

## Conditions for:

**Private Hire Vehicle Licence**

**Hackney Carriage Vehicle Licence**

**Private Hire Operators Licence**

**Hackney Carriage/Private Hire Drivers Licences**



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In reading these Conditions please note the following:

- Where appropriate, the singular includes the plural and vice versa
- words importing one gender include all other genders

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## 1 Current and proposed Private Hire Vehicle Licence Conditions

### 1. Renewals

An application for renewal of a licence shall be submitted together with the appropriate fee not later than 1 month prior to the expiration of the current licence.

### 2. The proprietor of the vehicle shall :

- Provide an adequate first aid kit;
- Maintain the exterior of the vehicle, including the paintwork, in a clean, sound and damage free condition.

### 3. Plates

- (a) Where a licence plate is lost or irreparably damaged after being issued to the proprietor, a replacement plate shall be provided by the Council at the expense of the proprietor;
- (b) The licence plates issued in respect of a particular vehicle shall not be removed without the consent, in writing, of the Head of Governance and Democracy of Stratford-on-Avon District Council.
- (c) Licence plates may only be used on the vehicle to which the plate was issued.
- (d) The proprietor shall not permit to be conveyed in a vehicle any greater number of persons than the number of persons specified on the plate affixed to the vehicle.

#### **4. Advertising Signs**

Advertising signs will only be permitted on or in the vehicle that have received prior approval in writing from the Head of Governance and Democracy.

#### **5. Roof Signs**

No roof sign may be displayed on a Private Hire Vehicle.

#### **6. Licence and Insurance**

- (a) The proprietor shall ensure that every person who drives the vehicle is properly licensed and insured for private hire usage.
- (b) The proprietor must upon request produce the appropriate insurance documents, vehicle registration document and M.O.T. test certificate for inspection by any authorised Officer of the Council.

#### **7. Investigations**

The proprietor shall co-operate fully in the investigation of complaints by the Head of Governance and Democracy or any Officer authorised by him and shall attend at the Offices of the District Council and produce any information reasonably requested during the course of such investigation.

#### **8. Alterations**

Once a licence has been granted, no material alteration or change in the specification design condition or appearance of the vehicle shall be made without the approval of the Council.

#### **9. Private Hire Vehicle External Licence Conditions**

The vehicle shall display a licence plate as prescribed by the Licensing Authority. This plate will be owned by the licensing authority, but provided at the Licensee's expense.

- (a) Vehicle licence plates will be securely fitted to the rear of the vehicle below the window line and in such a manner as to be clearly visible. The Licensee shall ensure the plate is kept clean and is not wilfully or negligently concealed from public view while the vehicle is being used for hire.
- (b) Upon renewal, the old licence plate shall be surrendered to the council prior to the issue of a new licence plate. Upon receipt of the new plate, it shall be secured to the vehicle to which it was issued as detailed above.
- (c) The Licensee shall ensure that the vehicle at all times throughout the period of licence has this plate exhibited in the manner described.

- (d) In the event of revocation or suspension and on the service of a notice under sections 58, of the Local Government (Miscellaneous Provisions) Act 1976, or upon expiry of the licence, the Licensee shall return the said plate to the Council's Licensing Officer.

## **10. Private Hire Vehicle - Internal Licence Plate**

The vehicle shall for identification purposes be required to have a private hire vehicle Internal Licence Plate as prescribed by the licensing authority. This internal plate is owned by the licensing authority, but provided at the Licensee's expense.

- (a) The Internal Licence Plate shall be displayed in the front windscreen of the vehicle in such a position that it shall be clearly visible. The Licensee shall ensure that it is not wilfully or negligently concealed from public view.
- (b) The Licensee shall ensure that no person uses or permits the use of the vehicle unless the Internal Licence Plate issued is exhibited in the manner described under these conditions.
- (c) In the event of revocation or suspension and on the service of a notice under sections 58, of the Local Government (Miscellaneous Provisions) Act 1976, or upon expiry of the licence, the Licensee shall return the said plate to the Council's Licensing Officer.

## **11. Door signs**

All private hire vehicles shall display door signs as prescribed by the council. These must be displayed on either side of the vehicle.

## **12. Accident Reporting**

Accidents resulting in damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried shall be reported to an authorised officer within 72 hours of the accident occurring.

