

APPENDIX 1

Conditions for Wiltshire Council Private Hire and
Hackney Carriages

DRIVER CONDITIONS

Irrespective of whether taxi licensing continues to operate as four independent zones or merge to become a single zone, the council intends to adopt a single set of conditions relating to drivers licensed to drive private hire vehicles, hackney carriage vehicles or both private hire vehicles and hackney carriages.

Proposal

The council proposes the following conditions for all private hire and hackney carriage drivers licences:

Hackney Carriage / Private Hire Drivers

In these conditions, unless otherwise indicated

- “The council” means “Wiltshire Council”.
- “The Driver” means the holder of a licence granted by the council under Section 46 Town Police Clauses Act 1847 or Section 51 Local Government (Miscellaneous Provisions) Act 1976.
- “Licensed Vehicle” means a vehicle granted a licence by the council under Section 37 Town Police Clauses Act 1847 or Section 48 Local Government (Miscellaneous Provisions) Act 1976.
- “Proprietor” means the person to whom a vehicle licence is issued.

Conditions of Licence

D1 Control of Licensed Vehicles and Drivers

Local Authorities have a statutory obligation to licence and regulate hackney carriage and private hire, vehicles, drivers and operators. The most important reason for this is to provide a service to the general public that is both accessible and safe. In order to achieve this all applicants are vetted with the Criminal Records Bureau with an Enhanced check and vehicles are tested on a regular basis.

Once licensed a taxi or private hire vehicle remains a licensed vehicle 24 hours a day, irrespective of the use to which the vehicle is being put. Consequently the only persons allowed to drive a licensed taxi or private hire vehicle are those who have been issued with a driver licence by the same local authority who licensed the vehicle.

There are exemptions to this rule, but only in respect of licensed taxis. Persons who are allowed to drive a licensed taxi, without firstly obtaining the appropriate driver licence, are:

- An applicant taking a driving test in order to obtain their taxi driver licence
- A mechanic road testing a licensed taxi.

These exemptions do not apply to private hire vehicles.

D2 Accident Reporting

The driver/proprietor of a licensed vehicle shall report to the council as soon as is reasonably practicable and within 72 hours of the occurrence of any accident:

- Damage materially affecting the safety, performance or appearance of the vehicle; or
 - Damage affecting the comfort or convenience of persons using the vehicle;
- or
- Damage rendering the vehicle in contravention of the licensed vehicle conditions.

D3 Animals

Any animal belonging to or in the possession of the driver must not be carried in any licensed vehicle when the vehicle is plying for hire, during a hiring or prior to any booking.

Any animal belonging to or in the custody of any passenger may be conveyed in a licensed vehicle at the discretion of the driver. The animal must be carried in a suitable cage, or safely restrained on a lead, whilst in the vehicle.

D4 Assistance Dogs – including Guide Dogs and Hearing Dogs

Under the Disability Discrimination Act 1995, the driver of a licensed vehicle must carry guide dogs, hearing and certain other assistant dogs free of charge. Medical exemption certificates may be issued to drivers which must be clearly displayed in the vehicle, (these can be obtained from the licensing office for drivers who have a proven medical condition that would exclude them from carrying any type of dog).

D5 Canvassing or Touting

A driver/proprietor of a taxi when standing or plying for hire shall not, by calling out or otherwise, persistently request any person to hire such vehicle and shall not make use of the services of any other person for that purpose.

D6 Complaints from the public

The driver of a licensed vehicle must report any complaint made by a member of the public as soon as possible to the Vehicle Proprietor/Operator, who must inform the council's Licensing Officer. The driver will also be responsible for informing the complainant that he may complain to the Licensing Authority, if he so wishes, and afford him every assistance to do so.

D7 Conduct of Driver and Providing Assistance

A driver of a licensed vehicle shall, when standing, plying or driving for hire:

- (a) Conduct themselves in a civil and orderly manner.
- (b) Be respectably dressed and clean and tidy in appearance.
- (c) Take all reasonable precautions to ensure the safety of persons conveyed in, entering or alighting the vehicle.
- (d) Provide sufficient assistance to open doors and aid passengers walking to and from, as well as exiting and alighting from the vehicle. In particular, offer assistance to:
 - Blind and partially sighted passengers.
 - Disabled passengers whether in a wheelchair or not.
 - Elderly or infirm passengers.
 - Passengers who appear to require assistance or who request it.

For further information see advice sheet.

D8 Deposit of licence

Before commencing to drive for your employer you are required to provide a copy of your paper Hackney Carriage / Private Hire Driver Licence, which they are required to retain until such time that you leave their employ.

If you are an independent driver who is operating your own vehicle under your own insurance, this does not apply to you.

D9 Driver and Vehicle Documentation

The driver of a licensed vehicle shall produce their council driver's badge, current personal driving licence and the certificate of insurance to any authorised officer of the council or police officer on request.

D10 Driver – Dress Code

Drivers should be suitably dressed not to cause offence.

D11 Driver – Notification of information

The driver of any licensed vehicle shall as soon as possible and within seven days notify the council in writing of any:

- Change of address.
- Change of employment with a taxi/private hire company.
- Conviction or formal caution (including traffic offences) being recorded against them.
- IMMEDIATELY IF BANNED FROM DRIVING – it is accepted that this can only be done in office hours.
- Medical or other circumstances where they have been advised to stop driving.

D12 Driver Identification

A driver of a licensed vehicle shall:

- (a) When standing, plying or driving for hire, wear the drivers badge provided by the council in such a position and manner on the upper part of the body so as to be plainly visible.
- (b) Not lend the badge to any other person or cause or permit any other person to wear it.

D13 Driver – Refusal of a fare

Under Section 53 Town Police Clauses Act 1847 any driver who refuses or neglects, without reasonable excuse, to take a fare commits an offence. The council will, in the first instance, determine whether the refusal or neglect was a reasonable excuse. Any sanction for this offence will be either to apply penalty points, which could lead to suspension or revocation of licence, or prosecution in the Magistrates Court.

D14 Driver to take Direct Route

The driver of a licensed vehicle when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route and for this purpose shall comply with any Road Traffic Regulation Orders in force.

D15 Fare to be Demanded – (Private Hire Only)

The driver of a licensed Private Hire vehicle must not demand from any hirer a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a fare meter, the fare shown on the face of the meter. The fare is for the hire of the vehicle and not per passenger.

D16 Items not obligated to carry

A licensed driver shall not be obliged to carry any of the following:

- (a) Any article or animal which is of such bulk or amount or character that the carrying would be likely to cause damage to the vehicle or its fittings.
- (b) Any substance which is or could be flammable, explosive, dangerous, noxious, odorous, foul or offensive.

D17 Lost and Found Property

A licensed driver shall immediately after the termination of any hiring carefully search the vehicle for any property which may have been accidentally left therein. If any property is accidentally left in the vehicle the driver shall, if it is not claimed within 48 hours by or on behalf of the owner, hand the property into the council's licensing officer who will issue a receipt.

D18 Luggage

A licensed driver shall assist passengers with loading and unloading luggage and convey a reasonable amount of luggage if requested.

D19 Luggage on the roof

A driver shall not carry luggage on the roof of any licensed vehicle without ensuring that it is adequately fixed on a secure luggage rack.

D20 Medical Condition / Fitness of Driver

A licensed driver shall not drive the vehicle if they know or have reasonable grounds for knowing that they suffer from any illness or disability, which could cause them not to be in full control of the vehicle.

Drivers of licensed vehicle are required to have higher standards of fitness and must undertake a medical examination to Group 2 Standards, Group C1 in the case of insulin or byetta (exenatide) treated diabetes.

- On initial application.
- On their 45th birthday, then
- Every 5 years up to the age of 65 years, then
- Annually thereafter.

Conditions such as epilepsy, diabetes (insulin treated) and eyesight problems may be a ban to holding a licence, but full details can be found in the council's Medical Examination form, which will be supplied to all applicants. All examinations should be undertaken by the driver's own GP or a doctor from the same practice who has access to their medical records.

If this advice is ignored and the applicant produces a medical certificate from another doctor the council can exercise its power under Section 57(2) of the Local Government (Miscellaneous Provisions) Act 1976 and request an applicant to submit to a further examination by a doctor selected by the council.

This power can also be exercised at any time, whether or not any such certificate has been produced, requesting any driver to undergo a medical examination. Drivers are asked to cease driving a licensed vehicle and notify the council immediately if they know of any medical condition which may affect their driving ability and the health and safety of themselves and any passengers.

D21 Mobile Phones

A mobile phone must not be used whilst driving unless it is designed for hands free operation, (Department for Transport advice is that driving includes times when stopped at traffic lights or other hold-ups that may occur during a typical journey when a vehicle can be expected to move off after a short while).

D22 No Smoking Policy

The driver of a licensed vehicle should not smoke in the vehicle at any time, including when being used for social, domestic and pleasure purposes.

The driver of a licensed vehicle shall not permit any other person or fare-paying passenger to smoke in a licensed vehicle. (Note. This is a requirement of the Health Act 2006 and relevant regulations).

