



Hackney Carriage Proprietor's Licence

CONDITIONS

MAY 2006

1. INTRODUCTION

1.1 Interpretation. In these conditions:

- a) **Applicant** means person, persons or body named as the applicant on the application form
- b) **Authorised Officer** means the Principal Environmental Health Practitioner (Consultation and Licensing); Senior Licensing Officer; Licensing Officer and Technical Support/Licensing Enforcement Officer and any other officer authorised in writing by the head of consumer protection under delegated authority from the council.
- c) **Certificate of Compliance** means the certificate issued by the Council certifying that the vehicle is mechanically sound
- d) **The Council** means Isle of Wight Council
- e) **The Driver** means the driver for the time being of the vehicle
- f) **The Manager** means the Environmental Health Manager for the time being of the Council
- g) **Nominated Garage** means the garage approved by the Council for the time being for the purpose of undertaking mechanical inspections
- h) **The Nominated Officer** means the Senior Licensing Officer for the time being of the Council
- i) **The Owner** means the person for the time being shown on the Hackney Carriage vehicle licence as the owner of the vehicle of a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement.
- j) **The Plate** means the licence plates issued by the Council to be displayed on the exterior of a licensed vehicle to identify the vehicle as hackney carriage.
- k) **The Proprietor** means the person, persons or body named in this licence as the proprietor(s) of the hackney carriage vehicle and includes a part proprietor and, in relation to a vehicle which is subject of a hire purchase agreement, means the person in possession of the vehicle under that agreement.
- l) **The Proprietors Licence** means the licence issued for the hackney carriage that allows the vehicle to stand/ply for hire
- m) **The Vehicle** means the vehicle subject of the Hackney Carriage vehicle licence to which the conditions are attached
- n) Any obligation in these conditions not to do any act or thing shall be deemed an obligation not to cause or permit that act or thing to be done
- o) Any reference to any Statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.
- p) Any requirements of legislation that affect the operations being carried out under the terms of a licence shall be regarded as if they were conditions of that licence.

- q) The proprietor and driver of the vehicle at the time a condition is breached shall be joint and severally liable for that breach.
- 1.2 The Hackney Carriage Proprietor's Licence is issued subject to the provisions of the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 (**LGMP**), Part II and the conditions contained in this document.
- 1.3 By submission of the application form the applicant agrees to observe and conform to all of the following terms and conditions.
- 1.4 If the licence is granted, the applicant shall be known thereafter as the proprietor.
- 1.5 The applicant and proprietor shall observe and conform to all of the following terms and conditions.

2. Grant of a Licence: The Application

- 2.1. Application for a hackney carriage vehicle licence is to be made to the Isle of Wight Council and addressed to:

Isle of Wight Council
Licensing Section
Jubilee Stores
The Quay
Newport
Isle of Wight
PO30 2EH

3. Grant of a Licence: Form of Application

- 3.1 The application must:
- a. Be made in writing.
 - b. Be made on the correct application form as prescribed by the Council
 - c. Be accompanied by the full fee.
 - d. Be accompanied by the necessary documents which are:
 - i. The registration document
 - ii. The current vehicle insurance certificate or cover note, (to include towing and the carriage of the

- number of wheelchairs for which the vehicle is adapted, if necessary)
 - iii. A current MoT certificate for all vehicles over one year old from the date of registration
 - iv. A current Vehicle Excise Licence, (road fund licence).
- e. Be fully and correctly completed
- 3.2 If the application fee is paid by cheque, the fee shall not be deemed to have been paid in full, until the funds have cleared.
 - 3.3 A licence will not be granted or issued until the fee has been paid in full
 - 3.4 Any incomplete or incorrectly completed application will be returned to the applicant
 - 3.5 Any application received after the renewal date will be considered as a new application and not a renewal
 - 3.6 Without prejudice, the Council reserves the right to charge the full licence fee in the case of a late application.
 - 3.7 The fee may be increased or decreased by the council in accordance with legislation and policy.

4. Grant of a Licence: The Hearing

- 4.1 A licence may be granted, under delegated authority, by an authorised officer.
- 4.2 Attendance at the licensing committee will not always be necessary when applying for the grant of a licence.

5. Grant of a Licence: The Applicant

- 5.1 The applicant must satisfy the Council that he or she is a fit and proper person to hold the licence.
- 5.2 The Council will have regard to the Isle of Wight Council Policy relating to the relevance of convictions when deciding whether a person is a fit and proper person to hold a Hackney Carriage Proprietor's Licence.

6. Grant of a Licence: The Vehicle (Initial Inspection First Application)

6.1 The vehicle must satisfy the conditions in this section and may be presented to an authorised officer for inspection to ensure compliance with the following conditions.

6.2 In the case of first application for a vehicle licence, the applicant must satisfy the conditions in Section 6 prior to the initial inspection at Section 8.

6.3 Safety Considerations

- a. Any vehicle to be licensed must comply with European Whole Vehicle Type Approval, category M1.
- b. If the vehicle is not certified to this standard the applicant must produce a low volume build certificate or other reliable documentary evidence to show that the vehicle has been tested to an equivalent standard, to the satisfaction of the Licensing Officer.
- c. A vehicle which is capable of carrying a passenger who is seated in a wheelchair must load and unload any such passengers through a side door, unless the vehicle is fitted with a powered tail lift for the purpose of loading and unloading wheelchair-bound passengers.

