

## Newcastle City Council

### Conditions of Hackney Carriage Proprietor's Licence

#### **1 Explanatory Note**

- 1.1 In these conditions, unless the subject or context otherwise requires, "the Proprietor" means the holder of a Hackney Carriage Proprietor's Licence, "the Council" means Newcastle City Council and, "the Licence" means a Hackney Carriage Proprietor's Licence issued by the Council.
- 1.2 If information is given in an application form for a licence, which later proves to be false information, such a licence, if issued may be withdrawn.

#### **2 Exterior Identification Plate**

- 2.1 The Proprietor shall at all times securely fix and display the Licence Plate issued by the Council on the rear exterior of the vehicle. "Securely fix" includes fixing by bolts and screws, but does not include fixing by magnets, ties or straps.
- 2.2 The Proprietor shall not carry or permit to be conveyed in such a vehicle, any greater numbers of persons than that which the vehicle is licensed to carry.
- 2.3 The Proprietor shall not wilfully or negligently cause or suffer the said plate attached in pursuance of these conditions be concealed from public view, or to be so defaced that any figure or material particular is illegible.
- 2.4 The Proprietor shall report the loss of any plate or the Licence to the Council as soon as the loss becomes known and, in the event of ceasing to use vehicle for Hackney Carriage purposes, shall return the Licence Plate to the Council within 7 days.
- 2.5 In the event of a Licence Plate being stolen, lost or damaged or destroyed, the full cost of the replacement of the plate shall be payable by the proprietor.

#### **3 Interior Markings and Notices**

- 3.1 The Proprietor shall cause to be clearly marked and maintained inside the vehicle in such position as to be visible at all times to persons conveyed therein, the number of the licence on a numbered decal which will be supplied by the Council. In the event of the Proprietor ceasing to use the vehicle for Hackney Carriage purposes, he shall return the numbered decal to the Council.
- 3.2 The Proprietor shall cause to be displayed in a prominent position so as to be visible at all times to persons conveyed in the vehicle, a tariff card supplied by the Council, setting out the current fares payable.

#### **4 Exterior Signs and Markings**

- 4.1 The Proprietor shall cause to be displayed on the vehicle, a standard roof sign as specified by the Council, and affixed in a manner approved at the time the vehicle is submitted for examination by the Council.

- 4.2 The Proprietor shall at all times securely fix and display the City Crests supplied by the Council and incorporating the Hackney Carriage Proprietors Licence Number on the two front doors of the vehicle. "Securely Fix" does not include fixing the door crest by magnets.

## **5 Advertising**

- 5.1 Suitable advertisements may be displayed on the inside and outside of Hackney Carriages subject to the following conditions:

- 5.2 All vehicles not displaying all-over livery advertising in accordance with Conditions 5.14 to 5.14.7 must be black in colour.

- 5.2.1 Non-black vehicles may be licensed if fitted with an approved all-over livery advertisement provided that the advertisement is approved and fitted prior to the grant of a licence.

- 5.3 All advertisements must be approved by the Council before use.

- 5.4 No advertisement will be approved which promotes tobacco products or which is indecent or which could cause public offence.

- 5.5 Approval may be given to the advertisement of alcohol, subject to the following message being incorporated into the advertising scheme, in a manner authorised by the Head of Public Health and Environmental Protection:

"Do not drink and drive - use a taxi".

- 5.5.1 Approval will not be given to the advertising scheme unless the message is displayed on each elevation upon which the advertisement is visible.

- 5.6 To gain approval, a full size copy of the advertisement, or in the case of a complete side advertisement, a full colour side view photograph or image of the proposal must be submitted.

- 5.7 In the case of vehicles meeting the Council's specification for Wheelchair Accessible Hackney carriages, advertisements may be displayed on the rear doors, rear side panels and boot of the vehicles or as a complete side advertisement or subject to the requirements of paragraph 5.14 as an "All over livery" advertisement. Advertisements may also be displayed in the rear window of the vehicle using the "Contravision" system.

- 5.8 The upper boundary line of advertisements appearing on the side of purpose built Hackney Carriages in the case of FX4 vehicles will be that illustrated in Appendix 1, and in the case of Metrocab Vehicles will be that illustrated in Appendix 2.

- 5.9 In the case of non-wheelchair accessible vehicles, advertising will be limited to advertisements not exceeding 1000 mm x 400 mm in size affixed to the rear doors of the vehicle.

- 5.10 In the case of all advertising, the City Crest must continue to be displayed on the front doors of the vehicle.

