocation the plate must be returned.

#### **1.2.29 Deposit Of Licence**

Any vehicle proprietor who is employed by an operator to fulfil bookings made by the operator shall deposit his vehicle licence with that operator during the period that the vehicle is employed by that operator. The operator shall return the licence to the vehicle proprietor at the end of the period.

#### **1.2.30 Legislation**

Any requirements of legislation that effect the operations being carried out under

the terms of a licence shall be regarded as if they are conditions of that licence.

### **1.2.31 Convictions**

The proprietor must immediately, and in any case within 3 days after caution/sentence, disclose to the Council in writing the details of any conviction imposed upon him or her, (or in the case of a company or partnership, on any of the directors or partners), during the period of the Private Hire vehicle licence. The Council's policy on convictions will be considered.

### **1.2.32 Appeals**

You may appeal against all or any of the conditions attached to a licence granted to you. You may also appeal against suspension, revocation and refusal to renew a licence.

You may appeal against the refusal of a licence to you.

Any appeal must be made within 21 days of grant of licence or the refusal of such a licence.

**Appeals must be made to the Magistrates Court**, you should contact:

**The Clerk to the Justices, The Law Courts, Victoria Avenue, Harrogate, HG1 1LS**

**Any appeal against refusal to grant a Hackney Carriage licence must be made to the appropriate Crown Court.**

### **1.2.33 Documents**

The following documents must be made available to the authorised officer on request:

- A copy of the insurance certificate or insurance cover note.
- Hackney Carriage Vehicle Licence.
- DVLA and Dual Drivers Licence.
- Certificate of Compliance and MOT Certificate (if applicable).
- The current tariff card as approved by the Council clearly displayed within the vehicle where it may be seen by any passenger carried.

### **1.2.34 Complaints**

The vehicle may be called in for inspection by the Authorised Officer if there are grounds to suspect that the safety or appearance of the car has fallen below the

required standard.

### 1.2.35 **Change of Abode**

Proprietors and drivers must inform the Council of any change of address in writing prior to the change, where possible, but not more than seven days after in any case.

### 1.2.36 **Additional Notes**

**Seat Belts:** - Refer to Motor Vehicles (Wearing of Seat Belts) Reg 1982. Licensed drivers on duty in licensed Hackney Carriage vehicles are not obliged to wear seat belts (See below Drivers Safety), whilst on duty. All passengers (dependant upon age) must wear seatbelts Proprietors are therefore under obligation to provide approved seat belts properly installed and in working, wearable condition. Passengers refusing or declining to wear seat belts are infringing the law.

**Drivers Safety:** - Although it is lawful for drivers of Hackney Carriage vehicles not to wear seat belts whilst on duty, it is advisable and in the interest of safety, to wear a seat belt at all times whilst driving.

**Certificate of Compliance:** - Introduced under Statutory Instrument No 1694, December 1981. Hackney Carriage vehicles must be tested (similar to M.O.T) as stated under Procedure for Licensing a Hackney Carriage, sub-section 4 (Certificate of Compliance). The Council is empowered to require additional testing or inspection for its own licensing purposes.

**Plate Rentals:** - The Council, by condition, prohibits renting of plates on their own. Infringement of this regulation will result in appropriate revocation or refusal for those involved (Resolved 21st July 1982).

### 1.3 BYELAWS FOR HACKNEY CARRIAGES

BYELAWS made under Section 68 of the Town Police Clauses Act ~~1947~~ 1847 and Section 171 of the Public Health Act 1875, by the Council of the Borough of Harrogate with respect to Hackney Carriages in the District of Harrogate.

#### Interpretation

1. Throughout these Byelaws “The Council” means the Council of the Borough of Harrogate and “The District” means the District of Harrogate.
2. **Provisions regulating the manner in which the number of each Hackney Carriage corresponding with the number of its licence shall be displayed.**
  - (a) The proprietor of a Hackney Carriage shall cause the number of the licence granted to him in respect of the Hackney Carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto in positions approved by the Council.
  - (b) A proprietor or driver of a Hackney Carriage shall:
    - (i) Not wilfully or negligently cause or suffer any such number to be concealed from public view whilst the Hackney Carriage is standing or plying for hire.
    - (ii) Not cause or permit the Hackney Carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.
3. **Provisions regulating how Hackney Carriages are to be furnished or provided.**

The proprietor of a Hackney Carriage shall:

- (a) Provide sufficient means by which any person in the carriage may communicate with the driver.
- (b) Cause the roof or covering to be kept watertight.
- (c) Provide any necessary windows and a means of opening and closing not less than one window on each side.
- (d) Cause the seats to be properly cushioned or covered.
- (e) Cause the floor to be provided with a proper carpet, mat or other suitable covering.
- (f) Cause the carriage both externally and internally, including the fittings and furniture generally, to be kept in a clean condition, well maintained

and in every way fit for public service.

- (g) Provide means for securing luggage if the carriage is so constructed as to carry luggage.
  - (h) Provide an efficient Fire Extinguisher which shall be carried in such a position as to be readily available for use.
  - (i) Provide at least three doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
  - (j) Provide efficient interior lighting.
4. The proprietor of a Hackney Carriage shall cause the same to be provided with a taxi-meter so constructed, attached and maintained as to comply with the following requirements, that is to say,
- (a) The taximeter shall be fitted with a key, flag, or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter.
  - (b) Such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taxi-meter is not in action and that no fare is recorded on the face of the taxi-meter.
  - (c) When the machinery of the taxi-meter is in action there shall be recorded on the face of the taxi-meter in clearly legible figures, a fare not exceeding the rate or driver is entitled to demand and take for the hire of the carriage be distance in pursuance of the Byelaw in that behalf.
  - (d) The word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon.
  - (e) The taxi-meter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the Hackney Carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring.
  - (f) The taxi-meter and all the fittings thereof shall be so affixed to the carriage 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.

**Provisions regulating the conduct of the proprietors and drivers of Hackney Carriage's plying within the district in their several employment's, and determining whether such drivers shall wear any and what badges.**

5. The driver of a Hackney Carriage provided with a taximeter shall:

- (a) When standing or plying for hire, keep the key, flag or other device fitted in pursuance of the Byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter.
  - (b) Before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taxi-meter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taxi meter and keep the machinery of the taxi-meter in action until the termination of the hiring.
  - (c) Cause the dial of the taxi-meter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road traffic Act 1972, and also at any other time at the request of the hirer.
6. A proprietor or driver of a Hackney Carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. The driver of a Hackney Carriage shall, when plying for in any street and not actually hired:
- (a) Proceed with reasonable speed to one of the stands fixed by the Byelaw in that behalf.
  - (b) If a stand, at the time of his arrival, is occupied by the full number of carriages authorised to it, proceed to another stand.
  - (c) On arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction.
  - (d) From time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. The driver of Hackney Carriage shall not leave the carriage unattended on a stand.
9. A proprietor or driver of a Hackney Carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
10. The driver of a Hackney Carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons

conveyed in or entering or alighting from the vehicle.

11. The proprietor or driver of a Hackney Carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
12. The driver of a Hackney Carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
13. A proprietor or driver of a Hackney Carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage. Regarding children, you may only convey the number of children that you have safety belts for.
14. If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage he shall, when standing or plying for hire, and when hired, wear that badge on the outermost garment in or adjacent to the lapel position and in such a manner as to be plainly visible.
15. The driver of a Hackney Carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:
  - (a) Convey a reasonable quantity of luggage.
  - (b) Afford reasonable assistance in loading and unloading.
  - (c) Afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.
16. (a) The proprietor of a Hackney Carriage shall cause a statement of the fares to be exhibited inside the carriage, in clearly distinguishable letters and figures.
  - (b) The proprietor or driver of a Hackney Carriage bearing a statement of the fares shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire and shall renew such letters and figures as often as may be necessary to keep them clearly visible.

**Provisions securing the safe custody and re-delivery of any property accidentally left in Hackney Carriages, and fixing the charges to be made in respect thereof.**

17. The proprietor or driver of a Hackney Carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search

the carriage for any property which may have been accidentally left therein.

**18.** The proprietor or driver of a Hackney Carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:

(a) Carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the Hackney Carriage office and leave it in the custody of the Authorised Officer.

(b) Be entitled to receive from any person to whom the property shall be redelivered an amount equal to five pence in the pound of its estimated value but not more than five pounds.

**19. Conveyance of dead body or person suffering from infectious or contagious disease**

Every proprietor or driver of a Hackney Carriage who shall knowingly convey in the carriage any person having any highly infectious or contagious disease or the body of any person shall immediately thereafter notify the Chief Environmental Health Officer of the Council.

**20. Penalties**

Every person who shall offend against any of these Byelaws shall be liable on summary conviction to a fine not exceeding five hundred pounds and in the case of a continuing offence to a further fine not exceeding £5 pounds for each day during which the offence continues after conviction therefore.

**21 Stands (Ranks)**

Provisions fixing the stands for Hackney Carriages. Several places specified shall be a stand (rank).

**22. Repeal of Byelaws**

The series of Byelaws with respect to Hackney Carriages made by the Mayor, Alderman and Burgesses of the former Borough of Harrogate acting by the Council thereof on the 11th day of September 1951 and confirmed by one of the Principal Secretaries of State of His Late Majesty King George VI on the 26th day of October 1951 and the series of Byelaws with respect to Hackney Carriages made by the Mayor, Alderman and Citizens of the City of Ripon 11th day of December 1952 and confirmed by one of Her Majesty's Principal Secretaries of State on 21st day of January 1953 are hereby repealed.

GIVEN under the Common Seal of the District Council this Fifteenth day of June 1979.

**THE COMMON SEAL of THE  
COUNCIL OF THE BOROUGH OF  
HARROGATE was hereunto  
affixed in the presence of:**

**G HARPER KING  
Mayor**

**G M HEBBLETHWAITE  
Deputy Director of Administration**

The following Byelaws are hereby confirmed by the Secretary of State and shall come in operation on the 1st day of October 1979.

**R.F.D. SHUFFREY**  
An assistant Under Secretary of State  
Signed by Authority of the Secretary of State

Home Office  
13.8.79

**SECTION 2**  
**PRIVATE HIRE LICENSING**



## 2.1 CONDITIONS RELATING TO PRIVATE HIRE VEHICLES MADE UNDER THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

### Interpretation

In these conditions;

“**The Council**” means Harrogate Borough Council.

“**The Director**” means the (Director of Community), for the time being of the Council.

“**Authorised Officer**” means the Director and any other officers nominated by the Director.

“**The Nominated Officer**” means the Licensing Officer for the time being of the Council.

“**The Vehicle**” means the vehicle that is subject of the Private Hire vehicle licence.

“**The Proprietor**” means the person for the time being shown on the Private Hire vehicle licence as the proprietor of the vehicle.

“**The Driver**” means the driver for the time being of the vehicle.

“**Mechanical Inspection**” means the certificate issued by the Councils nominated garages certifying that the vehicle is mechanically sound.

“**Nominated Garage**” means those garages approved by the Council for the purpose of undertaking mechanical inspections.

“**Full Application**” means the application forms fully completed, signed and accompanied by the appropriate fee or fees.

Any obligation in these conditions not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done.

Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

## 2.2 PROCEDURE FOR LICENSING A PRIVATE HIRE VEHICLE

### 2.2.1 Initial Inspection

The vehicle may be presented to the authorised officer for inspection to ensure compliance with the following conditions;

### 2.2.2 Suitability

Before purchasing a vehicle please seek advice from the Hackney Carriage office about its suitability for licensing. In the case of a first application for a vehicle licence for a saloon car it must be under 5 years since date of first registration, and not more than 9 years in the case of any subsequent application for renewal of licence.

Left-hand drive vehicles would not normally be licensed.

