

**SUGGESTED REVISION OF BRAINTREE DISTRICT COUNCIL GUIDANCE FOR THE  
LICENSING OF VEHICLES FOR HACKNEY CARRIAGE OR PRIVATE HIRE**

**Agenda Item 5**

**Contact Details:-** Rachel Smith  
**Designation:-** Licensing Officer  
**Ext. No:-** 2647  
**E Mail Address:-** racsm@braintree.gov.uk

**Background Papers:-**

**Appendix 1** –Guidance for Licensing of Vehicles for Hackney  
Carriage or Private Hire

Vehicle Conditions for Hackney Carriage Vehicles

Bylaws for Hackney Carriage Vehicles

Vehicle Conditions for private Hire Vehicles

Vehicle Conditions for Special Occasion Private Hire Vehicles

**Financial Implications:-** None

**Equalities Implications:-** Inclusion of guidance on meeting the needs of disabled customers

**Legal Implications:-** None – as this is guidance for the trade and officers

**Options:**

1. To approve the revision of the Guidance for the Licensing of  
Vehicles for Hackney Carriage or Private Hire with amendments and  
additions deemed appropriate by Members.

2. To accept the current guidance without revision.

**Risks:**

The principal behind amending the guidance is to bring it up to  
date in light of new regulation, guidance and modern car  
manufacture. This will minimise any risk of a judicial review from  
an aggrieved applicant..

**EXECUTIVE SUMMARY**

To consider up dating the current Guidance provided to drivers / operators in respect of type of  
vehicle that the council will expect to licence and the general conditions that will apply to all  
licensed vehicles.

## **DECISION**

Members are requested to recommend to approve the revised Guidance for the Licensing of Vehicles for Hackney Carriage or Private Hire

## **REVISION OF BRAINTREE DISTRICT COUNCIL GUIDANCE FOR THE LICENSING OF VEHICLES FOR HACKNEY CARRIAGE OR PRIVATE HIRE**

### **1.BACKGROUND**

The General guidance provides advice to driver's/operators when they are considering the purchase of a vehicle, it also provides officers with more detailed interpretation of the conditions and provided the vehicle inspector with a definitive account of the expectations for a Licensed vehicle.

The Guidance was last revised some 7 years ago; therefore there is a need to up date the guidance in line with the various changes that have taken place.

An additional section has been included on meeting the needs of disabled passengers which it is felt will provide vehicle drivers with guidance on how they should use their vehicle and their own approach to serve the needs of these passengers.

The proposed amendments have been highlighted in a copy of the guidance attached below.

### **Appendix 1**

#### **YOU ARE ADVISED TO READ THIS DOCUMENT BEFORE PRESENTING A VEHICLE FOR LICENSING INSPECTION**

Licensing of Vehicles for Hackney Carriage or Private Hire

### **NOTE**

The Council or any of its staff or representatives will not recommend any make, model or type of vehicle for the use as a Hackney Carriage or Private Hire Vehicle. The applicant may seek advice from the Council but it is the responsibility of the applicant, to ensure that the vehicle will comply with the Council criteria for a suitable vehicle. Any clarification on vehicle compliance should be made in writing prior to any prospective purchase and the applicant will receive a reply to this enquiry in writing from the Council. It is unlikely that the Council will licence any vehicle, which does not meet the criteria.

#### **1. VEHICLE SUITABILITY**

The vehicle must be presented for inspection to the authorised officer (or representative) on the Council's behalf. The Council will expect the vehicle to:

- a) In the case of a first application for a vehicle licence, to be no older than 5 years old. The age of the vehicle will be taken from the vehicle registration document.
- b) An exception will be made for:
  - i) Purpose built wheelchair accessible vehicles, to be no older than 8 years old.
  - ii) Special Occasion Private Hire Vehicles 10 years old
- c) All vehicles must be covered by the correct documentation, i.e. vehicle excise licence, mot test certificate(where applicable) and insurance
- d) Right hand drive vehicle only, with the exemption of Special Occasion Private Hire Vehicles.
- e) Provide at least two doors for the use of passengers conveyed in the vehicle neither being the door used by the driver.
- f) In the case of normal saloon type vehicles they must be fitted with four road wheels and at least four doors. In the case of a hatchback type saloon the hatch will not be considered or counted as a door for means of entry or egress.
- g) No vehicle be licensed which would require any passenger to climb over any seat to enter or egress from any seat they may occupy or that would require them to climb over any luggage in the vehicle.
- h) All passenger seats must face forward or rearward to the direction of travel.
- i) Luggage space must be a minimum of 0.5 cubic metres and be physically separated from the passenger seating or sited at the rear of the vehicle.
- j) All door handles to be easily visible to the passenger.

2.