6.4 Wheelchair Accessibility

- a. A licence first issued after **(insert date that conditions approved or date as agreed by Regulatory Committee)** shall not be issued in respect of a vehicle that cannot carry at least four passengers, one of whom shall be carried whilst seated in a wheelchair.
- b. The wheelchair must be loaded from the side unless the vehicle is fitted with a powered tail-lift.
- c. A vehicle complying with the specifications required by the Disability Discrimination Act 1995 must be designed or adapted to carry at least one passenger who is seated in a wheel chair.
- d. There must be sufficient space between the front of the rear seat and any partition for an occupied wheelchair to turn.
- e. There must be sufficient space for a wheelchair to travel facing rearwards.
- f. There must be a separate means of securing the chair and the wheelchair occupant.
- g. There must be wheel ramps carried in the vehicle.

6.5 Age

- a. In the case of first application for a Proprietors Licence, the vehicle must be under three years old since the date of first registration.
- b. The age of the vehicle shall be taken from the vehicle registration document.
- c. Any vehicle with a "Q" plate registration will not be licensed if in excess of 3 years from date of manufacture. Where the age of a "Q" registered vehicle is not identifiable the age will be calculated as three years old at the date of "Q" registration in line with the policy of the D.V.L.A.
- d. The maximum age limits may only be exceeded if the vehicle is presented in exceptional condition. (See Section 10).

6.6 Colour

- a. The vehicle shall be silver all over.

6.7 Left Hand Drive

- a. The vehicle shall not be left hand drive.

6.8 Doors

- a. In the case of a vehicle that complies with the Conditions of Fitness as prescribed by the Public Carriage Office, it must have at least two doors for the use of passengers conveyed in the vehicle, neither being the door used by the driver.
- b. In the case of a vehicle seating more than four passengers, the vehicle must have at least one door on each side, easily accessible to the passengers.
- c. In the case of a vehicle with a hatchback, the hatch will not be considered or counted as a door for this purpose.

6.9 Wheels

- a. The vehicle must have at least four external road wheels.
- b. A road legal spare wheel must be carried in the vehicle in the manufacturer's allocated space.
- c. No customers shall be conveyed when a space saver type wheel is being used on the vehicle.

6.10 Seats

- a. All seats must be fitted with seat belts.

- b. All seats must face forward or backwards in relation to the direction of travel.
- c. All passenger seats must be at least 16 inches (40.64 centimeters) per person in width.
- d. All seats must be of sufficient size to accommodate the number of passengers the vehicle will be licensed to carry, (the minimum number being four), and the rear seat width must not be less than 48 inches (121.92 centimeters) being clear of any obstruction such as handles or arm rests.
- e. In the case of a vehicle that makes provision for the carriage of passengers whilst still occupying a wheelchair there must be separate means of securing the wheelchair and the passenger.
- f. No seat shall have to be moved or tilted for a passenger to enter or leave the vehicle.

6.11 Luggage

- a. Luggage space must be a minimum of 0.5 cubic metres, or in the case of vehicles seating more than four passengers, arrangements must be in place to carry luggage commensurate with the number of passengers carried.
- b. It must be physically separated from the passenger seating.
- c. In the case of mini-bus, conversion or M.P.V. any luggage which occupies the passenger compartment must be separated from the passengers in a safe manner, and not obstruct any passageway or exit door.

6.12 Tinted Windows

- a. Tinted windows or anything that prevents clear vision into the vehicle shall not be permitted.

7. Grant of a Licence: The Vehicle (Initial Inspection Renewal Application)

7.1 The vehicle must satisfy the conditions in this section and may be presented to an authorised officer for inspection to ensure compliance with the following conditions.

7.2 The applicant must satisfy the conditions in this section prior to the initial inspection at Section 8.

- 7.3 An appointment will be made by the Licensing Authority for the applicant to attend the Council offices to renew the hackney carriage proprietor's licence. If the applicant is unable to attend he/she shall contact an Authorised Officer as soon as possible. In any event at least 24 hours notice of cancellation should be given. This excludes Saturday, Sundays and Bank Holidays. Failure to keep an appointment for renewal may incur a fee payable to the Isle of Wight Council.**
- 7.4 A vehicle shall be taken as being re-licensed only if there was in force in respect of that vehicle immediately prior to its being re-licensed a current Taxi licence previously issued by the Council. There may be no lapse between licences.**
- 7.5 Safety Considerations**
- a. Any vehicle to be licensed must comply with European Whole Vehicle Type Approval, category M1.
 - b. If the vehicle is not certified to this standard the applicant must produce a low volume build certificate or other reliable documentary evidence to show that the vehicle has been tested to an equivalent standard, to the satisfaction of the Licensing Officer.
 - c. A vehicle which is capable of carrying a passenger who is seated in a wheelchair must load and unload any such passengers through a side door, unless the vehicle is fitted with a powered tail lift for the purpose of loading and unloading wheelchair-bound passengers.

7.6 Wheelchair accessibility

This condition shall be reviewed on 1 January 2010 and shall not apply until 1 January 2015 unless the Disability Discrimination Act 1995 pt V (ss32-38) shall have effect prior to that date.

