

**EAST LINDSEY DISTRICT COUNCIL – HACKNEY CARRIAGE VEHICLE AND PRIVATE HIRE VEHICLE  
LICENSING POLICY**

**1. Introduction**

**1.1 Powers and Duties**

1.1.1 East Lindsey District (the Licensing Authority) is responsible for the licensing of hackney carriage vehicles (taxis) and hackney carriage drivers, and private hire vehicles, private hire drivers and private hire vehicle operators.

1.1.2 The licensing of hackney carriages dates back to 1847 and for private hire vehicles (outside London) to 1976. The Council has adopted Part 2 of The Local Government (Miscellaneous Provisions) Act 1976, as amended – this Council’s adoption of Part 2 of the 1976 Act came into force on 01 November 1977. This legislation, together with the provisions of The Town Police Clauses Act 1847, places on East Lindsey District Council, as the Licensing Authority, a specific duty to carry out the hackney carriage and private hire vehicle licensing functions.

1.1.3 This document sets out the policy that this Licensing Authority will apply when making decisions about new vehicle licence applications and vehicle licences currently in force. It provides prospective licence applicants with clarity and a consistency of approach in the decision making process.

1.1.4 A modern, effective policy document will ensure that the trade and the public have a document that fully explains the licensing process. It will also ensure consistency of approach by the Council and Officers thereby ensuring fairness to the hackney carriage and private hire vehicle trade. Guidance will also be made available to assist licence applicants and licence holders; the aforementioned guidance does not form part of this policy.

1.1.5. It should be noted that this policy will not override the right of any person to make a licence application, as each case will be considered on its own merits and according to the statutory requirements of the 1847 and 1976 Acts and other associated legislation.

1.1.6 The purpose of regulation is to give passengers confidence when using a hackney carriage or private hire vehicle that they are dealing with a regulated, professional business with honest drivers and safe vehicles. Regulation makes our society more secure – it both protects customers and employees, as well as protecting businesses and the environment. Better regulation means maintaining and improving customer protection and at the same time providing the right environment for business to thrive. This Council recognises that regulation should be undertaken in a way that is effective, does not create unnecessary burdens, and is consistent, transparent, proportionate, accountable and fair.

1.1.7 The licensing and compliance role of the Council is important in improving the health, safety, security and welfare of the District’s residents, visitors and business community. This policy aims to strike a balance that will be of benefit to the trade, the public and the Licensing Authority. The policy aims to ensure that high standards are offered by the hackney carriage and private hire vehicle trade.

## **1.2 Planning Permission**

1.2.1 The Licensing Authority will only take into account relevant matters relating to hackney and private hire vehicle licensing. The existence (or not) of a planning permission or building regulation approval for a site associated with hackney carriage or private hire vehicles will not be taken into account by the Licensing Authority in determining a licence application. Similarly, the existence of a licence will not prejudice (or influence) the consideration of any planning or building regulation application related to a hackney carriage or private hire vehicle operating site.

1.2.2 There is no legal basis for the Licensing Authority to refuse a licence application because the site does not have planning permission. However, applicants must be aware that planning and licensing requirements must both be satisfied prior to the commencement of operations, and if this is not the case then the applicant will be liable to enforcement action for breaches of the relevant legislation.

## **1.3 Delegation of Functions**

1.3.1 The Council has delegated to its Officers the authority to consider and determine applications for licences, subject to the criteria set out in this policy document. The Council's scheme of delegation operates in such a way that if there is any doubt, in an Officer's mind as to whether a licence should be granted, then that licence application should be forwarded to the Council's Licensing Committee (consisting of Councillors) for determination. Please note that Officers can refer an application to the Licensing Committee at any time for determination. An applicant will be given an opportunity to make representations, either in writing or orally at a meeting of the Council's Licensing Committee. Any representations will be given full consideration prior to a decision being made in respect of the application.

## **1.4 Licensing Objectives**

1.4.1 Hackney carriage and private hire vehicles play a vital and integral part in an integrated transport system. They also provide services in situations where other forms of transport are either not available (rural areas and late evenings) or for persons with mobility difficulties.

1.4.2 When undertaking the licensing function, this Authority will seek to promote the following objectives:

- The protection of the public;
- The establishment of professional and respected hackney carriage and private hire trades;
- Access to an efficient and effective public transport service;
- The protection of the environment;
- Improved disability access and awareness;
- A reduction in vehicle emission levels.

1.4.3 The Authority aims to regulate the service in order to promote the above objectives. It is the Authority's wish to facilitate well-run and responsible businesses, which display sensitivity to the wishes and needs of the general public.

1.4.4 Hackney carriages and private hire vehicles are an essential mode of transport for many disabled and older people. The combination of the personal service they offer, their wide availability

and door to door operations enable them to respond particularly well to the travelling needs of people with disabilities.

1.4.5 This Authority is committed to social inclusion and ensuring a wide variety of opportunities is available to those with mobility difficulties in order to enjoy a high quality of life. The Authority considers it important that people with disabilities have access to all forms of public transportation.

1.4.6 With this in mind this Authority will encourage the provision of wheelchair and disabled accessible vehicles wherever possible. Accessibility for people with disabilities (including, but not only people, who need to travel in a wheelchair) will be an important consideration for the Authority in relation to vehicles licensed as hackney carriages or private hire vehicles.

1.4.7 When considering each of the matters detailed in this policy document, regard has been given to the Code of Practice for Regulators in order to ensure that each requirement is properly justified by the risk it seeks to address, as well as balancing the cost of the requirement against the benefit to the public.

1.4.8 In formulating this policy, advice contained in the Taxi and Private Hire Vehicle Licensing: Best Practice Guidance issued by the Department for Transport in March 2010 has assisted the Licensing Authority together with local circumstances and operational requirements.

## 1.5 General Matters and Licensing Profile

1.5.1 East Lindsey District Council is situated in the County of Lincolnshire, which contains 7 District Councils in total. The East Lindsey District Council area has a population of 136,400 (Census 2011). In terms of area it is the largest in the County, covering 700 square miles. Furthermore, the Council is the third largest district (in terms of area) in the country. The district covers virtually the entire Lincolnshire coastline, including the seaside resorts of Skegness, Ingoldmells, Chapel St Leonards, Sutton on Sea and Mablethorpe. In the heart of the district lies the Lincolnshire Wolds, a designated Area of Outstanding Natural Beauty (AONB). The main industries are agriculture and tourism. Skegness is the fifth largest seaside resort in England and the population along the coast increases from 60,000 to 240,000 during the summer tourist season.

1.5.2 A hackney carriage is a public transport vehicle with no more than 8 passenger seats, which is licensed to ply for hire. This means that it may stand at taxis ranks or be hailed in the street by members of the public. Private hire vehicles too must have no more than 8 passenger seats but they must be booked in advance by customers through an operator and may not ply for hire in the street.

1.5.3 Operators and drivers are reminded that if the vehicle is wheelchair accessible then the wheelchair space counts as a passenger space – see paragraph 2.2.10 of this policy for further clarification.

1.5.4 This Authority is responsible for the following number of licences:

<b>Number of Hackney Carriage &amp; Private Hire Licences – September 2019</b>	
Hackney Carriage Vehicle Licences	139
Private Hire Vehicle Licences	124
Private Hire Vehicle Operator Licences	64
Dual Licensed Hackney Carriage and Private Hire Vehicle Drivers	323

Of the total 139 hackney carriage vehicles 43 of the vehicles were wheelchair accessible vehicles.

Of the total 124 private hire vehicles 1 of the vehicles was a wheelchair accessible vehicle.

Within the private hire vehicle fleet, in September 2019, there were no stretched limousine type vehicles or novelty type vehicles licensed with this Authority.

Approximately 38% of the licensed drivers have been licensed with the Authority for more than 10 years.

## **2. Hackney Carriage and Private Hire Vehicles**

### **2.1 Limitation of Vehicle Numbers**

2.1.1 No powers exist for Licensing Authorities to limit the number of private hire vehicles that they licence.

2.1.2 In line with the Department of Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance, this Authority does not impose a quantity restriction on the licences that are issued in respect of hackney carriage vehicles.

2.1.3 However, until 2004 this Council did limit hackney carriage vehicle licence numbers - that limit on vehicle licence numbers was removed on 14 September 2004. The limit was lifted with the proviso that all new hackney carriage vehicle licences, granted above the previous quantity control policy, would be for purpose built wheelchair / disabled access vehicles. The vehicle specification laid down for these new hackney carriage vehicle licences can be found at **Appendix A** of this Policy document.

