



**HACKNEY CARRIAGE  
RULE BOOK**

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# Gloucester City Council

## Hackney Carriage Rule book

### 1. Drivers Licences

#### New Applications

- 1.1 The applicant must have been the holder of a valid driving licence (NOT being a provisional licence) authorising him/her to drive a motor car in the UK for at least 12 months ~~immediately~~ prior to the date of application.
- 1.2 The applicant must be 18 years of age or over.
- 1.3 An application will not be granted unless the Licensing Authority is satisfied that the applicant is a fit and proper person to hold a Hackney Carriage licence.
- 1.4 To make an application, the applicant must:
  - a complete and submit to the Licensing Authority the appropriate application form
  - b pay the appropriate fee
  - c ~~Take a photograph at the Council offices upon application as follows:~~  
~~provide 2 identical passport size photos as follows:~~
    - ~~45 x 35mm in size~~
    - Be taken against a light background so that the applicants features are distinguishable and contrast against the background
    - Show the full face, uncovered, without sunglasses. Head coverings are NOT allowed unless due to religious beliefs
  - d produce for examination a current valid driving licence ~~and photocard (if applicable)~~, authorising him/her to drive a motor vehicle in the UK, showing his/her current home address
  - e complete and submit a consent form for release of information held by DVLA to the Licensing Authority ~~or their agents~~.
  - f complete an enhanced criminal record application form ~~through the disclosure and barring service~~ and provide appropriate identity documentation. Please note that the applicant must visit the Licensing Authority in person when submitting their enhanced criminal record disclosure application.
  - g provide a satisfactory group 2 medical certificate ~~from a GP~~ that is no more than 3 months old on initial application.
  - h provide evidence of successful completion of a Gloucestershire County Council Road Safety Unit Driving Assessment that is no more than 3 months old on initial application.
  - i applicant must pass the Hackney Carriage Knowledge Test as set out by the Licensing Authority.
  - j the licence holder ~~must~~ is recommended to complete an NVQ level 2 in road passenger transport within 12 months of the licence being granted ~~or a renewal may not be issued~~.

- 1.5 Applicants are required to notify the Licensing Authority of any convictions, cautions, fixed penalties or pending court cases during the application process (i.e. the time between the application being submitted and the licence being granted)

### **Additional Application Requirements for Foreign Nationals and Persons that have resided outside of the UK**

- 1.6 The Licensing Authority must be satisfied that the applicant is a fit and proper person. In order to determine this, an applicant who is a foreign national or has resided outside of the UK must also do the following:
- a complete an enhanced criminal record disclosure application form (as detailed in the new applicant section above). To complete this application, the applicant must provide all addresses for the past 5 years including any addresses that are outside of the UK. The enhanced criminal record disclosure will show any convictions that have been committed in the UK.
  - b in addition to the enhanced criminal record disclosure application, the applicant must provide the Licensing Authority with a criminal record check from all countries outside of the UK that they have resided in from the age of 18 or, if those countries do not provide such information, a certificate of good conduct from the Embassy or Diplomatic Mission from all countries that they have resided in from the age of 18. This certificate must be an original and if in a foreign language must be accompanied by an original certified translation from a sworn translator. Any costs incurred to obtain such certification must be paid for by the applicant.
  - c the Licensing Authority must be satisfied that the applicant holds an appropriate driving licence to drive in the UK for vocational purposes (gainful employment). If the applicant has an exchangeable drivers licence for EEA and other countries they need to convert it to a DVLA Licence prior to applying for a Private Hire Drivers Licence. The convertible licence can be used to demonstrate they have been driving for 1 year before applying for a Private Hire Drivers Licence.
  - d an applicant must be eligible to work in the UK and, if appropriate, will need to provide evidence of this.
  - e Information regarding foreign nationals that hold a Student Visa, may be shared with the Border Agency.

### **Renewal Applications**

- 1.7 A renewal application must be completed prior to the expiry date of the Hackney Carriage driver's licence. Drivers will be sent a reminder around 1 month before their licence is due to expire. Applications should be submitted at least 14 days prior to expiry, to ensure it can be assessed and issued on time. There is no period of grace if a renewal is submitted after the expiry date; failure to renew on time will require a new application being made including a criminal record check and medical report. It is an offence to drive a Hackney Carriage without the appropriate Hackney Carriage driver's licence. Licences can be renewed up to ~~14 days~~ one month before the current expiry date and the new licence will be post dated to the expiry date.
- 1.8 Licences will not be renewed without all supporting documentation being received. Licences renewed after the expiry date will run from the date the new licence is issued. The period from expiry to actual renewal date will be unlicensed, and the driver may not drive a licensed vehicle during these periods.