- 5.11 At any one time, external advertising on the vehicle will be restricted to one product, service or company, with the exception that the proprietor or operating company of the vehicle may display additional signs advertising their services.
- 5.12 Internally, advertising will be restricted to signs not exceeding 400 mm x 400 mm which are affixed to the underside of rear facing tip down seats, and to the area at the top of the separating partition between the driver and passenger compartment, in purpose built vehicles.
- 5.13 On completion of the advertising contract, all vehicles must be returned to their original black colour.
- 5.14 "All Over Livery" advertising may be permitted on vehicles meeting the Council's specification for Wheelchair Accessible Hackney Carriages, subject to the following additional conditions;
- 5.14.1 Applications for "All over livery" advertising must be accompanied with full colour photographs or images of the vehicle showing complete side, rear and top views of the proposed advertising livery.
- 5.14.2 Applications for "All over livery" advertising must be accompanied by a copy of the advertising contract made between the proprietor of the vehicle and the company whose services are being advertised.
- 5.14.3 No contract for "All over livery" advertising shall be for a period of more than 2 years.
- 5.14.4 Applications must be made in respect of each individual vehicle for which it is proposed to carry "All over livery" advertising.
- 5.14.5 No vehicle will be permitted for use with "All over livery" advertising before it has been inspected by an authorised officer of the Council for conformity with the approved application.
- 5.14.6 The City Crest must continue to be displayed on the front doors of the vehicle whilst in the "All over" advertising livery.
- 5.14.7 Upon the removal of the all-over livery advertisement the vehicle must be fitted with a replacement all-over livery advertisement, in accordance with the above conditions, or the vehicle must be painted black in colour.
- NOTE: Do not enter into any agreement to purchase, lease or hire a vehicle with "All over livery" advertising without first obtaining written approval from the Council.
- 5.15 The Proprietor shall not attach or affix or cause to be attached or affixed to the vehicle, any sign or mark other than those allowed under Conditions 2.1, 3.1, 3.2, 4.1, 4.2 and 5.1.

## **6 Maintenance of the vehicle**

- 6.1 The Proprietor shall ensure:
  - 6.1.1 That the vehicle is maintained in a clean, comfortable, safe, watertight and mechanically sound condition, and is in all other respects suitable for the purpose for which it is maintained.
  - 6.1.2 That the vehicle is provided with a suitable multi-purpose dry powder (or other suitable alternative) controlled discharge fire extinguisher of 1.00 KG or greater capacity to British Standard 5423. The extinguisher shall be located in a position approved when the vehicle is submitted for examination by the Council. The Hackney Carriage Proprietor's Licence number shall be painted on the extinguisher.
- 6.2 The Proprietor of a Hackney Carriage shall state in writing, the address of the place where the vehicle is kept when not in use and shall allow access for all necessary inspection or testing by an Authorised Officer of the Council.
- 6.3 Any accident or occurrence materially affecting the safety, performance or appearance of the vehicle must be reported to the Council within 72 hours of such an occurrence.

## **7 Production of Certificates of Insurance**

- 7.1 The Proprietor shall produce his Certificate of Vehicle Insurance:
  - 7.1.1 When presenting the vehicle for test at the Council's Vehicle Testing Centre; and
  - 7.1.2 When making an application for or to renew the Proprietor's Licence at the Council's Licensing Office; and
  - 7.1.3 At the request of an Authorised Officer of the Council.
- 7.2 If the document(s) are not produced on the above occasions, the vehicle examination will not be carried out nor the licence granted.

## **8 Testing of the Vehicle**

- 8.1 Licences shall only be granted subject to the vehicle passing the Council's Hackney Carriage Test as prescribed in the document "Standards and Test Procedures for Hackney Carriage and Private Hire Vehicles".
- 8.2 All Licensed Hackney Carriages shall be submitted for test in accordance with instructions issued from time to time by the Head of Public Health and Environmental Protection.
- 8.3 All Licensed Hackney Carriages up to 24 months old from the first date of registration including the date of test, shall be submitted for test at 12 monthly intervals in accordance with instructions issued from time to time by the Head of Public Health and Environmental Protection.

- 8.4 All Licensed Hackney Carriages over the age of 24 months but not exceeding 60 months of age on the date of test, shall be submitted for test at 6 monthly intervals in accordance with instructions issued from time to time by the Head of Public Health and Environmental Protection.
- 8.5 All Licensed Hackney Carriages over the age of 60 months on the day of test, shall be submitted for test at 4 monthly intervals in accordance with instructions issued from time to time by the Head of Public Health and Environmental Protection.
- 8.6 In the event of the Proprietor failing to submit a vehicle for testing at the appointed time without sufficient cause, the Hackney Carriage Proprietor's Licence shall expire and the Hackney Carriage Plate must be returned to the Council.
- 8.7 In the event of any Licensed vehicle failing the Council's test, the Hackney Carriage plate will be removed from the vehicle. The issue of a new licence and return of the plate to the Proprietor will be conditional upon the subsequent successful re-testing of the vehicle in accordance with instructions issued by the Head of Public Health and Environmental Protection.
- 8.8 The cost of all tests and re-tests required in Conditions 8.1 to 8.7 shall be borne by the Proprietor of the vehicle.

