HACKNEY CARRIAGE CONDITIONS

These conditions are made under section 48 of the Local Government (Miscellaneous Provisions) Act 1976 by Cornwall Council in respect of hackney carriage in Cornwall.

Definitions

1. Throughout these conditions

   “Council” means Cornwall Council. It should be noted that legislation also refers to “district” and, in relation hackney carriage, means the whole of Cornwall.

   “Proprietor” means as described within Section 48 of the Local Government (Miscellaneous Provisions) Act 1976. Usually the proprietor(s) will be recorded as the registered keeper of hackney carriage. Any person in possession of a hackney carriage under a hiring agreement, hire purchase agreement or leasing agreement will be included as a proprietor of the hackney carriage. In some instances the owner of the hackney carriage may have no involvement in the operation of the hackney carriage and, therefore, may not be included as a proprietor of the hackney carriage.

   “authorised officer” means an officer of the Council authorised in writing by the Council for the purposes of these conditions.

General

2. The hackney carriage must have road tax at all times, and the proprietor must produce evidence of the taxation if requested by the licensing authority.

3. The proprietor(s) of the hackney carriage must inform the Council within seven days of any change of name or address.

4. The Hackney Carriage must operate in Cornwall and principally work from or within the taxi zone that it has been licensed for.
Roof Signs

5. Hackney carriages shall be fitted with either an integral “TAXI” roof sign or a taxi roof sign which is securely fixed to the hackney carriage.

6. Taxi roof signs shall be capable of being illuminated and shall be kept in good working order at all times.

Plates

7. The licence number and seating capacity of the hackney carriage will be marked on a plate provided by the Council together with other licence details. The proprietor(s) of the hackney carriage must display the plate by affixing it in a conspicuous position to the back of the outside of the hackney carriage in an upright position so as at all times to be clearly visible whilst the hackney carriage is licensed.

8. The proprietor(s) of the hackney carriage must ensure that the plate is not concealed from public view at any time.

9. The proprietor(s) must not allow the hackney carriage to be available for hire if the plate is so defaced that the licensing information contained on it is illegible. A replacement plate must be requested from the Council.

Number of Passengers

10. The proprietor(s) of the hackney carriage must not convey or permit to be conveyed in such hackney carriage any greater number of persons than the number of persons specified on the plate issued by the Council.

Insurance

11. The proprietor(s) of the hackney carriage must produce, within seven days, adequate evidence of insurance when requested by an authorised officer of the Council.

Vehicle Standards, Fittings and Furnishings

12. The proprietor(s) of the hackney carriage must ensure that:

(a) the body work and the bumpers of the hackney carriage are reasonably clean and free of any major cracks, splits, dents, blistering, corrosion or other damage (temporary repairs i.e. filler, tape, etc. are not permitted);

(b) the roof or covering of the hackney carriage is water tight;

(c) running boards, if fitted, are only those fitted by manufacturers during the original construction of the hackney carriage;

(d) the hackney carriage, where the top tread of the entrance to the vehicle exceeds 18 inches and the hackney carriage is not fitted with running boards, is fitted with moveable intermediate steps at each entrance into the passenger compartment;

(e) the floor of the hackney carriage is always provided with a proper carpet, mat, or other suitable covering;

(f) the lights, both interior and exterior, are maintained in good working order at all times, and are sufficient to enable passengers to enter and leave the hackney carriage safely;

(g) the fittings and furnishing (inclusive of seat belts, carpets, furniture, etc.) are in a reasonably clean condition, comfortable, well maintained, not in such a condition likely to soil or damage passengers’ clothing or luggage and in every way fit for public service;

(h) any accessories fitted on or in the hackney carriage are legally compliant, and are safe and well maintained and do not hinder the ingress or egress of passengers in any way;

(i) the hackney carriage has an efficient working integral heating and ventilation system;

(j) the proprietor(s) of the hackney carriage must ensure that the vehicle has a suitable and sufficient fire extinguisher. The fire extinguisher must be an EN3 dry powder and minimum of 1kg in size. It should be easily accessible without delay and the responsibility of the driver to ensure that they are able to use the fire extinguisher in their vehicle.

(k) the hackney carriage has emergency equipment within the vehicle which is available to the driver that is maintained and working. This must include as a minimum requirement:
• a torch
• a warning triangle that meets European Standards
• Florescent and reflective tabards which are for use at night and in poor visibility which meets European Standards, one must be available for the driver and one for each passenger the vehicle is permitted to carry.

(I) the CCTV surveillance system, if any:
• is fitted overtly and in such a way as not to present any danger or hazard to any passenger,
• is provided with adequate signage being displayed in the passenger compartment advising passengers that they are being monitored / recorded.
• is compliant with the Information Commissioners Office Code of Practice. It is the responsibility of the proprietor(s) to ensure that the vehicle complies with the Code of Practice and the requirements of the Information Commissioners Office.

