

## **HACKNEY CARRIAGE**

Only a person who holds a Hackney Carriage Driver Licence is lawfully permitted to drive a Hackney Carriage Vehicle (Section 53 Local Government Miscellaneous Provisions Act 1976).

A Hackney Carriage, once licensed, may only ever be lawfully driven by a person who holds a Hackney Carriage Driver licence. A person without a Hackney Carriage Driver licence commits an offence if they drive a licensed Vehicle (Section 47 of the Town Police Clauses Act 1847).

A Hackney Carriage Vehicle can be hailed in the street, can pick up passengers at a Hackney Carriage rank or can be booked via telephone or email.

The Hackney Carriage Driver must be licensed with the same Local Authority as the Hackney Carriage Vehicle.

Hackney Carriage Driver Licences are valid for a maximum of 12 months.

### **Fit and proper**

The Council must be satisfied that the applicant is a “fit and proper” person to be licensed before a licence is issued or renewed.

East Herts Licensing Committee or delegated Officer will determine new applications and driver renewals where there is evidence that they may not be “fit and proper”.

Licensed drivers must have entitlement to work in the UK, and produce evidence of this entitlement.

Licensed drivers have an ongoing duty to inform the Licensing Service of any matter that may affect their continuing fitness and propriety to be a taxi driver.

### **Right of Appeal**

There is a right of appeal to the Magistrates' Court against a refusal by the Local Authority to grant a licence, and against any conditions imposed on the licence (section 55(4) of the local Government (Miscellaneous Provisions) Act 1976).

### **Convictions, cautions, etc**

Licence holders, who are convicted of, or who are otherwise cautioned or penalised for any criminal or motoring offence during the currency of their licence, must inform the Council in writing of both the offence and the penalty, within seven days of the conviction, or of the alternative disposal of the offence.

An accepted Police caution or fixed penalty notice is an alternative disposal of an offence.

All applicants and licensed drivers must complete an Enhanced Disclosure of their criminal record, on application and every 3 years after grant. You will also be required to complete Basic Disclosures: on grant if this is more than 1 year after the first Enhanced Disclosure, and also annually on renewal in the years when the enhanced check is not due. You must provide proof of identity and address to CRB standards.

Overseas applicants who have lived in the UK for less than 5 years must also provide a certificate of good conduct from their Embassy

## **Driving Record**

Applicants must provide a copy of the most recent issue of their DVLA driving licence, before first grant and on every renewal, and must provide the Council with a mandate to access their DVLA driving record, and pay the enquiry fees due to the DVLA.

## **Medical fitness and examination**

Licence holders must hold and produce a current, valid medical examination certificate.

Medical examinations must be conducted by a Doctor on the Council's approved list, or by their own GP, or another GP at their registered practice.

The standard of the medical examination must be to the Group 2 standard applied by the DVLA to PSV and HGV drivers.

If you are under 45 years of age, the Doctor may issue a certificate which is valid until age 45. If there is a doubt as to your standard of health, the Doctor may require a more frequent examination.

If you are between 45 years and 65 years of age, the maximum length of a certificate is 5 years; the Doctor may require a more frequent, examination.

Over 65 years of age, the maximum length of a certificate is 1 year.

You are responsible for paying all medical fees.

Additionally, you must be capable of lifting weights of up to 15 kg, so as to provide reasonable assistance to passengers with luggage, unless you have a medical exemption certificate from the Medical Adjudicator excusing you from this requirement.

### **Property in the licence and badge**

The Hackney Carriage or Private Hire Drivers licence and badge remain the property of the Council. The badge must be worn so that it can be clearly seen at all times when plying for hire, or when passengers are in the vehicle. A copy of the drivers badge must be displayed on the windscreen so that it is visible to a front seat passenger.

Badges and licences must be returned to the council on demand by any authorised officer.

