
HACKNEY CARRIAGE LICENSING CONDITIONS

1. Thurrock Council aims to ensure that a hackney carriage service of a good standard is provided within the district. To this end it has a set of conditions which, in addition to the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847, as amended, regulates the hackney carriage service. A district council may attach to the grant of a hackney carriage vehicle licence, such conditions as it may consider reasonably necessary.

Thurrock Council may, at its discretion, waive, alter or add to any of the conditions, standards or requirements.

All relevant information will be taken into account when consideration is given to an application for a hackney carriage vehicle or driver's licence. Whilst an application for a licence should conform to the licensing conditions and Council policies or guidelines, each application will be considered on its own merits. Should an application be refused, the applicant has a right of appeal, in writing, within 21 days, to the Magistrates' Court. In the case of a refusal to grant a hackney carriage proprietor's licence, the appeal is directly to the Crown Court. Thurrock Council may, at its discretion, waive, alter or add to any of the conditions, standards or requirements.

2. A hackney carriage vehicle licence is issued upon application and shall be valid for no more than one year.
3. In order that a reliable hackney carriage service of an acceptable standard is provided within the district, a person to be considered for a hackney carriage vehicle licence on the first or subsequent occasions shall, from 1 January 2009 and in addition to all other hackney carriage vehicle licensing conditions –
 - (a) Have a vehicle which conforms to all current legislation and which is in satisfactory mechanical order and body condition and in operational order in every respect. The vehicle must be a wheelchair accessible vehicle, of a type or make approved by the Council, with eight or less passenger seats. It must be unaltered from the manufacturer's specification and documentation must be produced to show that the vehicle is certified to European Whole Vehicle Approval, UK M1 or Low Volume Type Approval (LVTA) standards. In all such cases, it will be at the discretion of the Council to grant, or refuse the grant, of a hackney carriage vehicle licence.
 - (b) Thurrock Council reserves the right to examine any vehicle before the grant of a hackney carriage vehicle licence in order to ascertain that the vehicle conforms to all current legislation, licensing criteria and licensing conditions. Such examination will not be a guarantee that the grant of a licence will be made.

4. The vehicle must have:
 - (a) a minimum of four doors, each adjacent to and allowing direct access to and from the seats;
 - (b) rear seat accommodation for not less than three persons, unless the safe carriage of a passenger seated in a wheelchair necessitates the removal of any seat(s);
 - (c) accommodation for not less than four passengers;
 - (d) separate front seats to accommodate one person in addition to the driver (excluding wheelchair accessible taxis);
 - (e) seats with a minimum width of not less than 16 ½ inches (420mm) per person;
 - (f) where a seat is of a 'flip-up' design and fitted as standard by the manufacturer, that width shall be not less than 16 inches (406 mm);
 - (g) appropriate seat belts to the front and rear seats of the vehicle. The number of seat belts fitted to the vehicle shall correspond with the number of passengers the vehicle is licensed to carry in forward facing seats, plus a belt for the driver;
 - (h) all vehicles must be capable of carrying a wheelchair in a reasonable manner;
 - (i) all wheelchair accessible hackney carriages to permit loading of wheelchairs ONLY through the side door(s) of the vehicle. Vehicles, which load wheelchairs through the tailgate, will not be accepted for licensing;
 - (j) all wheelchair accessible hackney carriages shall be equipped with properly mounted fittings for the safe securing of a wheelchair and the passenger seated in it, when carried inside the vehicle;
 - (k) an applicant for a hackney carriage vehicle licence must show that they have undergone training in the handling of disabled persons to Passenger Assistant Training Scheme Standards (PATS) or any training to an equivalent or higher standard and that any person who will drive the vehicle on their behalf has been similarly trained;
 - (l) those hackney carriage proprietors whose vehicles are a saloon, estate or multi-passenger vehicle as at 1 January 2009 will be permitted to replace their vehicle with a vehicle, which is not wheelchair accessible. When the provisions of the Disability Discrimination Act 1995 in respect of hackney carriage vehicles come into force, ALL proprietors will be expected to comply with them;
 - (m) any proprietor who has a wheelchair accessible vehicle at 1 January 2009, must in future, replace it with a wheelchair accessible vehicle.
5.
 - (a) All saloons, estates and MPVs, when first submitted for licensing, must be less than four years of age and at the time of renewal of the vehicle licence, be no more than seven years of age, excepting that -
 - (b) The upper age limit for all wheelchair accessible hackney carriage vehicles will be 10 years.

