

## Hackney Carriage Vehicle Specifications and Conditions

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Licensed vehicles must be of manufacturers' specification and shall comply in all respects with the Motor Vehicle (Type approval Regulations 1980, Motor Vehicle (Type Approval) Regulations 1984 and the Road Vehicles Construction and Use Regulations 1986. In addition, all vehicles must comply in all respects with the British and European vehicle regulations and be a type to the requirements to the M1 category of European Whole Type Approval 70/156/EEC as amended.

Vehicles converted from vans which have a type approval other than M1 will not be acceptable unless they are presented with approved M1 certification for the resultant vehicle. If the vehicle has been registered with the DVLA and issued with the appropriate registration index number, no change, structural alteration or rearrangement of detail shall be carried out unless the vehicle has received subsequent M1 Whole Type Approval.

If the vehicle has a UK Single Vehicle Approval Certificate, the Licensing Authority will expect that the vehicle will have been modified in accordance with a program approved by the original vehicle manufacturer and have appropriate documentary proof.

The vehicle must at all times be maintained in a satisfactory mechanical order and body condition and is operational in every respect, having regard to the following conditions.

## Conditions relating to hackney carriage vehicles made under the Local Government (Miscellaneous Provisions) Act 1976

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Every Hackney Carriage vehicle must comply in all respects with these specifications and conditions.

Whilst these specifications may have been complied with, a licence may nevertheless be withheld if the Licensing Authority is of the opinion that any vehicle is unsuitable for public use.

### **Interpretation**

The "Licensing Authority" means Torbay Council.

The "Authorised Officer" means the Licensing Officer of the Council.

The "vehicle" means the vehicle subject of the Hackney Carriage vehicle licence to which the conditions are attached.

The "proprietor" means the person for the time being shown on the Hackney Carriage vehicle licence as the proprietor of the vehicle.

The "driver" means the driver for the time being of the vehicle.

Any obligation in these conditions not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done.

Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

## **Applications**

New specifications relating to colour, type or design of vehicles, will not immediately apply to vehicles that have been licensed prior to the current Taxi Licensing Policy coming into force. Such vehicles will be considered suitable for renewal of the vehicle licence, up to the maximum age limit of 10 years from the date of first registration provided that they remain suitable for licensing in every other respect.

Once an existing licensed vehicle reaches the maximum permitted age limit or is for any reason permanently replaced by an alternative vehicle, the replacement vehicle must comply in all respects with all vehicle specifications.

## **1.0 Use of a Hackney Carriage vehicle**

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1.1 A Hackney Carriage vehicle may be hailed anywhere within the geographical area of Licensing Authority and may wait (provided it is in compliance with the 'use of ranks' as outlined in the Taxi Licensing Policy) on any rank within the Licensing Authority's area when plying for hire.

1.2 Once being presented for hire, it is an offence under section 53 of the Town Police Clauses Act 1847, other than for exceptional reason to refuse to take any fare. Any breach of this requirement may result in disciplinary action against the driver of the vehicle.

1.3 There is a requirement that a Torbay Licensed Hackney Carriage vehicle must be operated predominantly within the Torbay Council area.

1.4 Under sections 46 and 48 of the Local Government (Miscellaneous Provisions) Act 1976 it is unlawful for any Hackney Carriage vehicle to 'ply for hire', to sit on a rank or to accept a 'hail' from any person otherwise than in the issuing Licensing Authority's area. A Torbay Licensed Hackney Carriage may however, operate for the purpose of private hire anywhere in England and Wales, subject to a requirement that it is predominantly operating in the Torbay Council area.

## **2.0 Wheelchair Accessible Vehicles (WAV)**

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2.1 In addition to the standard conditions and those applying to Hackney Carriage, further conditions apply to WAV's as set out in this section. Where the conditions for WAV's conflict with the standard conditions, the WAV conditions will apply.

2.2 The vehicle must have a designated space to accommodate at least one wheelchair user to be carried in the wheelchair. This space shall be included in the total number of persons that are permitted to be carried, in total, in the vehicle.

2.3 Only the rear or the nearside door may be used for wheelchair access. The door and the doorway must be so constructed as to permit unrestricted opening across the doorway.