In the case of a Council approved wheelchair accessible vehicle the age must be less than 5 years from date of first registration, and not more than 12 years in the case of any subsequent renewal application.

The age of the vehicle is as specified in the vehicle registration document.

The maximum age limit for licensing a vehicle or extending its life may only be exceeded if the vehicle is presented in exceptional condition or a prestige ~~marque~~ to a Licensing Committee Panel, see standards, maintenance and appearance of vehicles.

A vehicle shall be taken as being re-licensed (renewal of licence), only if there was in force in respect of that vehicle a current Private Hire vehicle licence previously issued by the Council immediately prior to its being re-licensed. There may be no lapse between licenses.

Vehicles will not normally be licensed if they require any passenger to move any seat to enter or egress from any seat they may occupy, or that would require them to climb over any seats or luggage in the vehicle.

The vehicle must be of a sufficient size to comfortably accommodate the number of passengers the vehicle will be licensed to carry, (the minimum number being 4), and have rear seat width not less than 48 inches being clear of any obstruction such as handles or arm rests.

In the case of vehicles, which make provision for the carriage of passengers whilst still occupying a wheelchair, there must be separate means of securing the wheelchair and passenger.

In the case of all vehicles they must be fitted with four road wheels and at least four doors.

In the case of a Hatchback, MPV or estate type vehicle the rear access will not be considered or counted as a door for means of entry or egress.

The vehicle must not be of such design and appearance as to lead any person to believe that it is a Hackney Carriage.

In the case of a minibus or conversion: - There must be a minimum of two doors to the passenger compartment and any luggage which occupies that compartment must be separated from the passengers in a safe manner and not obstruct any passageway or exit door. All passenger seats must face forward or rearward to direction of travel.

Any vehicle with a "Q" plate registration will not be licensed if in excess of 5 years old from date of manufacture. Where the age of a "Q" registered vehicle is not identifiable the age will be calculated as three years old at the date of "Q" registration in line with the policy of the DVLA.

Window tints that are standard at the point of manufacture of the vehicle are permitted. No retrofit tints will be permitted.

### **2.2.3 Alteration of the Vehicle**

No alterations in the specification, design or appearance of the vehicle shall be made without the approval in writing of the Authorised Officer of the Council.

### **2.2.4 Standards, Maintenance and Appearance of Vehicles**

The vehicle and its fittings should be at all times when it is available for hire or been used as a Private Hire vehicle;

- Be safe.
- Be tidy.
- Be clean.

Comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs, including but without prejudice to the generality of the foregoing Motor Vehicle (Construction and Use) Regulations 1978.

The vehicle must be maintained throughout the term of the Private Hire vehicle licence, to a high stand of appearance to the complete satisfaction of the Council.

The vehicle must be kept in exceptional condition to include the following;

**RUST** - Any vehicle presented should be free from any significant areas of visible rusting. Although minor blemishes should not constitute a failure, the following general criteria should be followed. Any vehicle with more than 3 visible rust patches of more than 20sq cms, should be failed.

**DENTS** - Any vehicle with minor dents on 3 or more panels where such dents are more than 5 cms in diameter/length or a single scratch of more than 20 cms in diameter/length, should be failed.

**SCRATCHES** - All vehicles with unrepaired scratches down to bare metal on 3 or more panels, of 5 cms in length, or a single scratch of more than 20 cms in length, should be failed.

**PAINT WORK** - All panels on all vehicles including those which are wheelchair accessible shall be uniformly painted, except vehicles currently licensed which must meet this requirement upon replacement. Panels should not be painted in unmatched colours or in primer.

**VEHICLE DOOR SILL STEP HEIGHT** – At each passenger door the vehicle must not have a ground to door sill step height in excess of 16 inches, **otherwise a step should be fitted to at least one passenger door.**

**SEATS** - In conventional vehicles where it is intended that the licence be for 4 passengers, the rear seat must be at least 48 inches (122 cms) in width. All seats shall have a minimum of 16 inches per person and in respect of seating comply with the Road Vehicle (Registration and Licensing) Regs 1971. All seats, including the driver's must be free from repaired cuts, tears or cigarette burns, except of a very minor nature. Any repairs must have been carried out in a professional and neat manner.

**CARPETS/FLOOR COVERING** - All carpets and floor covering shall be complete and free from cuts, tears, serious staining or soiling.

**HEADLINING AND OTHER TRIM** - All interior trim, including headlining, shall be clean, complete, properly fitted and free from serious cuts, tears, staining or soiling.

**WINDOW OPERATION** - All passengers, except those occupying a middle seat, must be able to open adjacent window without difficulty.

**BOOT/LUGGAGE COMPARTMENT** - This should be empty, except for spare wheel and essential tools. The compartment should be clean and any covering free from major cuts, tears or other damage or staining.

**INTERIOR** - The interior must be kept clean, tidy and free of any litter or other rubbish.

**WHEELCHAIRS & SWIVEL SEATS** - Must comply with Conditions in section 2.2.18.

### **2.2.5 Gas Engine Conversions (Pre-Conditions)**

Prior to installing conversions of standard petrol or diesel engines to liquefied petroleum gas operation, a proprietor shall obtain permission to do so, in writing, from the Council, if the vehicle is already licensed as a Private Hire. If the vehicle is not already licensed by the Council it will be a pre-condition to licensing that the Council's regulations concerning such installation will be met to the Council's satisfaction before a licence is granted or permitted to be transferred to any proprietor.

A certificate of fitness must be presented before any vehicle with a gas conversion is used. Any further certification required by law must be produced for the authorised officer.

## 2.2.6 Certificate of Compliance

The vehicle may not be available for hire or be used as a Private Hire vehicle unless there is a current Certificate of Compliance in force in respect of that vehicle.

If the vehicle meets the standards required by the initial inspection it should be presented to the Councils nominated test centres. The inspection is to determine that the vehicle is in road worthy condition.

The requirement for Certificate of Compliance (Mechanical Inspection) applies to all vehicles except those new vehicles with less than 500 miles on the odometer from date of first registration, which will be exempted for the first year from the date as verified by the vehicle registration document.

**It is the responsibility of the proprietor to ensure that at all times they have a valid Certificate of Compliance.** Proprietors will be notified by letter four weeks in advance the date of the Certificate of Compliance Test. If you are unable to attend on the date given you will have seven days from the date of the letter to contact the Hackney Carriage Department for a change of appointment.

Any vehicle called for inspection, which fails to be presented, attend may have its licence suspended immediately and subsequently the licence may be revoked. Proprietors whose vehicle fails to attend for the mechanical inspection will have to pay an additional fee prior to testing payable to the Council or testing station.

If a vehicle fails the test and in the opinion of the examiner would fail to meet the standards required by the Motor Vehicles (Construction and Use) Regulations 1978, the matter should be referred immediately to the authorised officer who will decide the appropriate course of action. Vehicles failing the above test will incur an extra cost for a retest.

## 2.2.7 Matters to be checked by the authorised officer before a licence is issued

The following will be checked prior to licensing;

Fully completed application form.

The Certificate of Compliance, which has done less than 500 miles, recorded on the odometer.

Current vehicle insurance certificate or cover note, (must be valid for towing and the carriage of the number of wheelchairs for which the vehicle is adapted if necessary).

The registration document.

That the vehicle is displaying a current road fund licence (tax disc) has a fire extinguisher and that all windows are clear of stickers with approved exceptions.

## 2.2.8 Vehicle Insurance

It is the responsibility of the proprietor to ensure that all vehicles, drivers and passengers shall be adequately covered by a suitable motor vehicle insurance

policy, which specifies that cover, includes the licensed carrying of passengers (and their possessions) for hire and reward for pre booked journeys only. Such policy or cover note thereto shall include the name of any driver who is entitled to drive the vehicle with the prior permission of the licensed proprietor (being the policy holder).

### **2.2.9 Mechanical Testing**

The Council's nominated testing centres will endeavour to test all vehicles within 10 working days of a new application for a licence.

If a current licensed vehicle fails the Compliance Test and in the opinion of the examiner would fail to meet the standards required it must not be used for Hackney Carriage work until the pass certificate is issued regardless of the run out date on the current certificate.

If the bodywork is damaged or cleanliness of the vehicle is below that required of a Private Hire this will be reported to the Authorised Officer to take appropriate action.

Any proprietor whose vehicle is called for inspection and which fails to attend will be referred to the authorised officer who will take appropriate action.

Any vehicle failing to keep an appointment for testing will incur a fee payable to the Council or testing station.

### **2.2.10 Issuing a Licence & Renewal**

If all of the above items and all conditions are met and are satisfactory then the licence will be issued together with other appropriate material after the licence fee has been paid.

By virtue of a vehicle being licensed it will always be a licensed vehicle and cannot be used for any other purpose, including social, domestic and pleasure, unless it is driven by a person holding the appropriate Private Hire licence under the Local Government (Miscellaneous Provisions) Act 1976.

Vehicle licences will normally be issued for a twelve-month period.

Should the owner change the vehicle within the twelve-month period then a new vehicle and operator's licence will be issued for a twelve-month period, after the owner has paid for the additional pro rata full months. The documentation and vehicle check as previously mentioned will apply.

Applications for renewal of vehicle licences must be submitted to the Hackney Carriage Department two weeks prior to the run out date of the existing licences, to allow time for issue prior to commencement of the new licence. Failure to comply will incur a late application fee.

A licence will only be granted if all documents, information and the payment required are complete. Any incomplete application will be returned to the applicant.

### **2.2.11 Vehicle Damage or Accident Involving a Licensed Vehicle**

The proprietor of any Private Hire vehicle must report any damage to the vehicle which materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of the persons carried to the Authorised Officer as soon as reasonable practicable, and in any case within seventy two hours.

The vehicle will be inspected by the Authorised Officer, as soon as is reasonably practicable, and a decision made as to whether or not the vehicle is in such condition to continue in service.

If any damage to the vehicle is such that the Authorised Officer considers it still to be in a fit condition to continue in service until such time as a permanent repair is undertaken these must be undertaken within a time period agreed by the authorised officer.

If any damage is considered by the Authorised Officer to be extensive enough to affect the safety or general appearance of the vehicle the authorised officer may issue a suspension notice until such time that the faults are remedied.

In the case of any dispute, the vehicle will be taken to the Councils nominated testing station where a qualified mechanic will give a binding decision which shall be final, the appropriate fee for such examination will be paid for by the proprietor.

#### **2.2.12 Vehicle Checks**

The authorised officer may call in the vehicle for inspection if there are grounds to suspect that the safety or appearance of the car has fallen below the required standard.

#### **2.2.13 Interim Inspection**

A vehicle may be inspected and the proprietor of the vehicle may be required to produce documents for inspection in line with Sections 50 or 68 of the Local Government (Miscellaneous Provisions) Act 1976. If the vehicle fails to meet the required standards, the licence may be suspended or revoked under Section 68 of the Act of 1976 until such a time that the faults are remedied. Unless under exceptional circumstances failure to comply within two months will result in automatic revocation of licence.

#### **2.2.14 Change of Vehicle**

Any replacement vehicle must comply with the standards previously mentioned. A change of vehicle form must be completed and other necessary documents submitted and a fee paid prior to any replacement vehicle being used as a Private Hire vehicle.

#### **2.2.15 Change of Vehicle Owner**

If a proprietor transfers his interest in a vehicle to somebody else he must obtain from the Hackney Carriage Department a transfer of vehicle form. The existing owner upon completion of the transfer form must pay payment for the transfer. In no circumstances may the vehicle be used as a licensed vehicle by the new owner until the licence has been transferred to that person and all documentation completed, approved and any the necessary fees paid.

## 2.2.16 Signs

### **Obligatory signs:**

Vehicle registration plates.