- (c) Any vehicle accepted for licensing as a hackney carriage after 1 January 2009 may only be replaced by a vehicle, which is younger, by reference to the dates of first registration.
6. For mini-buses and multi-passenger vehicles licensed as hackney carriages, the following conditions apply in addition to all other licensing conditions:–
- (a) That any seat adjacent to the nearside door of the passenger compartment of a licensed vehicle, be removed, where necessary, to permit a clear and unobstructed entry to and exit from the back row seating of the compartment.
 - (b) That no person entering or exiting from a licensed vehicle should have to remove or dismantle any seat or other obstacle, or to climb over any person being carried in the vehicle, or have any other person leave their seat to facilitate them entering or exiting the vehicle.
 - (c) That any sliding offside door of the passenger compartment of a multi-passenger vehicle be controlled by the driver of the vehicle to supervise the entry and exit of that door.
7. A hackney carriage proprietor converting their licensed vehicle to run on Liquid Petroleum Gas (LPG) must notify the Council of such change and comply with the following conditions. These conditions will also apply to proprietors purchasing a new or used vehicle that runs on LPG.
- (a) That the installation of a LPG tank be undertaken by a Liquid Petroleum Gas Association (LPGA) approved installer.
 - (b) That the proprietor produces a certificate of compliance by an approved LPGA installer.
 - (c) That the LPG tank fitted must be a multi-valve tank and be fitted with a sealed tank box made from aluminium and vented to the atmosphere.
 - (d) That the vehicle displays on the front and rear screens, a sticker stating that the vehicle has been fitted with a LPG tank for the purpose of alerting the emergency services in the event of an accident.
 - (e) A doughnut tank is fitted in the spare wheel well of the boot, the spare wheel must be securely fixed in a position not obstructing the entire luggage space.
 - (f) The proprietor of the vehicle must notify DVLA Swansea, of the change in fuel from petrol to both LPG and petrol.
 - (g) The vehicle be serviced by a person competent in LPG powered vehicles.

8. **Trailers**

A licensed vehicle will be permitted to tow a trailer provided that:–

- (a) The proprietor presents the trailer for inspection at a suitably qualified testing station prior to its first use and thereafter every 12 months at the inspection of any vehicle on which the trailer is authorised to be used.

- (b) The trailer must only be used on pre-booked journeys when excess luggage is to be carried and not for general use.
 - (c) The trailer may be used with any licensed vehicle provided that the trailer, vehicle and their towing fittings have been inspected and approved by the testing station.
 - (d) The trailer complies with all aspects of current legislation and is of a type recommended by the vehicle manufacturer as being suitable for the intended towing vehicle.
 - (e) The vehicle must be suitable for towing the intended trailer.
 - (f) That the trailer be in good condition and no older than ten years of age, of which proof of age must be provided.
 - (g) The trailer must be purpose built and manufactured for the purpose for which it was intended.
 - (h) The trailer must be plated by the manufacturer, specifying the maximum load to be carried.
 - (i) The trailer must be a braked trailer.
 - (j) The trailer must comply with current lighting regulations.
 - (k) No advertising will be permitted on any part of the trailer.
 - (l) The trailer be fitted with secure fastening covers, which can be hardtop or canvas tarpaulin type.
 - (m) When the trailer is used with the licensed vehicle, the licence plate issued by the Council, specifically for that trailer, shall be clearly displayed on the trailer.
 - (n) A spare wheel for the trailer must be carried whilst the trailer is in use.
 - (o) The tow bar used must be of a type approved by the manufacture of the vehicle and be fitted by an approved agent.
 - (p) The vehicle be insured to tow the trailer, of which proof of cover must be produced.
 - (q) The proprietor will be liable for any charge by the testing station for the examination of the trailer.
 - (r) Where a licensed vehicle has its emergency exit through the rear doors, the towing of a trailer must not impede the use of those doors for the egress of passengers from the vehicle.
 - (s) A licensed driver will be permitted to tow a trailer whilst driving a licensed vehicle, providing that he/she holds the appropriate category on his/her DVLA driving licence, which must be produced to the Council.
9. An applicant for a hackney carriages proprietor's licence shall submit the vehicle for mechanical and/or such other inspection as and when the Council may require:–