2.4 All wheelchairs must be carried facing forwards or rearwards. Where a wheelchair is carried facing the rear of the vehicle, the wheelchair, in addition to standard restraints must be positioned such that it is reversed against a bulkhead in order to provide additional stability.

- 2.5 Facilities for the loading of a wheelchair and occupant must be available, carried in the vehicle, at all times for use at the nearside or the rear passenger doors. The ramp must comply fully with all recommendations of the Equalities Act with regard to design and installation.
- 2.6 An adequate locating device must be fitted to ensure that the ramp does not slip or tilt when in use. Provision must be made for the ramp to be stowed and secured safely when not in use. The storage of the ramp when not in use must not impede access or egress of passengers.
- 2.7 Ramps must be rigid when in use and equipped with a slip resistant surface with the outer edges coloured.
- 2.8 Suitable anchorages must be provided for the wheelchair. Restraints for the wheelchair and occupant must be independent of each other. Belts attached to a wheelchair in order to assist a person to remain in it whilst travelling, will not be acceptable.
- 2.9 Vehicles must be capable of transporting a folded wheelchair as luggage. Anchorages must also be provided for the safe storage of a wheelchair when not in use, whether folded or otherwise, if it is being carried in the passenger compartment.
- 2.10 All anchorages and restraints must not be fitted or positioned in any way so as to cause danger to any passenger.
- 2.11 The provision of a step for assisted entry is required. The step must be covered with a slip resistant surface.

## 3.0 Livery Policy

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- 3.1 All new or replacement vehicles presented for licensing as a Hackney Carriage vehicle on or from 2 November 2018 must be black in colour.
- 3.2 A Seasonal Hackney Carriage which is licensed from 1 May to 30 September annually must be black in colour. Any existing Seasonal Hackney Carriages which are currently licensed and not black in colour will be permitted to be licensed annually until either, the end of the vehicles age limit, or, a vehicle change is carried out, at which time the new vehicle must adhere to the livery policy and be black in colour. On the 1 October annually, an existing licensed Seasonal Hackney Carriage which is not black in colour can switch to be licensed as a Private Hire vehicle, following the submission of the appropriate application. If the Seasonal Hackney Carriage gets to the vehicle age limit, or a vehicle change is carried out, the vehicle will not be permitted to be used as a Private Hire vehicle.
- 3.3 No coloured identifying strips, stripes or other markings are permitted to be placed on the vehicle beyond those stipulated by the Licensing Authority.
- 3.4 A vehicle can be changed from Hackney Carriage to Private Hire or vice versa, however, the paintwork must be re-sprayed to comply with the livery policy for each licence type. With regard to this the re-spray must be professionally finished and displayed in accordance with the manufacturers' specifications. Bare metal, primer paint, visible rust and perforations will not be permitted. No vehicle change will be permitted unless they meet this condition.
- 3.5 The colour from panel to panel must be of a good match and the finish capable of giving a good sheen.

## 4.0 Vehicle Body

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- 4.1 All bodywork to be free from dents and damage.
- 4.2 Panels must be attached and aligned to the chassis/body shell correctly with all joints and welds as per the manufacturer's specifications. The panels must be free from distortion and dents.
- 4.3 Doors, door locks, boot/tailgate and locks, bonnet, hinges and catches, windows, sun roof and hoods must be operating correctly.
- 4.4 All trim, mirrors, aerials, bumpers and wheel trims to be complete, correctly aligned and undamaged.
- 4.5 Windows must be kept free of dirt, grime and marks.
- 4.6 No vehicles are permitted to be fitted with 'bull bars' or any similar factory fitted or after-market additions that may pose additional danger to pedestrians in the event of a collision.

## 5.0 Interior Condition and Specifications

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- 5.1 The upholstery, carpets, seats, trims and other interior fitments should be free from damage (including stains and burns) and significant wear. Good quality seat covers and carpet mats may be used, providing that each is a matching set, of colour co-ordinating with the vehicle and kept in good condition.
- 5.2 The floor of the vehicle must be covered with a suitable carpet, mat or other covering which can be readily cleaned.
- 5.3 All plastic fascia, door linings, roof linings and trim to be kept free from marks, stains and damage.
- 5.4 All interior lights and fascia illumination to be maintained in good condition.
- 5.5 All windows to be kept free of dirt, grime and marks.
- 5.6 All door locks, levers and window winders to be operating efficiently.