A plate showing

- (a) the licence number of the vehicle
- (b) the registration of the vehicle
- (c) maximum number of passengers to be carried
- (d) the expiry date of the vehicle licence

will be issued by the Council and be clearly displayed on the rear of the vehicle within 30 cms of the vehicle registration number plate, where it may be clearly seen by any passenger carried.

Door panels affixed to the front doors of the vehicle showing (a) the licence number of the vehicle (b) the Council Logo (c) and the words Private Hire Advanced Bookings Only.

Internal sign showing the licence number of the vehicle which is to be displayed within the vehicle clearly visible to all passengers carried.

A current vehicle excise disc correctly displayed in the windscreen.

If a meter is fitted in a Private Hire Vehicle the tariff card is to be displayed in a prominent position within the interior of the vehicle clearly visible to all passengers carried.

Any other sign required by statute or subordinate legislation.

No signs, notices, advertisements, plates, letters, figures, symbols, emblems or devices whatsoever (collectively referred to as a 'sign'), other than those mentioned above shall be displayed on, in or from the vehicle other than:

### **Signs permitted are:**

Not more than 2 advertising panels located on the rear passenger doors and displayed on the exterior of the vehicle, which:

- ❖ Do not exceed 24 inches in width and 15 inches in height;
- ❖ Are displayed on the rear door panel.
- ❖ Display the proprietor's name and telephone number.
- ❖ Be submitted for approval by the Authorised Officer.

On the rear/back of the vehicle a sign containing the proprietor's name and telephone number may be used but it must not be placed on the rear windscreen or obstruct the drivers view and it must be no larger than 55cm in width and 15cm in height.

Any sign indicating membership of a national motoring organisation.

Any sign instructing the passengers not to smoke in the vehicle.

Any sign approved by the Council to indicate that the payment of fares may be

made by credit card.

Any sign provided by the North Yorkshire County Council to show that the vehicle is used for school contracts shall be displayed in the windscreen in such a manner so as to not obstruct the driver's vision, and may only be displayed when actually employed in the performance of such contract work with pupils being carried.

Any other sign within the vehicle must be approved by the Authorised Officer and must meet the conditions as set out above, except a wheelchair sign.

Any sign permitted must be positioned so as not to impede visibility and in any event no sign shall be placed on the rear window of the vehicle, nor any hanging obstruction be placed in any part of the vehicle.

Only licensed vehicles shall be permitted to carry advertising in relation to Private Hire Operators.

Any other advertisements or signs may only be displayed with specific approval by the Council.

### 2.2.17 Licence Plates

**Lost or Damaged Plates** - The Council must be informed immediately should the licence plate showing the number of the Private Hire licence plate be broken, lost or defaced. On no account must a Private Hire vehicle be used for hire without a plate.

**Affixing Rear Licence Plate** - A Licence Plate, provided by the Council, shall be affixed by permanent means to the rear exterior of the vehicle in such a position that it is kept clean and clearly visible at all times. Such position and fixing to be to the satisfaction of the inspecting Authorised Officer. **The security square containing the plate number, vehicle details and hologram must not be drilled through for affixing to the vehicle. A replacement will be charged for if this occurs.**

**Executive Plate** - Executive vehicles are prohibited from displaying any form of advertising on the exterior of the vehicle. Limited internal advertising is permitted (Business card) only if written consent is received from the Council.

**Exception from display of plate** - There are exceptions if a vehicle is used for a wedding ceremony, funeral.

### 2.2.18 Wheelchair bound Passengers

A vehicle complying with the specifications required by the Act must be adapted or designed to carry at least one wheelchair bound passenger.

There must be sufficient space between the front of the rear seat and any partition for an occupied wheelchair to turn.

There must be a separate means of securing the chair and the wheelchair occupant.

There must be wheelchair ramps carried in the vehicle (unless other forms of access are provided e.g. a motorised lift).

A vehicle Licensed for wheelchair use may carry a maximum of two signs indicating that it is capable of carrying wheelchair bound passengers.

Any swivel seat fitted must be DfT approved.

**Wheelchairs should only be carried front or rear facing for safety reasons.**

#### **2.2.19 Seeing and Hearing (Guide) Assistance Dogs**

No driver may refuse to carry a seeing or hearing (Guide) assistance dog that is in the charge of a fare paying passenger, and no charge shall be made for the carriage of such a dog whilst in the company of a disabled person or any person training such a dog. Any driver with a medical reason for not complying with this condition must obtain a medical certificate from a registered medical practitioner to exempt him from this condition. Any payment for such certificate to be paid for by the applicant. All vehicles and drivers must comply with the requirements of Statutory Instrument 2003 No. 3122, in respect of such Seeing and Hearing (Guide) dogs.

#### **2.2.20 Mechanical Breakdown**

**If any vehicle becomes unfit to complete a hiring during a hiring;**

The driver shall be entitled to demand the fare for the distance already travelled.

The driver shall secure alternative transport without delay to complete the journey if the hirer so wishes. If the original vehicle is repaired and completes the hiring the driver shall be entitled to the full fare with the exception of any time that the hirer waited for the repair to be executed.

Any such incident must be reported to the Authorised Officer within one working day.

#### **2.2.21 Towing of Trailers**

No licensed vehicle may tow any trailer, unless valid insurance for that vehicle covers such use for hire and reward, and has been shown to the Authorised Officer.

The vehicle licence plate giving the Private Hire licence number must be clearly displayed on the rear of any trailer used, this sign being in addition to that on the rear of the vehicle.

The contents of such trailer must be secured and covered in a proper manner.

Any trailer used must comply with regulations in all respects and where required the driver must hold the appropriate towing licence as issued by the DVLA.

#### **2.2.22 Ranks**

**Private Hire vehicles must not stop** on an appointed Hackney Carriage rank at anytime.

Any Private Hire vehicle must not ply for hire or tout for business.

All bookings must be taken through a licensed operator.

### **2.2.23 Dual Plating**

No vehicle will be granted a licence if it is licensed in another district due to problems of meeting the criteria in conditions applied in different districts and the enforcement of those conditions in cases of non-compliance, (i.e. signs, meters, suspensions or revocation).

### **2.2.24 Applications, Notices Etc (In Writing)**

Every application, transfer of interest in plate or vehicle, change of vehicle, (either permanent or temporary), change of vehicle colour, engine, signs or other variation in licensing conditions or criteria, accident report or other reportable information which affects the conditions or criteria upon which a licence is based must be made known to the Hackney Carriage Office in writing and/or the correct form received.

### **2.2.25 Conditions**

The Council has power to attach conditions to Private Hire licenses. The standard conditions are as set out in this handbook. Ensure that your vehicle complies with these conditions before you submit it for its test. If you are in doubt about the application of any of these conditions to your vehicle please contact the Authorised Officer.

### **2.2.26 Complying with the Conditions**

The responsibility for complying with these conditions, unless otherwise stated, shall be the proprietor's and drivers jointly and severally. Where joint responsibility occurs due diligence will be considered for each party before deciding the appropriate course of action.

### **2.2.27 Suspension or Revocation**

The Council has the power to suspend or revoke a licence if the vehicle is unfit or gives rise to an offence or non-compliance with the 1976 Act by operator or driver, or any other reasonable cause. In the case of revocation the plate must be returned.

### 2.2.28 Operator

~~The vehicle used must be covered by an Operator's Licence issued by the Council.~~  
You can only hold a Private Hire Operator's Licence from the local council in which you intend to have your operating base.

If you intend to take bookings from an operating base outside Harrogate District then you must apply for your Operator's Licence from the Licensing Department of the local Council in which your operating base is situated.

You can accept booking made from anywhere, but the address where the booking is taken (your operating base) must be within the Harrogate District.

### 2.2.29 Deposit of Licence

Any vehicle proprietor who is employed by an operator to fulfil bookings made by the operator shall deposit his vehicle licence with that operator during the period that the vehicle is employed by that operator. The operator shall return the licence to the vehicle proprietor at the end of the period.

### 2.2.30 Legislation

Any requirements of legislation that effect the operations being carried out under the terms of a licence shall be regarded as if they are conditions of that licence.

### 2.2.31 Convictions

The proprietor must immediately, and in any case within 3 days after caution/sentence, disclose to the Council in writing the details of any conviction imposed upon him or her, (or in the case of a company or partnership, on any of the directors or partners), during the period of the Private Hire vehicle licence. The Council's policy on convictions will be considered.

### 2.2.32 Appeals

You may appeal against all or any of the conditions attached to a licence granted to you.

You may appeal against the refusal of a licence to you.

Any appeal must be made within 21 days of grant of licence or the refusal of such a licence.

**Appeals must be made to the Magistrates Court, you should contact:**

**The Clerk to the Justices, The Law Courts, Victoria Avenue, Harrogate, HG1 1LS**

### 2.2.33 Documents

The following documents must be made available to the authorised officer on request:

A copy of the insurance certificate or insurance cover note.

Private Hire Vehicle Licence.

DVLA and Dual Drivers Licence.

Certificate of Compliance and MOT Certificate (if applicable).

The current tariff card (if a meter is fitted) as approved by the Council clearly displayed within the vehicle where it may be seen by any passenger carried.

### **2.2.34 Complaints**

The vehicle may be called in for inspection by the Authorised Officer if there are grounds to suspect that the safety or appearance of the car has fallen below the required standard.

### **2.2.35 Change of Abode**

Proprietor's and driver's must inform the Council (Hackney Carriage Department) of any change of address in writing prior to the change where possible, but not more than seven days after in any case.

### **2.2.36 Executive Private Hire**

All rules and conditions appertaining to Executive Private Hire are the same as Private Hire with the exceptions of the following: -

The predominance of work undertaken must be of an executive contract type of work, **proof of at least 3 contracts will be required before issue of an executive private hire licence.**

Advertising is prohibited on the interior/exterior of the vehicle.

The rear vehicle licence plate must display the Passenger Capacity and the words Executive Private Hire.

### **2.2.37 Private Hire Vehicle Operator Conditions of Licence**

#### Planning Permission

The Operator shall obtain any necessary planning permission required for his/her premises and shall comply with any conditions attached thereto.

#### Records of Hiring

For every booking taken by him/her each Operator shall keep a record as required under Section 56(2) of the Local Government (Miscellaneous Provisions) Act, 1976 in a suitable book, the pages of which are numbered consecutively and ensure that the following particulars are entered therein, before the commencement of each journey: -

The time and date of the booking;

The name, address and location of the hirer;

How the booking was made, i.e. by telephone, personal call, etc,

The time of the pick-up;

The point of the pick-up;

The destination;

Registration/licence number or call sign of the vehicle allocated the booking,

The driver licence number;

Remarks, including details of any sub-contract entered into,

The Operator shall not dispose of any record of hiring required to be made within six months of the latest hiring contained therein. If a computer system is used, the Operator must be able to provide a printout of these details.

#### Basis Of Hiring

When the Operator accepts the hiring, it is requested that he/she shall specify to the hirer the fare or the rate of the fare for the journey to be undertaken.

Every contract for the hire of a Private Hire vehicle shall be deemed to be made with the Operator, whether or not he/she provides the vehicle.

#### Records Of Vehicles

The Operator shall keep a record of the following details as regards each Private Hire vehicle operated by him/her. The said records shall be produced on request for inspection by any Authorised Officer: -

Vehicle licence/plate number and expiry date;

Vehicle registration number;

Make, model and colour of vehicle;

Name and address of the proprietor of the vehicle

#### Records of Drivers

The Operator shall keep a record of the following details as regards each Private Hire driver employed or permitted to drive by him/her:

- Driver licence/badge number and expiry date;
- The name and address of the driver

The said records shall be produced on request for inspection by any Authorised Officer of the Council or Police Officer.