- a. A licence issued on renewal after 1 January 2015 shall not be issued in respect of a vehicle that cannot carry at least four passengers, one of whom shall be carried whilst seated in a wheelchair.
- b. If the licence for the vehicle is being renewed before 1 January 2015 and the vehicle is already a vehicle that can carry at least 4 passengers, one of whom shall be carried whilst seated in a wheelchair, the following conditions shall also apply

- i. The wheelchair must be loaded from the side unless the vehicle is fitted with a powered tail-lift.
- ii. A vehicle complying with the specifications required by the Disability Discrimination Act 1995 must be designed or adapted to carry at least one passenger who is seated in a wheel chair.
- iii. There must be sufficient space between the front of the rear seat and any partition for an occupied wheelchair to turn.
- iv. There must be sufficient space for a wheelchair to travel facing rearwards.
- v. There must be a separate means of securing the chair and the wheelchair occupant.
- vi. There must be wheelchair ramps carried in the vehicle.

7.7 Age

Each vehicle will be considered on its individual merits. The age of a vehicle alone shall not preclude an applicant from obtaining a proprietors licence for that vehicle.

- a. If the application is for the renewal of a licence the vehicle must be no more than seven years old from the date of first registration. This condition shall take effect from 1 January 2010
- b. In the case of a vehicle that complies with the current Conditions of Fitness laid down by the Public Carriage Office, i.e. a "London type" taxi, it must not be more than fifteen years old in any subsequent renewal.
- c. Any vehicle with a "Q" plate registration will not be licensed if in excess of 5 years from date of manufacture. Where the age of a "Q" registered vehicle is not identifiable the age will be calculated as three years old at the date of "Q" registration in line with the policy of the D.V.L.A.
- d. The maximum age limits may only be exceeded if the vehicle is presented in exceptional condition. (See Section 10).

7.8 Colour

If a vehicle satisfies all the conditions in section 7 and remains licensed on renewal, this condition shall not take effect until the vehicle is replaced. The condition shall subsequently apply to the replacement vehicle.

- a. A licence issued on renewal after 1 January 2010 shall not be issued in respect of a vehicle that is not silver all over. A vehicle that is due for renewal between 1 January 2010 and 31 December

2010 will not have to comply with this condition until the date of renewal.

7.9 Left Hand Drive

- a. The vehicle shall not be left hand drive.

7.10 Doors

This condition shall be reviewed on 1 January 2010 and shall not cease to apply until 1 January 2015 unless the Disability Discrimination Act 1995 pt V (ss32-38) shall have effect prior to that date.

- a. In the case of a normal saloon or estate type vehicle, it must be fitted with at least four doors.

7.11 Wheels

- a. The vehicle must have at least four external road wheels.
- b. A spare wheel must be carried in the vehicle in the manufacturer's allocated space.
- c. No customers shall be conveyed when a space saver type wheel is being used on the vehicle.

7.12 Seats

- a. All seats must be fitted with seat belts.
- b. All seats must face forward or backwards in relation to the direction of travel.
- c. All passenger seats must be at least 16 inches (40.64 centimeters) per person in width.
- d. All seats must be of sufficient size to accommodate the number of passengers the vehicle will be licensed to carry, (the minimum number being four), and the rear seat width must not be less than 48 inches (121.92 centimeters) being clear of any obstruction such as handles or arm rests.
- e. In the case of a vehicle that makes provision for the carriage of passengers whilst still occupying a wheelchair there must be separate means of securing the wheelchair and the passenger.
- f. No seat shall have to be moved or tilted for a passenger to enter or leave the vehicle.

7.13 Luggage

- a. Luggage space must be a minimum of 0.5 cubic metres, or in the case of vehicles seating more than four passengers, arrangements must be in place to carry luggage commensurate with the number of passengers carried.
- b. It must be physically separated from the passenger seating.
- c. In the case of mini-bus, conversion or M.P.V. any luggage which occupies the passenger compartment must be separated from the passengers in a safe manner, and not obstruct any passageway or exit door.

7.14 Tinted Windows

- a. Tinted windows that prevent clear vision into the vehicle or anything else that prevents clear vision into the vehicle shall not be permitted.

8. Grant of a Licence: The Vehicle (Mechanical Inspection)

- 8.1 If the vehicle meets the standards required by the initial inspection it should be presented to the Council's nominated test center, to determine that the vehicle is in a road worthy condition.
- 8.2 The requirement for a mechanical inspection shall apply to all vehicles except those that are new, and with less than 500 miles on the odometer, which will be exempt for the first licensing period.
- 8.3 The vehicle shall be presented at the nominated testing station in clean condition of both the exterior and interior of the vehicle.
- 8.4 If the applicant can not present the vehicle at the testing station on the appointed day and time, the testing station at annex (a) shall be contacted as soon as possible. In any event at least 24 hours notice of cancellation should be given. This excludes Saturday, Sundays and Bank Holidays.
- 8.5 The applicant must ensure that the driver of the vehicle remains at the testing station whilst the examination is carried out and answer any questions.
- 8.6 The applicant shall be aware of any changes to MOT Testing
- 8.7 If a vehicle fails the test and in the opinion of the examiner would fail to meet the standards required by the Motor Vehicles (Construction and Use) Regulations, then if the application is for the renewal of a hackney carriage

- vehicle licence the plate may be removed by the testing center or any authorised officer, until such time as the vehicle passes the test, and until such time as the plate is returned the vehicle may not be used for hire or reward.
- 8.8 The applicant in respect of any vehicle failing to keep an appointment for a testing will incur a fee payable to the nominated garage.
- 8.9 If the vehicle passes the test the applicant shall bring the pass sheet to the Isle of Wight Council Licensing Section within 7 days of the test.
- 8.10 If the vehicle fails the test, the applicant will be issued a failure sheet
- a. The applicant may arrange for the defects to be rectified at a garage of his choice
 - b. The applicant may resubmit the vehicle for examination in arrangement with the testing station

