

Appendix M

Hackney Carriage Vehicle Conditions

1. Maintenance of Vehicle

The vehicle and all its fittings and equipment must at all times when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition in accordance with Bye-law No. 3 and all relevant statutory requirements (including in particular those contained in Road Vehicles (Construction and Use) Regulations 1986 must be fully complied with.

2. Alteration of Vehicle

a. No material alteration or change in the specification, design, condition or appearance of the vehicle must be made subsequent to the inspection of the vehicle by the Council at any time while the licence is in force and at all times the vehicle shall comply with the specifications of the Council for a licensed hackney carriage. (Vehicles which have been modified in any way from the manufacturer's standard of construction may not be considered suitable for licensing purposes depending upon the nature of the modification).

3. Glazing

All glazing must at all times comply with Road Vehicles (Construction and Use) Regulations 1986 regulation 32 with regards to the level of tint. A minimum light transmission value of 70% shall be maintained in all windows except a windscreen, which shall have a minimum light transmission value of 75%. Tinted films applied to the vehicle windows are not permitted.

4. Liquefied Petroleum Gas (LPG)

a. Vehicles must not be fitted with Dual Fuel or 'after market' Liquid Petroleum Gas (LPG) systems unless they have been must be tested and certified by a recognised Liquid Petroleum Gas Association accredited installer. This certification must be produced at the time of application.

b. The proprietor must notify the Licensing Office in writing if their vehicle has a LPG system fitted during the currency of a licence. The notification must be made within 5 working days, and include the provision of the certification referred to above.

5. General condition, cleanliness and appearance of vehicle

a. Every vehicle must be maintained in a safe and clean condition at all times and is subject to such examinations as are required by the Council.

- b. Seats must still be fully 'sprung', free of stains, tears, cigarette burns or repair, and not threadbare. Floor coverings must not be unduly worn and present no trip hazards. Household carpeting or similar is unacceptable and must not be used. Upholstery (headlining and side panel coverings) must be free of ingrained grime, fractures and maintained in the manufacturers original style.
- c. Luggage and storage areas must be kept as free space for passenger's luggage.
- d. The proprietor / driver employed to drive the vehicle must ensure that the licensed vehicle has a daily safety check. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors and seat belts. A written record must be made of each safety check, details of faults recorded and remedial action taken. The record must be signed by the person undertaking the safety checks and kept in the vehicle for a minimum of 30 days and then for a further six months by the proprietor.

On being so required by a Police Officer or Authorised Officer or Vehicle Examiner the driver must produce, to that officer, the recorded daily checks kept in the vehicle and the proprietor, on request by that officer, must produce those recorded checks in his possession and/or those kept in the vehicle.

6. Identification Plate, Signs, Notices etc

The following must be in place at all times:

- (a) A licence plate permanently affixed to the front of the vehicle
- (b) A licence plate permanently affixed to the rear of the vehicle
- (c) A sign / notice permanently affixed to each front door of the vehicle
- (d) A notice permanently fixed to the interior glazed surface of the quarter light of both rear doors so that the contents of the notice are visible from the outside of the vehicle.
- (e) A notice permanently fixed to the interior glazed surface of the front windscreen so that the contents of the notice are visible from the outside of the vehicle.
- (f) The hackney carriage licence number must be permanently printed in white block letters (to a specification prescribed by the council) on the vehicle's boot.
- (g) The hackney carriage licence number must be permanently printed in white block letters (to a specification prescribed by the council) on the bonnet of the vehicle.

- (h) A notice, clearly visible from the passenger seats / compartment, identifying the current driver of the vehicle.

The sign / plates and notices referred to above will be issued or approved for use by Rotherham MBC.

The signs / plates and notices must be affixed to the vehicle in accordance with the requirements set out by the council.

No other signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever must be displayed on, in or from the vehicles except as may be required by any statutory provision (including by-laws) or required or permitted by these conditions, provided however, that this condition will not apply to any indication on a taximeter fitted to the vehicle.

