

LICENSING AND REGULATION COMMITTEE

16 January 2014

REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE CONDITIONS  
FOLLOWING CONSULTATION

REPORT OF HEAD OF LICENSING

Contact Officer: Carol Stefanczuk Tel No: 01962 848 188

RECENT REFERENCES:

[LR427](#) - Review of Hackney Carriage and Private Hire Vehicle Conditions.

[LR397](#) - Review of condition for window tinting in licensed vehicles.

EXECUTIVE SUMMARY:

This report is to consider comments made during the consultation period for amendments to the Hackney Carriage and Private Hire Vehicle Conditions with respect to advertising on licensed vehicles and minor amendments relating to emissions and requirement for a spare wheel or tyre re-inflation device.

RECOMMENDATIONS:

- 1 That Members consider the comments in Appendix 2 with regard to the condition for emissions and decide whether any changes should be made to the Hackney Carriage and Private Hire Vehicle Conditions.
- 2 That Members confirm the amendments to the Hackney Carriage and Private Hire Vehicle Conditions with regard to advertising and requirement for a spare wheel or tyre re-inflation device as no comments have been received.
- 3 That the Head of Licensing be given delegated authority to amend the Hackney Carriage and Private Hire Vehicle Conditions and implement the changes as soon as reasonably possible.

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### REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE CONDITIONS FOLLOWING CONSULTATION

#### REPORT OF HEAD OF LICENSING

##### DETAIL:

##### 1 Introduction

- 1.1 At the Licensing and Regulation Committee on 28 November 2013, Members considered a report to amend the Hackney Carriage and Private Hire Vehicle Conditions with respect to advertising on licensed vehicles and minor amendments relating to emissions and requirement for a spare wheel or tyre re-inflation device.
- 1.2 Members resolved that, subject to the rewording of condition 10 (relating to spare wheel), that the draft conditions be approved and for the Head of Licensing to consult with the trade.
- 1.3 The Head of Licensing reworded condition 10 to read; *A spare wheel or tyre re-inflation device, as supplied by the manufacturer, must be maintained and kept in the Vehicle at all times. In the event of a puncture, The Driver shall secure alternative transport without delay to complete the journey.*

##### 2 Consultation

- 2.1 The Licensing section wrote to all hackney carriage and private hire drivers and private hire operators on 5 December 2013 to consult them on the proposed changes. The Consultation period was for 28 days and ended on 3 January 2014.
- 2.2 During the consultation period, the Licensing section received six comments from licensed drivers. All of the comments were in opposition to the proposed condition to require drivers to not leave their engines running whilst waiting for a fare.
- 2.3 The comments refer to not being able to use the vehicle heaters in very cold conditions. The comments in full can be found at Appendix 2.
- 2.4 No comments were received regarding the proposed conditions relating to advertising or the requirement for a spare wheel or tyre re-inflation device.

### 3 Decision

- 3.1 In light of the comments received, Members are asked to give further consideration on whether to implement the condition that states; *Drivers shall not leave Vehicle engines running whilst waiting for a fare. This includes Hackney Carriages whilst plying for hire on a taxi rank.*
- 3.2 The proposal for consideration of such a condition was included within the City Council's original Air Quality Action Plan, which is in the process of being refreshed at present and will provide the opportunity to link the actions to other plans and strategies relating to traffic management in the City.
- 3.3 It has not been possible to action this item to date but the current review provides the opportunity for its inclusion and demonstrate commitment to the improvements required to improve air quality in order that in future the in order to reduce vehicle emissions within the City Centre. .

### OTHER CONSIDERATIONS:

#### 4 SUSTAINABLE COMMUNITY STRATEGY AND CHANGE PLANS (RELEVANCE TO):

- 4.1 This report relates to ensuring the safety of the public using taxis and private hire vehicles licensed by the Council.
- 4.2 There are also links to the High Quality Environment priority because of the links to air quality within the City Centre.

#### 5 RESOURCE IMPLICATIONS:

- 5.1 It is anticipated that the cost of implementation will be covered in the existing budget and will equate to approximately 5 hours of a Licensing Officer's time.
- 5.2 Licensing Officers consider that the condition relating to emissions will be difficult to enforce.

