



WARRINGTON
Borough Council

Hackney Carriage Proprietors (Vehicle) Licences

Table of contents

Item		Page
1	Introduction	5 - 7
2	Sanctions against the hackney carriage proprietors (vehicle) licence	7
3	Power to take action against a hackney carriage proprietors (vehicle) licence	7 -8
4	Policy – General – applicants	9
5	Character of the applicant	9 - 10
6	Convictions	10 - 11
7	Vehicles	11
8	Limits on the Numbers of Hackney Carriages	11
9	Licensed Vehicle Type	11
10	Exceptional Condition Criteria	11 - 12
11	Low Emission Vehicles	12
12	Vehicle specification/s	13
13	Non-Wheelchair accessible vehicles	13 - 15
14	Additional requirements for minibus and MPV type vehicles	15
15	Wheelchair Accessible Vehicles (WAV)	15 - 16
16	ALL VEHICLES - VEHICLES SPECIFICATION	16 - 18
17	Seating	18 - 19
18	Documents	19
19	Engine/Chassis Numbers	19
20	Maintenance and servicing	19
21	Vehicle tests	20
22	Dual plating	20 - 21

23	Insurance “write-offs”	21
24	Vehicle use	21 - 22
25	Warning notice	22
26	Taximeters and Payments	23
27	Duration and renewal of the licence	23 - 24
28	Plates and Additional Signage	24
29	Vehicle substitution	24 - 25
30	Letting/leasing of vehicles	25
31	ADVERTISEMENTS	25
33	Maps and navigational devices	26
34	The taximeter and table of fares	26 - 27
35	Radios and other equipment	27
36	Signs	27
37	CCTV	27 - 28
38	Seating Arrangements	28
39	Incident logs	28 - 29
40	Conditions	29 - 30
41	Drivers	30
42	Insurance	31
43	Production of Documents	31
44	Licence plates	31 - 32
45	Vehicle inspection	32
46	Specification for a Hackney Carriage	33 - 34

47	Additional Conditions for wheelchair accessible Hackney Carriages	34 - 35
48	Sliding doors	35
49	Lost Property	35
50	The taximeter, payments and table of fares	35 - 36
51	Maps and navigational devices	36
52	Signage	36 -37
53	No Smoking	37
54	CCTV	37
55	Byelaws and Interpretation	38
56	Provisions regulating the manner in which the number of each hackney carriage, corresponding with the number of its licence, shall be displayed.	38
57	Provisions regulating how hackney carriages are to be furnished or provided	38 - 40
58	Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges	40 -42
59	Provisions fixing the rates or fares to be paid for hackney carriages within the district and securing the due publication of such fares	42 - 43
60	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	43
61	Penalties	44
62	Repeal of byelaws	44
63	Legal requirements (contained in national legislation) relating to a hackney carriage	44 - 46

Appendix 3

Warrington Borough Council

HACKNEY CARRIAGE PROPRIETORS (VEHICLE) LICENCES

Town Police Clauses Act 1847

Local Government (Miscellaneous Provisions) Act 1976

This document contains the policy, byelaws, conditions and legislation relating to your hackney carriage proprietors (vehicle) licence. The legislation refers to Hackney Carriage Proprietors' licences, but as these are often referred to as hackney carriage vehicle licences, for the avoidance of doubt the term "Hackney Carriage Proprietor (vehicle)" will be used throughout this policy.

As hackney carriage proprietors (vehicle) licences can be held by limited companies and partnerships as well as individuals, this policy must be read to give effect to that. Any reference to a "person", "you", "licensee" or "proprietor" is taken to mean the proprietor of the Hackney Carriage.

The Council has the power to make byelaws relating to Hackney Carriages under the legislation, and it has done so.

There is also a power to attach conditions to Hackney Carriage Proprietors (vehicle) licences, and the Council has standard conditions which attach to these licences. These are contained within this document.

There is also a list of the main law and byelaws that apply to Hackney Carriage Proprietors

Introduction

- 5.1 The purpose of licensing Hackney Carriage vehicles is to protect the public, including passengers and others who may otherwise be placed at risk from unlicensed and potentially dangerous vehicles.
- 5.2 It is a privilege to hold a Hackney Carriage Proprietors (Vehicle) Licence and licensees have responsibilities to their drivers, passengers and customers, other road users and the public generally. The Council has been satisfied that when you applied for your licence, your vehicle was suitable and safe for use

as a hackney carriage and that you were a safe and suitable person to have that licence granted (please see **Appendix 1** for the Councils' Convictions and Behaviour Policy). In assessing that, the Council took into account the type of the vehicle, the condition of the vehicle and your entire character and behaviour.

- 5.3 As a vehicle proprietor this assessment of your character not only includes times when you are working within the hackney carriage trade, but at all other times as well. This can include your use of social media as well as other forms of communication. The requirement to satisfy the council that you are a safe and suitable person continues throughout the duration of the licence. If at any time the standard of the vehicle or your behaviour falls below the standards expected for new applications, the council will consider taking action against that licence. This could be suspension, revocation or refusal to renew that licence. The council can also take lesser steps in support of the aims of this policy in relation to your personal actions, it is no defence to argue that your actions took place when you were not working within the hackney carriage trade. You should appreciate that under the Convictions and Behaviour Policy (available at **appendix 1**), if the unacceptable or criminal behaviour took place whilst you were working within the hackney carriage trade, that will be viewed as an aggravating feature by the Council.
- 5.4 In many cases a Hackney Carriage is the first vehicle that a visitor to the Borough will encounter following arrival at a railway station or bus station. As a consequence, the appearance of Hackney Carriages can affect a person for their entire visit. Hackney Carriage Proprietors should be aware of this and ensure that their vehicle is maintained to the highest standard at all times.
- 5.5 Please note, this section reminds you of some of the important legal requirements with which you must comply. This is not a comprehensive list. You should familiarise yourself with the Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976 and all other relevant legislation.
- 5.6 The Council has decided to attach conditions to Hackney Carriage Licences that it considers reasonably necessary under the powers contained in section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976. The conditions are in addition to the statutory requirements of the legislation. Section 47(3) of the 1976 Act gives the right of appeal to the Magistrates' Court to any person aggrieved by any of the conditions attached to their licence within twenty-one days of receipt of the licence.
- 5.7 You must understand and comply with the legal requirements relating to the Hackney Carriage licensed in your name, a limited company in which you are a director or secretary, or in joint names when you are one of the named

individuals. Failure to comply with the requirements may result in your hackney carriage proprietors (vehicle) licence being suspended or revoked.

- 5.8 The Council office for Hackney Carriage and Private Hire Licensing purposes is The Licensing Section located at 1 Time square, Warrington and for the purpose of written communication, the Town Hall, East Annex, Sankey Street, Warrington WA1 1UH. Office opening times are 09:00am to 5:00pm Monday and Thursday, 09:00 – 4:30pm on Fridays and can be contacted by phone on 01925 984728 (Lines are closed on Tuesdays and Wednesdays).

They can also be contacted by email at: taxiqueries@warrington.gov.uk, Taxidrivers@warrington.gov.uk and taxivehicles@warrington.gov.uk

The Time Square address is the address to which all applications, notices, reports of incidents and any other communications with the Council must be sent using the online portal or sending the above by email.

SANCTIONS AGAINST THE HACKNEY CARRIAGE PROPRIETORS (VEHICLE) LICENCE.

- 5.9 Where a proprietor breaches any Legislation, Byelaw or Condition of the licence, they may be referred to the Taxi Sub-Committee. Where the breach is a criminal offence, prosecution will also be considered.
- 5.10 Whenever, and in what circumstances a proprietor is brought before the Taxi Sub-Committee, the Sub-Committee will decide each case on its merits, after hearing the facts.
- 5.11 The Sub-Committee and officers may also suspend or revoke the Hackney Carriage Proprietors (Vehicle) Licence (see below)

Power to take action against a hackney carriage proprietors (vehicle) licence

- 5.12 Under section 60 Local Government (Miscellaneous Provisions) Act 1976, the Council may suspend, revoke or refuse to renew a Hackney Carriage Proprietors (Vehicle) Licence on the following grounds –
- a) that the hackney carriage vehicle is unfit for use as a Hackney Carriage;
 - 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.

