

Rhondda Cynon Taf
County Borough Council

**Technical Specification/
Conditions of Licence**

for Hackney Carriage/
Private Hire Vehicles

as at 7th June 2016



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1. VEHICLE SPECIFICATION

1.1 Technical Specification / Vehicle Type

To be eligible for licence as a Hackney Carriage/Private Hire Vehicle, a vehicle must meet the following technical standards:

Have European Community M1 type approval, which includes

- a. Whole European Type approval, or
- b. UK Low Volume/Small series Type Approval for Passenger cars
- c. UK Individual Vehicle Approval

and must comply with the Road Vehicles (Construction and Use) Regulations 1986

1.2 Modified vehicles

Motor vehicles which have M 1 type approval (European Community Whole Vehicle Type Approval) and have been MODIFIED or have been subject to ANY ALTERATIONS since manufacture will be considered, provided that they are provided with:

- a. UK Low Volume/Small series Type Approval for Passenger cars; OR
- b. UK Individual Vehicle Approval

1.3 Exception

UK Individual Vehicle Type approval will **not be accepted where:**

- a. the seat belts fitted to the vehicle are not those fitted by the manufacturer and tested in accordance with the vehicle's original type approval; OR
- b. where the vehicle has been fitted with seating/ Wheelchair tracking which may invalidate the original type approval for any seats fitted to the vehicle, except where evidence is produced by the applicant that this is not the case.

NOTE: The purpose of the required certification is to ensure that modified vehicles carry a nationally recognised accreditation and safety standard. It is the responsibility of the applicant to present the vehicle with appropriate documentation. A failure to do so will result in refusal to accept the vehicle as suitable for licence.

Motor Vehicle which have **N Type Approval** (European Community Whole vehicle type Approval) will not normally be considered unless they are presented with UK Low Volume/Small Series Type Approval for Passenger Cars.

1.4 **M2 Vehicles (Usually 8+ Seat Passenger Vehicles)**

M2 type approval vehicles will be accepted for licence in recognition of the need for Operators to be able to maintain the flexibility of their vehicle to accommodate either multiple wheelchair passengers, or a combination of both wheelchair & non wheelchair passengers, (up to a maximum of 8).

In order to be licensed, this type of vehicle would need to **permanently** reduce the seating capacity to **no more than 8 passenger seats, including wheelchair passengers.** Consequently such vehicles would need to be adapted or modified.

Certification in respect of modifications would then be required, namely:

1. The Certificate of Initial Fitness (COIF) (to provide historic evidence that seat & seatbelt anchor points meet VOSA standards; AND
2. Low Volume National Type Approval
3. European Whole vehicle Type approval; (items 2 & 3 are normally issued by the vehicle convertor or manufacturer and any certification costs usually form part of the purchase price of the vehicle).

1.5 **Grandfather Rights**

A vehicle licence is issued for a specific vehicle for a maximum period of one year. At the end of that one year period, the licensee may apply for further licences up to the end of the vehicle's 'licensable life', **subject to maintaining the fitness of the vehicle.**

'Licensable life' of the vehicle will be assessed using;

- the date of first registration of the vehicle;
- conditions of licence in force at the time the respective licence was granted.

The relevant date will appear on the paper copy of the vehicle licence held by the licensee, or where the licence was issued prior to the introduction of changes to licences (1/4/14), the licensable life can be confirmed by Licensing Officers on request.

On reaching the end of 'licensable life' date, any vehicle licence in force at that time will be allowed to continue to expiry of that particular licence - provided the fitness of the vehicle is maintained. No further applications for licence will be considered in respect of the vehicle.

Any subsequent application for licence made by the licensee will be subject to the criteria detailed in this policy statement.

Licensees who wish to replace their existing vehicle during the currency of a licence, before the expiry of the 'licensable life' will be required to comply with the revised vehicle specification detailed in the policy statement.

2. AGE OF VEHICLES

2.1 Grant of Licence

Admission Age of Vehicles

Type of Vehicle	Type of Licence	Minimum Age	Maximum Age
Wheelchair Accessible Vehicles; (to include 'Purpose Built; OR Adapted Vehicles with/or without Tail Lift)	Hackney Carriage/ Private Hire Vehicle	Less than 5 years old (from date of first registration) (Admission Age)	10 years (provided each subsequent licence takes effect immediately upon expiry of the previous licence).
Non Wheelchair Accessible Vehicles	Hackney Carriage/ Private Hire Vehicle	Less than 3 years old (from date of first registration) (Admission Age)	10 years (provided each subsequent licence takes effect immediately upon expiry of the previous licence).

