

**Pre Licensing and Licensing Conditions for Hackney  
Carriage Drivers and Vehicles**



MALDON DISTRICT  
COUNCIL

## **APPENDIX 3**

### **PRE LICENSING CONDITIONS FOR DRIVERS**

In order to ensure that licensed drivers are reliable and of good character, a person applying for a Hackney Carriage and Private Hire Vehicle Driver's Licence shall:-

1. Be vetted by the Disclosure and Barring Service by completing the form for an Enhanced Disclosure and providing the response from the Disclosure and Barring Service as part of the application and any renewal.<sup>1</sup>
2. Fully complete an application form showing all convictions, spent and unspent, including any conviction for which the applicant has been rehabilitated under the Rehabilitation of Offenders Act 1974, as amended.<sup>2</sup>
3. Not have been convicted or cautioned for a criminal offence during the previous three years or convicted or cautioned for a serious criminal offence or a sexual offence during the previous five years.
4. Produce a current GB, EU or Northern Ireland Driving Licence which is a full licence to drive a motor car and has been held for at least one year prior to the date of application.<sup>3</sup>
5. Produce a medical certificate in the prescribed form on application for initial and renewal of the licence and on an annual basis once reaching 65 years of age.<sup>4</sup>
6. New applicants for licence after 1<sup>st</sup> April 2010 shall complete a knowledge and community awareness test to the satisfaction of the Council's Licensing Officer.<sup>5</sup>
7. Be over 21 years of age.
8. Supply the names and addresses of two people for character references.

### **NOTES TO ACCOMPANY THE CONDITIONS**

1. DBS applications may be submitted through a "DBS Umbrella Organisation" or through a special arrangement with Chelmsford Borough Council. The applicant must pay the fee direct to the processing body on application. The fee is not refundable if the licence application is refused. DBS disclosures must be current and issued no more than 28 days before the licence application.
2. The licensing of Hackney Carriage and Private Hire Drivers is an exemption to the non disclosure rule set out in the Rehabilitation of Offenders Act. A licence will not be granted to an applicant who has been convicted of, or received a caution in relation to a serious criminal offence during the past five years. Older convictions and less serious offences will be considered in relation to their relevance to the application.
3. The original paper copy of the full driving licence is required to be presented as part of the application. Copies will not be accepted.
4. The medical examination should be completed by your own doctor at your expense. A medical certificate should be returned by your doctor directly to the Council. Licensees who have reached the age of 65 years shall submit themselves for an Annual Medical Examination. The Council reserve the right to demand additional medical examinations at any time.
5. The knowledge test will cover geographical knowledge of the Maldon District, awareness of the legislation covering Hackney Carriages and Private Hire vehicles and drivers, and passenger safety and comfort. The test will not apply to existing drivers who renew licences without a break.
6. All relevant facts will be taken into account when consideration is given to an application for a Driver's Licence. Each applicant is considered on its own merit and where any doubt exists the applicant will be interviewed by the Licensing Sub-Committee. Any applicant refused a drivers licence on the ground that the applicant is not a fit and proper person to hold such a licence has a right of appeal to a Magistrates Court.
7. Hackney Carriage & Private Hire Vehicle Driver's Licences are renewable every three years.

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### **LICENSING CONDITIONS FOR DRIVERS**