- 5.13 An authorised officer of the Council, an authorised officer of another Council where there is a reciprocal arrangement, or a police constable can immediately suspend a Hackney Carriage Proprietors (Vehicle) Licence under S68 Local Government (Miscellaneous Provisions) Act 1976 on the grounds of
- a) the vehicle is unfit
 - b) the taximeter is inaccurate
- 5.14 Failure to comply with any Hackney Carriage legislation (including byelaws), or other road traffic legislation is an offence and you may be liable to prosecution. In addition (irrespective of whether you were prosecuted or convicted of the offence(s)), the Council may take action against your licence which could lead to your Hackney Carriage Proprietors (Vehicle) Licence being suspended revoked or the renewal refused.
- 5.15 Failure to comply with the Council's conditions may result in your Hackney Carriage Licence being suspended, revoked or the renewal refused. The council can also take lesser steps in support of the aims of this policy
- 5.16 If any information given by you on the application form for this licence proves to be false, or you fail to disclose any relevant information on your application form, the licence may be revoked, and you may also be prosecuted under s57(3) Local Government (Miscellaneous Provisions) Act 1976.
- 5.17 The Hackney Carriage Proprietors (Vehicle) Licence remains the property of the Council.
- 5.18 In the event that you lose your proprietors licence, Hackney Carriage proprietors (vehicle) licence plates or additional signage, or if they are damaged or defaced, you must get a replacement licence or plates on payment of a fee determined by the Council, and you cannot use the hackney carriage until such replacements are obtained and fitted.
- 5.19 It must be understood that a decision to grant a Hackney Carriage Proprietors (Vehicle) Licence is made on the basis of the condition and suitability of the vehicle and the suitability of the proprietor(s) on the particular facts of the case on the day of the decision. That suitability can be lost at any time in the future and you must ensure that the condition of your vehicle and your behaviour remains of the highest standard to protect your vehicle licence and therefore your livelihood.

POLICY GENERAL

Applicants

- 5.20 Hackney Carriage Proprietor (Vehicle) Licences can be held by individuals, limited liability partnerships (LLP), conventional partnerships (two or more people in business together) or limited companies. Usually the vehicle must be registered to one of those, but there will be occasions where the vehicle is leased or hired. In all cases the applicant(s) must demonstrate that they have ownership of the vehicle, a financial interest in the vehicle or permission to use the vehicle on an extended basis (in the case of a lease or hire). A V5 registration document is not proof of ownership and other documentation will be required. This can include, but is not limited to
- a) Receipt for the purchase of the vehicle
 - b) Lease/hire contract
 - c) Partnership agreement between 2 or more individuals

Character of the applicant

- 5.21 The licensee of a Hackney Carriage can exert control over those who drive that vehicle, and as a consequence it is essential that they satisfy the Council that they are a suitable person to hold a Hackney Carriage Proprietor (Vehicle) Licence.
- 5.22 All applicants (new and on renewal) will be required to provide a Basic Disclosure and Barring Service check at their own expense, as part of the application process. The same will be required of all partners in a limited liability or conventional partnership and all directors and secretary of a limited company when the application is made, or the licence is held, by a limited liability or conventional partnership or limited company.
- 5.23 Applicants who are foreign nationals and who have not been continuously resident in the UK for more than 10 years since the age of 18 must obtain and produce (at their expense) a certificate of good conduct authenticated by the relevant embassy for each and every country in which they have resided for more than 6 months from the age of 18 until arrival in the UK. Such certificates must be less than 3 months old, and the Council will verify the authenticity of any documentation that is provided.
- 5.24 UK citizens who have lived outside the UK for more than 6 months at a time since the age of 18 must obtain and produce (at their expense) a certificate of good conduct authenticated by the relevant embassy for each and every

country in which they have resided for more than 3 months from the age of 18 until arrival in the UK. Such certificates must be less than 3 months old, and the Council will verify the authenticity of any documentation that is provided. This requirement will not apply once a person has lived continuously in the UK for 10 years (with no separate periods outside the UK exceeding 3 months).

- 5.25 Applicants must declare all criminal and pending convictions, including driving convictions criminal cautions, fixed penalty notices, CBO's (Criminal Behaviour Orders) CPNs (Community Protection Notices), requirements to attend a speed awareness course, injunctions, restraining orders or any other form of sanction or restriction that you have received or has been imposed on them to the Council on the initial application form.
- 5.26 The application will then be considered in the light of the Council's Convictions and Behaviour Policy (**see appendix 1**).
- 5.27 In addition, the Council will take into account the compliance and maintenance history of previous and existing vehicles licensed by the applicant. The Council does not regard licensees whose vehicles fail regular tests as being a safe and suitable person to have responsibility for Hackney Carriages. All vehicles must be maintained to a satisfactory standard all times and should pass any test at any point.
- 5.28 To enable the Council to make a decision as to whether or not an applicant is a suitable person to be granted or continue to hold a Hackney Carriage Proprietor (Vehicle) Licence the following test will be used:

“Without any prejudice, and based on the information before you, would you be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that they would not allow it to be used for criminal or other unacceptable purposes, and be confident that they would maintain it to an acceptable standard throughout the period of the licence?”

Convictions

- 5.29 If you or anybody else with an interest in the vehicle or who is named on the licence is arrested in connection with, charged with or convicted of any

criminal offence, including motoring offences that must be reported to the council within 72 hours (including weekends and bank holidays). The same requirement applies in relation to any fixed penalty notices, speed awareness courses, Community Protection Notices, civil injunctions, Criminal Behaviour Orders or other sanctions or restrictions that you receive, have to attend or that are imposed on you.

Vehicles

- 5.30 It is the applicant's responsibility to ensure that any vehicle presented for licensing as a Hackney Carriage meets the Council's criteria which are detailed below. As the Council will not be liable for any loss as a result of a vehicle not being licensed, it is vital that applicants ensure that any vehicle that they are considering purchasing meets these criteria.

Limits on the Numbers of Hackney Carriages

- 5.31 At present there is a limit on the number of Hackney Carriages that are licensed. This is subject to regular review and is based on the demand for hackney carriage services. There is no guarantee that a restriction on hackney carriage numbers will be retained.

Licensed Vehicle Type

- 5.32 Any vehicle submitted to be licensed as a Hackney Carriage must be of Category M1 (as shown on the registration document) unless either of the following apply:
- Category M2 or N1 vehicles (as shown on the registration document) will be acceptable provided the vehicle has passed an IVA test and there is evidence to show that no modification to be made to that vehicle since the date of that test.
- 5.33 The Council believes that vehicle standards should be based around quality control rather than a specific age of a vehicle. Therefore, there are no requirements relating to how old a vehicle must be when first presenting for licensing and there are no upper age limits to continue to license a vehicle.

Exceptional Condition Criteria

- 5.34 A vehicle will be considered to be in 'exceptional condition' if **all** of the following apply:

- a) The mileage for the vehicle is no higher than the average mileage that could be expected for a similar vehicle if that vehicle was used solely for social, domestic and pleasure purposes.
- b) The vehicle passes the Council's vehicle inspection.
- c) The bodywork is in near perfect condition with no signs of panel age deterioration, dents, scratches, stone chips, or rust or any other abrasions that may detract from the overall appearance of the vehicle.
- d) The general paint condition should show no signs of fading, discolouration or mismatching that may detract from the overall appearance of the vehicle.
- e) The interior trim, panels, seating and carpets and upholstery are in excellent condition, clean and free from damage and discolouration.
- f) The boot or luggage compartment is in good condition, clean and undamaged.
- g) Passenger areas are free from damp or any other odours that may cause passenger discomfort.
- h) The vehicle must be in excellent mechanical condition and in all respects safe and roadworthy, with no signs of corrosion to the mechanical parts, chassis, underside or bodywork.
- i) The vehicle must have a complete service record to show that it has been properly serviced and maintained in accordance with the manufacturer's service specification.

Low Emission Vehicles

- 5.35 The Council aims to encourage the uptake of low emission vehicles in the district, and will examine the feasibility of introducing differential licensing fees for electric, hybrid and ultra-low emission vehicles.
- 5.36 Warrington Borough Council is committed, through the EV Taxi Strategy and the Local Transport Plan to provide specific on street charging points for hackney carriages.