2.2 Consecutive Licences

Following the GRANT of a first licence for a vehicle at the 'Admission Age' specified above, the vehicle will continue to be accepted for licence until it reaches the end of 'licensable life' as detailed on the licence.

The acceptance of the vehicle for subsequent licences after the 'admission age' will be subject to the following criteria:

- The continuing fitness/suitability of the vehicle;
- That each licence takes effect immediately upon expiry of the previous licence

Should a vehicle licence be allowed to expire/lapse, any subsequent application for licence shall be treated as a new application with the requirement that it satisfies the criteria set out in this policy. Vehicles will not be accepted for licence in excess of their 'Admission Age' (as detailed above).

2.3 Exceptional Circumstances

Licensees are encouraged to make timely applications to ensure that vehicle licences run consecutively from 'admission age' to 'end of licensable life'.

However, where the proprietor of a vehicle can demonstrate EXCEPTIONAL CIRCUMSTANCES to the satisfaction of the Chairman/ Vice Chairman, together with the Director of Public Health & Protection that the failure to make

an application prior to expiry of the current licence was due to circumstances beyond his/her control, an application may be considered.

When considering such an application, the Service Director will have regard to the trading profile of the licensee, the test history of the vehicle and any ancillary information considered relevant to the determination of the application.

2.4 Vehicle Replacement Policy

To assist owners who wish to be able to change vehicles during the period of an existing licence, the Council will operate a 'replacement vehicle policy' This will allow the existing licence to be surrendered and a new one year licence granted for the replacement vehicle. Any vehicle presented for licence must comply with the specifications contained in this policy.

There is no basis in legislation for the TRANSFER of VEHICLE LICENCES from VEHICLE TO VEHICLE and this transaction is therefore not permitted.

3. VEHICLE LIVERY/COLOUR Hackney Carriage

The vehicle must be **BLACK in colour**, (or any other colour specified by the Council at the time of licensing).

3.1 Private Hire Vehicle

The vehicle must be **WHITE in colour**, (or any other colour specified by the Council at the time of licensing).

4. INTERIOR SPECIFICATION

4.1 The vehicle must be suitable in type, size, design and colour as a Hackney Carriage/Private Hire vehicle and comply with the following requirements;

- a. be a car fitted with four road wheels, have at least four doors and be right hand drive
- b. be of adequate seating capacity and head and knee room etc.as follows;

4.2 Height (Inside)

From the top of the seat cushions to the roof at the lowest part must not be less than **81.3 cms (thirty-two inches)**.

4.3 Knee Space

The measurement between the squab of the seat and the rear of the seat in front, and in the case of all front seats from the squab of the seat to the console or any part of the vehicle immediately in front of the seat must not be less than 27 inches or 68.5 cms.

For the purposes of this condition the squab of the seat will be the point at which the front of the backrest on the vertical axis meets the seat cushion on the horizontal axis, and will be measured from the outermost point of seat cushion.

*This measurement will **not apply** to the middle, rear seat where a centre console between the two front seats protrudes beyond the rear of the front seats. The discretion of the Licensing Officer will be used to assess the suitability of the knee space available to fare paying passengers.*

4.4 Seat (Width)

The width of the back seat from the squab to the front edge must not be less than **45.7 cms (eighteen inches)**.

Where the vehicle is purpose built & wheelchair accessible, the discretion of the Licensing Officer will be used to assess the suitability of the seat width available to fare paying passengers, giving due regard to the specialist nature of the vehicle.

4.5 Rear Seat (Length)

The length of the rear seat measured in a straight line, lengthwise on the front of the seat must be such as will allow adequate sitting accommodation to the extent of at least **40.6cms (sixteen inches)** per person.

5. PASSENGER SEATING CAPACITY/CONFIGURATION

5.1 The vehicle must be of sufficient seating capacity to carry at least four and not more than eight passengers in addition to the driver. The seating capacity shall be determined in accordance with paragraphs (i) (a) and (i)(b) and paragraph (ii) of Regulation 42 of the Road Vehicles (Registration & Licensing) Regulations 1971.

5.2 Multi Purpose vehicles

The Licensing Authority is committed to licensing different types of vehicles as either Hackney Carriage or Private Hire Vehicle, the suitability of the seating configuration will be a matter for consideration in order to allow appropriate access & egress for passengers.

6. SEAT BELTS

All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with the relevant British Standard, except where legislation specifically provides an exemption.

In relation to the carriage of all passengers, including children, the requirements of all relevant legislation must be complied with.

7. TYRES

All tyres, including the spare wheel, must be suitable for use on the vehicle and conform to the requirements of the Original Manufacturers' Specification.

