

Vehicles

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4.1 Limitation of Numbers

- 4.1.1 The Council does not set a limit on the number of hackney carriages which it licences.
- 4.1.2 No powers exist for licensing authorities to limit the number of private hire vehicles which they licence.
- 4.1.3 The present legal provisions on quantity restrictions for hackney carriage vehicles are set out in section 16 of the Transport Act 1985. This provides that the grant of a hackney carriage licence may be refused, for the purpose of limiting the number of licensed hackney carriages

“if, but only if the Local Authority is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet”.

In the event of a challenge to a decision to refuse a licence on these grounds, it would, therefore, have to be established that the authority had been reasonably satisfied that there was no significant unmet demand.

4.2 Vehicle Specifications

- 4.2.1 Licensing Authorities have a wide range of discretion over the types of vehicle that they can licence as hackney carriages or private hire vehicles.
- 4.2.2 The Best Practice Guidance suggests that local Licensing Authorities should adopt the principle of specifying as many different types of vehicle as possible. Authorities are encouraged to leave it open to the trade to put forward vehicles of their own choice which can be shown to meet basic criteria. In that way, emerging new designs for vehicles can be readily taken into account.
- 4.2.3 The Council is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a hackney carriage or private hire vehicle licence. Hackney carriages and private hire vehicles provide a necessary service to the public, so it is appropriate to set standards for the external and internal condition of the vehicles, provided that the standards are reasonable and proportionate.
- 4.2.4 **Appendix A** sets out the minimum standards of vehicle specification that apply in respect of all licensed vehicle applications in this Authority. All holders of a Vehicle licence are required to read through and sign two copies which are countersigned by the Licensing Manager or Licensing Officer, one copy being kept by the licence holder and one copy kept with the

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4.3 Accessibility

4.3.1 The Council is committed to social inclusion and ensuring a wide variety of opportunities is available to those with mobility difficulties in order to enjoy a high quality of life. It fully supports the view of the Equality and Human Rights Commission that,

“Making successful journeys is critical to the social inclusion of disabled people. Without the ability to travel, disabled people are denied access to life opportunities. Their access to education, shopping, employment, healthcare, as well as social and family life is significantly improved when journeys become accessible”.

4.3.2 For this reason, the Council considers it important that people with disabilities have access to all forms of public transportation and will keep this section of the policy under review through periodic Disability Impact Assessments.

4.3.3 Drivers who, for medical reasons are unable to accept wheelchair passengers, or guide/hearing dogs are able to apply to the Council for an exemption certificate. Such a certificate will only be issued on production of medical evidence. Exemption certificates, which show the photograph of the driver, must be displayed in the vehicle at all times the driver is working.

4.3.4 It is arguable that different accessibility considerations should apply between hackney carriages and private hire vehicles in that hackney carriages can be hired in the street or at a rank, by the customer dealing directly with a driver. Private hire vehicles, however, can only be booked through an operator. It is considered particularly important that a person with a disability should be able to hire a hackney carriage with the minimum delay or inconvenience. The Council will, therefore, actively encourage the licensing of sufficient accessible vehicles and have regard to the requirements of the Equality Act 2010.

4.3.5 The private hire trade should, however, be aware of a good practice guide produced by the Equality and Human Rights Commission, as private hire operators also have a duty under the Equality Act 2010 to ensure disabled people are not discriminated against or treated less favourably.

4.4 Road Tax

4.4.1 All vehicles must comply with the Vehicle Excise & Registration Act 1994 (S29) requirement to have and display an appropriate tax disc for the vehicle class. Failure to have road tax will result in suspension of the licence until the vehicle is taxed.

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4.5 Environmental Considerations

- 4.5.1 The Best Practice Guidance asks licensing authorities to consider how far their vehicle licensing policies can and should support any local environmental policies that they have adopted, bearing in mind the need to ensure that the benefits outweigh costs (in whatever form). They suggest that authorities may, for example, wish to consider setting vehicle emissions standards, perhaps by promoting cleaner fuels.
- 4.5.2 It is considered that efforts should be made, through the licensing policy, to improve, as far as possible, the efficiency of vehicles licensed in the borough by, in particular, reducing the levels of CO₂ emitted. There is a movement towards the use of alternative fuels and in many areas LPG conversions to vehicles are perfectly acceptable and encouraged. This will, however, be dependent of supplies of such fuel being made readily available. It may also be the case that the installation of storage tanks into vehicles may affect the ability to carry luggage.
- 4.5.3 Clearly emissions from hackney carriages and private hire vehicles could be reduced further, by encouraging better maintenance of vehicles and by switching off engines when stationary or idling, particularly at hackney carriage ranks. It is proposed that this aspect be tackled through education and promotion.