D23 Number of passengers to be conveyed

A licensed driver shall not cause or permit to be conveyed in the vehicle a greater number of passengers than the licence issued by the council indicates as being the maximum number of passengers that the vehicle can carry, irrespective of the age of the passenger.

D24 Obstruction of Authorised Officer

Under Section 73 local Government (Miscellaneous provisions) Act 1976 a licensed driver must not:

- Wilfully obstruct an authorised officer or constable.
- Without reasonable excuse fail to comply with any requirement made to them by such officer or constable.
- Without reasonable cause fail to give assistance or information which may reasonably be required by such officer or constable.
- Give any such information which he knows to be false.

D25 Permitting Persons to ride without the consent of the Hirer.

A licensed driver must not permit any other person to be carried without the express consent of the hirer.

D26 Punctual Attendance

A licensed driver shall, if they are aware that the vehicle has been hired, punctually attend at the appointed time and place.

D27 Radio Communications

A licensed driver shall at the request of passengers refrain from operating a radio or similar equipment whilst carrying passengers for hire.

D28 Seat Belts

Passengers – Drivers should advise all passengers of the need to wear a seatbelt. Any passenger who fails to wear a seatbelt commits an offence. If the passenger is over 14 years of age the passenger commits the offence, but any passenger under 14 years old is the responsibility of the driver and the driver commits the offence.

Drivers – Under the requirements of the Motor Vehicles (Wearing of Seatbelts) Regulations 1993 the driver of a licensed vehicle is not required to wear a seatbelt in the following circumstances:

- Taxis – whilst the vehicle is being used for seeking hire, or answering a call for hire, or carrying a passenger for hire.
- Private Hire – whilst the vehicle is being used to carry a passenger for hire.

The following diagram outlines the responsibilities of individuals riding in vehicles and exemptions for taxis. The exemptions mentioned for taxis do not apply to private hire vehicles.

	Front Seat	Rear Seat	Who is Responsible?
Driver	Seat belt must be worn if fitted		Driver
Child under 3 years of age	Correct child restraint must be used	Correct child restraint must be used. If one is not available in a taxi, may travel unrestrained	Driver
Child from 3 rd birthday up to 135 cms in height (12 th birthday, whichever they reach first)	Correct child restraint must be used	Correct child restraint must be used where seat belts are fitted. Must use adult belt in a rear seat if correct child restraint is not available – <ul style="list-style-type: none"> • in a taxi; • for a short distance in an unexpected necessity; • if two occupied child restraints prevent fitting a third. 	Driver
Child 12 or 13, or over 135 cms in height	Seat belt must be worn if fitted	Seat belt must be worn if fitted	Driver
Adult passengers	Seat belt must be worn if fitted	Seat belt must be worn if fitted	Passenger

D29 Vehicle Condition The driver of a licensed vehicle shall ensure that the licence plate issued by the council is fixed to the rear exterior of the vehicle so as to be clearly visible at all times when the vehicle is operating.

They shall also ensure that the vehicle is in a tidy and clean condition, that the fixtures and fittings are in good working order and repair and that the vehicle is in a fit and roadworthy condition at all times.

D30 Wheelchair Accessible Vehicles

(a) All licensed drivers that drive wheelchair accessible vehicles must be fully conversant with the correct method of operation of all ramps, lifts and wheelchair restraining mechanisms fitted to the vehicles and be able to provide evidence of suitable training. (Note 'suitable training' will be defined by the licensing authority).

(b) Before any movement of the vehicle takes place the driver must ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system and the brakes of the wheelchair have been applied and electric motor switched off. A separate approved occupant restraint system must also be used.

All drivers must ensure that:

- Any wheelchairs, equipment and passengers are carried in such a manner that no danger is likely to be caused to those passengers or to anyone else, in accordance with regulations, S. 100 of the Road Vehicles Construction and use Regulations 1986.
- Should take the passenger without discriminating against a passenger who is disabled.
- If their vehicle is not wheelchair accessible and they are approached or hailed by a passenger requiring to be carried seated in a wheelchair either:
 - Divert the passenger to a wheelchair accessible vehicle on the rank if one is available or,
 - Use their phone or radio to contact an operator of a wheelchair accessible hackney carriage vehicle to arrange to collect the passenger as soon as possible.

It is the drivers responsibility to ensure that disabled passengers are not left unattended during access or egress to or from the licensed vehicle.

D31 Private Hire Vehicle Operation

A licensed driver shall not cause their vehicle to stand in a road or public place in such a manner as to suggest that the vehicle is plying for hire or that it is a hackney carriage.

D32 Rank Use

A licensed driver while parked on a taxi rank shall:-

- Not leave their Hackney Carriage Vehicle unattended for any reason.
- Move down the rank immediately when a space becomes free.
- Not park on a taxi rank in a Private Hire Vehicle.

A licensed driver who holds a blue badge: -

- When requiring a break park away from the taxi rank so as not to invite customers for hiring.
- Not use their blue badge to gain an unfair advantage in accessing a rank or to secure a position on a rank.

D33 Driving Ability

Should an officer of the council have cause to be concerned about the driving ability of any driver, they reserve the right to request the driver to undertake a driving assessment by a driving assessor. The cost of this assessment will be paid for by the driver.

D34 Termination or Surrender of Licence

All badges, signs and licence plates issued remain the property of the council at all times. On surrender, expiry, suspension or revocation of the licence, the licence holder must return the driver badge to the council without delay.

Advice for Taxidriviers –when dealing with disabled persons

Taxis are an invaluable means of door-to-door transport for many people. For a large and growing number of elderly and disabled people, they are quite literally a lifeline. Often taxis provide the only means of accessible local transport, or the only accessible link to long distance transport, for example, by rail or air. In fact, they are the most flexible form of public transport there is.

You may have a vehicle which has been designed to make travelling easier for many elderly and disabled people including those who use wheelchairs. But the vehicle design is only part of the answer. Your attitude and understanding are vital. If you

are not sure how to help or if you are not willing to help elderly or disabled passengers you may lose a significant potential market and they will have lost an invaluable source of independent mobility.

Here is some basic advice to help you give the best service to your passenger and get the best from your vehicle. Disability comes in many forms - some visible, some invisible. Never make assumptions. Always ask what help (if any) a passenger may need from you. Make sure you are familiar with the access and safety equipment in your vehicle. Carrying ramps in a purpose built vehicle may be a condition of your licence. You have a responsibility to know how to use them safely and correctly.

If the passenger is a wheelchair user and you drive a wheelchair accessible vehicle you should always:

- pull up as close as possible to the kerb;
- ask if they would like to use the ramps;
- if necessary, tip up the back seat to give more space to manoeuvre the wheelchair;
- insist that the passenger travels in the correct position as recommended by the vehicle manufacturer, or conversion team. In the case of Fairway or Metro-cab models this position will be facing to the rear of the vehicle. In the case of wheelchair accessible vehicles, which have been specially converted for the purpose of conveying wheelchairs, you should follow the converter's recommendations. Any other travelling position is unsafe;
- always make sure that the brakes of the wheelchair are on;
- be polite and ask before touching or moving your customer;
- secure the wheelchair and suggest that the passenger also uses the seat belt provided (they may need your help with this);
- avoid sudden braking or acceleration;
- if it has been raised, lower the back seat, if the passenger would prefer it;
- bring the wheelchair out of the vehicle backwards down the ramp and ask if the passenger would like the brakes on once it is unloaded;
- leave the passenger in a safe and convenient place which enables them

to move away independently.

If you drive a saloon car, you may still be able to take wheelchair users provided that the passenger is able to transfer. In those circumstances, you should ask the passenger what help they require, listen to their response, and act only as advised.

Take care when loading the wheelchair into the boot. Wheelchairs can be expensive to repair or replace and without it the passenger may be totally immobile.

Remember, many disabled people who have mobility difficulties will not use a stick or crutches. People, with arthritis in particular, may be unable to walk using a stick or crutches due to painful upper limbs. If the passenger appears to have walking difficulties, or is frail or elderly, always:

- Offer to fit the additional step if there is one - this reduces the first step and makes it easier to get into the vehicles;
- Ask whether pulling up as close as possible to the kerb would be helpful. For saloon cars this may not be useful because it increases the height the passenger has to drop down to the seat and may make it more difficult for them to get out of the seat at the end of the journey;
- Offer the use of the swivel seat (if you have one);
- Be ready to help but do not insist on helping. If you are asked to help, listen carefully to the information given, or ask what is the best way to assist;
- If you have used the swivel seat, make sure it is locked back in position once inside the vehicle.