Run-flat tyres are acceptable on licensed vehicles.

'Space-saver' spare tyres are acceptable on licensed vehicles if they conform to the Original Manufacturers' Specification.

If a 'space-saver' spare tyre is used on a licensed vehicle it must only be for the duration of completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the 'space-saver' spare tyre is being used on the vehicle.

Original Manufacturers' Specification 'tyre repair kits/compressor' are permitted within licensed vehicles provided they comply with the relevant British Standards.

If a 'tyre repair kit / compressor' is used on a licensed vehicle in lieu of a spare tyre it must only be for the duration of completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the tyre repaired with the 'tyre repair kit / compressor' is being used on the vehicle.

8. LUGGAGE

8.1 Adequate storage for passenger luggage must be available. Luggage carried must be suitably secured in place without obstructing any emergency exits.

8.2 If the licensed vehicle is an estate, hatchback, or multi-passenger type vehicle, it must be fitted with a guard-rail or manufacturer's specification compartment cover, approved by the Council, to prevent luggage from entering the rear passenger compartments. Exemption from this requirement will only be given where the construction of the vehicle, in the Council's opinion, does not require such a rail or cover.

9. VEHICLES POWERED BY LIQUID PETROLEUM GAS (LPG)

9.1 An applicant for a licence involving a vehicle that has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with LPG Association Code of Practice. This certification is required to ensure that the vehicle is considered safe by an approved inspector.

9.2 If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage and any spare wheel displaced as a result must be stowed in a location

that does not impinge on the passenger carrying area of a vehicle. Alternatively, if the vehicle is fitted with 'run-flat' tyres, exemption from carrying a spare wheel will be granted.

10. VENTILATION

- 10.1** Windows must be provided to all passenger compartments along with adequate means of opening and closing not less than one window on either side of the vehicle, in both the front and rear passenger compartments.
- 10.2** Rear passenger windows must be capable of being opened by passengers when seated unless air conditioning is available, in which case the air conditioning must be operated by the driver upon request.

11. WHEELCHAIR ACCESSIBLE VEHICLES

- 11.1** In the case of all hackney carriages/private hire vehicles, which are built or adapted for disabled passengers, the preferred design of the vehicle is that any wheelchair is loaded from the side rather than the rear of the vehicle. Whilst the Council prefer vehicles to be loaded from the side, each vehicle will be assessed on its own merits.

The following conditions are supplementary to the vehicle standard specification applicable to all licensed vehicles (Hackney Carriage & Private Hire) with facilities to convey passengers whilst seated in Wheelchairs.

Additional Conditions for Wheelchair Accessible Vehicles

- 11.2** For every designated space for a wheelchair user, suitable independent restraint systems, incorporating webbing, must be fitted for both wheelchair and occupant, adjustable to suit a range of wheelchairs and occupant sizes. The restraint systems must be installed and operated in accordance with the manufacturer's instructions. The wheelchair restraint system must incorporate four-point webbing or be of a kind that is integral with a seat or backrest -clamps alone will not be accepted.
- 11.3** The wheelchair occupant restraint system shall comprise a minimum of a three-point anchorage system (lap and diagonal). This can either be integral with the wheelchair tie down equipment or provided separately.
- 11.4** Vehicles may be fitted with either ramps or power operated lifts to facilitate entry and exit by passengers in wheelchairs, unless the vehicle has a floor height measured from the road of more than 610mm, in which case it must be fitted with a power operated lift and the use of ramps will not be permitted.
- 11.5** All ramps must comply with 886109 (pt2) Category A or Category 8, including the requirement to cater for wheelchair tracks from 450mm to 735mm and to deliver a gradient no steeper than 1 in 12 (8.3%).

11.6 Ancillary equipment must be installed, operated and maintained in accordance with the manufacturer's instructions, and any lifts must be tested according to LOLER (Lifting Operations and Lifting Equipment Regulations 1998/2307).

- a. A copy of the six-monthly LOLER certificate of inspection for passenger lifts must be supplied to RCTCBC on request. All power-operated lifts must comply with BS6109 (pt2) Category A.
- b. A copy of the LOLER certificate must be produced as part of the annual licensing application and during the inspection regime, applicable to the age of the vehicle.
- c. In addition a copy of the LOLER certificate must be kept on the vehicle at all times and produced for inspection when requested by an authorized officer of the council or a Police Officer.

11.7 Stowed ramps or lifts must not prevent service and emergency doors from being operated from inside and outside the vehicle. Internally stored lifts must fold down as designed to allow access to the emergency exit when the door is open.