4.6 Vehicle age and other criteria

- 4.6.1 When first licensed, all vehicles must be less than six years old from the date of first registration.
- 4.6.2 Saloon, estate, hatchback, or multi-passenger type hackney carriages/private hire vehicles, may be licensed for a maximum of ten years from the date of first registration, subject to six-monthly testing by one of the Council's authorised garages. Each six-monthly test requires the vehicle to obtain a "Compliance Pass Certificate".
- 4.6.3 "Fully Wheel Chair Compliant vehicles (Mi specification)" may be licensed to a maximum of fifteen years old from the date of first registration, subject to six-monthly testing by the Council's authorised garage. Each six-monthly test requires the vehicle to obtain a "Compliance Pass Certificate" from one of the Council's nominated garages.
- 4.6.4 The physical condition of a licensed vehicle is an important criteria used when assessing the suitability of a vehicle. In exceptional circumstances a licence may not be renewed if the physical condition of the vehicle is not of a suitable standard despite having passed a MoT test. The twice yearly

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4.6.5 Hackney carriage and private hire vehicles (including stretch limousines vehicles) are subject to both legislative and locally imposed conditions. **These combined conditions can be found in appendices A and B respectively.**

Vehicle	Age Criteria
Licensing a vehicle for the first time	Must be less than six years old from the date of first registration.
Re-licensing a Saloon, estate, hatchback, or multi-passenger	Ten years from the date of first registration
Licensing a Fully Wheelchair Compliant vehicles	Fifteen years from the date of first registration
Licensing a Wheelchair accessible approved by the Council	Fifteen years from the date of first registration
Limousines and Historic vehicles	There will be no age restriction on licensing limousines

4.6.6 In order to allow existing licence holders an appropriate period of time to meet these new age requirements, they shall be introduced as follows

- With effect from **1 June 2014** any new hackney carriage/ private hire vehicles submitted for licensing must comply with the above age requirements.

- With effect from **1 June 2016** all hackney carriage/ private hire vehicles submitted for licensing (new and renewal) must comply with the above age requirements.

4.7 Vehicle Testing and Inspections

4.7.1 An MOT pass certificate, from an inspection carried out by one of the authorised testing stations located within the Borough, must be produced for all vehicles. Subsequent MOT pass certificates must be produced annually.

4.7.2 In addition to the MOT testing, the vehicle must also be mechanically tested and inspected by the Council's nominated garage. This process is referred to as acquiring a "Compliance Certificate". When required to produce an MOT

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- 4.7.3 A vehicle is required to be re-examined, when the licence has been in force for six months, to ensure that it continues to meet the standards referred to above.
- 4.7.4 A reminder to have the vehicle tested is sent out four weeks prior to the test being required and the operators then make their own arrangement to have the vehicle tested. If the test is successful the operator is issued with documentation allowing them to collect their vehicle plate.
- 4.7.5 The number of approved testing stations be a minimum of six, all strategically positioned within the Borough and that the cost of the MoT test and compliance be determined by the provider.
- 4.7.6 The Authority may undertake its own programme of inspections between formal MOT tests, where an Officer is unsure as to a vehicle's compliance. The vehicle will be referred to the Council's nominated testing station for a formal assessment. Where the testing requirements are not met, the Officer may either agree a period of time for ratification and re-inspection, or suspend the vehicle until rectification and re-inspection has occurred. The test will be at the Proprietor's expense.

4.8 Insurance

- 4.8.1 There shall be a policy of insurance, or such security as complies with the requirements of Part IV of the Road Traffic Act 1972, during the duration of the vehicle licence. Under no circumstances will a vehicle licence be issued or renewed without proof that this section has been complied with.
- 4.8.2 The registered owner of the licensed vehicle shall ensure that it is adequately insured to the satisfaction of the Council and all relevant legislation at all times that it is available for the carrying of passengers.
- 4.8.3 At any time when the requirements of this section of the Policy have not been satisfied, the vehicle licence will automatically be suspended until such time as adequate insurance has been obtained.

4.9 Vehicles involved in an accident

- 4.9.1 Any licensed vehicle involved in an accident must be inspected by an authorised licensing officer to ensure the vehicle is roadworthy to continue operations. If a vehicle is taken off road for repair, there is an option to obtain a temporary licence for the accident replacement vehicle. This temporary vehicle will be subject to the same MoT and compliance requirements as the vehicle that it is replacing.