- (a) Vehicles submitted for inspection shall be in such a condition as to be suitable for inspection; free from oil or any other matter and thoroughly cleaned inside and out. Vehicles not meeting these conditions will not be inspected. These vehicles will be treated as having failed to attend the inspection centre and be suspended immediately until they pass a re-examination.
 - (d) Vehicles, which fail to attend for any inspection, may be suspended immediately until such time as they attend and pass the inspection. The proprietor of the vehicle shall be liable for any fees charged by the examining garage.
10. An applicant shall produce the following documents prior to the issue of the licence, which must be current at the time the licence commences:–
- (a) An insurance certificate or cover note, which expressly indicates cover for public hire. This may be produced after the vehicle has satisfactorily passed its initial test.
 - (b) A Department of Transport test certificate, where required by the Road Traffic Acts.
NB : UNDER S.47 ROAD TRAFFIC ACT 1988, A HACKNEY CARRIAGE IS REQUIRED TO BE TESTED ONE YEAR FROM ITS DATE OF FIRST REGISTRATION.
 - (c) Proof of ownership by means of a bill of sale, or hire purchase agreement.
 - (d) The vehicle registration document showing the applicant's name and address.
 - (e) A proprietorship requisition form as specified in the Town Police Clauses Act 1847.
 - (f) A valid vehicle compliance certificate issued by a Thurrock Council approved testing garage, or other such certificate as may be required, from time to time, by Thurrock Council.
11. During the period of the licence, the holder shall be in direct control of the day to day running of the vehicle.
12. Adequate luggage facilities must be provided separate from the passenger-carrying compartment. All vehicles must be capable of carrying a wheelchair, folded down if appropriate, in a reasonable manner.
13. In London style and wheelchair accessible type vehicles the area next to the driver shall be deemed to be the luggage space and no seating shall be permitted there.
14. (a) The licence plate identifying the vehicle as a hackney carriage shall at all times during the period the licence is in force, be displayed in the appropriate manner.

The vehicle shall not be used to convey a greater number of passengers than shown on the plate and licence, irrespective of the age of the passenger.

- (b) The licence plate, bearing the vehicle licence number, the vehicle registration number, the vehicle colour and number of passengers for which the vehicle is licensed to carry, shall be displayed in a vertical position and firmly fixed to the outside of the vehicle at the rear, using the fixing bracket provided for the purpose. Neither “Velcro” nor cable tie fastenings will be permitted. In any cases of doubt about a proper method of fixing the plate, the Licensing Office should be consulted.
 - (c) The proprietor of a hackney carriage shall ensure at all times when the vehicle is being used for hire and reward or standing or plying for hire, that the plate number identity card be displayed in the vehicle on the nearside of the windscreen or on the partition behind the driver, in an unobstructed and conspicuous position so that it may be seen by passengers.
 - (d) A driver shall not conceal the hackney carriage plate from public view or deface it.
 - (e) The licence plate shall remain the property of Thurrock Council at all times and must be returned immediately if the vehicle ceases to be a licensed hackney carriage vehicle, any detail of the vehicle is changed or if the vehicle licence is suspended or revoked by the Council.
15. A sign bearing the words “Licensed Taxi Thurrock Council” shall be permanently displayed on each rear door of the vehicle, in the upper panel of the door.
16. A hackney carriage shall be required to display a roof sign capable of being illuminated and showing to the front and rear the word “TAXI”, the light for which should automatically be extinguished when the taxi meter is engaged. London style and other taxis with signs forming an integral part of the roof are acceptable. A company telephone number may be displayed on the roof sign, but the figures may not be more than half the height of the word ‘Taxi’.
17. A tariff card supplied by the Council shall be displayed on the inside of the vehicle in such a position as to be plainly visible to persons travelling in the vehicle.
18. The inside and outside of a hackney carriage shall be clean and free from damage, well maintained and in every way fit for public service.