2.1.4 The pre-2004 hackney carriage vehicle licences have retained grandfather rights to use saloon style vehicles. However, the vehicles may be of the wheelchair accessible type if the vehicle proprietor wishes to make use of such a vehicle. The vehicle specification laid down for these pre-2004 hackney carriage vehicle licences can be found at **Appendix B** of this Policy document. The pre-2004 grandfather rights will continue for the period of this policy, allowing such operators of saloon type hackney carriages to replace their vehicles on a similar like for like basis (with the exception of such matters (e.g. tinted windows) detailed in this policy document).

2.1.5 The method of limit removal in September 2004 has resulted in the East Lindsey District having a healthy mixed hackney carriage fleet of wheelchair accessible vehicles and saloon type vehicles.

### **2.2 Vehicle Specifications and Licence Conditions**

2.2.1 Licensing Authorities have a wide range of discretion over the types of vehicle that they can licence as hackney carriage or private hire vehicles.

2.2.2 Government guidance suggests that they should adopt the principle of specifying as many different types of vehicle as possible and are encouraged to make use of the type approval rules within any vehicle specifications they adopt.

2.2.3 This Authority accepts that there are a wide range of vehicles available that are suitable for use as a hackney carriage or private hire vehicles. In accordance with Central Government's guidance, all vehicles, therefore, shall have an appropriate type approval which is either a:

- European Whole Vehicle Type Approval;
- British National Type approval; or in certain limited circumstances,
- An Individual Vehicle Approval (IVA).

As a guide, most large volume production vehicles produced in the UK and EU States after 1987 will satisfy British and/or European Whole Type Approval. Specialist vehicles or any vehicle that has been structurally modified, converted or imported from a non-EU State since its original manufacture will require separate IVA approval and such documentation must be submitted with an application.

2.2.4 The Individual Vehicle Approval (IVA) scheme is an inspection for special purpose and/or converted vehicles which have not been type-approved to British or European standards. The main purpose of the IVA scheme is to ensure that these vehicles have been designed and constructed to modern safety and environmental standards before they can be used on public roads. This involves a physical inspection of each individual vehicle at an inspection facility of the DVSA.

2.2.5 This Authority has adopted vehicle specifications for hackney carriage and private hire vehicles. The vehicle specification laid down by this Authority for private hire vehicle licences can be found at **Appendix C** of this Policy document. The relevant specifications for hackney carriage vehicles can be found at **Appendices A** and **B** of this policy document. The purpose of the individual specifications are to ensure that vehicles are safe, suitable and provide adequate comfort for the role that they perform. The specifications cover a range of issues including:

- All vehicles with a capacity of 2 – 8 passengers must be right-hand drive and fitted with four doors (except special event private hire vehicles, which will only be licensed if shown to be subject to the minimum of IVA Certification or greater. Such approval must certify the seating capacity as no more than 8 passengers plus the driver).
- No vehicle will be licensed as a hackney carriage if passengers have to clamber over a seat or fold a seat in order to exit or enter the vehicle.
- All vehicles must be constructed to carry at least one and not more than eight passengers, in addition to the driver, in safety and comfort. The seat width requirement is 16” (approximately 40 cm) per person. Bench type seating (e.g. wooden slated type seating) is not permitted.

2.2.6 **Vehicle Licence Conditions:** The Council may attach conditions to a vehicle licence as are believed to be reasonable and necessary. This power is subject to a right of appeal by any applicant aggrieved by one or more of the conditions so attached.

2.2.7 The Authority will impose such conditions as it considers reasonably necessary on hackney carriage and private hire vehicle licences. These vehicles provide a service to the public, so it is appropriate to set criteria for the standard of the external and internal condition of the vehicle, provided that these are not unreasonably onerous. The Authority considers that the conditions of licence as set out in **Appendix D** are reasonable, necessary and appropriate for all hackney carriage vehicles and similarly the conditions set out at **Appendix E** are appropriate for private hire vehicles.

2.2.8 The attachment of these standard conditions does not prevent the Council from attaching any other necessary condition(s) to the licence, in response to specific issues that have been considered as part of the application process. This power may also be used to substitute or go beyond any of the standard conditions with requirements that are more or less stringent, as the case may be

**2.2.9 Wheelchair Accessible Vehicles:** In accordance with the Equality Act 2010 the Council maintains a published list of vehicles designated to carry a passenger seated in a wheelchair. For this purpose a wheelchair is the standard reference wheelchair defined in the Public Service Vehicle Accessibility Regulations 2000 which is 1300mm in length, 750mm wide and 1500mm in height.

**2.2.10 Wheelchair Space:** Vehicles shall be licensed for the carriage of not more than 8 passengers. Where the vehicle is a wheelchair accessible vehicle then the space provided for the accommodation of the wheelchair will be counted as a space for one person when addressing the number of passengers the vehicle is licensed to carry.

**2.2.11 Maximum Capacity of 3 Passengers or Less:** All applications for a vehicle licence in relation to vehicles that have a maximum capacity of 3 passengers (or less) will be referred to the Council's Licensing Committee for consideration – such licence applications will not be determined by Council Officers acting under delegated powers. Applicants are advised that the Council will not normally licence vehicles that have a maximum capacity of 3 passengers or less, unless there are exceptional and compelling reasons to do so.

**2.2.12 Seating Arrangements in Hackney Carriage Vehicles:** The Council's hackney carriage vehicle specification states the following:

*Seating Arrangements: The maximum number of passengers a vehicle may carry is eight. Access to every seat must be unobstructed and be easily accessible to passengers without the need for seats to be folded or removed. Any gap through which a passenger can be expected to pass shall be a minimum width of 400mm through which an average sized adult can pass freely in a normal manner without undue difficulty.*

The above section of the specification is made on comfort and access grounds. Unlike private hire vehicles, hackney carriage vehicles are available for immediate hiring – hackney carriages can be flagged down in the street and approached by prospective customers when waiting on a taxi rank. In most cases customers approaching a hackney carriage vehicle will not have the opportunity of deciding which type and model of vehicle they wish to use. In adopting a hackney carriage vehicle specification this Authority takes the view that vehicles, which are available for immediate hiring, should be able to provide straightforward and immediate access for all customers, without the need to move a seat or climb over a seat. This is particularly the case for parties including elderly and ambulant disabled people.

**2.2.13** As well as being a seaside tourist area this District has a high number of people who moved to the area in order to retire. For this reason the Authority has felt the need to address the issue of access for the elderly and ambulant disabled as a particularly high priority. In making this decision the Authority has noted the following:

- 29.5% of residents of the East Lindsey District are aged 65 years and over.
- 26% of the East Lindsey District population are reported to have a limiting long term illness or disability.
- 68% of East Lindsey adults are overweight – the highest proportion in Lincolnshire.
- 27% of East Lindsey adults engage in less than 30 minutes of physical activity per week and are considered physically inactive.

2.2.14 Private hire vehicles by contrast can only be booked in advance. If a prospective customer does not want to hire a particular type of vehicle then he /she is able to advise the private hire operator of the particular type and model of vehicle they require or do not require at the time of the booking. If they do not wish to hire a vehicle that includes a folding or tip up or obstructed access seating arrangement then they can advise the proprietor in advance; this opportunity is not available when vehicles are plying for hire. For this reason the above section of the hackney carriage vehicle specification is not duplicated in the Council's private hire vehicle specification. The specification recognises the different types of work undertaken by and availability for hiring of hackney carriage and private hire vehicles.

2.2.15 In relation to both hackney carriage and private hire vehicles this Authority will at all times seek to avoid licensing vehicles where the passenger space is considered unsuitable and/or uncomfortable – for example, where the passenger space is considered to be constricted, cramped and lacking in suitable leg room and/or inaccessible to all but the smallest and slightest of framed people.

**2.2.16 Hackney Carriage Vehicles – Wheelchair Access:** The Council's hackney carriage vehicle specification for wheelchair accessible vehicles states the following:

*Wheelchair Access: A nearside door must be used for wheelchair access. Vehicles which use a rear door for wheelchair access are not acceptable.*

The Council's policy in relation to wheelchair arrangements and hackney carriages is made on comfort, access and safety grounds. The specification recognises the different types of work undertaken by and availability for hiring of hackney carriage and private hire vehicles.