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4.10 Signage

- 4.10.1 Within the Borough of Tonbridge and Malling both hackney carriages and private hire vehicles are required to **permanently display** licence plates externally on the rear of the vehicle.
- 4.10.2 This is a key feature in helping to identify vehicles that are properly licensed. The plate details Tonbridge and Malling Borough Council as the Licensing Authority, the vehicle make, model, colour and registration mark, the number of passengers the vehicle can carry and the expiry date of the licence.
- 4.10.3 In addition to the external plate all vehicles must display a small internal plate containing the same details as the external plate. This plate can be read from both inside and outside of the vehicle and must be positioned at the top of the front nearside corner of the windscreen.
- 4.10.4 Hackney carriage vehicles are required to display permanently affixed signage to the front side doors of the vehicle. This signage contains the Council logo and the words "Tonbridge & Malling Borough Council" and "TAXI" and shows plate number.
- 4.10.5 Private Hire Vehicles to have an A4 size landscape transfer "Pre Booked Only" and showing plate number..
- 4.10.6 Under certain circumstances a private hire vehicle operator may make a plate exemption application. This is normally made by operators involved in chauffeur work or work of an exclusive nature. If granted this absolves the operator from the requirement to display both the internal and external licence plates. In these circumstances plates will still be issued and should be carried within the vehicle, together with a signed notice of exemption.
- 4.10.7 Before any plate exemption notice is issued, the operator must satisfy the licensing officer that such an exemption would be integral to his business.
- 4.10.8 All hackney carriage vehicles, except those with built-in roof signs must carry illuminated roof-mounted sign indicating that they are a taxi and these must be lit when plying for trade. In order to differentiate between the two types of licensed vehicle, private hire vehicles must not carry roof-mounted signs of any kind, and they must have no signs (roof-mounted or otherwise) using the words "Taxi", "Hackney", "Cab", or "For hire".

4.11 Advertising

- 4.11.1 No external third party advertising will be permitted on any hackney carriage or private hire vehicle.
- 4.11.2 Limited advertising giving details concerning the proprietor's or operator's private hire business will be permitted, but this will be strictly controlled so that confusion between private hire and hackney carriage vehicle is kept to the minimum.

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4.12 Security and Closed Circuit Television (CCTV)

- 4.12.1 The hackney carriage and private hire trade provides a valuable public service, especially late at night when other forms of public transport are no longer available. Security for drivers and passengers is of paramount importance. CCTV cameras can be a valuable deterrent as well as protecting the driver from unjustified complaints.
- 4.12.2 It is not proposed that measures such as CCTV cameras should be required as part of the licensing regime, as it is considered that they are best left to the judgement of the owners and drivers themselves. The hackney carriage and private hire vehicle trade is, however encouraged to consider the installation of CCTV cameras in their vehicles on a voluntary basis and it will then be incumbent upon the operator to handle relevant data gathered in an appropriate and secure manner. For information and guidance on data protection see Information Commissioners Office (ICO) website <http://www.ico.gov.uk/>.
- 4.12.3 The hackney carriage and private hire trade are also encouraged to build good links with the local police force, including participation in any Crime and Disorder Reduction Partnerships.

4.13 Stretch Limousines

- 4.13.1 Stretched limousines are elongated saloon cars that are more frequently being used for mainstream private hire work. The number of stretched limousines being imported, particularly from the United States, has been increasing. Their use generally includes all private hire work plus special occasions such as days at the races, stag/hen parties and children's birthday parties.
- 4.13.2 For the purpose of this policy and licence conditions a stretch limousine is defined as follows:
- A stretch limousine is a motor vehicle that has been lengthened by the insertion of an additional body section and modified by a coachbuilder to contain luxury facilities and fixtures;
 - that is capable of carrying up to but not exceeding 8 passengers; and
 - that is not a decommissioned military or emergency service vehicle.
- 4.13.3 Most limousines are imported for commercial purposes and are, therefore, required to take an Individual Vehicle Approval (IVA) test. They cannot be approved as Passenger Carrying Vehicles (PCV) because they cannot meet the required standards for the door arrangements and means of escape in an emergency.

The IVA Scheme is an Inspection Scheme for vehicles that are not approved to British and European Standards and its purpose is to ensure that these vehicles meet modern safety standards and environmental standards before being used on public roads. When presented for an IVA test the vehicle is

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produced with a declaration that it will never carry more than eight passengers.

