

Annex 2 - Hackney Carriage Vehicles Licensing Standards and Conditions

Only those vehicles **and their proprietors** who comply with the specifications set out below can be granted a hackney carriage vehicle licence by Colchester Borough Council.

Introduction

A hackney carriage vehicle licence remains in force for a year.

Any car to be used as a hackney carriage must be –

- Capable of carrying at least four passengers, but no more than eight including any passenger in a wheelchair.
- Side loading and of a type approved by the Council.
- Capable of carrying a wheelchair in the boot.
- Meet the European Whole Vehicle type approval or British National Type approval
- Meet all other pre-licensing standards set out below.

In addition –

- any vehicle to be used as a hackney carriage on plates 200 onwards must be fully wheelchair adapted; this means having the facility to load and unload wheelchairs directly into the vehicle. All new vehicles on these plates must be adapted; this includes vehicles on renewal.

As a hackney carriage vehicle proprietor, the Council must be satisfied that you are fit and proper, safe and suitable, to hold a hackney carriage vehicle licence. This requirement applies to all those with an interest in the vehicle as declared on the Proprietor Requisition Declaration.

PLEASE NOTE: Always make sure that any vehicle you intend to license meets all the conditions before you pay for it or enter into any credit agreement. The Council is not liable if you purchase a vehicle which cannot be licensed because it does not meet the pre-licensing conditions. If you have any doubts about whether your particular vehicle is acceptable, contact the Licensing Team.

Applications for the grant, renewal or transfer of a licence must be made, and will be determined, in accordance with the Hackney Carriage and Private Hire Licensing Policy, its Annexes and Appendices.

Once your vehicle has been licensed it cannot be driven by anyone else unless they hold a hackney carriage/private hire driver's licence and, in the case of a wheelchair accessible vehicle, a valid PATS certificate. This means that your spouse, partner or children will be unable to drive the vehicle at any time, even on holiday, unless they hold a current hackney carriage/private hire driver's licence. Such use could invalidate your insurance cover.

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Pre Licensing Standards

Only those vehicles which comply with the specification detailed below, **and those proprietors who are fit and proper, safe and suitable**, can be granted a hackney carriage vehicle licence by Colchester Borough Council.

1. Vehicle Age and Condition

1.1 An application for a hackney carriage will not be accepted if the vehicle is five years or older. The age of the vehicle will be taken from the date of first registration on the log book and therefore this must be submitted with the application.

1.2 The vehicle will continue to be licensed until it reaches 12 years of age or 15 years of age for a purpose built taxi.

1.3 The vehicle must pass an inspection undertaken at a Council approved testing station. The current approved garage is the Riverside Workshop, Unit 7, Westside, Stanway CO4 3QE.

1.4 All vehicles licensed as hackney carriages and which are, from the date of first registration, over one year old must have a VOSA MOT test certificate.

2. General Specification

2.1 Where vehicles have not been manufactured in the UK or imported by the manufacturer, they must have an appropriate "Type Approval" which is either an EC Whole Vehicle Type Approval (ECWVTA) or British National Type approval. Vehicles must not have been altered since that approval was granted. An Individual Vehicle Approval (IVA) may be accepted for wheelchair accessible vehicles. Vehicles presented for approval, and while in use, must comply with the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendment or re-enactment thereof.

2.2 No fittings, other than those approved in this Policy or required in the examination and test by the Council's authorised testing station, may be attached to or carried on the inside or outside of the vehicle.

2.3 All newly registered or re-registered vehicles must run on unleaded fuel, diesel or an alternative environmentally friendly fuel such as LPG, (Liquid Petroleum Gas) or be hybrid or fully electric. Where petrol or diesel vehicles are used they must comply with the following compliance dates and standards for emissions from taxis –

- Euro 5 for diesel vehicles / Euro 4 for petrol from 2018
- Euro 6 for diesel vehicles / Euro 4 for petrol from 2020
- From 2025 all new registrations to meet an LPG, low emission or electric hybrid

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standard

2.4 All vehicles must be of a size to have adequate luggage accommodation with suitable restraints to prevent items in non-saloon vehicles becoming unsecured. All vehicles must be capable of carrying a wheelchair, as luggage, in a reasonable manner.

3. Colour

3.1 Hackney Carriages must have a black full body livery.

4. Body of the Vehicle

4.1 The vehicle must have no untreated or unrepaired body defect or significant signs of corrosion. Corrosion includes visible rust and signs of rust by virtue of the paintwork being blistered. All rust spots and repairs in excess of 100 millimetres diameter are to have been prepared and repainted with matching colour up to insurance finishing standard

4.2 The paintwork must be of a professional finish and be one consistent colour over the whole of the vehicle's bodywork.

