



## ~~Hackney Carriage and Private Hire Vehicle~~ (Tuk Tuk) 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 (Tuk Tuk) 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 (Tuk Tuk).

“the Policy” – means the Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators.

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

### General

1. The Licence Holder shall operate within the scope of their Business Plan which accompanied their application. No changes shall be made to the Business Plan without prior written approval from the Council.
2. A passenger risk assessment must be carried out and documented in accordance with Health and Safety legislation.
3. All passengers must receive a safety briefing from an experienced and fully trained licensed driver or staff member before the commencement of any journey in the Vehicle.
4. Children under 15~~6~~ years of age must not travel in the Vehicle unless accompanied by an appropriate adult.

### **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 one matching colour.

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- (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 1974. All seats shall be properly cushioned and covered by a water resistant material. The seats shall be~~ free from cuts, tears or cigarette burns.
- (c) ~~CARPETS / FLOOR COVERING. All carpets and~~The floor coverings shall be complete with a slip resistant finish and free from ~~cuts, tears, burns 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~~ resistant.
- (f) ~~BOOT/ LUGGAGE COMPARTMENT. This shall be kept empty except for spare wheel and essential tools. The compartment shall be clean, tidy and free of any litter or other rubbish. Any covering shall be free from major cuts, tears, staining or other damage. The use of a manufacturer's roof box/luggage carrier is permitted in accordance with the manufacturer's specification. This shall be kept clean and be water resistant.~~
- ~~(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 it 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. Within the air quality management area in the City Centre, the Driver shall minimise the running of vehicle engines when waiting for a passenger or plying for hire on a taxi rank~~

### **Spare wheel**

~~8.7.~~ 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**

~~9.~~ 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.

~~10.~~ The Licence Holder shall notify the Council of any replacement Taximeter fitted to the Vehicle within seven days of such replacement

~~11.~~ The Taximeter should be maintained in good working order at all times and must be calibrated and sealed by an approved taximeter agent prior to use.

~~12.~~ 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.

### **Contactless Payment Device**

~~13.8.~~ A contactless payment device shall be carried in the Vehicle at all times as prescribed in the Policy. ~~Vehicles that are exempt under Section 75(3) of the Act are excluded from this condition.~~

~~14.9.~~ The Licence Holder shall ensure that the contactless payment device is connected, maintained and working at all times to ensure customers are able to pay by card/contactless.

~~15.10.~~ The Driver must not charge an additional fee or minimum fare for passengers to pay by card/contactless.

### **Signs**

~~16.~~ The Vehicle must display a permanent sign on the front doors of the Vehicle (both sides) at all times as required in the Policy. The sign shall meet the specification as set out in the Policy. ~~Vehicles that are exempt under Section 75(3) of the Act are excluded from this condition.~~

~~17.11.~~ No signs, notices, plates, marks, letters figures, symbols, emblems or devices whatsoever (collectively referred to as 'sign') other than those mentioned in paragraph ~~12.7~~ below shall be displayed on in or from the Vehicle.

~~18.12.~~ Signs permitted are:-

- (a) registration number
- (b) any sign required by law or Council policy

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- (c) the licence plate giving the licence number and the maximum number of passengers permanently fixed to the outside rear of the Vehicle
- (d) ~~any sign on a Taximeter indicating that the Vehicle is for hire~~
- (e) any sign indicating that the driver has completed a training or awareness course required by Council policy
- (f) ~~For Hackney Carriages only, the roof sign referred to in paragraph 41 and 42 below~~
- ~~(g)~~(f) any sign indicating membership of a national motoring organisation
- ~~(h)~~(g) any sign approved by the Council to indicate that payment of fares may be made by credit/debit card/contactless payment
- ~~(i)~~ any sign provided by Hampshire County Council to show that the Vehicle is used for schools contracts
- ~~(j)~~(h) any other sign within the Vehicle must be approved in advance by an Authorised Officer

~~19.13.~~ Any sign permitted must be positioned so as not to impede visibility.

#### **Advertising**

~~20.14.~~ 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.

~~21.15.~~ Advertising must not be displayed on the windscreen or passenger windows.

~~22.16.~~ Advertisements relating to tobacco, alcohol, gambling, sex, religion or politics will not be approved.

~~23.17.~~ Advertisements must comply with the Advertising Standards Authority.

~~24.18.~~ All advertising must be completed to a professional standard and quality, to the satisfaction of an Authorised Officer.