The importer must inform any person who may use it of its restriction. Any subsequent purchasers must also be informed of the restriction.

4.13.4 The Local Government (Miscellaneous Provisions) Act 1976 defines a private hire vehicle as a motor vehicle constructed or adapted to carry fewer than nine passengers, other than the hackney carriage or public service vehicle, which is provided for hire with the services of a driver for the purposes of carrying passengers. Section 48 of the 1976 Act requires that before a licence is granted the Authority must be satisfied that the vehicle is:

- suitable in type, size and design for the use as a private hire vehicle;
- not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
- in a suitable mechanical condition;
- safe; and
- comfortable.

4.13.5 Stretched limousines can be licensed for private hire work providing they may carry no more than eight passengers and meet the requirements of the Act. Possible exemptions under the Local Government (Miscellaneous Provisions) 1976 Act provide that nothing shall:

- *apply to a vehicle used for bringing passengers or goods within a controlled district in pursuance of a contract for the hire of the vehicle made outside the district if the vehicle is not made available for hire within the district;*
- *apply to a vehicle while it is being used in connection with a funeral or a vehicle used wholly or mainly, by a person carrying on the business of a funeral director, for the purpose of funerals;*
- *apply to a vehicle being used in connection with a wedding.*

4.13.6 Any stretched limousines, which are offered for private hire or which are not used for funeral and weddings do, or course, require a licence. Some operators of these vehicles have a wedding car licence insurance policy on the basis that the vehicle will be used largely during daylight hours, once or twice per week. Before licensing for private hire, therefore, a full insurance policy for private hire purposes will be required.

4.13.7 All bookings for a stretch limousine licensed as a private hire vehicle by the Council must be booked through a private hire operator licensed by Tonbridge and Malling Borough Council in accordance with S55 of the Local Government (Miscellaneous Provisions) Act 1976.

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- 4.13.8 In accordance with the Guidance, all applications to licence stretch limousines as private hire vehicles will be treated on their merits. The Council strongly recommends that anyone wishing to licence a limousine contacts the licensing authority before purchasing a vehicle to ensure that advice can be provided as to whether the vehicle will meet the required standards.
- 4.13.9 Because these vehicles will not meet the usual vehicle specification, additional documentation and inspection will be needed in order that the Council's responsibility to ensure safety and suitability, prior to a licence being issued, can be met. Imported stretch limousine type vehicles will:
- be granted an exemption from the requirement under the conditions of licence for private hire vehicles to be right hand drive;
 - be authorised as prestige type private hire vehicles; and
 - be approved for licensing as private hire vehicles subject to meeting the specified criteria and additional conditions detailed in **Appendix A**
- 4.13.10 It would be an offence under the Licensing Act 2003 to provide facilities for the sale of alcohol within a limousine. If the limousine is to be provided whereby part of the booking includes "free alcohol", the premises which accepts the booking and supplies the alcohol within the vehicle would need an appropriate licence under the Licensing Act 2003, otherwise a criminal offence would be committed.

4.14 Contract Vehicles

- 4.14.1 Previously, under Section 75(1) (b) of the Local Government (Miscellaneous Provisions) Act 1976 there was no requirement for a vehicle to be licensed where it was used for a contract with an organisation/firm for a period of more than seven days for carrying passengers for hire or reward under a contract for the hire of the vehicle. This exemption only applied to the vehicle and driver subject to the contract and then only during the period of the contract. Any vehicles being used for a contract with one firm could not be used for any other contract or purpose during the period of that contract.

This exemption has been repealed by provisions contained within the Road Safety Act 2006 that became effective in January 2008 and thus vehicles which previously took advantage of this exemption will now have to become licensed private hire vehicles.

- 4.14.2 The Department for Transport website gives details of the guidance notes on what is, and what is not, a private hire vehicle.

<http://www.dft.gov.uk/publications/phv-guidance-note/>

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4.15 Funeral Vehicles

- 4.15.1 There is no requirement for a vehicle to be licensed where it is being used in connection with a funeral or is being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals.

4.16 Wedding Vehicles

- 4.16.1 A vehicle does not need to be licensed while it is being used in connection with a wedding. For clarity, the exemption applies only to services directly relating to the wedding service itself, for example transporting the bride and/or groom to the wedding service, from the service to the reception and from the service/reception to home. Transporting the married couple to other locations such as the airport would be considered to be a licensable activity.
- 4.16.2 Written certification from the Council of the relevant exemption claimed is not currently required and it is not proposed to change this arrangement.