2.2.17 In adopting the hackney carriage vehicle specification the Authority has taken the view that wheelchair accessible vehicles, which are available for immediate hiring, should be able to provide safe and immediate access. Such access should be by a nearside door. The specification recognises the different types of work undertaken by and availability for hiring of hackney carriage and private hire vehicles. There is a wide range of side loading accessible taxis available in the market place offering significant choice in makes and models to prospective proprietors.

2.2.18 The Authority takes the view that the risk of rear loading hackney carriage vehicles for disabled passengers are:

- The dangerous situation of a wheelchair passenger being loaded into the vehicle from the gutter, not the pavement. This Authority has taken the view that it is safer to keep wheelchair users on the pavement than to put them in the road, particularly facing away from on coming traffic, which is necessary for rear loading vehicles.
- The safety from other road users (and taxi rank users) whilst the passenger and driver are in the road (instead of being on the pavement) during the loading and unloading process. There are visibility problems with other drivers not seeing the wheelchair user hidden behind the taxi.
- Rear loading will require the lowering of a wheelchair over a kerb (in the situations where there is no lowered pavement); this will present dangers to the passenger. Passengers using electric wheelchairs may find it impossible to go down over a kerb.
- Some rear loading taxis leave the wheelchair passenger right at the back of the vehicle in the rear impact zone.

- It is important that wheelchair passengers have an alternative exit in the event of an accident. A side loading vehicle will offer the passenger the opportunity to exit the vehicle from the other side in the event of an emergency. In the case of a rear loading vehicle, where the rear doors or tailgate are damaged, this would be difficult.

2.2.19 There is also the practical issue for taxi drivers on a taxi rank ensuring that there is sufficient space behind a rear loading hackney carriage vehicle when a wheelchair passenger wishes to hire the vehicle. There must be space behind the vehicle for the extended ramps plus space to manoeuvre the wheelchair. This and the other issues detailed above will be exacerbated in a taxi rank situation where vehicles awaiting hiring are parked close together with limited space for manoeuvre.

2.2.20 The current licensing policy has resulted in a meaningful service to disabled people with 30% of the East Lindsey taxi fleet being side loading wheelchair accessible vehicles. As previously stated this Authority is of the view that rear loading wheelchair accessible vehicles are only suitable for use where the users will be entering or leaving the vehicle in a predominately off-road environment. Hackney carriages are licensed to be used on-road responding to immediate hirings and for this reason since 2004 this Authority's policy has not supported the licensing of rear loading vehicles.

2.2.21 Private hire vehicles by contrast can only be booked in advance. If a prospective wheelchair customer does not want to hire a particular type of vehicle then he/she is able to advise the private hire operator of the particular type of vehicle they require or do not require at the time of the booking. If they do not wish to hire a vehicle that includes a rear loading wheelchair arrangement then they can advise the proprietor in advance; this opportunity is not available when vehicles are plying for hire. In addition a large number of private hire wheelchair bookings will be for situations where the wheelchair is loaded in an off-road environment. For these reasons the requirement for nearside loading is not duplicated in the Council's private hire vehicle specification.

2.2.22 The Council may move away from the current hackney carriage vehicle specification, in a particular case, if there is sufficient reason to do so. The General Licensing Committee also has the option of placing specific licence conditions on a particular vehicle licence if it is minded to do so. Exemptions, to the rear loading requirement for hackney carriage vehicles, will not be granted as a matter of course. The case for exemption will have to be made by the operator / proprietor of the vehicle. Exemptions will be the exception rather than the norm.

2.2.23 **Hackney Carriage and Private Hire Vehicles - Vehicle Wheelchair Lifts:** The Lifting Operations and Lifting Equipment Regulations (LOLER) make it a legal requirement for anyone operating lifting equipment for lifting persons to have the equipment thoroughly examined by a competent person on a minimum frequency of once every 6 months or as directed by the competent person. This legal requirement affects all hackney carriage and private hire vehicles fitted with a vehicle wheelchair lift.

2.2.24 On application to licence a vehicle fitted with a wheelchair lift, operators will be required to present a LOLER certificate to show that the lift has been thoroughly examined by someone accredited to do so. In addition, a valid and current certificate must be presented to the Council's Licensing Team every time such a vehicle is presented for licence renewal. The Licensing Authority also reserves the right to require presentation of a valid certificate during the currency of a licence if in the opinion of the Authority it is appropriate and reasonable to do so.



2.2.25 The inspection of certificates by the Licensing Authority will ensure that operators are operating within the law in respect of wheelchair lifts by having them checked every six months and that the operator is also regularly servicing the lift.

2.2.26 Operators are also reminded that the wheelchair access equipment must be fitted so that it terminates at the interior floor level of the vehicle in order to allow smooth entry/exit of the wheelchair.

2.2.27 There is an Approved Code of Practice and Guidance issued by the Health and Safety Executive (HSE), which has been produced in relation to LOLER and the use of lifting equipment. Further information in relation to the following Code of Practice booklet can be found on the HSE website.

**2.2.28 Tinted Windows and Hackney Carriage Vehicles:** This Authority is of the view that there should be all round clear visibility into a hackney carriage vehicle. The Road Vehicles (Construction & Use) Regulations specify the minimum levels of light that can pass through the windscreen and front side windows of vehicles:

- Light transmitted through the windscreen must be at least 75%.
- The front side windows must allow at least 70% of light to be transmitted through them.

However, at the time of the adoption of this policy document there were no regulations relating to rear passenger windows or rear windscreens (i.e. all windows to the rear of the front driver/passenger seats).

2.2.29 This Authority is of the view that the reasons for having clear visibility into the rear of a hackney carriage vehicle are as follows:

- Without clear visibility activities taking place in the hackney carriage vehicle cannot be viewed from the outside posing both a risk to both passengers and driver.
- Vulnerable passengers such as lone females and young persons will feel safer in a vehicle where they can be seen.
- To ensure public safety and wellbeing of the passengers and drivers.

With this in mind, this Authority has adopted the following requirement in relation to all hackney carriages presented for their first vehicle licence:

- Windscreens and windows to the side / rear of the driver must have a visual transmission of light not less than 70%.

In addition, no new or existing hackney carriage vehicle can be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.

2.2.30 The purpose of this tinted window policy for hackney carriage vehicles is to provide satisfactory safety measures for the travelling public.

### **3. Maximum Age of Vehicles and Environmental Considerations**

3.1 Whilst it has the power to do so, this Authority does not set a maximum age limit for hackney carriage or private hire vehicles. However, this Authority has adopted as a licensing objective an aim

of seeking to reduce vehicle emission levels. The broad aim of the objective in relation to vehicle emissions being to:

- Promote clean and efficient road transport vehicles.
- Increase energy efficiency in the transport sector.
- Protect the environment by reducing emissions of carbon dioxide and other pollutants from vehicles.

3.2 Hackney carriages and private hire vehicles are an essential form of transport in the East Lindsey area. Many people depend on hackney carriages and private hire vehicles for trips when other forms of transport are unsuitable. It is, however, clearly important that emissions from licensed vehicles are reduced as far as possible.

3.3 The Authority recognises that the Taxi and Private Hire Vehicle Licensing: Best Practice Guidance asks Licensing Authorities to “support any local environmental policies that the Local Authority may have adopted”. This would include any local vehicle emission standard.

3.4 This Authority also recognises that newer vehicles have improved fuel efficiency and will emit fewer pollutants (if they are properly maintained) than older vehicles. Vehicles manufactured prior to 1994 did not have to meet tough emission limits (Euro1 Technology).

3.5 This Authority will look to investigate ways in which the licensing regime can be used to reduce vehicle emission levels. With this in mind, the Authority may in the near future consider the introduction of specific licensing conditions and/or standards designed to promote cleaner fuels or improve the efficiency of hackney carriage and private hire vehicles in the emission of pollutants. Before moving forward with any specific and detailed proposals in relation to vehicle emission levels the Council will undertake appropriate consultation with interested parties on the proposed arrangements before possible implementation.

3.6. Given that it will help to reduce the levels of CO<sub>2</sub> emitted in the District, liquid petroleum gas (LPG) conversions of vehicles are acceptable. Any conversion to LPG must be undertaken by an approved converter and the conversion certificate produced to the Authority for inspection.

3.7. Given that it will help to reduce the levels of CO<sub>2</sub> emitted in the District, electric vehicles are acceptable and this Authority would encourage proprietors to consider the use of such vehicles.