- 1.9 To make a renewal application, the applicant must:
- a complete and submit to the Licensing Authority the appropriate renewal application form.
  - b pay the appropriate fee.
  - c Take a photograph at the Council offices upon application as follows:  
provide 2 identical passport size photos as follows:
    - 45 x 35mm in size
    - Be taken against a light background so that the applicants features are distinguishable and contrast against the background.
    - Show the full face, uncovered, without sunglasses. Head coverings are NOT allowed unless due to religious beliefs.
  - d produce for examination a current valid driving licence and photocard (if applicable), authorising him/her to drive a motor vehicle in the UK, showing his/her current home address.
  - e complete and submit a consent form for release of information held by DVLA to the Licensing Authority or their agents.
  - f complete an enhanced criminal record disclosure application form and provide appropriate identity documentation where appropriate.
  - g if appropriate, provide a satisfactory group 2 medical certificate from a GP that is no more than 3 months old from the date of renewal,
  - h an applicant must be eligible to work in the UK and, if appropriate, will need to provide evidence of this.

## 2. Vehicle Licences

- 2.1 Gloucester City Council does not grant a Hackney Carriage and Private Hire vehicle licence for any vehicle that is already licensed by another authority.

### New Applications

- 2.2 To make an application the applicant must:
- a complete and submit to the Licensing Authority the appropriate application form.
  - b pay the appropriate fee.
  - c produce proof of ownership of the vehicle, for example a bill of sale i.e. receipt for the money paid for the vehicle, invoice for the vehicle stating that the amount due has been paid in full, or a hire purchase agreement in the applicants name.
  - d Produce a V5 Registration document (or new keepers supplement).
  - e produce an appropriate insurance certificate or cover note for Hackney Carriage purposes in accordance with the requirements of current legislation. If a cover note is offered, the full insurance certificate or further cover note should be presented within 2 working days of the cover note expiry date. Failure to do so will result in the licence being suspended.
  - f produce a current MOT certificate and advisory notice if applicable (unless the vehicle is less than 1 year old).

- g produce a current Licensing Authority vehicle inspection certificate that is no more than 2 months old from date of application.
- h produce proof of a meter inspection certificate of no more than 2 months old from date of application.

### **Renewal Applications**

- 2.3 A renewal application must be completed prior to the expiry date of the Hackney Carriage vehicle licence. Drivers will be sent a reminder around 1 month before their licence is due to expire. Applications should be submitted at least 14 days prior to expiry, to ensure it can be assessed and issued on time. There is no period of grace if a renewal is submitted after the expiry date. It is an offence to drive a Hackney Carriage without the appropriate Hackney Carriage vehicle licence. Licences can be renewed up to 14 days 1 month before the current expiry and the new licence will be post dated to the expiry date.
- 2.4 Licences will not be renewed without all supporting documentation being received. Licences renewed after the expiry date will run from the date the new licence is issued. The period from expiry to actual renewal date will be unlicensed, and the vehicle may not be used for Hackney Carriage purposes.
- 2.5 To make a renewal application the applicant must:
  - a complete and submit to the Licensing Authority the appropriate renewal application form.
  - b pay the appropriate fee.
  - c produce ~~proof of ownership of the vehicle, such as a V5 registration certificate in the applicants name. or, if not available, a bill of sale, an invoice or a credit agreement.~~ produce proof of ownership of the vehicle, such as a V5 registration certificate in the applicants name.
  - d produce an appropriate insurance certificate or cover note for Private Hire purposes in accordance with the requirements of current legislation. If a cover note is offered, the full insurance certificate or further cover note should be presented within 2 working days of the cover note expiry date. Failure to do so will result in the licence being suspended.
  - e produce a current MOT certificate and advisory notice if applicable.
  - f produce a current Licensing Authority vehicle inspection certificate that is no more than 2 months old from date of application.
  - g produce proof of a meter inspection certificate of no more than 2 months old from date of application.

### **Transfer of Ownership Applications**

- 2.6 To make a transfer application the applicant must:
  - a complete and submit to the Licensing Authority the appropriate transfer application form.
  - b pay the appropriate fee.
  - c produce proof of ownership of the vehicle, for example bill of sale i.e. receipt for the money paid for the vehicle, invoice or a credit agreement for the vehicle stating that the amount due has been paid in full, or a hire purchase agreement in applicants name.
  - d Produce a letter from the previous owner stating that they are no longer using the vehicle as a Hackney Carriage vehicle.
  - e Produce a V5 Registration document (or new keepers supplement).

- f produce an appropriate insurance certificate or cover note for Hackney Carriage purposes in accordance with the requirements of current legislation. If a cover note is offered, the full insurance certificate or further cover note should be presented within 2 working days of the cover note expiry date. Failure to do so will result in the licence being suspended.
- g produce a current MOT certificate and advisory notice if applicable.
- h ~~produce a current Licensing Authority vehicle inspection certificate~~
- i produce proof of a meter inspection certificate of no more than 2 month old from date of application.