4.17 Courtesy Cars

- 4.17.1 All vehicles with not more than 8 passenger seats carrying passengers for hire and reward must be licensed by the Local Authority. Although there has been some legal debate regarding this particular issue, current case law supports the view that vehicles which are used as 'courtesy cars', i.e. for transporting customers to and from hotel, night-clubs, etc. are being provided for hire and reward in the course of business, irrespective of whether or not a charge is made for such service. They should be licensed accordingly.
- 4.17.2 Those operating 'courtesy cars', e.g. for transporting customers to and from hotels, night-clubs, etc. should have an operator's licence and drivers must be appropriately licensed. All three licences (operator, vehicle and driver) must be from the same Licensing Authority.

4.18 Ambulances and Other Patient Transport

- 4.18.1 **Ambulances** - Whilst having respect to the Department for Transport guidance "genuine ambulances" will be exempt from private hire vehicle licensing:

"emergency/specialist ambulance vehicles – likely to accommodate a stretcher and specialist equipment, and to require the presence of health professionals."

4.19 Other Patient Transport -

- 4.19.1 *"vehicles which operate as part of a formal Patient Transport Service – usually non-emergency, planned transport of patients, where the booking will only be made if the person to be carried has been assessed by a health professional as having a medical need for transport; these vehicles will be contracted to a health care provider and cannot be used for "social" hiring's;"*

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- 4.19.2 Other patient transport services provided by Primary Care Trusts, or Voluntary services, that do not qualify for exemption will require licensing as a private hire vehicle

4.20 Voluntary Sector Transport

- 4.20.1 The Council will assess each individual organisation on its own merits to determine whether or not it will require licensing as a private hire business. Whilst it is clear that the organisation is providing a service, it is less clear that such provision can be defined as operating a private hire business.
- 4.20.2 The Council will, however, seek to enforce against unlicensed businesses where it can be proven that the business obtains a benefit and the Council considers that private hire vehicle licensing is necessary.

4.21 Novelty (Speciality) Vehicles

- 4.21.1 There is currently no provision in the policy to licence other categories of specialised vehicles (i.e., fire engines, tanks, classic cars etc.); however this will not preclude the option of licensing novelty /speciality vehicles should an application be received.

4.22 Motorbikes

- 4.22.1 There is currently no provision in the policy to licence motorbikes, however this will not preclude the option of licensing motorbikes at a later date.

4.23 Livery

- 4.23.1 Hackney carriage vehicles must be white or bright silver
- 4.23.2 Private hire vehicles can be any colour,

4.24 Application Procedure

- 4.24.1 The application procedures for a hackney carriage or private hire vehicle licence are prescribed by the Council. The Council requires that application must be made on a specified application form in accordance with application procedures set out in **Appendix C**.

4.25 Consideration of Applications

- 4.25.1 The Council will consider all applications on their merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete.

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4.26 Grant and Renewal of Licences

- 4.26.1 The Guidance makes no recommendations in respect of the duration of hackney carriage or private hire vehicle licences, and legislation limits the maximum period of such licences to 12 months.
- 4.26.2 Hackney carriage or private hire vehicle licences will thereby continue to be issued for a one-year period from the date of grant, subject to the power to grant a licence for a shorter period, should this be appropriate in the circumstances.
- 4.26.3 Council officers will normally send a reminder letter to the current taxi proprietor or operator one month before the existing licence expires in order to assist applicants in their prompt submission of re-licensing applications. However, the obligation remains on the licence holder to ensure a renewal application is submitted in good time.
- 4.26.4 When submitting renewal applications, applicants should be aware that it may take up to five working days to process and issue a licence once all the necessary paperwork has been received. If the licence has not been issued at the point when an existing licence expires, the licence holder must cease operating until the new licence has been received.
- 4.26.5 A vehicle licence is issued to a specified vehicle, therefore, at the end of the vehicle's licensed period that particular licence ceases to exist and any new vehicle would be subject to the requirements of a new vehicle application.

Appendix A – Vehicle Conditions

9 APPENDIX A

Hackney carriage and private hire vehicles specification and schedule of conditions

Conditions that apply to both types of vehicles

9.1 General Construction

- 9.1.1 Every hackney carriage and private hire vehicle must comply in all respects with these specifications and conditions
- 9.1.2 Whilst these specifications may have been complied with a licence may nevertheless be withheld if the Council is of the opinion that any vehicle is unsuitable for public use.

