



# *Basingstoke and Deane*

## **TOWN POLICE CLAUSES ACT 1847**

## **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – PART II**

## **HACKNEY CARRIAGE VEHICLE LICENCE**

### **Conditions of Licence - Definitions**

In this Licence, and in these conditions, unless the subject or context otherwise requires:-

“Authorised officer” means an officer of the Council authorised in writing by the Council for the purpose of these conditions;

“The Council” means the Basingstoke and Deane Borough Council;

“Hackney Carriage” has the same meaning as in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, Part II;

“Licence plate” means the plate issued by the Council for the purpose of identifying the vehicle as a hackney carriage vehicle duly licensed by the Council;

“Proprietor” means the person or persons or body named in the licence as the proprietors of the vehicle and includes a part-proprietor;

“The vehicle” means the hackney carriage vehicle in respect of which this licence is issued.

“Exceptional condition” means meeting the Certificate of Compliance test standard detailed in the vehicle standard inspection manual.

### **Licence conditions**

The proprietor shall observe and perform the following terms and conditions in respect of Hackney Carriage licences:

1. The proprietor shall comply with the provisions of the regulations relating to Hackney Carriages contained in the Town Police Clauses Act 1847, the Public Health Act 1875 (as amended), the Local Government (Miscellaneous Provisions) Act 1976 (Part II) or any re-enactments thereof, and with the Byelaws made by the Council.

## 2. Specification of Vehicle

- (a) the vehicle hereby licensed shall comply with the Council's Specifications for vehicles to be licensed as hackney carriage or shall have otherwise complied with the requirements of the Council that it is in a suitable mechanical condition, is both safe and comfortable for the carriage of passengers and suitable in type, size and design for use as a hackney carriage;
- (b) The approved vehicle makes and models which may be licensed as hackney carriages are:

London Taxi TX1 and TX2  
Volkswagen Transporter/Shuttle/ Caravelle  
Peugeot Euro 7 (or variations)  
Mercedes Vito  
Fiat TW200

The Fiat, Volkswagen, Peugeot and Mercedes vehicles must be converted by an approved conversion company.

- (c) The hackney carriage vehicle to which this licence relates shall at all times during the continuance of the licence be maintained in sound mechanical condition and the coachwork and upholstery shall be kept in good and clean order and fit for public service to the satisfaction of the Council.

## 3. Vehicle Age

- (a) a hackney carriage shall be less than three years of age on first licence;
- (b) a hackney carriage eight years of age and over shall not be relicensed unless deemed in exceptional condition;

## 4. Vehicle Testing

- (a) a hackney carriage will require a Compliance Test Certificate at first licence and annually thereafter. The vehicle test must be carried out at the Council's authorised test centre
- (b) a hackney carriage between three to eight years of age will be licensed annually but will require a Compliance Test Certificate every six months.
- (c) a hackney carriage over eight years of age will be licensed annually but will require a Compliance Test Certificate every four months
- (d) the driver shall produce the Compliance Test Certificate on request to any authorised officer or to a police constable;

## 5. Use of the Hackney Carriage

- (a) no vehicle shall be used as a hackney carriage unless there is in force for that vehicle a hackney carriage vehicle licence granted by the Council;
- (b) the proprietor shall cause the number of the licence to be fixed and displayed on the vehicle at all times during which the vehicle is licensed as a hackney carriage, The number to be displayed by means of a licence plate issued by the Council to the proprietor.
- (c) the licence plate shall be fixed and displayed outside and on the rear of the vehicle either immediately above or immediately below the bumper (in such a position that the vehicle's registration mark is not obscured) with the particulars thereon facing outwards and in such manner and place that the licence plate is clearly visible by daylight from the road at the rear of the vehicle.
- (d) The hackney carriage must have displayed within it, a Council issued internal sticker detailing vehicle licence information and notes to passengers. This must be displayed either on the passenger side of the driver partition or at an alternative location agreed by the Council.
- (e) the licence plate shall remain the property of the Council and shall be returned to the Council within 7 days after the service on the proprietor of an appropriate notice by the Head of Environmental Health, Licensing and Parking if the proprietor no longer holds a hackney carriage vehicle licence granted by the Council which is in force in respect of the vehicle. Any deposit which may from time to time be determined by the Council in respect of the licence plate shall be refunded upon the plate being returned to the Council in a satisfactory condition.
- (f) The hackney carriage must not be used after the expiry of the hackney carriage licence unless the licence has been renewed and the licence plate replaced.