## **13. Assistance Dogs**

No driver may refuse to carry an assistance dog which 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.

## **14. Change of Address and Change of Ownership**

The Proprietor must inform the Council in writing of any change of address, before the change if possible, but in any case not more than 14 days afterwards. If the vehicle is sold, the Proprietor must inform the Council in writing of this fact together with the name and address details of the new owner, within seven days of the sale.

## **15. Convictions, Cautions and Penalty Points**

The proprietor of a licensed vehicle should notify the Council in writing of any conviction or caution or recorded against him or of any penalty points incurred within 7 days of such conviction being imposed.

## **17. Documents**

When a vehicle is available for or being used for hire, the following must be carried in the vehicle:

- (a) Dual Driver's Licence issued by the council.
- (b) The current Certificate of Insurance or a current insurance cover note.
- (c) DVLA Drivers Licence
- (d) Ministry of Transport Test Certificate (MOT) for vehicles over one year old.
- (e) A duplicate identification badge will be issued and must be fixed to the dashboard or partition screen to enable the passengers to be able to easily identify the driver.

## **18. Drivers**

The proprietor shall not cause or procure or permit any person who is not the holder of a current dual Hackney Carriage/Private Hire licence issued by the Council to drive a licensed private hire vehicle.

## **19. Fire Extinguishers**

The proprietor of the hackney carriage shall provide and maintain an efficient, suitable fire extinguisher.

## **20. First Aid Kits**

The proprietor shall provide and maintain an adequate first aid kit.

## **21. Passengers**

The Proprietor or driver shall not permit to be conveyed in the vehicle a greater number of persons exclusive of the driver than the number of persons specified on the licence plate provided. The driver shall not allow any person other than the hirer, to ride in the vehicle when it is on hire without the hirer's consent.

## **22. Signs**

All badges and signs provided by the Council remain the property of the Council at all times and must be returned immediately when requested to do so by an authorised officer.

## **23. Vehicle Testing**

All private hire vehicles must be tested to ensure that they are mechanically sound, roadworthy and safe for use as a private hire vehicle, at a testing centre approved by the Council.

These mechanical tests will be required for a vehicle:-

- Up to 36 months old once a year
- Over 36 months twice a year

Any applicant aggrieved by any condition attached to the grant of this licence may appeal to a Magistrates Court. The procedure shall be by way of complaint for an order and the Magistrates Courts Act 1980 shall apply to the proceedings. The time within which any such appeal may be brought shall be twenty-one days from the date on which notice of the requirement or other decision was served upon the person desiring to appeal and for this purpose, the making of the complaint shall be deemed to be the bringing of the appeal.

## **2 Hackney Carriage Vehicle Conditions**

### **1. Renewals**

An application for renewal of a licence shall be submitted together with the appropriate fee not later than 1 month prior to the expiration of the current licence.

### **2. The proprietor of the vehicle shall :**

- Provide an adequate first aid kit;
- Maintain the exterior of the vehicle, including the paintwork, in a clean, sound and damage free condition.

### **3. Plates**

- (a) Where a licence plate is lost or irreparably damaged after being issued to the proprietor, a replacement plate shall be provided by the Council at the expense of the proprietor;
- (b) The licence plates issued in respect of a particular vehicle shall not be removed without the consent, in writing, of the Head of Governance and Democracy of Stratford-on-Avon District Council.
- (c) Licence plates may only be used on the vehicle to which the plate was issued.
- (d) The proprietor shall not permit to be conveyed in a vehicle any greater number of persons than the number of persons specified on the plate affixed to the vehicle.

### **4. Advertising Signs**

Advertising signs will only be permitted on or in the vehicle that have received prior approval in writing from the Head of Governance and Democracy.

### **5. Licence and Insurance**

- (a) The proprietor shall ensure that every person who drives the vehicle is properly licensed and insured.
- (b) The proprietor must upon request produce the appropriate insurance documents, vehicle registration document and M.O.T. test certificate for inspection by any authorised Officer of the Council.

## **6. Investigations**

The proprietor shall co-operate fully in the investigation of complaints by the Head of Governance and Democracy or any Officer authorised by him and shall attend at the Offices of the District Council and produce any information reasonably requested during the course of such investigation.

## **7. Alterations**

Once a licence has been granted, no material alteration or change in the specification design condition or appearance of the vehicle shall be made without the approval of the Council.

