

## **REFORM OF TAXI AND PRIVATE HIRE LICENSING CONDITIONS**

### **REPORT OF INTERIM EXECUTIVE DIRECTOR, ENVIRONMENTAL SERVICES**

#### **1.0 PURPOSE OF REPORT**

- 1.1 The purpose of the report is to seek the views and support of the Regeneration and Environment Overview and Scrutiny Commission on the proposed changes to the taxi and private hire licensing conditions, as set out in the draft report to Council, attached at Appendix A to this report.

#### **2.0 RECOMMENDATIONS**

2.1 Members are recommended to:

- i) consider the proposals to change the taxi and private hire licensing conditions set out in the draft Council report; and
- ii) consider the implications of the proposed changes and make recommendations to Council for consideration in conjunction with the report.

# **REFORM OF TAXI AND PRIVATE HIRE LICENSING CONDITIONS**

## **3.0 INTRODUCTION**

- 3.1 In November 2005 the Cabinet approved a consultation paper on proposed revisions to the conditions of operation for licensing hackney carriage and private hire vehicles. The consultation paper was issued and received a number of responses, primarily from people within the Taxi and Private Hire trade. The results of the consultation and the subsequent proposals are contained as an Appendix to the draft report to Council.
- 3.2 In accordance with the policy development role of the Regeneration and Environment Overview and Scrutiny Commission, the proposals for change are being brought for consideration by the Commission prior to submitting the report to Council for approval of the proposed policy and amended byelaws.
- 3.3 The current conditions will need to be revised to give effect to the proposed changes. The proposed revised conditions are currently being drafted and will form Appendix 4 to the Council report.

## **4.0 KEY ISSUES FOR CONSIDERATION**

- 4.1 In developing the Regeneration and Environment Overview and Scrutiny Commission's response, Members may wish to consider the following key proposals:-
- i) the proposed objectives applicable to the licensing of hackney carriages and private hire drivers, vehicles and operators;
  - ii) that, the Council removes the limitation on the total number of hackney carriages and achieves this through a phased release in new licence plates;
  - iii) that, over time, all hackney carriages will be required to conform to the standards proposed in the report but in particular that they will provide for disabled person's access; and
  - iv) that the other proposals to reform hackney carriages and private hire licensing conditions are appropriate both in terms of their extent and timescale for introduction.

4.2 The above key proposals are considered to be the main issues relating to the proposed changes to licensing conditions. However, by suggesting these for consideration, it will of course be for the Regeneration and Environment Overview and Scrutiny Commission to determine any other issues that it considers appropriate for consideration and recommendation to Council.

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*The following is a list of the background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents, which would disclose exempt or confidential information as defined by that Act.*

*File Ref - Records Held in Department*

*Any Person wishing to inspect copies of the above background papers should contact:-*

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EXECUTIVE DECISION RECORDING SYSTEM :  
REFERENCE NUMBER <>

COUNCIL

7 FEBRUARY 2007

**REVISION OF THE CONDITIONS OF OPERATION FOR LICENSED  
HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES AND DRIVERS  
IN OLDHAM**

REPORT OF INTERIM EXECUTIVE DIRECTOR,  
ENVIRONMENTAL SERVICES

**1.0 PURPOSE OF REPORT**

- 1.1 The purpose of this report is to set out proposals for the implementation of changes to the conditions of operation for licensed hackney carriage and private hire vehicles, drivers and operators in Oldham. This follows the publication of a consultation paper in November 2005 and a full public consultation process.
- 1.2 The adoption of limitation and the amendment of conditions relating to licensing hackney carriages, private hire vehicles, drivers and operators is a matter reserved for Council.

**2.0 EXECUTIVE SUMMARY**

- 2.1 This report sets out proposals to:
- (a) adopt objectives for the licensing of hackney carriages and private hire, drivers, vehicles and operators as:
    - (i) Ensuring passengers have safe journeys at a transparent price;
    - (ii) Ensuring vehicles are safe, accessible and reducing their impact on the environment; and
    - (iii) Ensuring drivers are safe and know what they are doing;

- (b) agree that any new or replacement vehicle submitted for approval as a hackney carriage after 1 April 2007, be required to meet the Transport for London Conditions of Fitness, except for conditions relating to requirements for a maximum turning circle;
- (c) agree that with effect from 1 April 2007, any licensed vehicle may carry advertising visible only on the interior of the vehicle and any purpose built or adapted hackney carriage vehicle may carry advertising visible on the exterior of the vehicle, subject to applicable road traffic regulations;
- (d) agree that:
  - (i) any licensed vehicle submitted for their licensing inspection on or after 1 September 2007 that is of Euro I emissions standard will be required to have either Energy Saving Trust approved emissions reduction equipment fitted or an approved conversion to run on alternative fuels such that they meet Euro III emission standards for NO<sub>x</sub> and PM<sub>10</sub>;
  - (ii) any licensed vehicle submitted for their licensing inspection on or after 1 September 2008 that is of Euro II emissions standard will be required to have either Energy Saving Trust approved emissions reduction equipment fitted or an approved conversion to run on alternative fuels such that they meet Euro III emission standards for NO<sub>x</sub> and PM<sub>10</sub>; and
  - (iii) included within the November 2007 tariff change, there will be added an environmental charge to all journeys of 10p;
- (e) agree to remove the restriction on the total number of hackney carriage licences issued in the Borough in accordance with the process identified in paragraph 6.6 of the report;
- (f) set a policy fixing a maximum permitted fare for hackney carriage journeys (rather than a fixed fare as currently stated) with immediate effect following the decision of Council;
- (g) amend the conditions of operation for hackney carriages and private hire vehicles, drivers and operators to give effect to a dispersal management plan for Oldham Town Centre;

- (h) amend the conditions of operation for hackney carriages and private hire vehicles, drivers and operators to give effect to a *CabSafe* passenger and driver safety scheme in Oldham;
- (i) amend the conditions of operation for hackney carriages and private hire vehicles, drivers and operators to give effect to a requirement that mandatory door signs be permanently affixed to vehicles;
- (j) amend the conditions of operation for hackney carriages and private hire vehicles, drivers and operators to give effect to all other minor and consequential amendments to the conditions as set out in paragraph 6.11 of this report; and
- (k) amend the test conditions for drivers to give effect to a requirement for a written element to the test and awareness training.

### 3.0 **RECOMMENDATIONS**

#### 3.1 Members of the Council are recommended to agree:-

- i) to adopt objectives for the licensing of hackney carriages and private hire, drivers, vehicles and operators as:
  - (a) Ensuring passengers have safe journeys at a transparent price;
  - (b) Ensuring vehicles are safe, accessible and reducing their impact on the environment; and
  - (c) Ensuring drivers are safe and know what they are doing;
- ii) that the restriction on the total number of hackney carriage vehicle licences issued in the Metropolitan Borough of Oldham be lifted;
- iii) to adopt the revised conditions in Appendix 4 for hackney carriage and private hire licensing under Sections 47, 48, 51 and 55 of the Local Government Act (Miscellaneous Provisions) Act 1976;

- iv) that the Executive Director for Environmental Services be required to report to the Licensing Committee on the effects of lifting the restriction on the total number of hackney carriage vehicle licences and the process used at their meeting in November 2007 and annually thereafter; and
- v) the terms of reference of the Licensing Committee be amended to include responsibility for authorising amendments to the Council's hackney carriage and private hire licensing conditions.

# REVISION OF THE CONDITIONS OF OPERATION FOR LICENSED HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES AND DRIVERS IN OLDHAM

## 4.0 INTRODUCTION

- 4.1 In November 2005, Cabinet approved a consultation paper on proposed revisions to the conditions of operation for licensed hackney carriage and private hire vehicles, drivers and operators in Oldham.
- 4.2 The consultation paper covered a wide range of issues, but the two most controversial issues arose out of the Council's current policy of limiting the total number of hackney carriages on the fleet and allowing non-purpose built vehicles on the fleet.
- 4.3 On 11 November 2003, the Office of Fair Trading published a report called "*The regulation of taxi and PHV services in the UK*". In that report, the OFT criticised authorities that operated restrictive conditions that it said, hindered open competition.
- 4.4 On 18<sup>th</sup> March 2004, the Secretary of State for Transport made a statement to Parliament which rejected the outright abolition of quantity control policies, but strongly encouraged all local authorities to remove these restrictions as soon as possible. The Secretary of State also indicated that he would be publishing best practice guidance for local authorities on the issue.
- 4.5 This statement, was followed up by a letter to Oldham Council from the Department for Transport requiring the Council to state its current position in relation to limitation. In November 2005, the Council decided to undertake a wide ranging public consultation on the issue and other associated matters. This report sets out the results of that consultation.
- 4.6 On 16 October 2006, the Council received the Secretary of State's 'Best Practice Guidance' and this is reproduced at Appendix 2 for Members' information.