If the passenger is blind or partially sighted, ask what assistance they require and always:

- Look out for the "TAXI" sign which is held out by some blind and partially sighted people to hail a cab;
- If you are collecting a blind or partially sighted passenger from a pre-booked location, knock at the door on arrival - do not remain in the cab and hoot your horn;
- Tell your passenger whether they are entering a saloon car or purpose built cab;
- Demonstrate which way the doors open;
- If possible, place the blind person's hand on the open door and indicate the position of the roof;
- Make sure they know which way the vehicle is facing;
- Make sure they are seated and have secured the seat belt (where applicable) before you move off. They may like help with the belt;
- Tell them if you are taking a different route from that which they might expect, or if there is a hold-up or diversion;
- Tell them the fare and count out the change;
- Set them down in a safe place and make sure they know where they are going. If they would like to be accompanied to an entrance of a building, offer them your arm; gripping just above your elbow will enable them to be guided more easily;
- Remember guide dogs are trained to remain on the floor of a vehicle and

will not abuse your vehicle. Refusal to carry a guide dog, may also be in contravention of the conditions attached to your licence. In saloon cars, there is more room for the dog on the floor in front of the vehicle.

If the passenger is deaf or hard of hearing, always:

- Look at them when you are speaking. Speak clearly - but don't shout!
- Always have a pad of paper and pen handy as it is sometimes easier to communicate in writing;
- Make sure that they are aware that you have understood their instructions and that you know where you are going;

HACKNEY CARRIAGE VEHICLES

Proposal

The council proposes the following conditions for all hackney carriage vehicles:

Where any grandfather rights are proposed to protect existing licence holders these are specified within the proposals.

Hackney Carriage Vehicles

In these conditions, unless otherwise indicated:

- “The council” means “Wiltshire Council”.
- “Vehicle” means Hackney Carriage and is a vehicle granted a licence by the council under Section 37 Town Police Clauses Act 1847.
- “Taxi” means Hackney Carriage.
- “The Driver” means the holder of a licence granted by the council under Section 46 Town Police Clauses Act 1847 or Section 51 Local Government (Miscellaneous Provisions) Act 1976.
- “Proprietor” means the person to whom the vehicle licence is issued.

No vehicle will be licensed as a Hackney Carriage unless it has first been inspected by an officer of the council and found to comply with these conditions. Although council Officers will offer guidance and assistance to applicants for a vehicle licence, no approval can be issued until the vehicle has been inspected. Applicants are advised to discuss any proposed acquisition of a vehicle for use as a Hackney Carriage with council Licensing Officers prior to any such acquisition.

Once licensed the vehicle must meet all the conditions at all times.

Conditions of licence

The holder of the licence shall comply with the provisions of the Town Police Clauses Act 1847, Part II of the Local Government (Miscellaneous Provisions) Act 1976 and the conditions detailed below:-

T1 Single Licensing of Vehicle

This licence is issued on the condition that the vehicle to which it relates is not licensed as either a Hackney Carriage or Private Hire Vehicle by another council. If Wiltshire Council becomes aware of other vehicle licences (hackney carriage or private hire) running concurrently with this licence then this licence will be revoked.

T2 Passengers

The number of passengers conveyed in the vehicle should not be more than the number prescribed in the licence, regardless of the age or size of the passenger.

T3 Inspection Frequency and Age Policy

On first application for a licence only vehicles under 5 years old from the date of first registration will be considered.

Prior to first application a conditions check will be carried out by a licensing Officer before referral for a new MOT or Compliance Certificate, irrespective of the vehicles age.

From the date of the first licence being issued a conditions check, carried out by a Licensing Officer, and an MOT or Compliance Certificate will be required on a 6- monthly basis, irrespective of the vehicles age.

All existing licensed vehicles will be required to have a 6-monthly conditions check, carried out by a Licensing Officer and an MOT or Compliance Certificate, irrespective of the vehicles age.

(NOTE: should a vehicle not be presented for inspection in accordance with the above then the licence may be suspended. Where a vehicle fails the inspection then the licence may be suspended or the licence not renewed.)

T4 Production of Vehicle Documentation

The owner of a hackney carriage vehicle shall, at the request of any authorised officer of the council, produce for inspection:

- The vehicle licence.
- The certificate of insurance covering its use for hire and reward.
- MOT certificate or Compliance Certificate.

T5 Vehicle type

Owners with more than four hackney carriages and/or private hire vehicles must ensure the next plated vehicle licensed for the first time on or after 1 April 2010 is:

- Wheelchair accessible from the nearside or rear, including a ramp or lift to enable loading.
- Have space to carry at least one passenger while using a wheelchair.

Example:

If you own 2 hackney carriages and 2 private hire vehicles and wish to purchase a 5th vehicle for use as a hackney carriage or private hire vehicle, this vehicle must be wheelchair accessible.

(NOTE: this means that purchases of wheelchair accessible vehicles are required for the 5th, 10th, 15th, 20th vehicle and so on. See T22 for further

information.)

Vehicles must be either:

- Four door saloons, hatchbacks, MPVs or estate cars. In addition vehicles must have:
- Between 4 and 8 seats for passengers excluding the driver and
- Been manufactured or modified for the primary purpose of carrying passengers.

All vehicles must be right-hand drive.

Vehicles must have a hard top roof that cannot be removed. (NOTE: open top vehicles, convertibles or vehicles with removable hard tops will not be licensed).

The vehicle must have at least two doors for the use of passengers, in addition to the driver's door. Where passenger doors are on only one side of the vehicle they must be on the near (left) side.

T6 Engine Type

All vehicles must be powered by an internal combustion engine, or a hybrid arrangement of internal combustion engine and electrical motor.

(NOTE: vehicles that are human powered will not be licensed.)

Where a vehicle has been converted to run on LPG a certificate must be produced, prior to a licence being issued, from a member of the LPG Association confirming that the LPG installation conforms to the Association's Code of Practice and is therefore considered safe. If an LPG conversion involves installation of the LPG tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage, and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of the vehicle. These vehicles will be subject to any additional testing required by the compliance testing garage.

In the case of the conversion of a vehicle that is already licensed the above certificate must be produced before the vehicle is operated on LPG.

T7 Luggage compartment

The luggage compartment must be completely separate from the passenger carrying area. In the case of estate cars this means that there must be a secure guard fitted between the luggage and passenger compartments.

All luggage must be suitably restrained where it is likely to cause injury to the occupant of the vehicle in the event of an accident.

T8 Wheels and tyres

All vehicles must have at least 4 road wheels. A spare tyre, space saver tyre or repair kit must be carried in the vehicle as supplied by the manufacturer when new, together with any necessary jack and tools. Any spare or space saver wheel should be carried in the vehicle in the place allocated by the manufacturer.

(NOTE: Space saver tyres and puncture repair kits will only be acceptable in vehicles that are manufactured without full size spare tyres and vehicles that are adapted in a way to prevent them carrying a full size spare tyre.)

Re-moulded or re-cut tyres must not be fitted to the vehicle and all tyres must be kept at the correct pressure and meet legal requirements.

T9 Bull bars

Vehicles must not be fitted with 'bull bars' or other modification that increases the risk to passengers, pedestrians or other road users in the event of impact. Tow-bars are accepted at initial licence. Any material changes to the vehicle (in addition of a tow-bar) must be provided in writing to the relevant Licensing Area Office.

T10 Passenger access

All internal door handles must be clearly visible to passengers and, if necessary, marked with signs or identification tape and must be fully operational at all times.

Any steps at passenger door entrances must have clearly marked edges and be lit when the passenger door is open.

T11 Seats and seat belts

All passenger seats must be easily accessible to passengers without the need for more than one passenger to move. If access to one or more of the passenger seats requires the folding or moving of the other seats, the release mechanism for the adjustable seat must be clearly marked and visible to passengers.

All passenger seats must face frontward or rearward to the direction of travel.

All swivel seats must be fitted in accordance with manufacturer's recommendations.

All seats in the vehicle must be fitted with either a 3 point inertia belt, 2 point lap belt or 3 point disabled persons belt. They must comply with current seatbelt standards and be fully functional at all times.

Passenger seats must be at least 400mm wide per passenger with no significant intrusion by wheel arches, armrests or other parts of the vehicle. There must be a minimum of 860mm headroom for all passenger seats, measured from the rear of the seat cushion to the roof lining.

T12 Windows

Vehicles must meet the legal standards for light transmission through the front windscreen and front side windows. Rear windows and rear side windows must have a light transmission of at least 70%, irrespective of whether the vehicle was

manufactured contrary to this standard. Documents must be provided for proof of light transmission when requested by the council. Limousines are excluded from the condition relating to rear and rear side windows.

(NOTE: This standard is the same as the legal requirement for front side windows).

Grandfather rights

The part of the above condition that relates to rear and rear side windows will not apply until 1 April 2015 in relation to a vehicle that:

- has been licensed continuously prior to 31 March 2010, and
- the owner at 31 March 2010 continues to have at least 50% ownership of the vehicle

No temporary glass or other material will be accepted as a temporary measure i.e., plastic sheeting until windows are replaced due to damage.

All passengers must have access to an openable window or other form of natural ventilation whilst being carried in the vehicle.

T13 No smoking signs

All vehicles must display no-smoking signs in a place visible to all passengers.

T14 Communication with the driver

A proprietor of a hackney carriage shall provide sufficient means by which any person in the vehicle may communicate with the driver.