12. MODIFICATIONS

No material alteration or change in the specification, design, condition or appearance of any licensed vehicle may be made without:

- a) compliance with road traffic legislation,
- b) compliance with insurance requirements, and
- c) obtaining approval for the change(s) from the Council

13. INSPECTION AND FITNESS OF VEHICLES

In addition to statutory MOT requirements, vehicles are required to be mechanically tested and inspected at the Council's approved testing centre. A PASS certificate from the approved Testing Centre must be produced to support vehicle licence applications and satisfy interim fitness tests.

The vehicle inspection facility available is located at **Ty Glantaff, Treforest Trading Estate, CF37 STF**. (Any amendment to the Council's inspection facility will be notified in writing to licensees.)

13.1 Frequency of Vehicle Testing

Age of Vehicle	Test Frequency
Less than 3 years (from date of first registration)	Annually
Over 3 years, but less than 7 Years (from date of first registration)	6 Monthly
Over 7 years (from date of first registration)	4 Monthly

13.2 Test Fees

The appropriate test fee will be charged for this inspection and is payable to the Council **prior to the test taking place**. The vehicle licence shall automatically be suspended should the vehicle fail to be submitted for a vehicle inspection on or before the inspection date specified in the licence.

The suspension shall remain in force until such time as the vehicle has undertaken a satisfactory inspection or until the vehicle licence is automatically revoked.

A vehicle may not be submitted for such an inspection earlier than 28 days prior to the scheduled date of the test, which will be required:

- six months from the date of the annual inspection for vehicles up to seven years old; and
- four months for vehicles in excess of seven years old.

13.3 Standard of Testing

- a. The standard of additional testing relevant to licensed vehicles is based on the '**FTA Best Practice Guide to Inspection Of Hackney Carriage & Private Hire Vehicles 2012**'.

The guide is provided to set a minimum national standard for inspection of licensed vehicles and can be used as a reference for Licensing Authority Authorised Officers, Vehicle Inspectors and Vehicle Proprietors.

- b. The Best Practice Guide will be complimentary to the Council's policy on the suitability of vehicles and relevant conditions of licence and will **REPLACE** the '**Supplementary Testing Manual**' previously used.
- c. All vehicles must be submitted **fully prepared for test and it is expected that vehicles will pass the Council's test on first presentation**. It is not intended that the test be used in lieu of a regular preventative maintenance programme, or to identify faults that need to be rectified. Vehicle are required to be maintained in a condition 'fit for purpose' at all times. Procedures outlined in this policy are intended to provide incentive for compliance, reward for responsible vehicle owners where costs of non-compliance are borne by operators who fail to meet standards required.

13.4 Test Failures/Retests

Where a vehicle is subject to a test failure, the defect will be graded as follows:

- a) **Category 'A'** - serious defect which presents imminent risk to public safety and renders vehicle unfit for continued trading with immediate suspension of vehicle licence;

Guidance on defects likely to incur Category 'A' Failures is available from Licensing Officers on request. This list is not exhaustive as it is not possible to forecast all eventualities but will give Operators a guide to expectations.

The guidance must be read in conjunction with the ***FTA Best Practice Guide to Inspection Of Hackney Carriage & Private Hire Vehicles 2012***

In the event of a vehicle being subject to an 'A' Grade failure, the vehicle licence will immediately be suspended and the Licence Plate will be removed from the vehicle until such time as the vehicle successfully completes a further inspection. **A further satisfactory inspection must be completed within two months of the failure otherwise the licence will be deemed to have been revoked.**

- b) **Category 'B'**- a defect where the vehicle is considered suitable to continue trading, subject to defect being remedied within 14 days of test.

A vehicle, which has failed the vehicle inspection test, must be submitted for a re-test to the vehicle examiner approved and appointed by the Council on the defects found within 14 days from the date of the test.

A failure to make the vehicle fit within the 14 day period permitted will result in the suspension of the vehicle licence until the vehicle is subject to a satisfactory vehicle test. Should the period of suspension be in excess of 2 months, the licence will be deemed to be revoked.

13.5 Re Test Fees

- a) Any vehicle subject to a test failure will be subject to a RETEST FEE to be determined by the Director of Public Health & Protection in accordance with procedures for setting/reviewing fees. The fee will be linked to the level of failure where there will be a higher fee for 'A' category defects, which will reflect the need to suspend the vehicle licence in the interest of protecting public safety.
- b) Licensees / Vehicle Proprietors are strongly advised to review the requirements of the Best Practice Standards/Conditions of Licence and policy when considering their maintenance regime and preparation of vehicles for test. Where vehicles are subject to multiple test failures, the Licensing Authority may conduct a review of trading activity to consider whether the 'fit & proper person' criteria required by the licensee/operator continues to be met. A poor test record could result in a review of licence(s) held by the Licensing Committee and an adverse impact on the business.
- c) **Exception - Accident Damage**
Where a vehicle has been subject to accident damage and must be presented for inspection to assess the fitness of the vehicle, there will be an alternative inspection and retest fee, set by the Director of Public Health & Protection, in accordance with procedures for setting/reviewing of fees.