### Standard of Service

The Operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular: -

Ensure that when a Private Hire vehicle is hired it is in attendance at the appointed time and place. The vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place,

Ensure that any waiting area provided by the Operator has adequate seating facilities;

Ensure that any person who is drunk or is behaving in a disorderly manner shall not be permitted to remain upon the premises in respect of which the licence is in force.

### **2.2.38 Additional Notes**

**Seat Belts:** - Refer to Motor Vehicles (Wearing of Seat Belts) Reg 1982. Licensed drivers on duty in licensed Private Hire vehicles are not obliged to wear seat belts (See below Drivers Safety), when they have fare paying passengers in the vehicle. All passengers (dependant upon age) must wear seatbelts Proprietors are therefore under obligation to provide approved seat belts properly installed and in working, wearable condition. Passengers refusing or declining to wear seat belts are infringing the law.

**Drivers Safety:** - Although it is lawful for drivers of ~~Hackney Carriage~~ **Private Hire** vehicles not to wear seat belts whilst ~~driving~~ **carrying fare paying passengers**, it is advisable and in the interest of safety, to wear a seat belt at all times whilst driving.

**Certificate of Compliance:** - Private Hire vehicles must be tested (similar to M.O.T) as stated under Procedure for Licensing a Private Hire, sub-section 4 (Certificate of Compliance). The Council is empowered to require additional testing or inspection for its own licensing purposes.

**Plate Rentals:** - The Council, by condition, prohibits renting of plates on their own. Infringement of this regulation will result in appropriate revocation or refusal for those involved (Resolved 21st July 1982).



**SECTION 3**  
**DUAL DRIVER LICENSING**



## **3.1 PROCEDURE FOR LICENSING HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS**

### **3.1.1 Introduction**

Drivers of all Hackney Carriages and Private Hire vehicles in Harrogate Borough must be licenced by the Council.

Under the Local Government (Miscellaneous Provisions) Act 1976, the Council must satisfy itself that all applicants for Hackney Carriage and Private Hire Driving Licences are "fit and proper persons". The Council relies upon checks conducted by the Criminal Records Bureau (CRB)(and its own criminal record policy) and the Driver and Vehicle Licensing Authority (DVLA) to ascertain if the applicant has any history of motoring or other offences and the applicant must have held a full driving licence for at least twelve months.

Once the above checks have successfully completed applicants are required to take a knowledge and locality test. This is to check how well they know the district and their understanding of the principles of the operation of Hackney Carriages and Private Hire vehicles.

Following the test and on the payment of the relevant fee, the applicant will be issued with a dual driving licence and identity card.

### **3.1.2 Medical Standards**

Applicants must also subject themselves to a medical examination by their own GP and at their own expense. The standard of medical fitness is the same as required under group 2 of the DVLA regulations for vocational HGV and PCV drivers. These are detailed at [www.dvla.gov.uk/medical/ataglance.aspx](http://www.dvla.gov.uk/medical/ataglance.aspx)

### **3.1.3 Taxi and Private Hire Vehicle Licensing: Best Practice Guidance**

Issued by the DfT

The following policy will apply in relation to applicants with insulin treated diabetes:

**(Taken from Annex B: Taxi and Private Hire Vehicle Licensing: Best Practice Guidance)**

**Assessing applicants for a taxi or PHV driver licence in accordance with C1 standard - Exceptional circumstances under which the licensing authority will consider granting licences**

Insulin treated diabetes is normally a bar to driver licensing. These arrangements mean that those with good diabetic control and who have no significant complications can be treated as "exceptional cases" and may have their application for a licence considered. The criteria are:

- To have been taking insulin for at least 4 weeks;
- Not to have suffered an episode of hypoglycaemia requiring the assistance of another person whilst driving in the last 12 months;

- To attend an examination by a hospital consultant specialising in the treatment of diabetes at intervals of not more than 12 months and to provide a report from such a consultant in support of the application which confirms a history of responsible diabetic control with a minimal risk of incapacity due to hypoglycaemia;
- To provide evidence of at least twice daily blood glucose monitoring at times when C1 vehicles are being driven (those that have not held C1 entitlement in the preceding 12 months may provide evidence of blood glucose monitoring while driving other vehicles);
- To have no other condition which would render the driver a danger when driving C1 vehicles; and
- To sign an undertaking to comply with the directions of the doctor(s) treating the diabetes and to report immediately to DVLA any significant change in condition.

### 3.1.4 Driver Licence Procedure

The applicant must obtain an application pack from the licensing department at Springfield House, King's Road, Harrogate HG1 5NX. The pack contains the following documents:

- Information sheet detailing how to complete the accompanying forms.
- CRB **enhanced** disclosure application
- CRB consent form (allows the Council to use the CRB disclosure in deciding the application).
- DVLA ~~application~~ **fee paying enquiry form**
- HBC application **form**
- Medical questionnaire
- Knowledge and locality test information sheet
- Conditions of licence (To be signed by the applicant before grant of the licence).

The completed forms, along with the initial fee\* to cover the costs of the CRB and DVLA checks, must be returned in person to the Licensing Officer. They must also be accompanied by the following documents:

- Passport, ~~or Birth Certificate or certified copy~~ **or other document as stated on the advice sheet Group 1 or Group 2**
- Driving Licence (both parts if photo card type)
- **Proof of National Insurance number i.e.** P45/P60 or National Insurance Card
- ~~Marriage Certificate if applicable~~
- ~~Three proofs of current residence e.g. utility bills, credit card, bank or mortgage statement.~~ **One document other than driving licence to prove current address**
- If the applicant has not lived in the UK for 5 years (without break) at the time of the application they must supply A Certificate of Good Conduct from the country in which they were residing prior to arrival in the UK.

### 3.1.5 Medical

The applicant must make arrangements to undergo the necessary medical examination and the questionnaire completed and stamped by their own GP. The completed form must be returned to the Licensing Office prior to the issue of a

licence. Those applicants who have already undertaken a medical examination at DVLA level 2 for vocational HGV or PCV vehicles within the last five years may be exempted subject to the production of a copy of the medical being produced.

Medicals will be repeated every five years until the licence holders 65<sup>th</sup> birthday after which they will be undertaken annually. If for any reason the licensing officer deems it necessary then a licence holder must undertake a medical on request at the licence holders expense.

Those drivers which have been licensed under the C1 medical criteria (see previous) are required to undergo a medical annually along with twice daily blood tests.

### 3.1.6 Making Application for a Dual Drivers Licence

~~All applicants are advised that to avoid errors in completing an application they collect the papers required from the office of the Hackney Carriage and Private Hire Officer, at that time they will receive an explanation as to the requirements. Prior to issue of a licence the following will be required;~~

Application packs should be collected in person from the Licensing office. Full instructions will be provided to assist in the completion of the forms and a digital image taken to insert on the medical form. Packs are not usually mailed out for this reason.

Prior to the issue of a License the following will be required:-

An enhanced Criminal Records Bureau (CRB) form must be completed at the Hackney Carriage Office, but before it is sent to the CRB it must be signed either by the Hackney Carriage Inspector or the Assistant Hackney Carriage Inspector. The applicant in due course will receive from the CRB in confidence a report stating whether any records are held against the applicant. Any conviction(s) will be considered with reference to the Councils conviction policy, copies of which can be supplied by the Hackney Carriage office.

You will be required to produce your birth certificate or passport to show date and place of birth, on initial application only.

The applicant will be required to produce a full current driving licence for the correct group as required for driving a Hackney Carriage/Private Hire vehicle as issued by the DVLA (or EU member state) and must have been held for at least twelve months without break.

The application form must be completed, and all questions must be fully answered, signed and dated.

References will be requested from the names provided, these must be persons of some standing in the community, and should include your current employer. A future employer, relation or friends are not acceptable. References are only required on initial application.

No licence will be issued unless all information has been supplied and appropriate fee paid.

When all above items are in hand the applicant will be invited to undertake a practical knowledge test of the area, **this will be followed by a short test on the legislation and terms and conditions that govern the licence.** Subject to the applicant achieving a satisfactory standard and the fee being paid an appropriate Dual Driving Licence and I.D. badge will be issued.

Anyone failing the knowledge test will be invited to retake the test at a later date without additional fee.

The Council reserve the right to require any applicant to provide additional CRB Access forms or full medical forms if they have reason to believe that the conditions have changed since the application.

Any application not completed within six months will be considered as null and void and require all information to be re-submitted (unless there is reasonable cause which is out of the control of the applicant).

### **3.1.7 Annual Re-Licensing Of Drivers**

Dual Drivers licences are issued for the period 1 April to 31 March following or part thereof.

On re-licensing applicants will need to meet the criteria above except they will not have to undergo the knowledge test, complete a CRB, DVLA or medical check. Once licensed, the CRB and Medical checks are ongoing as detailed in this document. **(Medicals are carried out every 5 years until the age of 65 then yearly afterwards. The CRB/DVLA checks are carried out every 3 years. Drivers will be written to and sent the relevant forms well in advance of the run out dates and you are asked to attend the Licensing Office with the required documents).**

All applications for renewal must be made a minimum of three week prior to the above dates with all papers required complete at time of application to enable any checks of official record to be made prior to the issue of a new licence. Persons failing to apply to re-licence before expiry of the previous licence will need to submit a new application as if doing so for the first time.

Any incomplete applications will be returned to the applicant and not be processed until application is resubmitted with all details and papers as required.

No licence will be issued unless the payment has been submitted and the right is reserved to present cheques and drafts for payment on receipt and withhold processing of applications pending clearance. A Licence in respect of which the application fee has been paid by a cheque, which subsequently is not honoured, shall be deemed not to have taken effect.

Post-dated cheques will not be accepted for initial issue of a licence or renewal.

On the renewal of the Dual Drivers Badge and Licence the driver or representative for that driver shall attend the Hackney Carriage Office and bring with them:

- ❖ The old badge that is to be renewed
- ❖ Driving Licence (if this is a photo card licence both parts must be produced)

### **3.1.8 Lapse in Licence**

The expiry of a licence before the submission of an application for renewal will result in any application being treated as a new application and not a renewal.

### **3.1.9 Driver Identity Badge**

The Dual Drivers Badge must be worn by the driver at all times when employed as a Hackney Carriage/Private Hire driver, in a clearly visible manner to passengers.

### **3.1.10 CRB Checks**

All licensed Hackney Carriage and Private Hire drivers must undergo an enhanced CRB and DVLA check every three years.

### **3.1.11 Notes**

Any conviction will be considered with reference to the Councils conviction policy. The Hackney Carriage office can supply copies.

The Council has the power to revoke or suspend licenses after convictions for various offences, or failure to comply with the relevant provisions of The Local Government (Miscellaneous Provisions) Act, 1976, Part II, or any other reasonable cause. The power to suspend or revoke with immediate effect where it appears in the interests of public safety was introduced by the Road Safety Act 2006.

Any requirements of legislation that affect the operations carried out under the terms of a licence shall be regarded as if they are conditions of that licence.

## **3.2 PRIVATE HIRE LICENCE CONDITIONS MADE UNDER THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976.**

### **3.2.1 Conduct of the Driver - The Driver Shall:**

At all times be clean and respectable in his/her dress and person and behave in a civil and orderly manner.

Not, except with the expressed consent of the hirer, drink, or eat in the vehicle.

Not, except with the expressed consent of the hirer, play any radio or sound reproducing instrument or equipment other than for communicating with the Operator, and shall at no time cause or permit the noise emitted by such instrument or equipment to be a source of nuisance or annoyance to any person whether inside or outside the vehicle.

When hired to drive to any particular destination, and subject to any directions given by the hirer, proceed to that destination by the shortest practicable route.

If he/she is aware that the vehicle has been hired to be in attendance at an appointed time and place or has otherwise been instructed by the Operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place, unless delayed or prevented by sufficient cause.