## 5.0 CONSULTATION PROPOSALS

5.1 In summary, the consultation paper contained the following proposals:

- (a) Phase out the use of saloon cars in the hackney carriage fleet by March 2008 towards the use of purpose built vehicles to improve accessibility for disabled people, increase vehicle capacity, improve the recognition of hackney carriages in the Borough and comply with proposed taxi accessibility regulations under the Disability Discrimination Act 1995;
- (b) Relax the rules on advertising on purpose built hackney carriage vehicles to improve business opportunities for owners, remove unnecessary regulation on small businesses, contribute to a more colourful urban environment and deliver cost savings for passengers;
- (c) Introduce stricter emissions standards for all licensed vehicles, with a view to achieving the Euro 3 standard by September 2011, thus reducing noxious pollution, improving air quality and contributing to the reduction in asthma sufferers in the Borough;
- (d) Phase in additional licensed hackney carriages to the fleet at the rate of 10 plates per licensing period until demand for market entry and thus additional vehicles diminishes where the limit will be removed. This is in order to remove barriers to market entry and ensure adequate supply of licensed vehicles at peak times, particularly late at night at weekends, improving competition, local economic development and regeneration;
- (e) Change the fares structure for licensed hackney carriages (private hire fares are not fixed by the Authority) to be permitted maximum fares rather than mandatory fixed fares to improve competition, provide for discounts for pre-booked hackney carriage journeys and encourage consumer choice;
- (f) Introduce a Vehicle Queuing System for Oldham Town Centre on weekend nights as a part of a Dispersal Management Plan, to include the use of taxi marshals, dispersal points, access restrictions and passenger safety measures;

- (g) Develop a best practice recognition scheme for licensed vehicle drivers, owners and operators and link membership of this scheme to reducing the regulatory burden on drivers, owners and operators through less frequent inspection and control measures;
- (h) Amend the conditions for private hire operators relating to the keeping of records for bookings and strengthening of mandatory door sign conditions for vehicles; and
- (i) Upgrade the drivers' proficiency test to provide for a written test in addition to existing arrangements.

## 6.0 PROPOSED CONDITIONS

- 6.1 The consultation exercise was carried out in accordance with the Cabinet Office guidelines on public consultation. A Summary of the Responses received is attached as Appendix 1.
- 6.2 Taking into account the responses to the consultation paper, the current law, best practice and the proposed objectives for the licensing regime, the following changes are proposed:
- 6.3 **Purpose Built Vehicles** – The majority of the taxi trade were against the introduction of purpose built vehicles, mainly on cost grounds and some residents also objected, but the groups representing disabled people and the passenger transport authority were in favour. We also received representations about what is meant by 'purpose built'.

**A revised option from that in the consultation paper is proposed – that is to allow purpose built and adapted vehicles on the fleet. Any new/replacement vehicles registered after 1<sup>st</sup> April 2007 would be required to meet this new standard. Existing vehicles would be permitted to remain on the fleet until they reach retirement age (8 years maximum). Adapted Vehicles are defined as those that meet the Transport for London Conditions of Fitness, except for the requirement for vehicle turning circles. These conditions can be found at Appendix 3.**

- 6.4 **Advertising** – There were mixed views on advertising, but on balance views were in favour of a relaxation of the rules.

**It is proposed that the rules on advertising within any licensed vehicle be relaxed and advertising on the exterior of purpose built and adapted hackney carriages be permitted. Such advertising to be in accordance with the Code of Advertising Practice.**

- 6.5 **Emissions Standards** – The majority of respondents were in favour of implementing stricter standards on emissions.

**It is proposed that the proposals set out in the consultation paper be implemented, namely:**

- As of **1 September 2007**, all vehicles that are of **Euro I** emissions standard will, when presented for their licensing inspection, be required to have either Energy Saving Trust approved emissions reduction equipment fitted or an approved conversion to run on alternative fuels such that they meet Euro 3 emission standards for NO<sub>x</sub> and PM<sub>10</sub>.
- As of **1 September 2008**, all vehicles that are of **Euro II** emissions standard will, when presented for their licensing inspection, be required to have either Energy Saving Trust approved emissions reduction equipment fitted or an approved conversion to run on alternative fuels such that they meet Euro 3 emission standards for NO<sub>x</sub> and PM<sub>10</sub>.
- As of the **November 2007** tariff change, to add an environmental charge to all journeys of 10p, to assist in paying for these higher emissions standards.

- 6.6 **Delimitation** – The private hire trade are not opposed to delimitation, however, the Department for Transport regards not having a limitation policy in place as best practice. The benefits of not restricting the number of hackney carriage licences are:-

- a) through the use of normal market supply and demand forces, supply of the hackney carriages will grow to a point where demand has been met or where it is no longer financially viable to enter the market or to continue;

- b) as a result of a) above, there will be a greater incentive to supply hackney carriages at less convenient hours, for example late nights/early mornings, bank holidays etc which should have the effect of increasing supply and accessibility. Apart from the obvious benefit of greater supply for the convenience of consumers, it is known that some violent assaults and anti-social behaviour originate in disputes between people waiting for a “taxi”.
- c) associated with the other proposed changes to allow only purpose-built vehicles (see 6.3 above) the supply of these vehicles will increase which will also improve the choice and access of people with disabilities. A further benefit will be the purpose-vehicles are immediately identifiable as licenced hackney carriages which substantially reduces the risk of someone being enticed into an unlicensed car.

**It is proposed that controlled de-restriction be adopted.**

In order to achieve the removal of the limit on the number of hackney carriage licences issued in the Borough, it is proposed that the following procedure will be used:-

- a) To start at the top of the Council’s current waiting list and, in chronological order, offer persons on that list the opportunity to apply for a licence plate;
- b) To aim to achieve the release of five plates per month in order to properly manage the process;
- c) To report progress back to the Licensing Committee in November 2007 and annually thereafter.

**6.7 Removal of Fixed Fares** – A majority of the taxi trade were opposed to the change, which suggests that passengers pay up to the amount shown on the taximeter (but may not be charged more) to allow them to barter or for firms to offer reduced rate fares for certain classes of customer. However, this is merely a restatement of the current legal position and brings our policy into line with case law. As such, the change does not require any further action by the Council to bring it into effect.

**It is proposed that the change set out in the consultation paper be implemented with immediate effect.**

6.8 **Dispersal Scheme** – The majority of respondents were in favour of implementing provisions for a taxi dispersal scheme in the Town Centre.

**It is proposed that the change set out in the consultation paper be implemented with effect from 1 April 2007.**

6.9 **CabSafe Scheme** – The majority of respondents were in favour of implementing the proposals for a strengthened CabSafe scheme. Work has been progressing on this throughout the year.

**It is proposed that the changes set out in the consultation paper be implemented with effect from 1 April 2007.**

6.10 **Changes to Private Hire Conditions** – There are a number of proposed minor amendments to the conditions and some consequential amendments to the conditions that attracted no comments from respondents. However, one proposed change, to require door signs to be permanently affixed as opposed to magnetic, was opposed by the majority of respondents. Officers are concerned, on public safety grounds, that these magnetic signs regularly go missing or are stolen leading to the potential (and there are some real examples) of the signs being used to ‘dress up’ an unlicensed vehicle as a licensed vehicle.

**It is, therefore, proposed that the amendments to the conditions, including the requirement that door signs are permanently affixed, be implemented.**

6.11 The following minor and consequential amendments are also proposed:-

#### **Hackney Carriage Vehicle Conditions**

- Alter the convictions condition to also include cautions, fixed penalties, ASBO's and bind overs.
- Change the duration of a licence to 12 months from the current 6 months (this does not affect the requirement for bi-annual testing or the payment of fees).
- Remove the exceptional vehicle condition.

## **Private Hire Vehicle Conditions**

- Alter the convictions condition to also include cautions, fixed penalties, ASBO's and bind overs.
- Change the duration of a licence to 12 months from the current 6 months (this does not affect the requirement for bi-annual testing or the payment of fees).
- Allow accredited membership scheme signage on the vehicle.
- Drivers licences to be deposited with the operator.

## **Private Hire Operators**

- Require appropriate record keeping for operators.
- Allow Police and Enforcement Agencies access to operators' records.
- Door signs on cars must be of the same design.
- Alter the convictions condition to also include cautions, fixed penalties, ASBO's and bind overs.

## **Driver Licence Conditions**

- Alter the convictions condition to also include cautions, fixed penalties, ASBO's and bind overs.

6.12 **Driver's Proficiency Test** – The majority of respondents were in favour of implementing a revised proficiency test, including a written element. The test will involve:-

- Topographical knowledge – urban test.
- Driving standards – practical test.
- Communications, law and licensing conditions – written test.

**It is proposed that the change set out in the consultation paper be implemented with effect from 1 April 2007.**

## **7.0 IMPLEMENTATION**

7.1 In order to control the operation of hackney carriages and private hire vehicles, the Council has a number of conditions of operation. The implementation of the proposals outlined in the report, will be subject to the adoption of revised conditions of operation, a function currently reserved to Council. To allow greater operational flexibility and efficiency, it is recommended that the terms of reference of the Licensing Committee be amended to allow for future amendments to the hackney carriage and private hire licensing conditions to be approved by the Committee rather than Council.

## 8.0 FINANCIAL IMPLICATIONS

8.1 Market research suggests that whilst there is likely to be an increase in the number of applications for hackney carriage vehicles in Oldham, thus generating additional fee income, it is likely that the vast majority of this will be from current holders of private hire vehicle licences. Thus, on balance, these proposals are considered to be budget neutral.