13.6 Vehicle Test Dispute & Challenge

Any vehicle licensee/proprietor who disputes the result of a vehicle test must make their concerns known to the Testing Station Supervisor **BEFORE LEAVING THE TESTING STATION.**

- a) A failure to do so will make any challenge **INVALID**.
- b) Where the licensee/proprietor wishes to challenge the result of a test, he/she will be required to complete a form detailing the reason(s) for such challenge. A copy of the challenge procedure will be provided on completion of a test, on request.

A fee may be payable to register such challenge, which will be set by the Director of Public Health & Protection, in accordance with procedures for setting/reviewing of fees.

Should the challenge be UPHeld, the fee charged will be REFUNDED to the licensee.

- c) The Testing Station Supervisor will arrange for the test to be reviewed by a Supervisor, having regard to the details contained in the record of challenge form.
- d) Where the outcome of the vehicle test is MAINTAINED, no further review of the test will be undertaken. A statutory right of appeal exists for a refusal to accept/renew a vehicle licence and such appeal must be made to a Magistrates Court within 21 days of the date of the written decision of refusal.
- e) Where the challenge is upheld, the test result will be amended accordingly and details will be forwarded to Licensing Officers.

14. GENERAL FITNESS OF THE VEHICLE

14.1 Maintenance and Condition of the Vehicle

- a) The exterior of all licensed vehicles shall be maintained in a clean, safe and proper manner at all times. In particular, the exterior of the vehicle shall:
 - i) be free of large and/or sharp-edged dents,
 - ii) be free of visible rust,
 - iii) be free of unrepaired accident damage (except where a Licensing Officer has agreed a time period for cosmetic repairs
 - iv) have uniform paintwork equivalent to that applied by the manufacturer, and
 - v) be maintained in an acceptable state of cleanliness, (discretion may be given during periods of adverse weather)
- b) The interior of all licensed vehicles shall be maintained in a clean, safe and proper manner at all times. In particular, the interior of the vehicle shall:
 - i) be free of all stains to the upholstery,
 - ii) be free of all splits and tears to the seats,
 - iii) be maintained in an acceptable state of cleanliness, and
 - iv) provide seats functioning in accordance with the Original Manufacturers' Specification.

15. VEHICLE INSURANCE

- 15.1** There shall be a policy of insurance, or such security as complies with the requirements of Part IV of the road Traffic Act 1972, during the duration of the vehicle licence. Under no circumstances will a vehicle licence be issued or renewed without proof that a valid policy of insurance is in place.
- 15.2** The registered owner/keeper of the vehicle shall ensure that it is adequately insured to the satisfaction of the Council (and meets all statutory provisions) at all times that it is available for the carrying of passengers.
- 15.3** At any time when the requirements of this section of the Policy have not been satisfied, the vehicle licence will be automatically suspended until such time as adequate insurance has been obtained.

16. ACCIDENT REPORTING

- 16.1** In accordance with Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976, any accident to a hackney carriage or private hire vehicle causing damage materially affecting:
- a) the safety, performance or appearance of the vehicle, or
 - b) the comfort or convenience of the passengers, must be reported to the Council as soon as reasonably practicable, and in any case within seventy-two hours of the occurrence thereof.
- 16.2** Where, following an accident or damage to a licensed vehicle , and it is the intention of the owner or operator to continue licensed use, the vehicle must immediately be inspected by the Council's Testing Station to determine its fitness for continued use.

If the Council's approved garage determines that the vehicle is fit for continued use, the time-scale for cosmetic repairs must be agreed with a Council Licensing Officer.

The Council may suspend the use of a licensed vehicle until it is suitably repaired and subject to a satisfactory vehicle test at the Council's Testing Station.

- 16.3** A licensed vehicle which has suffered major accident damage or requires substantial mechanical repair may be temporarily replaced by a hire vehicle, provided that it meets the vehicle specification detailed in this policy statement.

17. VEHICLE IDENTIFICATION

- 17.1** The proprietor shall cause the number of the licence to be fixed and displayed on the vehicle at all times during which the vehicle is licensed , this number to be displayed by means of a licence disc and licence plate issued by the Council to the proprietor on payment of a deposit, the amount of which to be fixed by the Council.