1. The driver shall immediately report to the Licensing Authority, in writing, any health matter which could affect his or her driving. If requested by the Licensing Authority, a medical certificate shall be provided within seven days.
2. The driver shall within seven days disclose to the Licensing Authority, in writing, details of any conviction, fixed penalty or caution imposed on or accepted by him or her during the period of the licence.
3. The driver shall notify the Licensing Authority in writing of any change to his or her name or address within seven days of such change taking place.
4. A driver shall at all times when driving a Private Hire Vehicle or Hackney Carriage affix to his / her clothing the identity badge issued by the Licensing Authority and display the window badge in the vehicle so as to be clearly and distinctly visible to passengers and prospective hirers.
5. The driver shall produce this licence on request to any authorised officer of the Licensing Authority or Police Officer.
6. The driver shall not carry, or permit to be carried, a greater number of persons than that prescribed in the licence for the vehicle.
7. The driver shall give reasonable assistance to passengers with luggage, wheelchairs or walking aids.
8. The driver shall, on request, carry free of charge Guide Dogs, Hearing Dogs or any other 'assistant dogs' as specified in section 37 of the Disability Discrimination Act 1995.
9. The driver shall not call out or otherwise importune any person to hire the vehicle and shall not make use of the services of any other person in hiring the vehicle.
10. The driver shall not at any time play a radio or other sound reproducing equipment in the vehicle without the express consent of the hirer., unless for the sending and receiving of messages in connection with the operation of the vehicle.
11. The driver shall search the vehicle immediately after completion of a hiring for any property left by a passenger. If any such property is found it shall be returned to the owner within a reasonable period of time or if this is not practical it shall be taken within 48 hours to the Maldon District Council Offices for deposit.
12. The licence is not transferable and must be renewed at the end of the period for which the licence is in force; such period shall not exceed three years.
13. If not renewed, or on revocation or surrender, the driver shall forthwith return the driver and window badges to the Licensing Authority.

### **NOTES TO ACCOMPANY THE CONDITIONS**

1. For the purpose of these conditions the Licensing Authority shall be the Maldon District Council.

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### PRE LICENSING CONDITIONS FOR HACKNEY CARRIAGES

A vehicle subject to an application for a Hackney Carriage Licence is expected to comply with the following conditions:-

1. The vehicle shall be in satisfactory mechanical order and body condition, and in operational order in all respects.
2. The applicant shall submit the vehicle for mechanical inspection at his or her own expense at an approved testing station as directed by the Licensing Authority and provide a completed certificate of inspection. The frequency of testing required thereafter is set out in the Conditions below.
3. No vehicle shall be licensed once it is more than 10 years old, from the date of first registration except in exceptional circumstances and at the discretion of the Licensing Authority.
4. A vehicle shall be either:
  - A saloon, hatchback, estate vehicle, minibus or people carrier type, which is unaltered from the manufacturer's original technical specification with the exception of approved conversions to alternative fuels.
  - A purpose built vehicle or a vehicle suitably converted to a disabled access vehicle.
5. The vehicle shall be right hand drive.
6. All vehicles submitted for licensing shall meet the following standards for design and equipment:
  - a) The vehicle shall have at least two doors for use by passengers, in addition to a separate door for the driver (except for minibus and similar vehicles).
  - b) The vehicle shall have rear seat accommodation for not less than three persons.
  - c) The vehicle shall have separate front seats for at least one person in addition to the driver (with the exception of London style cabs).
  - d) Where the vehicle is a minibus or 'people carrier' type, with two rows of seats behind the driver and front passenger seats, the seat nearest the door of the middle row must be able to fold or move forward as per the manufacturer's original specification to allow ingress or egress to the rear seats. Clear instructions for operating the seats must be provided in full view of the rear seat passengers. Where this is not possible the seat must be permanently removed.
  - e) The vehicle shall:
    - Be of such design that the driver can communicate verbally with any passenger carried.
    - Be fitted with an interior light capable of illuminating the interior and for the use of any passenger carried.
    - Be fitted with flooring of proper matting carpet or other suitable material.
    - Be fitted with cushioned seats, the upholstery of which is free from splits, holes, cuts or other damage.
    - Provide a means of opening and closing not less than one window on each side of the vehicle.
    - Have the roof covered and kept watertight.
    - Be fitted with adequate seatbelts for use by passengers.
    - Be capable of accommodating a reasonable amount of luggage in a safe and secure manner. If the vehicle is a hatchback or estate vehicle it shall be fitted with a guardrail of approved construction to separate the luggage area from the passenger compartment.
    - Be capable of accommodating a wheelchair either constructed or collapsed in a reasonable manner.
  - f) The vehicle shall be equipped with a suitable fire extinguisher.
  - g) The vehicle shall be fitted with a spare wheel that is in a serviceable condition.