Afford all reasonable assistance with passenger's luggage.

Take all reasonable steps to ensure the safety of every passenger conveyed in, entering or alighting from the vehicle driven by him/her.

Ensure that any Hackney Carriage/Private Hire vehicle driven by him/her is in a road worthy condition and thoroughly cleansed before the commencement of his/her journey.

*(Not refuse to carry disabled passengers wherever it is possible to do so).*

### **3.2.2 Dual Drivers Badge - The Driver Shall:**

**Wear** his/her badge in such a position and manner as to be plainly and distinctly visible at all times

Upon the expiry of this licence, or at any time when requested in writing to do so by an Authorised Officer of the Council, return forthwith to the Council the driver's badge issued to him/her by the Council.

### **3.2.3 Passengers - The Driver Shall:**

Not convey or permit to be conveyed in a Hackney Carriage/Private Hire vehicle a greater number of persons than that prescribed in the licence for the vehicle.

Not without the consent of the hirer of a vehicle, convey or permit to be conveyed any other person in that vehicle unless arrangements have been put in place under Sections 10 to 12 of the Transport Act 1985.

Ensure that each and every front seat passenger in a Hackney Carriage/Private Hire vehicle is provided with full harness type seatbelts and head restraints, to comply with current legislation.

If requested, provide the hirer with a written receipt for the fare paid.

### **3.2.4 Lost Property**

The driver shall immediately after the termination of any hiring of a Hackney Carriage/Private Hire vehicle, or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left there.

If any property is found by or handed to the driver, he/she shall without delay carry it as soon as possible and in any event within 24 hours to the Hackney Carriage office or to the nearest Police Station.

### **3.2.3 Animals**

The driver shall not convey, whilst the vehicle is being used as a Hackney Carriage/Private Hire vehicle, any animal belonging to, or in the custody of him/her or the proprietor or operator of the vehicle. Any animal belonging to, or in the custody of, any passenger may be conveyed, in the rear of the vehicle at the discretion of the driver.

The driver shall not refuse to convey a Guide Dog/Hearing Dog in a Hackney

Carriage /Private Hire vehicle, unless the driver holds an exemption certificate issued by the Hackney Carriage Department.

#### **3.2.4 Touting and Soliciting**

The driver shall not, whilst driving or in charge of a Hackney Carriage/Private Hire Vehicle:

Tout or solicit any person to hire or be carried for hire in any Hackney Carriage/Private Hire Vehicle.

Cause or procure any other person to tout or solicit any person to hire or be carried for hire in any Hackney Carriage/Private Hire Vehicle.

It is permitted for Hackney Carriage vehicles to be hailed by the General Public when returning to the rank or office after completion of a job, but it is not permitted to form ranks other than official ranks designated by the Council.

#### **3.2.5 Complaints**

Any driver against whom a complaint is made will attend at the office of the Authorised Officer, within one working day to answer such complaint, after having been informed of such requirement to attend.

#### **3.2.6 Inspection**

Any driver called for inspection must attend with any documents requested, failure to do so may lead to suspension or revocation of licence.

#### **3.2.7 Change of Abode**

The driver must inform the Council (Hackney Carriage Department) of any change of address in writing prior to the change where possible, but not more than seven days after in any case.

#### **3.2.8 Illness or Injury**

The driver shall notify the Council immediately of any illness or injury affecting his/her fitness to drive in any way.

#### **3.2.9 Convictions**

The driver shall within 7 days of any conviction, (*arrest or of being bailed*) (motoring or otherwise) disclose to the Council in writing details of such convictions imposed on him/her during the period of this licence. Convictions will be considered with reference and the Councils convictions policy

#### **3.2.10 Fare to be demanded**

The driver shall not demand from any hirer of a Hackney Carriage/Private Hire vehicle a fare in excess of any previously agreed for the hiring between the hirer and the operator except where the route has since been deviated from on the hirers instructions.

### **3.2.11 Enforcement Policy**

Copies of the Councils Hackney Carriage and Private Hire Enforcement Policy can be obtained from the Hackney Carriage office on request.

**APPENDIX 1**  
**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)**  
**ACT 1976 PART 2**



PART II

HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

**Annotations:**

**Modifications etc. (not altering text)**

**C1** Pt. II(ss. 45–80) modified by Transport Act 1978 (c. 55, SIF 126), s. 7(3)

**C2** Pt. II(ss. 45–80) amended by Public Passenger Vehicles Act 1981 (c. 14, SIF 107:1), s. 79

**C3** Pt. II(ss. 45–80) applied with modifications by S.I. 1986/567, regs. 3, 4

**C4** Pt. II (ss. 45–80) extended (1.4.2000) by 1999 c. 29, s. 255(1)(4); S.I. 2000/801, art. 2(2)(a), Sch. Pt. 1  
Pt. II (ss. 45–80) excluded (1.7.2001) by 1981 c. 14, s. 79A(1)(a) (as inserted (1.7.2001) by 2000 c. 38, s. 265(2); S.I. 2001/1498, art. 3)

**45.**

Application of Part II.

— (1) The provisions of this Part of this Act, except this section, shall come into force in accordance with the following provisions of this section.

(2) If the Act of 1847 is in force in the area of a district council, the council may resolve that the provisions of this Part of this Act, other than this section, are to apply to the relevant area; and if the council do so resolve those provisions shall come into force in the relevant area on the day specified in that behalf in the resolution (which must not be before the expiration of the period of one month beginning with the day on which the resolution is passed).

In this subsection “the relevant area”, in relation to a council, means—

(a) if the Act of 1847 is in force throughout the area of the council, that area; and

(b) if the Act of 1847 is in force for part only of the area of the council, that part of that area.

(3) A council shall not pass a resolution in pursuance of the foregoing subsection unless they have—

(a) published in two consecutive weeks, in a local newspaper circulating in their area, notice of their intention to pass the resolution; and

(b) served a copy of the notice, not later than the date on which it is first published in pursuance of the foregoing paragraph, on the council of each parish or community which would be affected by the resolution or, in the case of such a parish which has no parish council, on the chairman of the parish meeting.

(4) If after a council has passed a resolution in pursuance of subsection (2) of this section the Act of 1847 comes into force for any part of the area of the council for which it was not in force when the council passed the resolution, the council may pass a resolution in accordance with the foregoing provisions of this section in respect of that part as if that part were included in the relevant area for the purposes of subsection (2) of this section.

## 46.

Vehicle, drivers' and operators' licences.

— (1) Except as authorised by this Part of this Act—

(a) no person being the proprietor of any vehicle, not being a hackney carriage[or London cab]in respect of which a vehicle licence is in force, shall use or permit the same to be used in a controlled district as a private hire vehicle without having for such a vehicle a current licence under section 48 of this Act;

(b) no person shall in a controlled district act as driver of any private hire vehicle without having a current licence under section 51 of this Act;

(c) no person being the proprietor of a private hire vehicle licensed under this Part of this Act shall employ as the driver thereof for the purpose of any hiring any person who does not have a current licence under the said section 51;

(d) no person shall in a controlled district operate any vehicle as a private hire vehicle without having a current licence under section 55 of this Act;

(e) no person licensed under the said section 55 shall in a controlled district operate any vehicle as a private hire vehicle—

(i) if for the vehicle a current licence under the said section 48 is not in force; or

(ii) if the driver does not have a current licence under the said section 51.

(2) If any person knowingly contravenes the provisions of this section, he shall be guilty of an offence.

### Annotations:

#### **Amendments (Textual)**

F1 Words inserted by Transport Act 1985 (c. 67, SIF 126), s. 139(2), Sch. 7 para. 17(1)

## 47.

Licensing of hackney carriages.

— (1) A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary.

(2) Without prejudice to the generality of the foregoing subsection, a district council may require any hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.

(3) Any person aggrieved by any conditions attached to such a licence may appeal to a magistrates' court.

### Annotations:

#### **Modifications etc. (not altering text)**

C5 S. 47: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1 Table B3

## 48.

Licensing of private hire vehicles.

— (1) Subject to the provisions of this Part of this Act, a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such a licence unless they are satisfied—

(a) that the vehicle is—

(i) suitable in type, size and design for use as a private hire vehicle;

(ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;

(iii) in a suitable mechanical condition;

(iv) safe; and

(v) comfortable;

(b) that there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of [\[Part VI of the Road Traffic Act 1988\]](#), and shall not refuse such a licence for the purpose of limiting the number of vehicles in respect of which such licences are granted by the council.

(2) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.

(3) In every vehicle licence granted under this section there shall be specified—

(a) the name and address of—

(i) the applicant; and

(ii) every other person who is a proprietor of the private hire vehicle in respect of which the licence is granted, or who is concerned, either solely or in partnership with any other person, in the keeping, employing or letting on hire of the private hire vehicle;

(b) the number of the licence which shall correspond with the number to be painted or marked on the plate or disc to be exhibited on the private hire vehicle in accordance with subsection (6) of this section;

(c) the conditions attached to the grant of the licence; and

(d) such other particulars as the district council consider reasonably necessary.

(4) Every licence granted under this section shall—

(a) be signed by an authorised officer of the council which granted it;

(b) relate to not more than one private hire vehicle; and

(c) remain in force for such period not being longer than one year as the district council may specify in the licence.

(5) Where a district council grant under this section a vehicle licence in respect of a private hire vehicle they shall issue a plate or disc identifying that vehicle as a private hire vehicle in respect of which a vehicle licence has been granted.

(6) (a) Subject to the provisions of this Part of this Act, no person shall use or permit to be used in a controlled district as a private hire vehicle in respect of which a licence has been granted under this section unless the plate or disc issued in accordance with subsection (5) of this section is exhibited on the vehicle in such manner as the district council shall prescribe by condition attached to the grant of the licence.

(b) If any person without reasonable excuse contravenes the provisions of this subsection he shall be guilty of an offence.

(7) Any person aggrieved by the refusal of a district council to grant a vehicle licence under this section, or by any conditions specified in such a licence, may appeal to a magistrates' court.

#### Annotations:

##### **Amendments (Textual)**

F2 Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, Sch. 3 para. 16(1)

##### **Modifications etc. (not altering text)**

C6 S. 48: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1 Table B3

S. 48 extended (13.3.2000) by S.I. 2000/412, art. 4(3)

#### **49.**

Transfer of hackney carriages and private hire vehicles.

— (1) If the proprietor of a hackney carriage or of a private hire vehicle in respect of which a vehicle licence has been granted by a district council transfers his interest in the hackney carriage or private hire vehicle to a person other than the proprietor whose name is specified in the licence, he shall within fourteen days after such transfer give notice in writing thereof to the district council specifying the name and address of the person to whom the hackney carriage or private hire vehicle has been transferred.

(2) If a proprietor without reasonable excuse fails to give notice to a district council as provided by subsection (1) of this section he shall be guilty of an offence.

#### **50.**

Provisions as to proprietors.

— (1) Without prejudice to the provisions of section 68 of this Act, the proprietor of any hackney carriage or of any private hire vehicle licensed by a district council shall present such hackney carriage or private hire vehicle for inspection and testing by or on behalf of the council within such period and at such place within the area of the council as they may by notice reasonably require: Provided that a district council shall not under the provisions of this subsection require a proprietor to present the same hackney carriage or private hire vehicle for inspection and testing on more than three separate occasions during any one period of twelve months.

(2) The proprietor of any hackney carriage or private hire vehicle—

(a) licensed by a district council under the Act of 1847 or under this Part of this Act; or

(b) in respect of which an application for a licence has been made to a district council under the Act of 1847 or under this Part of this Act;

shall, within such period as the district council may by notice reasonably require, state in writing the address of every place where such hackney carriage or private hire vehicle is kept when not in use, and shall if the district council so require afford to them such facilities as may be reasonably necessary to enable them to cause such hackney carriage or private hire vehicle to be inspected and tested there.