9. Grant of a Licence: The Vehicle (Issue of Licence)

- 9.1 Subject to all the conditions in sections 1 to 9 being met the licence will be granted after payment of the appropriate fee.
- 9.2 The licence shall be issued for a period of 1 (one) year

10. Grant of a Licence: Standards, Maintenance And Appearance Of The Vehicle Following The Grant Of A Hackney Carriage Vehicle Licence (Quality Regulation)

- 10.1 The vehicle and its fittings must at all times, when it is available for hire or being used as a taxi:
- a. Be safe
 - b. Be tidy
 - c. Be clean
 - d. Comply with all statutory requirements applicable to the class of vehicle to which it belongs including, but without prejudice to the generality of the foregoing, the Motor Vehicle (Construction and Use) Regulations.

- 10.2 The vehicle must be of a high standard of appearance to the complete satisfaction of the Council, and must be maintained to this standard throughout the period of the proprietors licence.
- 10.3 The vehicle must be kept in exceptional condition to include the following:

a. RUST.

Any vehicle presented should be free from any significant areas of visible rusting. Although minor blemishes should not constitute a failure any vehicle with more than three visible rust patches of more than 20 sq. cm. should be failed.

b. DENTS.

Any vehicle with minor dents on three or more panels where such dents are more than 5 sq. cm (1.97 sq inches) in diameter or length, or a single dent more than 20 cm (7.98 inches) in diameter or length should be failed.

c. SCRATCHES.

Any vehicle with visible scratches down to bare metal on three or more panels of 5 cm. (1.97 inches) in length or a single scratch of more than 20 cm (7.98 inches) in length should be failed.

d. PAINTWORK.

All panels on all vehicles including those which are wheelchair-accessible and those which conform to the Conditions of Fitness as prescribed by the Public Carriage Office shall be painted in the manufacturers silver colour. Vehicles with panels with unmatched colours or in primer should be deemed as failures.

Proprietor's licences that are renewed after 1 January 2010 shall comply with this condition from the date of renewal.

e. SEATS.

1. In conventional vehicles where it is intended that the licence be for four passengers the rear seat must be at least 48 inches (122 cm) in width. All seats shall have a minimum of 16 inches (40.64 cm) per person and in respect of seating comply with the Road Vehicles (Registration and Licensing) Regulations, 1971.

2. All seats including the driver's must be free from repaired cuts, tears or cigarette burns, except of a very minor nature. Any repairs must have been carried out in a professional and neat manner.

f. CARPETS / FLOOR COVERING.

All carpets and floor covering shall be complete and free from cuts, tears, or serious staining.

g. HEADLINING AND OTHER TRIM.

All interior trim, including headlining, shall be clean, complete, properly fitted, and free from serious cuts, tears, or major soiling.

h. WINDOW OPERATION.

All passengers excepting those occupying a middle seat must be able to open an adjacent window without difficulty. This section will not apply if the relevant window has glass not intended by the manufacturer to open, and the vehicle is fitted with working air-conditioning.

i. BOOT / LUGGAGE COMPARTMENT.

This should be empty, except for the spare wheel, essential tools, and the First Aid kit, (required to comply with Health and Safety, (First Aid) Regulations, 1981. The compartment should be clean and any covering free from major cuts, tears or other damage, or staining.

j. INTERIOR.

The interior must be kept clean, tidy and free of any litter or other rubbish.

k. WHEELCHAIRS AND SWIVEL SEATS.

1. There must be sufficient space between the front of the rear seat and any partition for an occupied wheelchair to turn.
2. There must be sufficient space for a wheelchair to travel facing rearwards.
3. There must be a separate means of securing the chair and the wheelchair occupant.
4. There must be wheelchair ramps carried in the vehicle.
5. A swivel seat if fitted must be properly maintained.

I. 6, 7 AND 8 SEAT VEHICLES

The following conditions apply in relation to the licensing of 6, 7 and 8 seat vehicles

1. The seating capacity shall be restricted to 6 passengers seated within the passenger compartment of the vehicle
2. This condition will apply to all of the following vehicles where there is a partition that clearly separates the driver from the passengers
 - a. All vehicles of similar design to the vehicle commonly known as the “London Cab”
 - b. FX, TX and other wheelchair accessible hackney carriages such as metro cab
 - c. All approved multi-purpose vehicles and other conversions with low volume build certificates or full M1 crash test by the Vehicles Certification Agency

m. ESTATE CARS

If the vehicle is an estate car it shall be fitted with a grille sufficient to prevent luggage carried in the rear compartment from coming into contact with persons in the rear seat

n. ALTERATION OF THE VEHICLE.

No alterations in the specification, design, or appearance of the vehicle shall be made without the approval in writing signed by the Manager or the Authorised Officer.

o. SIGNS, ETC.