- 17.2** The licence disc shall be fixed and displayed inside the vehicle in such a manner and place that the particulars thereon are clear and visible to any passenger being conveyed in the vehicle.
- 17.3** The licence plate shall be fixed and displayed outside and on the rear of the vehicle as close in proximity to the rear bumper as is practicably possible in such a position as the vehicles registration mark is not obscured, with the particulars thereon facing outwards and in such a manner and place that the licence plate is clearly visible by daylight from the road to the rear of the vehicle.
- 17.4** The licence disc and licence plate shall remain the property of the Council and shall be returned to them within seven days after service on the proprietor of an appropriate notice by an authorised officer of the Council, if the proprietor no longer holds a licence with the Council which is in force in respect of the vehicle.
- 17.5** All vehicles must have the official Council crest to be supplied only by the Council in the form of a Decal placed on the near and offside front doors, adhered directly to the paintwork where it is clearly visible. **NOTE: The use of magnetic devices is not allowed.**

Hackney Carriages Only

- 17.6** The operator must display an illuminated dome to the roof of the vehicle. The dome shall contain the word 'TAXI' or the Welsh Language version 'TACSI' displayed to both front and rear of the dome, and shall contain no other writing of any kind. (Operators may display one version to the front and the alternative version to the rear should they wish to do so)

The illuminated roof dome must be switched off when the vehicle has been hired and illuminated when the vehicle is available for hire.

Private Hire Vehicles ONLY

- 17.7** The operator may if they so wish, display a dome to the roof of the vehicle. If fitted the dome is for identification purposes only and should not be capable of being illuminated as this may be confused as plying for hire. The dome should only contain the name & telephone number of the operator, together with the words Private Hire Vehicle displayed to both front and rear of the dome, and shall contain no other writing of any kind.

18. LICENCE PLATES

- 18.1** At all times when a vehicle is licensed as a hackney carriage or private hire vehicle, unless an exemption has been granted. The vehicle must display the Licence Plate provided by the Council, securely fixed externally in a prominent position on or above the rear bumper of the vehicle

- 18.2** The interior licence disc shall be fixed and displayed inside the vehicle in such a manner and place that it is clearly visible to any passenger being conveyed in the vehicle
- 18.3** The Licence Plate/interior disc remains the property of the Council and must be returned within seven days when:
- a) the vehicle ceases to be licensed as a hackney carriage or private hire vehicle, or
 - b) requested to do so by an Authorised Officer of the Council in writing when the plate is suspended, revoked, or has expired.

19. VEHICLE SIGNAGE/LICENSEE TRADING NAME

- 19.1** In the case of vehicles licensed to carry up to four passengers a sign/panel not more than 61 x 30.4 cms (24" x 12") in dimension may be displayed only on the rear nearside and rear offside doors.
- 19.2** In the case of vehicles licensed to carry between five & eight passengers a sign/panel not more than 91.4 x 70 cms (36" x 24") in dimension may be displayed only on the rear nearside and rear offside doors.
- 19.3** A 7.6 cms (3") sun strip is also permitted in the front and rear windows. No other identification/advertising signs except those issued by and previously agreed by the Council shall be attached to or carried upon the inside or outside of the vehicle.

Hackney Carriage Only

- 19.4** This sign, (Trading Name identification) must contain only the proprietor or operator company name, telephone number, e-mail or website address.

Private Hire Only

- 19.5** This sign, (Trading Name identification) must contain only the proprietor or operator company name, telephone number, e-mail or website address together with the words "Advance Bookings Only". The words taxi, hire and cab must not be included). The legend "Advance Bookings Only" must be included on this display and these words must be no less prominent than the proprietor's name. The wording "24 Hour Service Available" may also be included, if appropriate, A 7.6 cms (3") sun strip is also permitted in the front and rear windows.

The Council has a policy in respect of commercial advertising on Hackney Carriages & Private Hire Vehicles, provisions of which are detailed below:

- 19.6** A screen displaying scrolling or moving advertisements may be securely fitted within the vehicle, provided that the screen shall not be within the vision of

the driver of the vehicle, and that the Council has previously approved in writing the content of any material shown.

All advertisements must conform with the standards of the Advertising Standards Council in all matters relating to good taste, both in content and appearance and must not relate to matters concerning tobacco, alcohol or matters of a sexual nature. A notice must be fitted within view of the rear seat passengers stating that the screen will be switched off at the request of the passenger.