## 6. Fare Tariff Card

The proprietor shall cause to be displayed inside the licensed vehicle:-

- (a) the fare card supplied by the Council which shall also contain the number of the vehicle's hackney carriage licence plate. This fare card shall be prominently displayed inside the vehicle and no charges greater than those specified on the fare card shall be charged.

## 7. Plying for Hire

- (a) The area within which a vehicle licensed by the Council as a hackney carriage shall be entitled to ply for hire shall be within the Borough of Basingstoke and Deane only.

## 8. Availability of vehicle for inspection

- a) the proprietor shall permit an authorised officer of the Council to inspect and test a hackney carriage at all reasonable times. If the officer is not satisfied as to the fitness or condition of the hackney carriage, or any taximeter fitted thereto, he/she shall give notice in writing to the proprietor to make the vehicle available for further inspection and testing at such reasonable time and place as specified in the notice, the vehicle licence being suspended until such time as the officer is so satisfied. Provided that if the officer is not so satisfied within 2 months from the date of the suspension, the licence shall be revoked;
- (b) in the event of a vehicle licence being suspended under (a) above, the licence plate shall be immediately surrendered to the authorised officer or a police officer and shall be held by him pending the testing of the vehicle;
- (c) without prejudice to the aforementioned conditions, the proprietor on receipt of a notice in writing from the Head of Legal and Democratic Services, shall present the hackney carriage vehicle for inspection and testing by or on behalf of the Council. The separate occasions of inspection and testing shall not exceed three in number in any one period of twelve months, and a test shall not be required within two months of a previous test when the vehicle was found to be satisfactory.

## 9. Insurance

- (a) the proprietor shall at all times during the currency of the licence keep in force, in relation to the use of the vehicle as a hackney carriage, public liability insurance cover of £2m, and a policy of insurance issued by an approved insurance company on a minimum of third party basis and comply with the requirements of Part VI of the Road Traffic Act 1972 or any re-enactment thereof;
- (b) on being so required by an authorised officer the proprietor shall produce to that officer for examination a certificate of insurance issued by an approved insurance company in respect of the hackney carriage vehicle for the purpose of Part IV of the Road Traffic Act 1972, or any re-enactment thereof, provided that if the proprietor fails to produce such certificate to that officer on request, the proprietor shall within five days of such request, produce it to that officer or to any other authorised officer at the Civic Offices, London Road, Basingstoke.

## 10. Taximeter

- (a) the proprietor shall provide and affix to the hackney carriage vehicle, a Fares Taximeter. Such taximeter to comply with the requirements of the Hackney Carriage Byelaws (with particular reference to Article 4 (e) thereof) and shall be maintained in full working order at all times;

- (b) in the event of such taximeter suffering any malfunction or repair the proprietor shall immediately inform the Council in order that the taximeter may further be tested and sealed.
- (c) hackney carriage fare meters shall only be programmed with tariff 1.
- (d) hackney carriage fare meters may be programmed with multi-tariffs, approved by the Council, provided the meter is fitted with an automatic calendar clock.

11. Roof Sign

- (a) the proprietor shall provide and affix to the hackney carriage a suitable roof sign capable of being properly illuminated and bearing the word "Taxi" to the front of the sign.