## 9.0 LEGAL SERVICES' COMMENTS

9.1 In accordance with the Local Authority (Functions and Responsibilities) Regulations 2000, hackney carriage and private hire vehicle licensing functions cannot be dealt with by the Cabinet. The proposals are also not within the terms of reference of the Licensing Committee. Therefore the report has been submitted to Council for a decision.

### 9.2 Removal of restriction on the total number of hackney carriage licences

In relation to the proposal to remove the restriction on the total number of hackney carriage licences issued in the Borough the current legal position was summarised in the case of *R (on the application of Maud) -v- Castle Point Borough Council* (2002) as follows: -

1. Before a local authority can refuse an application for a vehicle licence in order to limit the number of licensed taxis, they must be satisfied that there is no significant demand for the services of taxis within the area to which the licence would apply which is unmet.
2. If the local authority are thus satisfied, a discretion as opposed to an obligation, arises to refuse the grant of a licence, but;
3. If the local authority are not so satisfied, they cannot refuse to grant a licence for the purpose of limiting the number of licensed taxis and are thus obliged to grant it.

It is important to note that local authorities have an unfettered discretion to increase the number of hackney carriage licences they issue and case law has confirmed that any such decision to increase the numbers should not be judged in an over-refined or over-legalistic way.

If the Council wishes to maintain the existing policy of limiting the number of hackney carriage licences it must be satisfied that there is no significant unmet demand for extra taxis. For the Council to be so satisfied, there must be some evidence on which to base that decision. In the past, the Council has undertaken surveys of taxi users to ascertain whether there is any demand for extra taxis and used the findings to justify maintaining the existing policy. The last survey occurred several years ago and therefore, a new survey would be required for the Council to continue to be satisfied that there is no unmet demand for hackney carriages.

If the Council did not wish to incur the expense of a further survey, but continued to refuse to issue extra hackney carriage licences, it would be subject to potential appeal by any person whose application for a hackney carriage licence was refused for that reason. The aggrieved applicant for a licence could appeal to the Magistrates' court and the Council would have to justify its decision to refuse to grant a licence and would need evidence to justify its decision. Without some evidence that there is no unmet demand for hackney carriages, the Council would be unable to justify its decision and any appeal would succeed, with the potential that the Council was liable to pay the claimant's costs if the Magistrates considered that the Council's conduct was unreasonable.

### **9.3 Amendment of the hackney carriage and private hire vehicle conditions**

Under the Local Government (Miscellaneous Provisions) Act 1976 the Council may impose such conditions on hackney carriages, private hire vehicles, private hire drivers and private hire operators as it considers reasonably necessary. The report proposes amendments to those conditions which can be regarded as reasonably necessary.

The Council has also made byelaws under the Town Police Clauses Act 1847 which regulate the conduct of hackney carriage drivers. The proposals contained in the report will not require the amendment of those byelaws.

## 10.0 TREASURER'S COMMENTS

10.1 None.

## 11.0 ENVIRONMENTAL IMPLICATIONS

11.1 One of the proposed changes relates to tightening the environmental emissions of licensed vehicles. As licensed vehicles account for, on average, 10% of traffic passing a fixed point in Oldham at any one time, it is considered that these proposals will have a significant reduction on levels of NO<sub>x</sub> and PM<sub>10</sub> in the atmosphere.

## 12.0 HEALTH AND SAFETY IMPLICATIONS

12.1 None.

## 13.0 COMMUNITY COHESION IMPLICATIONS (INCLUDING CRIME AND DISORDER IMPLICATIONS IN ACCORDANCE WITH SECTION 17 OF THE ACT)

13.1 Crime and disorder in licensed vehicles is relatively low, but part of these proposals relate to the formal introduction of the *CabSafe* scheme and a town centre dispersal management plan, which will significantly help to reduce taxi ranks and journeys as being a potential flashpoint for disorder.

## 14.0 FORWARD PLAN REFERENCE

14.1 ES-08-06.

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*File Ref - Records Held in Department*

*Any Person wishing to inspect copies of the above background papers should contact:-*

*Tony Allen, Group Manager, Trading Standards and Licensing –  
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**SUMMARY OF RESPONSES TO THE CONSULTATION ON REVISION OF THE CONDITIONS OF OPERATION FOR LICENSED HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES AND DRIVERS IN OLDHAM**

<b>Method/Originator of Response</b>	<b>Number Received</b>
Responses to questionnaire contained in consultation document	52
Responses to website based e-mail	4
Responses from professional bodies (NHS, police, fire etc)	3
Responses from non-trade individuals (this may include people within the trade, but it was not clear that they had any involvement from their response)	29
Responses from within the trade (Hackney carriage and private hire and associated suppliers)	10
Responses from other sections of the Council	6
<b>Total</b>	<b>104</b>

For a Borough with a population of some 217,000 people (2001 census – taken from Halcrow unmet demand survey February 2004, page 2) this is clearly an extremely low response rate. When the number of licensees of hackney carriages and private hire vehicles (according to the above survey, there were 85 hackney carriages and some 850 private hire vehicles licensed in 2003) plus around 1300 licensed drivers are taken into account, it can be seen that even from the perspective of the hackney carriage and private hire trades, the response rate is extremely low. It is reasonable to infer from this low response that the majority of people likely to be affected by these proposals, both within the hackney carriage and private hire trades and as users of the services provided, did not feel that the proposals were unacceptable, or at least, so unacceptable as to be worth commenting on.

Making sense of these responses is a difficult task. The questionnaire attached to the consultation document did not exactly match the chapters of the consultation document. However the e-mail questionnaire did. Obviously responses by letter are not necessarily based upon those questions. It is also clear that some responses were coordinated, as the answers are identical in a number of cases. There has also been a coordinated campaign by Borough Taxis asking “customers who have difficulty getting into London type black cabs please write to. . .”, which generated a number of replies. Some of these are based upon the Borough Taxis’ request form, but I have no doubt they have also triggered some of the letters that have been received.

It would appear to be reasonable to take into account the fact that the professional bodies including the Police and Primary Care Trust were supportive of all the proposals.

The responses from the hackney carriage trade must be viewed in the light of the fact that the value of a hackney carriage vehicle licence within Oldham is estimated to be between £45,000 and £50,000. Clearly those who hold such licences would stand to lose a significant amount of money if the quantity of hackney carriage licences were to be increased.

In reasonably simple terms, the responses break down as follows:

<b>Area of Consultation</b>	<b>Total Number of Responses on this point</b>	<b>For (Total and percentage)</b>	<b>Against (Total and percentage)</b>	<b>Unclear (Total and percentage)</b>
Moving to an all purpose built wheelchair accessible hackney carriage fleet	95	20 (21%)	73 (77%)	2 (2%)
Relaxing advertising conditions for hackney carriages	62	28 (45%)	23 (37%)	11 (18%)
Introduction of emission standards	63	47 (74%)	10 (16%)	6 (10%)
Increasing the number of hackney carriage plates by either managed growth or delimitation	66	19 (29%)	45 (68%)	2 (3%)
Changing the hackney carriage fare structure	58	14 (24%)	38 (66%)	6 (10)
Introduction of the proposed dispersal scheme for Oldham town centre	61	40 (66%)	5 (8%)	16 (26%)

<b>Area of Consultation</b>	<b>Total Number of Responses on this point</b>	<b>For (Total and percentage)</b>	<b>Against (Total and percentage)</b>	<b>Unclear (Total and percentage)</b>
Introduction of a recognition scheme for drivers [it was not clear to a number of respondents what this referred to]	46	34 (74%)	5 (11%)	7 (15%)
Proposed alterations to private hire conditions	57	23 (40%)	16 (28%)	18 (32%)
Additional tests for prospective drivers	63	47 (75%)	13 (20%)	3 (5%)
Cabsafe	7	7 (100%)	0	0

**DEPARTMENT FOR TRANSPORT**

**Taxi and Private Hire Vehicle Licensing:  
Best Practice Guidance**

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**October 2006**

**Introduction**

1. This Guidance is issued with the aim of assisting those local authorities in England and Wales that have responsibility for the regulation of the taxi and private hire vehicle (PHV) trades.
2. The Guidance follows the publication in November 2003 by the Office of Fair Trading of a market study of the regulation of taxis and PHVs in the UK. One of the recommendations of that study was that the Department for Transport (DfT) should produce guidance on best practice for the local licensing authorities concerned. The Guidance is issued in fulfilment of that recommendation.
3. However, it will be appreciated that it is for individual licensing authorities to reach their own decisions both on overall policies and on individual licensing matters, in the light of their own views of the relevant considerations.

4. The Department consulted on a draft version of the guidance in the autumn of 2005. We are grateful for all the views expressed on that draft. A summary of the consultation responses and our reaction to them is available on the DfT web-site. Some respondents to the consultation draft felt that the document should be made more prescriptive whilst others felt that the draft struck the right balance in this respect. Taxi and private hire vehicle legislation makes it clear that it is primarily for local licensing authorities to make decisions on the matters covered in this guidance. Furthermore, it is right that local circumstances and requirements are taken into account in making these decisions in each licensing area. So we have in general resisted the calls for the guidance to be more prescriptive.