#### 6 RISK MANAGEMENT ISSUES

- 6.1 The Head of Licensing considers that by approving all requests for displaying advertisements on licensed vehicles, this will ensure that they are to a high standard. If an inappropriate advertisement, such as listed in condition 20, is displayed on a licensed vehicle, this would result in the vehicle licence being suspended until the advertisement is removed.

### BACKGROUND DOCUMENTS:

None

APPENDICES:

- Appendix 1      Revised Draft Hackney Carriage and Private Hire Vehicle  
Conditions
- Appendix 2      Comments received from Hackney Carriage and Private Hire  
Drivers during the consultation period



## Hackney Carriage and Private Hire Vehicle Conditions

These conditions are made under section 47(1) Part II of the Local Government (Miscellaneous Provisions) Act 1976.

The holder of a Hackney Carriage Vehicle Licence or Private Hire Vehicle Licence shall observe and carry out the requirements of the Local Government (Miscellaneous Provisions) Act 1976, Part II and any orders or regulations made thereunder and the requirements of any other Act of Parliament or orders, regulations or byelaws made thereunder relating to motor vehicles.

Any obligation in these conditions not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done.

Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

### Interpretation

In these conditions:-

**“Authorised Officer”** means any officer of the Council authorised in writing by the Council for the purpose of these Conditions.

**“External Licence Plate”** means the Hackney Carriage or Private Hire Vehicle Licence plate issued by the Council that is displayed on the outside rear of the Vehicle.

**“Hackney Carriage”** has the same meaning as in the Town Police Clauses Act 1847.

**“Internal Licence Plate”** means the Hackney Carriage or Private Hire Vehicle Licence plate issued by the Council that is displayed in the Vehicle on the windscreen.

**“Private Hire Vehicle”** means a motor vehicle constructed or adapted to seat fewer than nine passengers, other than a Hackney Carriage or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers.

**“Taximeter”** means any device for calculating the fare to be charged in respect of any journey in a Hackney Carriage or Private Hire Vehicle by reference to the distance travelled or time elapsed since the start of the journey, or a combination of both.

**“the Act”** means the Local Government (Miscellaneous Provisions) Act 1976.

**“the Council”** means Winchester City Council.

**“the Driver”** means the person licensed to drive a Hackney Carriage and Private Hire Vehicle under section 51 of the Act.

**“the Licence Holder ”** means the holder of the Hackney Carriage or Private Hire Vehicle Licence.

**“the Operator”** means the person to whom the Council has granted the Private Hire Operator’s Licence to which these conditions apply. In the case of a partnership these conditions apply to each of the partners and in the case of a company to each of the company directors.

**“the Vehicle”** means the Hackney Carriage Vehicle or Private Hire Vehicle.

**The Licence Holder must be familiar with the conditions and apply them at all times and upon request make them known to any hirer.**

### **Maintenance and appearance of vehicles**

1. The Vehicle shall be maintained and serviced in accordance with the manufacturer’s recommendations.
2. The Vehicle and its fittings must at all times when it is available for hire or being used as a Hackney Carriage or Private Hire Vehicle be safe, clean and tidy. It shall comply with all relevant statutory requirements applicable to the class of vehicle to which the Vehicle belongs including the Motor Vehicle (Construction and Use) Regulations 1978.
3. The Vehicle shall be maintained throughout the term of the Hackney Carriage or Private Hire Vehicle licence, to a high standard of appearance to the complete satisfaction of an Authorised Officer.
4. Any vehicle presented shall be free from any significant areas of visible rusting, dents or scratches to include the following:-
  - (a) PAINT WORK. All panels on a vehicle should be in matching colour.
  - (b) SEATS. In conventional saloon vehicles where it is intended that the licence should be for four passengers, the rear seat must be at least 50 inches (127cms) in width. All seats have a minimum leg room of 18 inches per passenger and in respect of seating comply with the Road Vehicles Registration and Licensing Regulations 1971. All seats shall be free from cuts, tears or cigarette burns.
  - (c) CARPETS /FLOOR COVERING. All carpets and floor coverings shall be complete and free from cuts, tears or serious staining.
  - (d) HEADLINING AND OTHER TRIM. All interior trim including headlining, shall be clean, complete, properly fitted and free from serious, tears or major soiling.
  - (e) INTERIOR. The interior shall be kept clean, tidy, free from litter and water tight.
  - (f) BOOT/ LUGGAGE COMPARTMENT. This shall be kept empty except for spare wheel, essential tools and first aid kit. The compartment shall be clean, tidy and free of any litter or other rubbish. Any covering shall be free from major cuts, tears or other damage or staining.