12. Fire Fighting and First Aid

- (a) the proprietor shall cause to be carried on the vehicle an appliance for extinguishing fire which must be carried in such a position as to be readily available for use and such appliance must comply with the requirements relating to fire extinguishing appliances for use on public service vehicles and the specification of the British Standards Institution No. 5423 and have a minimum capacity of 1kg;
- (b) the proprietor shall cause to be carried in the vehicle at all times a first aid kit containing such dressings and appliances as may be required for use in emergency, the first aid kit to be maintained in full and proper order and immediately available.

13. Vehicle Damage

- (a) the proprietor shall report to the Council as soon as reasonably practicable and in any case within seventy-two hours of the occurrence thereof, any accident to the hackney carriage vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers carried therein;
- (b) the proprietor shall report to the Council any alteration in the design of the hackney carriage vehicle whether to the machinery or to the body, as a result of which the Council may require the proprietor to submit the vehicle for further examination.

14. Drivers

- (a) the proprietor shall not employ any person to drive a hackney carriage vehicle whilst such vehicle is plying for hire as a hackney carriage unless that person is in possession of a current hackney carriage driver's licence granted by the Council.

15. Passengers

- (a) The proprietor shall not convey (or permit, cause or suffer to be conveyed) in the vehicle a greater number of persons (excluding the driver) than the number of persons specified in the licence provided.

16. Vehicle Ownership Transfer

- (a) if the proprietor of this licensed hackney carriage transfers his interest in this hackney carriage to a person other than a proprietor specified in the licence, notice must be given to the Council in writing within 14 days of such transfer.
  
- (b) the new vehicle proprietor must apply for a transfer of the hackney carriage vehicle licence into his/her name and pay the relevant fee after providing evidence of proprietorship of the transferred vehicle. The vehicle licence will be transferred to the new owner.

Replacement Vehicle (permanent)

- (c) if the hackney carriage to which this licence relates is replaced you must make an application to transfer the licence to the new hackney carriage (*subject to completion of the relevant documentation and vehicle testing requirements*). A new licence plate will be issued along with a new paper copy.

Replacement Vehicle (temporary)

- (d) the proprietor must notify the Council if he/she requires a temporary hackney carriage to cover an off road hackney carriage. The licence will be temporarily transferred to the replacement hackney carriage whilst it is in use. On the return of the original hackney carriage to which this licence relates, the proprietor must notify the Council and the licence will be transferred back to the original hackney carriage.

17. Sub-Section (2) to (5) of Section 233 of the Local Government Act 1972, or any re-enactments thereof, shall have effect and are incorporated in these conditions in relation to any notice required or authorised by these conditions to be given or served on the proprietor by or on behalf of the Council by an authorised officer.

18. Advertising on Vehicles

- (a) proprietors wishing to display advertising on the hackney carriage must seek prior approval from the Council before applying any advertising material to the hackney carriage. Any unauthorised advertising may result in the suspension of the vehicle licence until such times as the advertising is approved or removed.

## 19. GENERAL CONDITIONS

The Council may decide to suspend, revoke or refuse to renew any licence in respect of a hackney carriage for any reasonable cause, including:-

- (a) that the hackney carriage is unfit for use as a Hackney Carriage vehicle;
- (b) any offence under, or non-compliance with, the provisions of the Town Police Clauses Act, 1847, the Local Government (Miscellaneous Provisions) Act 1976, Part II, or any re-enactments thereof, and the Byelaws relating to Hackney Carriages made by the Council.

### **FAILURE TO COMPLY WITH LICENCE CONDITIONS**

**Failure to comply with any of the above hackney carriage vehicle licence conditions without reasonable cause, will result in suspension and/or revocation of the vehicle licence to which these conditions are attached.**

### **SPECIAL NOTE**

Any person aggrieved by the refusal of the Council to grant a hackney carriage vehicle licence, or by any of the written conditions as attached to the grant of such licence, may appeal to the Magistrates Court within 21 days from the date on which notice of the councils requirement, refusal or other decision was served upon the person desiring to appeal.

### **Public Health Act 1936 – Section 300 (3)**

### **Local Government (Miscellaneous Provisions) Act 1976 Part II – Section 77 (1)**