Vehicle specification

- 5.37 There are 2 different types of vehicles that can be licensed as hackney carriages: those which are Wheelchair Accessible Vehicles (WAV) and those which are not.
- 5.38 At present, Warrington Borough Council does not require all Hackney Carriages to be WAV but this policy may be reviewed in the future.
- 5.39 The Council maintains a list of all WAV (both Hackney Carriages and Private Hire Vehicles). Drivers of those vehicles must then provide mobility assistance to wheelchair-bound passengers (please see the dual drivers licence documentation for details).

VEHICLE SPECIFICATIONS

- 5.40 The following specifications detail the minimum requirements for each type of vehicle, together with the requirements for all hackney carriages.

Non-Wheelchair accessible vehicles

- 5.41 If the vehicle is to be licensed as a non-WAV (saloons, estate cars, people carriers (MPV), sports utility vehicles (SUV) and any other vehicle that cannot carry a passenger whilst they remain in their wheelchair) it must be approved by the Council and comply with the following specification:
- a) Be a right-hand drive vehicle
 - b) Have at least four doors that can be opened from both inside and outside the vehicle. Each door (except the driver's door) must be capable of being opened by passengers.
 - c) Have a minimum seating capacity for at least four adult passengers based on a width of not less than 400 mm per person across the rear seat.
 - d) Must be so constructed as to provide adequate space within its structure for the safe carriage of each passenger's luggage or any equipment. If that is not possible or practical then d. below will apply

- e) Roof racks, towbars and trailers will be permitted. Any vehicle using a roof rack must be fitted with a second roof sign, with one sign in front of the roof rack, and one behind, allowing the signs to be seen in the same way as a vehicle without a roof rack. Any luggage carried on the roof rack must be protected from the elements by a waterproof cover and properly secured. A properly fitted roof box is an acceptable alternative, subject to the additional signage as detailed above.
- f) Tow bars (if fitted) must be fitted in accordance with the manufacturer's instructions.
- g) Any trailer that is used must be tested by the Council (the charge to be paid by the licensee) and will be issued with a "trailer plate" which must be displayed on the rear of the trailer and clearly visible whenever the trailer is being used by the hackney carriage. The trailer can only be used on the specified Hackney carriage. Trailers must comply with the following standards.
 - i. Unbraked trailers must be less than 750kgs gross weight.
 - ii. Trailers over 750kgs gross weight must be braked, acting on at least two road wheels.
 - iii. The towing vehicle must have a kerb weight of at least twice the gross weight of the trailer.
 - iv. A suitable lid or other approved means of enclosure must be fitted to secure the contents within the trailer whenever in use and keep the contents dry.
 - v. The maximum permissible length of the trailer cannot exceed 7 metres, including the drawbar and coupling.
 - vi. The width of the trailer must not be greater than width of the towing vehicle, subject to no trailer being wider than 2.3m.
 - vii. The maximum length for braked twin axle trailers is 5.54m.
 - viii. The trailer must at all times comply with all Road Traffic legislation requirements.
 - ix. The vehicle insurance must cover towing a trailer.
 - x. Trailers must not be left unattended anywhere on the highway.
 - xi. The speed restrictions applicable to trailers must be observed at all times.
 - xii. The registration number plate of the hackney carriage and the Council issued "trailer plate" must be attached to the rear of the trailer.

- xiii. The trailer must be inspected annually and must be considered to be satisfactory by the Licensing Authority.
 - xiv. Only drivers with the appropriate DVLA driving licence category may drive a vehicle with a trailer. The vehicle proprietor must check any driver's DVLA licence for the required category, prior to allowing the use of a trailer.
- h) Passengers must be able to communicate with the driver via a sliding screen, mesh or hole in any division between the drivers and passenger compartments

Additional requirements for minibus and MPV type vehicles

5.42 In order to be licensed as a Hackney Carriage, any Minibus/MPV-type vehicles must be fitted, in addition to the front driver and passenger doors, with at least:

- a. one other side loading door plus a rear door/doors or tailgate that can be opened from inside the vehicle.

OR

- b. two side loading doors that can be opened from the inside

Wheelchair Accessible Vehicles (WAV)

5.43 The vehicle must be a purpose-built Hackney Carriage capable of carrying a wheelchair bound passenger which complies with the current Transport for London "Conditions of Fitness" or it meets the following specification.

5.44 Any vehicle, before it can be considered to be licensed as a Wheelchair Accessible Vehicle, must have, European Community Whole Vehicle Type Approval (ECWVTA), or Individual Vehicle Type Approval, including an inspection certificate issued by the Driver and Vehicle Standards Agency (DVSA) as a minimum standard.

- a) The interior of the vehicle must be able to accommodate a wheelchair and its user riding seated within the wheelchair itself.
- b) The passenger compartment must have a minimum unobstructed available width of 0.74 metres (including at the point of entry)

- c) The passenger compartment must have a minimum unobstructed available length of 1.2 metres for a wheelchair and user
- d) The passenger compartment must have a minimum unobstructed available height for a wheelchair and user of 1.3 metres at the point of entry and 1.4 metres when in the travelling position.
- e) The passenger compartment must be fitted with suitable wheelchair anchorages, either chassis or floor linked.
- f) The passenger compartment must be fitted with a suitable 3-point belt or harness, either chassis or floor linked, for a wheelchair and its user. The belt/harness must be independent of the wheelchair anchorages.
- g) The vehicle must have suitable ramps for a wheelchair user. The vehicle must have a secure and safe place for the ramps to be stored when they are not being used. Alternatively, the vehicle may be fitted with a tail lift or some other mechanical means of access, approved by the Council.
- h) Where the vehicle is a rear loading wheelchair accessible vehicle a suitable ramp will be carried in the vehicle to be used at the commencement and end of a journey to ensure that the passenger is delivered safely onto the pavement
- i) At least one door entrance must be designed and constructed to help elderly and disabled passengers get in and out of the vehicle. The door entrance and any steps must be conspicuously marked where appropriate, to help visually impaired passengers.
- j) All passenger door entrances must have grab handles or rails suitably located to help elderly and disabled passengers. All handles/rails must be conspicuously marked to help visually impaired passengers.
- k) To assist elderly and disabled passengers, at least one passenger seat must be of a "swivel" or other design and construction, approved by the Council.

ALL VEHICLES - VEHICLES SPECIFICATION

5.44 The following are the minimum requirements for all Hackney Carriages, irrespective of their type:

- a) The vehicle must be wind and water-tight (with the roof raised and properly secured and fastened in the case of a convertible vehicle)

- b) The vehicle must have a floor properly covered with carpet or other suitable covering
- c) The vehicle must have an adequate internal light to enable passengers to enter and leave the vehicle safely
- d) The vehicle's bodywork and paintwork must be in good condition, free from dents or other damage or rust.
- e) The vehicle must not be fitted with any additional external accident protection devices (e.g. bull bars or additional bumpers).
- f) The vehicle must carry a spare wheel and tyre of the correct size to fit the vehicle, together with equipment to change the wheel including a spare wheel and tyre, jack and wheel brace, all of which must be securely stored. If the manufacturers specification when the vehicle was new did not include a spare wheel, the manufacturers alternative (e.g. spray can) will be acceptable.
- g) The vehicle must be fitted with tyres which meet the specifications detailed by the manufacturer in terms of size and speed rating. They must have at least 2 mm of tread across the entire contact surface.
- h) The vehicle must be fitted with nearside and offside exterior rear view mirrors
- i) The vehicle must have at least one window on each side of the passenger compartment which is capable of being opened and closed
- j) All seats must be permanently fixed to the vehicle and must be factory fitted with a 3-point seat belt or, where that was not a manufacturers option when the vehicle was manufactured, a factory fitted lap belt. Any retrospectively fitted seat belts must be approved by the Council.
- k) The vehicle must be fitted with glass which complies with current Construction and Use Regulations (the Road Vehicles (Construction and Use) Regulations 1986 as amended). These regulations require that the front windscreen allows 75% of light to be transmitted and the front door windows allow 70% of light to be transmitted. No self-adhesive material (tinted or clear) can be affixed to any part of the glass without the approval of the council.
- l) The vehicle must carry a first aid kit, for the personal use of the driver, in a suitable container.