## **8. Hackney Carriage Vehicle External Licence Plates**

The vehicle shall display a licence plate as prescribed by the Licensing Authority. This plate will be owned by the licensing authority, but provided at the Licensee's expense.

- a) Vehicle licence plates will be securely fitted to the rear of the vehicle above the bumper and below the window line and shall be clearly visible. The Licensee shall ensure the plate is kept clean and is not wilfully or negligently concealed from public view while the vehicle is being used for hire.
- b) Upon renewal, the old licence plate shall be surrendered to the council prior to the issue of a new licence plate. Upon receipt of the new plate, it shall be secured to the vehicle to which it was issued as detailed above.
- c) The Licensee shall ensure that the vehicle at all times throughout the period of licence has this plate exhibited in the manner described.
- d) In the event of revocation or suspension and on the service of a notice under section 58, of the Local Government (Miscellaneous Provisions) Act 1976, or upon expiry of the licence, the Licensee shall return the said plate to the Council's Licensing Officer upon demand.

## **9. Hackney Carriage Vehicle - Internal Licence Plate**

The vehicle shall for identification purposes be required to have a Hackney Carriage vehicle Internal Licence Plate as prescribed by the licensing authority. This internal plate is owned by the licensing authority, but provided at the Licensee's expense.

- a) The Internal Licence Plate shall be displayed in the front windscreen of the vehicle in such a position that it shall be clearly visible. The Licensee shall ensure that it is not wilfully or negligently concealed from public view.
- b) The Licensee shall ensure that no person uses or permits the use of the vehicle unless the Internal Licence Plate issued is exhibited in the manner described under these conditions.



- c) In the event of revocation or suspension and on the service of a notice under section 58, of the Local Government (Miscellaneous Provisions) Act 1976, or upon expiry of the licence, the Licensee shall return the internal licence plate to the Council's Licensing Officer.

## **10. Accident Reporting**

Accidents resulting in damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried shall be reported to an authorised officer within 72 hours of the accident occurring.

## **11. Assistance Dogs**

No driver may refuse to carry an assistance dog which 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.

## **12. Change of Address or of Ownership**

- (a) If the vehicle is sold, the Proprietor must inform the Council in writing of this fact together with the name and address details of the new owner, within seven days of the sale.
- (b) The proprietor must inform the council in writing of any change of address, before the change if possible, but in any case not more than 7 days afterwards.

## **13. Convictions, Cautions and Penalty Points**

The proprietor of a licensed vehicle should notify the Council in writing of any conviction or caution recorded against him or of any penalty points incurred within 7 days of such conviction being imposed.

## **14. Documents**

When a vehicle is available for or being used for hire, the following must be carried in the vehicle:

- (a) Dual Driver's Licence issued by the council.
- (b) The current Certificate of Insurance or a current insurance cover note.
- (c) DVLA Drivers Licence
- (d) Ministry of Transport Test Certificate (MOT) for vehicles over one year old
- (e) A duplicate identifying badge will be issued and must be displayed either in the front of the vehicle or on the partition screen between the driver and passengers to enable the duplicate badge to be placed therein.

## **15. Drivers**

The proprietor shall not cause or procure or permit any person who is not the holder of a current Hackney Carriage licence issued by the Council to drive a licensed hackney carriage vehicle.

## **16. Fire Extinguishers**

The proprietor of the hackney carriage shall provide and maintain an efficient, suitable fire extinguisher.

## **17. First Aid Kits**

The proprietor shall provide and maintain an adequate first aid kit.

## **18. Passengers**

The Proprietor or driver shall not permit to be conveyed in the vehicle a greater number of persons exclusive of the driver than the number of persons specified on the licence plate provided. The driver shall not allow any person other than the hirer, to ride in the vehicle when it is on hire without the hirer's consent.

## **19. Roof Signs**

- (a) All vehicles (other than a purpose designed taxi vehicle) shall be fitted with a double sided illuminated roof sign showing only the words in black lettering "TAXI" to the front and rear. The words must appear on a white background to the front and a red background to the rear. This is in accordance with the road vehicle registration and lighting regulations.
- (c) The sign 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.
- (d) The illuminated roof sign shall be wired to the taximeter in such as way as to extinguish the light during the carrying of a fare for which the meter shall be in operation.

## **20. Signs**

All badges, plates or signs provided by the Council remain the property of the Council at all times and must be returned immediately when requested to do so by an authorised officer.