20. COMMERCIAL ADVERTISING

- 20.1** All applications for advertising on a Hackney Carriage or Private Hire vehicle must be made in writing to the Director of Public Health & Protection and accompanied by a sample of the advertising proposed.
- 20.2** The quality of submissions must be of an acceptable standard. No faxes will be accepted. Coloured artwork is to be provided in every case and full details of the advertising proposals must be provided. ***(NB: It is essential that all the detail of the proposed advertisement be shown in the original submission. If it is not, then the advertisement may subsequently be rejected.)***
- 20.3** The Submission, if it is considered acceptable, will be given **Provisional Approval**.
- 20.4** **Final Approval** will be given once the advertisement has been placed on the vehicle.
An appointment must be made with a Taxi Licensing Officer for a final inspection when the Officer will confirm that the work has been completed in accordance with the provisional approval granted.
- 20.5** The proprietor of any vehicle displaying an advertisement that has not received its final inspection will be required to remove it immediately.
- 20.6** Vehicles displaying advertising without approval of the Council will be in contravention of the conditions attached to the vehicle licence and may be liable to suspension until such time as the material has been removed from the vehicle.
- 20.7** All advertising must comply with the British Codes of Advertising and Sales Promotion and is the responsibility of the agency or individual seeking the Licensing Authority's approval to ensure that they do so.
- 20.8** Any advertisement approved shall be placed on the back passenger doors and/or rear quarter panels only, below the windows **with the exception** of the "Trading Name identification signs" displaying the company details (see Point 12 below), which may be displayed on the front door of the vehicle, below the window and must not obscure the sign displaying the licence number of the vehicle. (Licensees who choose NOT to have commercial advertising will continue to display Trading Name identification on rear doors.)

- 20.9** Materials used for advertisement must be of a quality not easily defaced or detached. No paper-based materials or water-soluble adhesive paste shall be used. Advertisements must be affixed directly to the exterior rear door panels of the vehicle or initially attached to an approved magnetic panel, which is then attached to the vehicle.
- 20.10** Reflective material is not to be used for advertising purposes.
- 20.11** Each proposal will be considered on its merits but the following advertisements will not be approved:
- Those with political, racial, religious, sexual or controversial texts;
 - Those for escort agencies, gaming establishments or massage parlours;
 - Those displaying nude or semi-nude figures;
 - Those likely to offend public taste (depicting violence, obscene or distasteful language);
 - Those which have any reference to alcohol, tobacco/cigarettes and drugs;
 - Those promoting discounted fares;
 - Those advertising jobs;
 - Those which detract from the integrity and/or identity of the vehicle;
 - Those which seek to advertise more than one company/service or product.

21. METERS/TARIFF

Hackney carriages

- 21.1** An approved taximeter must be fitted in all hackney carriages and must be correctly calibrated, sealed and fully functional in accordance with the current Council approved fare structure.
- 21.2** All taximeters must be appropriately stamped to ensure compliance with The Measuring Instruments (Taximeters) Regulations 2006, or any subsequent legislation.
- 21.3** The taximeter shall be positioned so that the display on the face of the meter may clearly visible to any person being conveyed in the vehicle at all times. The dial of the taximeter shall be kept properly illuminated throughout any part of the hiring including during the hours of darkness and also at any time at the request of the hirer.
- 21.4** When the meter is operating there shall be recorded on the face of the meter in clearly legible figures a fare not exceeding the maximum fare that may be charged for a journey.
- 21.5** An official copy of the Council's fare tariff shall be clearly displayed and legible in the vehicle so as to be plainly visible to passengers carried therein.
- 21.6** The vehicle taximeter shall be brought into operation at the commencement of the journey and the fare demanded by the driver shall not be greater than that fixed by this Council in connection with the fare tariff for the hire of hackney carriages.

21.7 In the event of such a journey commencing in but ending outside the District, there may be charged for the journey such fare as was agreed before the hiring was effected. If no such agreement was made then the fare to be charged should be no greater than that fixed by the Council in connection with the fare tariff for the hire of hackney carriages.

21.8 'Calendar' meters are permitted in hackney carriages providing that they operate in accordance with the Council's agreed fare tariff. For the avoidance of doubt, the tariff that is in operation at the time of the commencement of a journey must remain throughout that journey.

Private Hire Vehicle Only

21.9 Private hire vehicles are not required to be fitted with a taximeter. Where a taximeter or other device for recording fares is fitted, however, it must be of a type approved by the Council.

21.10 Private hire vehicle driver's must agree the cost of the journey with the passenger(s) prior to undertaking the journey. At the conclusion of the journey, the fare charged should not exceed the amount previously agreed.