For the avoidance of doubt, it is the responsibility of the proprietor(s) of the hackney carriage to comply with all aspects of the law regarding such surveillance equipment.

Interim Testing

13. The proprietor(s) of the hackney carriage, if the vehicle is 3 or more years old on the date the licence is granted, must arrange for the hackney carriage to be presented for an interim test at one of the Council’s appointed testing stations 6 months from the last MOT.

14. If the interim test results in any failure or non-compliance the hackney carriage proprietor(s) must inform the Licensing Authority and rectify the defects without delay and present the vehicle for further inspection as considered necessary. It may be appropriate, depending on the circumstances, that the licence is suspended or revoked.

Seating

15. Seatbelts must be fitted to each seat within the hackney carriage, except where the law specifically provides an exemption from providing seatbelts.

16. All seatbelts that are fitted in the hackney carriage must be fully operational and compliant with the current British Standards.

17. If the manufacturer’s seating configuration includes the ability to move seats from front facing or rear facing to a side facing aspect, this facility shall not be used whilst the hackney carriage is hired or available for hire.

**Pushchairs, Buggies or Similar**

18. Pushchairs, buggies or similar carried within vehicles must be collapsed and children carried in accordance with the law in relation to seat belts / restraints.

19. Pushchairs, buggies or similar must be stowed away securely in the boot or in another suitable location within the vehicle so as not to cause an obstruction or danger to passengers.

**Wheelchair Carrying Facilities**

20. If the hackney carriage has the facility to carry wheelchair(s) and wheelchair passenger(s) it must be fitted with:-

   (a) approved anchorages that must be either chassis or floor linked and capable of withstanding approved dynamic or static tests;

   (b) restraints independent of each other and anchorages for the safe storage of wheelchair(s), whether folded or otherwise, if carried within the passenger compartment, such anchorages and restraints must be so designed that they do not cause any danger to other passengers; and

   (c) a ramp or ramps for the loading of wheelchair(s) and passenger(s) is available at all times which must have an adequate locking device fitted to ensure that the ramp(s) do not slip or tilt when in use, together with provision for the ramps to be stored safely when not in use.

21. Any equipment fitted to the hackney carriage for the purpose of lifting a wheelchair into and out of the hackney carriage must be tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER).
22. The proprietor(s) must ensure that the hackney carriage, if the hackney carriage is a disabled accessible vehicle, is equipped with a user manual/guide on the safe loading and unloading of wheelchair passengers and their wheelchairs. This may be supplied by the manufacturer or produced by the vehicle proprietor.

23. The proprietor(s) of the hackney carriage must, if the hackney carriage is a disabled accessible vehicle, ensure that all drivers have received appropriate training in relation to passenger assistance and disability awareness before being permitted to drive the hackney carriage. The proprietor(s) of the hackney carriage must produce evidence of training if requested to the Council.

24. Any vehicle licence issued with plate number of 61 and upwards in the Kerrier Zone must be in respect of a Disabled Accessible Vehicle.

Wheels & Tyres

25. A spare wheel must be carried in the hackney carriage at all times, unless an exception to this is permitted within this document.

26. A wheel brace and jack to enable the effective change of a spare wheel must be carried in the hackney carriage, unless the vehicle is exempted from the need to carry a spare wheel.

27. Space-saver spare tyres are permitted where they are fitted as standard equipment to the hackney carriage. However, provision must be made for the defective standard road wheel to be secured in the hackney carriage should a space saver tyre be used in an emergency.

28. If an aerosol inflation and sealant device is supplied with the hackney carriage as standard by the manufacturer then the vehicle is exempted from the need to carry a spare wheel.

29. If a hackney carriage is fitted with ‘run flat’ tyres then a spare tyre need not be carried, however, the hackney carriage must be fitted with a tyre pressure sensor / warning device.

30. When the services of a run-flat tyre or aerosol with sealant device have been utilised, then the proprietor(s) must arrange a replacement wheel / tyre as appropriate before undertaking another booking. If the hackney carriage is engaged in a long journey then the proprietor(s) must consider the provision of alternative transport for the passengers.

31. All tyres, including the spare tyre, must comply with the vehicle manufacturers’ specification.

32. All tyres must be kept to “MOT standard” at all times.

33. Re-cut tyres are not permitted. Remould tyres are only permitted where they carry a recognised approval marking (BSAU144e) and display:
   
   (a) Nominal size;
   
   (b) Construction type, (e.g. radial ply);
   
   (c) Load capacity; and
   
   (a) Speed capability.