### **Hackney Carriage driver conditions:-**

Hackney Carriage Drivers must:-

- When plying for hire on a rank, Hackney Carriage drivers must join the end of the queue, and NOT park in contravention of any 'no waiting' restrictions.
- When using a taxi rank, take up a position at the rear and move forward when spaces become available.
- Not leave a taxi unattended on a rank.

- A driver may be licensed as both a Hackney Carriage Driver and a Private Hire Driver (known as a dual licence).
- For hirings that begin and end in East Herts, Hackney Carriages may not charge more than the amount shown on the meter (but you may accept a gratuity if one is offered). You may charge less. The meter must be correctly calibrated to the current Table of Fares, and the fare table must be available to passengers. The meter must be used on all journeys that do not begin and end in East Herts if no agreement has been reached with the passenger about the fare for the journey.

### **Other licence conditions**

Licensed drivers must;

- Have held a full UK or EEA driving licence for three years from the minimum age to hold a full UK driving licence (currently 17).
- Comply with the code of conduct and dress code, and all relevant legislation.
- Report any change of name or address, in writing, within 7 days.
- Search the vehicle after being hired. Any property accidentally left in the vehicle should be taken to a Police Station.
- Attend punctually, if hired to pick up a fare at an agreed time and place, unless there are extenuating circumstances.
- Comply with seat belt legislation:-

### Note: Seat belts

Hackney Carriage and Private Hire drivers are exempt from wearing seat belts whilst carrying passengers, (Hackney Carriage drivers are also exempt while plying for hire). It is the driver's responsibility to ensure that all passengers under 14 years use the seat belts or child restraints. Drivers should encourage adult passengers to wear seat belts.

- Be aware of the advice given in the Highway Code in relation to the 'hands free' operation of mobile phones, radio microphones etc, and comply with all relevant legislation.
- When requested, carry a reasonable amount of luggage.
- Operate strictly within the terms of the licence issued; Private Hire Drivers may not drive a Hackney Carriage. Holders of Dual Driver licences may drive both Hackney Carriage and Private Hire Vehicles.
- NOT carry more passengers than the maximum permitted for that vehicle.
- Smoking is NOT permitted in licensed vehicles at any time, to comply with Regulations under the Health Act 2006.
- NOT refuse to carry a dog which is specially trained to accompany a blind or hard of hearing passenger, unless the driver has a medical certificate to the effect that the driver has an allergy to dogs. Other dogs may be carried at the discretion of the driver.
- Pay all fees and charges due from them to the Licensing Service.

- Provide the licensing service promptly with valid, and up to date, copies of all documents that are required as a condition of the driver licence, or vehicle, or operator licence.
- Provide a recent passport sized photograph that complies with the Passport Agencies requirements with each renewal application.
- Take adequate rest and refreshment to enable safe driving.

### **Vehicle and Trailer Conditions**

All vehicle licence proprietors must;

- Report any change of name or address, to the Licensing Service, in writing, within 7 days.
- Report any damage to the licensed vehicle, that prevents it from complying with the appropriate vehicle condition standard, to the Licensing Service at the next reasonably convenient opportunity, and in any case not later than 7 days after the damage is caused (whether or not the vehicle is taken off the road, or is not still being used as a taxi).

### **All Vehicles**

All vehicles must;

- comply with both
  - vehicle mechanical standard, and

- vehicle visual standard, and
- compliance must be evidenced by a valid Vehicle Condition Certificate ('VCC') (formally a 'Roadworthiness Certificate') issued by an approved testing garage.

Vehicle mechanical standards are the same standard that would be required for that vehicle to pass an MOT test.

- Be in a clean condition when presented for inspection.

### Vehicle Documents

#### (a) Certificates of Insurance

All classes of vehicle require insurance cover which must include cover for the carriage of passengers for 'hire and reward'.

#### (b) M.O.T. Certificates

All vehicles require a M.O.T. certificate after 3 years in accordance with Road Traffic Regulations. Hackney Carriages additionally require a M.O.T. certificate 1 year after the date of first registration, and then annually.