### **Change of Vehicle Applications**

2.7 To make a change of vehicle application the applicant must:

- a complete and submit to the Licensing Authority the appropriate change of vehicle application form.
- b pay the appropriate fee.
- c produce proof of ownership of the vehicle, for example bill of sale i.e. receipt for the money paid for the vehicle, invoice for the vehicle stating that the amount due has been paid in full, or a hire purchase agreement in applicants name.
- d Produce a V5 Registration document (or new keepers supplement).
- e produce an appropriate insurance certificate or cover note for Hackney Carriage purposes in accordance with the requirements of current legislation. If a cover note is offered, the full insurance certificate or further cover note should be presented within 2 working days of the cover note expiry date. Failure to do so will result in the licence being suspended.
- f produce a current MOT certificate and advisory notice if applicable (unless the vehicle is less than 1 year old).
- g produce a current Licensing Authority vehicle inspection certificate that is no more than 2 months old from date of application.
- h produce proof of a meter inspection certificate of no more than 2 months old from date of application.
- i return any plates previously issued by the Licensing Authority.

### **Change of Registration of Vehicle Applications**

2.8 To make a change of registration application the applicant must:

- a complete and submit to the Licensing Authority the appropriate change of vehicle registration application form.
- b pay the appropriate fee.
- c produce confirmation of change of registration from DVLA.
- d produce an appropriate insurance certificate or cover note for Hackney Carriage purposes in accordance with the requirements of current legislation. If a cover note is offered, the full insurance certificate or further cover note should be presented within 2 working days of the cover note expiry date. Failure to do so will result in the licence being suspended.
- e produce a current MOT certificate showing the new registration.
- f return any plates previously issued by the Licensing Authority.



### **3. General Conditions**

#### **Delegated Powers**

- 3.1 Gloucester City Council will always have regard to this policy document and its objectives in exercising its taxi and private hire licensing functions. However, each application or enforcement measure will be considered on its own merits, and the Council has discretion to make exceptions to this policy. Where the Council makes exceptions to this policy, clear reasons will be given for the exception being made.
- 3.2 All matters under this policy that need to be decided urgently and are either sensitive or contentious will be considered by the Group Manager for Environmental Health.
- 3.3 All matters under this policy that need to be decided urgently that are non-sensitive or non-contentious will be considered by the Food and Licensing Service Manager.

#### **Alteration of Existing Conditions**

- 3.4 a The Council may alter these conditions upon the giving of 28 days notice in writing to the licence holder that any of these conditions are deleted, any new ones inserted or existing conditions altered.
- b Any alteration of conditions under this condition will be consulted upon in the normal way and the licence holder will have the right to appeal to the Magistrates Court. The Licensing and Enforcement Committee will consider conditions, and any comments as a result of the consultation in the normal way.

#### **Disciplinary Action**

- 3.5 A breach of any of these general conditions may result in disciplinary action in accordance with the Council's approved enforcement policy, Hackney Carriage and Private Hire Regulatory Guidelines and use of the penalty points totting up procedure.
- 3.6 The Food and Licensing Service Manager may at any time considered necessary, refer a driver or operator to the Council's Licensing and Enforcement Sub-Committee to assess their suitability to be licensed. Such matters may include: discovery of a conviction or caution, complaints against the person, accumulation of totting up penalty points on the Council's internal procedure, at least one warning within a 12 month period.

#### **Complaints Procedure**

- 3.7 Details of the Council's complaints procedure for Hackney Carriage and Private Hire can be found in the approved 'hackney carriage and private hire regulatory guidelines'.

#### **Penalty Points Scheme**

- 3.8 The council operates a penalty points system on private hire and dual driver licences to help ensure all drivers, owners and vehicles adhere to basic minimum standards, details of which can also be found in the Council's approved HC and PH regulatory guidelines.

## **DRIVERS**

- 3.9 Licensed Hackney Carriage and Private Hire Drivers must ensure that they comply with the requirements of the Town Police Clauses Act 1987, The Local Government (Miscellaneous Provisions) Act 1976 and any other legislation applicable to their role.

### **Duration of Licence**

- 3.10 Drivers licences shall remain in force for up to 3 years.

### **Medical Criteria**

- 3.11 Once a driver has reached the age of 45, he/she must have a medical every 5 years on renewal of the drivers licence until he/she reaches the age of 65. From the age of 65 he/she will have a medical annually.
- 3.12 If a driver develops any health or medical issues that may affect his/her fitness as a driver during the period of their licence; they must notify the Licensing Authority immediately. Should this mean that a driver is required to cease driving for a period of time the Licensing Authority must receive written medical clearance from the drivers GP in order to resume driving. The GP undertaking the medical assessment will need to declare that they have seen the driver's medical records.

### **Requirement to Return Drivers Badge**

- 3.13 If a driver is no longer employed licensed as a Hackney Carriage driver, he/she must return his/her licence, badge and any other related items to the Licensing Authority within 7 days.

### **Notification of Changes**

- 3.14 If a driver moves house or changes his/her name, or if any other personal details included on the current licence changes, he/she must inform the Licensing Authority in writing within 7 days (see also 4.4).
- 3.15 If a driver leases a vehicle from another driver, he/she is obliged to inform the Licensing Authority, as to who owns the vehicle that they are driving and to produce a current insurance certificate naming both the owner and driver. The Licensing Authority must be notified in writing within 7 days if anything changes.