(3) Without prejudice to the provisions of [\[section 170 of the Road Traffic Act 1988\]](#), the proprietor of a hackney carriage or of a private hire vehicle licensed by a district council shall report to them as soon as reasonably practicable, and in any case within seventy-two hours of the occurrence thereof, any accident to such hackney carriage or private hire vehicle causing damage materially affecting the safety, performance or appearance of the hackney carriage or private hire vehicle or the comfort or convenience of persons carried therein.

(4) The proprietor of any hackney carriage or of any private hire vehicle licensed by a district council shall at the request of any authorised officer of the council produce for inspection the vehicle licence for such hackney carriage or private hire vehicle and the certificate of the policy of insurance or security required by [\[Part VI of the Road Traffic Act 1988\]](#) in respect of such hackney carriage or private hire vehicle.

(5) If any person without reasonable excuse contravenes the provisions of this section, he shall be guilty of an offence.

**Annotations:**

**Amendments (Textual)**

F3 Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, Sch. 3 para. 16(2)(a)

F4 Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, Sch. 3 para. 16(2)(b)

**51.**

Licensing of drivers of private hire vehicles.

— (1) Subject to the provisions of this Part of this Act, a district council shall, on the receipt of an application from any person for the grant to that person of a licence to drive private hire vehicles, grant to that person a driver's licence:

Provided that a district council shall not grant a licence—

(a) unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence; or

[\[\(b\) to any person who has not for at least twelve months been authorised to drive a motor car, or is not at the date of the application for a driver's licence so authorised.\]](#)

(1A) .....

[\[\(1\) For the purposes of subsection \(1\) of this section a person is authorised to drive a motor car if—](#)

[\(a\) he holds a licence granted under Part III of the Road Traffic Act 1988 \(not being a provisional licence\) authorising him to drive a motor car, or](#)

[\(b\) he is authorised by virtue of section 99A\(1\)\[or section 109\(1\)\] of that Act to drive in Great Britain a motor car.\]](#)

(2) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary.

(3) It shall be the duty of a council by which licences are granted in pursuance of this section to enter, in a register maintained by the council for the purpose, the following particulars of each such licence, namely—

(a) the name of the person to whom it is granted;

(b) the date on which and the period for which it is granted; and

(c) if the licence has a serial number, that number,

and to keep the register available at its principal offices for inspection by members of the public during office hours free of charge.

**Annotations:**

**Amendments (Textual)**

F5 S. 51(1)(b) substituted (1.1.1997) by S.I. 1996/1974, reg. 5, Sch. 4 para. 2(2)

F6 S. 51(1A) repealed (1.4.1998) by 1997 c. 50, s. 134(1)(2), Sch. 9 para. 34, Sch. 10; S.I. 1998/354, art. 2(2)(ay)

F7 By S.I. 1996/1974, reg. 5, Sch. 4 para. 3, it is provided that in s. 51 after subsection (1A) there shall be inserted (1.1.1997) subsection (1)

F8 Words in s. 51(1)(b) inserted (5.9.1998) by S.I. 1998/1946, art.2

**Modifications etc. (not altering text)**

C7 S. 51: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1 Table B3

S. 51 extended (13.3.2000) by S.I. 2000/412, art. 4(5)

## 52.

Appeals in respect of drivers' licences.

Any person aggrieved by—

(1) the refusal of the district council to grant a driver's licence under section 51 of this Act; or

(2) any conditions attached to the grant of a driver's licence;

may appeal to a magistrates' court.

## 53.

Drivers' licences for hackney carriages and private hire vehicles.

— (1) (a) Every licence granted by a district council under the provisions of this Part of this Act to any person to drive a private hire vehicle shall remain in force for three years from the date of such licence or for such lesser period as the district council may specify in such licence.

(b) Notwithstanding the provisions of the Public Health Act 1875 and the Town Police Clauses Act 1889, every licence granted by a district council under the provisions of the Act of 1847 to any person to drive a hackney carriage shall remain in force for three years from the date of such licence or for such lesser period as they may specify in such licence.

(2) Notwithstanding the provisions of the Act of 1847, a district council may demand and recover for the grant to any person of a licence to drive a hackney carriage, or a private hire vehicle, as the case may be, such a fee as they consider reasonable with a view to recovering the costs of issue and administration and may remit the whole or part of the fee in respect of a private hire vehicle in any case in which they think it appropriate to do so.

(3) The driver of any hackney carriage or of any private hire vehicle licensed by a district council shall at the request of any authorised officer of the council or of any constable produce for inspection his driver's licence either forthwith or—

(a) in the case of a request by an authorised officer, at the principal offices of the council before the expiration of the period of five days beginning with the day following that on which the request is made;

(b) in the case of a request by a constable, before the expiration of the period aforesaid at any police station which is within the area of the council and is nominated by the driver when the request is made.

(4) If any person without reasonable excuse contravenes the provisions of this section, he shall be guilty of an offence.

### Annotations:

#### **Modifications etc. (not altering text)**

**C8** S. 53: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1 Table B4

#### **Marginal Citations**

**M1** 1875 c. 55.

**M2** 1889 c. 14.

## 54.

Issue of drivers' badges.

— (1) When granting a driver's licence under section 51 of this Act a district council shall issue a driver's badge in such a form as may from time to time be prescribed by them.

(2) (a) A driver shall at all times when acting in accordance with the driver's licence granted to him wear such badge in such position and manner as to be plainly and distinctly visible.

(b) If any person without reasonable excuse contravenes the provisions of this subsection, he shall be guilty of an offence.

**Annotations:**

**Modifications etc. (not altering text)**

**C9** S. 54: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1 Table B4

**55.**

Licensing of operators of private hire vehicles.

— (1) Subject to the provisions of this Part of this Act, a district council shall, on receipt of an application from any person for the grant to that person of a licence to operate private hire vehicles grant to that person an operator's licence:

Provided that a district council shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold an operator's licence.

(2) Every licence granted under this section shall remain in force for such period, not being longer than five years, as a district council may specify in the licence.

(3) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary.

(4) Any applicant aggrieved by the refusal of a district council to grant an operator's licence under this section, or by any conditions attached to the grant of such a licence, may appeal to a magistrates' court.

**Annotations:**

**Modifications etc. (not altering text)**

**C10** S. 55: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1 Table B5  
S. 55 extended (13.3.2000) by S.I. 2000/412, art. 4(4)

**56.**

Operators of private hire vehicles.

— (1) For the purposes of this Part of this Act every contract for the hire of a private hire vehicle licensed under this Part of this Act shall be deemed to be made with the operator who accepted the booking for that vehicle whether or not he himself provided the vehicle.

(2) Every person to whom a licence in force under section 55 of this Act has been granted by a district council shall keep a record in such form as the council may, by condition attached to the grant of the licence, prescribe and shall enter therein, before the commencement of each journey, such particulars of every booking of a private hire vehicle invited or accepted by him, whether by accepting the same from the hirer or by undertaking it at the request of another operator, as the district council may by condition prescribe and shall produce such record on request to any authorised officer of the council or to any constable for inspection.

(3) Every person to whom a licence in force under section 55 of this Act has been granted by a district council shall keep such records as the council may, by conditions attached to the grant of the licence, prescribe of the particulars of any private hire vehicle operated by him and shall produce the same on request to any authorised officer of the council or to any constable for inspection.

(4) A person to whom a licence in force under section 55 of this Act has been granted by a district council shall produce the licence on request to any authorised officer of the council or any constable for inspection.

(5) If any person without reasonable excuse contravenes the provisions of this section, he shall be guilty of an offence.

**Annotations:**

**Modifications etc. (not altering text)**

C11 S. 56: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1 Table B5

**57.**

Power to require applicants to submit information.

— (1) A district council may require any applicant for a licence under the Act of 1847 or under this Part of this Act to submit to them such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence.

(2) Without prejudice to the generality of the foregoing subsection—

(a) a district council may require an applicant for a driver's licence in respect of a hackney carriage or a private hire vehicle—

(i) to produce a certificate signed by a registered medical practitioner to the effect that he is physically fit to be the driver of a hackney carriage or a private hire vehicle; and

(ii) whether or not such a certificate has been produced, to submit to examination by a registered medical practitioner selected by the district council as to his physical fitness to be the driver of a hackney carriage or a private hire vehicle;

(b) a district council may require an applicant for an operator's licence to submit to them such information as to—

(i) the name and address of the applicant;

(ii) the address or addresses whether within the area of the council or not from which he intends to carry on business in connection with private hire vehicles licensed under this Part of this Act;

(iii) any trade or business activities he has carried on before making the application;

(iv) any previous application he has made for an operator's licence;

(v) the revocation or suspension of any operator's licence previously held by him;

(vi) any convictions recorded against the applicant;

as they may reasonably consider necessary to enable them to determine whether to grant such licence;

(c) in addition to the information specified in paragraph (b) of this subsection, a district council may require an applicant for an operator's licence to submit to them—

(i) if the applicant is or has been a director or secretary of a company, information as to any convictions recorded against that company at any relevant time; any trade or business activities carried on by that company; any previous application made by that company for an operator's licence; and any revocation or suspension of an operator's licence previously held by that company;

(ii) if the applicant is a company, information as to any convictions recorded against a director or secretary of that company; any trade or business activities carried on by any such director or secretary; any previous application made by any such director or secretary for an operator's licence; and any revocation or suspension of an operator's licence previously held by such director or secretary;

(iii) if the applicant proposes to operate the vehicle in partnership with any other person, information as to any convictions recorded against that person; any trade or business activities carried on by that person; any previous application made by that person for an operator's licence; and any revocation or suspension of an operator's licence previously held by him.

(3) If any person knowingly or recklessly makes a false statement or omits any material particular in giving information under this section, he shall be guilty of an offence.

**Annotations:**

**Modifications etc. (not altering text)**

C12 S. 57: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1 Table B3,5

**58.**

Return of identification plate or disc on revocation or expiry of licence etc.

— (1) On—

(a) the revocation or expiry of a vehicle licence in relation to a hackney carriage or private hire vehicle; or

(b) the suspension of a licence under section 68 of this Act;

a district council may by notice require the proprietor of that hackney carriage or private hire vehicle licensed by them to return to them within seven days after the service on him of that notice the plate or disc which—

(a) in the case of a hackney carriage, is required to be affixed to the carriage as mentioned in section 38 of the Act of 1847; and

(b) in the case of a private hire vehicle, was issued for the vehicle under section 48(5) of this Act.

(2) If any proprietor fails without reasonable excuse to comply with the terms of a notice under subsection (1) of this section—

(a) he shall be guilty of an offence and liable on summary conviction to a fine not exceeding [level 3 on the standard scale] and to a daily fine not exceeding ten pounds; and

(b) any authorised officer of the council or constable shall be entitled to remove and retain the said plate or disc from the said hackney carriage or private hire vehicle.

**Annotations:**

**Amendments (Textual)**

F9 Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46

**Modifications etc. (not altering text)**

C13 S. 58: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1 Table B3,5

**59.**

Qualifications for drivers of hackney carriages.

— (1) Notwithstanding anything in the Act of 1847, a district council shall not grant a licence to drive a hackney carriage—

(a) unless they are satisfied that the applicant is a fit and proper person to hold a driver’s licence; or

[(b) to any person who has not for at least twelve months been authorised to drive a motor car, or is not at the date of the application for a driver’s licence so authorised.]

[(1A) For the purposes of subsection (1) of this section a person is authorised to drive a motor car if—

(a) he holds a licence granted under Part III of the Road Traffic Act 1988 (not being a provisional licence) authorising him to drive a motor car, or

(b) he is authorised by virtue of section 99A(1)[or section 109(1)]of that Act to drive in Great Britain a motor car.]