#### (c) Vehicle Condition Certificate ('VCC') (formally a 'Roadworthiness Certificate')

- All vehicles require a VCC to be issued 1 year after the date of first registration. All classes of vehicle require an annual vehicle condition certificate until the vehicle reaches 7 years of age.

Between the ages of 7 and 10 years, both classes of vehicle require a 6 monthly roadworthiness certificate. After 10 years, vehicles require a VCC every 4 months.

- For all vehicles over the age of 10 years from date of first registration, these tests are enhanced to the standard used at the Public Carriage Office (Metropolitan Police).

### Signs and Advertisements

The two forward door panels may be used to advertise the taxi company details and the rear door panels can be used for other advertising. Sun strips and 'All over' advertising will not be approved.

### **Standard Conditions that apply to all licensed Hackney Carriage**

#### Vehicles must:-

- Be capable of carrying at least four passengers and not more than eight passengers.
- Have a brake horse power of greater than 89 bhp, or an engine size over 1600cc.
- Be right hand drive.
- Be less than 5 years of age when first licensed, except for purpose built taxis, which will be licensed for the first time until they are 7 years old. Except: If the vehicle has been inspected by a council taxi licensing officer and issued with a certificate that

it complies with the Vehicle visual standard before it is presented to a garage for a VCC inspection.

- Have a minimum of four opening doors, two on each side of the vehicle (except London style taxis, which need only have two doors for passenger use).
- Have a minimum internal cabin width of 52" (132 cm) in vehicles with the capacity to carry three passengers across the width of the vehicle.
- Be finished in a manufacturer's standard colour.
- Comply with all current legislation, i.e. Road Traffic Acts, Motor Vehicles (Construction and Use) Regulations, Vehicles (Excise) Act etc.
- Carry an approved First Aid kit and fire extinguisher to BS EN3: 1996 Standard fitted in such a position that it does not interfere with the driver's controls, and
- Comply with the vehicle visual standard.
- Display the taxi plate correctly at all times when working, fixed to the outside of the vehicle, facing to the rear, and clean so it is legible.
- Equipment fitted for use with mobile phones, radio microphones etc must be capable of 'hands free' operation.

## Vehicle visual standard for Hackney Carriage

- Clean internally (usually the car should have been professionally valeted or cleaned carefully before presentation for a VCC inspection and before relicensing by a Licensing Officer)
- Of a high standard of appearance. This means;
  - Externally, and inside door reveals, free from visible rust, dents, scratches, peeling, discolouration, cracks, chips and impact damage, except where this is insignificant, isolated and superficial.
  - Internally, free from dirt, staining, excessive wear, free from tears, cuts, burn marks and other damage to seat coverings, trim and linings except where the fault(s) is/are insignificant, isolated and superficial.

Several faults that could each on their own be considered 'insignificant, isolated and superficial' may detract sufficiently from the overall appearance to prevent the vehicle reaching a 'high standard of appearance'.

**'Visible'** means, apparent to a vehicle inspector or licensing officer standing next to the vehicle, getting in or out of the vehicle, or sitting in any one of the passenger seats in the car.

**'Isolated'** means no more than two defects visible when the car is viewed from any angle, or from a seated position in any one of the passenger seats in the car.

**'Insignificant'** means,

in relation to an **internal** fault; not affecting the passenger seats, or not clearly noticeable from a seated position in any of the passenger seats.

in relation to an **external** fault; not clearly noticeable from a distance of 1.5 metres;

**'Superficial'** means, in relation to **internal** faults; On the surfaces.

**'Superficial'** means, in relation to **external** faults;

**Rust**; Surface rust that should be easily removed with light, non abrasive surface pressure (e.g.- by wiping with a cloth) and that does not leave visible pitting in the metal underneath.

**Scratches, peeling, chips and cracks**; affecting the surface layer of paint. The scratch, chip, peeling or crack should not have penetrated the primer coat of paint.