T15 Use of Trailers

A vehicle may tow a trailer only when one is required in order to convey a hirer's luggage. If a trailer is towed it shall:

- Be roadworthy at all times, comply with all requirements of the current Road Traffic legislation and the towing weights specified by the vehicles' manufacturer.
- The vehicle insurance must include cover for towing a trailer.
- Comply with the speed restrictions applicable to trailers at all times.
- Provide secure and weather proof stowage for the luggage.
- Trailers must not be towed whilst standing on a hackney carriage rank or left unattended on the highway.
- The driver will hold the appropriate licence category on their DVLA driving licence to tow a trailer.

T16 Fire extinguisher

Each vehicle must carry either one 2 kg or two 1 kg dry powder fire extinguishers. The extinguishers must:

- Comply with and be marked as complying with either EN3 or BS 5306 and be so marked.
- Be stored in a readily accessible position in the vehicle.

- Be full and, where a gauge is fitted, this must show that this is the case.

All wheelchair accessible vehicles with a lift MUST carry a 1 or 2kg fire extinguisher at the front and the rear of the vehicle.

(NOTE: no other extinguisher type is permitted.)

T17 First aid kit

A First Aid Kit must be carried that contains the following items:

- 6 individually wrapped sterile adhesive dressings.
- 1 large sterile unmedicated dressing, approximately 18 cm x 18 cm.
- 2 triangular bandages.
- 2 safety pins.
- Individually wrapped moist cleansing wipes.
- One pair of disposable gloves.

All first aid kit contents must be within any specified expiry date.

All first aid materials must be carried in a suitable container clearly marked as containing first aid and of a design and construction that protects the contents. The container should be stored in a readily accessible position in the vehicle.

(NOTE: the First Aid Kit is for use by the driver to administer first aid to themselves and is required under the Health and Safety (First Aid) Regulations 1981).

T18 Written off vehicles

The vehicle must not have been written off for insurance purposes at any time.

T19 Temporary Replacement of Licensed Vehicles

Any licensed vehicle suffering (major) accident damage or requiring mechanical repair may be replaced by a hire vehicle provided:

- The accident damage has been reported by the licence holder in accordance with the requirements of these conditions, or the defect to the licensed vehicle has been similarly reported.
- Application is made by the licence holder for a temporary plate/transfer and the appropriate fee paid.
- The replacement vehicle is properly taxed, insured and tested to the requirements of the normal licence vehicle.
- The replacement vehicle is of suitable size (like for like) to be used for hire purposes.

Providing the foregoing conditions are met:

- The council will issue a temporary licence plate(s) to cover the existing period of the licence.
- Any temporary licence plate(s) must be returned to the council at the end

of the temporary replacement.

- The inspection costs will be borne by the licence holder.
- Any hackney replacement vehicle must be fitted with a meter, which must be tested and calibrated to the council's current tariff.

T20 Vehicle condition

The vehicle must be kept in good condition and in particular meet the following criteria at all times:

- Vehicles should have no damage affecting the structural safety of the vehicle.
- The body of the vehicle must be watertight and draught proof.
- Vehicles should be free of significant areas of visible rusting. Minor blemishes are acceptable, but should be regularly treated and painted to match existing paintwork.
- Vehicles should not have any major dents or similar damage to the bodywork.
- Vehicles should have no scratches down to the metal of more than 5 cm in length and no scratches down to base coat longer than 20cm.
- All panels on all vehicles shall be painted in a uniform colour and all original panels and trim shall be in place.
- All seats, including the drivers, must be fully intact, free from cuts, holes, stains or burns, except of a very minor nature. Any repairs must have been carried out in a professional manner. Seat covers are acceptable provided that they meet the above standard.
- All carpets and floor coverings shall be complete and free from all major cuts, tears or obvious stains.
- All interior trim, including headlining, shall be clean, complete, properly fitted and free from serious cuts, tears or staining.
- The luggage compartment must be clean and tidy.

Maintenance

The vehicle must be serviced and maintained in accordance with the manufacturer's instructions and suitable records must be available for inspection.

T21 Licence Plates

The external licence plate must be securely fixed externally to the rear of the vehicle in a position specified by the council, which is clearly visible, and remain in that position for the duration of the licence.

The internal licence plate must be securely fixed on the inside of the vehicle windscreen or clearly visible in the passenger compartment as specified by the council.

T22 Wheelchair Accessible Vehicles

Vehicle Type

Any vehicle that has been purpose built, or any vehicle that has been modified or converted to carry a disabled person confined to a wheelchair, will be considered

for licensing provided the vehicle complies with the requirements and conditions laid down by Wiltshire Council.

Vehicles will have a maximum seating capacity of up to eight passenger seats and only forward or rearward facing seats shall be fitted. When carrying a wheelchair this must be included and not in addition to the maximum number of seats. When the wheelchair facility is not required the vehicle will operate as a normal hackney carriage or private hire vehicle with seating for the number of passengers the vehicle is licensed to carry.

Prior to licensing all new vehicles and equipment must undergo an independent initial inspection by a qualified and competent vehicle examiner to ascertain the suitability of the vehicle, and to confirm the vehicle is fit for purpose. This will include the seating, the system and devices used to secure the wheelchair and occupant and the wheelchair access equipment. The applicant must provide the licensing authority with written confirmation from the examiner that the vehicle meets the required standard. A licensing officer may require the vehicle to be referred to the council's designated vehicle examiner. This inspection will be carried out at the owners cost. Existing vehicle licence holders will be required to adhere to this condition within six months of these conditions coming into force.

Access

All wheelchair accessible vehicles must be able to load a wheelchair using the access equipment by the side or rear access doors. The side access door would be the door situated on the nearside of the vehicle, i.e. kerbside when stopped in a normal road.

The aperture of the door into which the access equipment is fitted shall have minimum clear headroom in its central third of 48 inches (1.220m). The measurement shall be taken from the upper centre of the aperture to a point directly below on either the upper face of the fully raised platform or the upper face of the ramp fully deployed on level ground.

A locking mechanism shall be fitted that holds the access door in the open position whilst in use.

Equipment

A wheelchair accessible vehicle shall be fitted with either of the following forms of wheelchair access equipment:

Ramps

Any purpose designed access ramp that is carried must be lightweight and easy to deploy. The installed ramp shall have visible reference to a safe working load of 250 kgs and certified BS6109.

WheelchairLift

A purpose designed wheelchair lift shall conform to the LOLER 98 Regulations. Vehicles presented for inspection with a wheelchair lift will require a valid LOLER certificate.

The wheelchair access equipment shall be fitted such that it terminates at the interior floor level so as to allow smooth entry/exit of the wheelchair.

Anchorage

The wheelchair must always be carried in a secure and stable position as recommended by the vehicle manufacturer or conversion team. In the case of purpose built vehicles i.e. London style taxis, this position will be facing the rear of the vehicle. In the case of vehicles, which have been specially converted for the purpose of conveying wheelchairs, the converter's recommendations should be followed. Please note this will always be either facing the front or rear of the vehicle. Wheelchairs should never be carried facing sideways in a vehicle.

A system for the effective anchoring and securing of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair spaces. The system and the devices used to secure a wheelchair to the vehicle shall comply with the relevant standards laid down in European Directive 76/115 EEC (as amended by 90/629 EEC).

All wheelchair tracking must comply with European Standard UNECE Regulation 14 (EC Directive 76/115 EEC).

Each wheelchair user shall be provided with a disabled person seatbelt, which fastens to the structure of the vehicle either permanently or temporarily by use of approved fixings appropriate to the position of the wheelchair. European Directive 76/115 EEC and Regulations 46 & 47 Road Vehicles (Construction and Use) Regulations 1986).

T23 Notification of changes

Once a licence has been issued the following criteria will apply to the owner of a hackney carriage:

The licence holder must within 72 hours supply the council with details of any:

- Change of the owners business or home address.
- Change of premises where the vehicle is normally kept.
- Accident causing damage or materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein.
- Alteration in the construction, specification, design and condition of the vehicle.

This notification may be by oral report in the first instance, but must be followed up in writing.

The licence holder must give within 7 days written notification to the council of the following:

- The name and address of every additional owner or part owner of the vehicle.

- The name and address of anyone concerned either solely or in partnership with any other person in keeping, employing or letting the vehicle for hire.
- Details of any conviction(s) being recorded against:
 - The owner of the vehicle.
 - Any company of which he/she is a director or secretary.
 - Any person with whom he/she is in partnership or who has any interest in the vehicle.

T24 Roof signs

The vehicle must be fitted with an illuminated roof sign ('top sign') on which the word 'TAXI' must appear and be clearly visible from in front of the vehicle. The roof sign must:

- Be securely fixed to the vehicle roof at all times.
- Illuminate automatically when the vehicle taximeter is set to 'for hire'.

(NOTE: there is no restriction or requirement for any wording on the rear of the sign).