The key purpose of the guidance remains, as proposed in the draft version, to assist local decision making by setting out the main considerations authorities might wish to take into account in reaching the right balance between costs and benefits in determining the licensing policies for their area.

### **The Role of Taxis and PHVs**

5. Taxis (more formally known as hackney carriages) and PHVs (or minicabs as some of them are known) play an important part in local transport. In 2003 some 650 million journeys were made by taxi and PHV in Great Britain, and households spent around £3 billion on taxi and PHV journeys; spending by businesses and foreign visitors was a substantial extra figure. Taxis and PHVs are used by all social groups; low-income young women (amongst whom car ownership is low) are one of the largest groups of users.
6. Taxis and PHVs are also increasingly used in innovative ways - for example as taxi-buses – to provide innovative local transport services (see paras 63-66).

## The Role of Licensing: Policy Justification

7. The aim of local authority licensing of the taxi and PHV trades is to protect the public. Local licensing authorities will also be aware that the public should have reasonable access to taxi and PHV services, because of the part they play in local transport provision. Licensing requirements which are unduly stringent will tend unreasonably to restrict the supply of taxi and PHV services, by putting up the cost of operation or otherwise restricting entry to the trade. Local licensing authorities should recognise that too restrictive an approach can work against the public interest - and can, indeed, have safety implications.
8. For example, it is clearly important that somebody using a taxi or PHV to go home alone late at night should be confident that the driver does not have a criminal record for assault and that the vehicle is safe. But on the other hand, if the supply of taxis or PHVs has been unduly constrained by onerous licensing conditions, then that person's safety might be put at risk by having to wait on latenight streets for a taxi or PHV to arrive; he or she might even be tempted to enter an unlicensed vehicle with an unlicensed driver illegally plying for hire.
9. Local licensing authorities will, therefore, want to be sure that each of their various licensing requirements is in proportion to the risk it aims to address; or, to put it another way, whether the cost of a requirement in terms of its effect on the availability of transport to the public is at least matched by the benefit to the public, for example through increased safety. This is not to propose that a detailed, quantitative, cost-benefit assessment should be made in each case; but it is to urge local licensing authorities to look carefully at the costs - financial or otherwise - imposed by each of their licensing policies. It is suggested they should ask themselves whether those costs are really commensurate with the benefits a policy is meant to achieve.

## **Scope of the Guidance**

10. This guidance deliberately does not seek to cover the whole range of possible licensing requirements. Instead it seeks to concentrate only on those issues that have caused difficulty in the past or that seem of particular significance. Nor for the most part does the guidance seek to set out the law on taxi and PHV licensing, which for England and Wales contains many complexities. Local licensing authorities will appreciate that it is for them to seek their own legal advice.

## **Consultation at the Local Level**

11. It is good practice for local authorities to consult about any significant proposed changes in licensing rules. Such consultation should include not only the taxi and PHV trades but also groups likely to be the trades' customers. Examples are groups representing disabled people, or Chambers of Commerce, organisations with a wider transport interest (eg Transport 2000 and other transport providers), womens' groups or local traders.

## **Accessibility**

12. Local licensing authorities will want to consider how accessible the vehicles they license as taxis are for disabled people (which includes - but is not limited to - people who need to travel in a wheelchair).
13. Licensing authorities will know that the Department has for some years now been working on proposals which would substantially improve taxi provision for people with disabilities. This work is continuing and an announcement will be made in due course. In the meantime licensing authorities are encouraged to introduce taxi accessibility policies for their areas. The Department's letter to local licensing authorities of 9 September 2002, the relevant part of which was repeated in the letter of 16 June 2004, gave more detailed guidance.

14. Different accessibility considerations apply as between taxis and PHVs. Taxis can be hired on the spot - in the street or at a rank - by the customer dealing directly with a driver; but PHVs can only be booked through an operator. It is important that a disabled person should be able to hire a taxi on the spot with the minimum delay or inconvenience, and having accessible taxis available helps makes that possible. For PHVs, it may be more appropriate for a local authority to license any type of saloon car, noting that some PHV operators offer accessible vehicles in their fleet.

### **Existing duties under the Disability Discrimination Act 1995 (DDA)**

15. 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 their taxis, without additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply to their 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. Similar duties covering PHV operators and drivers have been in force since 31 March 2004.
16. Enforcement of the duties is the responsibility of local licensing authorities. It is therefore for authorities to decide whether breaches should be pursued through the courts or considered as part of the licensing enforcement regime, having regard to guidance issued by the Department.

### **Duties under the DDA, as amended by the Disability Discrimination Act 2005**

17. The Disability Discrimination Act 2005 amended the DDA 1995 to enable the Government to lift the exemption in Part 3 of that Act for operators of transport vehicles. The amendment allowed for the exemption to be lifted for different services, at different times and to different extents. Regulations have been made to lift the exemption in relation to vehicles used to provide public transport services, including taxis and PHVs, as well as for vehicle hire services and breakdown services. These Regulations come into force on 4 December 2006 and will effectively apply certain duties in Part 3 of the DDA 1995 to providers of transport services who provide such services through the use of specified vehicles. In order to meet these new duties, licensing authorities will be required to review any practices, policies and procedures that make it impossible or

unreasonably difficult for a disabled person to use their services. The Disability Rights Commission (DRC) has produced a Code of Practice to explain the new Part 3 duties for the transport industry. This is on the DRC's website at [www.drc-gb.org](http://www.drc-gb.org). The Code is a supplement to, and should be read in conjunction with, the Code of Practice for Part 3 of the Act: Rights of Access to Services and Premises, which is also on the website. An example of responding to these new duties would be providing - for use in informing passengers - Braille cards to those drivers exempted from the duty to carry prescribed assistance dogs.

## **Vehicles**

### **Specification of Vehicle Types That May Be Licensed**

18. The legislation gives local authorities a wide range of discretion over the types of vehicle that they can license as taxis or PHVs. Some authorities specify conditions that in practice can only be met by purpose-built vehicles but the majority license a range of vehicles.
19. Normally, the best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Indeed, local authorities might usefully set down a range of general criteria, leaving it open to the taxi and PHV trades to put forward vehicles of their own choice which can be shown to meet those criteria. In that way there can be flexibility for new vehicle types to be readily taken into account.
20. It is suggested that local licensing authorities should give very careful consideration to a policy which automatically rules out particular types of vehicle or prescribes only one type or a small number of types of vehicle. For example, the Department believes authorities should be particularly cautious about specifying only purpose-built taxis, with the strict constraint on supply that that implies. (There are at present only two designs of purpose-built taxi.) But of course the purpose-built vehicles are amongst those which a local authority could be expected to license. Similarly, it may be too restrictive to automatically rule out considering Multi-Purpose Vehicles, or to license them for fewer passengers than their seating capacity (provided of course that the capacity of the vehicle is not more than eight passengers).

## **Imported Vehicles: Type Approval** **(see also "stretched limousines", paras 26-28 below)**

21. It may be that from time to time a local authority will be asked to license as a taxi or PHV a vehicle that has been imported independently (that is, by somebody other than the manufacturer).

Such a vehicle might meet the local authority's criteria for licensing, but the local authority may nonetheless be uncertain about the wider rules for foreign vehicles being used in the UK. Such vehicles will be subject to the 'type approval' rules. For passenger cars up to 10 years old at the time of first GB registration, this means meeting the technical standards of either:

- a European Whole Vehicle Type approval;
- a British National Type approval;
- a British Single Vehicle Approval.

Most registration certificates issued since late 1998 should indicate the approval status of the vehicle. The technical standards applied (and the safety and environmental risks covered) under each of the above are proportionate to the number of vehicles entering service. Further information about these requirements and the procedures for licensing and registering imported vehicles can be seen at [www.dft.gov.uk/stellent/groups/dft\\_roads/documents/page/dft\\_roads\\_506867.hcsp](http://www.dft.gov.uk/stellent/groups/dft_roads/documents/page/dft_roads_506867.hcsp).

## **Vehicle Testing**

22. There is considerable variation between local licensing authorities on vehicle testing, including the related question of age limits. The following can be regarded as best practice:

**Frequency of Tests.** The legal requirement is that all taxis should be subject to an MOT test or its equivalent once a year. For PHVs the requirement is for an annual test after the vehicle is three years old. An annual test for licensed vehicles of whatever age (that is, including vehicles that are less than three years old) seems appropriate in most cases, unless local conditions suggest that more frequent tests are necessary. However, more frequent tests may be appropriate for older vehicles (see 'age limits' below). Local licensing authorities may wish to note that a review carried out by the National Society for Cleaner Air in 2005 found that taxis were more likely than other vehicles to fail an emissions test. This finding,

perhaps suggests that emissions testing should be carried out on an ad hoc basis and more frequently than the full vehicle test.

**Criteria for Tests.** Similarly, for mechanical matters it seems appropriate to apply the same criteria as those for the MOT test to taxis and PHVs\*. The MOT test on vehicles first used after 31 March 1987 includes checking of all seat belts. However, taxis and PHVs provide a service to the public, so it is also appropriate to set criteria for the internal condition of the vehicle, though these should not be unreasonably onerous.