- m) The vehicle must not be fitted with any additional lights other than those originally fitted by the manufacturer unless they have been approved by the Council
- n) The minimum unobstructed distance between the uncompressed seat cushion and the roof must be 0.9 metres (measured 0.25 metres from and parallel with the seat back) in relation to the front passenger and driver seats, and 0.84 metres in relation to any other passenger seats.
- o) The minimum unobstructed distance between the seat back and the footwell bulkhead/facing seat back must be 0.95 metres in relation to the front passenger and driver seats, and 0.6 metres in relation to any other passenger seats.
- p) The minimum unobstructed interior width of the vehicle must be 1.3 metres (excluding any armrests).
- q) Any vehicle that has been converted to run on liquid petroleum gas (LPG) must be accompanied by a certificate stating that the conversion was undertaken in accordance with the LPG gas Association's code of practice, and if the conversion was undertaken more than one month before the application for the licence, an annual installation check which is not more than one month old.
- r) All hackney vehicles must be either black or white in colour

5.46 In addition, in all types of hackney carriage the following requirements must be met.

Seating

- 5.47 There must be unobstructed access to an exit from every seat in a vehicle. There is a requirement to have a gap of at least 250mm width for all rows of seats to access an exit (150mm is allowed to the off-side rear door with the seat back in an upright position).
- 5.48 The only exception to this rule is in the case of vehicles that are mass manufactured (not purpose built) and have 3 rows of seats. In this instance the lever to move the seat must be fluorescent in colour and be clearly visible. No Tape allowed.

- 5.49 If these criteria are not met then the nearside seat of the middle row must be permanently removed.

Documents

- 5.50 A vehicle licence will only be issued where there is evidence of:
- a) A valid vehicle insurance certificate specifically stating that the vehicle is to be used for public hire/hackney carriage use.
 - b) An MOT Certificate issued by a garage approved by the Council which is less than 2 weeks old.
 - c) A V5 vehicle registration document. In case of a new vehicle the sales invoice which must show engine and chassis numbers, shall be produced at the time of application and the registration document when it is received from DVLA. The registration document must in all cases be produced within 6 weeks of the licence being issued.
- 5.51 All documentation must be scanned copies of originals.

Engine/Chassis Numbers

- 5.52 The Chassis/Vehicle Identification Number Plates and engine numbers must match the numbers recorded with the DVLA as detailed on the V5 Document. Vehicle applications cannot be accepted without a copy of the vehicle registration document and in the case of new vehicle purchase, the sales documentation (Bill of sale) indicating the engine and chassis numbers. In the event of a vehicle being presented with numbers that do not correspond to the paperwork the Council will inform the Police Vehicle Identification Section who may undertake checks to ensure the vehicle is not stolen. If the engine is changed at any time whilst the vehicle is a licensed Hackney Carriage, the Council must be notified within 72 hours of that change and the updated V5 must be produced as soon as it is received from DVLA.

Maintenance and servicing

- 5.53 Vehicles must be maintained correctly and serviced in accordance with the manufacturer's recommendations.

Vehicle tests

- 5.54 A licence will be granted or renewed only if the vehicle is considered by the Council to be roadworthy, fit for purpose and meets the criteria specified.
- 5.55 Vehicles will be tested before the licence is initially granted, then every 6 months. The tests will consist of an MOT test and a Certificate of Compliance which tests matters relating to the vehicle which are relevant to its use as a licensed vehicle but which are not considered as part of the MOT test.
- 5.56 Tests in relation to new applications, renewals and interims are carried out at the Council's testing nominated Centre(s).
- 5.57 The applicant or licensee must make an appointment for the vehicle to be tested as part of the application process. It is the responsibility of the applicant/licensee to do this and then to ensure that the vehicle is presented at the specified location and time. If the vehicle is presented late, there is no guarantee that the test will be able to be conducted on that day and a further test must be arranged. In that case the initial test fee will be forfeited and a second fee must be paid for the rearranged test.
- 5.58 A test appointment can be cancelled only if at least two clear working days' notice (excluding Saturday, Sunday and Bank Holidays, the day on which notice is given and the day of the test) is given to the Council.
- 5.59 If the consequence of missing the test means that the licence cannot be renewed before expiry, this will prevent the vehicle being used until such time as the licence is renewed, with loss of income to the licensee. If the delay is considerable, this may result in the renewal application being treated as a new application for a hackney carriage proprietors' licence.

"Dual Plating"

- 5.60 Once a vehicle has been licensed as a Hackney Carriage by Warrington Borough Council, it cannot be licensed as a Hackney Carriage (or Private Hire Vehicle) by any other local authority or Transport for London during the duration of the Warrington Borough Council licence.

- 5.61 The Council will not licence a vehicle that is licensed as a Hackney Carriage or Private Hire Vehicle by another local authority or Transport for London.

Insurance “write-offs”

- 5.62 The Council will not licence any vehicle as a Hackney Carriage that has been written off by an insurance company.

Vehicle Use

- 5.63 You must maintain a policy of insurance for your licensed vehicle in accordance with Section 143 of the Road Traffic Act 1988.
- 5.64 If your vehicle has an accident which results in damage which may affect its safety, performance, appearance or the comfort or convenience of your passengers, you must report this to the Council within 72 hours (including weekends and bank holidays). (Section 50)(3) of the Local Government (Miscellaneous Provisions) Act 1976)
- 5.65 You must not obstruct any Authorised Officer or Police Officer. You must provide any assistance or information they may reasonably require. (Section 73) Local Government (Miscellaneous Provisions) Act 1976)
- 5.66 Any person driving a Hackney Carriage Vehicle at any time, for any purpose and anywhere in the United Kingdom, must be licensed to drive a Hackney Carriage under Section 46 Town Police Clauses Act 1847, even if the vehicle is not being used for hackney carriage or pre-booked purposes. Any person driving a hackney carriage without the required Hackney carriage driver’s licence will be committing an offence under section 47 of the Town Police Clauses Act 1847. The only exceptions to this are when the vehicle is being tested by the Council or a mechanic in connection with vehicle maintenance and driving the vehicle to and from any such test.
- 5.67 If any Hackney Carriage Proprietor permits a person who does not hold a dual Drivers Licence to drive the vehicle at any time (other than in accordance with the exceptions detailed above) the proprietor commits an offence and the Council will consider this a serious matter and action may be taken against the

Hackney Carriage Proprietors (Vehicle) Licence (whether or not a criminal prosecution or conviction ensued).

- 5.68 Once a vehicle has been licensed as a Hackney Carriage by Warrington Borough Council, it retains that status at all times for the duration of the licence (24 hours a day, 7 days a week. In addition to the requirement that it is only driven by a driver with a combined driver licence which is licensed by Warrington Borough Council (see above) the proprietor must ensure that it all times and wherever it may be located it complies with all requirements contained within the legislation and conditions. This includes the cleanliness of the vehicle, display of licence plates and additional signage.
- 5.69 If the Hackney Carriage Proprietor (Vehicle) Licence is suspended, revoked or not renewed, the proprietor must return the licence plates and additional signage to the Council. This must be done immediately after the end of the appeal period (21 days from the written notification of the decision, or after any such appeal is determined or abandoned). If the suspension is immediate (under section 68 Local Government (Miscellaneous Provisions) Act 1976) this requirement must be complied with immediately.
- 5.70 If the proprietor refuses to surrender the vehicle plates and additional signage, a written notice will be issued and recorded on file and relevant agencies informed.

WARNING NOTICE

- 5.71 If there is anything in the design, construction, form or working appearance of a vehicle which, in the opinion of the Council or its officers or testers renders the vehicle unfit for Hackney Carriage use (which includes pre-booked work), then Warrington Borough Council will not licence that vehicle.
- 5.72 Warrington Borough Council is not liable for any expense incurred in preparing or testing a vehicle, which cannot be licensed for whatever reason.
- 5.73 Any unauthorised modifications made since a previous licence was issued may lead to the suspension, revocation or refusal to renew a licence.

Taximeters and Payments

- 5.74 All vehicles must be fitted with a Council approved taximeter. The taximeter must meet the following specifications:
- must be of a type that are compliant with the requirements laid down in the Measuring Instruments Directive (MID) 2014/32/EU and the annex for taximeters OIML R21 which was enacted in the UK by The Measuring Instrument (Taximeter) Regulation 2006.
 - must be of a type approved by the Council
 - must be calendar controlled
 - must be locked and sealed by the manufacturer or supplier so that tariff rates change automatically and cannot be changed or tampered with manually by the driver.
 - must be positioned so that passengers in the vehicle can easily read the display.
- 5.75 The use of the taximeter is detailed in the driver's licence policy and code of conduct at **Appendix 2**
- 5.76 All Hackney Carriages should be equipped (either permanently or provided by the driver) with equipment to enable fares to be paid by credit or debit card. No additional charge can be made for any payment made by credit or debit card.