9.2 Age

- 9.2.1 When first licensed, all vehicles must be less than six years old from the date of first registration.
- 9.2.2 Saloon, estate, hatchback, or multi-passenger type hackney carriages/private hire vehicles, may be licensed for a maximum of ten years from the date of first registration, subject to six-monthly testing by one of the Council's authorised garages. Each six-monthly test requires the vehicle to obtain a "Compliance Pass Certificate".
- 9.2.3 Fully Wheel Chair Compliant vehicles (Mi specification with side loading for wheelchairs) may be licensed to a maximum of fifteen years old from the date of first registration, subject to six-monthly testing by the Council's authorised garage. Each six-monthly test requires the vehicle to obtain a Compliance Pass Certificate from one of the Council's nominated garages.
- 9.2.4 Vehicles meeting this requirement may be licensed until such time as the above requirements cannot be achieved. At such a time, the vehicle will no longer be licensed. Where repair work will not be completed prior to the expiry of the previous licence, a valid renewal application and fee must have been received prior to the previous licence expiry date for this section to apply. The Authority will not renew a vehicle licence if it is more than 10 years old, at the time that it is presented for renewal, unless there are exceptional circumstances, to be decided by Committee.

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9.3 Vehicle Passenger Capacity

- 9.3.1 This authority would normally expect a licensed vehicle to be capable of carrying a minimum of four passengers together with a reasonable amount of their luggage.

9.4 Body and Vehicle Colour

- 9.4.1 The body must normally be of the fixed head type. In the case of a hackney carriage the body colour must be either wholly white or wholly silver. In this case silver means bright silver and not a coloured derivative.

Where the shade of colour is in dispute it is recommended that the advice of the licensing officer is sought before attempting to licence the vehicle.

If in the opinion of the Licensing Manager the colour of the vehicle is not white or bright silver the vehicle will not be licensed.

- 9.4.2 In the case of a private hire vehicle any colour is permitted.
- 9.4.3 The vehicle must not be left-hand drive. Right hand drive passenger vehicles offer the drivers clearer and safer vision in an overtaking manoeuvre, and also eliminate the need for a front seat passenger to alight from the vehicle into the road.
- 9.4.4 At least two doors for the use of passengers conveyed in the vehicle must be provided and a separate means of ingress and egress for the driver must be provided by means of a door on the offside of the vehicle
- 9.4.5 The top of the tread of the lowest step for any entrance, or where there is no step the floor level at the entrance, must not be more than 15 inches (380mm) above ground level when the vehicle is unladen.
- 9.4.6 Passengers' doors must be capable of being readily opened from inside and outside the vehicle by one operation of the latch mechanism, provided that this condition shall not prevent doors being fitted with a child safety lock.
- 9.4.7 Vehicles must have windows at the side and rear with ventilation being provided for passengers
- 9.4.8 Provision must be made for carrying and securing luggage and if luggage is carried or intended to be carried on the roof, a roof rack of a type or roof mounted luggage box approved by European Union must be fitted..

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9.5 Steering

- 9.5.1 The steering wheel must be on the offside of the vehicle and must not be left-hand drive. Right hand drive passenger vehicles offer the drivers clearer and safer vision in an overtaking manoeuvre, and also eliminate the need for a front seat passenger to alight from the vehicle into the road.

9.6 Tyres

- 9.6.1 All tyres at normal pressure under load must have a suitable minimum circumference for correct operation of the taximeter.
- 9.6.2 In view of the high mileage covered by hackney carriage and private hire vehicles the depth of tyre tread on all vehicles must be a minimum of 2mm.

9.7 Suspension

- 9.7.1 The vehicle must be fitted with an efficient suspension system so designed and constructed that there is no excessive roll or pitch.

9.8 Fuel Tank

- 9.8.1 The filling point for all fuel tanks must be accessible only from the outside of the vehicle and filler caps must be so designed and constructed that they cannot be dislodged by accidental operation.

9.9 Seats

- 9.9.1 Unless the Original Manufacturers' Specification states otherwise, the front seat of the vehicle next to the driver will be regarded as a seat for one passenger only.

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- 9.9.2 Passenger seats must be at least forty one centimetres wide per passenger with no significant intrusion by wheel arches, armrests or other parts of the vehicle. Measurements are to be taken laterally along the widest part of the seat.