## 6.0 Engine Size and Type

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- 6.1 As a minimum standard all vehicles presented for licensing shall possess a minimum of 100 BHP (Brake Horse Power).
- 6.2 In the case of a hybrid or fully electric vehicle there shall be a minimum power output of at least 100 BHP (Brake Horse Power) or the electric equivalent.
- 6.3 The driver of a purely electric car will be expected to ensure that the vehicle is used and maintained in a manner that ensures that sufficient charge is available to complete each journey prior to commencement of that journey.
- 6.4 It is an aspiration of the Licensing Authority to encourage the use of greener vehicles, including electric vehicles, where it is practical to do so. This must be balanced against the safety and comfort of

passengers. In this regard, should the Licensing Authority receive repeated complaints that any vehicle has been unable to complete a journey due to lack of charge or fuel, this may result in a review of the licence issued in respect of that vehicle.

6.5 The Licensing Authority supports measures to reduce the levels of carbon dioxide, nitrogen dioxide and particulate matter emitted. Liquid Petroleum Gas (LPG) conversions are therefore acceptable if carried out by an approved converter.

## 7.0 Communication between Driver and Passenger

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7.1 Sufficient means must be provided by which any person in the vehicle may communicate with the driver.

## 8.0 Radio Equipment

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8.1 Two-way radio equipment provided in the vehicle must be maintained in a sound condition and positioned so as not to obstruct the driver's ability to operate the vehicle's controls.

8.2 Radio equipment must not be fitted in the boot compartment if LPG tanks or equipment is stored therein.

## 9.0 Mobile Telephones

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9.1 Use of a mobile telephone must be by way of a hands-free kit or a Bluetooth headset.

## 10.0 Driver's Compartment

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10.1 The driver's seat must be designed to accommodate the driver only and provide adequate room to enable easy reach of the operating controls and to enable hand signals to be made on the offside of the vehicle.

10.2 The vehicle must be fitted with at least two mirrors fitted externally to the vehicle, one to the offside and one to the nearside, with another fitted internally. All mirrors are to be fitted and adjusted to afford the driver a clear view to the rear of the vehicle.

10.3 Direction indicators of an approved type must be fitted.

10.4 The vehicle must be fitted with adequate devices for demisting, defrosting and washing the windscreen and with a sun visor capable of being adjusted by the driver.

## 11.0 Wheels and Steering

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11.1 The vehicle must be right-hand drive.

11.2 Wheels should be correctly aligned, joints and bearings free from abnormal wear. All mounting points should be in a sound condition with no undue wear in any associated bushes.

11.3 The vehicle must have a minimum of four road wheels.

11.4 Vehicles must either carry the manufactures system of tyre repairs or spare wheel as compliant with the Construction and use Regulations 1986 as amended.

## 12.0 Doors

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12.1 Vehicles generally must have at least 4 doors, excluding any tailgate, each allowing direct access to and from the seats.

12.2 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.

12.3 Windows must be provided at the sides and rear and passenger door windows must be capable of being easily opened and closed by passengers.

12.4 A separate means of ingress and egress for the driver must be provided by means of a door on the offside of the vehicle.

## 13.0 Seating

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13.1 Vehicles shall have seating capacities calculated on the basis of a passenger unit seat width of 16" (40.64cm) (measured laterally across any continuous seat.

13.2 Vehicles having split rear seats shall be measured as a continuous seat provided they are as fitted by the manufacturer and have a gap of not more than 1 $\frac{3}{4}$ " maximum.

13.3 All seats (including the driver seat) must be properly cushioned or covered.

13.4 All seats must be fitted with appropriate seat belts to the front and rear seats of the vehicle. The number of seat belts fitted to the vehicle shall correspond with the number of passengers the vehicle is licensed to carry, plus a belt for the driver.

13.5 Vehicles must not be fitted with 'occasional' seats to accommodate families and carriage of young children. Where a vehicle is presented for licensing that is fitted with 'occasional' seats the vehicle will not be considered suitable for licensing at their maximum manufacturer stated carrying capacity.

## 14.0 Carrying of Animals

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14.1 No animals, other than assistance dogs, or those owned or under the care of a bona-fide fare-paying passengers with the agreement of the driver, shall be carried in or on the vehicle whilst the vehicle is so engaged under the terms of the licence.