Duration and renewal of the licence

- 5.77 The licence expires twelve months from the date of issue. Any application for renewal must be made at least **one month** before the licence expires. If you do not apply to renew the vehicle licence in time, there may be a period when you will be unable to use the vehicle as a Hackney Carriage. If the renewal application is not received before the expiry of the current Hackney Carriage Proprietor (Vehicle)Licence, it will be treated as a new application rather than a renewal and you will have to provide all the information that is required for a new application.
- 5.78 Renewals are generally dealt with by officers under delegated powers, and can be processed quite quickly. However, if there have been any changes since the last grant of the licence (e.g. if you or any of your joint proprietors (or directors or secretary in the case of a limited company) have been convicted of any offence, or there have been complaints or causes for concern about your behaviour) the renewal application may need to be considered by the Taxi

Licensing Sub Committee. If your vehicle does not meet the current requirements, or you or any joint proprietors have been convicted etc as detailed above, you should apply earlier than one month before expiry to avoid a period when the vehicle cannot be used.

- 5.79 The licence is issued to you but it can be transferred to another individual, partnership or limited company. Notification of any transfer must be made in writing and indicate the consent of all interested parties. The council will then issue a revised licence identifying the new licensee(s).
- 5.80 Following any transfer of licence to another person, on expiry of that licence, renewal will be at the Council's discretion. The Council may also review the licence following transfer.

Plates and Additional Signage

- 5.81 The licence plates and other additional signage provided to you by the Council must be displayed on the vehicle at all times in accordance with the council's policy. Wheelchair accessible Hackney Carriages will be required to display "Wheelchair" stickers at all times.
- 5.82 If you lose or damage the plates or additional signage, replacements must be purchased from the Council.
- 5.83 Any complaint regarding fares, vehicles etc, should be made via email at taxicomplaints@warrington.gov.uk or in writing to the Licensing Section, Warrington Borough Council, Town Hall, East Annexe, Sankey Street, Warrington, WA1 1UH (01925 984728) quoting the number shown on the front, rear or dash of the vehicle or online at <https://www.warrington.gov.uk/taxicomplaint>

Vehicle substitution

- 5.84 If you wish to replace the vehicle that is licensed the following procedures must be followed:
- a) You must complete an application form for the "replacement" vehicle.

- b) You must pay the stated fee for a 12-month period.
- c) You must surrender the original licence. Any refund against a licence will be calculated by the Council, taking into account the period of time for which the licence has been held and the administration costs incurred, and will be subject to a minimum level, below which no refund will be made.
- d) Your replacement vehicle must be presented for test and subsequently pass.
- e) Written proof of consent to the replacement of vehicle must be provided from all interested parties.
- f) You must maintain and produce evidence of a **continuous policy of insurance**, which clearly states that the vehicle is to be used as a Hackney Carriage. All such policies must be in the name of the licensee of the vehicle.

Letting/leasing of vehicles

- 5.85 You must not lease or let or hire a licensed Hackney Carriage to any other person, other than a fare paying passenger, without first notifying the Council in writing. If you do enter into a leasing arrangement you will remain the licensee and will still be responsible for the vehicle.
- 5.86 You must notify the Council in writing of anyone no longer having an interest in the vehicle within 72 hours of the event.
- 5.87 The licence only relates to the vehicle specified in that licence, and at all times the vehicle must be owned by the licensee (or 1 person in a partnership). In the case of a vehicle which is leased to the proprietor by leasing company, the proprietor's name must be on the DVLA registration document (V5) and the applicant must provide supporting paperwork to show the leasing arrangement.

ADVERTISEMENTS

- 5.88 No advertisements may be displayed in or from the vehicle unless prior written approval of the Council has been obtained. Any advertising must comply with all legislation and the British Code of Advertising Practice.

Maps and navigational devices

- 5.89 Any electronic navigational device which is being used must be securely located within the vehicle and must not be operated by the driver while the vehicle is moving. No handheld devices can be used unless they are securely located in a suitable cradle or other mounting device.

The taximeter and table of fares

- 5.90 The vehicle must be fitted with a calendar controlled and sealed taximeter that has been approved by the Council. It must be mounted in such a way as to avoid injury to the driver or passengers in the case of any collision and where it is visible to passengers. This must be in a safe and practical position in the vehicle where all letters and figures displayed on the taximeter are clearly visible to any passenger. The letters and figures must therefore be illuminated when in use.
- 5.91 The Council must approve the location and fixing and test the taximeter before the vehicle can be used as a hackney carriage.
- 5.92 The taximeter must be set to ensure that the charge will never exceed the amount specified in the Council's Hackney Carriage Table of Fares.
- 5.93 The taximeter must be accurate, be capable of showing that the vehicle is or is not hired, it must be fitted with a key or other device that, when turned, will operate the taximeter and display the word "HIRED". This key or device must be capable of locking the taximeter so it does not work and no fare is recorded on it.
- 5.94 When the taximeter is in use, the fare must be clearly legible on the face of the taximeter. This fare must be unambiguous and must not exceed the fare permitted by the Council's Hackney Carriage Table of Fares.
- 5.95 The word "FARE" must be clearly printed on the taximeter so it clearly indicates the fare displayed.
- 5.96 A notice showing the current Table of Fares must be displayed inside the vehicle in a position where any passengers can easily read it. Passengers should be advised that payment can be made by credit or debit card and that no additional charge will be made for any such payments. If the taximeter has been set to **a lower rate than that permitted by the Council's Table of Fares,**

a supplementary notice detailing the lower charges must also be displayed in a similar position.

Radios and other equipment

- 5.97 Any radio, booking systems/data heads and/or GPS equipment provided must be maintained in a safe condition and any defects must be repaired promptly. The booking agent/licensed private hire operator must ensure that the licence issued by Ofcom for all radio equipment used is current and valid. All equipment must only be used on the frequencies stipulated in the Ofcom licence and the booking agent/licensed private hire operator must allow the Council access to inspect all equipment and Ofcom licenses.
- 5.98 Any radio, booking systems/data heads and/or GPS equipment provided must not interfere with any other radio or telecommunication equipment.
- 5.99 Where apparatus for the operation of a two-way radio, booking system/data heads and/or GPS systems are fitted, no part of the apparatus can be situated in a way which could cause accident or injury to a passenger, nor can it be placed in the rear boot compartment if LPG tanks are situated in there.

Signs

- 5.100 No sign or advertisement is permitted on the vehicle unless required by law, or has been agreed by the Council in writing (see above in relation to advertisements).
- 5.101 The vehicle must be fitted with a sign with the word "TAXI" (minimum size 35 cm wide and 10 cm high) on its roof. This can be combined with a "For Hire" sign, but that can be a separate sign, in a conspicuous position on the vehicle. The sign(s) must be illuminated when the vehicle is available for hire and switch off automatically when the taximeter is operating.

CCTV

- 5.102 In relation to CCTV systems proprietors must
(a) have approved CCTV equipment installed and ensure that it is operated in

accordance with the Licensing Authority's Policy.

- b) ensure no CCTV system shall be installed in a vehicle unless it has previously been approved by the Licensing Authority.
- c) declare to the Licensing Authority the number and location of all cameras fitted in the vehicle. The number and location of the cameras shall not be varied without the prior written consent of the Licensing Authority.
- d) have a minimum of 3 warning signs clearly and prominently displayed inside the vehicle advising passengers that a CCTV system is in operation in the vehicle. The notices shall be positioned in a prominent (though not obstructive) position where they can be easily read by persons both inside and outside of the vehicle. 1 warning sign for front seat passengers and 2 for rear seated passengers. The proprietor shall ensure that the notices are maintained in a clean and legible condition.
- e) ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions. Written records of all maintenance and servicing shall be made and retained by the proprietor for a minimum of 24 months. Such written records shall be made available on demand by an authorised officer of the Licensing Authority.
- f) Upon request for image retrieval by an officer of the Licensing Authority or a police officer, the proprietor shall ensure that the CCTV system is made available to the officer as soon as reasonably practicable, and in any event within 7 days of the request.
- g) shall take all reasonable steps to ensure that any driver of the vehicle is made aware of every condition in relation to any installed CCTV system and has been given adequate instruction regarding the need for the system to be made available as soon as reasonably practicable, and in any event within 7 days of any authorised request for any image retrieval.

