



THE ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

Hackney Carriage Driver & Vehicle Draft Policy and Conditions

This is a general guide that has been prepared for the assistance and guidance of Hackney Carriage Drivers. It does not stand on its own and The Royal Borough of Windsor and Maidenhead, its Officers and agents do not accept any responsibility for any loss occasioned by any person acting as a result of the material contained herein.

The law relating to Hackney Carriages is contained within the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clause Act 1847. All previous policies and conditions are hereby revoked from the date this document is approved by the Licensing Panel

In this document the term “Licensing Officers” means the Enforcement Principal, Team Leader Licensing, the Licensing Enforcement Officers and Assistant Licensing Enforcement Officers of the Royal Borough of Windsor and Maidenhead. “Council” means the Royal Borough of Windsor and Maidenhead.

Hackney Carriage Drivers and Licensing Requirements

1. HACKNEY CARRIAGE DRIVERS – REQUIREMENTS

- 1.1 Each application will be considered on its own merits, taking into account all relevant information and circumstances and having regard to the criteria detailed below
- 1.2 Should any applicant fail to be regarded as a fit and proper person to hold a Hackney Carriage Drivers Licence (HCD), his application shall be refused by the Licensing Officers
- 1.3 There is a right of appeal to the Council's Appeals Panel.
- 1.4 Should any licence holder become regarded as not being a fit and proper person to hold a Hackney Carriage Drivers licence, his licence may be suspended or revoked.

2. APPLICATION REQUIREMENTS

- (a) All applicants must have held a full UK, NI or EU driving licence for a minimum of two years before an application for a HCD licence can be made. (This excludes the holding of a provisional licence).
- (b) Holders of full EU licences must register their licence with the DVLA.
- (c) All new applicants must complete a Data Protection Mandate form in order for their DVLA/EU drivers licence to be checked and verified by the DVLA.
- (d) Existing drivers may be required to complete a Data Protection evaluation form if they have a poor driving record.
- (e) All new applicants must complete an Enhanced Disclosure & Barring Service (DBS) Disclosure Form and upon receipt of result, present it alongside the HCD licence application. The DBS can only be accepted at the time of licensing if it is less than 3 months from the date of issue.
- (f) The DBS does not check for criminal convictions outside the UK, and should an applicant not have been a resident in the UK for the preceding five years, a Certificate of Good Conduct should be obtained from the appropriate Embassy or High Commission. A certified English translation of this document must be produced by the applicant at his own cost. If this cannot be provided, the application shall be refused.
- (g) All applicants must provide proof of the right to work and reside in the UK. This can be done by providing a valid UK or European Union passport. Holders of other passports must show a valid visa that has at least six months remaining before its expiry at time of application. A licence will only be granted until the expiry of the visa, and will only be renewed or extended on the production of a valid visa issued by the Home Office. Under no circumstances will letters from any source be accepted as proof of right to work. Applicants without a passport wishing to be able to work must have a valid ARC card or Immigration Status Document issued by the Home Office.

- (h) All applicants must have completed and passed a Driving Standards Agency (DSA) Hackney Test Assessment within the last 12 months, prior to any Hackney Carriage Drivers licence being issued. (Drivers currently licensed by RBWM are exempt from having to take the DSA Test unless there is a complaint about the standard/quality of their driving).
 - (i) Applicants are expected to have a good knowledge of the Royal Borough of Windsor and Maidenhead and the surrounding area as well as the Highway Code. Applicants will be tested on their knowledge of the above and must pass a written knowledge test to a set standard. Knowledge tests shall take the form of a written test which will be conducted in English only. Payment for the test shall be made in advance and failure to attend without prior notice shall mean forfeiture of any monies paid.
 - (j) Applicants have twelve months from submission of application to complete the application process.
 - (k) All applicants must submit a Certificate of Fitness, which must be signed and stamped by their own General Practitioner. Certificates of Fitness are required at first application and then every five years, until the driver reaches the age of 65. Thereafter, a Certificate of Fitness must be provided every year.
 - (l) Applicants for 3 year licences must apply for an enhanced DBS at the time of application and will be subject to a DVLA licence check. Each year, after the licence has been issued, the driver will be subject to another DVLA licence check and will be issued with a new badge, using a current photograph.
- 2.1 Nothing in this policy shall preclude a licence holder from being required to undergo a medical examination or to provide DVLA licence information at any time as may be directed by the Licensing Officers.