1. No signs, notices, advertisements, plates, marks, letters, figures, symbols, emblems or devices whatsoever, (collectively referred to as “signs”), other than those mentioned in this section shall be displayed in, on or from the vehicle.
2. Permitted signs are:
 - a. The registration number
 - b. Any sign required by statute or subordinate legislation

- c. Any sign on a taximeter indicating that the vehicle is for hire
- d. The external plate issued by the Council, on the outside rear of the vehicle displayed in accordance with paragraph 10(3)(q) of this section, or if this is not practicable in such a position as approved by the Authorised Officer.
- e. A notice informing customers where to complain if dissatisfied with the service received.
- f. The roof sign referred to in paragraph 10(p) below
- g. Licensed Hackney Carriages may have the word "TAXI" on the front bonnet, but no other signs or advertisements may displayed to the front of a taxi except for an approved roof sign.
- h. Any sign indicating membership of a national motoring organisation
- i. Any sign requesting passengers not to smoke in the vehicle
- j. The tariff card.
- k. Any sign approved by the Council to indicate that the payment of fares may be made by credit card, and which shall be displayed on the front windscreen of the vehicle.
- l. Any sign provided by Isle of Wight Council to show that the vehicle is used for school contracts, which shall be displayed in the front windscreen in such a manner so as to not obstruct the driver's vision, and may only be displayed when actually employed in the performance of such contract work with pupils being carried.
- m. Any sign to indicate to passengers, or prospective passengers that the interior of the vehicle is monitored by Closed Circuit Television.
- n. Signs on the rear doors, maximum size 12 inches by 8 inches, which advertise local companies or companies that trade locally, and are approved by the Manager.
- o. Any other sign within or on the vehicle must be approved by the Authorised Officer and must meet the conditions as set out above.
- p. Any permitted sign must be positioned so as not to impede visibility; and in no event shall the sign be placed on the rear window of the vehicle; nor shall any hanging obstruction be placed in any part of the vehicle.

- q. Any sign that identifies the company or proprietor and a telephone number.
- r. Advertisements that are for a local company or a company that trades locally are permitted. Advertising for a local company and advertising shall be treated in the same way. Such signs are subject to the restrictions listed below:
 - 1. They do not contain anything of a religious or political nature.
 - 2. Advertisements for alcohol or tobacco products are not allowed.
 - 3. Advertisements and signs, which contain any matter likely to cause offence, are not allowed.
 - 4. Advertisements and signs, which are insulting or abusive, are not allowed.
 - 5. No advertisements or signs are allowed on any part of the glass area, except those signs required by law or specifically allowed by these conditions, and
 - 6. Are submitted by the owner for approval by the Senior Licensing Officer.
- 3. Regardless of any other consideration or condition or regulation, a licensed Taxi shall remain predominantly silver

p. ROOF SIGNS.

- 1. A sign bearing the word “taxi” on it’s front and rear face must be installed on the roof of the vehicle in a position central to the width of the roof. The word “taxi” must be plainly and distinctly visible from the front and rear of the vehicle.
- 2. The sign may include the name and telephone number of the taxi company and must be illuminated when the vehicle is plying for hire, during the hours of darkness or in conditions that make the use of sidelights or headlights compulsory or advisable.
- 3. The sign must be white with black lettering showing to the front and red with black lettering showing to the rear.
- 4. The sign may include the Council crest.

5. The sign must comply with any requirements of vehicle lighting regulations at all times.
6. These conditions shall not apply to a vehicle complying with the Conditions of Fitness prescribed by the Public Carriage Office. Vehicles of this specification must display a sign bearing the "taxi" on its front at roof level. The word "taxi" must be plainly and distinctly visible from the front of the vehicle.

q. LICENCE PLATE

1. The proprietor of a hackney carriage shall cause the identification plate issued by the council bearing the number of the licence granted in respect of the vehicle to be securely fixed to the outside from the center to the offside rear of the vehicle, affixed to the body of the vehicle just above the rear bumper attached to the rear bumper in such a position that it shall be clearly visible from the rear of the vehicle.
2. The proprietor of a vehicle shall not wilfully or negligently cause or suffer any such plate to be concealed from the public view while the carriage is standing or plying for hire
3. Cause or permit the vehicle to stand or ply for hire with such plate so defaced that any such number is illegible.
4. The Council must be informed immediately should the licence plate showing the number of the Taxi licence be broken lost or defaced.
5. On no account must a Taxi ply for hire without a plate, as required under Town Police Clauses Act 1847, sections 51 and 52.
6. The plate must be removed immediately when the licence expires or is suspended, revoked or cancelled.
7. The plate remains the property of the Council and must be returned to the Council as soon as possible and in any case within seven days after the licence

to which it refers has expired, or is surrendered, revoked or cancelled.

10.4 DUAL PLATING

- a. No vehicle will be granted a licence if it is licensed in another local authority area where different requirements apply to each of the local authorities. This requirement includes the fare tariff of each local authority to be identical.

10.5 FIRE EXTINGUISHER

- a. Shall be carried in the vehicle at all times
- b. The extinguisher shall not be located in the passenger or driver compartment unless the vehicle is fitted with a partition between passengers and the driver in which case the fire extinguisher may be fitted in the driver compartment and must be secured with an appropriate restraint.
- c. The fire extinguisher shall be either a one kilogram dry powder or a one litre AFFF.
- d. The fire extinguisher shall be fitted with a gauge to show the state of charge and should be manufactured to satisfy relevant BSEN accreditation

10.6 FIRST AID KIT

- a. A first aid kit must be carried in the vehicle at all times

10.7 RADIO SCANNER

- a. The proprietor of any vehicle shall not allow a radio scanner to be used in the vehicle.

10.8 TAXI METER

- a. The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements:
 - 1. The taximeter shall be fitted with a key, flag or other device the turning, or pushing of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter.