Seating Arrangements

5.103 In the vehicle all exits must be easily accessible and not obstructed by another seat. Access to all doors must be free from obstruction. Any seats that require passengers to move any part of another seat to gain access or egress will not be licensed for carrying passengers. The seating configuration and number of passengers that can be carried is subject to assessment by the Council.

Incident logs

5.104 The proprietor must maintain an incident log in an accessible format (either on a computer, other electronic device or a notebook). This must be used to

record all incidents affecting the use of the Hackney Carriage including, but not limited to:-

- a) collisions or accidents;
- b) damage to the vehicle;
- c) problems with the taximeter;
- d) refusals by any driver to carry a passenger (including the date, time, location, and reason for the refusal);
- e) any events, circumstances or incidents which lead the driver or proprietor to suspect that a passenger or passengers is involved in or is a victim of child sexual exploitation or any other abuse, modern slavery or trafficking of people, abuse or supply of drugs, involvement in terrorism or any other criminal activity.

5.105 Incidents must be recorded immediately, or as soon as possible thereafter and must state the date time and location of the incident, the names (if known) of any third parties and the date and time on which the incident was recorded.

5.106 This log must be available for inspection by an authorised officer of the Council or a Police Constable at all times on request.

CONDITIONS

5.107 The following Conditions are attached to your Hackney Carriage Vehicle Licence and must be complied with at all times. Failure to comply with conditions may lead to penalty points being imposed on your hackney carriage proprietors (vehicle) licence, suspension, revocation or refusal to renew the hackney carriage proprietors (vehicle) licence.

5.108 You must return your licence (and the plates and additional signage if requested by the Council) to the Council immediately if:-

- You change your home or business address
- If the licence expires, or is suspended or revoked
- You wish to surrender your Hackney Carriage Licence
- When required to do so by an Authorised Officer of the Council.

- 5.109 You must notify the Council **within 72 hours** of the event (including weekends and bank holidays) if you or anybody named on the licence as a joint proprietor (or any director or secretary of a limited company, or partner in a Limited Liability Partnership when the licence is held by such a body) is arrested in connection with, charged with or convicted of any criminal offence. The same requirement applies in relation to any fixed penalty notices, speed awareness courses, community protection notices or, civil injunctions.
- 5.110 If your vehicle has an accident which results in damage which may affect its safety, performance or appearance or the comfort or convenience of your passengers, you must report this to the Council **within 72 hours** (including weekends and bank holidays). If you are in doubt as to whether the vehicle is affected, you must notify the Council.

Drivers

- 5.111 You must notify the Council of the details (name, address and taxi drivers' licence number) of any person who is permitted by you to drive your Hackney Carriage for any purpose (this does not include mechanics undertaking vehicle maintenance). This notification must be made as soon as possible and in any event **within 72 hours** of that permission being given. If you no longer permit that person to drive your Hackney Carriage you must notify the Licensing Section in writing, using the Council's approved forms, **within 72 hours**.
- 5.112 Before you allow anyone to drive your Hackney Carriage you must ask that person to email you a copy of their Warrington Council Taxi Driver's Licence and retain that copy whilst that person is permitted to drive your vehicle. You must ensure that they understand and will observe the law and byelaws that regulate their conduct and the conditions attached to the vehicle licence.
- 5.113 Note- No person may drive a Hackney Carriage, unless they hold a valid and current combined Hackney Carriage and Private Hire Driver's Licence issued by Warrington Borough Council. Anyone found driving a Hackney Carriage without a valid and current Hackney Carriage and Private Hire Driver's Licence, may be prosecuted.

Insurance

- 5.114 You must ensure that a valid policy of comprehensive insurance for hackney carriage work/public hire is in place for the vehicle and covers anyone who drives your Hackney Carriage.

Production of Documents

- 5.115 You must not obstruct any Authorised Officer or Police Officer. You must provide any assistance or information they may reasonably require.
- 5.116 If an Authorised Officer of the Council (or another Council with whom a reciprocal arrangement is in place) or a police officer asks you, you must produce within 5 days beginning with the day following the day when the request is made:-
- a) Your licence
 - b) The Hackney Carriage Driver Licence of any person authorised to drive your Hackney Carriage
 - c) The vehicle registration document
 - d) A valid certificate of insurance

Licence Plates

- 5.117 The licence plates remain the property of the Council and must be returned to the Council whenever the vehicle is not licensed as a Hackney Carriage.
- 5.118 You must secure and display the exterior licence plates permanently to the outmost front and rear part of the vehicle. The method of fixing must prevent the plates being removed without the need for tools. Both plates must at all times must be displayed so that it can be clearly read by pedestrians and road users. The licence plates must not be displayed in any window of the vehicle.
- 5.126 You must display the additional signage on the near side and offside front doors and the internal signs issued by the Council inside the vehicle so that they are visible to front and rear passengers at all times.

- 5.127 You must display the table of fares which includes the notice referring to the complaints procedure in the vehicle where it can be clearly seen by all passengers. Any complaint regarding fares, vehicles etc, should be made via email at taxicomplaints@warrington.gov.uk, in writing to the Licensing Section, Warrington Borough Council, Town Hall, East Annexe, Sankey Street, Warrington, WA1 1UH (01925 984728) quoting the number shown on the front, rear or dash of the vehicle or online to complaints form found at <https://www.warrington.gov.uk/taxicomplaint>
- 5.128 You must report the theft or loss of the licence plates or additional signage to the Police immediately and as soon as possible, and in any event within 24 hours of becoming aware of the theft or loss, to the Council by email. You must also obtain a crime or lost property number from the Police and present this to the Council. You must then obtain duplicate licence plates and/or additional signage for which a charge will be made.
- 5.129 You must not wilfully or negligently cause or suffer any plates or additional signage on your vehicle to be concealed from public view at any time.
- 5.130 You must return the licence plates and additional signage to the Council If the Hackney Carriage Proprietor (Vehicle) Licence is suspended, revoked or not renewed. If you do not surrender the plates immediately, a written notice will be issued and recorded on file and relevant agencies informed.

Vehicle inspection

- 5.131 You must allow an Authorised Officer of the Council, or Police Officer, to inspect your vehicle at any reasonable time.
- 5.132 You must ensure the vehicle is presented for test in accordance with instructions from the Council

Specification for a Hackney Carriage

5.133 No change in the specification, design, condition or appearance, or any modification, conversion or alteration of the vehicle can be made unless prior written approval has been given by the Council.

5.134 The vehicle must fully comply with all relevant Road Traffic legislation and in addition:

- a) All doors must function correctly and be capable of being opened from outside and within the vehicle.
- b) All opening windows must function correctly and be capable of being opened from within the vehicle.
- c) All luggage must be properly secured inside a vehicle that does not have a separate and self-contained boot.
- d) If a roof rack (or roof box) is being it must be securely fitted to the roof in accordance with the manufacturers instructions. The additional signs must be correctly fitted to the front and rear of the roof rack (or roof box). All luggage must be properly secured and in the case of a roof rack a waterproof cover must be fitted. Any roof box must be correctly closed before moving off.
- e) If a trailer is being used the driver must ensure that the lights on the trailer are working correctly and that the trailer plate is properly displayed on the rear of the trailer. A waterproof cover must be used to protect any luggage.
- f) Passengers must be able to communicate with the driver via a sliding screen, mesh or hole in any division which may be fitted between the drivers and passenger compartments.
- g) The vehicle and all seats, door handles and trim, and all internal and external parts of the vehicle must be maintained at all times in a clean, comfortable, safe, and mechanically sound condition and be in every way suitable for public service.
- h) The floor covering must not be torn or frayed.
- i) The vehicle must have an adequate functioning internal light to enable passengers to enter and leave the vehicle safely.