9.10 Luggage

- 9.10.1 Adequate storage for passenger luggage must be available, adequately separated from the passenger compartment without obstructing any emergency exits. Luggage carried must be suitably secured in place.
- 9.10.2 Estate cars or multi-passenger type vehicles, can cause a safety concern when stacking luggage in the vehicle by the potential danger to passengers should the vehicle have to harshly brake or be involved in an accident. It is recommended that luggage should not be stacked above the height of the rear seats unless the vehicle is designed with, or fitted with suitable luggage restraints or covers to prevent luggage from entering the passenger compartment. Alternatively a guard rail should be fitted.

9.11 Ventilation

- 9.11.1 Vehicles must have windows at the side and rear with ventilation being provided for passengers

9.12 Fire Extinguisher

- 9.12.1 Preferred

9.13 First Aid Equipment

- 9.13.1 Preferred

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9.14 Communication Devices

- 9.14.1 All two-way radio equipment must be of a type currently approved by the Radio Communications Agency
<http://www.ofcom.org.uk/static/archive/ra/rahome.htm>
- 9.14.2 All radio equipment fitted to the vehicle must be fitted securely and safely in accordance with guidelines for the time being published by the Radio Communications Agency.
- 9.14.3 Only one two-way radio may be operational in the vehicle at any one time and this shall be an approved licensed radio used exclusively for the hackney carriage or private hire vehicle.
- 9.14.4 The use of a Citizen Band (CB) transmitter or receiver is prohibited.
- 9.14.5 The use of radio-scanning devices is prohibited and such devices must not be fitted or carried in the vehicle.

9.15 Mobile Telephones

- 9.15.1 Mobile telephones may only be used with a hands-free kit or a Bluetooth headset.

9.16 Identification Plates

- 9.16.1 Within the Borough of Tonbridge and Malling both hackney carriages and private hire vehicles are required to **permanently display** licence plates externally on the rear of the vehicle.
- 9.16.2 This is a key feature in helping to identify vehicles that are properly licensed. The plate details Tonbridge and Malling Borough Council as the Licensing Authority, the vehicle make, model, colour and registration mark, the number of passengers the vehicle can carry and the expiry date of the licence.
- 9.16.3 In addition to the external plate all vehicles must display a small internal plate containing the same details as the external plate. This plate can be read from both inside and outside of the vehicle and must be positioned at the top of the front nearside corner of the windscreen.

9.17 Insignia

- 9.17.1 Within the Borough of Tonbridge and Malling all hackney carriages are required to **permanently display** door signs displaying the TMBC Logo and the word "TAXI"

No magnetic door signs are allowed

Appendix A – Vehicle Conditions

9.18 Fittings

- 9.18.1 No fittings other than those approved by the council shall be attached to or carried upon the inside or outside of the vehicle.

9.19 Seat Belts

- 9.19.1 All vehicles must be fitted with fully operational seat belts, one for each passenger carried, fully compliant with the relevant British Standard, except where legislation specifically provides an exemption.

9.20 Alteration of Vehicle

- 9.20.1 No material alteration or change in the specification, design, condition or appearance of any vehicle shall be made without the approval of the Council at any time while a licence is in force in respect of that vehicle.
- 9.20.2 Equipment must not be removed from a vehicle which is wheelchair accessible which would render the vehicle incapable of carrying wheelchair bound passengers.

9.21 Maintenance and Condition of the Vehicle

- 9.21.1 The exterior of all licensed vehicles shall be maintained in a clean, safe and proper manner at all times. In particular, the exterior of the vehicle shall:
- be free of large and/or sharp-edged dents;
 - be free of visible rust;
 - be free of unrepaired accident damage;
 - have uniform paintwork equivalent to that applied by the manufacturer; and
 - be maintained in an acceptable state of cleanliness, (discretion may be given during periods of adverse weather).
- 9.21.2 The interior of all licensed vehicles shall be maintained in a clean, safe and proper manner at all times. In particular, the interior of the vehicle shall:
- be free of all stains to the upholstery;
 - be free of all splits and tears to the seats;
 - be maintained in an acceptable state of cleanliness; and
 - provide seats functioning in accordance with the Original Manufacturers' Specification.
- 9.21.3 For the avoidance of doubt, any vehicle that would not pass an Engineer's Report or MOT must not be used until such time as the requirements of the Engineer's Report and MOT can be met.

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9.21.4 All licensed vehicles shall be liable to be randomly inspected and tested by an Authorised Council Officer or the Police. If it is discovered during an inspection that a vehicle is not being properly maintained, an Improvement Notice may be served on the owner under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976. This notice will specify the defects and the action required to remedy the problem.