T25 Fare meters

Vehicles must be fitted with a Hackney Carriage fare meter ('taximeter') which shall be so constructed, installed and maintained so as to comply with the following conditions:

- The taximeter shall be installed by a competent person.
- The taximeter shall be calibrated to the vehicle and the current table of tariffs, set by the licensing authority, applied by a person approved by the manufacturer of the taximeter.
- The taximeter shall be maintained in proper working order and condition.
- The fare meter shall be fitted with a key, flag or other device which will bring the machinery of the fare meter into action and cause the word "HIRED" to appear on the face of the meter.
 - Such key, flag or other device shall be capable of being locked in such a position that the machinery of the fare meter is not in action and that no fare is recorded on the face of the fare meter.
- When the machinery of the fare meter is in action there shall be recorded on the face of the meter in clearly legible figures the fare equal to the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the vehicle by distance and time in accordance with the current Table of Fares.
- The hackney carriage meter shall be positioned so that all letters and figures on its face are at all times plainly visible to any person being conveyed in the vehicle, even during darkness.
- Prior to being licensed, or once licensed and prior to every fare increase, it is the responsibility of the proprietor of a licensed hackney carriage to have the meter calibrated/recalibrated to the current approved council tariff. This is usually done through the meter manufacturer or supplier.
- Any seal applied to the meter or associated components by the council

should not be removed or otherwise tampered with.

(NOTE: under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976 an authorised officer of the council can inspect and test, at any reasonable time, any taximeter in a licensed hackney carriage or private hire vehicle. If they are not satisfied as to the accuracy of the meter they may by a notice in writing suspend the vehicle licence until he is satisfied that the meter is working correctly.

T26 Fare cards

A copy of the current table of fares (the Fare Card), as supplied by the council, must be displayed on the inside of the vehicle in a conspicuous position so as to be readily visible to any person carried in the vehicle. This table of fares must not have been altered in any way.

T27 Advertising on Vehicles

Advertising may only be displayed on a vehicle when it has been approved by the council after adoption of these conditions.

Advertising will only be approved which:

- Provides information about the services provided by the vehicle proprietor and contact details for that operator or relates to goods or services not provided by the vehicle proprietor.
- Does not obliterate or confuse any council licence plate or number plates of the vehicle.
 - Is unlikely to cause offence.
- Complies with the latest British Code of Advertising, Sales Promotion and Direct Marketing (The “CAP code”) published by the Advertising Standards Authority.

All advertisements must be submitted in writing to the council for approval, clearly indicating the size, design and location on the vehicle.

T28 Bus Lanes – Salisbury Area

Licensed hackney carriages are allowed the use of bus lanes in Milford Street and Castle Road provided certain ‘conditions of use’ are followed.

- Milford Street – never travel at more than 10mph and always have the vehicle’s headlights switched on.
- Castle Road – no additional conditions of use, but vehicles are allowed the use of the ‘bus gate’ at the end of the bus lane.
- All Wiltshire licensed hackney carriages will be able to use any future bus lanes.

T29 Taxi Ranks and Plying for Hire

Drivers can ply for hire in a licensed hackney carriage from:

- A designated taxi rank.
- Private land – at the landowners consent.

Drivers must stay with their vehicle at all times when using designated taxi ranks.

T30 Termination or Surrender of Licence

All badges, signs and licence plates issued remain the property of the council at all times. On surrender, expiry, suspension or revocation of the vehicle licence, the licence holder must return the external and internal plates to the council without delay.

PRIVATE HIRE VEHICLES

Proposal

The council proposes the following conditions for all private hire vehicles.

Where any grandfather rights are proposed to protect existing licence holders these are specified within the proposals

Private Hire Vehicles

In these conditions, unless otherwise indicated:

- “The council” means “Wiltshire Council”.
- “Vehicle” means Private Hire Vehicle and is a vehicle granted a licence by the council under Section 48 Local Government (Miscellaneous Provisions) Act 1976
- “PHV” means Private Hire Vehicle.
- “The Driver” means the holder of a licence granted by the council under Section 46 Town Police Clauses Act 1847 or Section 51 Local Government (Miscellaneous Provisions) Act 1976.
- “Proprietor” means the person to whom the vehicle licence is issued
- “The Operator” means the holder of the Private Hire Operator Licence.

No vehicle will be licensed as a Private Hire Vehicle unless it has first been inspected by an officer of the council and found to comply with these conditions. Although council Officers will offer guidance and assistance to applicants for a vehicle licence, no approval can be issued until the vehicle is inspected. Applicants are advised to discuss any proposed acquisition of a vehicle for use as a Private Hire Vehicle with council Licensing Officers prior to any such acquisition. Once licensed the vehicle must meet all the conditions at all times.

Conditions of licence

The holder of the licence shall comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 and the conditions detailed below:-

P1 Single Licensing of Vehicle

This licence is issued on the condition that the vehicle to which it relates is not licensed as either a Hackney Carriage or Private Hire Vehicle by another council. If Wiltshire Council becomes aware of other vehicle licences (hackney carriage or private hire) running concurrently with this licence then this licence will be

revoked.

P2 Passengers

The number of passengers conveyed in the vehicle should not be more than the number prescribed in the licence, regardless of the age or size of the passenger.

P3 Inspections

On first application for a licence only vehicles under 5 years old from the date of first registration will be considered.

Prior to first application a conditions check will be carried out by a licensing Officer before referral for a new MOT or Compliance Certificate, irrespective of the vehicles age.

From the date of the first licence being issued a conditions check, carried out by a Licensing Officer, and an MOT or Compliance Certificate will be required on a 6- monthly basis, irrespective of the vehicles age.

All existing licensed vehicles will be required to have a 6-monthly conditions check, carried out by a Licensing Officer, and an MOT or Compliance Certificate, irrespective of the vehicles age.

(NOTE: should a vehicle not be presented for inspection in accordance with the above then the licence may be suspended. Where a vehicle fails the inspection then the licence may be suspended or the licence not renewed).

P4 Production of Vehicle Documentation

The owner of a hackney carriage or private hire vehicle shall, at the request of any authorised officer of the council, produce for inspection:

- The vehicle licence.
- The Certificate of insurance covering its use for hire and reward.
- MOT Certificate or Compliance Certificate.

P5 Vehicle type

Owners with more than four hackney carriages and/or private hire vehicles must ensure the next plated vehicle, licensed for the first time on or after 1 April 2010, is:

- Wheelchair accessible from the nearside or rear, including a ramp or lift to enable loading.
- Have space to carry at least one passenger while using a wheelchair.

Example:

If you own 2 hackney carriages and 2 private hire vehicles and wish to purchase a 5th vehicle for use as a hackney carriage or private hire vehicle, this vehicle must be wheelchair accessible.

(NOTE: this means that purchases of wheelchair accessible vehicles are required

for the 5th, 10th, 15th, 20th vehicle and so on. See P22 for further information).

Vehicles must be either:

- Four door saloons or hatchbacks.
- MPVs.
- Estate cars.
- Limousines.

In addition vehicles must have:

- Between 4 and 8 seats for passengers excluding the driver.
- Been manufactured or modified for the primary purpose of carrying passengers.

If a vehicle design appears to be that of a hackney carriage it will not be licensed. (NOTE: this includes traditional London taxis such as the FX and TX ranges as well as the Peugeot E7).

The vehicle must not carry any roof sign or any markings which may give the impression it is a hackney carriage.

All vehicles must be right-hand drive. The only vehicles permitted to be left-hand drive are limousines.

Vehicles must have a hard top roof that cannot be removed. (NOTE: open top vehicles, convertibles or vehicles with removable hard tops will not be licensed).

In addition to the drivers door, the vehicle must have at least two doors for the use of passengers. Where passenger doors are on only one side of the vehicle they must be on the near (left) side.

P6 Engine Type

All vehicles must be powered by an internal combustion engine, or a hybrid arrangement of internal combustion engine and electrical motor.

(NOTE: vehicles that are human powered will not be licensed).

Where a vehicle has been converted to run on LPG a certificate must be produced, prior to a licence being issued, from a member of the LPG Association confirming that the LPG installation conforms to the Association's Code of Practice and is, therefore, considered safe. If an LPG conversion involves installation of the LPG tank in a vehicle's boot space, and possible relocation of the spare wheel, it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage. Any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of the vehicle. These vehicles will be subject to any additional testing required by the compliance testing garage.

In the case of the conversion of a vehicle that is already licensed the above certificate must be produced before the vehicle is operated on LPG.

P7 Luggage compartment

The luggage compartment must be completely separate from the passenger carrying area. In the case of estate cars this means that there must be a secure guard fitted between the luggage and passenger compartments.

All luggage must be suitably restrained where, in the event of an accident, it is likely to cause injury to the occupant of the vehicle.

P8 Wheels and tyres

All vehicles must have at least 4 road wheels. A spare tyre, space saver tyre or repair kit must be carried in the vehicle as supplied by the manufacturer when new, together with any necessary jack and tools. Any spare or space saver wheel should be carried in the vehicle in the place allocated by the manufacturer.

(NOTE: Space saver tyres and puncture repair kits will only be acceptable in vehicles that are manufactured without full size spare tyres and vehicles that are adapted in a way to prevent them carrying a full size spare tyre).

Re-moulded or re-cut tyres must not be fitted to the vehicle and all tyres must be kept at the correct pressure and meet legal requirements.