## 15.0 Heating

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15.1 A fully operational ventilation and heating system must be fitted and maintained for the driver and passengers at all times.

## 16.0 Luggage

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- 16.1 Luggage space must be a minimum of 0.43 cubic meters (430 litres) and able to carry a folded wheelchair without need for folding down any seat. The luggage compartment must be separated from the passenger compartment without obstructing any emergency exits.
- 16.2 Luggage carried must be suitably secured in place.
- 16.3 Luggage carried in estate cars or multi-passenger vehicles must 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 must be fitted.

## 17.0 Tyres

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- 17.1 The depth of tyre tread must not be less than a minimum of 1.66mm.
- 17.2 All tyres at normal pressure under load must have a suitable minimum circumference for correct operation of the taximeter.
- 17.3 Tyre fitments should comply, in all respects, with the requirements of any Act or Regulation pertaining to Motor Vehicle Regulations on Tyre Safety in force at the time of licensing and during the currency of the licence.
- 17.4 Road wheels should be free from any distortion and undue fatigue. All wheel nuts/studs must be of the correct type and correctly tightened.
- 17.5 All wheel trims must be present and in good condition
- 17.6 Any spare wheel fitted or otherwise in the vehicle is subject to the tyre specifications set out above, which must be in accordance with the manufacturers' standard specification for the specific vehicle model.
- 17.7 The use of a space-saver tyre, run flat tyres (when punctured) or puncture repair kit for all vehicles that are manufactured and delivered with such tyres or kits, shall only be permitted in the case of an emergency.
- 17.8 In the event of a space-saver tyre, run flat tyres (when punctured) or puncture repair kit being used, it shall only be to complete a fare and must comply precisely with the manufacturers' recommendations. Any such tyre must be replaced in accordance with manufacture requirements before taking another fare, to ensure passenger safety.
- 17.9 The only acceptable emergency will be when the vehicle is rendered not driveable, or unsafe due to a puncture and only then to complete the fare as above, or to move the vehicle to a place of safety.
- 17.10 In cases where a wheelchair accessible vehicle conversion or a LPG conversion where the tank occupies the usual site of the spare wheel, the vehicle will be exempt from the requirement to carry a spare wheel matching those fitted to the vehicle. This would be subject to the vehicle meeting the luggage criteria and being approved by the specialist converters. In these instances an alternative space saver tyre or puncture repair kit must be carried on the vehicle for emergencies.

17.11 All other licensed vehicles must carry a spare wheel matching those fitted to the vehicle and an appropriate means of changing the wheel.

## 18.0 Vehicle Suspension

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18.1 Suspension components, including shock absorbers, springs and torsional bars and linkages, and their associated mounting points should be in sound condition and operating efficiently so as to ensure there is no excessive roll or pitch. There should be no signs of undue wear/fatigue and they should be reasonably free from rust/corrosion.

## 19.0 Fuel Tank

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19.1 The filling point for the fuel tank must be suitable secured so as to ensure that it cannot be tampered with in any way.

## 20.0 Fittings

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20.1 No fittings other than those approved by the Licensing Authority shall be attached to or carried upon the inside or outside of the vehicle.

## 21.0 Fire Extinguisher/First Aid kit

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21.1 A First Aid Kit must be carried within the licensed vehicle at all times.

21.2 The vehicle must carry a suitable and compliant fire extinguisher sited in a readily accessible place known to the driver. The appliance shall have a minimum content of 1 kilogram, conform to BSEN3 1996 and be of the dry powder or foam type, be kept in good condition and be fitted with a gauge which indicates the condition of its contents. Every fire extinguisher to be permanently marked with the vehicle's Hackney Carriage vehicle licence number.

## 22.0 Licence Plate

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22.1 The authorised licence plate issued by the Licensing Authority must be affixed to the outside of the vehicle as follows:

- The licence plate must be permanently fixed to the rear of the vehicle in a conspicuous upright position.
- The licence plate must not be fixed to/or displayed in the rear window.
- The small identification card must be securely fixed to the inside of the vehicle in a conspicuous position.

22.2 No vehicle may be used or permitted to be used with any such licence plate concealed from view or so defaced that any word, letter, figure or material particular is illegible or missing.