### **Convictions, Cautions and Fixed Penalties**

- 3.16 a If a driver receives any cautions, convictions, fixed penalties or has a court case pending, he/she MUST inform the Licensing Authority in writing within 7 days of being formally notified of any such charge, fixed penalty, summons or conviction, or in the case of a custodial sentence as soon as reasonably practical.
- b Notification of accidents (please see 4.5).

### **Code of Conduct**

- 3.17 A Hackney Carriage driver shall always act in accordance with the following:
- a wear the Hackney Carriage drivers badge provided by the Licensing Authority, in such a position and manner as to be plainly visible to the customer.
  - b have a clean and tidy appearance.
  - c behave in a polite and courteous manner in front of customers, to each other and to other road users.

- d take reasonable precautions to ensure the comfort and safety of passengers including when they are getting in and out of the vehicle.
- e attend punctually at the appointed time and place when hired.
- f if requested, offer reasonable assistance with the loading and unloading of bags and luggage.
- g offer reasonable assistance to passengers with a disability when they are getting in and out of the vehicle and, if appropriate, to and from their starting point or destination. If assistance is declined then continue to act in a polite and courteous manner.
- h unless otherwise directed by the hirer, shall proceed to the given destination by the shortest or most economical route .
- i not eat or drink in the vehicle whilst working as a Hackney Carriage driver.
- j comply with a customer's request not to play any radio or other sound emitting device in the vehicle, other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
- k not play any radio or other sound producing device in the vehicle so loud that it causes a noise nuisance to anyone inside or outside of the vehicle.
- l not carry animals in the vehicle whilst working except for those carried in connection with the hirer of the vehicle. The driver has the discretion to decide whether he/she wants to carry animals belonging to a passenger in the vehicle, however, the animal may only be carried in the rear of the vehicle (see also 4.11).
- m it is an offence to drive a vehicle whilst using a mobile phone. All Hackney Carriage drivers who wish to operate a mobile phone must ensure that a suitable means of hands-free operation is installed in the vehicle.
- n remain vigilant and comply with local speed limits.
- o comply with Smokefree Legislation (please see 4.6 and 4.7).
- p Provide the customer with a receipt if requested.

### **Lost Property**

- 3.18 As soon as possible after a passenger has left the vehicle, the driver should check to make sure that no property has been left behind.
- 3.19 If a passenger does leave something in a vehicle and it is not claimed within 48 hours, the driver should take it to the Licensing Authority offices or to the local Police Station and get a receipt from the Duty Officer.

## **VEHICLES**

### **General**

- 3.20 Owners may apply for a particular vehicle to be exempt from some or all of the licensing requirements contained in this policy. Such exemptions are likely to be granted only in exceptional circumstances and each case will be on its own merits.
- 3.21 All new Hackney Carriage Vehicles licensed in Gloucester City must be wheelchair accessible.

- 3.22 Where a ~~new additional~~ Hackney Carriage Vehicle Licence has been issued to allow a wheelchair accessible vehicle or people carrier to be operated, then that vehicle licence is issued conditional on:-
- a the vehicle always remaining as a wheelchair accessible vehicle or people carrier type; and
  - b the vehicle licence not being transferred to a non-wheelchair accessible vehicle or non-people carrier type.
- 3.23 Where a Hackney Carriage Vehicle Licence has been issued to allow a saloon type vehicle to be operated, then that vehicle may be replaced by a Saloon type vehicle at the end of its working life.
- 3.24 The vehicle shall be of suitable size, shape and design to be safe and comfortable for passengers.
- 3.25 The vehicle must be right-hand drive and have a minimum of 4 doors.
- 3.26 The vehicle must be constructed and the doors open sufficiently wide as to allow easy access and egress from the vehicle and cause no inconvenience to passengers.
- 3.27 The licence holder shall ensure that all fittings and seats are such to be efficient, safe, tidy and clean.
- 3.28 The licence holder shall ensure the exterior of the vehicle is kept clean and in good repair.
- 3.29 The vehicle must be fitted with a spare wheel and tyre or space saver where supplied at the time of manufacture.
- 3.30 The vehicle must comply with all traffic regulations and legislation in force.
- 3.31 No changes to the specification, design or appearance shall be made to the vehicle without the prior approval of the Licensing Officer.
- 3.32 Any vehicle that has been modified since manufacture or is imported must have the appropriate approval certificate e.g. a Single Vehicle Approval Certificate.
- 3.33 Tinted windows will only be accepted if it meets manufacture specification and comply with current legislation.

### **Vehicle Age and Testing**

- 3.34 Vehicles must comply with the following conditions in relation to age and length of service;
- a vehicles will not normally be accepted for licensing on the first occasion after 5 years from the date of the first registration regardless of whether it was previously licensed anywhere else in the UK. ~~or re-licensed after 10 years from the date of the first registration.~~
  - b the vehicle ~~shall be removed from service on the 10<sup>th</sup> anniversary from the date of the first registration,~~ will not be re-licensed once it has reached its 10th anniversary from the date of the first registration. ~~any outstanding licence shall be transferred onto a new vehicle free of charge for the remainder of that current licence.~~
  - c metropolitan type vehicles designed and constructed for the purpose of conveying members of the public are exempt from condition 3.23(a), subject to confirmation by the Licensing Officer that at all times their mechanical condition and standard of appearance is satisfactory.
  - d all vehicles must be tested annually to the current Licensing Authority standards. Once the vehicle has reached the age of 8 years since the first date of registration ~~manufacture~~, the vehicle shall be tested at 6 monthly intervals until it has reached its service limit of 10 years since ~~manufacture~~ first date of registration.