P9 Bull bars

Vehicles must not be fitted with 'bull bars' or other modification that increases the risk to passengers, pedestrians or other road users in the event of impact. Tow-bars are accepted at initial licence. Any material changes to the vehicle, in addition of a tow-bar, must be provided in writing to the relevant Licensing Area Office.

P10 Passenger access

All internal door handles must be clearly visible to passengers and, if necessary, marked with signs or identification tape and must be fully operational at all times.

Any steps at passenger door entrances must have clearly marked edges and be lit when the passenger door is open.

P11 Seats and seat belts

All passenger seats must be easily accessible to passengers without the need for more than one passenger to move. If access to one or more of the passenger seats requires the folding or moving of the other seats, the release mechanism for the adjustable seat must be clearly marked and visible to passengers.

All passenger seats must face forward or rearward to the direction of travel, except in the case of vehicles that fall within the council's definition of limousine.

All swivel seats must be fitted in accordance with manufacturer's recommendations.

All seats in the vehicle must be fitted with either a 3 point inertia belt, 2 point lap belt or 3 point disabled persons belt. They must comply with current seatbelt standards and be fully functional at all times.

Passenger seats must be at least 400mm wide per passenger with no significant intrusion by wheel arches, armrests or other parts of the vehicle. There must be a minimum of 860mm headroom for all passenger seats measured from the rear of the seat cushion to the roof lining.

P12 Windows

Vehicles must meet the legal standards for light transmission through the front windscreen and front side windows. Rear windows and rear side windows must have a light transmission of at least 70%, irrespective of whether the vehicle was manufactured contrary to this standard. Documents must be provided for proof of light transmission when requested by the council. Limousines are excluded from the condition relating to rear and rear side windows.

(NOTE: This standard is the same as the legal requirement for front side windows).

Grandfather rights

The part of the above condition that relates to rear and rear side windows will not apply until 1 April 2015 in relation to a vehicle that:

- Has been licensed continuously prior to 30 March 2010, and
- The owner at 31 March 2010 continues to have at least 50% ownership of the vehicle.

No temporary glass or other material will be accepted as a temporary measure i.e., plastic sheeting, until windows are replaced due to damage.

All passengers must have access to an openable window or other form of natural ventilation whilst being carried in the vehicle.

P13 No smoking signs

All vehicles must display no-smoking signs in a place visible to all passengers.

P14 Communication with the driver

A proprietor of a private hire vehicle shall provide sufficient means by which any person in the vehicle may communicate with the driver.

P15 Use of Trailers

A vehicle may tow a trailer only when one is required in order to convey a hirer's luggage. If a trailer is towed it shall:

- Be roadworthy at all times, comply with all requirements of the current Road Traffic legislation and the towing weights specified by the vehicles' manufacturer.
- The vehicle insurance must include cover for towing a trailer.
- Comply with the speed restrictions applicable to trailers at all times.

- Provide secure and weather proof stowage for the luggage.
- Trailers must not be towed whilst standing on a hackney carriage rank or left unattended on the highway.
- The driver will hold the appropriate licence category on their DVLA driving licence to tow a trailer.

P16 Fire extinguisher

Each vehicle must carry either one 2 kg or two 1 kg dry powder fire extinguishers. These extinguishers must:

- Comply with and be marked as complying with either EN3 or BS 5306 and be so marked.
- Be stored in a readily accessible position in the vehicle.
- Be full and, where a gauge is fitted, this must show that this is the case.

All wheelchair accessible vehicles with a lift **MUST** carry a 1 or 2kg fire extinguisher at the front and the rear of the vehicle.

(NOTE: no other extinguisher type is permitted).

P17 First aid kit

A First Aid Kit must be carried that contains the following items:

- 6 individually wrapped sterile adhesive dressings.
- 1 large sterile unmedicated dressing – approximately 18 cm x 18 cm.
- 2 triangular bandages.
- 2 safety pins.
- Individually wrapped moist cleansing wipes.
- One pair of disposable gloves.

All first aid kit contents must be within any specified expiry date.

All first aid materials must be carried in a suitable container of a design and construction that protects the contents, and be clearly marked as containing first-aid. The container should be stored in a readily accessible position in the vehicle.

(NOTE: The First Aid Kit is for use by the driver to administer first aid to themselves and is required under the Health and Safety (First Aid) Regulations 1981).

P18 Written off vehicles

The vehicle must not have been written off for insurance purposes at any time.

P19 Temporary Replacement of Licensed Vehicles

Any licensed vehicle suffering (major) accident damage or requiring mechanical repair, may be replaced by a hire vehicle provided:

- The accident damage has been reported by the licence holder in accordance with the requirements of these conditions, or the defect to the licensed vehicle has been similarly reported.

- Application is made by the licence holder for a temporary plate/transfer and the appropriate fee paid.
- The replacement vehicle is properly taxed, insured and tested to the requirements of the normal licence vehicle.
- The replacement vehicle is of suitable size (like for like) to be used for hire purposes.

Providing the foregoing conditions are met:

- The council will issue a temporary licence plate(s) to cover the existing period of the licence.
- Any temporary licence plate(s) must be returned to the council at the end of the temporary replacement.
- The inspection costs will be borne by the licence holder.

P20 Vehicle condition

The vehicle must be kept in good condition and, in particular, meet the following criteria at all times:

- Vehicles should have no damage affecting the structural safety of the vehicle.
- The body of the vehicle must be watertight and draught proof.
- Vehicles should be free of significant areas of visible rusting. Minor blemishes are acceptable, but should be regularly treated and painted to match existing paintwork.
- Vehicles should not have any major dents or similar damage to the bodywork.
- Vehicles should have no scratches down to the metal of more than 5 cm in length and no scratches down to base coat longer than 20cm.
- All panels on all vehicles shall be painted in a uniform colour and all original panels and trim shall be in place.
- All seats, including the drivers, must be fully intact, free from cuts, holes, stains or burns, except of a very minor nature. Any repairs must have been carried out in a professional manner. Seat covers are acceptable provided that they meet the above standard.
- All carpets and floor coverings shall be complete and free from all major cuts, tears or obvious stains.
- All interior trim, including headlining, shall be clean, complete, properly fitted and free from serious cuts, tears or staining.
- The luggage compartment must be clean and tidy.

P21 Licence Plates

The external licence plate must be securely affixed externally to the rear of the vehicle in a position specified by the council, which is clearly visible and remain in that position for the duration of the licence.

The internal licence plate must be securely affixed on the inside of the windscreen within the vehicle, or clearly visible in the passenger compartment as specified by the council.

P22 Wheelchair Accessible Vehicles

Vehicle Type

Any vehicle that has been purpose built, or any vehicle that has been modified or converted to carry a disabled person confined to a wheelchair, will be considered for licensing provided the vehicle complies with the requirements and conditions laid down by Wiltshire Council.

Vehicles will have a maximum seating capacity of up to eight passenger seats and only forward or rearward facing seats shall be fitted. When carrying a wheelchair this must be included and not in addition to the maximum number of seats. When the wheelchair facility is not required the vehicle will operate as a normal hackney carriage or private hire vehicle with seating for the number of passengers the vehicle is licensed to carry.

Prior to licensing all new vehicles and equipment must undergo an independent initial inspection by a qualified and competent vehicle examiner to ascertain the suitability of the vehicle and to confirm the vehicle is fit for purpose. This will include the seating, the system and devices used to secure the wheelchair and occupant and the wheelchair access equipment. The applicant must provide the licensing authority with written confirmation from the examiner that the vehicle meets the required standard. A licensing officer may require the vehicle to be referred to the council's designated vehicle examiner. This inspection will be carried out at the owners cost. Existing vehicle licence holders will be required to adhere to this condition within six months of these conditions coming into force.

Access

All wheelchair accessible vehicles must be able to load a wheelchair using the access equipment by the side or rear access doors. The side access door would be the door situated on the nearside of the vehicle, i.e. kerbside when stopped in a normal road.

The aperture of the door into which the access equipment is fitted shall have minimum clear headroom in its central third of 48 inches (1.220m). The measurement shall be taken from the upper centre of the aperture to a point directly below, on either the upper face of the fully raised platform or the upper face of the ramp fully deployed on level ground.

A locking mechanism shall be fitted that holds the access door in the open position whilst in use.

Equipment

A wheelchair accessible vehicle shall be fitted with either of the following forms of wheelchair access equipment:

Ramps

Any purpose designed access ramp that is carried must be lightweight and easy to deploy. The installed ramp shall have visible reference to a safe working load of 250 kgs. and certified BS6109.

WheelchairLift

A purpose designed wheelchair lift shall conform to the LOLER 98 Regulations. Vehicles presented for inspection with a wheelchair lift will require a valid LOLER certificate.

The wheelchair access equipment shall be fitted such that it terminates at the interior floor level so as to allow smooth entry/exit of the wheelchair.

Anchorage

The wheelchair must always be carried in a secure and stable position as recommended by the vehicle manufacturer or conversion team. In the case of purpose built vehicles, i.e. London style taxis, this position will be facing the rear of the vehicle. In the case of vehicles, which have been specially converted for the purpose of conveying wheelchairs, the converter's recommendations should be followed. Please note this will always be either facing the front or rear of the vehicle, wheelchairs should never be carried facing sideways in a vehicle.