19. The proprietor shall not permit the conveyance in his hackney carriage, of any animal belonging to or in the custody of himself, the driver or operator of the vehicle. At the driver's discretion any animal belonging to or in the custody of the hirer maybe conveyed in the vehicle, except those dogs as shown at 52(b).
20. A proprietor of a hackney carriage shall ensure that the display of advertising materials is restricted to the following:—
 - (a) The trade name, address and telephone number of the circuit may be displayed on the front doors of the vehicle and/or on a maximum three inch depth advertisement panel in the rear window, in a position not restricting rearward vision.
 - (b) Product advertising is permitted on the front doors and rear bumper, subject to the Council giving authority and retaining the right to request the removal of any particular advertisement which is felt to be unsuitable. The advertisement on the front doors should not extend beyond the panels of either door.
 - (c) Product advertising on the rear bumper must be applied by a professional company and no reflective materials may be used.
 - (d) Wheelchair accessible vehicles may display the disability symbol of a maximum of 10" (245mm) square on the wheelchair access door(s) only.
 - (e) Advertising material or decorative stickers on other, external parts of the vehicle are strictly prohibited.
 - (f) Internal advertising is permitted subject to approval by the Council and to it not being visible from outside of the vehicle.
21. An efficient fire extinguisher, indelibly marked with the plate number of the vehicle, shall be carried and be readily available for use. **NB : In the event of a vehicle fire, your PRIORITY is to GET THE PASSENGERS OUT.**
22. Each taxi shall carry a first aid kit for the use of the driver and shall contain those items laid down by the Health and Safety (First Aid) Regulations 1981.
23. It shall be the responsibility of the proprietor of a hackney carriage vehicle to produce proof of a continuous test certificate and insurance cover in respect of public hire. The proof to be received by the Licensing Authority within seven days of the expiry of the preceding certificate/cover note.
24. The appropriate MoT certificate and insurance documents covering the use of that vehicle shall be produced within seven days when inspection is required by the Council.
25. A licence holder, on changing his address, shall notify the Council of such change within seven days.

26. Without prejudice to S.25 of the Road Traffic Act 1972, the proprietor of any hackney carriage shall report to the Licensing Officer as soon as reasonably practicable and in any case, within 72 hours of the occurrence thereof, any accident causing damage to the said vehicle.

27. In the event that the vehicle fails an examination for serious body damage or mechanical defects, it shall be subject of immediate prohibition by written notice from use as a hackney carriage, until such time as the damage or defect has been corrected to the satisfaction of the Licensing Authority.
28. If the proprietor of a licensed hackney carriage wishes to transfer his interest in the licence, he must notify the Licensing Authority of such intention, giving details of the name and address of the person proposed and both he and the person proposed should make themselves available for interview by the Licensing Authority.
29. The driver of a hackney carriage shall, at the commencement of the journey, activate the meter so that the word "HIRED" is clearly visible and shall keep the meter operating until the termination of the hiring. "Commencement of the journey" means:–
 - (a) when the hirer enters the vehicle;
 - (b) when the driver has attended at an appointed place and has made his presence known to the hirer.
 - (c) when the driver has presented him/herself at an appointed place at a specified time.
30. The mechanism of a taxi meter shall not be tampered with or altered without lawful excuse.
31. A driver shall not obstruct or hinder another hackney carriage driver in any way. A driver may be charged for this offence as well as being charged for offences under the Road Traffic Acts.
32. A driver shall not refuse to carry fewer persons than the number marked on the plate.
 - (a) If a driver agrees beforehand to carry a person for less than the fare fixed by the bye laws, he shall not, at the end of the journey, demand more than the agreed sum.
 - (b) No agreement shall be made to charge more than a properly metered fare. Even if the taxi is being driven on private hire business, it is still an offence to agree to charge more than a properly metered fare.
 - (c) If a driver carries a hirer to a certain place and the hirer asks the driver to wait, the driver may ask for his fare for driving there and ask also for a deposit against the waiting time. After accepting such a deposit, the driver shall not drive away without the consent of the hirer.
 - (d) A driver shall not overcharge. Not only can a driver face prosecution for overcharging but an order may also be made against him for repayment of the amount overcharged.