**Discolouration**; this is always superficial if it is discolouration of the existing surface (e.g. faded paint), and this type of discolouration should usually only be considered in terms of whether it is insignificant and/or isolated.

Where the change of colour is not a feature of the original finish (e.g. is caused by graffiti or non matching paint), this is not superficial.

***Dents and impact damage;*** These are superficial if they do not;

- Cause any sharply defined changes in the surface contours, and
- Are not excessively deep.

Shallow dents may still create a failure if they are not insignificant and isolated, and there is a clearly defined margin between the original surface contours, and the contours of the damaged surface.

#### Hackney Carriage equipment.

Hackney Carriages must be:-

- Fitted with an approved and correctly calibrated meter.
- Fitted with an approved 'for hire' sign.
- Fitted with the Council-provided roof top light.
- Display the Council provided taxi plate on the outside of the rear of the vehicle.
- Have the current "Table of Fares" available to passengers and authorised persons for inspection.

#### **Trailer conditions**

Hackney Carriages and Private Hire Vehicles may be licensed to tow an approved trailer. A taxi vehicle must not be used to tow a trailer unless the vehicle proprietor's licence specifies this is permitted.

A taxi driver must not drive a taxi vehicle towing a trailer, unless their DVLA licence includes authorisation to tow a trailer.

The taxi vehicle insurance must specifically include cover to tow a trailer for hire or reward.

When a trailer is towed by a licensed taxi, a currently valid East Herts rear taxi trailer copy of the licence plate must be correctly displayed and fixed to the outside of the trailer, facing to the rear.

The trailer licence plate must be kept clean, so that it is clearly legible.

The trailer must be presented for the VCC together with the towing vehicle.

Taxi trailers must not be left unattended on the public highway.

Trailers must comply with all current legislation, and with the visual standard for the towing vehicle.

Trailers must be fitted with a secure weather tight and waterproof lid or cover.

## **CODE OF GOOD CONDUCT FOR LICENSED DRIVERS**

All Hackney Carriage Drivers must read and abide by the Code of good conduct set out by East Herts Council.

Drivers have a responsibility to promote the image of the Hackney carriage trade by complying with the Licensing Policy (**see the website**)

They must at all times behave in a civil and responsible manner to other drivers and clients, be suitably dressed and clean in appearance and must not be under the influence of drink or drugs.

Drivers must assist passengers with bags etc as and when necessary, and carry out the journey in a safe manner taking the most direct route available.

Further information on the code of conduct may be found on the **website**

## **HACKNEY CARRIAGE & PRIVATE HIRE LICENSING RECORD POINTS SYSTEM**

The Licensing Record Points System is appendix E to the Council's Taxi Licensing Policy, and further detail may be found on the **website**. The system will operate as follows:

- 1 The Council's Community Safety and Licensing Enforcement Policy will be fully considered by the enforcing Officer when determining the manner in which any breach of legislation or the requirements of this Policy are dealt with. Where it is decided that the use of the Licensing Record points system is appropriate, the points will be issued in accordance with appendix E. Where this allows a range of points for the particular incident, the enforcing Officer will

determine the appropriate number of points proportionate to the offence.

- 2 Before Licensing Record points are issued, there must be sufficient evidence to prove the offence or breach of licensing requirements. If the licence holder disputes the offence or breach of licensing requirements, the matter will be resolved by reverting to the procedures detailed in the Taxi Licensing Policy.
- 3 A maximum of twelve Licensing Record points will be issued on any one occasion. This means that if on any occasion when it is proposed to impose Licensing Record points, a licence holder has committed more than one offence or breach of licence conditions, no more than twelve points will be imposed.
- 4 Points issued to either a proprietor or driver will be confirmed in writing within ten working days from the discovery of the contravention.
- 5 When issued, the Licensing Record points will remain "live" for a period of two years from the date they are imposed so that only points accumulated in a rolling twenty four months period will be taken into account.