(1A) .....

(2) Any applicant aggrieved by the refusal of a district council to grant a driver's licence on the ground that he is not a fit and proper person to hold such licence may appeal to a magistrate's court.

**Annotations:**

**Amendments (Textual)**

F10 S. 59(1)(b) substituted (1.1.1997) by S.I. 1996/1974, reg. 5, Sch. 4 para. 2(4)

F11 By S.I. 1996/1974, reg. 5 Sch. 4 para. 2(5) it is provided that in s. 59 subsection (1A) shall be inserted after subsection (1)

F12 Words in s. 59(1A)(b) inserted (5.9.1988) by S.I. 1998/1946, art. 3

F13 S. 59(1A) repealed (1.4.1998) by 1997 c. 50, s. 134(1)(2), Sch. 9 para. 34, Sch. 10

**Modifications etc. (not altering text)**

C14 S. 59: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1 Table B4

**60.**

Suspension and revocation of vehicle licences.

— (1) Notwithstanding anything in the Act of 1847 or in this Part of this Act, a district council may suspend or revoke, or (on application therefor under section 40 of the Act of 1847 or section 48 of this Act, as the case may be) refuse to renew a vehicle licence on any of the following grounds:—

(a) that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;

(b) any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the operator or driver; or

(c) any other reasonable cause.

(2) Where a district council suspend, revoke or refuse to renew any licence under this section they shall give to the proprietor of the vehicle notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew the licence within fourteen days of such suspension, revocation or refusal.

(3) Any proprietor aggrieved by a decision of a district council under this section may appeal to a magistrates' court.

**Annotations:**

**Modifications etc. (not altering text)**

C15 S. 60: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1 Table B3

**61.**

Suspension and revocation of drivers' licences.

— (1) Notwithstanding anything in the Act of 1847 or in this Part of this Act, a district council may suspend or revoke or (on application therefor under section 46 of the Act of 1847 or section 51 of this Act, as the case may be) refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds:—

(a) that he has since the grant of the licence—

(i) been convicted of an offence involving dishonesty, indecency or violence; or

(ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act; or

(b) any other reasonable cause.

(2) (a) Where a district council suspend, revoke or refuse to renew any licence under this section they shall give to the driver notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew such licence within fourteen days of such

suspension, revocation or refusal and the driver shall on demand return to the district council the driver's badge issued to him in accordance with section 54 of this Act.

(b) If any person without reasonable excuse contravenes the provisions of this section he shall be guilty of an offence and liable on summary conviction to a fine not exceeding [level 1 on the standard scale].

(3) Any driver aggrieved by a decision of a district council under this section may appeal to a magistrates' court.

**Annotations:**

**Amendments (Textual)**

F14 Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46

**Modifications etc. (not altering text)**

C16 S. 61: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1 Table B4

**62.**

Suspension and revocation of operators' licences.

— (1) Notwithstanding anything in this Part of this Act a district council may suspend or revoke, or (on application therefor under section 55 of this Act) refuse to renew an operator's licence on any of the following grounds:—

(a) any offence under, or non-compliance with, the provisions of this Part of this Act;

(b) any conduct on the part of the operator which appears to the district council to render him unfit to hold an operator's licence;

(c) any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or

(d) any other reasonable cause.

(2) Where a district council suspend, revoke or refuse to renew any licence under this section they shall give to the operator notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew such licence within fourteen days of such suspension, revocation or refusal.

(3) Any operator aggrieved by a decision of a district council under this section may appeal to a magistrates' court.

**Annotations:**

**Modifications etc. (not altering text)**

C17 S. 62: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1 Table B5

**63.**

Stands for hackney carriages.

— (1) For the purposes of their functions under the Act of 1847, a district council may from time to time appoint stands for hackney carriages for the whole or any part of a day in any highway in the district which is maintainable at the public expense and, with the consent of the owner, on any land in the district which does not form part of a highway so maintainable and may from time to time vary the number of hackney carriages permitted to be at each stand.

(2) Before appointing any stand for hackney carriages or varying the number of hackney carriages to be at each stand in exercise of the powers of this section, a district council shall give notice to the chief officer of police for the police area in which the stand is situated and shall also give public notice of the proposal by advertisement in at least one local newspaper circulating in the district and

shall take into consideration any objections or representations in respect of such proposal which may be made to them in writing within twenty-eight days of the first publication of such notice.

(3) Nothing in this section shall empower a district council to appoint any such stand—

(a) so as unreasonably to prevent access to any premises;

(b) so as to impede the use of any points authorised to be used in connection with a [local service within the meaning of the Transport Act 1985] [or PSV operator's licence granted under [the Public Passenger Vehicles Act 1981]], as points for the taking up or setting down of passengers, or in such a position as to interfere unreasonably with access to any station or depot of any passenger road transport operators, except with the consent of those operators;

(c) on any highway except with the consent of the highway authority;

and in deciding the position of stands a district council shall have regard to the position of any bus stops for the time being in use.

(4) Any hackney carriage byelaws for fixing stands for hackney carriages which were made by a district council before the date when this section comes into force in the area of the council and are in force immediately before that date shall cease to have effect, but any stands fixed by such byelaws shall be deemed to have been appointed under this section.

(5) The power to appoint stands for hackney carriages under subsection (1) of this section shall include power to revoke such appointment and to alter any stand so appointed and the expressions "appointing" and "appoint" in subsections (2) and (3) of this section shall be construed accordingly.

#### **Annotations:**

##### **Amendments (Textual)**

F15 Words substituted by Transport Act 1985 (c. 67, SIF 126), s. 1, Sch. 1

F16 Words substituted by Transport Act 1980 (c. 34, SIF 107:1), s. 43(1), Sch. 5

F17 Words substituted by virtue of Public Passenger Vehicles Act 1981 (c. 14, SIF 107:1), s. 88(2), Sch. 7 para. 19

##### **Modifications etc. (not altering text)**

C18 S. 63 extended (13.3.2000) by S.I. 2000/412, art. 6(1)(2)

## **64.**

Prohibition of other vehicles on hackney carriage stands.

— (1) No person shall cause or permit any vehicle other than a hackney carriage to wait on any stand for hackney carriages during any period for which that stand has been appointed, or is deemed to have been appointed, by a district council under the provisions of section 63 of this Act.

(2) Notice of the prohibition in this section shall be indicated by such traffic signs as may be prescribed or authorised for the purpose by the Secretary of State in pursuance of his powers under [section 64 of the Road Traffic Regulation Act 1984].

(3) If any person without reasonable excuse contravenes the provisions of this section, he shall be guilty of an offence.

(4) In any proceedings under this section against the driver of a public service vehicle it shall be a defence to show that, by reason of obstruction to traffic or for other compelling reason, he caused his vehicle to wait on a stand or part thereof and that he caused or permitted his vehicle so to wait only for so long as was reasonably necessary for the taking up or setting down of passengers.

#### **Annotations:**

##### **Amendments (Textual)**

F18 Words substituted by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 146, Sch. 13 para. 36

##### **Marginal Citations**

M3 1984 c. 27.

## 65.

Fixing of fares for hackney carriages.

— (1) A district council may fix the rates or fares within the district as well for time as distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table (hereafter in this section referred to as a “table of fares”) made or varied in accordance with the provisions of this section.

(2) (a) When a district council make or vary a table of fares they shall publish in at least one local newspaper circulating in the district a notice setting out the table of fares or the variation thereof and specifying the period, which shall not be less than fourteen days from the date of the first publication of the notice, within which and the manner in which objections to the table of fares or variation can be made.

(b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of fourteen days from the date of the first publication thereof be deposited at the offices of the council which published the notice, and shall at all reasonable hours be open to public inspection without payment.

(3) If no objection to a table of fares or variation is duly made within the period specified in the notice referred to in subsection (2) of this section, or if all objections so made are withdrawn, the table of fares or variation shall come into operation on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever date is the later.

(4) If objection is duly made as aforesaid and is not withdrawn, the district council shall set a further date, not later than two months after the first specified date, on which the table of fares shall come into force with or without modifications as decided by them after consideration of the objections.

(5) A table of fares made or varied under this section shall have effect for the purposes of the Act of 1847 as if it were included in hackney carriage byelaws made thereunder.

(6) On the coming into operation of a table of fares made by a council under this section for the district, any hackney carriage byelaws fixing the rates and fares or any table of fares previously made under this section for the district, as the case may be, shall cease to have effect.

(7) Section 236(8)(except the words “when confirmed”) and section 238 of the Local Government Act 1972 (except paragraphs (c) and (d) of that section) shall extend and apply to a table of fares made or varied under this section as they apply to byelaws made by a district council.

### Annotations:

#### **Marginal Citations**

M4 1972 c. 70.

## 66.

Fares for long journeys.

— (1) No person, being the driver of a hackney carriage licensed by a district council, and undertaking for any hirer a journey ending outside the district and in respect of which no fare and no rate of fare was agreed before the hiring was effected, shall require for such journey a fare greater than that indicated on the taximeter with which the hackney carriage is equipped or, if it is not equipped with a taximeter, greater than that which, if the current byelaws fixing rates or fares and in force in the district in pursuance of section 68 of the Act of 1847 or, as the case may be, the current table of fares in force within the district in pursuance of section 65 of this Act had applied to the journey, would have been authorised for the journey by the byelaws or table.

(2) If any person knowingly contravenes the provisions of this section, he shall be guilty of an offence.

## 67.

Hackney carriages used for private hire.

— (1) No hackney carriage shall be used in the district under a contract or purported contract for private hire except at a rate of fares or charges not greater than that fixed by the byelaws or tables mentioned in section 66 of this Act, and, when any such hackney carriage is so used, the fare or charge shall be calculated from the point in the district at which the hirer commences his journey.

(2) Any person who knowingly contravenes this section shall be guilty of an offence.

(3) In subsection (1) of this section “contract” means—

(a) a contract made otherwise than while the relevant hackney carriage is plying for hire in the district or waiting at a place in the district which, when the contract is made, is a stand for hackney carriages appointed by the district council under section 63 of this Act; and

(b) a contract made, otherwise than with or through the driver of the relevant hackney carriage, while it is so plying or waiting.

## **68.**

Fitness of hackney carriages and private hire vehicles.

Any authorised officer of the council in question or any constable shall have power at all reasonable times to inspect and test, for the purpose of ascertaining its fitness, any hackney carriage or private hire vehicle licensed by a district council, or any taximeter affixed to such a vehicle, and if he is not satisfied as to the fitness of the hackney carriage or private hire vehicle or as to the accuracy of its taximeter he may by notice in writing require the proprietor of the hackney carriage or private hire vehicle to make it or its taximeter available for further inspection and testing at such reasonable time and place as may be specified in the notice and suspend the vehicle licence until such time as such authorised officer or constable is so satisfied:

Provided that, if the authorised officer or constable is not so satisfied before the expiration of a period of two months, the said licence shall, by virtue of this section, be deemed to have been revoked and subsections (2) and (3) of section 60 of this Act shall apply with any necessary modifications.

## **69.**

Prolongation of journeys.

— (1) No person being the driver of a hackney carriage or of a private hire vehicle licensed by a district council shall without reasonable cause unnecessarily prolong, in distance or in time, the journey for which the hackney carriage or private vehicle has been hired.

(2) If any person contravenes the provisions of this section, he shall be guilty of an offence.

## **70.**

Fees for vehicle and operators' licences.

— (1) Subject to the provisions of subsection (2) of this section, a district council may charge such fees for the grant of vehicle and operators' licences as may be resolved by them from time to time and as may be sufficient in the aggregate to cover in whole or in part—

(a) the reasonable cost of the carrying out by or on behalf of the district council of inspections of hackney carriages and private hire vehicles for the purpose of determining whether any such licence should be granted or renewed;

(b) the reasonable cost of providing hackney carriage stands; and

(c) any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.