22.3 The Licensing Authority must be informed immediately should the licence plate showing the number of the licensed vehicle be broken, lost or defaced. On no account must the licensed vehicle be driven without this licence plate affixed to the vehicle.



## 23.0 Dual Plating

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23.1 No vehicle will be granted a licence if it is licensed in another district due to the problems of meeting the variance in conditions applied in different districts and the enforcement of those conditions in cases of non-compliance (i.e. signs, meters, suspensions or revocation).

## 24.0 Roof signs

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24.1 The vehicle must be fitted with a roof sign of a type approved by the Licensing Authority, with the word "Taxi" predominant on the front of the sign and the word "Taxi" or the proprietors trading name, or telephone number, to the rear. The roof sign shall be properly manufactured and comply with relevant legislation.

24.2 The taxi roof sign must be mounted above the vehicle roof and be adequately secured.

24.3 The roof sign must be capable of being illuminated during the hours of darkness.

24.4 The roof sign must at all times comply with any requirements of vehicle lighting regulations when illuminated.

## 25.0 Advertising (door signs etc)

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25.1 Please refer to the advertising standards in Appendix F of the Taxi Licensing Policy.

25.2 All Hackney Carriage vehicles licensed by Torbay Council must display within the vehicle the current tariff and should not be concealed from passengers at any time.

25.3 "No Smoking" signs shall be displayed on both rear passenger door windows.

## 26.0 Alteration of Vehicle

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26.1 No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Licensing Authority at any time while the vehicle licence is in force.

26.2 Equipment must not be removed from the vehicle which is wheelchair accessible which would render the vehicle incapable of carrying wheelchair-bound passengers.

## 27.0 Towing of Trailers

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27.1 No licensed vehicle may tow any trailer whilst being used as a licensed vehicle.

## 28.0 Maintenance of Vehicle

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28.1 The vehicle, including the engine area, and all fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition, and all relevant statutory requirements will be complied with.

## 29.0 Inspection

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29.1 The vehicle may be called in for inspection at any time by the Authorised Officer to ensure compliance, failure to attend and show any documentation as requested may lead to suspension or revocation of licence under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976.

29.2 The applicant shall submit the vehicle for a compliance test and/or other inspection as the Licensing Authority may require from time to time. Paragraphs 14.24 to 14.29 of the Taxi Licensing Policy outlines when a compliance test will normally be expected.

## 30.0 Vehicle Checks

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30.1 Any vehicle that is suspected of any infringement of legislation, byelaws or conditions may be examined by an Authorised Officer at any time to ensure its fitness to be used as a licensed vehicle. If, upon examination, any vehicle, which for any reason, is deemed to be unsuitable to continue to use as a Hackney Carriage vehicle may have its licence suspended.

## 31.0 Ranks

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31.1 The number of Hackney Carriage vehicles stationed at any rank must not exceed the number for which the rank is appointed at any time. If a rank is full at the time of the vehicles' arrival at a rank then the driver must proceed to the next available rank.

31.2 Hackney Carriage drivers are reminded that it is an offence under the Town Police Clauses Act 1847, to leave a Hackney Carriage unattended in a public place. Any parking, outside of agreed parameters, may therefore be dealt with under the Licensing Authority's enforcement Policy, as appropriate and/or may result in being issued with a fixed penalty notice.

31.3 In order to ensure public and road safety, all Hackney Carriage drivers are expected to move forward when the vehicle at the front of the rank moves.

## 32.0 Complaints

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32.1 Any vehicle against which complaint is laid must be presented to the authorised officer within one working day of being so requested for inspection, testing and for the driver to answer such complaint.

## 33.0 Unlicensed Drivers

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33.1 Your attention is drawn to section 46 of each of the 1847 and 1976 Acts which require ALL drivers of Hackney Carriage vehicles to hold the appropriate drivers licence as issued by the Licensing Authority and it is an offence which affects the insurance to allow any unlicensed person to drive any licensed vehicle.

**IMPORTANT NOTE: If you fail without reasonable excuse to comply with these conditions, the Licensing Authority may consider that this amounts to reasonable cause to suspend, revoke or refuse to renew this Licence, subject to each case being considered on its merits.**