5. Wheels and Tyres

5.1 The vehicle must have four road wheels unless agreed by the Licensing Committee.

5.2 Any spare wheel must conform to construction and use regulations.

5.3 A wheel brace and jack to enable the effective change of a tyre and wheel must be carried, except where Paragraph 5.4 applies.

5.4 Where an aerosol inflation and sealant device is supplied with the vehicle as standard by the manufacturer, a spare tyre need not be carried.

5.5 If a vehicle is fitted with 'run flat' tyres, the vehicle must be fitted with a tyre pressure sensor / warning device.

5.6 All tyres, including the spare tyre, must comply with the vehicle manufacturer's specification.

5.7 Re-cut tyres are not acceptable for vehicles that are internationally classified as M1 passenger vehicles and remould tyres must only be acceptable if they carry a recognised approval marking (BSAU144e) and display:

- Nominal size

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- Construction type (e.g. radial ply)
- Load capacity
- Speed capability

5.8 A vehicle must not be presented for examination and test with a space saver spare tyre in use.

6. Steering

6.1 The vehicle must be right hand drive.

7. Doors

7.1 The vehicle must have a minimum of 4 opening doors unless it is a minibus type vehicle (multi seat vehicle) in which case the minimum opening of the side door must be at least 864mm.

7.2 All vehicles must have doors that open sufficiently wide to allow easy access and egress from the vehicle.

7.3 All doors must be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism.

7.4 The interior door handle must be clearly visible and easily accessible to passengers.

8. Seats

8.1 Each passenger must have a minimum of 432mm of personal sitting space, for the rear seats this will be measured in a straight line lengthways across the front edge of the seat.

8.2 Each seat must be fitted with fully operational seat belts, compliant with British Standards, except where the law specifically provides an exemption.

8.3 Where seat covers are used they must be properly affixed to the seat so as not to become loose during use. They must be clean and undamaged.

9. Windows

9.1 Opening windows must be provided in the rear of the vehicle capable of being opened by the rear seat passengers.

9.2 Factory fitted tinted windows are permitted in the rear of the vehicle only.

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9.3 The vehicle must not be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.

10. Heating and ventilation

10.1 Vehicles must have an efficient heating and ventilation system.

11. Wheelchair carrying facilities

11.1 Any vehicle that has the facility for the carriage of wheelchair(s) and wheelchair passengers must comply with current equality act requirements and must be inspected by a Council approved garage to determine its suitability. It must -

- a. Have the facility to load and unload wheelchairs directly into the vehicle.
- b. Be fitted with approved anchorages that must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and passengers must be independent of each other. Anchorages must also be provided for the safe storage of a wheelchair, 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.
- c. Be fitted with appropriate equipment for the loading of a wheelchair and passenger. Provision must be made for any removable device used for loading to be stored safely in the vehicle when not in use.

11.2 The vehicle must be equipped with a manufacturer's user manual/guide on the safe loading and unloading and security of wheelchair passengers.

11.3 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations immediately prior to being first licensed and at each subsequent twice yearly test and be so certified. The certification must be submitted at the time of first license and on renewal.

12. Electrical Equipment

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

13. Seat Belts

(Please follow the links in the paragraphs below for the current law on seat belts)

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13.1 The vehicle must be compliant with all relevant [legislation](#) and guidelines as issued or determined by central government in relation to the use of seatbelts.

14. Vehicle Proprietors

In order to hold a hackney carriage vehicle licence you must –

- Be 18 years or over
- Complete the application form and pay the required fee
- **Complete the Proprietor Requisition Declaration**

The application form must be accompanied by the following documentation for all parties with an interest in the vehicle -

- A current passport or birth certificate
- Evidence that you may legally work in the UK
- A basic DBS less than three months old when the application is made. This must be accompanied by **a statutory declaration** listing all previous convictions, whether or not they are spent, and any other relevant material information.

If you have spent six or more continuous months outside the UK, provide criminal records information from the country concerned or where this is not possible a Certificate of Good Character is required.

- **Proof that you have completed the Council's Mandatory Safeguarding Training**

As the holder of a hackney carriage vehicle licence you must comply with the following conditions. These conditions should be read in conjunction with the Policy, its Annexes and Appendices. Any requirement of legislation, which affects the operations being carried out under the terms of this licence, should be regarded as if they are conditions of this licence.