- j) The vehicle's bodywork and paintwork must be maintained to an acceptable standard free of dents or rust.
- k) The vehicle must carry a spare wheel to fit the vehicle, and the wheel together with equipment to change the wheel, jack and wheel brace must be securely stored. This does not apply if the manufacturers specification when new did not include a spare wheel, in which case the manufacturers alternative (e.g. spray can) will be acceptable.
- l) The vehicle must be fitted with tyres which meet the specifications detailed by the manufacturer in terms of size and speed rating. All tyres must have at least 2 mm of tread across the entire contact surface.
- m) The vehicle must be fitted with nearside and offside exterior rear view mirrors which must be maintained in a serviceable condition
- n) The glass in the vehicle must not be replaced with glass that is different from the glass fitted when the vehicle passed the Councils vehicle test. Any unapproved (by the Council) self-adhesive material (tinted or clear) must not be affixed to any part of the glass
- o) The vehicle must not be fitted with any additional lights other than those originally fitted by the manufacturer unless they have been approved by the Council.
- p) At all times the vehicle must carry a first kit which should be dated and contents reviewed. Out of date items, must be discarded.

Additional Conditions for wheelchair accessible Hackney Carriages

- 5.135 At all times, the vehicle must carry in a safe, usable condition suitable ramps for a wheelchair user. If the alternative tail lift or some other mechanical means of access is fitted it must be maintained in a safe, functioning condition.
- 5.136 The driver must ensure before the commencement of the journey that the passenger is correctly seated and the wheelchair is correctly secured and the passenger is correctly restrained, and at the end of the journey must ensure that the passenger is delivered safely onto the pavement.
- 5.137 The door entrance and any steps must always be conspicuously marked where appropriate, to help visually impaired passengers.

- 5.138 All grab handles or rails must always be conspicuously marked to help visually impaired passengers.

Sliding doors

- 5.139 Where sliding doors are an integral part of a vehicle and a locking device has not been fitted, the child locking systems must be engaged by the driver at all times when the vehicle is in motion and carrying passengers.

Lost property

- 5.140 The driver must search the vehicle after each hiring has been completed, and any lost property found must be recorded. If the driver knows the identity and/or whereabouts of the last passenger, they can return the property to them. If not, the driver must make reasonable efforts to trace the owner and return the property to them. If the Hackney Carriage had been pre-booked via a booking agent or licensed private hire operator the lost property can be given to them.

The taximeter, payments and table of fares

- 5.141 The vehicle must be fitted with a calendar controlled and sealed taximeter that has been approved by the Council. It must be mounted in such a way as to avoid injury to the driver or passengers in the case of any collision and where it is visible to passengers. This must be in a safe and practical position in the vehicle where all letters and figures displayed on the taximeter are clearly visible to any passenger. The letters and figures must therefore be illuminated when in use.
- 5.142 The taximeter must be set to ensure that the charge will never exceed the amount specified in the Council's Hackney Carriage Table of Fares.
- 5.143 The taximeter must be accurate, be capable of showing that the vehicle is or is not hired, it must be fitted with a key or other device that, when turned, will operate the taximeter and display the word "HIRED". This key or device must

be capable of locking the taximeter so it does not work and no fare is recorded on it.

- 5.144 When the taximeter is in use, the fare must be clearly legible on the face of the taximeter. This fare must be unambiguous and must not exceed the fare permitted by the Council's Hackney Carriage table of Fares.
- 5.145 The word "FARE" must be clearly printed on the taximeter so it clearly indicates the fare displayed.
- 5.146 The taximeter must only be brought into action and the fare or charge must only commence from the point at which the hirer starts his/her journey.
- 5.147 If the taximeter fails or does not comply with the conditions, you must ensure the vehicle is not used as a hackney carriage.
- 5.148 The vehicle must be equipped (either permanently or provided by the driver) with equipment to enable fares to be paid by credit or debit card. Such payments cannot be refused and no additional charge can be made for any such payment.
- 5.149 A notice showing the current Table of Fares and complaints notice must be displayed inside the vehicle in a position where any passengers can easily read it. The notice must also state that payment can be made by credit or debit card and that no additional charge will be made for any such payments. If the taximeter has been set to a lower rate than that permitted by the Council's Table of Fares, a supplementary notice detailing the lower charges must also be displayed in a similar position.

Maps and navigational devices

- 5.150 Any electronic navigational device which is being used must be securely located within the vehicle and must not be operated by the driver while the vehicle is moving. No handheld devices can be used unless they are securely located in a suitable cradle or other mounting device.

Signage

- 5.151 No sign or advertisement can be displayed on (or flown from or otherwise be attached to) the vehicle unless it is required by law, or has been agreed by the Council in writing.

- 5.152 The vehicle must at all times be fitted with a sign with the word “TAXI” (minimum size 35 cm wide and 10 cm high) on its roof. This can be combined with a “For Hire” sign, but that can be a separate sign, in a conspicuous position on the vehicle. The sign(s) must be illuminated when the vehicle is available for hire and switch off automatically when the taximeter is operating.

No Smoking

- 5.153 The vehicle must have at least 2 “no smoking” signs displayed inside the vehicle clearly visible to passengers.

CCTV

- 5.154 In relation to CCTV systems proprietors must
- (a) have approved CCTV equipment installed and ensure that it is operated in accordance with the Licensing Authority’s Policy
 - b) ensure no CCTV system shall be installed in a vehicle unless it has previously been approved by the Licensing Authority.
 - c) declare to the Licensing Authority the number and location of all cameras fitted in the vehicle. The number and location of the cameras shall not be varied without the prior written consent of the Licensing Authority
 - d) have a minimum of 3 warning signs clearly and prominently displayed inside the vehicle advising passengers that a CCTV system is in operation in the vehicle. The notices shall be positioned in a prominent (though not obstructive) position where they can be easily read by persons both inside and outside of the vehicle. 1 warning sign for front seat passengers and 2 for rear seated passengers. The proprietor shall ensure that the notices are maintained in a clean and legible condition.
 - e) ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer’s instructions. Written records of all maintenance and servicing shall be made and retained by the proprietor for a minimum of 24 months. Such written records shall be made available on demand by an authorised officer of the Licensing Authority.
 - f) Upon request for image retrieval by an officer of the Licensing Authority or a police officer, the proprietor shall ensure that the CCTV system is made available to the officer as soon as reasonably practicable, and in any event within 7 days of the request.
 - g) shall take all reasonable steps to ensure that any driver of the vehicle is made aware of every condition in relation to any installed CCTV system and has been given adequate instruction regarding the need for the system to be made available as soon as reasonably practicable, and in any event within 7 days of any authorised request for any image retrieval.

BYELAWS

Made under Section 68 of the Town Police Clauses Act, 1847, and Section 171 of the Public Health Act, 1875 by the Warrington Borough Council with respect to Hackney Carriages in the Borough of Warrington.

INTERPRETATION

1. Throughout these byelaws "the Council" means the Council of the Borough of Warrington, and "the district" means the Borough of Warrington

PROVISIONS REGULATING THE MANNER IN WHICH THE NUMBER OF EACH HACKNEY CARRIAGE, CORRESPONDING WITH THE NUMBER OF ITS LICENCE, SHALL BE DISPLAYED.

- 2 (a) The proprietor of a Hackney Carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.
- (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 while the carriage is standing or plying for hire;
 - (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

PROVISIONS REGULATING HOW HACKNEY CARRIAGES ARE TO BE FURNISHED OR PROVIDED

3. 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 water-tight;
 - 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 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 two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

4. The proprietor of a Hackney Carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say,
- a) If the taximeter is fitted with a flag or other device bearing the words "FOR HIRE"
 - i the words "FOR HIRE" shall be exhibited on each side of the flag or other device in plain letters at least one- and three-quarter inches in height and the flag or other device shall be capable of being locked in a position in which the words are horizontal and legible;
 - ii when the flag or other device is so locked, the machinery of the taximeter shall not be in action and the means of bringing it into action shall be by moving the flag or other device so that the words are not conveniently legible;
 - iii when the flag or other device is so locked that the aforesaid words are horizontal and legible no fare shall be recorded on the face of the taximeter.
 - b) If the taximeter is not fitted with a flag or other device bearing the words "FOR HIRE"
 - i the taximeter shall be fitted with a key 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;
 - ii such key or device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and no fare is recorded on the face of the taximeter.
 - c) When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take in pursuance of the byelaw in that behalf for the hire of the carriage by distance.
 - d) The word "FARE" shall be printed on the face of the taxi- taximeter in plain letters so as clearly to apply to the fare recorded thereon.
 - e) The taximeter shall be so placed that all letters and figures on the face thereof may be at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring.
 - f) The taximeter 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.