## **21. Table of Fares (Tariff)**

The proprietor shall ensure that a copy of the current Table of Fares (Tariff) supplied by the Council is exhibited inside the carriage at all times in such a manner and place that the particulars thereon are clear and visible to any passenger being conveyed in the vehicle.

## **22. Taximeter**

The vehicle must be fitted with a taximeter and it shall not be used for hire unless such taximeter has been tested and approved by the Council. All taximeters shall comply with the following:

- (a) All new Hackney Carriage Vehicles shall require a calendar controlled tariff taximeter;
- (b) by JUNE 2009, all vehicles shall be fitted with a calendar controlled tariff taximeter;
- (c) until June 2009, all existing vehicles will be fitted with a taximeter;
- (d) The taximeter shall be calibrated and sealed with a tamper evident seal following a change to the Table of Fares. A record shall be made of the meter inspection that takes place.

## **23. Transporting Wheelchair Users (WAV only)**

A driver of a wheelchair accessible vehicle commits an offence if he fails or refuses to transport a wheelchair user.

## **24. Vehicle Testing**

All Hackney Carriage vehicles must be tested to ensure that they are mechanically sound, road-worthy and safe for use as a Hackney Carriage vehicle, at a testing centre approved by the Council.

- Up to 36 months old once a year
- Over 36 months twice a year

Any applicant aggrieved by any condition attached to the grant of this licence may appeal to a Magistrates Court. The procedure shall be by way of complaint for an order and the Magistrates Courts Act 1980 shall apply to the proceedings. The time within which any such appeal may be brought shall be twenty-one days from the date on which notice of the requirement or other decision was served upon the person desiring to appeal and for this purpose, the making of the complaint shall be deemed to be the bringing of the appeal.

### **3 Conditions relating to Private Hire Operators Licence**

#### **1. Records to be kept by the Operator**

- (a) The records required to be kept by the operator under Section 56 (2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book, folder, or other means approved by the authorised officer, and shall be produced for examination on demand. Pages of such a book or folder should be numbered consecutively.
- (b) (i) An operator who takes a booking made by another operator is acting as a sub-contractor for the first operator. The operator who accepted the booking remains the role of contractor with the client, and remains responsible for the satisfactory completion of the contract. Full records must be kept of the booking and the company that were sub contracted.
- (ii) The company who receive the sub-contract booking must keep a record of the booking referred to him by the first operator.
- (c) A driver who works for an operator but who is also the holder of an operator's licence in his own right is regarded as working for the other operator as a sub-contractor, and is responsible for keeping his own records as required below.
- (d) The operator shall enter in the record book, before the commencement of each journey, the following particulars of every booking of a private hire vehicle accepted by him:
- Time and date of the booking
  - Name of the hirer
  - Time, date, and place of pickup
  - Call sign of the vehicle used, or the name or other means of identifying the vehicle and driver.
  - How the booking was made, (e.g. by telephone, in person, etc.)
  - Destination
  - The agreed fare quoted (if not calculated by means of a taximeter in the allocated vehicle)
  - Remarks
- (e) The operator may keep records of bookings in a suitable computer programme, provided that an authorised officer shall be able to inspect them on demand, and the Licensing Officer has approved the programme used for such purpose.

- (f) The operator shall keep a record of all Private Hire drivers used by him. These records shall include:
- Name and current address of the driver.
  - Driver's DVLA licence details.
  - Driver's private hire driver's licence number and date of expiry.
  - Date the driver started working for that operator.
  - Date the driver ceased to work for that operator.
- (g) The operator shall hold a copy of the driver's Private Hire Driver's Licence during the period that he utilises such driver, but the licence must be returned to the driver when the driver leaves the service of the operator.
- (h) The operator shall keep records of the particulars of all private hire vehicles operated by him. These shall include:
- Details of the owner.
  - Registration number and plate number
  - Details of the private hire vehicle licence, including the date of expiry.
  - Driver.
  - Any radio call sign used.
  - Date the operator started to use the vehicle.
  - Date the operator ceased to use the vehicle.
- (i) The operator shall keep all records for a period of at least 12 months following the date of the last entry.
- (j) The operator shall hold the owner's Private Hire Vehicle Licence during the period that he utilises such vehicle, but the licence must be returned to the owner when the vehicle leaves the service of the operator.