A system for the effective anchoring and securing of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair spaces. The system and the devices used to secure a wheelchair to the vehicle shall comply with the relevant standards laid down in European Directive 76/115 EEC (as amended by 90/629 EEC).

All wheelchair tracking must comply with European Standard UNECE Regulation 14 (EC Directive 76/115 EEC).

Each wheelchair user shall be provided with a disabled person seatbelt, which fastens to the structure of the vehicle either permanently or temporarily by use of approved fixings appropriate to the position of the wheelchair. (European Directive 76/115 EEC and Regulations 46 & 47 Road Vehicles (Construction and Use) Regulations 1986).

P23 Notification of changes

Once a licence has been issued the following criteria will apply to the owner of a private hire vehicle:

The licence holder must within 72 hours supply the council with details of any:

- Change of the owners business or home address.
- Change of premises where the vehicle is normally kept.
- Accident causing damage or materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein.
- Alteration in the construction, specification, design and condition of the vehicle.

This notification may be by oral report in the first instance, but must be followed up in writing.

The licence holder must give within 7 days written notification to the council of the following:

- The name and address of every additional owner or part owner of the vehicle.
- The name and address of anyone concerned either solely or in partnership with any other person in keeping, employing or letting the vehicle for hire.
- Details of any conviction(s) being recorded against:
 - The owner of the vehicle.
 - Any company of which he/she is a director or secretary.
 - Any person with whom he/she is in partnership or who has any interest in the vehicle.

P24 Roof signs

The vehicle must not be fitted with a roof sign ('top sign') of any description.

P25 Fare meters

While there is no requirement to do so the vehicle may be fitted with a fare meter (taximeter). If the vehicle is fitted with a taximeter then it must be constructed, installed and maintained so as to comply with the following conditions:

- The taximeter shall be installed by a competent person.
- The taximeter shall be calibrated to the vehicle and the table of tariffs applied by a person approved by the manufacturer of the taximeter.
- The taximeter shall be maintained in proper working order and condition.
- The fare meter shall be fitted with a key, flag or other device which will bring the machinery of the fare meter into action and cause the word "HIRED" to appear on the face of the meter.
 - Such key, flag or other device shall be capable of being locked in such position that the machinery of the fare meter is not in action and that no fare is recorded on the face of the fare meter.
- When the machinery of the fare meter is in action there shall be recorded on the face of the meter, in clearly legible figures, the fare or rate of fare which the proprietor or driver is entitled to demand and take for the hire of the vehicle by distance and time in accordance with the Table of Fares charged by the operator.
- The meter shall be positioned so that all letters and figures on its face are at all times plainly visible to any person being conveyed in the vehicle even during darkness.
- Any seal applied to the meter or associated components by the council should not be removed or otherwise tampered with.
- If a taximeter is installed in the vehicle when licensed, it must not be removed without the prior consent of the Licensing Officer.

(NOTE: Under Section 68 of the Local Government (Miscellaneous Provisions) Act

1976 an authorised officer of the council can inspect and test, at any reasonable time, any taximeter in a licensed Hackney Carriage or private hire vehicle. If he is not satisfied as to the accuracy of the meter he may by a notice in writing suspend the vehicle licence until he is satisfied that the meter is working correctly).

P26 Fares and fare cards

If a fare meter is fitted in the vehicle a copy of the current table of fares, the Fare Card, as supplied by the operator, must be displayed on the inside of the vehicle in a conspicuous position so as to be readily visible to any person carried in the vehicle. This table of fares must not have been altered in any way.

P27 Advertising on Vehicles

Advertising will not be permitted on private hire vehicles unless it relates specifically to the private hire operator.

P28 Bus Lanes – Salisbury Area

Licensed private hire vehicles are allowed the use of bus lanes in Milford Street and Castle Road provided certain 'conditions of use' are followed.

- Private hire vehicles only – when using the bus lanes they must always display a front vehicle identification marker in addition to the normal plate displayed on the rear of the vehicle. These are issued by the council and are required as a means of identifying a licensed vehicle from the front. A fee is payable.
- Milford Street – never travel at more than 10mph and always have the vehicle's headlights switched on.
- Castle Road – no additional conditions of use but vehicles are allowed the use of the 'bus gate' at the end of the bus lane.
- All Wiltshire licensed private hire vehicles will be able to use any future bus lanes.

P29 Taxi Ranks

Private Hire Vehicles must not be used to ply for hire from a taxi rank or in any other such manner which may give members of the public the impression it is a taxi.

P30 Door Signs

Vehicles are required to display signs provided by the council on the front nearside and offside doors.

P31 Exemption from displaying vehicle plate/door signs

If a written exemption notice has been issued it must be carried in the vehicle at all times. Failure to do so will invalidate the exemption.

If, after an exemption notice is issued, the circumstances of the exemption change, such as a change of use for the vehicle, the licence holder must inform the council in order that the exemption can be reconsidered.

(NOTE: Under Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976 the council, which issues the licence, may exempt a licensed private hire vehicle from the need to display a plate and the driver from wearing his identity badge. Owners who wish to apply for this exemption should contact their local licensing office).

The vehicle licence holder will be required to make a written application for an exemption to include:

- The plate and index number of the licensed vehicle.
- The nature of the work/business the vehicle will be engaged in.
- The reasons why the exemption is requested.

The main consideration will always be the safety of the general public, but consideration will also be given to the nature of the work the vehicle will be used for and whether it needs to be identifiable to the public or not.

P32 Stretched limousines

These conditions and relaxations apply only to stretched limousines which are constructed or adapted to seat up to 8 passengers. These vehicles are defined as:

- A saloon type vehicle that has undergone an increase in length by extending the wheelbase after manufacture and modified to contain luxury facilities and fixtures.

These are typically imported from the USA and manufactured originally by Lincoln (Ford) or Cadillac.

These conditions made under the Local Government (Miscellaneous Provisions) Act 1976 are specific to a vehicle adapted by lengthening the wheelbase of a standard, factory built vehicle. The purpose of these conditions is to protect public safety. They apply in addition to the Authorities standard conditions for private hire vehicles and take account of the fact that stretched limousines will:

- Be used mainly for special events/occasions and not for normal private hire work.
- Travel generally at slower speeds than normal private hire vehicles.
- Not normally overtake other vehicles.
- Be easily recognisable by the hirer.
- Be heavier and considerably longer than standard cars.
- Be often adapted or converted by someone other than the original manufacturer.

P33 Pre licensing conditions for limousines

The council will require originals of the following documentation to be produced before an initial application for a vehicle licence can be considered:

- Completed importation document where applicable.
- Single Vehicle Approval (SVA) certificate issued by VOSA.
- Proof that the 'stretch' was performed by the manufacturer or by a coachbuilder approved by the manufacturer by producing a Vehicle Modifier Certificate (VMC) or a Cadillac Master Coachbuilder Certificate (CMC) for Cadillac vehicles.
- DVLA registration document specifying the number of seats as being no more than 9 seats inclusive of the driver.
- Documentation to show the overall weight of the vehicle, as displayed on the vehicle.
- Valid Vehicle Excise Licence disc.
- Where applicable vehicles converted to run on LPG must produce an installation certificate from a Liquefied Petroleum Gas Association (LPGA) Approved UK Vehicle Conversion Company.

This documentation must be available at all times otherwise the licence will be revoked.

P34 Maximum length of stretch conditions for limousines

The maximum length of the vehicle 'stretch' shall not exceed 3048 millimetres (120 inches) with the exception of the Cadillac, which shall not exceed 3302 millimetres (130 inches). This is the measurement between the rear edge of the front door and the front edge of the rear door.

P35 Limousine Tyres

The vehicle should be equipped with a minimum of four road wheels and one full size spare wheel. The tyres shall be of an approved rating as specified by the tyre manufacturer for weight and speed of the vehicle.

P36 Limousine seats and seat belts

Seats may be forward, rearward or sideways facing.

All seats shall be fitted with appropriate seat belts, which must be fitted in accordance with the current Road Vehicle (Construction & Use) Regulations.

For the purposes of calculating the seating capacity of a vehicle the minimum width of a passenger seat will be 400 mm. (16inches). In the case of an 'L' shaped seat sufficient space must be made available in the corner to prevent the passenger on one side of the corner encroaching on the passenger on the other side.

P37 Limousine Glass

Tinted glass shall conform to the legal requirements of the current Road Vehicle (Construction & Use) regulations.

P38 Limousine doors and interior

The vehicle must have at least 2 doors for use of persons conveyed in the limousine and a separate means of ingress and egress for the driver. Doors must

be capable of being readily opened from inside and outside the vehicle by one operation.

There must be adequate internal light to enable passengers to enter and leave the vehicle safely.

The internal fittings and furniture of the limousine must be kept in a clean, well- maintained condition and in every way fit and safe for public use.

Facilities must be provided for the safe conveyance of luggage.

Facilities must be provided to ensure that any person travelling in the limousine can communicate with the driver.