22. HEALTH ACT 2006

It is the responsibility of both the driver and the proprietor to ensure no smoking signage, as prescribed by the Health Act 2006, is displayed in all licensed hackney carriages or private hire vehicles at all times.

23. CHANGES AND TRANSFERS OF LICENCE

Changes

23.1 The proprietor of the Hackney Carriage/ Private Hire Vehicle in respect of which a vehicle licence has been granted by the Council shall inform the Council of any change of address as soon as is practicable and in any event within seven days.

Licence Transfers (Person to Person)

23.2 When the holder of a vehicle licence wishes to transfer the licence to another person he must notify the Council, in writing, using the prescribed application form and pay the appropriate fee before such change takes place.

Transfer of the licence will not be deemed effective until such time as the prescribed procedure has been completed and a new vehicle licence has been issued.

24. 'INTENDED USE' /REMOTE TRADING OF HACKNEY CARRIAGES

1. Introduction

- 24.1 The purpose of this policy is to set out how the Licensing Authority will deal with applications for grant, renewal and transfer of Hackney Carriages following the High Court Judgement – Newcastle City Council v Berwick upon Tweed [2008] EWHC 2369 (Admin) and its impact on remote trading of Hackney Carriages.
- 24.2 The Council will determine each application on its merits, but will place public safety above all other considerations, seeking to maintain local control in respect of its licensed fleet.

25. Applications for the GRANT/RENEWAL of a Hackney Carriage Licence

- 25.1 Applicants for licence will be expected to demonstrate a bona fide intention to trade primarily within the administrative area of Rhondda Cynon Taf County Borough Council under the terms and conditions of the licence for which application is being made. There will be a presumption to **REFUSE** an application for a Hackney Carriage Licence for persons who **DO NOT** intend to trade to a material extent within the administrative area of Rhondda Cynon Taf County Borough Council.
- 25.2 Where the applicant intends to operate to a material extent in Rhondda Cynon Taf and the intention is to trade in another Authority area also for a substantial amount of time, (and it appears that the purpose of the legislation and public safety will be frustrated), **there will be a presumption REFUSE the application.**

26. TRANSFER of Interest in licensed Hackney Carriage (*where an existing licensed vehicle is transferred from one person to another*)

- 26.1 Section 49 of the Local Government (Miscellaneous Provisions) Act 1976 requires that the proprietor of the licensed vehicle who transfers his interest to another **MUST**, within 14 days of the transfer, give written notice to the Council of the name and address of the Transferee of the Hackney Carriage, (i.e. the person receiving the licence). The Council has no power to refuse to register the new proprietor and provided that the requisite Notice of Transfer has been given in accordance with section 49 of the Local Government (Miscellaneous Provisions) Act 1976, **in the format required by the Authority**, the Transferee of a licensed Hackney Carriage will be registered as the current licensee.
- 26.2 Transferees of licences will be expected to have a bona fide intention to operate within the administrative area of Rhondda Cynon Taf County Borough Council under the terms and conditions of the licence in respect of the vehicle being transferred. Transferees should note the obligation under section 73 of the Local

Government (Miscellaneous Provisions) Act 1976 to give to an authorised officer information which may reasonably be required for the purpose of carrying out their functions under the legislation. Where there is a failure to provide the requested information; the Council will consider exercising its powers of suspension of the licence under section 60 of the 1976 Act until such information is forthcoming.

26.3 Where the Transferee of a licensed Hackney Carriage:

- Proposes to operate remotely from the administrative area of Rhondda Cynon Taf County Borough Council;
- has no intention to trade to a material extent within the administrative area of Rhondda Cynon Taf County Borough Council;
 - and/or intends to trade in another Authority area also for a substantial amount of time;
 - and it appears that the purpose of the legislation and public safety will be frustrated,**there will be a presumption that the licence will be revoked.**

27. Revocation of licence

Where a licence has been granted under the terms that the applicant intends to operate to a material extent within the administrative area of Rhondda Cynon Taf County Borough Council but is subsequently found to be trading remotely, in another Authority area for a substantial amount of time, (and it appears that the purpose of the legislation and public safety will be frustrated), **there will be a presumption that the licence will be revoked.**

28. Exceptional circumstances

Each application will be decided on its merits. However the presumptions for refusal or revocation of licence for remote trading in an Authority other than Rhondda Cynon Taf will be rebuttable in exceptional circumstances. It will be a matter for the applicant/licensee to demonstrate exceptional circumstances and to satisfy the Licensing Committee that it would not frustrate the purposes of the legislation or compromise public safety if the licence were granted, renewed, not suspended or revoked (as the case may be).