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- h) All Hackney Carriages, with the exception of a London Style taxi, shall display a roof sign which is white in colour and bearing the word 'TAXI' in black letter to the front and rear. It will be a minimum size of 450mm (18 inches) in length and 150mm (6 inches) in height. The sign shall be capable of being illuminated when the vehicle is plying for hire in its controlled area and if a taximeter fitted to the vehicle must work in conjunction with that meter.
7. The vehicle proprietor must submit the following documents prior to issue of the licence. The documents must be current at the time the licence commences:
    - a) An insurance certificate or cover note that expressly indicates ON RISK cover for hire and reward.
    - b) A mechanical inspection certificate
    - c) A Department of Transport certificate (as required by Section 47 Road Traffic Act 1988), when the vehicle is 1 year old from the date of first registration.
    - d) A current vehicle excise licence.
    - e) The Vehicle Registration Document showing the vehicle proprietor's current name and address.
  8. No advertising shall be displayed on the vehicle that in the opinion of the Licensing Authority detracts from the visibility of its Hackney Carriage Licence Plates and such other forms of livery and identification required by the Licensing Authority.
  9. In the case of a Hackney Carriage to be licensed in the name of a Company, all Directors, Managers, Secretary and other similar officers of the Company must be persons who would not otherwise be refused a Licence to drive a Hackney Carriage Vehicle by reason of a conviction recorded against them.

### **NOTES TO ACCOMPANY THE CONDITIONS**

1. These conditions apply to vehicles presented for licensing as a Hackney Carriage after 1<sup>st</sup> April 2010.
2. Transitional arrangements for the renewal of existing vehicle licences will apply as follows:
  - i) The requirement for removal of a seat from mini bus, and mpv vehicles in condition 6d will only apply to vehicles licensed for the first time from 1<sup>st</sup> April 2010. The remaining requirements of that condition will apply to the renewal of licences for all relevant vehicles from 1<sup>st</sup> April 2010.
  - ii) The requirement for a roof sign in condition 6 h shall apply to all vehicles licensed for the first time from 1<sup>st</sup> April 2010 and only to the renewal of licences for existing vehicles that currently have no roof sign.
  - iii) An exemption in relation to condition 8 may be granted at the discretion of the Licensing Authority in relation to renewal of existing licences if substantial repainting is required and it can be shown that the cost of that refinishing is prohibitive. Such exemptions will apply for a maximum of three years.

### **LICENSING CONDITIONS FOR HACKNEY CARRIAGES**

A District Council may attach to the grant of a Hackney Carriage Vehicle Licence any such conditions as it may consider reasonable or necessary and accordingly may at any time vary, alter or impose new conditions. The following conditions apply to all Hackney Carriage Vehicle Licences issued by Maldon District Council.

#### **Vehicle Identification**

1. The identification plates issued by the Licensing Authority shall be fixed to the front and rear of any vehicle being operated as a Hackney Carriage in a position that is clearly visible to the public.
2. The door stickers provided by the Licensing Authority shall be permanently attached and displayed on the upper panels of both front doors.
3. The vehicle and driver identity badges shall be displayed in the passenger compartment in a conspicuous position that is clearly visible to passengers.

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4. A roof sign in the form approved by the Licensing Authority shall be fitted and maintained at all times.
5. No advertising shall be displayed on the vehicle that in the opinion of the Licensing Authority detracts from the visibility of its Hackney Carriage Licence Plates and such other forms of livery and identification required by the Licensing Authority.

### Vehicle Maintenance

6. The vehicle shall be kept in a clean and well maintained condition.
7. No material alteration or change to the manufacturer's specification, design, condition or appearance of the vehicle shall be made at any time when the licence is in force without the prior approval of the Licensing Authority.
8. Adequate and secure luggage facilities must be provided and maintained at all times.
9. The vehicle shall be equipped with a fire extinguisher maintained in accordance with ISO 7165.
10. In respect of any minibus or people carrier type vehicle where a seat has been removed to meet pre-licensing conditions, the seat shall not be replaced at any time the vehicle is licensed as a Hackney Carriage.