P39 Passengers in limousines

All passengers must remain seated and wear a seat belt when the vehicle is in motion.

Passengers must not be carried in the front of the vehicle.

Passengers under the age of 15 years shall not be carried in a stretched limousine unless accompanied by a responsible adult who is over the age of 18 years, or the parent or guardian of at least one of the children.

No person under the age of 18 years being conveyed in a stretched limousine shall be allowed to consume alcohol.

PRIVATE HIRE OPERATORS

Proposal

The council proposes the following conditions for all private hire operators.

Private Hire Operator

In these conditions, unless otherwise indicated

- “The council” means Wiltshire Council.
- “The Driver” means the holder of a licence granted by the council under Section 46 Town Police Clauses Act 1847 or Section 51 Local Government (Miscellaneous Provisions) Act 1976.
- “Licensed Vehicle” means a vehicle granted a licence by the council under or Section 48 Local Government (Miscellaneous Provisions) Act 1976.
- “The Operator” means the holder of the Private Hire Operator Licence.

Conditions of Licence

O1 Criminal Records Bureau Check (CRB)

A basic CRB disclosure will be required for operators who do not hold a current hackney carriage/private hire drivers licence with the council. This can be obtained via Disclosure Scotland at www.disclosurescotland.co.uk

O2 Definition of an Operator

An operator is a person who in the course of business makes provision for the invitation or acceptance of bookings for a private hire vehicle.

Sub-contracting may only take place from one operator to another as long as the operator being subcontracted to is licensed by the same local authority.

O3 Standards of Service

The proprietor / operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall:

- Ensure that all conditions under the provisions for vehicles and drivers are complied with.
- Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access whether for the purpose of booking or waiting.
- Ensure that any waiting area provided by the operator has adequate seating facilities.
- Ensure that any telephone facilities and any radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

- Ensure that any radio equipment provided by the operator is licensed and produce the licence to the council at any time required.
- Not conduct the business to which this licence relates in a manner which will cause a nuisance or annoyance to the owners or occupiers of nearby premises.

O4 Records

The records required to be kept by the operator under section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept on a suitable form or forms and the operator shall enter, before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by the operator:

- The time and date of booking.
- The name and address of the hirer.
- Number of persons to be carried.
- How the booking was made, i.e. by telephone, personal call, etc.)
- The time of pick up.
- The point of pick up.
- The destination.
- Name and licence number of driver.
- Vehicle to be used, registration and plate number.
- Remarks, including details of any sub-contract.

The operator shall also keep records of the particulars of all private hire vehicles operated by him, which shall include details of the owners, registration numbers and drivers of such vehicles, together with any radio signal used.

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

O5 Advertising

The proprietor shall not exhibit or permit the exhibition of advertising material, any sign or distinguishing mark upon the vehicle (other than the licence plate identifying the vehicle) without first obtaining the council's consent.

The proprietor shall not include in any sign, advertisement, printed material (including for the avoidance of doubt any telephone directory, photograph or film) or broadcast whether by way of radio, cinema or television the words "TAXI", "CAB", "HACKNEY" or "CARRIAGE", whether in the singular, plural or combination of words which would suggest that the vehicle is a hackney carriage (taxi).

O6 Notifiable Information

The operator/proprietor shall within three days supply the council with written details of any:

- Change of address.
- Change of address from which they operate or otherwise conducts the business of an operator.

- Change in premises where the vehicle is kept.
- Change in the vehicles and/or drivers operated.
- Accident causing damage materially affecting the safety, actual performance or appearance of the vehicle or the comfort or convenience of persons carried therein (alteration in the design or construction of the vehicle).
- Complaint relating to or arising from the business and the action, if any, which is proposed to be taken in respect thereof.

The operator/proprietor shall give written notification to the council within seven days of any conviction being recorded:

- Against him/her personally.
- Any driver of that vehicle.
- Any company of which he/she is a director.
- Any person with whom he/she is in partnership.

The operator/proprietor shall within 14 days of the vehicle being transferred to any other person, which includes both companies and partnerships, notify the Council of the name and address of the person to whom the vehicle has been transferred.

PENALTY POINTS SCHEME

Penalty points schemes were operated by the previous North Wiltshire District Council, Salisbury District Council and West Wiltshire District Council.

A penalty points scheme allows the licensing authority to deal with contraventions of conditions or legislation without undue bureaucracy or involvement of the Magistrates Court by issuing points in a similar way to those applied to DVLA driving licences for offences such as speeding. Unlike the DVLA scheme there is no requirement to pay any fine.

Penalty points are removed after a period of 12 months, but an accumulation of points could then trigger a sanction being applied that could include suspension or revocation of the licence and / or prosecution in the magistrates court.

Proposal

The council proposes that a penalty points scheme be introduced as follows.

PENALTY POINTS SCHEME

Enforcement

As a licence holder you have accepted the legal responsibilities that come with the benefit of holding a licence. There are regulations and disciplinary policies adopted by the council as part of the licensing process. Enforcement is viewed as part of the overall licensing control process exercised by the council and is seen as an important way of maintaining and improving the standards within the trade and the quality of service delivered to the general public.

Usually enforcement action will be taken to:

- Protect the public interests.
- Support the policies of the council.
- Respond to individual public and trade complaints.
- Support partnerships with other agencies like the Police and Vehicle Inspectorate.
- Compliment the council's Corporate Enforcement Policy.

Authorised Officers of the council are empowered to give and recommend any of the following disciplinary measures:

- Verbal warning.
- Written warning.
- Penalty Points.
- Appearance before Committee/Delegated Officer.
- Prosecution.

Licence holders have a clear legal duty to offer assistance and information to

any authorised officer and must not wilfully obstruct or give false information.

Penalty Points Scheme

The Penalty Points Scheme is a 'fast track' disciplinary code whereby points are issued to licence holders for breaches of licensing conditions, non-compliance of the law or because of unsatisfactory conduct.

The main features of the scheme are as follows:

- Points are issued to licence holders for breaches of licensing conditions, legislation or byelaws.
- A total of 12 points credited to an individual licence in any 12 month period will result in a review of the licence at Committee/by Delegated Officer.
- In the case of a Private Hire Operator Licence the total number of points credited in any 12 month period is extended to 30 points.
- Any outstanding points against a licence holder will be automatically removed after 12 months have elapsed from the date the points were issued.
- Licence holders have a written right of appeal within 7 days of the points being issued.

There is no financial penalty associated with this scheme and you may continue to work even if points are awarded.

A list of offences covered by the scheme, together with the points that can be awarded for each offence, is shown on the grid overleaf.

Defined Breaches in Relation to Conditions	Condition No	Driver	Vehicle	Operator
Failure to display drivers ID badge in the correct manner	D12	3		
Unsatisfactory appearance of the driver	D10	2		
Failure to notify change of address/any convictions received /medical grounds not to drive	D11, T23, P23, O6	3	3	3
Failure to behave in a civil and orderly manner towards customers and other members of the public at all times	D7	1-5		
Obstruction of an authorised officer	D24	3-6		3-6
Failure to produce licence/insurance when requested by authorised officer	D9 T4, P4	4		4
Failure to report accident damage within 72 hours	D2, T23, P23	3		3
Overdue medical examination	D20	2		
Carrying more passengers than permitted by the vehicle licence	D23 T2, P2	5		
Refusal to carry passengers without a reasonable excuse	D13	5		
Failure to convey or assist with carrying luggage	D7	2		
Failure to display current tariff of fares correctly	T26, P26	2	2	2
Failure to recalibrate meter to the current tariff	T25, P25		2	2

Failure to display interior and/or exterior identity plate correctly	T21, P21	2	2	2
PH Exempt Vehicles only – Failure to: Display Interior plate, carry exemption certificate, and carry exterior plate	P31	2	2	2
Unreasonable prolongation of a journey or any other misconduct regarding the charging of fares.	D14	5		
Failure to be with taxi on rank	D32	2		
Failure to comply with the conditions/use of bus lanes	T28, P28	3		
Failure to display door signs on Private Hire vehicle	P30	2	2	2
Failure to have operational fire extinguisher fitted	T16, P16	2	2	2
Failure to carry adequate first aid kit	T17, P17	2	2	2
Failure to display vehicle licence plate correctly	T21, P21	3	3	3
Failing to display approved roof sign	T24, P24	3	3	3
Unsatisfactory condition of vehicle interior/external	D29, T20, P20	3	3	3
Failure to deal appropriately with items of property accidentally left in vehicle	D17	2		2
Using/permitting licensed vehicle with no insurance	D9, T4, P4	9-12	9-12	9-12
Using licensed vehicle without current certificate of compliance/MOT	D9, T4, P4	3	6	6
Unauthorised advertising on licensed vehicle	T27, P27, O5		3	3
Standing or plying for hire in a private hire vehicle	D31, P29	5		3
Failure to attend a hiring punctually	D26	3		3
Touting	D5	6		
Defective taxi meter	T25, P25	3	3	3
Failure to keep or produce records of private hire bookings/documents required to be kept or produced.	O4			4-6
Any other breach or unsatisfactory behaviour	Will be specified	1-6	1-6	1-6