Where there appears in the licence conditions a summary of any statutory provision you are advised that such summary is not exhaustive.

The Convictions Policy and Penalty Point Scheme will be applied as appropriate in respect of any breaches of the **legislation and/or** conditions.

Conditions of licence

1. Vehicle Testing

1.1 Once licensed, the vehicle must be presented for inspection as follows –

- Up to 5 years old - once during each 12 month licensing period.
- 5 to 12 years old - twice during each 12 month period.

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1.2 Licensed vehicles that fail an authorised examination and test will be issued with a suspension notice in order to prevent the vehicle being used to carry passengers until the defect(s) is/are remedied. The suspension will not be lifted until the vehicle has been repaired; undergone a further test at your expense; has been passed as fit for use by a Council approved testing station; and the Authority has received the appropriate notification.

1.3 If the defect is not repaired within 28 days from the date of the service of the suspension notice, the vehicle licence will be revoked by the Council. Where it is anticipated that repairs will take longer than 28 days you must apply to the Council to extend the period.

1.4 Any damage to a licensed vehicle must be reported to the Licensing Team in writing/by email within 72 hours.

1.5 A vehicle must always be inspected after it has been involved in a road traffic accident or where damage has been caused to it, however minor or limited the damage appears to be. You must also present the vehicle for inspection, at a Council approved testing station, after it has been repaired. A copy of the Pass Certificate must be given to the Council before the vehicle can be used again to carry passengers.

1.6 The licence of any vehicle failing to attend a required inspection will be suspended until such time as the vehicle has been inspected and passed.

1.7 Vehicles must be maintained to MOT standard at all times. Vehicles that Pass the MOT with minor defects will be required to carry out remedial works within 7 working days of the MOT; if this is not possible prior approval for an extension in this time must be sought from the Licensing Manager. Proof of the completion of works must be presented to the Council within the period provided for remedial works to be carried out.

2. Licence Identification Plates

2.1 You must fix to the vehicle licence identification plates of the size, colour, design and type supplied by the Council; these plates must relate to the vehicle on which they are displayed. No other vehicle licence identification plates should be displayed on the vehicle. The plates should be displayed on the front and the rear of the vehicle.

2.2 You must ensure that the licence identification plates are securely fixed to the outside exterior of the hackney carriage vehicle, adjacent as possible, to the number plate and in such a manner as to ensure that the vehicle registration plate is not obscured and the plate is clearly visible from the highway and by other road users. A plate must not be placed on the rear window of the vehicle.

2.3 You must ensure that a vehicle licence identification card, as supplied by the Authority, is displayed in a position for all passengers to clearly see.

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2.4 The licence plates must remain the property of the Council and must be returned within seven days, following the service on you of an appropriate notice by the Authority and/or in the event of the hackney carriage vehicle licence ceasing to be in force in respect of the vehicle.

3. Luggage

3.1 Luggage must be conveyed in such a way that ensures it is protected from damage and is properly secured.

4. Furnishing and maintenance of vehicle

4.1 You must ensure that the vehicle and all its fittings and equipment is, at all times when the vehicle is in use or available for hire as a hackney carriage, kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements are complied with fully. **Please note** - It is not sufficient to wait until a compliance test to find out if the vehicle is still roadworthy.

4.2 Where a separate compartment is provided for passengers, you must provide sufficient means by which any person in the compartment may communicate with the driver.

4.3 You must at all times provide adequate lighting, heating and ventilation for the interior of the vehicle.

5. Auxiliary equipment

5.1 Where apparatus for the operation of a two-way radio system is fitted to a vehicle, no part of the apparatus must be fixed in the passenger compartment or in the rear boot compartment if LPG or CNG tanks or equipment are in use.

5.2 Any radio apparatus must be so positioned and properly secured so as not to interfere with the safe operation of the vehicle.

5.3 Any auxiliary equipment that is fitted to a vehicle must not impede the driver in any way or hinder his/her view, impede or cause hazard to passengers or other road users.

6. Notification of Changes affecting the Licence

6.1 You must notify the Council, in writing of any change in circumstances affecting the licence within 7 days of such a change taking place.

6.2 A copy of any new MOT certificate must be submitted to the Council within 7

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days of the date of issue.