- e if the condition of the vehicle deteriorates below the acceptable standard set in the Licensing Authority vehicle test at anytime during the working life of the vehicle, the Licensing Officer reserves the right to withdraw the licence.

### **Colour of Vehicle**

- 3.35 All Hackney Carriage vehicles shall be white in colour.

### **Seat Dimensions**

- 3.36 Each passenger seat shall be as follows:

- a Height – from the top of the seat cushion to the roof at the lowest point must not be less than 30 inches (762mm.)
- b Knee space – the measurement between the front of each seat and the rear of the seat in front ~~must shall~~ not be less than 10 inches (254mm).
- c Width – the width of each passenger seat from side to side shall not be less than 16 inches (406mm). A seat designed for more than one passenger such as a rear seat must allow a width of 16 inches (406mm) for each passenger permitted.
- d Depth – the measurement of a seat cushion between the front and back ~~must shall~~ not be less than 18 inches (457mm).

- e Dimensions for knee space and seat depth may be considered together subject to the approval of a Licensing Officer.

- 3.37 Occasional use fold down seats in purpose built wheelchair accessible vehicles are exempt from the seat dimension requirements listed above.

### **Fire Extinguisher and First Aid Kit**

- 3.38 The vehicle licence holder shall ensure that a fire extinguisher is fitted and complies to British Standard BSEN3 and be of at least 1kg powder capacity and in date. A First Aid Kit must also be provided in the vehicle and be maintained and readily available for use.

### **CCTV Systems**

- 3.39 CCTV systems may be installed into the vehicle with the approval of the Licensing Officer. All CCTV systems must comply with current legislation including data protection.

### **Luggage**

- 3.40 All luggage must be stored securely and, if appropriate, the vehicle shall be fitted with suitable equipment to prevent luggage from entering the passenger compartment.

- 3.41 Roof racks and roof boxes are not permitted on Hackney Carriages without the express prior approval of the Licensing Officer.

- 3.42 Trailers must be approved by the Licensing Officer.

### **Seatbelts**

- 3.43 Each passenger must have an appropriate, operational 3 point lap and shoulder seatbelt, see also 4.8 and 4.9 which refers to current seatbelt legislation.

### **Meters and Fares**

- 3.44 Taxi meters must be inspected annually as part of the Licensing Authority vehicle test, but the Licensing Officer reserves the right to test on demand.
- 3.45 All Hackney Carriage licence holders shall ensure that the taxi meter is set to the current Licensing Authority tariff and that the taxi meter is on display within the vehicle in a prominent position and clearly visible to the hirer of the vehicle.
- 3.46 Fares to be calculated and charged as follows:
- a for journeys that wholly take place within the controlled district, the meter shall be running at no higher than the prescribed rate and the fare charged shall be no more than the fare showing on the meter. The meter shall not be engaged until the hirer is in the vehicle.
  - b for journeys that either wholly or in part take place outside of the controlled district, the fare or method of calculation shall be agreed with the passenger prior to the commencement of the journey.

### **Tariff Card**

- 3.47 All Hackney Carriage licence holders shall ensure that the current Licensing Authority tariff card is on display within the vehicle in a prominent position and clearly visible to the hirer of the vehicle.

### **Vehicle Licence Plates**

- 3.48 Vehicle licences shall remain in force for a period of 1 year unless otherwise stated on the licence.
- 3.49 The exterior Hackney Carriage vehicle plate shall be securely fixed to the outside of the vehicle adjacent to the rear registration number plate and shall be displayed at all times that the licence is in force. The plate must be clearly visible at all times.
- 3.50 The interior Hackney Carriage vehicle plate shall be securely fixed inside the vehicle in a position where it is clearly visible to passengers travelling in the vehicle and shall be displayed at all times that the licence is in force.
- 3.51 The licence plates shall remain the property of the Licensing Authority and in the event that the licence is suspended, revoked or expired it shall be returned to the Licensing Authority within 7 days of notice being served on the licence holder by the Licensing Authority.

### **Roof Signs**

- 3.52 Hackney Carriages must be fitted with an approved standardised roof sign as directed by the Licensing Officer with the exception of metropolitan type vehicles.
- 3.53 The roof sign MUST be displayed on the top of the vehicle showing the word "taxi" whilst working in its controlled district. The sign must be attached to the meter and must be illuminated when the vehicle is available for hire.