3. FIT AND PROPER

- 3.1 A licence shall not be granted where an applicant has been convicted of an offence of dishonesty, violence, a sexual offence or an offence relating to alcohol, drugs or controlled substances and has not yet been rehabilitated in terms of the Rehabilitation of Offenders Act 1974 (as amended), the Guidelines Relating to the Relevance of Convictions and the Royal Borough of Windsor and Maidenhead's policies and procedures, in respect of that offence. In addition where there are relevant spent convictions, these may also be considered. See 'Policy & Guidance on Convictions & Cautions'
- 3.2 A conviction for any of the offences listed in the paragraph above will result in immediate licence suspension or revocation by the Licensing Officers. Should a Hackney Carriage Drivers licence holder be charged with an offence that is deemed to be of such a nature that it poses a serious risk to the public, the Licence shall be immediately suspended by the Licensing Officers until such time that the issue has been resolved.
- 3.3 Where a conviction is not in respect of a relevant offence and is not of a nature which would have any bearing on whether the applicant is a fit and proper person, to hold a driver's licence, such a conviction will be disregarded other than in consideration of an overall adherence to the law.
- 3.4 The Driver must inform the Council without delay about the onset or worsening of any health condition likely to cause him to be a source of danger to the public when driving either now or in the future. Examples are contained in the DVLA Medical Notification Guidance and include;
- giddiness
 - fainting
 - blackouts
 - epilepsy
 - strokes
 - multiple sclerosis
 - Parkinson's disease
 - heart disease
 - angina
 - coronaries
 - high blood pressure
 - arthritis
 - disorder of vision
 - mental illness
 - alcoholism
 - drug taking
 - loss of limb or loss of use of limb
- 3.5 Drivers who are in doubt about whether or not their health condition is one which should be reported should consult their Doctor and refer to the DVLA (Group 2) Medical rules and Standards which are updated every 6 months.
- 3.6 A licence may be suspended or revoked by the Licensing Officers in accordance with the approved penalty point system (see penalty point system).

THE ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD HACKNEY CARRIAGE BYE-LAWS AND REQUIREMENTS

BYELAWS

Made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875, by the Council of the Royal Borough of Windsor & Maidenhead with respect to hackney carriages in the area of the Royal Borough of Windsor & Maidenhead.

INTERPRETATION

Throughout these byelaws "the Council" means the Council of the Royal Borough of Windsor & Maidenhead and "the district" means the area of the Royal Borough of Windsor & Maidenhead.

1. PROVISIONS REGULATING THE MANNER IN WHICH THE NUMBER OF EACH HACKNEY CARRIAGE CORRESPONDING WITH THE NUMBER OF ITS LICENCE SHALL BE DISPLAYED.

- (a) The proprietor of a hackney carriage shall cause the number of the Licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.
- (b) The proprietor of a hackney carriage shall ensure that an internal identification plate is clearly displayed within the vehicle, showing the Hackney Carriage Vehicle Licence and registration numbers, matching the design approved by the licensing officers.
- (c) A proprietor or driver of a hackney carriage shall:-
 - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
 - (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marketing or plate so defaced that any figure or material particular is illegible.

2. PROVISIONS REGULATING HOW HACKNEY CARRIAGES ARE TO BE FURNISHED OR PROVIDED.

The proprietor of a hackney carriage shall:-

- (a) provide sufficient means by which any person in the carriage may communicate with the driver;
- (b) cause the roof or covering to be kept water-tight;
- (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
- (d) cause the seats to be properly cushioned or covered;
- (e) cause the floor to be provided with a proper carpet, mat, or other suitable covering;
- (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
- (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
- (h) provide an efficient fire extinguisher and first aid kit approved by the Council which shall be carried in such a position as to be readily available for use; and

- (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

3. The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached, and maintained as to comply with the following requirements, that is to say:-

- (a) the taximeter shall be fitted with a key, flag, or other device the operation of which will bring the machinery of the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter;
- (b) such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter, in clearly legible figures, a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council in that behalf;
- (d) the word 'FARE' shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
- (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and
- (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

PROVISIONS REGULATING THE CONDUCT OF THE PROPRIETORS AND DRIVERS OF HACKNEY CARRIAGES PLYING WITHIN THE DISTRICT IN THEIR SEVERAL EMPLOYMENTS AND DETERMINING WHETHER SUCH DRIVERS SHALL WEAR ANY AND WHAT BADGES

4. The driver of a hackney carriage provided with a taximeter shall:-

- (a) when standing or plying for hire, keep the keys, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
- (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word 'HIRED' is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring; and
- (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is during the hours of darkness; this being the time between half-an-hour after sunset to half-an-hour before sunrise, and also at any other time at the request of the hirer.

5. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.

- 6.** The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:-
- (a) proceed with reasonable speed to one of the stands fixed by the Council in that behalf;
 - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
 - (d) from time to time when any other carriage immediately in front is driven off or moved forward, cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward; and
 - (e) be in attendance with the carriage at all times when it is the first or second carriage on the stand.
- 7.** A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
- 8.** The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- 9.** The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
- 10.** A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
- 11.** The badge provided by the Council and delivered to the driver of a hackney carriage shall, when standing or plying for hire, and, when hired, be worn in such position and manner as to be plainly visible.
- 12.** The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:-
- (a) convey a reasonable quantity of luggage; and
 - (b) afford reasonable assistance in loading and unloading; and
 - (c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.

PROVISIONS FIXING THE RATES OR FARES TO BE PAID FOR HACKNEY CARRIAGES WITHIN THE DISTRICT, AND SECURING THE DUE PUBLICATION OF SUCH FARES

13. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by distance, unless the hirer expressed at the commencement of the hiring, his desire to engage by time.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance, the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which is may not be possible to record on the face of the taximeter.

14. (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the Council in that behalf to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- (b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used to hire.

PROVISIONS SECURING THE SAFE CUSTODY AND RE-DELIVERY OF ANY PROPERTY ACCIDENTALLY LEFT IN HACKNEY CARRIAGES, AND FIXING THE CHARGES TO BE MADE IN RESPECT THEREOF.

15. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.
16. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:-
17. (a) carry it as soon as possible and, in any event, within 48 hours, if not sooner claimed by or on behalf of its owner, to a Police station in the district and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and
- (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to a Police station in the district, whichever be the greater) but not more than Five pounds (£5.00).

17. ADDITIONAL PROVISIONS RELATING TO HORSE DRAWN CARRIAGES ONLY

- (a) A Proprietor or driver of a horse drawn hackney carriage shall not, while standing, plying or driving for hire, drive or allow to be driven or harnessed, or allow to be harnessed to the carriage any animal or animals in such a condition as to expose any person conveyed or being in such carriage or any person conveyed or being in such carriage or any person transversing any street, to risk of injury.
- (b) Every driver of a hackney carriage drawn by an animal or animals shall while standing, plying or driving for hire, cause every part of the harness of the animal or animals drawing the carriage to be kept in order, so that the animals or animals shall be properly and securely attached to the carriage and under due control.

18. PENALTIES

Every person who shall offend against any of these byelaws shall be liable, on summary conviction, to a fine not exceeding level 2 on the Standard Scale (Criminal Justice Act 1982) and, in the case of a continuing offence, to a further fine not exceeding Two pounds (£2.00) for each day during which the offence continues after conviction therefore.

19. REPEAL OF BYELAWS

- (a) The byelaws relating to hackney carriages which were made by the Mayor, Aldermen and Burgesses of the Borough of Maidenhead on the 4th day of August 1964 and which were confirmed by The Secretary of State (Home Office) on the 22nd day of October 1964, are hereby repealed.
- (b) The byelaws relating to hackney carriages which were made by the Mayor, Aldermen and Burgesses of the Royal Borough of New Windsor on the 23rd May 1966 and which were confirmed by the Secretary of State (Home Office) on the 12th July 1966, are hereby repealed.

HACKNEY CARRIAGE VEHICLE CONDITIONS

The Council attaches the following conditions to Hackney Carriage Vehicle Licences;

In these conditions 'the Council' means the Royal Borough of Windsor and Maidenhead, 'Driver' means a person holding a Hackney Carriage Drivers licence issued by the Council and 'Vehicle' means a Hackney Carriage Vehicle licensed by the Council.