- (g) WINDOWS. Vehicles with manufactured tinted glass may be licensed with no additional tinting. Applicants/licence holders may request window tinting on vehicles that have clear glass where they can provide exceptional reasons why it is required and must be professionally applied.
- (h) WINDOW OPERATION. All passengers, except those occupying a middle seat, must be able to open adjacent windows without difficulty.

### **Mechanical Inspection**

- 5. The Vehicle shall be mechanically inspected by the Council's nominated testing station no earlier than once month prior to a licence being issued.
- 6. The Vehicle shall not be used as a Hackney Carriage or Private Hire Vehicle unless there is a current mechanical inspection certificate and if applicable, an MOT certificate in force in respect of that vehicle, in addition to a current hackney carriage or private hire vehicle licence being in force.

### **Emissions**

- 7. Drivers shall not leave Vehicle engines running whilst waiting for a fare. This includes Hackney Carriages whilst plying for hire on a taxi rank.

### **Fire Extinguisher**

- 8. A fire extinguisher must conform to the current recognised British Standard and must be carried in the Vehicle at all times.

### **First Aid Kit**

- 9. A first aid kit must be carried within the interior of the Vehicle and be readily available to passengers on request. The first-aid kit must be maintained in full and proper order.

### **Spare wheel**

- 10. A spare wheel or tyre re-inflation device, as supplied by the manufacturer, must be maintained and kept in the Vehicle at all times. In the event of a puncture, The Driver shall secure alternative transport without delay to complete the journey.

### **Taximeters**

- 11. The Taximeter in any new vehicle or any replacement Taximeter shall be of the calendar type which, when recalibrated cannot be altered by the Driver.
- 12. The Licence Holder shall notify the Council of any replacement Taximeters fitted to the Vehicle.
- 13. The Taximeter should be maintained in good working order at all times and must be inspected and sealed by the Authorised Officer prior to use.

14. Whenever the Hackney Carriage fares are amended, the Licence Holder shall ensure that the Taximeter is tested by an Authorised Officer within fourteen days of the change.

### **Signs and Advertising**

15. No signs, notices, advertisements, plates, marks, letters figures, symbols, emblems or devices whatsoever (collectively referred to as 'sign') other than those mentioned in paragraph 16 below shall be displayed on in or from the Vehicle.

16. Signs permitted are:-

- (a) registration number
- (b) any sign required by law or Council policy
- (c) the licence plate giving the licence number and the maximum number of passengers to be carried on the outside rear of the Vehicle
- (d) any sign on a Taximeter indicating that the Vehicle is for hire
- (e) For Hackney Carriages only, the roof sign referred to in paragraph 42 and 43 below
- (f) any sign indicating membership of a national motoring organisation
- (g) any sign approved by the Council to indicate that payment of fares may be made by credit/debit card
- (h) any sign provided by Hampshire County Council to show that the Vehicle is used for schools contracts
- (i) any other sign within the Vehicle must be approved in advance by an Authorised Officer

17. Any sign permitted must be positioned so as not to impede visibility.

### **Advertising**

18. No advertising is permitted in or on the Vehicle without prior written approval from the Council. Approval will only be considered on receipt of a professional proof/draft of the advertisement.

19. Advertising must not be displayed on the windscreen or passenger windows.

20. Advertisements relating to tobacco, alcohol, gambling, sex, religion or politics will not be approved.

21. Advertisements must comply with the Advertising Standards Authority.

22. All advertising must be completed to a professional standard and quality.



## **Licence Plate**

23. The Internal Licence Plate shall be displayed on the front nearside of the windscreen, or in the case of vehicles that have a partition, displayed on this partition.
24. The External Licence Plate shall be firmly affixed and displayed on the rear of the Vehicle to the satisfaction of an Authorised Officer.
25. The Council shall be informed immediately should the Internal or External Licence Plate be broken, lost or defaced. On no account shall a vehicle be used as a Hackney Carriage or Private Hire Vehicle without a plate.
26. The Internal or External Licence Plate shall be returned to the Council by the Licence Holder if, for any reason, the Vehicle is not available for hire for a period of more than fourteen days without the consent of the Council, in advance.