### **Door Panels**

- 3.54 Hackney Carriages may display on both front doors, the approved recognition panel showing the words: City of Gloucester, City Crest, Licensed Vehicle Plate Number together with their own business name and telephone number if they wish.
- 3.55 Door panels must be a maximum size of 0.61m<sup>2</sup> (2ft<sup>2</sup>). (2sq.ft).

### **Advertising**

- 3.56 Hackney Carriages are permitted to have whole vehicle body advertising livery for a single product or service subject to the prior approval of the Licensing Officer.

## **Stretched Limousines**

3.57 Stretched limousines are not permitted to be licensed as Hackney Carriage vehicles.

### **Horse-Drawn Hackney carriages**

3.58 All licenses issued in relation to Horse-Drawn Hackney Carriages operating within the City of Gloucester are subject to compliance at all times with the legislation Bylaws and Council conditions with respect to hackney carriages.

3.59 The following conditions will also apply to vehicles and drivers submitted for licensing as a horse-drawn hackney carriage:

a) All landaus and harnesses must be presented for inspection, when and where required and no landau or harness will be certified fit for public use unless it is properly finished and painted and in a thorough good condition.

b) Proprietors must, at the time of inspection for licensing, produce the certificate of ownership and a policy of insurance appropriate to a landau used for public hire and covering passenger risks.

c) Landaus must so far as is appropriate comply with the requirements of the Road Traffic Acts and any other acts, relating to vehicles using a public highway or any subsequent Acts, and of the Orders and Regulations made in pursuance thereof, and by the Bylaws with respect to Hackney Carriages in the City of Gloucester.

d) The Council reserves the right, even after a landau has been passed, if it is found to reveal any defect which in the opinion of the authorised officer of the Council renders it unsuitable for public service, to serve a notice on the proprietor not to use such landau until the defect has been remedied to the Council forthwith.

e) Should any alteration to the design or construction of the landau be made the authorised officer of the Council must be notified and full particulars of the alteration must be supplied, and the landau will require another inspection. Accidents materially affecting the landau must be notified to the Council forthwith.

f) All landaus submitted for licensing must be of a type suitable for hackney carriage work. They shall comply with the requirements relating to seating space, head and knee room, set out in condition 3.57 i) below, and any other reasonable condition to the satisfaction of the Council's authorised officer.

g) The hackney carriage plates must be fixed in positions approved by the Council's authorised officer.

h) No fittings or signs, except such as have been approved by the Council's Licensing Officer, shall be attached to, or carried either upon the inside or outside of the landau.

i) Landaus must comply with the following conditions, namely: -

i) It must be so constructed and the doors open sufficiently wide as to allow easy access or egress and cause no inconvenience to passengers.

ii) The length of the seats measured in a straight line lengthwise on the front of the seat must be adequate in the opinion of the Council and comfortably to seat passengers.

j) Any authorised officer of the Council or the RSPCA are free to inspect the landau, the harnessing, the horses or any accommodation used for stabling horses at any time, and may also advise whether or not the horse and landau are appropriate to be used together.

k) No horse shall be used for pulling a Horse drawn carriage unless a veterinary certificate as to its fitness and suitability has been supplied to the Council which shall be renewable yearly at the time of application of renewal.

l) At the time of the veterinary inspection, photographs (from each side and each head on) are to be submitted along with a declaration (by the veterinarian) on the reverse of the photograph verifying that the photographs relate to the horse inspected- these photographs are to be carried on the landau when the horse is in use.

m) A report from a suitably qualified Farrier must be obtained for each horse upon application/renewal of the licence.

n) Every driver must have attained the age of 21 years and must not be older than 70 years and to have obtained, and provided to the Council, pass an appropriately amended hackney carriage knowledge test and hold a certificate from a suitably qualified person as to his/her competence to drive a landau in traffic conditions.

o) The holders of Drivers Licences and Proprietors licences must return to the Council the badges and plates issued by the Council, immediately upon ceasing to be so licensed.

p) The proprietor or driver of a hackney carriage drawn by any animal or animals shall not except on Sundays or Bank Holidays, exercise his calling during the hours between 12:30 to 14:00; 16:30 to 18:00; or 23:00 to 09:30 the following morning.

q) Any horse used in any one day as a landau horse shall not be used during that day for any other purpose.

r) The driver of a horse drawn hackney carriage shall ensure that at no time horse faeces are deposited on any street in the City.

s) Any device used for the prevention of the deposition of horse faces on the street must be of such design and so fitted as to not cause nuisance or interference to either person or horse, or cause any distress to the horse.

t) Any horse faeces collected must be held and deposited in manner as not to cause nuisance.

u) On a new drivers application each driver is to supply the Council with a letter from a veterinarian surgeon which clearly states that they have some knowledge of horse care and can identify signs of ill health which could prove harmful to the horse should it be allowed to continue to work.

v) The licence is subject to an officer of the RSPCA approving the routes and equipment to be used.

w) The fare tariffs are to be set and approved by the Council and shall not be exceeded. An authorised Officer of the Council must agree with the applicant a method of fixing a suitable tariff without the use of an electronic taxi meter.

x) The licence is issued subject to the production of further veterinary certificates (or Farrier reports) as may from time to time be requested by authorised officers of the Council.