## **2. Conduct of the Operator**

- (a) The operator shall notify the Council in writing of any change of his address during the period of the licence within seven days of such change.
- (b) No operator may change the address from which he operates without the prior agreement of the Council and all licence requirements being met.
- (c) The operator shall notify the Council of the sale of his business within seven days of such event taking place.
- (d) The operator shall disclose to the Council in writing within seven days details of any convictions, (including any caution), motoring or otherwise, imposed upon him.
- (e) The operator should advise the Council of changes of drivers within 7 days of such change taking place.

### **3. Deposit of Driver and Vehicle Licences**

- (a) Any operator who employs or permits any person to drive any licensed vehicle owned by him or her, on his behalf, will ensure that a copy of the driver's licence is deposited with him during the period that the driver is employed to drive.
- (b) Any vehicle employed or used by an operator must be licensed and the proprietor of the vehicle shall deposit a copy of his vehicle licence with the operator during the period that the vehicle is so employed or used.
- (c) The operator must return the licence to the vehicle proprietor at the end of the period.
- (d) A licensed driver, driving a licensed vehicle, who is also a licensed operator, may retain his own licences whilst sub-contracting for another operator. It remains the responsibility of the operator holding the contract for a hiring to ensure that he utilises properly licensed drivers and vehicles, even when he subcontracts that hiring to another operator.

### **4. Planning Permission**

The operator shall ensure that all his premises have (where planning legislation requires it) a valid planning permission authorising the carrying out of his business from the premises.

The grant of an operators licence does not allow the use of the premises without planning permission.

### **5. Notices**

The operator shall clearly display on all his premises his licence to operate private hire vehicles or a copy of the same and also clearly display a copy of these licence conditions.

### **6. Hirings**

The operator shall provide a prompt efficient and reliable service to members of the public at all reasonable times.

Without prejudice to the generality of the previous condition, the operator shall, in particular:-

- (a) ensure that when a private hire vehicle has been hired, to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place;
- (b) keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purposes of booking or waiting;
- (c) ensure that where offices are open to the public for bookings that adequate seating facilities are provided;

- (d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- (e) Not permit people who are drunk to remain on the premises.

## **8. Records**

All records kept by the operator shall be preserved for a period of not less than twelve months following the date of the last entry.

The operator may, with the prior approval of the Council, keep the above records on a suitable computer with printout facilities in addition to or instead of the books or ledgers referred above.

When the operator accepts the hiring he/she shall immediately prior to the commencement of the journey, enter all the details of the hirer legibly in ink in the form prescribed.

## **9. Vehicles**

- (a) The operator shall ensure that all vehicles operated by him/her comply with the conditions of the vehicle licence and shall immediately notify the Council of any damage to vehicles, howsoever occurring as soon as he becomes aware of such damage
- (b) The operator shall notify the Council in writing within seven days of the operation of any additional private hire vehicle, or termination of the operation of any private hire vehicle.
- (c) The operator shall ensure that every private hire vehicle operated by a Certificate of Insurance or covering note indemnify the proprietor of the said vehicle for the carriage of passengers for hire or reward in accordance with Part IV of the Road Traffic Act 1972.

## **10. Complaints**

- (1) The operator shall keep a complaints book or ledger, the pages of which are numbered consecutively and shall produce the complaints' book or ledger on request to any authorised Officer of the Council, or any Police Officer for inspection.

- (2) The operator shall on receipt of any complaint from a member of the public (whether received personally, on the telephone or in writing) relating to any one or more of the following:-
  - (a) the operator's business premises;
  - (b) his facilities within his premises;
  - (c) the state or cleanliness of any of his vehicles or drivers;
  - (d) the terms and conditions of any contract or purported contract of hire;
  - (e) any other matter relating to any contract or purported contract for hire;
  - (f) any other matter relating to his business;
- (3) The operator must immediately notify the complainant of his right to forward the complaint to the Council.
- (4) The operator shall on receipt of any complaint enter the following particulars of every complaint received by him in the complaints book or ledger:-
  - (a) The date and time the complaint was received;
  - (b) the name and address of the complainant;
  - (c) how the complaint was made (i.e. personally by telephone or in writing)
  - (d) the details of any relevant booking relating to the complaint;
  - (e) remarks (if any).
- (5) The operator shall with due diligence investigate any complaint received and notify the complainant in writing of the outcome of his investigations and any measures he proposes to take to remedy the complaint. The operator shall also note any measures taken to remedy the complaint in the complaints' book or ledger.
- (6) When a complaint is received by the Council and is investigated by the authorised officer, the operator shall comply with all reasonable directions of the Officer in respect of that complaint.