2. Such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter.
 3. The taximeter shall be of the modern progressive type meter approved by the council (that is one that has a digital clock). The meter is not required to be calendar locked.
 4. When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hiring of the vehicle by distance in pursuance of the tariff fixed by the council
 5. The word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon
 6. The taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring
 7. The taximeter and all the fittings thereon shall be so affixed to the vehicle with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances
- b. In a case where it appears to the council to be impracticable for a proprietor for the time being to comply with any requirement contained in this section, they may issue a certificate to that effect to the proprietor and thereupon the proprietor shall not contravene these conditions. If the proprietor causes or permits the carriage to stand or ply for hire until the expiry of such period of time as may be specified in the certificate for compliance with the requirement as aforesaid.

- c. The proprietor shall ensure that the taximeter is set to the Isle of Wight Council's fare tariff and that only the maximum fare for the tariff shown is displayed on the face of the taximeter at any time.
- d. The proprietor of a hackney carriage provided with a taximeter shall
 - 1. Ensure when standing or plying for hire, keep the key, flag or other device locked in the position to which no fare is recorded on the face of the taximeter
 - 2. Ensure before beginning a journey for which a fare is charged for distance and time bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring
 - 3. Cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness, this being the time between half an hour after sunset to half an hour before sunrise and also at any other time at the request of the hirer
- e. The proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the vehicle is provided, with the fittings thereof, or with the seals affixed thereto.
- f. The proprietor shall ensure that the vehicle is presented to the council when requested and allow the taximeter to be tested for accuracy of the settings against the measured distance used by the council.

10.9 FARES

- a. The proprietor of a hackney carriage shall be entitled to demand and take for the hire of the vehicle the rate or fare prescribed by the council, the rate or fare being calculated by distance unless the hirer express at the commencement of the hiring his desire to engage by time.

- b. Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor (or driver) thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the council which it may not be possible to record on the face of the meter.
- c. The proprietor (or driver) of a hackney carriage shall cause the statement of fares fixed by the council to be exhibited inside the carriage in clearly distinguishable letters and figures
- d. The proprietor (or driver) of a hackney carriage bearing a statement of fares in accordance with the council shall not willfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire

10.10 CLOSED CIRCUIT TELEVISION

- a. The Council encourages vehicle owners and drivers to take steps to ensure their own personal safety, whilst maintaining the privacy of passengers. No vehicle may be fitted with photographic, video or CCTV equipment unless it complies with the following:
 - 1. The images must be encoded to ensure that only authorised persons have access to them.
 - 2. The images must be coded with the date and time of recording.
 - 3. If the images are to be stored by the driver or any person under his control, a certificate of registration from the Data Commissioner must be produced.
 - 4. If the images are to be stored elsewhere, details must be given.
 - 5. The vehicle must be fitted with adequate signs indicating that recording equipment is in use, which are displayed to the outside of the vehicle.
 - 6. Under no circumstances will equipment be authorised which makes use of a videocassette recorder carried on the vehicle.
 - 7. For the purpose of paragraph 1 above, an authorised person is a police officer, an authorised officer of the Council, and accredited staff of the equipment manufacturer or installer.

10.11 DRIVER IDENTITY BADGE

- a. The proprietor shall ensure that the drivers badge shall be worn by the driver at all times when driving the vehicle or if it is not worn by the driver, that it is secured within the vehicle and plainly visible to all passengers. The badge must be worn on the upper front of the torso in a position where it can clearly and readily seen by any person in front of the driver.

10.12 DOCUMENTS.

- a. There must be carried in the vehicle when it is available for hire or being used as a hackney carriage:
 1. The current Certificate of Insurance or cover note.
 2. A copy of the current tariff as approved by the Council, clearly displayed within the vehicle where any passenger being carried may see it.
 3. A current Vehicle Excise Licence, (the tax disc), correctly displayed in bottom left hand corner of the windscreen.

10.13 TOWING OF TRAILERS

- a. No licensed vehicle may tow a trailer unless evidence of valid insurance to cover such use for hire and reward has been produced to an Authorised Officer.
- b. The vehicle licence plate giving the licence number must be clearly displayed on the rear of any trailer used, this sign being in addition to that on the rear of the vehicle.
- c. The contents of the trailer must be secured and covered in a proper manner.
- d. Any trailer used must comply with regulations in all respects, and where required, the driver must hold the appropriate licence as issued by the D.V.L.A.

10.14 ASSISTANCE DOGS

- a. No driver may refuse to carry an assistance dog that is in the charge of a fare paying passenger and no charge shall be made for the carriage of such a dog whilst in the company of a disabled person or a person training such a dog.
- b. Any driver with a medical reason for not complying with this legal requirement must apply for a Certificate of Exemption from the Licensing Authority to exempt him from S. 37, DDA, 1995. Any payment for such medical examinations as may be required is the responsibility of the applicant.
- c. All vehicles and drivers must comply with the requirements of the Disability Discrimination Act 1995, in respect of such assistance dogs. Failure to do so is a criminal offence that may lead to prosecution as well as suspension of the driver's licence.
- d. The certificate of exemption must be displayed in the vehicle at all times whilst being driven by the driver so exempted.

10.15 MECHANICAL BREAKDOWN

- a. If any vehicle becomes unfit to complete a hiring during the hiring:
 - 1. The driver shall be entitled to demand the fare for the distance already travelled.
 - 2. The driver shall secure alternative transport without delay to complete the journey if the hirer so wishes.
 - 3. If the original vehicle is repaired and completes the hiring the driver shall be entitled to the full fare for the journey with the exception of any time that the hirer waited for the repair to be executed.
 - 4. Any such incident must be reported to the Authorised Officer within one working day.