4. Equipment and fittings

- a. The vehicle and all its fittings and equipment must, at all times when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements must be fully complied with.
- b. There must be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable efficient fire extinguisher of a make and type suitable for use on a motor vehicle and approved by the Council, i.e. 2.0kgs dry powder or 2.0 litre AFFF (Aqueous Film Forming Foam). All fire extinguishers must be fitted with a gauge. Such fire extinguisher shall be fitted in a bracket in such a position in the vehicle as to be readily available for immediate use in an emergency.

The extinguisher must be checked every 12 months by a competent person to check that it is still in working order and the certificate of inspection must be retained by the vehicle proprietor for at least 12 months.

- c. The registration number of the vehicle must be permanently and legibly marked on the extinguisher.
- d. There must be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and comprehensive first aid kit of a type that meets the requirements of British Standard BS8599-2 (medium sized kit). Such kit must be kept in such a position so as to be readily available for immediate use in an emergency.
- e. The registration number of the vehicle must be permanently and legibly marked on the first aid kit.

- f. If a Driver Safety Shield is fitted (either before the licence has been granted or during the currency of the licence) the following applies:-
 - i It will be of a make, type and design previously approved by Authorised Officers of the Council (for fittings during the licence);
 - ii it must not be changed in any way from its original design and must remain free of damage;
 - iii it must remain clear and translucent; free of scratches, clouding or stickers which would impede the drivers or passengers visibility;
 - iv it must not not impede entry and egress or present a trip hazard to passengers using the vehicle; and
 - v the Installation and continued subsequent maintenance must be in accordance with manufacturer's specifications and recommendations.
- g. All audio equipment must be factory fitted as original standard equipment, or a factory fitted optional upgrade. No additional audio equipment e.g. Boom Boxes in boots / additional speakers are allowed to be fitted in and connected to the vehicle.

5 METERS, FARES AND FARECARDS

- a. A meter must be fitted to the vehicle and installed in accordance with the manufacturer's instructions. If a meter is fitted to the vehicle, it must have been installed in accordance with the manufacturer's instructions, tested and verified by the Council. The tariffs with which the meter has been calibrated must be displayed in the vehicle in such a position as to be visible to passengers. Such a table must show full particulars of all tariffs calibrated on the meter including a statement that the Council has no control over the table of fares.
- b. A notice must be displayed within the vehicle in such a position as to be visible to passengers stating that if the meter is not used, the fare should be agreed between the passenger(s) and driver before commencement of the journey. Any fare agreed in this way must be the fare that is charged at the end of the journey, unless the customer agrees to it being varied.
- c. If a fare has not been agreed between the driver (or operator) and the customer then the fare charged must be that which is shown on the meter. A statement to this effect must be made on the notice referred to in b. above.

6 SEATS AND PASSENGERS

- a. The proprietor must not allow a greater number of passengers to be carried in the vehicle than the number specified in the licence.

- b. Where the seating in the licensed vehicle can be rearranged, the proprietor must ensure that no more seats than are stated on the licence, including wheelchair(s), are fitted in the vehicle whether occupied or not. Once the vehicle has been tested and approved by the Council the seating layout must not be altered without further approval except for the temporary accommodation of a wheelchair in vehicles approved for such purpose.
- c. Seats can be mounted on tracking fastened to the floor of the vehicle using Unwin Safety Systems seat fixings or similar approved make to the satisfaction of the Council. These seats can then be removed or reinstalled as necessary to allow space for one or more wheelchairs. Any tracking system utilised must be correctly aligned and spaced to allow easy removal of the seat. Fastenings for the tracking must in accordance with the manufacturer's specification and approved for use by the Council.

7 Vehicles with third row of seats

- a. All passengers must have access to at least two side doors, one of which must be on the nearside of the vehicle.
- b. In cases where there is no door adjacent to a row of seats, no passenger must have to pass through a gap of less than 300mm at the narrowest point in order to exit the vehicle via the rear side doors.
- c. The middle row of seats must have more than one seat capable of fully tilting and which meet the necessary exit dimension of 300mm at both of the exit points.
- d. All vehicles with a row of passenger seats without adjacent side doors must provide 'means of operation signs' and low level lighting that illuminates when the side lights of the vehicle are activated.