3.8 Emissions from licensed vehicles could be reduced further by encouraging better maintenance of vehicles and by switching off engines when stationary or idling, particularly at taxi ranks. It is proposed that this aspect of emissions reduction be tackled through education and promotion.

#### **4. Hackney Carriage and Private Hire Vehicle Testing**

4.1 The Authority needs to be satisfied that licensed vehicles operating within its area are safe to do so. In addition, it must also aim to ensure that vehicles are comfortable, are of the appropriate appearance and also suitable for use as a hackney carriage or private hire vehicle in the East Lindsey District.

4.2 The Council appoints MOT garages in order to undertake the compliance testing of hackney carriage and private hire vehicles on its behalf. The compliance test consists of the normal MOT test plus additional items, which the Council considers necessary to safeguard the best interests of the travelling public.

4.3 Hackney carriage and private hire vehicles are normally granted licences for a maximum period of 12 months. Prior to being granted a licence each vehicle must be examined and tested at a vehicle testing station approved by the Authority. Once licensed the vehicle must undergo a further full examination and test at a vehicle testing station approved by the Licensing Authority at 6 monthly intervals.

4.4 In relation to paragraph 4.3 it should be noted that the Authority has waived the necessity for a vehicle to be mechanically tested if it is not more than six months old at the date of the application for a licence. In such a case, the first vehicle test will be due once the vehicle achieved six months of age.

4.5 **Certificate of Compliance:** The Council is authorised by the Vehicle Certification Agency (VCA) to test vehicles under a compliance testing scheme in accordance with the Motor Vehicles (Test) Regulations 1981 (as amended). The use of this compliance scheme means that, in addition to the standard MOT test, the Council can specify additional items, which it considers necessary to safeguard the best interests of the travelling public.

4.6 In line with the Certificate of Compliance scheme vehicles licensed by East Lindsey District Council are exempt from the requirement to possess an MOT certificate. If licence holders are requested to produce an MOT Certificate by the Police, etc. the vehicle licence and this Authority's Certificate of Compliance should be produced instead. Once the Council vehicle licence has expired, is suspended, revoked or cancelled, the vehicle reverts to the status of an ordinary private car and the normal traffic laws relating to vehicle excise licences and the holding of an MOT Certificate apply.

4.7 The Council's approved compliance testing stations will be strategically positioned within the East Lindsey District. The Authority has agreed a cap of 20 on the total number of approved testing stations. The purpose of the cap is to allow effective quality control inspection by the Authority. A list of the current approved testing stations is available by contacting the Council's Licensing Team. The total cost of the combined MOT and compliance test will be determined by the provider (the approved compliance testing station).

4.8 The minimum standard required, at the twice yearly vehicle test, will be at least that of the current Department for Transport MOT test, in force as of the date of testing, plus the items listed in this Authority's testing manual. The additional items, listed in the Council's testing manual, include the checking of upholstery, roof lining and bodywork to ensure the vehicle is of the required standard. The additional items to the MOT test will include the following:

- The vehicle's bodywork must be in good order, free from significant dents and surface damage. All paintwork must be in good condition and there must be no significant mismatch of colour.
- Three point seat belts must be fitted to all passenger seats. Lap belts will be acceptable in certain circumstances (e.g. specialist hire vehicles).

A copy of the current testing manual is available by contacting the Council's Licensing Team.

4.9 The physical condition of a licensed vehicle is an important criteria used when assessing the suitability of a vehicle. In exceptional circumstances a licence may not be renewed if the physical condition of the vehicle is not of a suitable standard despite having passed a MOT test.

4.10 Licensed vehicles that fail an authorised examination and test, and, are deemed unsafe as a passenger vehicle by the vehicle examiner, may result in the vehicle proprietor being issued with a suspension notice by the Licensing Authority in order to prevent the vehicle being used to carry passengers until the defect(s) is/are remedied. The suspension will not be lifted until the vehicle has undergone a further test, at the proprietor's expense, and been passed as fit for use by the Licensing Authority. If the defect is not repaired within 2 months from the service of the suspension notice, the vehicle licence will be revoked by the Licensing Authority.

## **5. Vehicle Signage and Advertising**

5.1 It is important that the public should be able to identify the difference between a hackney carriage and a private hire vehicle.

5.2 Private hire vehicles will not be permitted to display roof-mounted signs. In addition, private hire vehicles will not be permitted to display any signs that include the words "taxi(s)" or "cab" "hackney carriage" or "for hire" or any other similar wording.

5.3 Taxi roof signs must be fitted to hackney carriage vehicles. The roof must be illuminated at all times when the vehicle is available for hire. The roof sign must prominently display the word "TAXI" or "TAXIS" to the front of the vehicle.

5.4 Both hackney carriages and private hire vehicles, licensed with this Authority, are required to permanently and clearly display licence plates externally on the rear of the vehicle. This is a key feature in helping to identify vehicles that are properly licensed. The plate details East Lindsey District Council as the Licensing Authority, the vehicle make, model, colour and registration mark, the number of passengers the vehicle can carry and the expiry date of the licence.

5.5 The vehicle licence identification plate must be securely fixed to the rear exterior of the hackney carriage or private hire vehicle in such a position as the vehicle registration plate is not obscured. The vehicle licence identification plate must be facing outwards in such a manner and place that the plate, and the details on the plate, are clearly visible.

5.6 Under certain circumstances a private hire vehicle operator may make a plate exemption application. This is normally made by operators involved in chauffeur work or work of an exclusive/prestige nature. If granted this absolves the operator from the requirement to display the external licence plate. In these circumstances a plate will still be issued and should be secured within the boot of vehicle – a notice of exemption, issued by this Authority, must also be carried within the vehicle. For further information regarding the plate exemption policy for prestige vehicles can be found in this Authority's plate exemption policy document.

5.7 Third party advertising will be permitted on any hackney carriage or private hire vehicle. This Authority has adopted licence conditions related to this matter and the conditions can be found at **Appendices D and E** of this policy document.

5.8 Advertisements and signage displayed in or on the vehicle must not be, racist or sexist; and should not cause offence to a reasonable member of the general public. Advertisements or signage must not refer to tobacco, smoking materials or alcohol products unless as part of a health education or similar campaign. Furthermore, any advertisement or signage should not contain anything of a religious or political nature.

## **6 CCTV and Driver Safety**

6.1. The hackney carriage and private hire trade provides a valuable service, particularly late at night when other forms of public transport are not available. Security for both drivers and passengers is of paramount importance to this Authority. Licensed drivers deal with strangers, often in isolated places and carry cash and may be at risk of violence and other offences such as non-payment of fares, verbal and racist abuse.

6.2 There are a number of ways to reduce the risks such as driver screens, CCTV surveillance systems and radio link schemes. With this in mind, and where appropriate, the hackney carriage and private hire trades are encouraged to consider the installation of relevant CCTV systems in their vehicles on a voluntary basis.

6.3 CCTV security systems for the purpose of assisting driver safety are permitted in vehicles. If such devices are fitted, adequate signage must be displayed in the passenger compartment advising passengers that they are being monitored/recorded. Any such equipment shall be fitted overtly and in such a way as not to present any danger or hazard to any passenger. It will be the driver/proprietor's responsibility to comply with all aspects of the law regarding such surveillance equipment.

6.4 For information and guidance on data protection licence holders should visit the Information Commissioners Office (ICO) website: [www.ico.gov.uk](http://www.ico.gov.uk)

6.5 In any licensed vehicle where a CCTV security system is fitted, the proprietor must ensure that the system is properly maintained and serviced to ensure clear images are recorded. A minimum of two warning signs should be displayed prominently inside vehicles so as to be easily seen by passengers.

6.6 The Government has produced a short guidance document for drivers which describe various precautionary measures that drivers can take to prevent violence as well as offering practical advice on what can be done in the event of a threat or violent incident. This document can be found on this Authority's website: [www.e-lindsey.gov.uk](http://www.e-lindsey.gov.uk)

6.7 The hackney carriage and private hire trade are also encouraged to build good links with Lincolnshire Police, including participation in any Crime and Disorder Reduction Partnerships.

## **7. Vehicle Licence Application Procedures**

7.1 The application procedures for a hackney carriage or private hire vehicle licence are not prescribed in law, but shall be made on the specified application forms produced by East Lindsey District Council. Detailed information on the application procedure is available by contacting the Council's Licensing Team.