6.3 Any new insurance certificate/cover note must be submitted to the Council within 7 days of date of issue. Insurance Brokers may send a copy direct to eps.support@colchester.gov.uk but it is your responsibility to ensure that this has been done. The full insurance certificate must be sent direct to eps.support@colchester.gov.uk within 28 days of its issue.

7. Signs, Notices, etc.

7.1 No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or electronic advertising devices whatsoever can be displayed on, in, or from the vehicle, except as may be required by any statutory provision (including by-laws), or required or permitted by these conditions, provided however that this condition shall not apply to any indication on a taximeter fitted to the vehicle.

7.2 You must cause to be fixed and maintained to the front of the roof of the vehicle a sign which reads "Taxi" and must be able to be lit when available for hire and turned off at other times. The illuminated roof sign must be the standard size of 61cm and say Colchester. This condition does not apply when the vehicle is a London style cab such as for example, a TX1, FX4, Metrocab or any other type of vehicle that has a built in 'Taxi' sign at roof level. All other livery conditions apply to London style cabs unless they are actively displaying promotional advertising on the vehicle, permission for which must have been sought from the Council or other authorised supplier. The roof sign will be supplied by the Council at cost price. Roof signs indicating the tariff may be introduced at a later date.

7.3 Door signs as supplied or authorised by the Council, must be affixed and maintained on the top of the nearside and offside front doors of the vehicle.

7.4 The use of the Borough Coat of Arms is exclusive to Colchester Borough Council, therefore prior permission for the use of these signs or this symbol must be obtained in writing from the Licensing Manager. No other use of this door signage or the Borough Coat of Arms will be considered or allowed.

7.5 You must fix and maintain the rear door signage on the inside of the vehicle facing outwards in such a position that it can be seen by any passenger opening the rear doors. These signs will be supplied by the Council and will show the plate number of the vehicle.

7.6 You must fix and maintain the appropriate no smoking signage required by the relevant regulations.

7.7 You must fix and maintain in the vehicle any signs or notices required by the Council.

7.8 You may display on the rear doors of the vehicle signs that give your business name and contact number. You must obtain prior approval from the Council in writing

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before they are used. Any signage should be the same size as the front door signs supplied by the Council.

8. Taximeters

8.1 A licensed hackney carriage vehicle must be fitted with a taximeter, of a type approved by the Council and this must be fixed to the vehicle in such a way that it will not be practical for any person to tamper with it except by breaking, damaging or permanently displacing the seals or other appliances.

8.2 The taximeter must be positioned so that all letters and figures on its face must be at all times illuminated and plainly visible to any passenger.

8.3 The taximeter when standing at a rank or plying for hire must be kept locked in a position in which no fare is recorded on its face.

8.4 When the taximeter is operating there must be recorded on the face of the meter in clearly legible figures a fare not exceeding the maximum fare that must be charged for a journey.

8.5 If the taximeter has been altered for whatever reason, the proprietor of the vehicle must forthwith make arrangements for resetting with the approved meter agent.

8.6 The taximeter must be turned on at the start of every journey and must be used for every fare without exception and the fare demanded by the driver must not be greater than that shown on the meter. In the event of a hire ending outside the Authority's boundary, the fare that may be charged for the journey is the fare or rate of fare that was made at the start of the journey; the fare to be charged should be no greater than that that would have been shown on the taximeter. If a fixed fare is negotiated, the taximeter must be used in order to confirm that any negotiated fare is less than the metered fare.

9. Table of fares

9.1 The proprietor must ensure that the current table of fares for that vehicle is available on request at all times.

10. Named Driver(s) on the Licence

10.1 You are permitted, either at the time the licence is granted or during the lifetime of the licence, to allow another licensed driver(s) to drive your vehicle. You are responsible for insuring the vehicle with any additional driver(s) noted on the policy as a named driver. In every case you must notify the Council of the name of the driver(s) and supply the Council with a copy of the insurance certificate showing the named driver(s) within 7 days. You will continue to be responsible either individually,

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severally or jointly for compliance with the licence conditions, statutory requirements and byelaw provisions.

Please note - Any agreement between you and a third party in relation to the use of the vehicle is of no concern to the Council and you should obtain your own legal advice.

11. Livery

11.1 The vehicle must, at all times, conform to the livery requirements unless the vehicle is one that has been supplied to you by an insurance company or similar business as a result of an accident to your vehicle and it is supplied as a short term replacement only and while repairs are being carried out to your vehicle. Any such replacement vehicle must still display an approved roof light and door signs.