8 Wheelchair passengers

- a. Wheelchair bound passengers must face either forward or rearward to the direction of travel. Rearward facing wheelchairs must be appropriately secured against a bulkhead. Occupied wheelchairs must be restrained by a suitable method.
- b. A full static harness or a lap and diagonal inertia-reel belt must be available for each wheelchair passenger. Whichever type of restraint is used it must engage into the same floor tracking as the wheelchair restraints or other system as approved by the Council. Such equipment must be fully adjustable for the safety and comfort of the wheelchair passenger and capable of quick release in an emergency situation.

9 Communication equipment

- a. Radio communication equipment licensed by the Department for Business, Innovation and Skills (BIS) may be fitted for use in connection with a Private Hire Operator's base station. Where fitted it must be in a manner approved by the Council. No Citizen Band Radio, or similar non-commercial radio capable of both sending and receiving messages not being apparatus licensed by the Department for Business, Innovation and Skills must be installed in the licensed vehicle. The use of scanner equipment is prohibited.
- b. Equipment fitted for the use of the driver to receive information on bookings must be fitted securely in the vehicle and in a manner which does not obstruct the view of the driver through the windscreen. Any wires used for connection of the equipment must not be left in a dangerous manner.

10 Drivers

- a. Any person who drives the vehicle for any purpose whatsoever, must hold a drivers licence issued by Rotherham MBC, even when the vehicle is not being used for booked journeys. Each proprietor must, before a driver commences to drive the vehicle, satisfy him/herself that the driver holds a valid driver's licence issued by Rotherham MBC. In order to comply with this requirement a proprietor must examine each driver's licence – any infringement could result in suspension or revocation of licences. The driver of the vehicle, if not named on the licence, will be regarded as an employee of the named proprietor(s).
- b. Proprietors must ensure that all driver(s) of the hackney carriage are fully acquainted with the need to provide all reasonable assistance to passengers especially those with a disability. In respect of disabled passengers a driver must not fail or refuse to carry out a booking by or on behalf of a disabled person accompanied by an 'assistance dog' unless the driver has a Medical Exemption granted by the Licensing Authority and is displaying their Exemption Certificate in the approved manner or in the vehicle.
- c. The proprietor must ensure that any driver of a wheelchair accessible vehicle holds a Driving Standards Agency (DSA) Wheelchair Assessment Certificate (or equivalent).
- d. The proprietor must keep a written record showing the following particulars in respect of every driver of the hackney carriage detailed in this licence:-
 - i the name and address and date of birth of the driver of the vehicle;
 - ii the number and date of expiry of every licence issued in respect of the driver under Section 51 of the Local Government

(Miscellaneous Provisions) Act 1976 and in force during such time as the driver is driving the vehicle.

- iii the date on which the driver commenced driving the vehicle;
 - iv the date on which the driver ceased driving the vehicle.
- e. The proprietor must keep the records prescribed in (d) above for a period of two years from the date on which the driver first commenced driving the vehicle. These records must be made available upon request to any Police Officer and/or Authorised Officer of the Council.

11. Advertisements

Advertisements may be displayed on the vehicle, provided that:

- (a) the advertisement is in accordance with the council's published conditions in relation advertisements on vehicles, and
- (b) the council has provided written approval for the advertisement to be displayed.

The hackney carriage proprietor submitting any advertisement for approval must pay an appropriate fee to cover the cost of the administration involved.

12. Colour

- (a) The vehicle will be coloured white.
- (b) The colour of the vehicle must not be altered during the period that the vehicle is licensed.

13. Inspection of Vehicle

- (a) The proprietor must permit an authorised officer or any constable to inspect the vehicle at all reasonable times.
- (b) If the authorised officer or constable is not satisfied as to the condition of the vehicle for use as a hackney carriage, the proprietor must after being notified in writing present the vehicle for inspection at such time and such place within the Borough of Rotherham as is specified in such notice.
- (c) If the authorised officer or constable is not satisfied as to the condition of the vehicle for use as a hackney carriage upon completion of the inspection as required in (b) above, the authorised officer may suspend the vehicles licence. Such a suspension will not be lifted until such time as the council is satisfied that the vehicle is in a suitable condition.

14. Accidents

If at any time the vehicle is involved in an accident, however minor, the driver must inform the Council of this fact as soon as possible and in any event within 1 working day (by telephone or email). An accident report form (available from the licensing office) must then be completed and submitted to the Council within five working days of the accident occurring (except in exceptional circumstances when the report must be made as soon as possible after the five working day deadline – an example of an exceptional circumstance would be that the driver is incapacitated due to the accident and physically unable to make the notification).