\*A manual outlining the method of testing and reasons for failure of all MOT tested items can be obtained from the Stationary Office, see

[www.tsoshop.co.uk/bookstore.asp?FO=1159966&Action=Book&From=SearchResults&Prod](http://www.tsoshop.co.uk/bookstore.asp?FO=1159966&Action=Book&From=SearchResults&Prod)

**Age Limits.** It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles – for example, twice-yearly tests for vehicles more than five years old.

**Number of Testing Stations.** There is sometimes criticism that local authorities provide only one testing centre for their area (which may be geographically extensive). So it is good practice for local authorities to consider having more than one testing station. There could be an advantage in contracting out the testing work, and to different garages. In that way the licensing authority can benefit from competition in costs. (The Vehicle Operators and Standards Agency - VOSA - may be able to assist where there are local difficulties in provision of testing stations).

## Security

23. The owners and drivers of vehicles will often want to install security measures to protect the driver. Local licensing authorities may not want to insist on such measures, on the grounds that they are best left to the judgement of the owners and drivers themselves. But it is good practice for licensing authorities to look sympathetically on - or actively to encourage - their installation. They could include a screen between driver and passengers, or CCTV. Care however should be taken that security measures within the vehicle do not impede a disabled passenger's ability to communicate with the driver. Licensing authorities may want to encourage the taxi and PHV trades to build good links with the local police force, including participation in any Crime and Disorder Reduction Partnerships. There is extensive information on the use of CCTV, including as part of measures to reduce crime, on the Home Office web-site, [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk) (and see for instance, [www.crimereduction.gov.uk/cctv/cctvminisite4.htm](http://www.crimereduction.gov.uk/cctv/cctvminisite4.htm)).

## Vehicle Identification

24. Members of the public can often confuse PHVs with taxis, failing to realise that PHVs are not available for immediate hire and that a PHV driver cannot be hailed. So it is important to distinguish between the two types of vehicle. Possible approaches might be:

**a licence condition that prohibits PHVs from displaying any identification at all apart from the local authority licence plate or disc.** The licence plate is a helpful indicator of licensed status and, as such, it helps identification if licence plates are displayed on the front as well as the rear of vehicles. However, requiring some additional clearer form of identification can be seen as best practice. This is for two reasons: firstly, to ensure a more positive statement that the vehicle cannot be hired immediately through the driver; and secondly because it is quite reasonable, and in the interests of the travelling public, for a PHV operator to be able to state on the vehicle the contact details for hiring;

**a licence condition which requires a sign on the vehicle in a specified form.** This will often be a sign of a specified size and shape which identifies the operator (with a telephone number for bookings) and the local licensing authority, and which also has some words such as 'pre-booked only'. This approach seems the best practice; it identifies the vehicle as private hire and helps to avoid confusion with a taxi, but also gives useful information to the public wishing to make a booking. It is good practice for vehicle identification for PHVs to include the contact details of the operator.

Another approach, possibly in conjunction with the previous option, is a requirement for a roofmounted, permanently illuminated sign with words such as 'pre-booked only'. But it can be argued that any roof-mounted sign, however unambiguous its words, is liable to create confusion with a taxi. So roof-mounted signs on PHVs are not seen as best practice.

## **Environmental Considerations**

25. Local licensing authorities, in discussion with those responsible for environmental health issues, will wish to consider how far their vehicle licensing policies can and should support any local environmental policies that the local authority may have adopted, bearing in mind the need to ensure that the benefits of any policies outweigh the costs (in whatever form). Local authorities may, for example, wish to consider setting vehicle emissions standards for taxis and PHVs. However, local authorities would need to carefully and thoroughly assess the impact of introducing such a policy; for example, the effect on the supply of taxis and PHVs in the area would be an important consideration in deciding the standards, if any, to be set.

## **Stretched Limousines**

26. Local licensing authorities are sometimes asked to license stretched limousines as PHVs. It is suggested that local authorities should approach such requests on the basis that these vehicles have a legitimate role to play in the private hire trade, meeting a public demand. Consistent with this view licence applications involving use of these limousines should not be automatically rejected (for example just because the vehicles may be left-hand drive). The Department is currently revising its guidance on the licensing arrangements for stretched limousines.

27. Imported stretched limousines are normally checked for compliance with British regulations under the Single Vehicle Approval (SVA) inspection regime, before they are registered. A licensing authority might wish to request sight of the SVA certificate to ensure that the vehicle was tested by VOSA before being registered and licensed (taxed) by DVLA. The SVA test verifies that the converted vehicle is built to certain safety and environmental standards (there are some vehicles that have gained registration without an SVA and these may not comply with British regulations).
28. Stretched limousines which clearly have more than 8 passenger seats should not of course be licensed as PHVs because they are outside the licensing regime for PHVs. However, under some circumstances the SVA regime accepts vehicles with space for more than 8 passengers, particularly where the precise number of passenger seats is hard to determine. In these circumstances, if the vehicle has obtained an SVA certificate, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than 8 passengers, bearing in mind that refusal may encourage illegal private hire operation. Authorities should check with local MOT testing stations to find out if the station has the facilities to test such vehicles. If there is difficulty in finding a suitable station, the local enforcement office may be able to advise (contact details on [www.vosa.gov.uk/vosacorp/contactus/vosalocations/vosaenforcementoffices.htm](http://www.vosa.gov.uk/vosacorp/contactus/vosalocations/vosaenforcementoffices.htm)).

### **Quantity Restrictions of Taxi Licences outside London**

29. The present legal provision on quantity restrictions for taxis outside London is set out in section 16 of the Transport Act 1985. This provides that the grant of a taxi licence may be refused, for the purpose of limiting the number of licensed taxis 'if, but only if, the [local licensing 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'.
30. Local licensing authorities will be aware that, in the event of a challenge to a decision to refuse a licence, the local authority concerned would have to establish that it had, reasonably, been satisfied that there was no significant unmet demand.

31. Most local licensing authorities do not impose quantity restrictions; the Department regards that as best practice. Where restrictions are imposed, the Department would urge that the matter should be regularly reconsidered. The Department further urges that the issue to be addressed first in each reconsideration is whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the interests of the travelling public - that is to say, the people who use taxi services. What benefits or disadvantages arise for them as a result of the continuation of controls; and what benefits or disadvantages would result for the public if the controls were removed? Is there evidence that removal of the controls would result in a deterioration in the amount or quality of taxi service provision?
32. In most cases where quantity restrictions are imposed, vehicle licence plates command a premium, often of tens of thousands of pounds. This indicates that there are people who want to enter the taxi market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions. This seems very hard to justify.
33. If a local authority does nonetheless take the view that a quantity restriction can be justified in principle, there remains the question of the level at which it should be set, bearing in mind the need to demonstrate that there is no significant unmet demand. This issue is usually addressed by means of a survey; it will be necessary for the local licensing authority to carry out a survey sufficiently frequently to be able to respond to any challenge to the satisfaction of a court. An interval of three years is commonly regarded as the maximum reasonable period between surveys.
34. As to the conduct of the survey, the Department's letter of 16 June 2004 set out a range of considerations. But key points are:
- the length of time that would-be customers have to wait at ranks.** However, this alone is an inadequate indicator of demand; also taken into account should be
- waiting times for street hailings and for telephone bookings.** But waiting times at ranks or elsewhere do not in themselves satisfactorily resolve the question of unmet demand. It is also desirable to address...

**latent demand**, for example people who have responded to long waiting times by not even trying to travel by taxi. This can be assessed by surveys of people who do not use taxis, perhaps using stated preference survey techniques.

**peaked demand.** It is sometimes argued that delays associated only with peaks in demand (such as morning and evening rush hours, or pub closing times) are not 'significant' for the purpose of the Transport Act 1985. The Department does not share that view. Since the peaks in demand are by definition the most popular times for consumers to use taxis, it can be strongly argued that unmet demand at these times should not be ignored. Local authorities might wish to consider when the peaks occur and who is being disadvantaged through restrictions on provision of taxi services.

**consultation.** As well as statistical surveys, assessment of quantity restrictions should include consultation with all those concerned, including user groups (which should include groups representing people with disabilities, and people such as students or women), the police, hoteliers, operators of pubs and clubs and visitor attractions, and providers of other transport modes (such as train operators, who want taxis available to take passengers to and from stations);

**publication.** All the evidence gathered in a survey should be published, together with an explanation of what conclusions have been drawn from it and why. If quantity restrictions are to be continued, their benefits to consumers and the reason for the particular level at which the number is set should be set out.

**financing of surveys.** It is not good practice for surveys to be paid for by the local taxi trade (except through general revenues from licence fees). To do so can call in question the impartiality and objectivity of the survey process.

35. Quite apart from the requirement of the 1985 Act, the Department's letter of 16 June 2004 asked all local licensing authorities that operate quantity restrictions to review their policy and justify it publicly by 31 March 2005 and at least every three years thereafter. The Department also expects the justification for any policy of quantity restrictions to be included in the five-yearly Local Transport Plan process. A recommended list of questions for local authorities to address when considering quantity controls was attached to the Department's letter. (The questions are listed in Annex A to this Guidance.)