### Vehicle Testing

11. The vehicle shall be submitted for mechanical inspection at an approved testing station at the licensee's expense and provide a completed certificate of inspection provided for the Licensing Authority at the following intervals:
  - a. Vehicles less than 3 year's old, one test per year on application for renewal.
  - b. Vehicles between 3 and 6 years old, two tests per year at 6 monthly intervals.
  - c. Vehicles older than 6 years, three tests per year at 4 monthly intervals
12. The vehicle shall be submitted for mechanical or other inspection at any time if required by the Licensing Authority in addition to the intervals set out in 11 above.
13. The vehicle shall be submitted for inspection in a condition that renders it suitable for that inspection, including being clean inside and out.
14. A completed test certificate shall be submitted to the Licensing Authority as soon as practicable after the test has been completed. If the vehicle fails the test for any reason it shall not be used as a Hackney Carriage until such time as the defects are corrected and the vehicle passes a re-test.
15. A proprietor of a licensed Private Hire shall report to the Licensing Authority as soon as practicable, and in any case within 72 hours, the occurrence of any accident involving the Hackney Carriage involving any damage to the vehicle, whether or not the damage affects the safety, performance or appearance of the vehicle or the comfort or convenience of passengers.

### Insurance and Documentation

16. A Hackney Carriage vehicle proprietor must:
  - a. Comply with the relevant legislation in relation to the insurance cover of the vehicle.
  - b. Ensure a current certificate of motor insurance is on display or available in the vehicle for inspection on request.
  - c. Produce to the Licensing Authority proof of continuous insurance cover for the vehicle.

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17. A Hackney Carriage vehicle proprietor must:
  - a. Produce the vehicle licence on request to any Authorised Officer of the Licensing Authority or a Police Officer.
  - b. Permit the Licensing Authority to photocopy or otherwise deal with any document produced as evidence to support the application for renewal of the licence or enforcement of licence conditions.
18. A licensee who permits or employs any person to act as the driver of the Hackney Carriage shall retain in his or her possession the licence of such driver while the driver is permitted or employed to drive the vehicle.

### Conduct of Business

19. Whilst a vehicle is being used as a Hackney Carriage, it shall not be driven by anyone other than a driver licensed to drive a Hackney Carriage by the licensing authority and wearing the official badge as required by the conditions of their Driver's Licence.
20. The vehicle shall not be permitted to carry more than the number of persons specified on the Licence, irrespective of the age of the passenger.
21. The vehicle shall not be used as a Hackney Carriage whilst towing a trailer or whilst fitted with a roof box without the express consent of the Licensing Authority who may call for an additional inspection certificate.
22. Any trailer authorised by the Licensing Authority for use with a Licensed Vehicle will, at all times, be fitted with a suitable spare wheel and be fitted with a Licence Plate issued by the Licensing Authority.
23. A daily record of the mileage covered by each Licensed Driver and the time and condition of the vehicle at handover shall be kept in the Hackney Carriage. The record shall be kept for 12 months and must be produced on the request of an Authorised Officer of the Licensing Authority or a Police Officer.
24. If drivers are unable to accept cheques, debit card or credit card payments, a clear notice to that effect must be displayed and clearly visible to passengers and potential passengers.

### Renewal

25. This licence must be renewed annually.

### **NOTES TO ACCOMPANY THE CONDITIONS**

1. These conditions apply to vehicles licensed as Hackney Carriages after 1<sup>st</sup> April 2010.
2. Transitional arrangements for the renewal of existing vehicle licences will apply as follows:
  - i) The requirement to maintain a roof sign in condition 4 shall apply to existing roof signs of those vehicles exempted from the standard specified in the pre-licensing conditions.
  - ii) An exemption in relation to condition 2 may be granted at the discretion of the Licensing Authority if it can be shown that the stickers would be ineffective without redesigning the vehicle graphics. Such exemption will apply for a maximum of three years.
  - iii) An exemption in relation to condition 5 may be granted at the discretion of the Licensing Authority in relation to vehicles first licensed before 1<sup>st</sup> April 2010 if substantial repainting is required and it can be shown that the cost of the refinishing is prohibitive. Such exemptions will apply for a maximum of three years.