10.16 DAMAGE TO LICENSED VEHICLES.

- a. The owner of a taxi must report to the Authorised Officer as soon as reasonably practicable, and in any case within 72 hours, the occurrence of any accident involving the taxi.
- b. The Authorised Officer will inspect the vehicle and decide whether the vehicle is fit to continue in service.

- c. If the Authorised Officer considers the damage to be such that the vehicle may continue in service until such time as a permanent repair is undertaken these must be undertaken within 28 days of the damage occurring.
- d. If any damage is considered by the Authorised Officer to be extensive enough to affect the safety or general appearance of the vehicle it must be immediately withdrawn from service and the plate removed. The vehicle must be repaired before the plate is re-affixed and the vehicle returned to service.
- e. In the case of any dispute as to section 4 above the vehicle will be taken to the Council nominated testing station where a qualified mechanic will give a binding decision, which will be final. The owner will pay the fee for such examination.
- f. **Replacement Vehicles.** Any replacement vehicle must comply with Sections 6 and 8 above.

10.17 TRANSFER OF VEHICLE LICENCE

a. Change of vehicle owner

- 1. If an owner transfers his interest in a vehicle to somebody else, he must immediately give notice in writing to the Authorised Officer, giving the name and address of the transferee. (Section 49(2) LG (MP) Act 1976).
- 2. In no circumstances may the vehicle be used as a licensed vehicle by the new owner until the licence has been transferred to that person and all documentation completed and any necessary fees paid.
- 3. For administrative convenience, the new owner may be issued with a new licence and vehicle plate in his own name. In all other respects, the vehicle will remain a continuously licensed vehicle. The previous licence number will be retained to be re-issued should the vehicle transferor wish to licence another vehicle.

10.18 Appearance of Drivers

- a. The hackney carriage/ private hire driver shall at all times be dressed in a manner not to cause embarrassment or offence to members of the public and in particular but without prejudice to the generality of the foregoing;

1. Shall wear

a. Tops

Shirts, blouses, T-shirts, or sweat tops should over the shoulders and be capable of being worn inside trousers or shorts.
Shirts or blouses can be worn with a tie or open-necked.

b. Trousers/Shorts/Skirts

Long trousers.
Tailored shorts which reach to within 3 inches above the knee when the driver is standing upright

c. Footwear

Suitable footwear for driving

2. Shall not wear

- a. Swimming costume
- b. Sleeveless vest or singlet.
- c. Football shirt
- d. Tracksuit bottoms

10.19 Public Register

a. A register will be kept of the details of all hackney carriage proprietors licences that have been issued by the Isle of Wight Council.

1. The details required to be kept include:

- a. Name
- b. Address
- c. Licence Number
- d. Period for which the licence is valid
- e. Offences

b. The Register shall be open to public inspection.

10.20 Receipts

- a. Any passenger requesting a receipt for payment made will be provided with a receipt showing the date, fare paid and will be signed by the driver.
- b. It shall be in such a form as to identify the company or individual providing the receipt.

10.21 Responsibilities and conduct

- a. The proprietor and driver of a hackney carriage shall ensure that when the vehicle is plying for hire in any street and not actually hired
 - 1. Proceed with reasonable speed to one of the stands fixed by the council
 - 2. If a stand, at the time of his arrival is occupied by the full number of vehicles authorized to occupy it, proceed to another stand
 - 3. On arriving at a stand not already occupied by the full number of vehicles, station the vehicle immediately behind the vehicle or vehicles on the stand and so as to face in the same direction
 - 4. From time to time when any other carriage immediately in front is driven off or moved forward, cause his/her vehicle to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
- b. A proprietor and driver of a hackney carriage, when standing or plying for hire shall not, by calling out or otherwise, interfere with the free selection by any person of the particular carriage on the stand which such person may desire to hire. The proprietor shall not make use of the services of any other person for the purpose
- c. The proprietor and driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle

- d. The proprietor and driver of a hackney carriage shall not at any time smoke whilst in the hackney carriage or allow customers to smoke whilst in the hackney carriage
- e. The proprietor and driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place
- f. The proprietor and driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons than the number of persons specified on the plate affixed to the outside of the carriage
- g. The proprietor and driver of a hackney carriage must ensure when requested by any person hiring or seeking to hire the carriage
 - 1. That a reasonable quantity of luggage is conveyed
 - 2. That reasonable assistance in loading and unloading is provided
 - 3. That reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such a person is provided
- h. The proprietor of a vehicle shall within 7 days disclose to the Council in writing, details of any convictions imposed on him/her (or if the proprietors are a company or partnership, on any of the directors or partners) during the period of the licence.

10.22 FOUND PROPERTY.

- a. The proprietor or driver of a hackney carriage shall immediately after termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein
 - 1. Carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to:

- a. the office of the council, and leave it in the custody of the officer in charge of the office on his giving a receipt for it, or
- b. the office of the council is closed to a police station in the district

10.23 DEAD BODIES

- a. The proprietor or driver of a hackney carriage who shall knowingly convey in a carriage a dead body of any person, shall immediately thereafter, notify the fact to the Council's Environmental Health Department

10.24 COMPLAINTS

- a. The proprietor of a hackney carriage shall provide a sign The proprietor or driver of a hackney carriage giving driver and proprietor details and where to complain, to be positioned on the dashboard in the taxi, making it clearly visible to all passengers

10.25 PERMITTING OR EMPLOYING ANY OTHER PERSON TO DRIVE.

- a. If the proprietor of a Hackney Carriage permits or employs any other person to drive the vehicle as a taxi vehicle he shall, before the person commences to drive the vehicle, cause the driver to deliver to him his hackney carriage drivers licence and retain it until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.