## Taxi Fares

36. Local licensing authorities have the power to set taxi fares for journeys within their area, and most do so. (There is no power to set PHV fares.) Fare scales should be designed with a view to practicality. The Department sees it as good practice to review the fare scales at regular intervals, including any graduation of the fare scale by time of day or day of the week. Authorities may wish to consider adopting a simple formula for deciding on fare revisions as this will increase understanding and improve the transparency of the process. The Department also suggests that in reviewing fares authorities should pay particular regard to the needs of the travelling public, with reference both to what it is reasonable to expect people to pay but also to the need to give taxi drivers sufficient incentive to provide a service when it is needed. There may well be a case for higher fares at times of higher demand.
37. Taxi fares are a maximum, and in principle are open to downward negotiation between passenger and driver. It is not good practice to encourage such negotiations at ranks, or for on-street hailings; there would be risks of confusion and security problems. But local licensing authorities can usefully make it clear that published fares are a maximum, especially in the context of telephone bookings, where the customer benefits from competition. There is more likely to be a choice of taxi operators for telephone bookings, and there is scope for differentiation of services to the customer's advantage (for example, lower fares off-peak or for pensioners).
38. There is a case for allowing any taxi operators who wish to do so to make it clear - perhaps by advertising on the vehicle - that they charge less than the maximum fare; publicity such as '5% below the metered fare' might be an example.

## Drivers

### *Duration of Licences*

39. It is obviously important for safety reasons that drivers should be licensed. But it is not necessarily good practice to require licences to be renewed annually. That can impose an undue burden on drivers and licensing authorities alike. Three years is the legal maximum period and is in general the best approach. One argument against 3-year licences has been that a criminal offence may be committed, and not notified, during the duration of the licence. But this can of course also be the case during the duration of a shorter licence. In relation to this, authorities will wish to note that the Home Office in April 2006 issued revised guidance for police forces on the Notifiable Occupations Scheme. Under this new guidance the police are requested to notify the appropriate local licensing authority of convictions and other relevant information when it comes to their attention that an individual is working as a Taxi or PHV driver. (Further details are contained in Home Office Circular 6/2006. Further information can be obtained from the Criminal Records Section, Safeguarding Vulnerable Persons Team, Police Leadership and Powers Unit, Home Office, Fourth Floor, Peel Building, 2 Marsham Street, London SW1P 4DF; e-mail [Robin.Manson@homeoffice.gsi.gov.uk](mailto:Robin.Manson@homeoffice.gsi.gov.uk)).
40. However, an annual licence may be preferred by some drivers. That may be because they have plans to move to a different job or a different area, or because they cannot easily pay the fee for a three-year licence, if it is larger than the fee for an annual one. So it can be good practice to offer drivers the choice of an annual licence or a three-year licence.

## **Acceptance of driving licences from other EU member states**

41. Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 as enacted stated that an applicant for a taxi or private hire vehicle (PHV) driver's licence must have held a full ordinary GB driving licence for at least 12 months in order to be granted a taxi or PHV driver's licence. This requirement has subsequently been amended since the 1976 Act was passed. The Driving Licences (Community Driving Licence) Regulations 1996 (SI 1996 No 1974) amended sections 51 and 59 of the 1976 Act to allow full driving licences issued by EEA states to count towards the qualification requirements for the grant of taxi and PHV driver's licences. Since that time, a number of central and eastern European states have joined the EU and the EEA and the Department take the view that drivers from the Accession States are eligible to acquire a taxi or PHV driver's licence under the 1976 Act if they have held an ordinary driving licence for 12 months which was issued by an acceding State. To complete the picture, the Deregulation (Taxis and Private Hire Vehicles) Order 1998 (SI 1998 No 1946) gave equal recognition to Northern Ireland driving licences for the purposes of taxi and PHV driver licensing under the 1976 Act.

## **Criminal Record Checks**

42. A criminal record check is an important safety measure and is widely required. Taxi and PHV drivers can be subject to an Enhanced Disclosure through the Criminal Records Bureau; this level of disclosure includes details of spent convictions and police cautions. In considering an individual's criminal record, local licensing authorities will want to consider each case on its merits, but they will doubtless take a particularly cautious view of any offences involving violence, and especially sexual attack. In order to achieve consistency, and thus avoid the risk of successful legal challenge, local authorities will doubtless want to have a clear policy for the consideration of criminal records, for example the number of years they will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

43. Local licensing authorities will also want to have a policy on background checks for applicants from elsewhere in the EU and other overseas countries. One approach is to require a certificate of good conduct authenticated by the relevant embassy. The Criminal Records Bureau website ([www.crb.gov.uk](http://www.crb.gov.uk)) gives information about obtaining certificates of good conduct, or similar documents, from a number of countries. More generally, the Home Office's Employers' Helpline (0845 010 6677) can be used by licensing staff to obtain general guidance on immigration documentation, although this Helpline is not able to advise on individual cases. The authority can obtain case specific immigration status information, including whether a licensing applicant is permitted to work or details of work restrictions, from the Evidence and Enquiry Unit, Floor 12, Lunar House, Wellesley Road, Croydon CR9 2BY . Further details on the procedures involved can be obtained by contacting the Unit (020 8196 3011).
44. It would seem best practice for Criminal Records Bureau disclosures to be sought when a licence is first applied for and then every three years, even if a licence is renewed annually, provided drivers are obliged to report all new convictions and cautions to the licensing authority.

### **Medical Criteria**

45. It is clearly good practice for medical checks to be made on each driver before the initial grant of a licence and thereafter for each renewal. It is common for licensing authorities to apply the 'Group 2' medical standards - applied by DVLA to the licensing of lorry and bus drivers - to taxi and PHV drivers. This seems best practice. The Group 2 standards preclude the licensing of drivers with insulin treated diabetes. However, exceptional arrangements do exist for drivers with insulin treated diabetes, who can meet a series of medical criteria, to obtain a licence to drive category C1 vehicles (i.e. 3500-7500 kgs lorries); the position is summarised at Annex B to the Guidance. In the light of the latest guidance from the Secretary of State's Honorary Medical Advisory Panel on Diabetes Mellitus and Driving, it is suggested that best practice is to apply the C1 standards to taxi and PHV drivers with insulin treated diabetes.

## Age Limits

46. It does not seem necessary to set a maximum age limit for drivers provided that regular medical checks are made. Nor do minimum age limits, beyond the statutory periods for holding a full driver licence, seem appropriate. Applicants should be assessed on their merits.

## Driving Proficiency

47. Many local authorities rely on the standard car driving licence as evidence of driving proficiency. Others require some further driving test to be taken. Local authorities will want to consider carefully whether this produces benefits which are commensurate with the costs involved for would-be drivers, the costs being in terms of both money and broader obstacles to entry to the trade. However, they will note that the Driving Standards Agency provides a driving assessment specifically designed for taxis.

## Other Training

48. There may well be advantage in encouraging drivers to obtain one of the nationally-recognised vocational qualifications for the taxi and PHV trades. These will cover customer care, including how best to meet the needs of people with disabilities. More information about these qualifications can be obtained from *GoSkills*, the Sector Skills Council for Passenger Transport. *GoSkills* is working on a project funded by the Department to raise standards in the industry and *GoSkills* can guide and support licensing authorities through its regional network of Business Advisers. Some licensing authorities have already established training initiatives and others are being developed; it is seen as important to do this in consultation with the local taxi and PHV trades. Training can cover customer care, including how best to meet the needs of people with disabilities and other sections of the community, and also topics such as the relevant legislation, road safety, the use of maps and GPS, the handling of emergencies, and how to defuse difficult situations and manage conflict. Authorities may wish to note that nationally recognised qualifications and training programmes sometimes have advantages over purely local arrangements (for example, in that the qualification will be more widely recognised).

Contact details are:

GoSkills, Concorde House, Trinity Park, Solihull, Birmingham, B37 7UQ.

Tel: 0121-635-5520

Fax: 0121-635-5521

Website: [www.goskills.org](http://www.goskills.org)

e-mail: [info@goskills.org](mailto:info@goskills.org)

## **Topographical Knowledge**

49. Taxi drivers need a good working knowledge of the area for which they are licensed, because taxis can be hired immediately, directly with the driver, at ranks or on the street. So most licensing authorities require would-be taxi-drivers to pass a test of local topographical knowledge as a prerequisite to the first grant of a licence (though the stringency of the test should reflect the complexity or otherwise of the local geography, in accordance with the principle of ensuring that barriers to entry are not unnecessarily high).
50. However, PHVs are not legally available for immediate hiring in the same way as taxis. To hire a PHV the would-be passenger has to go through an operator, so the driver will have an opportunity to check the details of a route before starting a journey. So it may be unnecessarily burdensome to require a would-be PHV driver to pass the same 'knowledge' test as a taxi driver, though it may be thought appropriate to test candidates' ability to read a map and their knowledge of key places such as main roads and railway stations.

## **PHV Operators**

51. The objective in licensing PHV operators is, again, the safety of the public, who will be using operators' premises and vehicles and drivers arranged through them.