7.2 Applicants are reminded that original documents should be submitted with a licence application to the Licensing Authority. Faxes, emailed copies and photocopies of vehicle test certificates and vehicle log books are not normally acceptable.

7.3 The Authority will consider all licence applications on their own merits once it is satisfied that the appropriate licence application criteria have been met and the licence application form and supporting documents are complete.

7.4 Existing vehicle licence holders will normally be reminded prior to their expiry date that their licences are due to be renewed. Please be advised that it is the licence holder's responsibility to ensure that licences are renewed prior to their expiry. Reminder letters are sent as a matter of courtesy and non-receipt of a reminder letter will not be an excuse for failing to apply for licence renewal.

## **8. Miscellaneous Matters**

**8.1 Smoke Free Signage:** All public transport vehicles, which include hackney carriage and private hire vehicles, are required to be smoke free at all times. As part of its inspection and compliance regime this Authority will check that licensed vehicles are displaying the correct smoke free signage.

**8.2 Vehicle Road Tax:** All vehicles must comply with the requirement to hold appropriate vehicle road tax. Failure to hold road tax may result in suspension of the vehicle licence until the vehicle is appropriately taxed.

**8.3 Omnibus (Horse Drawn Carriage) Vehicle Licence:** Any horse drawn omnibus vehicles (carriages) are required by law to be licensed by this Authority to stand or ply for hire along permitted routes. Specific details of the omnibus licensing procedures are available from the Council's Licensing Team and an omnibus licensing policy will be made available as an addendum to this hackney carriage and private hire licensing policy.

**8.4 Stretched Limousines:** Stretched limousines are elongated saloon cars that have been increasingly used for executive and specialist private hire work. The number of stretched limousines being imported, particularly from the United States of America, has been increasing over previous years. Their private hire use generally includes special occasions such as days at the races, stag and hen parties, school proms and children's birthday parties. This Authority has adopted a specific licensing policy and vehicle specification with regard to the licensing of such vehicles and operators. A copy of the policy document and vehicle specification is available by contacting the Council's Licensing Team.

**8.5 Alcohol Licensing and Stretched Limousines & Executive Hire Vehicles:** It is an offence under the Licensing Act 2003 to provide facilities for the 'sale of alcohol' within a limousine or any other vehicle (i.e. payment for alcohol is taken within the vehicle). If the limousine is to be provided whereby part of the booking fee includes the provision of alcohol in the vehicle, then the premises which accepts the booking and supplies the alcohol within the vehicle will need a premises licence (and named Designated Premises Supervisor holding a personal licence) under the Licensing Act 2003, otherwise a criminal offence would be committed. Further information on the subject of alcohol licensing can be found on the Council's website ([www.e-lindsey.gov.uk](http://www.e-lindsey.gov.uk)) and on the GOV.UK website.

**8.6 Novelty (Speciality) Vehicles:** There is currently no specific provision in this policy to licence other categories of specialised private hire vehicles (i.e. fire engines, tanks, classic cars, etc.). However, this will not preclude the option of licensing novelty /speciality vehicles should an application be received. All applications for Novelty (Speciality) Vehicles will be considered by the Council's Licensing Committee and will not be considered by Officers acting under delegated powers. Each such application for licensing will be considered on its own merits.

**8.7 Hackney Carriage Vehicle Intended Use Policy:** This Authority has adopted a specific Hackney Carriage Vehicle Intended Use Policy with regard to the use of hackney carriage vehicles to

undertake private hire vehicle work. A copy of the policy document is available by contacting the Council's Licensing Team.

**8.8 Disability Awareness - Proprietors with Wheelchair Accessible Vehicles (WAVs):** At present there is no specific requirement for drivers and vehicle proprietors to undergo a wheelchair passenger assessment prior to gaining a licence with this Authority, However, this Authority recommends that operators with Wheelchair Accessible Vehicles (WAVs) arrange for their drivers to successfully undergo disability awareness training and a wheelchair loading assessment before driving a wheelchair accessible vehicle.

**8.9 Dual Authority Plating:** This Authority does not normally allow dual authority plating (licensing) of East Lindsey District Council licensed vehicles due to the difficulty and problems in enforcing such practices and the confusion it can cause to the public. Any application for dual plating will be forwarded to the Council's Licensing Committee for determination, rather than being determined by Council Officers acting under delegated powers.

**8.10 Hackney Carriage Byelaws:** This Authority has adopted byelaws in relation to the control of hackney carriage vehicles and hackney carriage drivers. Drivers and proprietors must at all times comply with the byelaws. A copy of the byelaws is available by contacting the Council's Licensing Team.

**8.11 Period of Licence:** Hackney carriage and private hire vehicles are normally granted licences for a maximum period of 12 months, but the Licensing Authority may issue licences for a shorter period where it is appropriate to do so. Accident replacement / temporary replacement vehicles, supplied to proprietors for a short term by insurers in order for a damaged licensed vehicle to undergo repairs, will normally be granted a vehicle licence by this Authority for a maximum period of three months. Where a vehicle licence is transferred by a proprietor to another vehicle (not a temporary replacement) then the proprietor will normally be given the option of the licence remaining in force until its original expiry date.

## **9. Exemptions**

9.1. The Council may consider requests from certain proprietors in niche sectors for their businesses to be exempted from one or more of the requirements imposed under licences. In all cases vehicle licences will still be required, but the Council may agree to waive one or more of the licence conditions or licensing pre-requisites – where the proprietor can demonstrate a genuine need for this. However, exemptions will be the exception rather than the norm.

9.2. Exemptions will only ever be granted sparingly, and before a request is considered a significant amount of supporting material will be required. Exemptions will only be considered for specialist businesses – for example, those providing novelty vehicles, or executive chauffeur businesses.

9.3. The Council's position on exemptions is that the requirements imposed under its licences are reasonable and necessary to fulfil our main duty of ensuring public safety, and we will expect to apply them in every case. However, in certain exceptional circumstances we will consider requests from proprietors for exemption from one or more of our requirements, on a whole-business level only. Exemptions will only be granted if we are satisfied that there is an exceptional need for this to be so. It will not be enough to simply state that being exempted will assist the business – we will need to see demonstrable evidence that the business would not be viable if the requirement were applied rigidly, that there are no suitable ways in which the requirement could be satisfied through

alternate means and that our duty to maintain public safety will not be adversely affected by the grant of the exemption.

9.4. In all cases, requests for exemption from one or more of the licence requirements must be made in writing, setting out the exemption sought and the justification as to why this exemption may be considered appropriate, in accordance with the criteria set out in the preceding paragraph. The request must be accompanied at the time of submission (not at a later stage) by suitable and sufficient evidence to support the request.

9.5. Exemptions will not be granted as a matter of course. The case for exemption will have to be made by the operator / proprietor of the business.

9.6. Where exemptions are granted, the Council reserves the right to impose substitute conditions or requirements, which may stipulate an alternative way of achieving the initial requirement, or a close alternate. All exemptions granted will be subject to periodic review, and may be withdrawn at any time and without prior notice if the Council can no longer be satisfied that the exemption is necessary, or if there is evidence that the exemption has been abused.

9.7. This Authority will not normally consider exemptions regarding the licensing pre-requisites for hackney carriage and private hire drivers.

9.8. All applications for exemption will be considered by the Council's Licensing Committee and will not be considered by Officers acting under delegated powers.

## **10. Enforcement and Compliance Measures**

10.1 The Government believes that regulators should have access to effective sanctions that are flexible and proportionate and that ensure the protection of workers, consumers, and the environment when tackling non-compliance by businesses.

10.2 It is recognised that a risk-based approach to enforcement by the Licensing Authority benefits not only the public, but also the responsible members of the hackney carriage and private hire trades.

10.3 In pursuance of its objective to encourage responsible hackney carriage and private hire businesses, the Authority will operate a firm but fair disciplinary and enforcement regime. With a view to balancing the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference, the Authority will only intervene where it is necessary and proportionate to do so, having regard to the objectives outlined in Paragraph 1.4.2 of this policy document. Where defects or infringements are such that vehicles need to be immediately prohibited or drivers licences immediately suspended, livelihood interference is inevitable.

10.4 A copy of the Council's Enforcement Policy is available on the Council's website. The Policy will ensure that the Authority's enforcement effort is reasonable, transparent and well directed.