## **12. Convictions**

The operator shall disclose to the Council in writing within seven days details of any convictions imposed on him.

## **13. Advertising**

- (a) The operator shall ensure that all vehicles operated by him do not display any roof signs whatsoever.



- (b) The operator shall not use any advertising or promotional material, letter heading or other stationery or business name which includes the words 'taxi' or 'cab' whether used in the singular or the plural, or in conjunction with another word or forming part of a word making up the said business name.

#### **14. Suspension and Revocation of Operator Licences**

The Council may suspend or revoke or refuse to renew a licence on the following grounds:-

- (a) the commission of an offence or non-compliance with any provision contained within the Local Government (Miscellaneous Provisions) Act 1976.
- (b) unfitting conduct of the operator
- (c) any material change in the operator's circumstances on the basis of which the licence is granted.
- (d) any other reasonable cause Section 62 Local Government (Miscellaneous Provisions) Act 1976.

STRATFORD-ON-AVON DISTRICT COUNCIL RESERVE THE RIGHT TO ADD TO, ALTER OR AMEND ANY OF THESE CONDITIONS AS THEY SEE FIT OR AS CHANGES IN LEGISLATION DICTATE.

Any applicant aggrieved by any condition attached to the grant of this licence may appeal to a Magistrates Court. The procedure shall be by way of complaint for an order and the Magistrates Courts Act 1980 shall apply to the proceedings. The time within which any such appeal may be brought shall be twenty-one days from the date on which notice of the requirement or other decision was served upon the person desiring to appeal and for this purpose, the making of the complaint shall be deemed to be the bringing of the appeal.

## **4 Dual Hackney Carriage & Private Hire Drivers' Licences Conditions**

### **Hackney Carriage Byelaws**

Byelaws made under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875, by the Stratford on Avon District Council with respect to hackney carriages in all parts of the administrative district of the Stratford on Avon Council.

### **Interpretation**

1. Throughout these Byelaws “the Council” means the Stratford on Avon District Council and “the district” means all parts of the District of Stratford on Avon.

Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence shall be displayed

2. (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.  
(b) A proprietor or driver of a hackney carriage shall:
  - (i) Not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
  - (ii) Not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided

3. The proprietor of a hackney carriage shall:
  - (a) Provide sufficient means by which any person in the carriage may communicate with the driver;
  - (b) Cause the roof or covering to be kept water-tight;
  - (c) Provide any necessary windows and a means of opening and closing not less than one window on each side;
  - (d) Cause the seats to be properly cushioned or covered;
  - (e) Cause the floor to be provided with a proper carpet, mat, or other suitable covering;
  - (f) Cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - (g) Provide means for securing luggage if the carriage is so constructed as to carry luggage;

- (h) Provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
  - (i) Provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. 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, that is to say:
- (a) the taximeter shall be fitted with a key, flag, or other device the operation of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
  - (b) 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,
  - (c) 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 hire of the carriage by distance in pursuance of the byelaw in that behalf;
  - (d) 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;
  - (e) 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 figure shall be capable of being suitably illuminated during any period of hiring;
  - (f) The taximeter and all the fittings thereof shall be so affixed to the carriage 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.
5. Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges

The driver of a hackney carriage shall:-

- (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the Byelaws in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
- (b) 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;

- (c) 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.
6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired,
- (a) proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf;
- (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
- (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
- (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for that purpose.
9. The driver of a hackney carriage shall behave in a civil and orderly manner and be clean and respectable in his dress and person and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
10. The proprietor or 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.
11. The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
12. The proprietor or 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 specified on the plate affixed to the outside of the carriage.
13. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.

14. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage,
- (a) convey a reasonable quantity of luggage;
  - (b) afford reasonable assistance in loading and unloading;
  - (c) afford 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 person.

Provisions fixing the rates or fares to be paid for hackney carriages within the District, and securing the due publication of such fares

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

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 enclosed table which it may not be possible to record on the face of the taximeter.