**Doors & Windows**

34. All doors must be fitted with reflectors/reflective strips or lights, which are clearly visible from the rear of the hackney carriage when the door is open.

35. Any back doors which are used for entering or exiting the hackney carriage must display a notice on the inside of the hackney carriage advising passengers how to open the doors.

36. All vehicles must comply with the Road Vehicle (Construction and Use) Regulations 1986 in relation to tinted windows, which requires the following:

   Motor vehicles first used before 1 April 1985: The windscreen and front side windows must allow at least 70% of light to be transmitted through them.

   Motor vehicles first used on or after 1 April 1985: The light transmitted through the windscreen must be at least 75%.

   The front side windows must allow at least 70% of light to be transmitted through them.

   There shall be no restrictions regarding levels of tint of the rear passenger windows and rear windscreen of vehicle.

   If passengers are accommodated in a separate compartment to the driver then the material used to create the separation must be transparent. This requirement will not apply when a vehicle is **only/solely** to be used for the following purposes:

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Approved by Miscellaneous Licensing Committee 10 February 2017.
- Executive Travel (i.e. persons of standing in the community, celebrities, business travel)
- Sight-seeing and Tours
- Private Ambulances
- Courtesy Transport (i.e. where no direct payment is made for the vehicle)
- Travel associate with Weddings and Funerals
- Specialist Transport (i.e. Fire Engine, vintage, motorbikes with side cars)

37. Any window blinds supplied or fitted in the hackney carriage must be maintained in good working order at all times and shall be capable of being opened or closed by passengers within the hackney carriage.

38. A device for demisting the rear window must be fitted and in working order.

39. The doors and windows must be maintained in good working order at all times, and shall be capable of being opened or closed by passengers from within the hackney carriage.

N.B. Child locks may be used when carrying unsupervised children and/or vulnerable adults where it is considered necessary for the safety of passengers and provided the hirer of the hackney carriage has been informed in advance.

Advertising on or in the Vehicle

40. Advertisements, livery, stickers, markings, slogans or information on, or in, the hackney carriage must not:

   (a) contain anything of a religious, political or ethnic nature;
   (b) advertise alcohol or tobacco;
   (c) be pornographic or offend good taste;
   (d) promote anything illegal or
   (e) obscure any vehicle windows.

41. Any advertisements, livery, stickers, markings, slogans or information on, or in, the hackney carriage must be maintained at all times in a good condition.

Meters

42. The hackney carriage must be provided with a taximeter that is calibrated correctly to that of the fares prescribed by the Council, save for the extra charges authorised by the Council which it may not be possible to record on the taximeter.

43. The hackney carriage proprietor(s) must ensure that any driver of the carriage switches on the taximeter at the commencement of each journey in order for the fare amount to be calculated.

44. The proprietor(s) of the hackney carriage shall cause the taximeter with which the hackney carriage is provided to be so constructed, attached, and maintained so as to comply with the following requirements:

   (a) the taximeter shall be fitted with a key, flag, or other device the turning of which will bring the machinery of the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter;

   (b) such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;

   (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council in that behalf;

   (d) the word 'FARE' shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;

   (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and

   (f) the taximeter and all the fittings thereof shall be so affixed to
the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

45. The proprietor(s) of the hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the hackney carriage is provided, with the fittings thereof, or with the seals affixed thereto.

46. The proprietor(s) of the hackney carriage, when requested by an authorised officer of the Council, must co-operate and provide evidence and / or information that demonstrates that the taxi meter has been calibrated to the correct tariff by an authorised agent for the taximeter supplier within 14 days.

The proprietor(s) must, if requested by an authorised officer of the Council, present the vehicle for testing of the taximeter as directed by that officer within a reasonable time period which should not exceed 14 days.

**Fares**

47. The proprietor(s) of the hackney carriage shall be entitled to demand and take for the hire of the hackney carriage the rate or fare prescribed by the Council, the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring their desire to engage by time. Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance a proprietor thereof shall not be entitled to demand and take a fare greater than recorded in the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

Please note that Section 55 of the Town Police Clauses Act 1847 allows for an agreement to be reached between the driver and the customer that more than the legal fare be paid when the journey is pre-arranged. There is however no obligation on the customer to pay the higher agreed fare.

48. The proprietor(s) of the hackney carriage shall cause a statement of the fares fixed by the Council to be exhibited inside the hackney carriage, in clearly distinguishable letters and figures.

49. The proprietor(s) of the hackney carriage bearing a statement of fares in accordance with these conditions shall not wilfully or negligently cause the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

**Conduct**

50. The proprietor(s) of the hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such hackney carriage and shall not make use of the services of any other person for the purpose.

51. The proprietor(s) of the hackney carriage who has agreed or has been hired to be in attendance with the hackney carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such hackney carriage at such appointed time and place.