NOTES: Failure to adhere to the Hackney Carriage Vehicle Conditions may result in prosecution, suspension or revocation of the licence pursuant to Section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

1. PRE LICENSING CONDITIONS

In order that a reliable Hackney Carriage service of an acceptable standard is provided within the Borough, a person to be considered for a Hackney Carriage Vehicle Licence on the first or subsequent occasions shall –

Have a vehicle which is in satisfactory mechanical order and body condition and in operational order in every respect. This vehicle is to be a saloon, hatchback or estate vehicle, a minibus or a multi-passenger vehicle of eight or less passenger seats, which according to the manufacturer's unaltered specification has;

- (a) A minimum of four doors, each adjacent to and allowing direct access to and from the seats
- (b) Rear seat accommodation for not less than three persons (for saloons and estates)
- (c) In addition to the Driver, up to two passenger seats in the front of the vehicle, provided each seat is separate and has its own lap/diagonal seat belt
- (d) All Hackney Carriage vehicles shall be fitted with appropriate seat belts to the front and rear seats. The number of seat belts fitted to the vehicle shall correspond with the number of passengers the vehicle is licensed to carry in forward facing seats, plus a belt for the driver
- (e) Accommodation for not less than four passengers
- (f) Adequate luggage accommodation
- (g) All vehicles must be right hand drive
- (h) The inside and outside of a Hackney Carriage vehicle shall be clean and free from damage, well maintained and in every way fit for public service.
- (i) All new hackney carriages shall be white and have an illuminated "taxi" sign and identification plate. They will also have affixed specific door signs on the sides of the vehicle in accordance with a design approved by the Head of Public Protection. All vehicles will have bonnet and boot coloured Pantone 259. Where there is no specific boot than the rear doors of the vehicle will be that colour. This colour can be applied with paint or vinyl covering.

The applicant shall submit the vehicle for mechanical and/or such other inspection as the Council may require. Vehicles submitted for test/inspection shall be in such a condition as to be suitable for inspection including:

- **Vehicles should be free from excessive oil leaks**
- **All vehicles should be thoroughly clean inside and out**
- **Vehicles not meeting these conditions will not be inspected**

2. WHEELCHAIR ACCESSIBLE AND PURPOSE BUILT VEHICLE AGE POLICY

- (a) This part of the policy relates to all wheelchair accessible and purpose built vehicles including, TX1, TX2, TX4, Metro Cabs and Eurocabs.
- (b) Any new vehicle to be licensed as a Hackney Carriage either permanently or temporarily to be no older than 5 years of age from the date of first registration and must be wheelchair accessible.
- (c) The vehicle once licensed can be licensed for an indefinite period subject to the vehicle having a satisfactory Certificate of Compliance from one of the Council's approved garages.
- (d) Any vehicle imported into the UK, the date requirements will apply from the date of manufacture.
- (e) A current wheelchair accessible/purpose built Hackney Carriage licence holder can only replace the vehicle with another wheelchair accessible/purpose built vehicle as defined in paragraph (a) above.

3. NON-WHEELCHAIR ACCESSIBLE HACKNEY CARRIAGE VEHICLE AGE POLICY

No further licences will be issued for saloon or other non-wheelchair accessible vehicles except to replace an existing saloon or non-wheelchair accessible vehicle.

- (f) Saloon or non wheelchair accessible vehicles can be replaced with vehicles of a similar type but new vehicles must be in the full livery.
- (g) Any new saloon vehicle to be licensed as a Hackney Carriage vehicle either permanently or temporarily to be no older than 5 years from the date of first registration.
- (h) Any vehicle imported into the UK, the date requirements will apply from the date of manufacture.
- (i) Paragraph (f) above only relates to currently licensed saloon Hackney Carriage vehicle licence holders.
- (j) The vehicle once licensed can be licensed to a maximum of 12 years from the date of first registration.
- (k) Exceptions to f) and i) can be made for some vehicles on written application to the Council. Such vehicles will include prestigious vehicles in excellent condition.

4. GENERAL

- (a) Any vehicle to be licensed as a temporary replacement or on a temporary basis (e.g. where the permanent vehicle has been involved in an accident or been stolen, etc) must be replaced with a suitable vehicle, as agreed with the Council's Licensing Officers, pending the repair or renewal of the original vehicle within a 3 month period.
- (b) In all cases of transfer of vehicle, the prior written permission of the Licensing Officers is required.