11.2 London style taxis must conform to the prescribed full body livery (except for the display of the uniform roof light) at all times except when they are actively displaying full body livery promotional advertising on the vehicle, permission for which has been obtained from the Council.

11.3 Any hackney carriage vehicle found not complying with the Council's livery is liable to immediate suspension.

12. Insurance

12.1 A fully paid up insurance policy in respect of the vehicle covering the carriage of passengers for hire or reward and complying with the requirements of Part VI of the Road Traffic Act 1988, must be in force during the vehicle licence period. The certificate of this policy must be produced to the Council, or any other authorised officer at all such times and places as may reasonably be required. Failure to provide a copy of a valid insurance certificate will result in the immediate suspension of the licence.

13. Temporary Replacement Vehicles

13.1 Where a vehicle cannot be used because it has been involved in an accident or is unusable for mechanical reasons, you may apply for a temporary plate for the replacement vehicle which will enable you to continue to operate. The temporary plate may be used for up to a month; this period may be extended in exceptional circumstances following the approval of the Council. At the end of the period the plate must be returned to the Council.

13.2 The temporary replacement vehicle, which can be any colour, should be under five years old. If the vehicle is over five years old it must pass an inspection undertaken at a Council approved testing station. The current approved garage is the Riverside Workshop, Unit 7, Westside, Stanway CO4 3QE.

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14. Return of Plates

14.1 Hackney carriage vehicle licence plates remain at all times the property of the Council and must be returned to the Council or other authorised officer if you fail to renew the licence, the licence is revoked or on the death of a sole proprietor or upon giving up the business.

15. Additional specifications for wheelchair accessible vehicles.

15.1 The vehicle must have been manufactured or properly adapted to carry at least one person seated in their wheelchair (which includes electrically driven wheelchairs) and have an approved wheelchair clamping system installed. The system of clamping a wheelchair must be of a proprietary type and been installed to manufacturers specifications. A certificate of professional fitting by a competent person must be produced.

15.2 Each wheelchair user conveyed must be capable of being properly secured with a lap and diagonal seat belt made available through the vehicle's adaptation or design and separate from the system holding the wheelchair. A certificate of professional fitting by a competent person must be produced. Belts attached to a wheelchair in order to assist a person to remain in it whilst the wheelchair is in use will not be sufficient.

15.3 All devices used and carried in the vehicle in connection with access to and egress from the vehicle must be carried in such a way as not to impede access or egress of passengers or otherwise compromise their safety. All such devices to be clearly marked with the vehicle's registration number.

15.4 When a designed or adapted vehicle is presented for testing, all seat configurations shall be made known and the interior layout of the seating will be noted. When presented, each vehicle must have a designated space to accommodate at least one wheelchair user. This space will be included in the total number of persons permitted to be carried.

15.5 Whilst available for hire, if such a vehicle is not being used for a passenger in a wheelchair, only a foldaway seat which complies with current construction and use regulations may be used to substitute the wheelchair space.

15.6 Any seats replacing the wheelchair space which have to be bolted or locked into place will not be accepted since these present problems of storage of the displaced seats when wheelchair passengers are being carried.

15.7 Any hackney carriage licence granted specially for the provision of a London style cab or Mini Bus type wheelchair converted vehicle, shall only remain valid and in force for as long as a vehicle of this type is provided. Should any proprietor wish to dispose of a vehicle with the benefit of such a licence, this condition will continue to

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apply to any new proprietor.

15.8 All drivers, whether proprietor or lessee, who use a wheel chair accessible vehicle must attend a Passenger Assistance Training course and lodge the attendance/pass certificate with the Licensing Team.

15.10 Refusal to accept a wheelchair user as a fare paying passenger, without an appropriate exemption, for any reason, will not be tolerated and a prosecution may follow.

15.11 Any damage to the equipment to facilitate access and egress by a wheelchair user must be reported immediately to the Council and must be repaired within 7 days.

15.12 Any wheelchair accessible vehicle found to be not carrying the necessary equipment to facilitate access and egress or found to be carrying damaged equipment will be immediately suspended. On a second offence of this kind, the Council may refer the matter to the Licensing Committee with a view to revoking the vehicle and driver licence.