#### **Licence Plates**

~~25.19.~~ 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.

~~26.20.~~ The External Licence Plate shall be permanently affixed and displayed on the rear of the Vehicle to the satisfaction of an Authorised Officer.

~~27.21.~~ 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 ~~(with the exception of those detailed in condition 29).~~

~~28-22.~~ 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.

~~29.~~ ~~Vehicles that are exempt under Section 75(3) of the Act are not required to display Internal and External Licence Plates but must display the Plate Exemption Card in the windscreen at all times.~~

### **Towing Of Trailers**

~~30.~~ ~~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.~~

~~31.~~ ~~Any trailer used must comply with all relevant regulations.~~

### **Mechanical Breakdown**

~~32-23.~~ 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**

~~33-24.~~ 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**

~~34-25.~~ The licence holder shall produce to the Council a valid certificate of insurance within seven days of the insurance cover being amended or renewed or any change of insurer during the course of the licence, or any change of additional drivers.

~~35-26.~~ A copy of the current insurance certificate or insurance cover note shall be carried in the Vehicle at all times.

#### **Dual Plating**

~~36-27.~~ No vehicle shall be licensed if it is also licensed in another district.

#### **Navigation**

~~37.~~ 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**

~~38.~~ 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**

~~39-28.~~ In the event that the Licence Holder of a ~~Hackney Carriage or~~ Private Hire Vehicle transfers their interest in that vehicle to a person other than one of those named on the licence, they 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**

~~40-29.~~ 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**

~~41-30.~~ The Vehicle Licence Holder shall inform the Council of any change of address within seven days of such change.

#### **Convictions**

~~42-31.~~ The Licence Holder shall, within 48 hours, disclose to the Council in writing any arrest, charge, conviction, caution, fixed penalty or community resolution imposed upon them during the period of the licence (or, if a company or partnership, of any of the directors or partners).

#### **Replacement Vehicles**

~~43.32.~~ A replacement vehicle must comply with these conditions, other than the requirements to display permanent door signs and the Winchester City Council logo on the roof sign.

### HACKNEY CARRIAGE VEHICLES ONLY

#### **Fare Chart**

~~44.~~ 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**

~~45.~~ Other than a purpose built vehicle that has a 'taxi' light/sign integrated into the Vehicle, the roof sign must carry the word "TAXI" in black font on a white background, on the front and rear, together with the Winchester City Council logo on the front. The roof sign shall be installed in a central position across the width of the roof.

~~46.~~ 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 Users**

~~47.~~ This section is applicable to vehicles which are required to comply with the conditions of fitness as prescribed by the Equality Act 2010.

- ~~(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 user.
- ~~(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 or rear when the Vehicle is plying for hire on an authorised rank.
- ~~(f)~~ A Vehicle designed or adapted to carry wheelchairs shall display a minimum of two signs indicating that it is capable of carrying wheelchair users.
- ~~(g)~~ Any swivel seat fitted must meet the requirements of the Equality Act 2010.

### PRIVATE HIRE VEHICLES ONLY



## Signs

~~48.33. Private Hire Vehicles~~ The Vehicle shall have a sign displayed on the outside of the Vehicle advertising the name of the Operator. ~~on the rear doors on both sides of the Vehicle, Vehicles that are exempt under Section 75(3) of the Act are excluded from this condition.~~

~~49.34.~~ Private Hire Vehicles are not permitted to display roof signs.

~~50.35.~~ Private Hire Vehicles shall not display any advertisement that includes the words 'taxi', 'cab' or words of a similar meaning.

## Advertising

~~51.~~ Approval will not be given to advertise on Private Hire Vehicles that are exempt from the requirement to display the Licence Plates.

~~52.36.~~ Advertising must not be displayed on the same panel of the Vehicle as the Operator sign as in 48 above.

## Hackney Carriage ranks

~~53.~~ 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

~~54.~~ 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.

~~55.~~ An exemption card, issued by the Licensing Authority, must also be displayed in the windscreen at all times that the Vehicle is being used for private hire work, to the satisfaction of an Authorised Officer.

## Appeals

~~56.37.~~ The Licence Holder may appeal against the imposition of any of these conditions.

~~57.38.~~ 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.

~~58.39~~ 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.

~~59.40~~ In the case of refusal to grant a Hackney Vehicle licence, the appeal should be made to the Crown Court.