Taxi and Private Hire Vehicle Licensing: Best Practice Guidance

## **Criminal Record Checks**

52. PHV operators (as opposed to PHV drivers) are not exceptions to the Rehabilitation of Offenders Act 1974, so Standard or Enhanced disclosures cannot be required as a condition of grant of an operator's licence. But a Basic Disclosure could be seen as appropriate, after such a system has been introduced by the Criminal Records Bureau. No firm date for introduction has yet been set; the Home Office during 2006/07 will be undertaking a new feasibility study in this regard. Overseas applicants may be required to provide a certificate of good conduct from the relevant embassy if they have not been long in this country. Local licensing authorities may want to require a reference, covering for example the applicant's financial record, as well as the checks outlined above.

## **Record Keeping**

53. It is good practice to require operators to keep records of each booking, including the name of the passenger, the destination, the name of the driver, the number of the vehicle and any fare quoted at the time of booking. That will, for example, enable police checks to be made if any mishap should befall a passenger and may also be of use to licensing authorities in enforcement enquiries. It is suggested that 6 months is generally appropriate as the length of time that records should be kept.

## **Insurance**

54. It is appropriate for a licensing authority to check that appropriate public liability insurance has been taken out for premises that are open to the public.

## **Licence Duration**

55. A requirement for annual licence renewal does not seem necessary or appropriate for PHV operators, whose involvement with the public is less direct than a driver (who will be alone with passengers). Indeed, a licence period of five years may well be appropriate in the average case.

Although the authority may wish to offer operators the option of a licence for a shorter period if requested.

## **Enforcement**

56. Well-directed enforcement activity by the local licensing authority benefits not only the public but also the responsible people in the taxi and PHV trades. The resources devoted by licensing authorities to enforcement will vary according to local circumstances, including for example any difficulties with touting by unlicensed drivers and vehicles (a problem in some urban areas). Local authorities will also wish to liaise closely with the police.
57. Local licensing authorities often use enforcement staff to check a range of licensed activities (such as market traders) as well as the taxi and PHV trades, to make the best use of staff time. But it is desirable to ensure that taxi and PHV enforcement effort is at least partly directed to the late-night period, when problems such as touting tend most often to arise.
58. Some local licensing authorities employ taxi marshals in busy city centres where there are lots of hirings, again perhaps late at night, to help taxi drivers picking up, and would-be passengers queuing for taxis.
59. As part of enforcement, local licensing authorities will often make spot checks, which can lead to their suspending or revoking licences. They will wish to consider carefully which power should best be used for this purpose. They will note, among other things, that section 60 of the Local Government (Miscellaneous Provisions) Act 1976 provides a right of appeal for the licence-holder, whereas section 68, which is also sometimes used, does not; this can complicate any challenge by the licenceholder.

## **Taxi Zones**

60. The areas of some local licensing authorities are divided into two or more zones for taxi licensing purposes. Drivers may be licensed to ply for hire in one zone only. Zones may exist for historical reasons, perhaps because of local authority boundary changes.

61. The Department recommends the abolition of zones. That is chiefly for the benefit of the travelling public. Zoning tends to diminish the supply of taxis and the scope for customer choice – for example, if fifty taxis were licensed overall by a local authority, but with only twenty five of them entitled to ply for hire in each of two zones. It can be confusing and frustrating for people wishing to hire a taxi to find that a vehicle licensed by the relevant local authority is nonetheless unable to pick them up (unless pre-booked) because they are in the wrong part of the local authority area. Abolition of zones can also reduce costs for the local authority, for example through simpler administration and enforcement. It can also promote fuel efficiency, because taxis can pick up a passenger anywhere in the local authority area, rather than having to return empty to their licensed zone after dropping a passenger in another zone.
62. It should be noted that the Government intends to make a Regulatory Reform Order which will remove the need for the Secretary of State to approve amalgamation resolutions made by local licensing authorities. It is intended that the RRO should be introduced for Parliamentary scrutiny during 2006.

### **Flexible Transport Services**

63. It is possible for taxis and PHVs to provide flexible transport services in a number of different ways. Such services can play a valuable role in meeting a range of transport needs, especially in rural areas - though potentially in many other places as well. In recent years there has been a significant increase in the provision of flexible services, due partly to the availability of Rural Bus Subsidy Grant and Rural Bus Challenge Support from the Department.
64. The Department encourages local licensing authorities, as a matter of best practice, to play their part in promoting flexible services, so as to increase the availability of transport to the travelling public. This can be done partly by drawing the possibilities to the attention of the taxi and PHV trade. It also should be borne in mind that vehicles with a higher seating capacity than the vehicles typically licensed as taxis (for example those with 6, 7 or 8 passenger seats) may be used for flexible services and should be considered for licensing in this context.

65. The main legal provisions under which flexible services can be operated are:

**Shared taxis and PHVs - advance bookings (section 11, Transport Act 1985):** licensed taxis and PHVs can provide a service at separate fares for up to eight passengers sharing the vehicle.

The operator takes the initiative to match up passengers who book in advance and support to share the vehicle at separate fares (lower than for a single hiring). An example could be passengers being picked up at home to go to a shopping centre, or returning from the shops to their homes.

The operator benefits through increased passenger loadings and total revenues.

**Shared taxis - immediate hirings (section 10, Transport Act 1985):** such a scheme is at the initiative of the local licensing authority, which can set up schemes whereby licensed taxis (not PHVs) can be hired at separate fares by up to eight people from ranks or other places that have been designated by the authority. (The authority is required to set up such a scheme if holders of 10% or more of the taxi licences in the area ask for one.) The passengers pay only part of the metered fare, for example in going home after a trip to the local town, and without pre-booking, but the driver receives more than the metered fare.

**Taxibuses (section 12, Transport Act 1985):** owners of licensed taxis can apply to the Traffic Commissioner for a 'restricted public service vehicle (PSV) operator licence'. The taxi owner can then use the vehicle to run a bus service for up to eight passengers. The route must be registered with the Traffic Commissioner and must have at least one stopping place in the area of the local authority that licensed the taxi, though it can go beyond it. The bus service will be eligible for Bus Service Operators Grant (subject to certain conditions) and taxibuses can be used for local authority subsidised bus services. The travelling public have another transport opportunity opened for them, and taxi owners have another business opportunity.

66. The Department is very keen to encourage the use of these types of services. More details can be found in the Department's publication 'Flexible Transport Services' (available from [dft@twoten.press.net](mailto:dft@twoten.press.net)). The document itself can be accessed at: [www.dft.gov.uk/stellent/groups/dft\\_localtrans/documents/page/dftlocaltrans\\_504004.hcsp](http://www.dft.gov.uk/stellent/groups/dft_localtrans/documents/page/dftlocaltrans_504004.hcsp).

## **Local Transport Plans**

67. The Transport Act 2000 requires most local transport authorities in England (not London) to produce and maintain a Local Transport Plan (LTP), having regard to any guidance issued by the Secretary of State. The latest guidance was published in December 2004 asking for a provisional LTP by 29 July 2005 and a final one by 31 March 2006. LTPs set out the authority's local transport strategies and policies, and an implementation programme over a five year period. Authorities report each year on their delivery of policies and programmes in Annual Progress Reports.
68. All modes of transport including taxi and PHV services have a valuable part to play in overall transport provision, and so local licensing authorities have an input to make to the LTP process. The key policy themes for such services could be availability and accessibility. LTP input could include statements of policy on:
- quantity controls, if any, and plans for their review;
  - licensing conditions, with a view to safety but also to good supply of taxi and PHV services;
  - fares;
  - on-street availability, especially through provision of taxi ranks;
  - vehicle accessibility for people with disabilities;
  - encouragement of flexible services.
69. There should also be a statement of changes in policy since the last LTP and changes that are intended. It would be useful to provide statistics of changes in the number of licences for vehicles, drivers and operators, so that trends in availability can be identified.

**Annex A:**  
**Taxi and Private Hire Vehicle Licensing: Best Practice Guidance**

**Useful questions when assessing quantity controls of taxi licences**

Have you considered the Government's view that quantity controls should be removed unless a specific case that such controls benefit the consumer can be made?

**Questions relating to the policy of controlling numbers**

- Have you recently reviewed the need for your policy of quantity controls?
- What form did the review of your policy of quantity controls take?
- Who was involved in the review?
- What decision was reached about retaining or removing quantity controls?
- Are you satisfied that your policy justifies restricting entry to the trade?
- Are you satisfied that quantity controls do not:
  - reduce the availability of taxis;
  - increase waiting times for consumers;
  - reduce choice and safety for consumers?
- What special circumstances justify retention of quantity controls?
- How does your policy benefit consumers, particularly in remote rural areas?
- How does your policy benefit the trade?
- If you have a local accessibility policy, how does this fit with restricting taxi licences?

## **Questions relating to setting the number of taxi licences**

- When last did you assess unmet demand?
- How is your taxi limit assessed?
- Have you considered latent demand, ie potential consumers who would use taxis if more were available, but currently do not?
- Are you satisfied that your limit is set at the correct level?
- How does the need for adequate taxi ranks affect your policy of quantity controls?

## **Questions relating to consultation and other public transport service provision**

- When consulting, have you included etc all those working in the market; consumer and passenger (including disabled) groups; groups which represent those passengers with special needs; local interest groups, eg hospitals or visitor attractions; the police; Taxi and Private Hire Vehicle Licensing: Best Practice Guidance **20** a wide range of transport stakeholders eg rail/bus/coach providers and traffic managers?
- Do you receive representations about taxi availability?
- What is the level of service currently available to consumers (including other public transport modes)?