The vehicle must be presented for inspection at the council's authorised testing station as soon as possible after the accident has taken place – the appointment will be arranged by the council following receipt of the accident notification who will notify the vehicle proprietor of the date and time. Failure to present the vehicle for the appointment may result in the vehicle's licence being suspended until such time as the vehicle is presented for examination.

If the vehicle is so damaged that it cannot be driven, then the vehicle proprietor must inform the council of this fact – the council will then advise the proprietor of the action to be taken. In such cases the proprietor is advised to take photographic evidence of the vehicle's condition that clearly illustrates the reasons why the vehicle cannot be driven / presented for examination.

All repairs must be carried out without undue delay and may require the vehicle to be inspected by the Councils examiners.

15. Bodywork

Bodywork should be maintained to a good condition, paintwork should be sound and well maintained and free of corrosion, inferior re-spray work and 'cover up' temporary repairs.

16. Insurance

At all times the proprietor must, during the currency of this Licence:-

- (a) keep in force in relation to the use of the vehicle as a hackney carriage vehicle a policy of insurance complying with the requirements of Part VI of the Road Traffic Act 1988.
- (b) on being so required by an authorised officer, produce for examination at the Licensing Office within seven days of such request, the certificate of insurance issued by an insurer in respect of the vehicle for the purpose of Part VI of the Road Traffic Act 1988.

Failure to comply with this condition may result in the suspension of the vehicle licence.

17. Transfer of Licence

If the proprietor of a hackney carriage licensed by the Council transfers his interest in the vehicle to a person not named in the licence, he must within fourteen days after such transfer give notice in writing thereof to the Council specifying the name and address of the person to whom the hackney carriage has been transferred.

18. CCTV

CCTV equipment, capable of recording both audio and video, must be installed in all licensed vehicles. The CCTV system must meet or exceed the council's specification for CCTV systems and must be operational at all times that the vehicle is being used as a licensed vehicle (i.e. for the carriage of fare paying passengers). The system does not need to be operational during other times (for example when being used for domestic purposes).

Video recording must be active at all times. Audio recording must be active in any of the following circumstances:

- i. An unaccompanied child (i.e. under 18) or vulnerable adult is being carried in the vehicle, or
- ii. Between the hours of 2200hrs and 0600hrs,

In addition, audio recording must be activated by the driver at any time where the driver and customer are involved in a dispute or the driver feels threatened by the behaviour of a passenger.

In addition, the following provisions apply to the CCTV system:-

- i. It must be of a make, type and design previously approved by the Council;
- ii. it must not be changed in any way from its original design, be free of damage and maintained in working condition;
- iii. The vehicle must carry appropriate signs, approved by the Council, informing the public that camera surveillance is active in the vehicle.
- iv. The recording system and memory card (or other image memory recording system) must be securely stored within the vehicle and away from public access.
- v. Installation and maintenance must be in accordance with manufacturer's specifications and recommendations.
- vi. The images contained in the recording device can only be downloaded by an Authorised Officer of the Council or Police Officer.

19. Convictions

The proprietor of a hackney carriage must notify the Council **in writing within 5 working days (or 3 working days in the case of arrest)** and provide full details of any conviction, binding over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on him / her (or, if the proprietor be a company or partnership, on any of the directors, partners or secretary) during the period of the licence.

20. Change of address

The proprietor must notify the Council in writing of any change of address within 7 days of such change, whether permanent or temporary.

21. Requirements to undertake additional tests

A licensed vehicle which attracts a vehicle suspension notice (VOR) for serious defects may be required at the discretion of an Authorised Officer of Rotherham Metropolitan District Council, to undertake a further test to demonstrate that the vehicle is roadworthy before the suspension will be lifted. The cost of such a test is to be borne by the proprietor.

Note: In addition to the foregoing conditions, the proprietor is required to comply with statutory requirements and attention is drawn in particular to the Town Police Clauses Act 1847, the Hackney Carriage By-laws made under that Act and Part II of the Local Government (Miscellaneous Provisions) Act 1976.