33. Once a hackney carriage has been hired, a driver shall not carry anyone else during that hire, without the explicit consent of the first hirer.
34. No person shall cause or permit any vehicle other than a hackney carriage to wait on any stand for hackney carriages.

APPLICANTS FOR A HACKNEY CARRIAGE DRIVER'S LICENCE

35. In order that licensed drivers will be reliable and of a good standard, a person being considered for a driver's licence subsequently shall:–

- (a) Bring their form and fee to the office in person for the purpose of interview by the Licensing Officer.
- (b) Present their full DVLA driving licence and either their birth certificate or passport.
- (c) Undergo a test of their knowledge of the streets and places of the Thurrock district and answer questions on the Highway Code, bye-laws and conditions.
- (d) Complete the necessary Criminal Records Bureau disclosure application form in full
and return it in person to the Licensing Office, with the relevant fee and any supporting, original documents that may be required.

Where an applicant has resided outside of the United Kingdom at any stage, other than in the course of a short holiday, they must provide a certificate of conduct endorsed as correct by the relevant Embassy or Consulate for each country in which they have been resident. The certificate must state whether or not any convictions are recorded against that person and details of the sentence(s) imposed. A similarly endorsed copy translated into English must also be provided. The supply of these documents to be at the expense of the applicant.

- (f) Submit themselves for a medical examination to DVLA Group 2 standards and produce a certificate of fitness to drive licensed vehicles to the Council. The Council reserves the right, in accordance with the Local Government (Miscellaneous Provisions) Act 1976 to require an applicant to submit themselves to examination at an independent medical clinic or other such place as the Council may direct irrespective of any medical examination by the applicant's own doctor. The cost of such examination to borne by the candidate.
- (g) Undertake and pass a recognised course in the handling and treatment of persons with disabilities, such as the Passenger Assistant Training Scheme (PATS) or its equivalent. The certificate confirming their qualification must be produced before the grant of the licence. The cost of such training to be at the expense of the applicant.

Any errors, omissions or incorrect statements of a serious nature will render the licence liable to immediate suspension.

36. Taxi drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. Applicants **MUST** disclose all previous cautions and convictions whether they are 'spent' or not. When applying for a licence, regard should be had to the

Council's guidance on the relevance of convictions. A copy of this guidance may be obtained free of charge from the Licensing Office. If any matter is relevant to an applicant's fitness, the Council may take this into account when determining the grant of any licence.

The Council normally expects that a person applying for the grant or renewal of a licence will:–

- (a) Be over 21 years of age and have held a full DVLA driver's licence for at least three years.
 - (b) Not have been convicted of three or more motoring offences during the previous three years.
 - (c) Not have been convicted of a serious motoring offence during the previous five years.
 - (d) Not have been cautioned by the police for a criminal offence during the previous 12 months.
 - (e) Not have been convicted of a criminal offence during the previous three years.
 - (f) Not have been convicted of a serious criminal offence or a sexual offence within the previous seven years.
 - (g) Not have been refused a HGV or PCV licence or had either revoked by the Traffic Commissioners within the previous three years.
37. (a) All relevant facts will be taken into account when consideration is given to an application for a driver's licence and it may be that additional or higher standards will be imposed.
- (b) A new hackney carriage driver's licence shall be issued for one year.
- (c) Any hackney carriage drivers licence that existed before the 1st August 2011, which when renewed between the following dates shall be valid for the following period:
- 1st August 2011 – 31st July 2012 will be valid for 3 years;
 - 1st August 2012 – 31st July 2013 will be valid for 2 years;
 - 1st August 2013 onwards will be valid for 1 year.
- (d) Where a driver has not re-applied for his licence before the expiry of the current licence, and the licence lapses, then any subsequent application shall be treated as if the driver is making a new application. Applicants in these circumstances will be expected to undergo the full pre-licensing checks, irrespective of how long ago any previous checks were made.
38. On first application or every three years for the renewal of a hackney carriage driver's licence, the applicant must:–