y) A satisfactory certificate or fire safety signed the Chief Fire officer or his representative pertaining to the stables where the horses are normally housed must be supplied with the application.

z) Breach of any of the existing conditions applicable to all Hackney Carriages, plus these additional conditions applicable to horse-drawn Hackney carriages will be enforced by the penalty points system as appropriate, with the addition of the following penalty points namely: -

Details of Condition Breached	Penalty Points Applicable
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Proprietor/ Operator using unlicensed drivers	6
Horse faeces deposited on the highway and not collected and deposited of in a manner so as not to cause nuisance	4
Proprietor/Operator using an unlicensed horse drawn hackney carriage	6
Horses not being supplied with an effective means of preventing faeces being dropped on the street	3
Means of preventing faeces being dropped in the street causing interference or distress to the horse	6
Proprietor/operator using a horse not approved by the Council	6
Ill- treating the horse	6-12

#### 4. Other Legislation

##### Number of Passengers Permitted

- 4.1 A Hackney Carriage shall not be permitted to carry more than 8 passengers.
- 4.2 A Hackney Carriage shall not carry any more passengers than the number stated on the vehicle licence plate.

##### Licensed Drivers

- 4.3 A Hackney Carriage is licensed as a Hackney Carriage and as such can only be driven by a person holding a Hackney Carriage drivers licence issued by the same Licensing Authority throughout the duration of that Hackney Carriage vehicle licence. Even with all signage removed; the vehicle is still a licensed vehicle and must not be driven by any other person than a licensed Hackney Carriage driver.

##### Change of Details

- 4.4 A holder of a Hackney Carriage vehicle licence must notify the Licensing Authority, in writing within 7 days, of any changes in the details of their Hackney Carriage licence including change of address and lease of the vehicle to another licensed driver.

##### Notification of Accidents

- 4.5 A holder of a Hackney Carriage vehicle licence must notify the Licensing Authority as soon as reasonably practicable and no longer than 72 hours after any accident that causes damage materially affecting the safety, performance or appearance of a Hackney Carriage vehicle or the comfort and convenience of the passengers.

##### Smokefree Legislation

- 4.6 Hackney Carriage vehicles are smokefree vehicles by law and neither the driver nor the passengers are able to smoke in the vehicle at any time. This applies to all occupants including the driver at all times including for private use.
- 4.7 A No Smoking sign must be displayed in each compartment of the vehicle that shows the international "No Smoking" sign (a minimum of 70mm in diameter).

##### Seatbelt Legislation

- 4.8 The driver of a Hackney Carriage is responsible for ensuring that ALL passengers under the age of 14 are wearing the correct seatbelts or restraints.

- 4.9 A Hackney Carriage driver is only exempt from wearing a seatbelt whilst the Hackney Carriage is:
- a being used for seeking hire within the Licensing district.
  - b answering a call for hire.
  - c carrying fare paying passengers for hire.

### **Sale of Alcohol**

- 4.10 The sale of alcohol is a licensable activity under the Licensing Act 2003. The sale of alcohol is prohibited in a moving vehicle. If a sale of alcohol is made as part of a booking arrangement, the sale must be authorised by either a premises licence or a temporary event notice in accordance with the Licensing Act 2003.

### **Guide Dogs**

- 4.11 A Hackney Carriage driver must permit, without additional payment, guide, hearing and certain prescribed assistance dogs accompanying disabled people to be carried in the licensed vehicle unless an exemption certificate has been issued to that driver on medical grounds by the Licensing Authority.

## **5. Glossary of Terms**

### **5.1 Controlled District**

The area covered by the Licensing Authority.

### **5.2 County Council Drivers Assessment**

An assessment of an applicant's driving ability, undertaken by Gloucestershire County Council on behalf of the Licensing Authority to demonstrate the suitability or otherwise of an applicant to be granted a Hackney Carriage drivers licence.

### **5.3 DfT**

The Department for Transport determines the overall transport strategy for the UK.

### **5.4 DVLA**

The Driver and Vehicle Licensing Agency is an executive agency of the Department for Transport (DfT). The DVLA's primary aims are to facilitate road safety and general law enforcement by maintaining registers of drivers and vehicles, and to collect vehicle excise duty (car tax).

### **5.5 Enhanced Criminal Record Disclosure**

The ~~Criminal Record Bureau (CRB)~~, Disclosure and Barring Service is a non- departmental public body ~~an executive agency~~ of the Home Office and provides wide access to criminal record information through its disclosure service. ~~The Disclosure and Barring Service (DBS) was formed by merging together the functions of the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA) under the Protection of Freedoms Act 2012. It started functioning on 1 December 2012.~~

In addition the enhanced criminal record disclosure may also show any information held on local Police records considered by the Chief Constable or Chief Officer to be relevant to the position being sought and which can be disclosed without harming the interests of the prevention or

detection of crime. It is entirely up to the Chief Constable or Chief Officer to decide what information is disclosed, if any, in these circumstances.