(2) The fees chargeable under this section shall not exceed—

(a) for the grant of a vehicle licence in respect of a hackney carriage, twenty-five pounds;

(b) for the grant of a vehicle licence in respect of a private hire vehicle, twenty-five pounds; and

(c) for the grant of an operator's licence, twenty-five pounds per annum;

or, in any such case, such other sums as a district council may, subject to the following provisions of this section, from time to time determine.

(3) (a) If a district council determine that the maximum fees specified in subsection (2) of this section should be varied they shall publish in at least one local newspaper circulating in the district a notice setting out the variation proposed, drawing attention to the provisions of paragraph (b) of this subsection and specifying the period, which shall not be less than twenty-eight days from the date of the first publication of the notice, within which and the manner in which objections to the variation can be made.

(b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of twenty-eight days from the date of the first publication thereof be deposited at the offices of the council which published the notice and shall at all reasonable hours be open to public inspection without payment.

(4) If no objection to a variation is duly made within the period specified in the notice referred to in subsection (3) of this section, or if all objections so made are withdrawn, the variation shall come into operation on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever date is the later.

(5) If objection is duly made as aforesaid and is not withdrawn, the district council shall set a further date, not later than two months after the first specified date, on which the variation shall come into force with or without modification as decided by the district council after consideration of the objections.

(6) A district council may remit the whole or part of any fee chargeable in pursuance of this section for the grant of a licence under section 48 or 55 of this Act in any case in which they think it appropriate to do so.

## **71.**

Taximeters.

— (1) Nothing in this Act shall require any private hire vehicle to be equipped with any form of taximeter but no private hire vehicle so equipped shall be used for hire in a controlled district unless such taximeter has been tested and approved by or on behalf of the district council for the district or any other district council by which a vehicle licence in force for the vehicle was issued.

(2) Any person who—

(a) tampers with any seal on any taximeter without lawful excuse; or

(b) alters any taximeter with intent to mislead; or

(c) knowingly causes or permits a vehicle of which he is the proprietor to be used in contravention of subsection (1) of this section,

shall be guilty of an offence.

## **72.**

Offences due to fault of other person etc.

— (1) Where an offence by any person under this Part of this Act is due to the act or default of another person, then, whether proceedings are taken against the first-mentioned person or not, that other person may be charged with and convicted of that offence, and shall be liable on conviction to the same punishment as might have been imposed on the first-mentioned person if he had been convicted of the offence.

(2) Section 44(3) of this Act shall apply to an offence under this Part of this Act as it applies to an offence under Part I of this Act.

## **73.**

Obstruction of authorised officers.

— (1) Any person who—

(a) wilfully obstructs an authorised officer or constable acting in pursuance of this Part of this Act or the Act of 1847; or

(b) without reasonable excuse fails to comply with any requirement properly made to him by such officer or constable under this Part of this Act; or

(c) without reasonable cause fails to give such an officer or constable so acting any other assistance or information which he may reasonably require of such person for the purpose of the performance of his functions under this Part of this Act or the Act of 1847;

shall be guilty of an offence.

(2) If any person, in giving any such information as is mentioned in the preceding subsection, makes any statement which he knows to be false, he shall be guilty of an offence.

#### 74.

Saving for certain businesses.

Where any provision of this Part of this Act coming into operation on[[the relevant day](#)]requires the licensing of a person carrying on any business, or of any vehicle used by a person in connection with any business, it shall be lawful for any person who—

(a) immediately before that day was carrying on that business; and

(b) had before that day duly applied for the licence required by that provision;

to continue to carry on that business until he is informed of the decision with regard to his application and, if the decision is adverse, during such further time as is provided under section 77 of this Act. [[In this section “the relevant day” means—](#)

(a) in relation to a district the whole or part of which ceased to be within the metropolitan police district by virtue of the coming into force of section 323 of the Greater London Authority Act 1999 (alteration of the metropolitan police district), 1st April 2000;

(b) in any other case, a day fixed by resolution under section 45 of this Act.]

#### Annotations:

##### **Amendments (Textual)**

F19 Words in s. 74 substituted (13.3.2000) by S.I. 2000/412, art. 7(2)(a)

F20 Words in s. 74 inserted (13.3.2000) by S.I. 2000/412, art. 7(2)(b)

#### 75.

Saving for certain vehicles etc.

— (1) Nothing in this Part of this Act shall—

(a) apply to a vehicle used for bringing passengers or goods within a controlled district in pursuance of a contract for the hire of the vehicle made outside the district if the vehicle is not made available for hire within the district;

(b) apply to a vehicle used only for carrying passengers for hire or reward under a contract for the hire of the vehicle for a period of not less than seven days;

(c) apply to a vehicle while it is being used in connection with a funeral or a vehicle used wholly or mainly, by a person carrying on the business of a funeral director, for the purpose of funerals;

[[\(cc\) apply to a vehicle while it is being used in connection with a wedding;](#)]

(d) require the display of any plate, disc or notice in or on any private hire vehicle licensed by a council under this Part of this Act during such period that such vehicle is used for carrying passengers for hire or reward—

(i) .....

(ii) under a contract for the hire of the vehicle for a period of not less than 24 hours.

(2) Paragraphs (a), (b) and (c) of section 46(1) of this Act shall not apply to the use or driving of a vehicle or to the employment of a driver of a vehicle while the vehicle is used as a private hire vehicle in a controlled district if a licence issued under section 48 of this Act by the council whose area consists of or includes another controlled district is then in force for the vehicle and a driver's licence issued by such a council is then in force for the driver of the vehicle.

*[(2A) Where a vehicle is being used as a taxi or private hire car, paragraphs (a), (b) and (c) of section 46(1) of this Act shall not apply to the use or driving of the vehicle or the employment of a person to drive it if—*

*(a) a licence issued under section 10 of the Civic Government (Scotland) Act 1982 for its use as a taxi or, as the case may be, private hire car is then in force, and*

*(b) the driver holds a licence issued under section 13 of that Act for the driving of taxis or, as the case may be, private hire cars.*

In this subsection, “private hire car” and “taxi” have the same meaning as in sections 10 to 22 of the Civic Government (Scotland) Act 1982.]

(3) Where a licence under section 48 of this Act is in force for a vehicle, the council which issued the licence may, by a notice in writing given to the proprietor of the vehicle, provide that paragraph (a) of subsection (6) of that section shall not apply to the vehicle on any occasion specified in the notice or shall not so apply while the notice is carried in the vehicle; and on any occasion on which by virtue of this subsection that paragraph does not apply to a vehicle section 54(2)(a) of this Act shall not apply to the driver of the vehicle.

**Annotations:**

**Amendments (Textual)**

F21 S. 75(1)(cc) inserted by Transport Act 1985 (c. 67, SIF 126), s. 139(2), Sch. 7 para. 17(2)

F22 S. 75(1)(d)(i) repealed by Transport Act 1985 (c. 67, SIF 126), s. 139(2), Sch. 7 para. 17(2)

F23 S. 75(2A) inserted after subsection (2) by Civic Government (Scotland) Act 1982 (c. 45, SIF 81:2), ss. 16, 22, 23

**76.**

Penalties.

Any person who commits an offence against any of the provisions of this Part of this Act in respect of which no penalty is expressly provided shall be liable on summary conviction to a fine not exceeding[[level 3 on the standard scale](#)].

**Annotations:**

**Amendments (Textual)**

F24 Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46

**77.**

Appeals.

(1) Sections 300 to 302 of the Act of 1936, which relate to appeals, shall have effect as if this Part of this Act were part of that Act.

(2) If any requirement, refusal or other decision of a district council against which a right of appeal is conferred by this Act —

(a) involves the execution of any work or the taking of any action; or

(b) makes it unlawful for any person to carry on a business which he was lawfully carrying on up to the time of the requirement, refusal or decision;

then, until the time for appealing has expired, or, when an appeal is lodged, until the appeal is disposed of or withdrawn or fails for want of prosecution—

(i) no proceedings shall be taken in respect of any failure to execute the work, or take the action; and

(ii) that person may carry on that business.

**78.**

Application of provisions of Act of 1936.

Subsection (1) of section 283 and section 304 of the Act of 1936 shall have effect as if references therein to that Act included a reference to this Part of this Act.

**79.**

Authentication of licences.

Notwithstanding anything in section 43 of the Act of 1847, any vehicle licence or driver’s licence granted by a district council under that Act, or any licence granted by a district council under this Part of this Act, shall not be required to be under the common seal of the district council, but if not so sealed shall be signed by an authorised officer of the council.

**Annotations:**

**Modifications etc. (not altering text)**

C19 S. 79: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1 Table B3-5

**80.**

Interpretation of Part II.

— (1) In this Part of this Act, unless the subject or context otherwise requires—

“the Act of 1847” means the provisions of the Town Police Clauses Act 1847 with respect to hackney carriages;

“the Act of 1936” means the Public Health Act 1936;

.....  
“authorised officer” means any officer of a district council authorised in writing by the council for the purposes of this Part of this Act;

“contravene” includes fail to comply;

[“controlled district” means any area for which this Part of this Act is in force by virtue of—

(a) a resolution passed by a district council under section 45 of this Act; or

(b) section 255(4) of the Greater London Authority Act 1999;]

“daily fine” means a fine for each day during which an offence continues after conviction thereof;  
“the district”, in relation to a district council in whose area the provisions of this Part of this Act are in force, means—

(a) if those provisions are in force throughout the area of the council, that area; and

(b) if those provisions are in force for part only of the area of the council, that part of that area;

“driver’s badge” means, in relation to the driver of a hackney carriage, any badge issued by a district council under byelaws made under section 68 of the Act of 1847 and, in relation to the driver of a private hire vehicle, any badge issued by a district council under section 54 of this Act;

“driver’s licence” means, in relation to the driver of a hackney carriage, a licence under section 46 of the Act of 1847 and, in relation to the driver of a private hire vehicle, a licence under section 51 of this Act;

“hackney carriage” has the same meaning as in the Act of 1847;

“hackney carriage byelaws” means the byelaws for the time being in force in the controlled district in question relating to hackney carriages;

[“London cab” means a vehicle which is a hackney carriage within the meaning of the Metropolitan Public Carriage Act 1869;]

“operate” means in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle;

“operator’s licence” means a licence under section 55 of this Act;

“private hire vehicle” means a motor vehicle constructed or adapted to seat [fewer than nine passengers], other than a hackney carriage or public service vehicle [or a London cab] [or tramcar], which is provided for hire with the services of a driver for the purpose of carrying passengers;

“proprietor” includes a part-proprietor and, in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement;

“public service vehicle” has the same meaning as in [the Public Passenger Vehicles Act 1981];

“taximeter” means any device for calculating the fare to be charged in respect of any journey in a hackney carriage or private hire vehicle by reference to the distance travelled or time elapsed since the start of the journey, or a combination of both; and

“vehicle licence” means in relation to a hackney carriage a licence under sections 37 to 45 of the Act of 1847 [in relation to a London cab a licence under section 6 of the Metropolitan Public Carriage Act 1869] and in relation to a private hire vehicle means a licence under section 48 of this Act.

(2) In this Part of this Act references to a licence, in connection with a controlled district, are references to a licence issued by the council whose area consists of or includes that district, and “licensed” shall be construed accordingly.

(3) Except where the context otherwise requires, any reference in this Part of this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by, or by virtue of, any subsequent enactment including this Act.

[(4) In this Part of this Act, except where the context otherwise requires, references to a district council shall, in relation to Wales, be construed as references to a county council or county borough council.]