16. Trailers

16.1 A trailer can be towed by a licensed Hackney Carriage vehicle provided that:

- a. The vehicle towing is suitable for towing the intended trailer in accordance with the relevant regulations.
- b. The trailer to be towed by the licensed vehicle complies with all legal requirements and the following conditions.
 - i. It is presented for and passes inspection by the Council's approved garage prior to its use and again at each inspection of the vehicle by which the trailer is towed. The cost of such an inspection to be borne by you.
 - ii. No advertising is permitted on any part of the trailer without the written agreement of the Council.
 - iii. When the trailer is used with the vehicle, the additional licence plate issued by the Council specifically for that trailer must be clearly displayed on the rear of the trailer. Such licence plate number must correspond to the plate number of the towing vehicle. The cost of the additional plate will be borne by you.

17. Alteration of Vehicle

17.1 No material alteration or change in the specification, design, condition or appearance of the vehicle can be made without the approval of the Council, at any time when the hackney carriage vehicle licence is in force.

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18. Liquid Petroleum Gas (LPG)

18.1 The following conditions apply to vehicles which are made or adapted to run on LPG. The vehicle must comply with all other pre licensing standards and conditions.

18.2 You must notify the Council if you change your vehicle to run on LPG and you must comply with the following:

- a. The installation of an LPG tank must be undertaken by an LPG approved installer, as recommended by the Liquid Petroleum Gas Association, and the certificate of compliance presented to the Council.
- b. The vehicle must display on the front and rear windscreen a sticker stating that the vehicle has been fitted with an LPG tank; this is to alert the emergency services in the event of an accident.
- c. You must notify the DVLA at Swansea of the change.
- d. The vehicle must be serviced annually by a person competent in LPG powered vehicles and a certificate of compliance must be presented to the Council.

19. Wheels

19.1 Space-saver spare tyres, where supplied as standard equipment to the vehicle, will be accepted for use in an emergency. However, they may only be used to enable passengers to be taken, at an appropriate speed, to their destination. The vehicle may not then be used to convey passengers until the appropriate repairs have been made. Provision must be made for a standard road wheel to be secured in the vehicle should a space saver tyre be used in an emergency. [Please note](#) - a vehicle presented for examination and test with a space saver spare tyre in use as a road wheel will fail the test.

20. Seat Belts

(Please follow the electronic links in the paragraphs below for the current law on seat belts)

20.1 The vehicle must be compliant with all relevant [legislation](#) and guidelines as issued or determined by central government in relation to the use of seatbelts and children's car seats.

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21. Card Payment Devices

21.1 Where the vehicle is fitted with or carries a card payment device, the Council considers this to be part of the vehicle and as such it must be working at all times.

21.2 If the card payment device is not working this must be reported immediately to the Council. The Council must be notified when any problems have been resolved and the card machine is again operational.

21.3 If there is concern that the card payment device may not work at the destination point, a fare may be agreed and paid in advance for the journey. This is permitted on condition that the meter is used, and in the event that the metered charge is less than the agreed payment for the journey, the overpayment is refunded.

22. Disclosure and Barring

22.1 You must, as a vehicle proprietor or person with a registered interest in the vehicle, submit a basic disclosure and barring certificate to the Council. This disclosure must have been issued within the previous 3 months. The DBS must be accompanied by a list of all previous convictions, whether or not they are spent, and any other relevant material information. The DBS and accompanying list of previous convictions etc is required every year on renewal of the plate. If you are also a licensed driver with the Council this DBS and accompanying statement, where relevant, is not required.

22.2 On the transfer of the vehicle licence to a new owner, the new owner must, as a vehicle proprietor or person with a registered interest in the vehicle, submit a basic disclosure and barring certificate to the Council. This disclosure must have been issued within the previous 3 months. The DBS must be accompanied by a list of all previous convictions, whether or not they are spent, and any other relevant material information. The DBS and accompanying list of previous convictions etc is then required annually on renewal of the plate. If you are also a licensed driver with the Council this DBS and accompanying statement, where relevant, is not required.

22.3 If you have spent six or more continuous months outside the UK, provide criminal records information from the country concerned or where this is not possible a Certificate of Good Character is required.

23. Selling a Vehicle

23.1 If you **transfer your interest** in the vehicle to someone else, who is going to use it for hackney carriage/private hire work, you must inform the Council in writing within

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14 days of the name and address of the **person to whom you have transferred your interest**. If this is not done you, as the existing owner, will remain responsible for the hackney carriage vehicle licence until such time as the new owner completes the change of owner paperwork.

24. Vehicle Proprietors and those with a registered interest in the vehicle

24.1 You must

- Notify the Authority, in writing, within a period of 48 hours of any conviction, caution or charge for a criminal offence, motoring offence, disqualification or fixed penalty notice imposed or if you are the subject of criminal investigation whilst the licence is in force.
- Make application and pay for a further DBS check, if required to do so by the Council, in order that it may fully investigate any complaints or matters in which you are involved.