## **11. Suspension or Revocation of Vehicle Licences**

11.1 Licensed vehicles shall be kept at all times in an efficient, safe, tidy, comfortable and clean condition. Compliance with the vehicle specifications and conditions of licence is essential and will be enforced by periodic, random vehicle inspections by the Licensing Authority. Where it is found that any vehicle is not being properly maintained a Vehicle Defect Notice (VDN) will be served on the



vehicle proprietor setting out the defect(s) that need to be rectified, and arrangements for the vehicle to be further inspected to check compliance. This notice will be used by Council Authorised Officers where the defects are not deemed sufficient to warrant immediate suspension. Failure to comply with the requirements of the notice may result in the vehicle licence being suspended automatically.

11.2 Where public safety is likely to be put at risk by the vehicle defect(s) an Immediate Suspension Notice will be served on the vehicle proprietor who must have the vehicle repaired. The suspension will not be lifted until the vehicle has undergone a further test, at the proprietor's expense, and been passed as fit for use by the Licensing Authority. If the defect is not repaired within 2 months from the service of the suspension notice, the vehicle licence will be revoked by this Authority.

11.3 Where a licence holder has been referred to the Council's Licensing Committee, the Committee may order the revocation or suspension of the licence. Alternatively the Committee may issue a warning about future conduct or take no action were it considers it appropriate to do so.

11.4 As an alternative to licence revocation, the Committee may decide that the appropriate action, in a situation where the licence is shortly to expire, is to order that the licence shall not be renewed.

## **12. Policy Review**

12.1. The Policy Statement will remain in existence for a period of 3 years and will be subject to review and further consultation before the end of 2023. However, following consultation, the Council may make revisions to it as deemed necessary.

## **APPENDIX A - Dimensions and ability of vehicles to be licensed as Hackney Carriage Vehicles (HCVs)**

### **HCV licences granted after the removal of the Council's previous limit on hackney carriage vehicle numbers (HCV licence numbers 250 and above)**

On 14th September 2004 the Council resolved that the restriction on hackney carriage vehicle numbers be removed and that all hackney carriage vehicle licences granted above the previous quantity control policy be for wheelchair and disabled access vehicles. Any licences granted above the previous quantity control policy will be for vehicles, which meet the vehicle specification shown below.

The specification requires vehicles to have been tested in the converted (wheelchair/disabled access) state to one of the following standards:

- European Community Whole Vehicle Type Approval
- UK Low Volume National Type Approval

NOTE: Vehicles, which have been confirmed to comply with the specification, and have as a result become licensed, shall remain compliant with these standards throughout the duration of the licence. When presented, each vehicle must have a designated space to accommodate at least one wheelchair user. This space will be included in the total number of persons permitted to be carried.

The specification will be reviewed from time to time.

**Steering:** The steering wheel must be on the offside (right-hand side)

**Doors:** All doors must be capable of being opened from the inside. There must be at least four doors. If the rear door is to be used for access and egress then access to this must be direct and not blocked by a line of seats. Vehicles without a nearside door are not acceptable.

**Seating Arrangements:** The maximum number of passengers a vehicle may carry is eight. Access to every seat must be unobstructed and be easily accessible to passengers without the need for seats to be folded or removed. Any gap through which a passenger can be expected to pass shall be a minimum width of 400mm through which an average sized adult can pass freely in a normal manner without undue difficulty.

Any occasional seats must be so arranged as to rise automatically when not in use. Any occasional seats must not obstruct doorways.

Three-point inertia seat belts must be fitted to each seat within the vehicle.

**Seat Width:** The size requirement is 16" (approximately 40 cm) per person, measured between the closest points or arm rest(s).

Where seats are facing each other, there must be a minimum space of 17" (approximately 43 cm) between any part of the front seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level.

Where all seats are placed facing to the front of the vehicle, there must be a clear space of at least 26" (66 cm) in front of every part of each seat squab (padded back). Further to this a clear space of

7" (approximately 18cm) from back of front seat to front of rear seat (when front seat is fully pushed back), is to be recommended for passenger comfort.

**Wheelchair Access:** A nearside door must be used for wheelchair access. Vehicles which use a rear door for wheelchair access are not acceptable. The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 29" (75 cm). The minimum angle of the door when opened must be 90 degrees (The minimum angle will not be relevant in the case of a sliding door). The clear height of the doorway must be not less than 47" (approximately 120 cm).

There should be sufficient space within the vehicle for the wheelchair to turn. The area required for the wheelchair must be at least 27" (approximately 70 cm) x 47" (approximately 120 cm). The vertical distance between the highest part of the floor and the roof in the passenger compartment must be not less than 51" (approximately 130 cm).

A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for use at the nearside passenger door. An adequate locating device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision must be made for the ramps to be stowed safely when not in use. The storage of the ramps when not in use must not impede access or egress of passengers.

There must be a slip-resistant surface on the ramp/ramps. Anchorages must be provided for the wheelchair and chair bound passenger. Restraints for wheelchair and occupant must be independent of each other. Belts attached to a wheelchair in order to assist a person to remain in it whilst travelling will not be acceptable.

Vehicles must be capable of transporting a folded wheelchair as luggage. Anchorages must also be provided for the safe storage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.

**NOTE:** Whilst operating, if a vehicle is not being used to carry a passenger in a wheelchair, only an occasional (fold away) seat may be used to substitute for the wheelchair space. Any seats replacing the wheelchair space, which have to be bolted or locked into place will not be accepted since these present problems of storage.

**Luggage:** The vehicle must be able to carry a reasonable amount of luggage (safe from inclement weather). Luggage should be stored securely and not stored in such a way as to hinder access to a door.

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

Grab handles must be placed at door entrances to assist the elderly and disabled. Grab handles should be highly visible.

All entrances and exits must be sufficiently illuminated at night.

The provision of a step for assisted entry is recommended. The step must be covered with a slip-resistant surface. In the case of vehicles with a high floor height, a step will be required.

**Tinted Windows and Privacy Glass:** Heavily tinted windows and privacy glass are not permitted in hackney carriage vehicles licensed by this Authority. The following requirement applies to all hackney carriages presented for their first vehicle licence with this Authority

- Windscreens and windows to the side/ rear of the driver must have a visual transmission of light not less than 70%.

In addition, no new or existing hackney carriage vehicle can be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.

Any enquiries concerning these vehicle specifications should be made to the Taxi Licensing Section, East Lindsey District Council, Tedder Hall, Manby Park, Louth, Lincolnshire. LN11 8UP (Telephone (01507) 601111)

## **APPENDIX B - Dimensions and ability of vehicles to be licensed as Hackney Carriage Vehicles (HCVs)**

### **HCV licences granted before the removal of the Council's previous quantity control policy (HCV licences 249 and below).**

**NOTE:** Until 14th September 2004 East Lindsey District Council maintained a quantity control policy regarding hackney carriage vehicle licences. That policy, which limited the number of hackney carriage vehicles in the district, was removed on 14th September 2004. The policy was removed however with the proviso that any licences granted above the previous quantity control policy would be for wheelchair/disabled access vehicles, which meet a specific detailed criteria. The aforementioned criteria is available from the Council's Licensing Team and is also printed in this booklet. All other hackney carriage vehicles (that is those licences granted before the removal of the previous quantity control policy) are subject to the detailed specification shown below.

### **HCV licences 249 and below - As from 1st January 2007 any vehicles presented for their first hackney carriage vehicle licence with East Lindsey District Council must meet the vehicle specification shown below.**

Vehicles, which have been confirmed to comply with the specification, and have as a result become licensed, shall remain compliant with these standards throughout the duration of the licence.

The specification will be reviewed from time to time.

The specification requires vehicles to have been tested to one of the following standards:

- European Community Whole Vehicle Type Approval
- UK Low Volume National Type Approval
- Single Vehicle Type Approval

Any wheelchair/disabled access vehicles or converted vehicles must have been tested in the converted (wheelchair/disabled access) state to one of the above Type Approval standards

**Steering:** The steering wheel must be on the offside (right-hand side)

**Doors:** All doors must be capable of being opened from the inside.

There must be at least four doors. If the rear door is to be used for access and egress then access to this must be direct and not blocked by a line of seats. Vehicles without a nearside door are not acceptable.

**Seating Arrangements:** The maximum number of passengers a vehicle may carry is eight. Access to every seat must be unobstructed and be easily accessible to passengers without the need for seats to be folded or removed. Any gap through which a passenger can be expected to pass shall be a minimum width of 400mm through which an average sized adult can pass freely in a normal manner without undue difficulty.