## **Towing Of Trailers**

27. No Hackney Carriage or Private Hire Vehicle shall tow a trailer unless evidence of valid insurance to cover such use for hire and reward has been produced to an Authorised Officer. The External Licence Plate shall be clearly displayed on the rear of any trailer used, this sign being in addition to that on the rear of the Vehicle.
28. Any trailer used must comply with all relevant regulations.

## **Mechanical Breakdown**

29. In cases where the Driver has fully complied with the service requirements, if the Vehicle becomes unfit to complete a hiring:-
  - (a) The Driver shall be entitled to demand the fare for the distance already covered.
  - (b) The Driver shall secure alternative transport without delay to complete the journey if the hirer so wishes.
  - (c) If the Vehicle is repaired and completes the hiring the Driver shall be entitled to the full fare with the exception of any time that the Driver was waiting for the repair to be carried out.
  - (d) Any such incident shall be reported to an Authorised Officer within seven days.

## **Vehicle Checks**

30. Any Vehicle which in the opinion of an Authorised Officer does not comply with any legislation, bye-laws or conditions may be inspected by an Authorised Officer at any time to ensure its fitness to be used as a Hackney Carriage or Private Hire Vehicle.

## **Insurance**

31. The licence holder shall produce to the Council a valid certificate of insurance within seven days of the insurance cover being renewed or any change of insurer during the course of the licence, or any change of additional drivers.

32. A copy of the current insurance certificate or insurance cover note shall be carried in the Vehicle at all times.

### **Dual Plating**

33. No vehicle shall be licensed if it is also licensed in another district.

### **Navigation**

34. The Licence Holder shall ensure that the Vehicle is equipped with an indexed street map of the Winchester City Council district at all times. Vehicles that carry a satellite navigation system must also comply with this condition.

### **Luggage**

35. All luggage shall be carried in the luggage area and may only be carried in the seating area if it is safely secured and with the consent of the passengers.

### **Transfer of vehicle**

36. In the event that the Licence Holder of a Hackney Carriage or Private Hire Vehicle transfers his/her interest in that vehicle to a person other than one of those named on the licence, he/she shall within seven days of the transfer, give notice in writing to the Council specifying the name, address and Hackney Carriage and/or Private Hire Driver licence number of the person to whom the Vehicle has been transferred.

### **Driver**

37. The Licence Holder shall notify the Council in writing of the names, addresses and licence numbers of drivers of the Vehicle and shall produce evidence of fully comprehensive insurance for each driver.

### **Change of Address**

38. The Vehicle Licence Holder shall inform the Council of any change of address within seven days.

### **Convictions**

39. The Licence Holder shall within seven days disclose to the Council in writing any convictions or cautions, motoring or otherwise imposed upon him/her during the period of the licence (or, if a company or partnership, of any of the directors or partners).

### **Replacement Vehicles**

40. A replacement vehicle must comply with these conditions.

## **HACKNEY CARRIAGE VEHICLES ONLY**

### **Fare Chart**

41. A copy of the current fare chart shall be clearly displayed within the Vehicle at all times, where it may be seen by any passenger.

### **Roof Signs**

42. Other than a purpose built vehicle that has a 'taxi' light/sign integrated into the Vehicle, a sign of a design approved by the Council shall be installed in a central position across the width of the roof.

43. The roof sign shall be connected to the Taximeter and shall be illuminated at all times while the Vehicle is plying for hire. The light shall at all times comply with the requirements of vehicle lighting regulations when illuminated.

### **Wheelchair Bound Passengers**

44. This section is applicable to vehicles which are required to comply with the conditions of fitness as prescribed by The Disability Discrimination Act 1995 (the "DDA")

(a) There shall be sufficient space between the front of the rear seat and any partition for an occupied wheelchair to turn and to safely access or exit the Vehicle.