5. WHEELCHAIR ACCESSIBLE VEHICLES

Any vehicle that has been modified to accommodate disabled passengers must have all modifications and adaptations, including all seats, seat belts and anchorages, retested to meet either the **European Whole Vehicle Type Approval or the UK Low Volume Type Approval in the M1 category** (evidence of this must be produced). **Any vehicle meeting UK Single Vehicle Approval will not be licensed as a Hackney Carriage vehicle.**

- Grab handles must be fitted in appropriate positions in all passenger access door entrances to aid passenger ingress and egress from the vehicle while using any steps provided
- There must be no steps within the passenger compartment
- All floor areas and passageways between seats over which passengers will be expected to pass must be free of all steps, encumbrances or trip hazards and have a slip resistant surface
- All passenger seats must be provided, where possible, with a lap and diagonal 3 point seat belt and where not possible a 2 point lap seat belt appropriate to the type and position of the seat.
- The passenger/passengers confined to a wheelchair must be provided, where possible, with a lap and diagonal 3 point seat belt and where not possible a 2 point lap seat belt appropriate to the position of the wheelchair
- All seat belts must be fitted to the vehicle with the number of anchorage points appropriate to the type of seat belt, all anchorage points must comply with M1 criteria.
- The vehicle must have a minimum seating capacity for 4 passengers with at least one passenger seated in a wheelchair and a maximum of 8 passengers with at least one passenger seated in a wheelchair.
- A bulkhead/drivers safety screen should be fitted, and it should be a full width, full height screen fitted directly behind the driver's seat. The upper section of the bulkhead/safety screen should contain a clear vision panel sufficient for the driver to be able to see a substantial amount of the passenger compartment, which must include vision of all access doors.
- The bulkhead/safety screen should allow communication between the driving and passenger compartments.
- The bulkhead should have no discontinuities that would allow a passenger to reach into the driver's compartment from the passenger compartment.
- The vision panel section of the bulkhead/safety screen should be constructed of safety glass or any clear material with at least the same impact resistance and safety qualities as that of safety glass.
- A lightweight ramp or ramps for the loading of a wheelchair and occupant must be available at all times.
- An adequate locking device must be fitted to ensure that the ramp/s do not slip or tilt when in use.
- Provision must be made for the ramps to be permanently stored in the vehicle safely when not in use.

- All passenger seats must be permanently fixed to the vehicle. Demountable seats that are removed for the purpose of providing space for wheelchair passengers shall not be allowed. Fold away seats are to be permitted providing they remain attached to the vehicle.
- All drives of wheelchair accessible vehicles, must agree to take a course in relation to disability awareness and manual handling of wheelchairs as directed by the Licensing Officers, such training will be provided free of charge.

6. HORSE-DRAWN HACKNEY CARRIAGE CONDITIONS

- A minimum standard of 15.2 hands is laid down for carriage horses providing that as regards horses between 15.2 hands and 15 hands they may be operated if they are approved by the Council's appointment veterinary surgeon.
- No horse shall be used in any carriage licensed by the Royal Borough of Windsor and Maidenhead until it has been examined and approved by the Council's appointment veterinary surgeon.
- Any one horse shall not be in harness for more than seven consecutive hours, to include one hour's break in that period for rest, feeding and drinking (licensees of carriages are reminded that if they operate a carriage for more than seven hours in any one day it will be necessary for them to obtain two horses for that carriage).
- Adequate stabling must be provided at all times for horses used in hackney carriage work.
- Horses when standing at rest should be provided with adequate equine quarter sheets (rugs).
- The Council must be advised of any changes in stabling arrangements before they occur in order that they may be inspected and approved.
- A horse used in any one day as a carriage horse shall not be used during that day for any other purpose.
- Any change of ownership of a licensed carriage horse to be notified to the Council.
- The licensed carriage may only ply for hire between the hours of sunrise and sunset.
- No material alteration or change in specification, design, condition or appearance of the carriage shall be made without the approval of the Council at any time while the license is in force.
- Provision must be made for keeping the carriage under cover when it is not plying for hire.
- A horse-drawn hackney carriage licence is not transferable nor may it be assigned to any other person or body without previous consent in writing having first been obtained from the Council.
- All applicants for a carriage driver's licence may be required to submit a test as to their ability to handle horses.
- The personal appearance of a carriage driver whilst plying for hire with his carriage shall be to the satisfaction of the Council. The attention of carriage drivers is drawn to the provisions in the Hackney Carriage Bye-laws.
- The proprietor of a licensed carriage shall notify the Council of any change of address, in writing, within seven days of such change taking place.