Appeals

If you are aggrieved by any of the conditions attached to the licence you may appeal to the Magistrates Court within 21 days of the service of the licence and the attached conditions on you. Any appeal must be made in writing to the Magistrates Court, Essex Magistrates Court, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford, CM2 5PF.

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Application and Renewal Process

Application Process

1. Access the Council's web page for information on how to license a vehicle and read the Hackney Carriage & Private Hire Licensing Policy and Conditions.

2. The vehicle will need to be inspected at a Council approved garage, currently Riverside. An inspection is not required if the vehicle is brand new.

3. The following documentation must be supplied to the Council **by the registered vehicle proprietor.**

- Vehicle registration document - the full log book must be presented. If you do not currently hold the full log book, the green new keeper slip will only be considered if accompanied by a comprehensive Bill of Sale showing the vehicle type, registration number, purchase details, colour of vehicle, make and model, number of passengers and the date the vehicle was first registered.
- A current insurance certificate or cover note showing compliance with part vi of the Road Traffic Act 1988 and the use of the vehicle for public/private hire and reward. Please note that any named person on the policy must hold a Colchester Borough Council hackney carriage/private hire driver's badge.
- A current MOT Certificate if the vehicle has been registered for one year or more.
- Your DVLA driving licence (a copy is not acceptable) the address shown on the driving licence must correspond with that shown on the registration document.
- The Pass Slip from the garage inspection.
- The correct fee.
- The completed application **form and Vehicle Proprietor Declaration.**
- **A basic DBS less than three months old when the application is made. This must be accompanied by a list of all previous convictions, whether or not they are spent, and any other relevant material information. If you have spent six or more continuous months outside the UK, provide criminal records information from the country concerned or where this is not possible a Certificate of Good Character is required.**

The application form must be accompanied by the following documentation for all parties with a registered interest in the vehicle, as declared on the vehicle proprietor declaration—

- A current passport or birth certificate
- Evidence that you may legally work in the UK
- A basic DBS less than three months old when the application is made. This must be accompanied by a list of all previous convictions, whether or not they are spent, and any other relevant material information. If you have spent six or more continuous months outside the UK, provide criminal records information from the country concerned or where this is

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- not possible a Certificate of Good Character is required.
- Proof that you have completed the Council's Mandatory Safeguarding Training

4. Once the application process has been completed to the Council's satisfaction, it will issue the licence plate.

Plate Renewal Process

1. Access the Council's web page for information on how to renew a vehicle licence. Read the Hackney Carriage & Private Hire Licensing Policy and Conditions as they may have changed.

2. The vehicle will need to be inspected at a Council approved garage, currently Riverside. An inspection is not required if the vehicle is brand new.

3. The following documentation must be supplied to the Council **by the registered vehicle proprietor.**

- Vehicle registration document - the full log book must be presented.
- A current insurance certificate or cover note showing compliance with part vi of the Road Traffic Act 1988 and the use of the vehicle for public/private hire and reward. Please note that any named person on the policy must hold a Colchester Borough Council hackney carriage/private hire drivers badge.
- A current MOT Certificate if the vehicle has been registered for one year or more.
- Your DVLA driving licence (a copy is not acceptable) the address shown on the driving licence must correspond with that shown on the registration document.
- The correct fee.
- The Pass slip from the garage inspection (currently Riverside)
- The completed application form.
- **A basic DBS less than three months old when the application is made. This must be accompanied by a list of all previous convictions, whether or not they are spent, and any other relevant material information. If you have spent six or more continuous months outside the UK, provide criminal records information from the country concerned or where this is not possible a Certificate of Good Character is required.**

The application form must be accompanied by the following documentation for all parties with a registered interest in the vehicle, as declared on the vehicle proprietor declaration –

- A current passport or birth certificate
- Evidence that you may legally work in the UK
- A basic DBS less than three months old when the application is made. This must be accompanied by a list of all previous convictions, whether or not they are spent, and any other relevant material information.

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If you have spent six or more continuous months outside the UK, provide criminal records information from the country concerned or where this is not possible a Certificate of Good Character is required.

- Proof that you have completed the Council's Mandatory Safeguarding Training

4. Once the renewal process has been completed to the satisfaction of the Council, it will issue the licence plate.

Please note – A vehicle can be consecutively licensed, for the 12 year period, as a private hire vehicle or hackney carriage if the vehicle is over five years old provided that it remains, at all times, licensed by the authority.