(b) There shall be sufficient space for a wheelchair to be safely secured facing forward or rearward. No wheelchair shall be carried facing sideways.

(c) There shall be separate means of securing the chair and the wheelchair passenger.

(d) Wheelchair ramps shall be carried in the Vehicle at all times.

(e) Passengers in wheelchairs shall enter the Vehicle from the side adjacent to the pavement when the Vehicle is plying for hire on an authorised rank. Rear loading facilities may be used other than on the highway.

(f) A Vehicle designed or adapted to carry wheelchairs shall display a minimum of two signs indicating that it is capable of carrying wheelchair bound passengers.

(g) Any swivel seat fitted must meet the requirements of the DDA.

## **PRIVATE HIRE VEHICLES ONLY**

### **Signs and Advertising**

45. Private Hire Vehicles shall have a sign advertising the name of the Operator on both sides of the Vehicle which, in addition to the name of the company shall include the words 'Advance booking only' or 'No booking no ride'. Vehicles that are exempt under Section 75(3) of the Act are excluded from this condition.

46. Private Hire Vehicles are not permitted to display roof signs.

47. Private Hire Vehicles shall not display any advertisement that includes the words 'taxi', 'cab' or words of a similar meaning.

### Advertising

48. Approval will not be given to advertise on Private Hire Vehicles that are exempt from the requirement to display the Licence Plates.

49. Advertising must not be displayed on the same panel of the Vehicle as the Operator sign as in 43 above.

### **Hackney Carriage ranks**

50. Drivers of Private Hire Vehicles shall not stop on or near an appointed Hackney Carriage rank at any time in circumstances which could give the impression that the vehicle is being used to ply for hire.

### **Plate Exemption**

51. Vehicles that are exempt from the requirement to display the Licence Plates must keep a copy of the letter of exemption in the vehicle at all times. This letter must be produced upon request.

### **Appeals**

52. The Licence Holder may appeal against the imposition of any of these conditions.

53. The Licence Holder/applicant may appeal against the refusal to grant or renew a licence, and suspension or revocation of a licence, except where the suspension relates to the safety of the vehicle.

54. Any appeal should be made to the Magistrates Court within 21 days of the refusal to grant or renew, or the suspension or revocation of such licence.

55. In the case of refusal to grant a hackney vehicle licence, the appeal should be made to the Crown Court.

**From:** Tony Wagstaffe

**Sent:** 05 December 2013 20:58

**To:** Licensing

**Subject:** Ensure drivers do not leave their engines running whilst waiting for a fare, and...

**Dear Licensing Team,**

**... I think an exception should be made in the event of really cold weather and working at night in cold weather it should be allowable to keep the driver warm? If not, who made up such a petty idea and didn't think about this kind of eventuality in the first place? It seems to me to be common sense that we don't normally run our vehicles while stood on a rank unless it is very cold... It is not prudent... I hope this amendment be made because to be quite honest I don't see how you can police it unless you all come round and check up on us at every opportunity...?**

**Kind Regards**

**Tony Wagstaffe 292**

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Be true to yourself and make no pretence as you are what you are and no more...

**From:** Ronnie Weller  
**Sent:** 06 December 2013 10:35  
**To:** Licensing  
**Subject:** Proposed changes

Dear Carol The thing that rather worries me about the order to not run car engines whilst waiting for fares is that with winter upon us at age 77 I must keep warm and running the engine is the only way I can do this I also believe

I

that some drivers who have medical conditions would suffer if left cold I remain yours  
faithfully Ronnie Weller

**From:** JALEEL IQBAL

**Sent:** 06 December 2013 21:04

**To:** Licensing

**Cc:** John Myall; Ashton Taylor; Kerry Gosling

**Subject:** Re: Consultation on Review of Hackney Carriage and Private Hire Vehicle Conditions

To whom it may concern

So who thought of this brilliant idea that taxi drivers should not be allowed to keep their engines running when they are waiting at a taxi rank? Did this person stop for a moment and think why taxi drivers do this? No one does this out of joy. It is done because of the weather conditions. If you are waiting 30-60 minutes for a fare in cold weather how else does one warm himself without switching the engine on?