Any occasional seats must be so arranged as to rise automatically when not in use. Any occasional seats must not obstruct doorways.

Seat belts must be fitted for use by every passenger capable of being carried.

**Seat Width:** The size requirement is 16" (approximately 40 cm) per person, measured between the closest points or arm rest(s).

Where seats are facing each other, there must be a minimum space of 17" (approximately 43 cm) between any part of the front seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level.

Where all seats are placed facing to the front of the vehicle, there must be a clear space of at least 26" (66 cm) in front of every part of each seat squab (padded back). Further to this a clear space of 7" (approximately 18cm) from back of front seat to front of rear seat (when front seat is fully pushed back), is to be recommended for passenger comfort.

**Luggage:** The vehicle must be able to carry a reasonable amount of luggage (safe from inclement weather). Luggage should be stored securely and not stored in such a way as to hinder access to a door.

**Vehicle Licence Requirements:** Where there are standard conditions annexed to vehicle licences relating to the condition and fitness or appearance of a licensed vehicle the vehicle must comply with these conditions.

**NOTE:** The Council are aware that some hackney carriage operators/proprietors may not wish to licence wheelchair/ disabled accessible vehicles. Nothing in this specification will require a vehicle to be wheelchair/disabled accessible. However any vehicle, which is wheelchair/disabled accessible must achieve the following standard.

**Wheelchair Access:** A nearside door must be used for wheelchair access. Vehicles which use a rear door for wheelchair access are not acceptable. The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 29" (75 cm). The minimum angle of the door when opened must be 90 degrees (The minimum angle will not be relevant in the case of a sliding door).

The clear height of the doorway must be not less than 47" (approximately 120 cm).

There should be sufficient space within the vehicle for the wheelchair to turn. The area required for the wheelchair must be at least 27" (approximately 70 cm) x 47" (approximately 120 cm). The vertical distance between the highest part of the floor and the roof in the passenger compartment must be not less than 51" (approximately 130 cm).

A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for use at the nearside passenger door. An adequate locating device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision must be made for the ramps to be stowed safely when not in use. The storage of the ramps when not in use must not impede access or egress of passengers.

There must be a slip-resistant surface on the ramp/ramps. Anchorages must be provided for the wheelchair and chair bound passenger. Restraints for wheelchair and occupant must be independent of each other. Belts attached to a wheelchair in order to assist a person to remain in it whilst travelling will not be acceptable.

Vehicles must be capable of transporting a folded wheelchair as luggage. Anchorages must also be provided for the safe storage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment.

All anchorages and restraints must be so designed that they do not cause any danger to other passengers.

**NOTE:** Whilst operating, if a vehicle is not being used to carry a passenger in a wheelchair, only an occasional (fold away) seat may be used to substitute for the wheelchair space. Any seats replacing the wheelchair space, which have to be bolted or locked into place will not be accepted since these present problems of storage.

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

Grab handles must be placed at door entrances to assist the elderly and disabled. Grab handles should be highly visible.

All entrances and exits must be sufficiently illuminated at night.

The provision of a step for assisted entry is recommended. The step must be covered with a slip-resistant surface. In the case of vehicles with a high floor height, a step will be required.

**Tinted Windows and Privacy Glass:** Heavily tinted windows and privacy glass are not permitted in hackney carriage vehicles licensed by this Authority. The following requirement applies to all hackney carriages presented for their first vehicle licence with this Authority

- Windscreens and windows to the side/ rear of the driver must have a visual transmission of light not less than 70%.

In addition, no new or existing hackney carriage vehicle can be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.

Any enquiries concerning these vehicle specifications should be made to the Taxi Licensing Section, East Lindsey District Council, Tedder Hall, Manby Park, Louth, Lincolnshire. LN11 8UP (Telephone (01507) 601111)

## **APPENDIX C - Dimensions and Ability of Vehicles to Be Licensed As Private Hire Vehicles**

Any vehicles presented for their first private hire vehicle licence with East Lindsey District Council must normally meet the vehicle specification shown below. However there may be exceptions for certain specialist hire vehicles. Further advice regarding specialist hire vehicles is available from the Council's Licensing Team.

Vehicles, which have been confirmed to comply with the specification, and have as a result become licensed, shall remain compliant with these standards throughout the duration of the licence.

The specification will be reviewed from time to time.

The specification requires vehicle types to have been tested to one of the following standards:

- European Community Whole
- Vehicle Type Approval
- UK Low Volume National Type Approval
- Single Vehicle Type Approval

Any wheelchair/disabled access vehicles must have been tested in the converted (wheelchair/disabled access) state to one of the above Type Approval standards.

**Steering:** The steering wheel should be on the offside (right-hand side).

**Doors:** All doors must be capable of being opened from the inside.

Saloon cars must have four doors, being two on each side of the vehicle, a rear hatch/door not being accepted as one of the four doors.

Minibuses/People Carriers/Converted van type vehicles without a nearside door are not acceptable. Furthermore multi-seater vehicles must have at least four doors; if the rear door is to be used for access and egress then access to this must be direct and not be blocked by a line of seats.

**Seat Width:** The size requirement is 16" (approximately 40 cm) per person. The distance of 16" should be measured in a straight line lengthwise at the widest point of the front half of each seat. The distance for 3 persons of 48" (approximately 122 cm) should be taken between the arm rests as these can in some cases significantly reduce the width. Further to this a height of 34" (approximately 86 cm) between seat and roof and 7" (approximately 18 cm) from back of front seat to front of rear seat (when front seat is fully pushed back), is to be recommended for passenger comfort.

**Seating Arrangements:** The maximum number of passenger seats allowed is 8 and all should have direct access to a door without the need to climb over the rear of any seat. Tip-up seats or seats which require the back to be lowered will only be permitted when giving access to the side doors of multi-seater vehicles (seats of this type giving access within saloon and estate vehicles will not be permitted). Bench type seating will not be permitted. Seats must not be sideways to the direction of travel and all should comply with current seat belt regulations. The minimum number of passengers that a vehicle should be capable of carrying whilst complying with the above seat width provision is 4.

**Luggage:** The vehicle must be able to carry a reasonable amount of luggage (safe from



inclement weather). Luggage should be stored securely and not stored in such a way as to hinder access to a door.

**Vehicle Licence Requirements:** Where there are standard conditions annexed to vehicle licences relating to the condition and fitness or appearance of a licensed vehicle the vehicle must comply with these conditions.

**NOTE:** The Council are aware that some private hire operators/proprietors may not wish to licence wheelchair/disabled accessible vehicles. Nothing in this specification will require a private hire vehicle to be wheelchair/disabled accessible. However any private hire vehicle which is wheelchair/disabled accessible must achieve the following standard.

**Wheelchair Access:** A nearside or rear door must be used for wheelchair access. Vehicles which use an offside door for wheelchair access are not acceptable. The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 29" (75 cm). The minimum angle of the door when opened must be 90 degrees (The minimum angle will not be relevant in the case of a sliding door).

The clear height of the doorway must be not less than 47" (approximately 120 cm).

There should be sufficient space within the vehicle for the wheelchair to turn. The area required for the wheelchair must be at least 27" (approximately 70 cm) x 47" (approximately 120 cm). The vertical distance between the highest part of the floor and the roof in the passenger compartment must be not less than 51" (approximately 130 cm).

A ramp or ramps for the loading of a wheelchair and occupant must be available at all times while a wheelchair bound passenger hires the vehicle. An adequate locating device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision must be made for the ramps to be stowed safely when not in use. The storage of the ramps when not in use must not impede access or egress of passengers.

There must be a slip-resistant surface on the ramp/ramps. Anchorages must be provided for the wheelchair and chair bound passenger. Restraints for wheelchair and occupant must be independent of each other. Belts attached to a wheelchair in order to assist a person to remain in it whilst travelling will not be acceptable.

If the vehicle is to transport a folded wheelchair within the passenger compartment, anchorages must be provided for the safe storage of the wheelchair (whether folded or otherwise).

All anchorages and restraints must be so designed that they do not cause any danger to other passengers.

**NOTE:** Any vehicles, which provide a wheelchair space by the removal of seating, will not be accepted unless the vehicle (including seating anchorage arrangements) has been tested in the converted (wheelchair/ disabled access) state to the Type Approval standards set out above. If the removed seats are to remain in the vehicle then they must be stored safely and not stored in such a way as to hinder access to a door.