### **OTHER VEHICLE AND ACCESSORY REQUIREMENTS**

- a) In the case of vehicles which make provision for the carriage of passengers whilst occupying a wheelchair, there must be separate means of securing the wheelchair and passenger.
- b) Access to and exit from the wheelchair position must not be obstructed in any manner at anytime except by wheelchair-loading apparatus.
- c) Any and all swivel seats must be fitted in accordance with the manufacturer's recommendations.
- d) The use of trailers on licensed vehicles is prohibited unless by prior permission of the Council. (Please see paragraph 5).
- e) Fire Extinguisher  
An efficient fire extinguisher shall be carried of a type conforming to BS5423 1997, 98, 99 with a minimum rating of 8A – 21B (type AFFF 2 litre minimum

capacity recommended). It must be readily available for use in case of emergency. The extinguisher must be clearly marked with the registration plate of the vehicle – label to be provided by the licensing department

A fully charged and functional Fire Extinguisher approved by the Council must be provided and securely fitted to the inside of the cab of the vehicle conspicuous and easily accessible (unless otherwise authorised by the Council's Inspector) and ready for use at all times. The currently approved type is a 2 LITRE FOAM Ref EN3/4 – 1996 (the only exceptions are for currently licensed vehicle as detailed in the Licensing Manager's letter to all licensees in October 1997, but in any event this exception ceases on 31 March 1999).

f) Fare Meter and Roof Light

A vehicle to be licensed as a Hackney Carriage **MUST** be fitted with a fare meter (Taximeter) and roof light. A vehicle to be licensed as a Private Hire Vehicle **MAY** be fitted with a meter but not a rooflight. If so fitted,

- i) the rooflight should be securely fitted and fully functional at all times
- ii) the meter must be correctly calibrated, sealed, fully functional in accordance with the current Council approved fare structure and easily visible to the passenger.
- iii) The Council must be notified of the make of meter fitted to each vehicle and of any change of meter subsequently made.

**NOTE – PRIVATE HIRE ONLY**

At no time may a Private Hire Vehicle in appearance in any way give the impression it is a taxi

- i) No "London-type/FX4 or similar vehicle may be licensed as a Private Hire Vehicle
- ii) No roof light is permitted
- iii) No signage bearing or incorporating the word CAB may be fitted or fixed to the vehicle in any way.

(g) Luggage Racks and Rooftop Boxes

All Roof racks and roof top boxes must be appropriate for the vehicle on which they are used and must be fitted and loaded in accordance with the manufacturers instructions. If they are fitted on a Hackney Carriage the roof sign must remain clearly visible.

**3. GENERAL CONDITION OF THE VEHICLE**

The vehicle must be kept in good condition and in particular meet the following criteria:-

a) Rust

Any vehicle presented is to be free from any areas of visible rusting. Minor blemishes should not constitute a failure and should be painted to the original manufacturers colour and specification. Any vehicle with more than three visible rust patches of more than 20 sq. cms each will be failed.

- b) Dents  
Any vehicle with minor dents on three or more panels where such dents are more than 5cms in diameter/length or a single dent of more than 20 cms in diameter/length, should be failed.
- c) Scratches  
Any vehicle with un-repaired scratches down to bare metal on three or more panels, of 5cms in length, or a single scratch or more than 20cms in length, will be failed.
- d) Paintwork  
All panels on all vehicles shall be painted in manufactures colour panels and any areas with unmatched colours or in primer should be deemed as failures.
- e) Seats  
In conventional vehicles where it is intended that the licence be for four passengers, the rear seat must be at least 48 inches (122cms) in width. All seats shall have a minimum of 16 inches per person and in respect of seating comply with the Road Vehicle (Registration and Licensing) Regs 1971. All seats, including the driver's, must be free from repaired cuts, tears or cigarette burns, except of a very minor nature. Any repairs must have been carried out in a professional and neat manner.
- f) Carpets/floor covering  
All carpets and floor covering shall be complete and free from cuts, tears or serious staining.
- g) Headlining and other trim  
All interior trim, including headlining, shall be clean, complete, properly fitted and free from serious cuts, tears or major soiling.
- h) Window operation
- i) Saloon Vehicles –  
All passengers, excepting those occupying a middle seat. must be able to open the adjacent window without difficulty.
  - ii) “People carriers” –  
All windows fitted for the purpose of passenger use to open and close, must be fully functional at all times.
- i) Boot/luggage compartment  
This should be empty, except for
- i) spare wheel
  - ii) essential equipment
  - iii) fire extinguisher (if such siting is approved by the Council – see para 3(e))
  - iv) first aid kit. If supplied, it is the responsibility of the licensee to ensure that the contents complies with the current Health and Safety (First Aid) Regulations and any such first aid equipment is only to be administered by a qualified first aider.