Unless you can keep the outside temperature between 14-20 degree celcius then this implementation in the councils law is utter nonsense.

In the document it states due to emission. Now that is a joke considering the council is trying to implement a 20mph zone throughout the City Centre. So driving in second gear at 20 mph is considered more emission friendly compared to being allowed to do 30mph?.

During the day it is very rare anyone can do 20mph or more on Friargate street and when there is no one around from 7pm-7am it is considered environment friendly to do 20mph?

A way to reduce emissions would be to reopen St Peters in the opposite direction as it used to be approximately 15 years ago.

Another way to reduce emissions would be to have an age limit on the 500 buses or so you have running through the City so they have new exhaust systems.

The council may also consider changing the timers on the traffic lights so people who are leaving Winchester have longer green lights.

I expect this is just something for the Council to put down as measure you have taken to reduce emissions as we as a City are the worst.

There are many things the Council can do to reduce emission instead of trying to become a big brother council on the taxi drivers trade.

Ok rant over. Apologies for making this email long which was never my intention but sometimes these new rules which i believe are silly get on my nerves.

Regards

Jaleel iqbal

Ps: its currently 5 degrees outside. How do you suggest i keep myself warm without switching the engine on?

Sent from Yahoo Mail on Android

**From:** richard.dominey  
**Sent:** 09 December 2013 07:29  
**To:** Carol Stefanczuk  
**Subject:** Keep engine running

Dear carol

Drivers cannot be expected to turn off their engines in sub zero temperature s.  
They would freeze and passengers would complain as they do when the cab is ideal

Yours sincerely  
R j dominey



-----Original Message-----

From: James

Sent: 09 December 2013 22:44

To: Licensing

Subject: Outside temp is 3c.send a licence officer to sit in the cab and see how long u last with out a heater on !



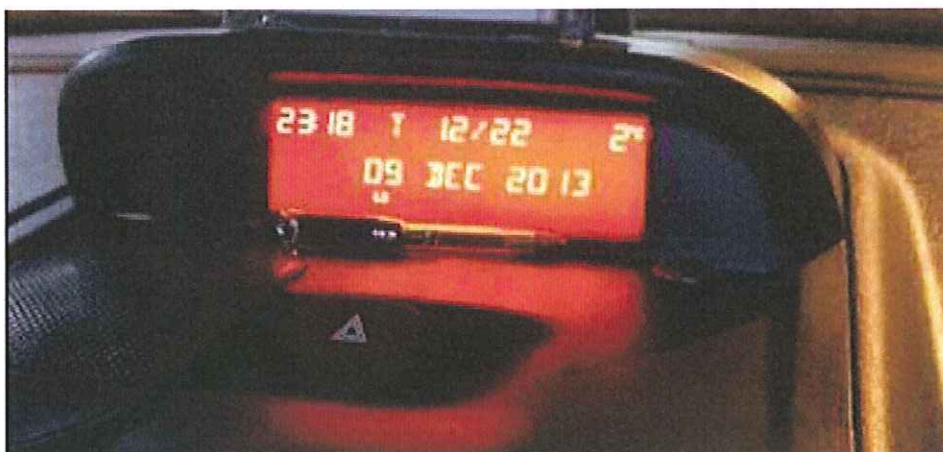
-----Original Message-----

From: James

Sent: 09 December 2013 23:23

To: Licensing

Subject: Temp now 2c and haven't had a job yet the taxi roof is now starting to ice over if I turn the engine off the windscreen will ice up !



**From:**

**Sent:** 10 December 2013 10:57

**To:** Licensing

**Subject:** Re: Consultation on Review of Hackney Carriage and Private Hire Vehicle Conditions

Carol

With regard to the change of

Ensure drivers do not leave their engines running whilst waiting for a fare,

whilst I agree with this in the finer weather I would ask that consideration is granted in the winter when it can get very cold sitting in a vehicle waiting for a fare

Also just a quick thought, when I saw you today you were looking to see how many taxis could get on the rank . . . This depends a lot on if they are salon cars or long wheelbase wheelchair accessible vehicles

Regards

Barbara

R & K Cars