## Annex B:

### Taxi and Private Hire Vehicle Licensing: Best Practice Guidance

- **Assessing applicants for a taxi or PHV driver licence in accordance with C1 standard**
- ***Exceptional circumstances under which DVLA will consider granting licences for vehicles over 3.5 tonnes or with more than 8 passenger seats.***
- Insulin treated diabetes is a legal bar to driving these vehicles. The exceptional arrangements that were introduced in September 1998 were only in respect of drivers who were employed to drive small lorries between 3.5 tonnes and 7.5 tonnes (category C1). The arrangements mean that those with good diabetic control and who have no significant complications can be treated as "exceptional cases" and may have their application for a licence for category C1 considered. The criteria are
  - to have been taking insulin for at least 4 weeks;
  - not to have suffered an episode of hypoglycaemia requiring the assistance of another person whilst driving in the last 12 months;
  - to attend an examination by a hospital consultant specialising in the treatment of diabetes at intervals of not more than 12 months and to provide a report from such a consultant in support of the application which confirms a history of responsible diabetic control with a minimal risk of incapacity due to hypoglycaemia;
  - to provide evidence of at least twice daily blood glucose monitoring at times when C1 vehicles are being driven (those that have not held C1 entitlement in the preceding 12 months may provide evidence of blood glucose monitoring while driving other vehicles);
  - to have no other condition which would render the driver a danger when driving C1 vehicles; and
  - to sign an undertaking to comply with the directions of the doctor(s) treating the diabetes and to report immediately to DVLA any significant change in condition.

**CONDITIONS OF FITNESS**

**General Construction**

- (1) Every new type of taxicab must comply in all respects with the requirements of the Motor Vehicle (Type Approval) Regulations 1980 and the Motor Vehicle (Type Approval) Regulations (Great Britain) 1984, and in use must comply with the Road Vehicles (Construction and Use) Regulations 1986 ( C & U ). Every new **type** of taxicab offered for approval must comply in all respects with British and European vehicle regulations and be “type approved” to the requirements of the M or M1 category of European Whole Type Approval 70/156/EEC as amended. Those cabs (e.g., van conversions) which have not been “type approved” to M or M1 categories must be presented with approved certification that the specific vehicle meets the requirements of one of those (i.e. M or M1) categories.
- (2) Taxicabs offered for type approval must be so constructed as to facilitate the carriage of disabled persons and must be capable of accommodating a disabled person in a wheelchair in the passenger compartment, provided the wheelchair fits within the dimensions specified in paragraph 16.
- (3) No fittings, other than those approved, may be attached to or carried on the inside or outside of the vehicle.

**Steering**

- (1) The steering wheel must be on the offside of the vehicle.
- (2) The steering mechanism must comply with the requirements of the C & U Regulation 29.

## **Tyres**

- (1) All tyres must comply with the requirements of the C & U Regulation 24-27, and be marked "TAXI". Retread tyres must also comply with the British Standards Institution requirement BS.AU144E as amended.
- (2) All tyres must have an effective circumference not less than the size marked on the taximeter and will undergo rolling circumference tests to determine their compatibility.

## **Brakes**

All braking systems must comply with the requirements of C & U Regulation 15-18.

## **Interior Lighting**

Adequate lighting must be provided for the driver and Passengers. Separate lighting controls for both passenger and driver must be provided. In the case of the passenger compartment, an illuminated control switch must be fitted in an approved position. Lighting must also be provided at floor level to each passenger door and be activated by the opening of the doors.

## **Electrical Equipment**

Any additional electrical installation to the original equipment must be adequately insulated and be protected by suitable fuses.

## **Fire Appliances**

An appliance for extinguishing fire must be carried in such a position as to be readily available for use and such appliances must be independently certified that they are manufactured to meet the requirements of BS EN3 1996 and have a minimum fire rating of 5a and 34b. Any Public Carriage Office approved appliance which meets BS 5423 1987 may continue to be carried until its expiry date has elapsed.

## **Fuel Systems**

A device must be provided whereby the supply of fuel to the engine may be immediately cut off. Its situation together with the means of operation and "off" position must be clearly marked on the outside of the vehicle. In the case of an engine powered by gas or petrol, the device must be visible and readily accessible at all times from outside the vehicle.

## **Exhaust Systems**

All exhaust systems must comply with the requirements of C & U Regulation 54.

## **Body**

- (1) The body must be of the fixed head type with a partially glazed partition separating the passenger from the driver.
- (2) The overall width of the vehicle exclusive of driving mirrors must not exceed 1.845 metres.
- (3) The overall length must not exceed 5 metres. N.B. These overall dimensions are essential for determining the size of taxi ranks, other pick-up points and for the free access and flow for other vehicles.

## **Facilities for the Disabled**

- (1) Every taxicab which is in service from 1st January 2000 must be equipped to approved standards in order that wheelchair passengers may be carried.
- (2) Approved anchorages must be provided for the wheelchair and chairbound person. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and occupant must be independent of each other. Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
- (3) The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75cm. The minimum angle of the door when opened must be 90 degrees.

- (4) The clear height of the doorway must be not less than 1.2 metres.
- (5) Grab handles must be placed at door entrances to assist the elderly and disabled.
- (6) The top of the tread for any entrance must be at floor level of the passenger compartment and must not exceed 38cm above ground level when the vehicle is unladen. The outer edge of the floor at each entrance must be fitted with non-slip treads.
- (7) The vertical distance between the highest part of the floor and the roof in the passenger compartment must not be less than 1.3 metres.
- (8) Where seats are placed facing each other, there must be a minimum space of 42.5cm between any part of the front of a seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level. Where all seats are placed facing to the front of the vehicle, there must be clear space of at least 66cm in front of every part of each seat squab.
- (9) A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for use. An adequate locking device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision must be made for the ramps to be stowed safely when not in use.

### **Passenger Compartment**

- (1) The occasional seats must be at least 40cm in width and the minimum distance from the back of the upholstery to the front edge of the seat must be 35.5cm.
- (2) The occasional seats must be so arranged as to rise automatically when not in use. They must be symmetrically placed and at least 4cm apart. When not in use, front seats must not obstruct doorways.
- (3) The rear seat dimensions must be adequate to carry two or three adult passengers comfortably in vehicles licensed to carry four or five passengers respectively.
- (4) Suitable means must be provided to assist persons to rise from the rear seat with particular attention to the needs of the elderly and disabled.

- (5) Every taxicab presented for licensing on or after 1st January 2000 must be fitted with approved seatbelts on the forward facing rear seats.

### **Driver's Compartment**

- (1) The driver's compartment must be so designed that the driver has adequate room, can easily reach and quickly operate the controls and give hand signals on the offside of the vehicle.
- (2) The controls must be so placed as to allow reasonable access to the driver's seat and, when centrally placed, must be properly protected from contact with luggage.
- (3) A serviceable device for demisting the windscreen must be fitted.
- (4) Every vehicle must be provided with an approved means of communications between the passenger and the driver. When a sliding window is fitted on the glazed partition, the maximum width of the opening must not exceed 11.5cm.

### **Windows**

- (1) Windows must be provided at the sides and at the rear.
- (2) Passenger door windows must be capable of being opened easily by passengers when seated. The control for opening a door window must be clearly identified to prevent being mistaken for any other control.

### **Heating and Ventilation**

An adequate heating and ventilation system must be provided for the driver and passengers and means provided for independent control by the driver and the passengers.

### **Door Fittings**

An approved type of automatic door locking device must be fitted to passenger doors. When the vehicle is stationary, the passenger doors must be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism. The interior door handle must be clearly identified to prevent being mistaken for any other control.

## **Fare Table and Number Plate**

A frame must be provided for the fare table and interior number plate and affixed in an approved position. The words “The number of this cab is....” Are to be shown above the position of the plate.

## **Floor Covering**

The flooring of the passenger compartment must be covered with a non slip material, which can be easily cleaned.

## **Luggage**

Provision must be made for the carrying of luggage.

## **Taximeter**

A taximeter of an approved type must be fitted in an approved position.

## **“Taxi” Sign**

A “Taxi” sign of an approved pattern, clearly visible both by day and night when the cab is available for hire, must be fitted.

## **Radio Apparatus**

- (1) Where apparatus for the operation of a two-way radio system is fitted to a taxicab, no part of the apparatus may be fixed in the passenger compartment or in the rear boot compartment if LPG tanks or equipment are situated therein.
- (2) Any other radio equipment, either in the passenger or driver compartment, must be approved.

## **Maintenance**

Vehicles, including all fittings, advertisements, etc., must be maintained to approved standards. The vehicles should always be kept clean and in good working order. Vehicles will at all times be subject to test and inspection and should it be found that a vehicle is not being properly maintained or kept in good working order, a notice will be served on the owner prohibiting him/her using the vehicle until the defect has been rectified.

## **Certificate of Insurance and Form of Holder**

A current certificate of insurance as required by any Acts or Regulations relating to motor vehicles must be carried in a holder securely affixed to the cab in an approved position.

**HACKNEY CARRIAGE BYELAWS AND CONDITIONS**

To be added for Council on 7 February.