TARIFF 1 For hirings on any day except as below

TARIFF 2 For hirings begun between 11.00pm and 7.00am, and hirings begun between 6.00pm and Midnight on Christmas Eve and New Year's Eve, also for hirings at any time on Sundays and Public Holidays (excluding Christmas Day, Boxing Day and New Year's Day)

TARIFF 3 For hirings on Christmas Day, Boxing Day and New Year's Day

Extra Charges

- (a) An additional 50% fare could be charged when a vehicle carries five or more passengers
- (b) For each article of luggage conveyed outside the passenger compartment **20p**
- (c) For each person in excess of two (2 children under the age of 10 years count as one person for fare purposes only) **20p**
- (d) Soiling charge **£45**
- (e) That unavoidable toll and congestion charges incurred during a journey be reimbursed in full

16. (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the byelaw in that behalf to be exhibited inside the carriage, in clearly distinguishable letters and figures.

- (b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully 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.

Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages and fixing the charges to be made in respect thereof

- 17. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
- 18. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him,
  - (a) 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 police station in the district, and leave it in the custody of the officer in charge of the office on his giving a receipt for it,
  - (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the police station, whichever be the greater) but not more than five pounds.

## **Penalties**

- 19. Every person who shall offend against any of these Byelaws shall be liable on summary conviction to a fine not exceeding one hundred pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction therefore.

Maximum fine for a breach of the Byelaws is level 2 on the standard scale (currently £500) and in case of a continuing offence a further penalty not exceeding £2 for each day after written notice of the offence from the local authority (Public Health Act 1875, Section 183, as amended by the Criminal Law Act 1977, Section 31(2) and the Criminal Justice Act 1982, Section 46). (As at November 1998).

## **5 Private Hire Drivers' Conditions**

### **1. Animals**

The driver may not carry his/her or an operator's animals whilst engaged in carrying a fare.

Passenger owned animals might be carried at the driver's discretion. A driver cannot refuse to carry an assistance dog.

### **2. Appearance**

- (a) The driver shall be clean and tidy in appearance.
- (b) The driver shall at all times be dressed in a manner not to cause embarrassment or offence to members of the public.

### **3. Assistance Dogs**

- (a) No driver may refuse to carry an assistance dog which 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 condition must apply to the Council for a certificate of exemption. Any charge for any necessary medical examination is to be paid by the applicant. The holder of such certificate of exemption shall ensure that it is displayed within the vehicle at all times.
- (c) Drivers must comply with the Disability Discrimination Act, and any subsequent relevant legislation, at all times.

### **4. Badges**

- (a) The driver will wear his drivers' badge at all times in such a manner as to be clearly and distinctly visible unless the vehicle is being used in connection with a wedding or funeral.
- (b) A duplicate identification badge will be issued and must be fixed to the dashboard or partition screen to enable the passengers to be able to easily identify the driver.
- (c) Upon expiry, revocation or suspension, the licence must be surrendered to the Council on demand.
- (d) The badge remains the property of the Council at all times.
- (e) Where a badge is lost or stolen, the driver must obtain a replacement. This will be at the drivers' own expense.

## **5. Compliance Legislation**

Drivers must comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976, a copy of which is available for inspection at the Council Offices, Elizabeth House, Church Street, Stratford-upon-Avon;

## **6. Change of Address**

The driver must notify Licensing Section in writing of any change of his address during the period of the licence within seven days of such changes taking place.

## **7. Change of Circumstances**

The driver shall notify the Council in writing within seven days of:

- (a) change in name or address.
- (b) change in employer.
- (c) any convictions, motoring or otherwise (including fixed penalty), or any caution he has received.
- (d) any medical condition that may affect their ability to drive. A medical examination may be required.

## **8. Convictions or Cautions**

The driver must within fourteen days disclose to the Council in writing full details of any conviction imposed on him during the period of the licence.

## **9. Conduct**

- (a) When a passenger is in the vehicle, a driver should not eat or drink in the vehicle.
- (b) The radio or any other music shall not be played without the express permission of the hirer
- (c) The driver shall not without the express consent of the hirer, convey or permit to be conveyed, any other person in the vehicle.

## **10. Deposit of Licence**

If a driver is permitted to work for an operator, he will provide the operator with a copy of his drivers' licence before starting to work, and will leave it with the operator until he finishes working for him. The operator must return such licence to the driver when he ceases to drive any vehicle operated by that operator.