Determination of an application for a new licence or renewal

The Council will deal with applications as follows –

1. The application will be reviewed by a member of the Licensing Team and if any issues are identified the applicant/licence holder will be contacted and may be interviewed by a member of the team.
 2. If no issues are identified or those that are identified are resolved, the application will be granted. In all other cases a report will be prepared for the Licensing Manager setting out the facts of the matter to be considered.
 3. The Manager will review the case file and, where appropriate, will interview the applicant/licence holder and make his determination. The outcome will be conveyed to the applicant/licence holder in writing.
 4. There is a right of appeal to the Magistrates Court and any such appeal must be made in writing, within 21 days from the date of the decision, to the Clerk of the Court, Essex Magistrates' Courts, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford, Essex, CM2 5PF.
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Plate Transfer

The transfer of a plate is usually occasioned by the sale of a business. The Council has no interest in the sale of the business; any agreement between you and a third party in relation to the use of the vehicle is of no concern to the Council and you should obtain your own legal advice.

The plate however is owned by the Council and remains its property at all times. The transfer of the plate to another owner requires the consent of the Council and the following process should be followed –

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1. Permission to transfer the plate, which is the property of the Council, must first be sought from the Council. Please put your request in writing to the Licensing Manager at licensing.team@colchester.gov.uk or to the Licensing Manager at Communities, Colchester Borough Council, Rowan House, 33 Sheepen Road, Colchester CO3 3WG. Permission to transfer must be sought by all parties with an interest in the plate (i.e. all those named on the **Vehicle Proprietor Declaration**). The request must be signed by all parties and proof of identity will need to be provided (the ID provided will need to prove name, address and signature). Where the Council is not satisfied with the proof of identity provided it reserves the right to require all parties to attend the Council offices to confirm their agreement to the transfer of the plate.
2. You will receive confirmation in writing of the Council's decision.
3. If the Council has authorised the transfer of the plate you need to call the Contact and Support Centre on 01206 282520 to make an appointment for a hackney carriage plate transfer. The old and new holder of the plate will need to attend this meeting. (It is not necessary for all joint holders to be at this meeting except in the circumstances outlined in point 1 above).
4. Please bring with you to the appointment the following documentation –
 - Vehicle registration document - the full log book must be presented in the name of the new holder of the plate.
 - A completed hackney carriage change of owner form.
 - The completed letter of release.
 - **A basic DBS for the proposed new plate holder if they do not hold a current hackney carriage/private hire driver's licence. The DBS must be less than three months old when the application is made. This must be accompanied by a list of all previous convictions, whether or not they are spent, and any other relevant material information. If you have spent six or more continuous months outside the UK, provide criminal records information from the country concerned or where this is not possible a Certificate of Good Character is required.**
 - A certificate of insurance in the new plate holder's name, with all proposed taxi drivers listed as named drivers.
 - A PATs certificate if the vehicle holds a disabled plate.
 - **A Vehicle Proprietor Declaration completed by the new holder of the plate.**
 - The correct fee (to be paid by credit or debit card).

The application form must be accompanied by the following documentation for all parties with a registered interest in the vehicle, as declared on the Vehicle Proprietor Declaration –

- A current passport or birth certificate
- Evidence that you may legally work in the UK
- A basic DBS less than three months old when the application is made. This must be accompanied by a list of all previous convictions, whether or not they are spent, and any other relevant material information.

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If you have spent six or more continuous months outside the UK, provide criminal records information from the country concerned or where this is not possible a Certificate of Good Character is required.

- Proof that you have completed the Council's Mandatory Safeguarding Training

5. Once the application process has been completed to the Council's satisfaction, it will issue the licence plate.

6. There is no right of appeal in the event that the Council refuses the transfer of the plate.

Please note – the Council has no interest in the business however, if the full vehicle registration documentation is not available the Council will in some circumstances agree to transfer of the plate subject to appropriate proof being provided of the transfer of the business. Plate holders in this position should expect to be asked to provide a Bill of Sale proving that the proposed new holder of the plate has purchased the vehicle (the Bill of Sale should include full details of the car, the name and address of both the buyer and seller, and should be signed by both parties and dated) and a bank statement showing the exchange of monies.

Implementation of the Policy - The Policy will be monitored and reviewed on a regular basis. Any proposed significant changes will be subject to full consultation; minor amendments which do not affect the substance of the Policy may be made without consultation.