- (a) Produce documentary evidence of a medical examination to Group 2 standards, such evidence to be dated within the immediately preceding four weeks.
 - (b) Those drivers suffering from known and notified medical disorders and those over 70 years of age, will be required to undergo a medical examination to Group 2 standards annually, or any lesser period that the examining doctor may decide.
 - (c) If over the age of 70 years, produce documentary evidence of an additional eyesight test, such evidence to be dated six months prior to the date of application.
 - (d) All medical examinations and eyesight tests will be at the expense of the driver.
39. No driver, licensed or not, shall act as a hackney carriage driver without consent of the proprietor.
40. A person shall not drive a hackney carriage without a valid hackney carriage driver's licence, even if the hackney carriage is being used on private hire business.
41. A driver shall not leave his hackney carriage unattended in a public place, the police being authorised to tow it away if it is unattended.
42. A hackney carriage driver must deposit his hackney carriage driver's licence with the proprietor for whom he drives.
43. When a driver ends his employment with a proprietor, the hackney carriage driver's licence must be returned to the driver, unless the proprietor is going to make a complaint to the Magistrates' Court about the driver's misconduct.
44. A driver shall at all times when standing or plying for hire and when hired, wear their badge on their person so that it is clearly visible.
45. An applicant for the grant or renewal of a hackney carriage driver's licence or for a hackney carriage proprietor's licence, must disclose all cautions, convictions, charges, driving offences or disqualifications to the Licensing Office. A taxi driver is an exempt occupation within the meaning of the Rehabilitation of Offenders Act 1974.
46. A driver shall:–
- (a) convey a reasonable quantity of luggage;
 - (b) afford reasonable assistance in loading and unloading such luggage;
 - (c) when requested by the hirer, afford reasonable assistance in removing such luggage to or from the entrance of any building, station or place at which he may take up or set down such person.

47. A driver, when standing for hire, must drive a hirer or would be hirer to any place within the district. A driver may only refuse to do so if he has reasonable cause.
48. The driver of a hackney carriage who shall have agreed or shall have been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at the appointed time and place.
49. 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.
50. The driver of a hackney carriage shall immediately after the termination of the hiring, search the vehicle for any property, which may have been accidentally left therein. The driver shall, on finding such property, carry it as soon as possible and in any case within 72 hours, to the Civic Offices, New Road, Grays and the person claiming the property shall pay the driver or proprietor, either the driver's or proprietor's fare to the Council Offices, or 5p in the pound of the estimated value of the property, whichever is the greater.
51. The driver of a hackney carriage shall at all times when the vehicle is hired:—
 - (a) Take all reasonable precautions to ensure the safety of persons travelling in, entering
or alighting from their vehicle;
 - (b) Be clean, respectable, of smart appearance and act with civility towards all persons and shall comply with the reasonable requirements of the hirer(s).
 - (c) The wearing of vests or singlets and sports gear, such as football shirts and tracksuits is prohibited. Shorts may be worn in hot weather only if properly tailored and of sufficient length when the driver is seated as not to offend against decency. Brightly coloured or highly decorated shorts of a style more appropriate as beach/holiday wear are also prohibited.

52. No person shall, being the driver of a hackney carriage, without reasonable excuse:-

- (a) Refuse to attend the needs of, or refuse assistance to any person with a disability, whether or not they are the user of a wheelchair. (Section 36 Disability Discrimination Act 1995).
- (b) Refuse to permit the carriage of a dog used as a guide dog for a blind or partially sighted person, a hearing dog for those otherwise impaired, or an assistance dog. (Section 37 Disability Discrimination Act 1995).
- (c) No person shall, being the driver of a hackney carriage, charge for carrying a guide dog, hearing dog or assistance dog, or for the carriage of a wheelchair. (Sections 36 & 37 Disability Discrimination Act 1995).

53. In addition to other general laws, rules and regulations, where a driver has caused injury to a person or to his/her property, then at the same time he is convicted for causing the injury, the proprietor may be ordered to pay up to £5 compensation to the injured person. The proprietor may recover this compensation from the driver. (Section 63 Town Police Clauses Act 1847).

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