## **11. Disability Awareness Course**

It is a condition of the granting of a Hackney Carriage/Private Hire Drivers Licence that the driver must attend the next available disability awareness course and in any case within the duration of their first Licence (one year). All necessary fees to be paid by the driver and proof of attendance on the course should be provided to Stratford-on-Avon District Council. A certificate will be issued upon completion of this training reflecting your commitment to providing this level of service.

Existing drivers who have not undertaken this training will be required to do so by 31 December 2009.

## **12. Fare to be Charged**

- (a) The driver shall not exceed the fare agreed between the hirer and the operator.
- (b) Hackney Carriage fares shall not exceed the amount permitted within the current table of fares.

## **13. General Licence Conditions**

All drivers shall operate strictly within the terms of any licence issued under the terms and conditions of the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses act 1847 and Conditions issued by the Council.

## **14. Investigations**

The driver shall cooperate fully in the investigation of complaints by the Head of Governance and Democracy or any other officer authorised by him and shall attend at the Offices of the District Council and produce any information reasonably requested during the course of such investigation.

## **15. Lost Property**

The driver shall immediately after the termination of any hiring of the vehicle or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left there.

Any property found must be handed to the police within 48 hours of finding.

## **16. Operators**

- (a) All drivers are responsible for checking that the operator through whom they are working has a current Private Hire Operator's Licence.
- (b) A licensed driver must notify the Council in writing as soon as he changes the operator through whom he takes bookings.

- (c) A licensed driver who holds an operator's licence must comply with all the conditions and requirements of that licence even when working for another operator.
- (d) Drivers must provide the operator with a copy of his drivers' licence before commencing work. The operator must return such licence when the driver moves to a new operator.
- (e) Surrender the licence together with the badge issued to him on ceasing employment as a driver;

## **17. Punctual Attendance**

Any driver who has been pre-booked shall attend as appointed.

## **18. Reasonable Assistance**

The driver shall, when requested by any person hiring the vehicle:-

- (a) convey a reasonable quantity of personal luggage;
- (b) afford reasonable assistance in loading and unloading;
- (c) afford 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 person.

## **19. Receipts**

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

## **20. Responsibility to Residents**

To avoid nuisance when picking up or waiting for a fare, particularly during hours of darkness, a driver shall:

Keep the volume of radio or music playing to a minimum;

Switch off the engine if required to wait;

Take whatever additional action is reasonably necessary to avoid disturbance to residents in the neighbourhood.

## **21. Sounding the Horn**

A licensed driver shall not sound his horn to announce his presence to the hirer.

## **22. Sub-Standard Driving**

Complaints received regarding sub-standard driving will result in a requirement to undergo a further driving assessment, which will be at the driver's expense. Failure to pass this assessment is a reasonable cause to suspend or revoke a licence.

## **23. Suspension and Revocation**

A revoked or suspended licence MUST be surrendered to the Council on demand.

## **24. Touting and Soliciting**

The driver shall not, whilst driving or in charge of a private hire vehicle:

- (a) Tout or solicit any other person to hire, or be carried for hire in any private hire vehicle.
- (b) Cause or procure any other person to tout or solicit any person to hire or be carried for hire in any private hire vehicle.
- (c) ply for hire or use any taxi rank.

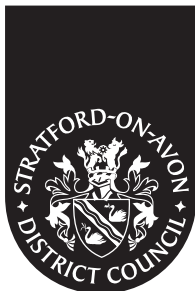
## **25. Vehicle Plates**

- (a) The driver shall not convey or permit to be conveyed any greater number of persons than specified on the plate affixed to the vehicle.
- (b) The driver shall not wilfully or negligently cause or suffer any internal or external licence plate or number to be concealed from public view while the vehicle is hired. Nor shall he cause or permit the vehicle to be on hire with any such plate so defaced that any figure or material particular is illegible.

Any applicant aggrieved by any condition attached to the grant of this licence may appeal to a Magistrates Court. The procedure shall be by way of complaint for an order and the Magistrates Courts Act 1980 shall apply to the proceedings. The time within which any such appeal may be brought shall be twenty-one days from the date on which notice of the requirement, or other decision was served upon the person desiring to appeal, and for this purpose, the making of the complaint shall be deemed to be the bringing of the appeal.

If you find the text in this publication difficult to read  
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