If a driver, proprietor or operator accumulates twelve or more points within a period of two years from the date they are imposed, he will be required to attend a disciplinary meeting with a Licensing Sub-Committee,

for the appropriate action to be taken in accordance with the Policy.

- 6 Where a driver is brought before a Licensing Sub-Committee, the options available to them will include suspension or revocation of the driver's licence, where appropriate. If the Licensing Sub-Committee does not feel that the matter warrants suspension or revocation of the licence, they may extend the period for which the points are to remain "live" or instruct that a written warning to the driver is issued as to his future conduct.
- 7 Periods of suspension of a licence will be dependant on the nature of the breaches of the legislation or the requirements of the Taxi Licensing Policy, and the compliance history of the licence holder.
- 8 Once the matter has been dealt with, the points will be removed if a suspension or revocation is imposed. If the "live" period is extended or a written warning given, however, the points will remain "live" for the normal two-year period.
- 9 A driver will retain the right to be represented at any meeting with the Licensing Sub-Committee, either legally or otherwise, and to state any mitigating circumstances he/she deems necessary.
- 10 Even though Licensing Record points have been issued by an Authorised Officer of the Council, if it is

subsequently found that the driver has previously been issued with Licensing Record points, or has been formally cautioned, for similar offences, the Council reserve the right to cancel the Licensing Record points and deal with the matter in accordance with the Community Safety and Licensing Enforcement Policy.

- 11 The Licensing Record points system will operate without prejudice to the Council's ability to take other action under appropriate legislation or as provided for by the Taxi Licensing Policy.

### **Doctors authorised to carry out medical examinations:**

You may also use any GP at the practice where you are registered.

Aviation Medica, Inflite, Hanger 1, First Avenue, London Stanstead Airport, Essex, CM24 1RY  
Tel: (01279) 661580

Dr Rogers, 30a Church Street, Bishop's Stortford  
Tel: (01279) 657636

Dr Keller, Central Surgery, Bell Street, Sawbridgeworth  
Tel: (01279) 723172

All Doctors practising at 83 South Street, Bishop's Stortford  
Tel: (01279) 635225

Dr Baverstock, 6-7 East Street, Ware  
Tel: (01920) 468777

Dr Mobley, 11 St Andrew Street, Hertford  
Tel: (01992) 550541

Dr Withers, Health Centre, White Hart Close, Buntingford  
Tel: (01763) 271362

Dr Reynolds, Standon and Puckeridge Health Centre, Station Road,  
Puckeridge  
Tel: (01920) 821404

Dr Gibson, Church St Surgery, St. Mary's Courtyard, Church St,  
Ware  
Tel: (01920) 468941

All doctors practising at Hanscombe House, 52a St Andrews St,  
Hertford  
Tel: (01992) 582025

**Garages authorised to issue Vehicle Condition  
(roadworthiness) certificates:**

Smithers Garages  
50 London Road, Bishop's Stortford, CM23 5NF  
Tel: (01279) 5071730

DJ Self Drive  
Swains Mill, Crane Mead, Ware, SG12 9PY  
Tel: (01920) 465431/2

Garretts Garage Services  
42 Golds Business Park, Elsenham, Nr Bishop's Stortford, CM22  
6JX  
Tel: (01279) 647777

Sheppards  
Dane Street, Bishop's Stortford, CM23 3BX  
Tel: (01279) 757700

MRH Ltd Motor Repairs  
4 Warehams Lane, Hertford, SG14 1LA  
Tel: (01992) 550026

Hertford Auto Centre  
3 Merchant Drive, Hertford, SG13 7BH  
Tel: (01992) 535756

Bloomfield Motor Services  
Rear of Swift House, River Way, Harlow Essex, CM20 2DW  
Tel: (01279) 600660

Orchard Works Garage, Unit 3 Clarklands Ind Est  
Parsonage Lane, Sawbridgeworth CM21 0NG  
Tel: (01279) 723371

#### Meter Fitting and Calibration

Glenn Rogers 07798 697935  
Andy Ashton 07973 215655