5. The proprietor of a Hackney Carriage provided with a taximeter not fitted with a flag or other device bearing the words "FOR HIRE" shall cause the carriage to be provided with a sign so constructed as to comply with the following requirements, that is to say
 - a) the sign shall bear the words "FOR HIRE" in plain letters at least one- and three-quarter inches in height;
 - b) the sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire.

PROVISIONS REGULATING THE CONDUCT OF THE PROPRIETORS AND DRIVERS OF HACKNEY CARRIAGES PLYING WITHIN THE DISTRICT IN THEIR SEVERAL EMPLOYMENTS, AND DETERMINING WHETHER SUCH DRIVERS SHALL WEAR ANY AND WHAT BADGES

6. The driver of a Hackney Carriage shall,
 - a) if the taximeter is fitted with a flag or other device bearing the words "FOR HIRE"-
 - i when standing or plying for hire keep such flag or other device locked in the position in which the words are horizontal and legible;
 - ii as soon as the carriage is hired by distance, and before commencing the journey, bring the machinery of the taximeter into action by moving the flag or other device so that the words are not conveniently legible and keep the machinery of the taximeter in action until the termination of the hiring.
 - b) if the taximeter is not fitted with a flag or other device bearing the words "FOR HIRE"
 - i when standing or plying for hire, keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter and operate the sign provided in pursuance of byelaw 5 so that the words "FOR HIRE" are clearly and conveniently legible by persons outside the carriage;
 - ii as soon as the carriage is hired, whether by distance or by time, operate the said sign so that the words "FOR HIRE" are not conveniently legible by persons outside the carriage;
 - iii as soon as the carriage is hired by distance, and before commencing the journey, bring the machinery of the taximeter into action by moving the key

or other device fitted for the purpose so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring.

- c) Cause the dial of the taximeter 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.
- 7. 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.
- 8. The driver of a Hackney Carriage shall, when plying for hire 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 occupy 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 this carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
- 9. The driver of the foremost Hackney Carriage standing upon a stand fixed by these Byelaws shall be ready to be hired at once by any person.
- 10. 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.
- 11. 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.

12. The driver of a Hackney Carriage shall be clean and respectable in his dress and person.
13. 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.
14. 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.
15. 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. Provided that for the purposes of this Byelaw children under three years of age, or one child exceeding three and under seven years of age, shall not be reckoned, and two children exceeding three and under seven years of age shall be reckoned as one person.
16. 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 any such person.
17. Every proprietor or driver of a Hackney Carriage who shall knowingly convey in the carriage the dead body of any person shall, immediately thereafter, notify the fact to the Chief Environmental Health Officer of the Council.

PROVISIONS FIXING THE RATES OR FARES TO BE PAID FOR HACKNEY CARRIAGES WITHIN THE DISTRICT AND SECURING THE DUE PUBLICATION OF SUCH FARES

18. The Proprietor or driver of a Hackney Carriage shall be entitled to demand and take for the hire of the carriage, the rate or fare prescribed by the following table, the rate of fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time.

Provided always that where a Hackney Carriage furnished with a taximeter shall be hired by distance, the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter save for any extra charges authorised by the following table which it may not be possible to record on the face of the taximeter.

19. (a) The proprietor of a Hackney Carriage shall cause a statement of the fares fixed by the byelaw in that behalf 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 fares in accordance with this byelaw 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.

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

20. 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.
21. 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 forty-eight hours, if not sooner claimed by or on behalf of its owner, to the Central Police Offices, Warrington, and leave it in the custody of a police officer on his giving a receipt for it;
 - b) be entitled to receive from any person to whom the property shall be delivered an amount equal to one shilling in the pound of its estimated value (or the fare for the distance from the place of finding to the Central Police Offices, Warrington, whichever be the greater) but not more than five pounds.

PENALTIES

22. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding twenty pounds and in the case of a continuing offence to a further fine not exceeding £5 for every day during which the offence continues after conviction therefor.

REPEAL OF BYELAWS

23. The byelaws with respect to Hackney Carriages made by the Warrington Borough Council on 31 October 1974 which were confirmed by one of Her Majesty's Principal Secretaries of State on 13 December 1974 are hereby repealed.

<u>The Seal of Warrington Borough Council was hereunto affixed on the 15th day of July 1975 in the presence of</u>	
<u>H. G. CARTWRIGHT Deputy Borough Secretary and Solicitor.</u>	<u>The Secretary of State this day confirmed the foregoing byelaws and fixed the date on which the byelaws are to come into operation as the 12th day of September 1975.</u>
<u>Home Office Whitehall</u>	<u>(Sgd.) K. P. WHITNEY An Assistant Under Secretary of State.</u>
<u>12 September 1975</u>	

LEGAL REQUIREMENTS (contained in national legislation) relating to a Hackney Carriage

- 1 It is an offence to provide false information when applying for Hackney Carriage proprietors licence (s40 Town Police Clauses Act 1847).
- 2 You must notify the Council of any change of address of yourself or any other hackney carriage proprietor (s44 Town Police Clauses Act 1847).

- 3 The proprietor of a Hackney Carriage commits an offence if the vehicle is used to ply or stand for hire other than in the zone or district in which it is licensed (s45 Town Police Clauses Act 1847).
- 4 You must not employ an unlicensed driver (s47 Town Police Clauses Act 1847).
- 5 You must hold the driver's licence of those driving the vehicle and produce it if requested to do so by a Magistrate's Court (s48 Town Police Clauses Act 1847).
- 6 You must ensure that all times the vehicle displays the hackney carriage plate (s52 Town Police Clauses Act 1847).
- 7 You must notify any transfer of the vehicle licence to another proprietor within 14 days (s49 Local Government (Miscellaneous Provisions) Act 1976).
- 8 You must present the Hackney Carriage for inspection as required by the Council (s50(1) Local Government (Miscellaneous Provisions) Act 1976).
- 9 You must inform the council where the Hackney Carriage is stored if requested to do so (s50(1) Local Government (Miscellaneous Provisions) Act 1976).
- 10 You must report any collision that has caused damage to the safety performance or appearance of the vehicle to the council within 72 hours (s50(3) Local Government (Miscellaneous Provisions) Act 1976).
- 11 You must produce the vehicle licence and insurance if requested to do so by the Council (s50(4) Local Government (Miscellaneous Provisions) Act 1976).
- 12 You must return the plate to the Council once you receive notice to do so after expiry revocation or suspension of the proprietor's licence (s58(2) Local Government (Miscellaneous Provisions) Act 1976).
- 13 It is an offence to interfere with a taximeter (s71 Local Government (Miscellaneous Provisions) Act 1976).
- 14 You must not obstruct, fail to comply with any requirement made by, or fail to give any information to, an authorised officer of the Council, an authorised officer of another Council with which there is a reciprocal enforcement arrangement, or a police constable (s73 Local Government (Miscellaneous Provisions) Act 1976).
- 15 You must not conceal obscure the number of the Hackney Carriage whilst standing or plying for hire or use the vehicle with a defaced or damaged plate (Hackney Carriage Bylaw 2).

- 16 You must provide a means of communication between passengers and drivers (Hackney Carriage Bylaw 3).
- 17 You must ensure that the vehicle is watertight (Hackney Carriage Bylaw 3).
- 18 You must ensure that the windows open and close (Hackney Carriage Bylaw 3).
- 19 You must ensure that the seats are properly covered (Hackney Carriage Bylaw 3).
- 20 You must ensure that the floor is properly covered (Hackney Carriage Bylaw 3).
- 21 You must ensure that the vehicle is clean well maintained and fit for public service (Hackney Carriage Bylaw 3).
- 22 You must ensure that there is a means for securing luggage if required (Hackney Carriage Bylaw 3).
- 23 You must ensure that the taximeter is plainly visible to passengers and illuminated (Hackney Carriage Bylaw 4).
- 24 You must not tamper with the taximeter (Hackney Carriage Bylaw 7).
- 25 You must display the table of fares and not conceal it or render it illegible (Hackney Carriage Bylaw 20).
- 26 You must search the vehicle after every hiring (usually the responsibility of the driver but also applies to the proprietor) (Hackney Carriage Bylaw 21).