## **9 Taximeters**

- 9.1 All taximeters used in Hackney Carriages shall be of the clock / calendar control type, programmed to change to any premium tariff rate specified by the Council automatically at the relevant date and time.
- 9.1.1 When displayed on the taximeter, the tariffs shall be referred to as specified in paragraphs 9.7.1 to 9.7.4 below.
- 9.2 The proprietor shall use his best endeavours to ensure that;
- 9.2.1 During the continuance of the hiring, the display of the taximeter is not concealed in any manner or by any means and that such display is distinctly and plainly visible to any person hiring or being conveyed in the vehicle; and
- 9.2.2 The display of the taximeter is kept properly illuminated throughout the hiring; and
- 9.2.3 Any failure of the taximeter is immediately reported to the Council; and
- 9.2.4 The taximeter is fitted with seals so that it is not practicable for any person to tamper with it.
- 9.3 The Proprietor shall not tamper with or permit anyone to tamper with any taximeter with which a vehicle is provided, with the fittings thereof or with the seals affixed thereto.
- 9.4 The Proprietor shall ensure that the licensed vehicle is not used as a Hackney Carriage if the taximeter has failed or does not comply with conditions 9.1, 9.2 and 9.3.

- 9.5 All taximeters shall be inspected, tested and sealed only by taximeter agents approved by the Head of Public Health and Environmental Protection.
- 9.6 The Proprietor of each vehicle shall at the request of an Authorised Officer of the Council or a Police Constable, produce the official Taximeter Certificate of Compliance supplied to the agent by the Council and duly signed by the agent.
- 9.7 The references referred to in paragraph 9.1.1 above are as follows;
- 9.7.1 The tariff applicable between 07.00 hours and 23.00 hours shall be known and displayed on the taximeter as Tariff 1.
- 9.7.2 The tariff applicable between 23.00 hours and 07.00 hours and on Public Holidays shall be known and displayed on the taximeter as Tariff 2.
- 9.7.3 The tariff applicable during the Christmas and New Year periods as specified within the Council's tariff shall be known and displayed on the taximeter as Tariff 3.
- 9.7.4 Any tariff other than a tariff specified in 9.7.1, 9.7.2 or 9.7.3 above, for instance Private Hire Tariffs, shall be known and displayed on the Taximeter as Tariff 5,6,7 etc. as appropriate to the number of additional tariffs programmed. (Note: such tariffs must not be greater than the Council Tariff).

## **10 Replacement Vehicles and Transfers**

- 10.1 Proprietors are reminded that it is an offence to use any unlicensed vehicle as a Hackney Carriage and that the Licence is granted in respect of the vehicle itself. Replacement vehicles therefore cannot be used unless they have passed the Council's Hackney Carriage test. The cost of such a test shall be borne by the Proprietor of the vehicle.
- 10.2 A licensed hackney carriage shall not be 'replaced' with a vehicle which is older by way of first registration than the one which it will replace.
- 10.3 'Q' registered vehicles will not be licensed by the City Council.
- 10.4 Any transfer of a Hackney Carriage Vehicle, whether by sale or otherwise must be notified in writing to the Council within 14 days of such transfer.

The transfer of a Hackney Carriage Licence by way of sale is deplored by the Committee. Proposed transferees should note that Licences acquired in this way will not automatically be renewed.

## **11 Conduct of the Proprietor**

- 11.1 The Proprietor shall ensure that every driver employed by him holds a current Hackney Carriage Driver's Licence and shall ensure that such driver is acquainted with, understands and observes the requirements and conditions of both his Licence and the Hackney Carriage Proprietor's Licence.

- 11.2 The Proprietor shall not importune any person to hire such vehicle and shall not make use of the services of any other person for the purpose of such importuning.

## **12 Partnerships**

- 12.1 In the event of the Proprietor entering into a partnership with any other person, he shall deposit with the Council, at the time the intended partner applies for registration as a joint Proprietor, a copy of any partnership agreement and shall in particular give details of what has been agreed between the partners in the event of the death of either of them, or the dissolution of the partnership.

## **13 Renewal of the Licence**

- 13.1 A Proprietor who wishes to make application for renewal of his Vehicle's Licence shall submit his application and the appropriate fee to the Council on or before the date of expiry. (See also conditions relating to annual Testing).