- j) Any vehicle that is converted to run on LPG fuel shall have that conversion carried out to the satisfaction of this Authority's approved vehicle inspectors and that complies with the Guidance notes for Hackney Carriage and Private Hire Vehicles running on LPG as laid down by the L.P.G.A.
- k) Any towing mechanism fitted to a Licensed vehicle and designed for use as such should comply with European Directive 94/20/EC and be fitted to the satisfaction of this Authority's approved vehicle inspectors.

#### 4. **GENERAL INFORMATION**

a. **Vehicle Plate and ID card**

These are the property of the Council and will be sited on the outside rear and inside front of the vehicle, respectively, when the vehicle is passed by the inspector for licensing and should remain so sited at all times unless by prior arrangement with the Council. Should either become damaged or lost, the Council must be informed immediately and replacements purchased.

b. **Vehicle Passenger Capacity**

The number of passengers the vehicle is licensed to carry (irrespective of age) is as stated on the licence Plate affixed to the vehicle and must not be exceeded.

c. **Vehicle Inspections**

- i) All vehicles must be certified fit for purpose by the Council's authorised vehicle inspector before licensing or to continue to be licensed.
- ii) A vehicle must be presented for inspection no more than 21 days in advance or subsequent to a 'half-yearly' inspection and no more than 21 days in advance of a renewal inspection (unless by prior arrangement with the Council).
- iii) In the case of a vehicle 4 weeks old or less from first registration, it is at the discretion of the inspector whether a full mechanical inspection is required.

d. **Seat Belts**

Any and all seat belts fitted to the vehicle must comply with current Seat Belt Legislation and be fully functional at all times.

e. **Tyres**

All road wheels fitted to the manufactures recommended size tyres (remould tyres are not acceptable). In addition the "spare wheel" should comply with the manufactures recommended specification.

f. **Smoke free Signage**

The driver having responsibility of a smoke free vehicle shall be under a duty to ensure that at least one no-smoking sign is displayed in a prominent position in each compartment of the licensed vehicle at all times

g **Carriage of Assistance Dogs**

The proprietor shall ensure the driver of the vehicle complies with the requirement to carry a Guide, Hearing dogs and other assistant dogs, dogs for the disabled, support dogs and canine partners for independence.

5

**ACCESSIBLE VEHICLES - MEETING THE NEEDS OF CUSTOMERS**  
**INTRODUCTION**

Accessible vehicles are an invaluable means of door to door transport for a large and growing number of elderly and disabled people.

Quite often licensed vehicles provide the only means of accessible transport locally and enable links to long distance travel such as rail or air. Licensed vehicles are the most flexible form of public transport available.

The attitude and understanding of drivers plays a vital part in assisting many elderly and disabled people providing an invaluable source of independent mobility.

Disability can take many forms, some recognisable and some not. It is important not to make assumptions. Always ask the customer what help, if any, they need from you and listen carefully, acting only as requested.

It is your responsibility to be familiar with access and safety equipment in your vehicle and to be able to use them safely and correctly.

The following advice will ensure that an excellent level of service can be provided to this significant and growing number of potential customers.

**WHEELCHAIR USERS**

**GUIDELINES FOR WHEELCHAIR ACCESSIBLE VEHICLES**

- Pull up as close to the kerb as possible and ask if they would like to use the ramps
- If required, tip up the back seat to allow room to manoeuvre
- Insist the passenger travels in the correct position and secured, as recommended by the manufacturer or conversion team
- Always make sure that the brake is applied to the wheelchair
- Be polite and ask before moving or touching the customer
- Suggest the customer also uses the seat belt provided for the wheelchair. They may need your help
- If it has been raised, lower the back seat, if the customer would prefer it
- Avoid sudden braking or acceleration
- Bringing the wheelchair out of the vehicle backwards and ask if the customer would like the brake applied once unloaded
- Ensure you leave the passenger in a safe and convenient place to move away independently

**GUIDELINES FOR SALOON CARS**

- You may still be able to take wheelchair users provided the customer can be transferred safely
- Take extra care when loading the wheelchair into the boot, they are expensive and the customer may be immobile without it

## **MOBILITY DIFFICULTIES**

Remember many disable people do not use a wheelchair, for example those with arthritis may have painful upper limbs. If the customer appears to have walking difficulties or is elderly or frail:

- Always ask the customer what help they require, listen carefully and act only as requested
- Ask if pulling up as close to the kerb as possible would help because in saloon cars this may increase the height the customer has to drop down on to the seat
- Offer the use of a swivel seat, if fitted, and ensure it is locked back in position once inside the vehicle.