7. DOCUMENTATION

The applicant shall produce the following documents prior to the issue of the licence which must be current at the time the licence commences:

- (a) An insurance certificate or cover note which expressly indicates insurance cover for public hire
- (b) The vehicle registration document showing the current owner's name and address
- (c) A valid current Certificate of Compliance which must be no older than 28 days on issue of the licence.
- (d) All vehicles over 9 years from the date of first registration must have a Certificate of Compliance every 6 months.
- (e) All vehicle licence holders must carry the original/photocopy of the original of the following in their vehicle at all times;
 - Driving licence (photo-card)
 - Insurance certificate
 - Certificate of Compliance

8. SAFETY EQUIPMENT

All vehicles will be required to carry a fire extinguisher conforming to British Standard (BS) EN3 - this must be readily available for use in case of an emergency and a first aid kit.

9. LICENCE PLATE

The licence holder/Driver shall ensure that;

- (a) The Hackney Carriage licence plate shall be securely affixed to the rear of the vehicle at all times, regardless of whether or not the vehicle is being used for Hackney carriage purposes.
- (b) The Hackney Carriage Vehicle Licence plate is not concealed or damaged and is kept clean so that it is clearly visible at all times.

10. USAGE

- (a) Whilst a vehicle is licensed as a Hackney Carriage it must not be driven by any person other than a Royal Borough of Windsor and Maidenhead's licensed Hackney Carriage driver
- (b) If the proprietor permits or employs any other person to drive the vehicle, they must inspect the Hackney Carriage Drivers Licence and Badge and record the details of the licence in a proper register for that purpose.

11. CARRIAGE OF ASSISTANCE DOGS

The proprietor shall ensure the Driver of the vehicle complies with the requirement to carry a Guide, Hearing or Assistance Dog when requested, unless the Driver is a holder of an Exemption Certificate.

12. CHANGE OF ADDRESS

If the vehicle licence holder changes address then he/she must inform the Council of such change in writing within seven working days.

13. ACCIDENTS

The licence holder/proprietor must notify the Licensing department of the Royal Borough of Windsor and Maidenhead of any accident in which the vehicle has been involved within 72 hours of the occurrence.

14. BYELAWS AND REGULATIONS

(a) The proprietor/licence holder shall ensure that any Driver (of his vehicle) complies with the Council's Conditions.

(b) The proprietor should make himself familiar with statutory requirements relating to Hackney Carriage vehicle licensing.

15. CONVICTIONS, CAUTIONS AND FIXED PENALTIES

The Driver shall, within 7 days, disclose to the Council in writing any details of any conviction, Police caution or fixed penalty (e.g. points on driving licence) other than a parking fine imposed on him/her during the course of the licence.

16. SURRENDER OF LICENCE

If the Proprietor/Licence holder cease to use the vehicle for the purpose for which it was licensed they shall surrender the licence and return the plate, which remains the property of the Royal Borough of Windsor and Maidenhead.

17. OBSTRUCTION OF AUTHORISED OFFICERS

Any person who:-

- (a) willfully obstructs an authorised officer or constable acting in pursuance of this Act; or
- (b) without reasonable excuse fails to comply with any requirement properly made to him by such officer or constable; or
- (c) without reasonable cause fails to give such an officer or constable so acting any other assistance or information which he may reasonably require of such person for the purposes of the performance of his functions under this part of the Act or the Act of 1847;

shall be guilty of an offence.

18. PENALTY POINTS

The Hackney Carriage vehicle licence is subject to the penalty points system in force in relation to the licence and the licence holder is required to read and comply with the provisions of the system at all times.

19. PENALTIES

- (a) The Licensing Officers may suspend, revoke or refuse to renew the Licence if any of the above conditions are not complied to.
- (b) The Licensing Officers may suspend, revoke or refuse to renew the Licence for 'Any Other Reasonable Cause' as defined in the Local Government (Miscellaneous Provisions) Act 1976.

20. ADVERTISING

No advertising may be displayed on the exterior of any hackney carriage.

21. INTERIOR ADVERTISING

- (a) Advertisements may only be displayed within the passenger compartment on the base of the occasional (flip up) seats and along the bulkhead above the passenger/driver partition.
- (b) Occasional seat advertisements must be encapsulated in clear, non-flammable plastic.
- (c) No material should be placed on the driver/passenger partition other than notices approved by the Council.