In respect of an enhanced criminal record disclosure, the Chief Constable or Chief Officer may also disclose information to the counter signatory only, that is information which will not form part of the actual disclosure. Such information will be sent separately to the counter signatory and will be withheld from the subject of the disclosure (that is the individual applicant) in the interests of the prevention or detection of crime.

## **5.6 Hackney Carriage/Taxi**

A Hackney Carriage is also known as a Taxi. It is defined in section 38 of the Town Police Clauses Act 1847 and is a wheeled vehicle constructed or adapted to seat ~~fewer~~ no more than 8 passengers that can carry passengers for hire and reward and may stand on a taxi rank or ply for hire in any street within the licensed district.

## **5.7 Taxi Rank/Stand**

An approved rank, also known as a stand, within the controlled district where taxis can await the arrival of a hirer.

## **5.8 ISA**

~~The Independent Safeguarding Authority (ISA) has been created to help prevent unsuitable people from working with children and vulnerable adults. They will provide a scheme of registration by which only applicants that are judged not to pose a risk to children and vulnerable people can be ISA registered. Once the scheme has been fully rolled out, employers and service providers who work with children and vulnerable people will only be able to recruit people who are ISA registered. More information is available at the website. [www.isa.gov.uk](http://www.isa.gov.uk)~~

The Independent Safeguarding Authority (ISA) was a non-departmental public body that existed until 1 December 2012, when it has been merged with Criminal Records Bureau (CRB) into Disclosure and Barring Service (DBS).

## **5.9 Knowledge Test**

An examination undertaken by applicants for a Hackney Carriage drivers licence to demonstrate the knowledge an applicant has regarding:

The rules and regulations which a Hackney Carriage driver MUST adhere to and the applicants good topographical knowledge in relation to the area in which they are applying to be licensed in.

The knowledge test must be passed by Hackney Carriage driver applicants prior to a drivers licence being granted.

## **5.10 Licensing Authority**

The authority responsible for issuing licenses in relation to Hackney Carriage drivers and vehicles under the Town Police Clauses Act 1847 and Part II of The Local Government (Miscellaneous Provisions) Act 1976.

## **5.11 Licensing Authority Vehicle Test Certificate**

Vehicle tests undertaken by garages within the controlled district that have been approved by the Licensing Authority. In addition to safety checks this includes condition of the vehicle inside and outside and that the vehicle meets the Licensing Authority conditions e.g. roof signs, plates etc.

### **5.12 Licensing Officer**

An Officer of the Council authorised to act in accordance with Hackney Carriage legislation.

### **5.13 London Type Hackney Carriage**

A vehicle that is recognisable by the public as being a purpose built Hackney Carriage such as used by the London black cabs. Examples include the LTI TX series and the Fairways FX series.

### **5.14 Medical (Group 2)**

A medical examination undertaken to group 2 standards set out by DVLA. This is the same as the standard required from drivers of public service vehicles and heavy goods vehicles.

### **5.15 Premises Licence**

A licence issued by a Licensing Authority under the Licensing Act 2003 which permits licensable activities which may include sale by retail of alcohol.

### **5.16 Single Vehicle Approval Certificate**

The Single Vehicle Approval Certificate (SVA) scheme is a pre-registration inspection for cars and light goods vehicles that have not been type approved to British or European standards. The main purpose of the scheme is to ensure that these vehicles have been designed and constructed to modern safety and environmental standards before they can be used on public roads. The approval is issued by selected VOSA testing stations and may also be issued to vehicles that have been modified or converted.

### **5.17 Temporary Event Notice**

A notice submitted to the Licensing Authority under the Licensing Act 2003 in relation to licensable activities that may include the sale by retail of alcohol. There are restrictions on temporary event notices including a limit on the number that can be issued per year.

### **5.18 VOSA**

The Vehicle and Operator Services Agency (VOSA) provides a range of licensing, testing and enforcement services with the aim of improving the roadworthiness standards of vehicles ensuring the compliance of operators and drivers, and supporting the independent Traffic Commissioners.

## **6. FACILITIES FOR THE DISABLED**

- (6.1) Approved anchorages must be provided for the wheelchair and chairbound disabled person. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and occupant must be independent of each other. Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
- (6.2) The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75cm. The minimum angle of the door when opened must be 90 degrees.
- (6.3) The clear height of the doorway must be not less than 1.2 metres.
- (6.4) Grab handles must be placed at door entrances to assist the elderly and disabled.
- (6.5) The top of the tread for any entrance must be at floor level of the passenger compartment. The outer edge of the floor at each entrance must be fitted with non-slip treads.

- (6.6) The vertical distance between the highest part of the floor and the roof in the passenger compartment must be not less than 1.3 metres.
- (6.7) Where seats are placed facing each other, there must be a minimum space of 42.5cm between any part of the front of a seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level. Where all seats are placed facing to the front of the vehicle, there must be clear space of at least 66cm in front of every part of each seat squab.
- (6.8) A ramp or ramps for the loading of a wheelchair and occupant must be available at all times. An adequate locking device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision must be made for the ramps to be stowed safely when not in use.