10.26 CHANGE OF ABODE

- a. The proprietor must inform the Council of any change of address, in writing, if possible before the change of address, but in any case, not more than seven days after the change.

10.27 CHANGE OF VEHICLE

- a. Any change of vehicle must comply with all conditions in section 6.

10.28 COMPLAINTS AGAINST VEHICLES

- a. Any vehicle against which a complaint is laid must be presented to the Authorised Officer within one working day of the request being made, for inspection, testing, and for the driver to answer such complaint.

10.29 INSPECTION

- a. An Authorised Officer may call in the vehicle for inspection at any time.
- b. Failure of the proprietor to attend and show any documentation as requested may lead to suspension or revocation of the licence under section 68 of the Local Government (Miscellaneous Provisions) Act, 1976.
- c. An Authorised Officer may stop any licensed vehicle at any time, in the interests of public safety, to ensure it fitness to be used as a hackney carriage.

10.30 RANKS

- a. The number of vehicles stationed at any rank must not exceed the number for which the rank is appointed, at any time.

10.31 CORRESPONDENCE

- a. All correspondence with the licensing authority must be submitted in writing unless of a minor nature.
- b. All applications for information must be made in writing unless of a minor nature
- c. All complaints submitted by hackney carriage proprietors must be submitted in writing.

10.32 INSURANCE

- a. A certificate of motor insurance that covers the vehicle under the licence must be compliant with the Road Traffic Act 1988 as regards the carriage of passengers for hire or reward.
- b. The policy shall remain in force for the duration of the licence

11. Trade Associations

11.1 Hackney Carriage Proprietors Association

- a. Proprietors may form a trade association
- b. If a trade association is formed, a copy of the constitution and the rules of that association shall be forwarded to the Senior Licensing Officer.
- c. The Association must provide the Senior Licensing Officer with a typed list of all officers and members of the association
- d. The association must keep the Senior Licensing Officer informed in writing of the changes to any names of officers and members of the association.
- e. The association will provide the Senior licensing Officer with a standard letterhead for use by the taxi proprietors association. All Correspondence from the association must be submitted on the declared letterhead
- f. If these conditions are not met, the Licensing Authority shall not recognise the association as being properly constituted and all correspondence will be treated as correspondence from the individual and not representative of the trade as a whole.

12. Non-Motorised Vehicles

- 12.1 An application may be received for a non-motorised vehicle for licensing as a hackney carriage.
- 12.2 The applicant must comply with the conditions in the preceding sections above insofar as the conditions are reasonable and necessary and at the discretion of the Senior Licensing Officer.

13. Non-Motorised Vehicles. Grant of a Licence: Form of Application

- 13.1 The application must:
- a. Be made in writing.
 - b. Be made on the correct application form
 - c. Be accompanied by the full fee.
 - d. Be accompanied by the necessary documents which are:
 - i. A certificate of insurance for third party liability to cover all non-motorised vehicles
 - e. Be fully and correctly completed
- 13.2 If the application fee is paid by cheque, the fee shall not be deemed to have been paid in full, until the funds have cleared.
- 13.3 A licence will not be granted or issued until the fee has been paid in full
- 13.4 Any incomplete or incorrectly completed application will be returned to the applicant
- 13.5 Any application received after the renewal date will be considered as a new application and not a renewal
- 13.6 Without prejudice, the Council reserves the right to charge the full licence fee in the case of a late application.
- 13.7 The fee may be increased or decreased by the council in accordance with legislation and policy.

14. Non-Motorised Vehicles. The Hearing

- 14.1 A licence may be granted, under delegated authority, by an authorised officer.
- 14.2 Attendance at the licensing committee will not always be necessary when applying for the grant of a licence.

15. Non-Motorised Vehicles. Grant of a Licence. The Applicant

- 15.1 The applicant must satisfy the Council that he or she is a fit and proper person to hold the licence.
- 15.2 The Council will have regard to the Isle of Wight Council Policy relating to the relevance of convictions.

16. Non-Motorised Vehicles. Grant of a Licence. The Vehicle (Initial Inspection First Application)

- 16.1 The vehicle must satisfy the conditions in this section and may be presented to an authorised officer for inspection to ensure compliance with the following conditions.
- 16.2 The Isle of Wight Council will consider each application on its individual merits.
- 16.3 The decision of the council will be made in order to safeguard public welfare and to protect the health, safety and economic well-being of consumers in accordance with the Environmental Health and Licensing Service Plans.

17. Non-Motorised Vehicles. Grant of a Licence: The Vehicle (Issue of Licence)

- 17.1 Subject to all the conditions in the preceding sections being met to the satisfaction of the Senior Licensing Officer, the licence will be granted after payment of the appropriate fee.

18. Enforcement

- 18.1 Any enforcement action instigated by the Council will be in accordance with the Enforcement Concordat and the Environmental Health Enforcement Policy.

19. Data Protection

- 19.1 The Isle of Wight Council (“the Council”) is the Data Controller of all personal information recorded for the purposes of these conditions. The Council will process and hold that information in accordance with principles of the Data Protection Act 1998.
- 19.2 The information supplied and held may be disclosable in accordance with the Freedom of Information Act 2000 or Environmental Act 2004. Any person that believes their information should not be disclosed should notify the Council of the reasons for such belief.