22. ADVERTISEMENT CONTENT

- (b) All advertisements must comply with the British Code of Advertising Practice and it is the responsibility of the proprietor to ensure that they do so.
- (c) Each proposal shall be considered upon its own merits but any advertisements which are likely to cause offence to the public are unlikely to receive approval.

23. REVOCACTION

- a) If a licence has been revoked, a new application will not be accepted until 1 year has elapsed from the date of revocation or any time which the Licensing Officers decide.
- b) If a licence has been revoked, a new application will not be accepted until 1 year has elapsed from the date of revocation or any time which the Licensing Officers decide.

24. APPEALS

- a) Where a licence has been revoked or suspended, or where a new application has been refused, an appeal against the Councils decision may be made to the East Berkshire Magistrates Court within 21 days.

PENALTY POINTS SYSTEM

The introduction of the Penalty Points System is to provide an effective enforcement process for Licensing Officers in respect of Hackney Carriage and Private Hire Driver and Vehicle Licence holders, as well as Private Hire Operators who are found to be in breach of local or national conditions and policies relating to the licensing functions.

The emphasis of the Penalty Points System is to increase and ensure the safety and wellbeing of members of the public as well as compliance with legal requirements.

The system is only intended to ensure compliance by those licence holders who it is **proved** have breached or are in breach of the rules and regulations that they should be complying with.

The system operates in line with penalty points endorsed on a driving licence and that where **12** unspent penalty points are accumulated this will result in automatic referral to the Licensing Panel.

Where a referral is made to a Licensing Panel, it will be that Panel's decision on what further action if any should be taken.

Where penalty points are administered by the Licensing Officers and the licence holder wishes to dispute the matter, the licence holder may request for the matter to be referred to an Appeals Panel.

Any licence holder has the right to appeal against a Licensing Panel, Appeals Panel or Officer's decision to the Magistrates Court within **21** days of notification of the decision.

Penalty Points System

Failing to have a Private Hire Driver or Hackney Carriage Driver badge in his possession	3 Points
Not having a fire extinguisher and/or first aid kit in the vehicle	3 Points
A vehicle issued with Dispensation and not having the plate in the vehicle or the Dispensation Certificate in the vehicle	3 Points
Failing to notify the Licensing Officer of any points or convictions being imposed by the Courts	6 Points
Failing to notify a change of address within 7 days	3 Points
Driving an unlicensed vehicle as a Private Hire Vehicle	6 Points
Allowing an unlicensed driver to drive a Private Hire Vehicle	6 Points
Failing to renew a Hackney Carriage or Private Hire Vehicle driver licence or vehicle licence within the correct time (unless extenuating circumstances apply)	3 Points
Unlawfully plying for hire in Private Hire Vehicle	Referral to Licensing Panel to consider revocation of Licence
Failing to display an identity plate on the vehicle	3 Points
Failing to notify the Licensing Officer of being involved in an accident	3 Points
Private Hire Operators failing to notify the Licensing Officer of any complaints received	3 Points
Private Hire Operators failing to maintain their records in the correct format	3 Points
Failing to attend the Town Hall when directed by the Licensing Officer	Referral to Licensing Panel to consider revocation of Licence
Allowing more passengers to be carried in the vehicle than authorised by the Private Hire Vehicle licence	6 Points
Causing or permitting a Hackney Carriage to wait on double yellow lines, other than to allow passengers to board or alight or other than applying for hire on a Hackney Carriage rank.	3 Points
Causing or permitting a Private Hire Vehicle to wait on double yellow lines, other than to allow passengers to board or alight	3 Points
Causing or permitting a Private Hire Vehicle or Hackney Carriage to wait on a single yellow line, in contravention of the notices displayed, other than to allow passengers to board or alight	3 Points

THE ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER AND OPERATOR LICENCES

STATEMENT OF POLICY ABOUT RELEVANT CONVICTIONS

When submitting an application for a licence to drive a private hire vehicle, to drive a Hackney Carriage vehicle or to operate a private hire firm, applicants are required to declare all convictions or cautions they may have, and if they are currently being investigated or have been charged or summoned for any offence. The information given will be treated in confidence and will only be taken into account for the specific application.