9.21.5 Failure to comply with the requirements of an Improvement Notice will be considered a serious breach of licensing requirements and dealt with accordingly. If the requirements of an Improvement Notice are not rectified within two months, the vehicle licence can be revoked in accordance with Section 68 of the Local Government (Miscellaneous Provisions) Act 1976.

9.22 Smoking

9.22.1 It is the responsibility of both the driver and the proprietor to ensure no smoking signage, as prescribed by the Health Act 2006, is displayed in all licensed hackney carriages or private hire vehicles at all times

9.23 Disability Access

9.23.1 Where a vehicle is utilised for the carriage of passengers in a wheelchair, the following conditions shall apply:

- Access to and exit from the wheelchair position must not be obstructed in and manner at any time except by wheelchair loading apparatus;
- Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as to not obstruct any emergency exit;
- A suitable restraint must be available for the occupant of a wheelchair;
- Access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper; and
- Ramps and lifts must be securely stored in the vehicle before it may move off.

9.23.2 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307). Any such equipment must be maintained in good working order and be available for use at all times.

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- 9.23.3 Where a vehicle is designed or adapted to carry a wheelchair, the proprietor shall ensure that the driver has received sufficient training to safely load and convey wheelchair-bound passengers.

9.24 Animals

- 9.24.1 Since 31 March 2001 licensed taxi drivers in England and Wales have been under a duty (under s.37 of the Disability Discrimination Act 1995) to carry guide, hearing and other prescribed assistance dogs in the vehicles, without additional charge.
- 9.24.2 Drivers who have a medical condition that is aggravated by exposure to dogs may apply to the licensing authority for exemption from the duty on medical grounds. Any other driver who fails to comply with the duty is guilty of a criminal offence and liable, on summary conviction, to a fine of up to £1,000.
- 9.24.3 No animals, other than those falling into the criteria above or those owned by bona-fide fare paying passengers with the agreement of the driver, shall be carried in or on any licensed vehicle whilst the vehicle is so engaged under the terms of its licence.

9.25 Taximeters – Hackney Carriage Vehicles

- 9.25.1 An approved taximeter must be fitted in all hackney carriages and must be correctly calibrated, sealed and fully functional in accordance with the current Council approved fare structure.
- 9.25.2 All taximeters must be appropriately stamped to ensure compliance with The Measuring Instruments (Taximeters) Regulations 2006, or any subsequent legislation.
- 9.25.3 The taximeter shall be positioned so that the display on the face of the meter may be clearly visible to any person being conveyed in the vehicle at all times. The dial of the taximeter shall be kept properly illuminated throughout any part of the hiring.
- 9.25.4 The vehicle taximeter shall be brought into operation at the commencement of a journey. When the meter is operating there shall be recorded on the face of the meter on clearly legible figures a fare not exceeding the maximum fare that may be charged for that journey
- 9.25.5 An official copy of the Council's fare tariff shall be clearly displayed in the vehicles so as to be plainly visible to passengers carried therein.

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9.25.6 In the event of a journey commencing in but ending outside the area covered by Tonbridge and Malling Borough Council, there may be charged for the journey such fare as was agreed before the hiring was effected. If no such agreement was made then the fare to be charged should be no greater than that fixed by the Council in connection with the fare tariff for the hire of hackney carriages.

9.26 Taximeters – Private Hire Vehicles

9.26.1 Private hire vehicles are not required to be fitted with a taximeter but where a taximeter has been fitted, it must be of a type approved by the Council

9.27 Roof Sign – Hackney Carriage Vehicle

9.27.1 Hackney carriage vehicles, other than those with built-in roof signs, must be fitted with an illuminated external sign on and above the roof of the vehicle. The sign must display either:

- the word "TAXI"; or
- the name and telephone number of the hackney carriage company; or
- the words "FOR HIRE"; or
- a combination of the above

9.27.2 The roof sign and lettering shall be of an appropriate size to enable it to be clearly identifiable to the public.

9.27.3 The illuminated external roof sign, including built-in roof signs, must be switched off when the vehicle has been hired and illuminated when available for hire.

9.27.4 The roof sign, other than those built-in to the vehicle, must be mounted on the forward half of the vehicle roof and be adequately secured.

9.27.5 An additional internal illuminated „FOR HIRE” sign may be fitted in licensed hackney carriages, in a position approved by the Council. The sign’s illumination must be switched off when the vehicle has been hired