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

Grab handles should be placed at door entrances to assist the elderly and disabled. Grab handles should be highly visible.

All entrances and exits must be sufficiently illuminated at night.

The provision of a step for assisted entry is recommended. The step must be covered with a slip-resistant surface.

Any enquiries concerning these vehicle specifications should be made to the Taxi Licensing Section, East Lindsey District Council, Tedder Hall, Manby Park, Louth, Lincolnshire, LN11 8UP (Telephone (01507) 601111)

## **APPENDIX D - Conditions Attached to the Issue of a Hackney Carriage Vehicle Licence**

The following conditions will attach, pursuant to Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act"), to all hackney carriage vehicle licences issued by East Lindsey District Council, unless a specific exemption has been granted by the Authority. The attachment of these conditions does not affect the Council's entitlement to attach any other condition to a licence in response to a specific issue arising from a particular application.

1. The vehicle identity plate issued by the Council must be affixed to the rear of the vehicle in a conspicuous manner, to the satisfaction of the Council. The plate must be maintained in good condition and not be concealed from public view.
2. The vehicle the subject of this licence shall not be used unless a taximeter is fitted thereto and there is in force in respect of the vehicle:
  - a) A current mechanical inspection certificate from a garage approved by the Council (unless the vehicle is less than six months old).
  - b) Insurance cover to carry passengers for hire or reward.
  - c) A current certificate from a source approved by the Council as to the fitness of the taximeter fitted to the vehicle.
  - d) A current certificate from a source approved by the Council as to the safeness of the vehicle if it has been converted to run on LPG fuels.

An efficient fire extinguisher (minimum 1kg powder) must be carried in such a position in the inside of the vehicle as to be readily available for use. The fire extinguisher must be indelibly and clearly marked with the vehicle plate number (issued in respect of the vehicle).

3. Apart from a "TAXI" roof sign and any signage provided by the Council, proprietors are not required to provide signs, etc., on the hackney carriage vehicle but if they are provided then the following will apply:
  - a) Advertisements and signage displayed in or on the vehicle must not be, racist or sexist; and should not cause offence to a reasonable member of the general public. Advertisements or signage must not refer to tobacco, smoking materials, vaping materials or alcohol products unless as part of a health education or similar campaign. Furthermore, any advertisement or signage should not contain anything of a religious or political nature.
  - b) Advertisements and signage must be of a neat and consistent standard and be of such a form as not to become easily soiled. The proprietor shall ensure that any advertisement or signage carried on the vehicle is not disfigured or damaged and shall immediately remove any advertisement or signage that has become damaged or disfigured.
  - c) Advertisements or signage, which cover the whole or a considerable section of the vehicle's rear window(s) will not be allowed.
  - d) All advertisements should comply with the British Code of Advertising issued by the Advertising Standards Agency (ASA).

4. The proprietor of the vehicle shall cause to be affixed to the roof of the vehicle, a roof sign which shall be capable of being illuminated and such sign shall be illuminated when the vehicle is plying or standing for hire, but not otherwise. The roof sign must prominently display the word "TAXI" or "TAXIS" to the front of the vehicle and the lettering must be at least one and a half inches (approximately 38mm) in size and be of a neat and consistent standard. The minimum size of lettering will not relate to those vehicles, which meet the Metropolitan Conditions of Fitness. The roof sign may also state the words "For Hire" or the proprietor's own taxi business name and/ or telephone number; no other information may be displayed on the roof sign.

5. Where this document relates to a hackney carriage vehicle licence granted after the removal of the Council's previous limit on hackney carriage vehicle numbers (that is hackney carriage vehicle licence numbers 250 and above) the vehicle must be a wheelchair / disabled access vehicle and comply at all times with the Council's vehicle specification for hackney carriage vehicle licences 250 and above. All other hackney carriage vehicles must comply at all times with the Council's vehicle specification for hackney carriage vehicle licence numbers 249 and below. Further information regarding vehicle specifications is available from the Licensing Team or in the Council's guidance booklet "A Guide for Hackney Carriage (Taxi) Drivers and Proprietors".

Applicants aggrieved by any of the conditions attached to this licence, including both these standard conditions and any further conditions imposed in response to specific issues, may appeal to a Magistrates' Court within 21 days of the service of the licence, in accordance with Sections 47 and 77 of the 1976 Act.

This Authority has adopted byelaws in relation to the control of hackney carriage vehicles and hackney carriage drivers. Drivers and proprietors must at all times comply with the byelaws. A copy of the byelaws is available by contacting the Council's Licensing Team.

## **APPENDIX E - Conditions Attached to the Issue of a Private Hire Vehicle Licence**

The following conditions will attach, pursuant to Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act"), to all private hire vehicle licences issued by East Lindsey District Council, unless a specific exemption has been granted by the Authority. The attachment of these conditions does not affect the Council's entitlement to attach any other condition to a licence in response to a specific issue arising from a particular application.

1. The vehicle identity plate issued by the Council must be affixed to the rear of the vehicle in a conspicuous manner, to the satisfaction of the Council. The plates must be maintained in good condition and not be concealed from public view (except during such period that the vehicle is used for carrying passengers in connection with a wedding ceremony).
2. The vehicle must not carry a greater number of passengers than that indicated on the vehicle identity plate issued by the Council.
3. An efficient fire extinguisher (minimum 1kg powder) must be securely fixed in the vehicle and carried in such a position in the inside of the vehicle as to be readily available for use. The fire extinguisher must be indelibly and clearly marked with the vehicle plate number (issued in respect of the vehicle).
4. The vehicle including the carpets, seats, equipment and fittings therein shall be kept in a clean, safe and tidy condition, well maintained and efficient in every way and fit for public service.
5. Reasonable provision must be made for luggage to be carried and secured within the vehicle.
6. There must be no changes made to the physical condition or appearance of the vehicle without the prior consent of the Licensing Authority.
7. No identification sign is permitted on the roof of the vehicle.
8. Apart from any signage provided by the Council, proprietors are not required to provide signs, etc., on the private hire vehicle but if they are provided then the following will apply:
  - a) A Private Hire Vehicle shall not display any signs on or from the vehicle as to lead any person to believe that the vehicle is a Hackney Carriage. Signage which incorporates the terms "taxi(s)", "cab", "hackney carriage" is strictly prohibited.
  - b) When any form of signage (except for the vehicle identity plate issued by the Council) is displayed the vehicle must display the words "PRIVATE HIRE ONLY" on the metal panel of both front doors of the vehicle. The lettering must be at least 25mm in size and be of a neat and consistent standard.
  - c) Advertisements and signage displayed in or on the vehicle must not be, racist or sexist; and should not cause offence to a reasonable member of the general public. Advertisements or signage must not refer to tobacco, smoking materials, vaping materials or alcohol products unless as part of a health education or similar campaign. Furthermore, any advertisement or signage should not contain anything of a religious or political nature.
  - d) Advertisements and signage must be of a neat and consistent standard and be of such a form as not to become easily soiled. The proprietor shall ensure that any advertisement or signage carried on the vehicle is not disfigured or damaged and shall immediately remove any advertisement or signage that has become damaged or disfigured.

- e) Advertisements or signage, which cover the whole or a considerable section of the vehicle's rear window(s) will not be allowed.
- f) All advertisements should comply with the British Code of Advertising issued by the Advertising Standards Agency (ASA).

9. The vehicle the subject of this licence shall not be used unless there is in force in respect of the vehicle:

- a) A current mechanical inspection certificate from a garage approved by the Council (unless the vehicle is less than six months old).
- b) Insurance cover to carry passengers for private hire use.
- c) A current certificate from a source approved by the Council as to the fitness of any taximeter fitted on the vehicle.
- d) A current certificate from a source approved by the Council as to the safeness of the vehicle if it has been converted to run on LPG fuels.

10. The operator may charge whatever fare has been agreed between him/herself and the hirer before the commencement of the journey. However, he/ she shall inform the Council in writing of the basic scale of fares intended to be charged. Any change in the scale of charges will be notified to the Licensing Authority within a reasonable period of time not exceeding 14 days.

Applicants aggrieved by any of the conditions attached to this licence, including both these standard conditions and any further conditions imposed in response to specific issues, may appeal to a Magistrates' Court within 21 days of the service of the licence, in accordance with Sections 48 and 77 of the 1976 Act.