## **ADVICE FOR BLIND OR PARTIALLY SIGHTED CUSTOMERS**

- Always ask the customer what help they require, listen carefully and act only as requested
- If you are collecting from a pre-booked location always knock at the door on arrival
- Let your passenger know whether they are entering a saloon or purpose built vehicle
- Demonstrate which door opens and which way the vehicle is facing
- If required, place the blind persons hand on the open door and indicate the position of the roof
- Ensure they are seated and have secured the seat belt before moving off
- Tell them if you are taking a different route or if there is a hold up or diversion
- Tell them the fare and count out the change
- Set them down in a safe place and ensure they know where they are going. Ask if they would like to be accompanied to the entrance of a building – gripping you just above your elbow or shoulder will enable them to be guided more easily
- Guide dogs are trained to remain on the floor of a vehicle and will not abuse it in any way – refusal to carry a guide dog may contravene the conditions of your licence.

## **ADVICE FOR DEAF OR HARD OF HEARING CUSTOMERS**

- Always look at the customer when you are speaking to them and speak clearly but don't shout
- Always carry paper and pen to ease communication when required
- Ensure the customer knows you have understood their instructions and you know where you are going.

## **MAINTENANCE OF VEHICLES**

- Keep door handles and locks well oiled to reduce the physical effort involved
- When using a purpose built vehicle ensure you know how to use the equipment provided

## **6**

### **TRAILERS**

#### PRIOR TO FIRST USE OF TRAILER WITH A LICENSED VEHICLE:-

- (i) \* Make an appointment with C L Panelcraft and take with you
  - a licensed vehicle that is to tow the trailer
  - the trailer
  - document from your insurance company confirming their awareness that the trailer is to be used in connection with a licensed vehicle and that you have paid for comprehensive insurance of customers' baggage from commencement to completion of the contracted journey.
  - details for the inspector (and to be written on the inspection sheet by them) the make, model and serial number of the trailer.
  
- (ii) \* Once approved take to the Licensing Service at Causeway House, Braintree
  - the inspection sheet from C L Panelcraft
  - the aforementioned document from your insurance company
  
- (iii) \* The Council having received all of the above will issue a trailer licence. The trailer may then be used on any licensed vehicle which has a towbar fitted and approved by this authority's inspector.

The trailer conditions will state as follows:-

1. That the use of a trailer is restricted to specific journey's, i.e. collection of customers from their home to destination and return. Those specific journeys considered appropriate are airport, seaport, exhibition runs or for long distance journeys outside 100 miles of the District boundary.
  
2.
  - a) That the towing vehicle and trailer fully comply with and are operated within all weights specified by the manufacturers and within speed limits for the combination of vehicle and trailer.
  
  - b) The towing vehicle is to have the kerbside weight detailed on the rear wheel arch.
  
  - c) The trailer is not to exceed 85% of the kerb weight of the towing vehicle.
  
3. The trailer must have a safety connection between it and the towing vehicle.

4. The trailer must comply with The Road Traffic Act 1988 and The Road Vehicle Lighting Regulations 1989 (Statutory Instrument 1989/No.1796 Sch1-11 (in part) refer.
5. The trailer must be fitted with a spare wheel compatible to those fitted for trailing.
6. If the trailer weighs 5 cwt or more:-
  - i) the trailer must be fitted with independent brakes
  - ii) you are advised to fit the trailer with a stabiliser bar.
7. The body work and paintwork of the trailer should be in a good condition and is subject to the same conditions in this respect, as for the licensed vehicle.
8. That the trailer is maintained at all times in a fit and roadworthy condition.
9. All the towing attachments of the vehicle and trailer must fully comply with manufacturers specifications and that all attachments and trailers are included within regular vehicle inspections at the current frequency.
10. That the trailer condition must fully comply with the appropriate condition of the 'Guidance Notes' and that the trailer must be fully waterproof to protect baggage.
11. That the licence holder must provide to the Council evidence that his/her insurance company are aware of trailer use in connection with a licensed activity, and confirms that where appropriate, additional premiums are paid for comprehensive insurance of customers baggage before undertaking such a journey.
12. That the licence holder notifies all customers, prior to use, that a trailer will be used.
13. The only trailer to be used is as stipulated by make, model and serial number at inspection and is only to be used in connection with a vehicle that is fitted with a tow bar that has been approved and inspected by this authority's approved inspector. Should the licensee wish to change the trailer, "first use" procedure should then be employed.

#### **FOR SUBSEQUENT USE OF A TRAILER WITH A LICENSED VEHICLE**

The licensee must comply with the Council's requirements in all respects. The trailer must be presented with an approved towing vehicle.

The related conditions, should a trailer be approved, are conditions of licence and are enforceable as all other conditions.

**Any variance from the above will be in exceptional circumstances and by prior arrangement with the Council or its inspection centre.**