Applicants should be aware that the Licensing Authority will check the Criminal Records Bureau for the existence and contents of any criminal record held in the applicant's name. Information received from the Criminal Records Bureau will be kept in strict confidence whilst the licensing process takes its course and will be retained for no longer than is necessary.

A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but must show 5 years free from conviction, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances.

The disclosure of a criminal record or other information will not debar an applicant from gaining a licence unless the Authority considers that the conviction renders the applicant unsuitable. In making a decision, the Licensing Authority will consider the nature of the offence(s), when the offence(s) took place and the age of the applicant when the offence(s) was committed and any other factors which may be relevant. The Licensing Authority may wish to refer to any guidelines to which it adheres and applicants may have applications refused by the Licensing Officers under delegated powers in accordance with those guidelines. There is a right of appeal from an officer decision to an Appeals Panel in every case.

Should the need arise, any applicant who is refused a licence has a right of appeal (within twenty one days of the decision) to a Magistrates' Court.

All new applicants who have not resided in the UK for a full five (5) years immediately before submitting the application must also satisfy the Council that they are a 'fit and proper person'. This will require:

- a) Obtaining a Certificate of good Conduct via the respective embassy from the country(s) where the applicant has resided for the previous 5 years,
- b) Obtaining a written English translation certificate at the applicant's own expense for the above certificate, where applicable,
- c) Production of National Insurance details and/or documentary evidence that allows an applicant to work in the UK in line with Immigration requirements.

Each case will be decided on its own merits.

Listed below are the guidelines that the Licensing Authority will refer to:-

MINOR TRAFFIC OFFENCES

Convictions for minor traffic offences e.g. obstruction, waiting in a restricted street, speeding etc. should not prevent a person from proceeding with an application. If sufficient points have been accrued to require a period of disqualification of a person's driving licence then a Hackney Carriage or private hire licence may be granted after its restoration but a warning should be issued as to future conduct.

MAJOR TRAFFIC OFFENCES

An isolated conviction for reckless driving or driving without due care and attention should normally merit a warning as to future driving and advice of the standard expected on Hackney Carriage and private hire drivers. More than one conviction of this type of offence within the previous five years should merit refusal and no further application should be considered until the period of five years free from conviction has elapsed.

DRUNKENNESS

With a motor vehicle

A serious view should be taken of convictions of driving or being in charge of vehicle whilst under the influence of alcohol. An isolated incident should not necessarily debar an applicant but strict warnings should be given as to future behaviour. More than one conviction for these offences should raise grave doubts as to the applicant's fitness to hold a licence. At least five years should elapse (after restoration of the driving licence) before an applicant is considered for a licence. If there is any suggestion that the applicant is an alcoholic, a special medical examination should be arranged before the application is entertained. If the applicant is found to be an alcoholic, a period of five years should elapse after treatment is complete before a further licence application is considered.

Not in a motor vehicle

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness should indicate a medical problem necessitating a medical examination (see above). In some cases a warning should be sufficient.

DRUGS

An applicant with a conviction for a drug related offence should be required to show a period of at least five years free from conviction before an application is entertained, or five years after detoxification treatment if her/she was an addict.

INDECENCY OFFENCES

As Hackney Carriage and private hire drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences should be refused until they can show a substantial period (at least 5 years) free of such offences. More than one conviction of this kind should preclude consideration for at least five years. In either case, if a licence is granted a strong warning as to future conduct should be issued.

VIOLENCE

As Hackney Carriage and private hire drivers maintain close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least five years free from such convictions should be shown before an application is entertained and even then a strict warning should be administered.

DISHONESTY

Hackney Carriage and private hire drivers are expected to be persons of trust. The wide-scale practice of delivering unaccompanied property is indicative of the trust that people place in drivers. Moreover it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the changes in currency and become 'fair game' for an unscrupulous driver. For these reasons a serious view should be taken of any conviction involving dishonesty. In general, a period of 5 years free of conviction should be required before entertaining an application.

Convictions under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976

Convictions under these Acts are taken very seriously, as the legislation is in place to protect members of the public. In particular, an application will not normally be entertained where the applicant has been convicted of an offence under the Acts at any time during the 12 calendar months prior to the application or has more than one conviction during the last two years prior to the application.

An existing licence holder with any conviction under this legislation will have their licence reviewed immediately.