**Receipts**

52. The proprietor(s) of the vehicle must ensure that facilities are available to allow the driver of the hackney carriage to issue a receipt for any fare paid.

**Lost or Found Property**

53. The proprietor(s) of the hackney carriage must have in place a system for recording and receipting any lost or found property found in the hackney carriage. The proprietor(s) should take advice from the Police regarding returning the property to the owner or any subsequent disposal.

**Liquefied Petroleum Gas (LPG) or use Compressed Natural Gas (CNG)**

54. The Council may consider allowing an LPG / CNG hackney carriage to be exempt from carrying a spare wheel. This is subject to individual cases and the provision that the proprietor(s) of the hackney carriage subscribes to a tyre repair / replacement or vehicle breakdown organisation.

**Modified Vehicles**

55. No material alteration or change in the specification, design, condition or appearance of the hackney carriage shall be made without approval of Approved by Miscellaneous Licensing Committee 10 February 2017. Implemented on 10 April 2017. Amended 25 August 2017, 21 September 2018 and 31 May 2019.
the Council. This includes alterations to manufacturers’ seating configurations.

56. Modifications to vehicles, such as colour, engine, cylinder capacity, fuel type, replacement/modified chassis and seating capacity, must be notified to DVLA in writing.

57. Other changes affecting the wheel plan, body type, vehicle identification (VIN) or chassis number, may need to be inspected by a DVLA office.

58. The Council will require, where such modifications have been agreed by the Council and subsequently made, evidence that this has been notified to DVLA in writing and that DVLA has updated the vehicle registration document accordingly and, if appropriate, evidence that the modified vehicle has been approved using the Individual Vehicle Approval Scheme (IVA). It should be noted that a Minister’s Approval Certificate is not acceptable.

Trailers

59. The use of a trailer(s) is permitted provided that it is only used for pre booked journeys.

60. Any trailer(s) used whilst carrying out a booking must be presented for test by one the Council’s appointed testing stations with the hackney carriage that will tow it.

61. Any trailer(s) will need to display an additional registration plate and a licence plate. The licence plate will be provided by the Council on payment of the appropriate fee.

62. The contents of the trailer must be secured and weather proof coverage must be available for use.

Roof Carriers

63. If a roof carrier is to be used for luggage or goods it must be a type fitted to the guttering or to the roof rails provided by the vehicle’s manufacturer.

64. Any luggage carried on a roof carrier must be secured and weather proof coverage must be available for use.

Temporary Replacement Vehicle

65. The use of a replacement vehicle as a hackney carriage in an emergency, such as a mechanical breakdown or whilst works are needed to prevent a breakdown, shall not be permitted unless consent has been given by the Council.

66. If it is a condition of the licence that the vehicle must be a disabled accessible vehicle then the temporary replacement vehicle will also be required to be a disabled accessible vehicle.

67. In order to obtain such consent, a proprietor of the hackney carriage will be required to:

   a) Complete the relevant form which includes a proprietorship declaration, unless the vehicle is already licensed by the Council to that proprietor.

   b) provide a satisfactory report from one the Council's appointed testing stations and an satisfactory MOT certificate which must have been issued within the last 6 months unless the vehicle is less than 12 months old, or the vehicle is already licensed by the Council.

   c) Produce the vehicle registration document, evidence of sufficient insurance cover and payment of relevant application fee.

   d) return the current hackney carriage plate to the Council on deposit.

68. If consent is given for a temporary vehicle this will be for a maximum period of two months or to the date of the expiry of the current licence (which ever date is sooner) and the licence plate issued by the Council must be displayed in accordance with these conditions.

69. All conditions of licence in this document will apply to the temporary vehicle being used as the hackney carriage. The only exception to this is the requirement for an interim.

Permanent Replacement Vehicle

70. If the proprietor(s) wishes to replace the vehicle being used as the hackney carriage then a new application for the grant of a hackney carriage licence must be made. If the application is approved then the previous hackney carriage licence will be suspended in favour of the
replacement hackney carriage licence when it is issued. The proprietor(s) must return the licence plate issued previously by the Council.

71. If it is a requirement that the licensed vehicle must be a disabled accessible vehicle then the replacement vehicle will also be required to be a disabled accessible vehicle.

**Penalties**

72. Any non-compliance or breach of licence conditions may result in suspension of the licence, revocation of the licence, or prosecution.

**Appeal Provisions**

Any person aggrieved by any conditions attached to a hackney carriage licence may appeal to the Magistrates’ Court using one of the below addresses within 21 days of being notified of the issue of a licence with the above conditions attached to it.

Bodmin Magistrates Court, Law Courts, Launceston Road, Bodmin, PL31 2AL