

# HACKNEY CARRIAGE LICENCE POLICY AND CONDITIONS

From xxxxxx



## 1 APPLICATIONS

1.1 Before a licence is granted in respect of a hackney carriage, the applicant being a proprietor of the vehicle must :-

- complete a requisition for the same, in such form as the licensing authority from time to time provide for the purpose, shall be made and signed by the licence holder or one of the licence holders of the hackney carriage and in every such requisition shall be truly stated the name and surname and place of abode of the person(s) applying for such licence, and of every licence holder or part licence holder of such carriage, or person concerned, either solely or in partnership with any other person, in the keeping, employing or letting to hire of such carriage. In the case of a Limited Company the requisition shall be signed by the Secretary and all Directors of such Company shall be named.

1.2 Each person named in the requisition shall supply either an enhanced or standard DBS check that is dated no more than 6 months old at the time of application.

1.3 Each person named in the requisition shall satisfy the council they are a safe and suitable person in accordance with the council's policy for determining the suitability to hold such a licence.

1.4 Satisfy the Council that the vehicle complies with the conditions for hackney carriage licences made by the Council.

## 2. GENERAL

2.1 Operators of licensed hackney carriages shall comply with all the requirements of the Town Police Clauses Act 1847 and any byelaw made thereunder, of the Local Government (Miscellaneous Provisions) Act 1976, Part II, and any other local or general legislation regarding the use of motor vehicles.

2.2 We do not allow dual licensing of vehicles – that is, licensing of a vehicle with more than one council/local authority.

2.3 The proprietor must ensure the vehicle is maintained to an acceptable standard at all times.

2.4 The proprietor must ensure the vehicle is not used for illegal or illicit purposes.

### 2.5 Interpretation

In this licence and in this document, unless the subject or context otherwise requires:-

2.5.1 "authorised officer" means any officer of the Council authorised in writing in accordance with the Council's scheme of delegations for the purposes of the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976;

2.5.2 "the Council" means Eastleigh Borough Council;

2.5.3 "hackney carriage" has the same meaning as in the Town Police Clauses Act 1847;

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2.5.4 "licence plate" means the plate issued by the Council for the purpose of identifying the vehicle as a hackney carriage duly licensed to ply for hire by the Council;

2.5.5 "licence holder" includes a part-licence holder and, in relation to a vehicle which is the subject of a hiring agreement or a hire purchase agreement, means the person in possession of the vehicle.

### 3. **TYPE OF VEHICLE**

3.1 General conditions covering all types of vehicles that are licensable as hackney carriages are set out in 3.2 and 3.3 below.

3.2 The vehicle to be licensed, of whatever type, shall, subject to what is to follow, and other conditions herein, be suitable in size, type and design for use as a hackney carriage vehicle to the satisfaction of the Council.

3.3 Without prejudice to the generality of 3.2 above, the vehicle shall:-

3.3.1 have an engine producing 50 kW., or greater;

3.3.2 No diesel vehicle with an emissions standard of level 5 (Euro 5) or lower will be granted a licence on or after 1st January 2021 other than by way of licence renewal unless the vehicle has been converted with approved CVRAS technology. See 3.3.2

3.3.2 Any vehicle fitted with approved Clean Vehicle Retrofit Accreditation Scheme (CVRAS) technology (e.g. a CVRAS LPG conversion) may be exempt from condition 3.3.2 subject to the vehicle meeting all other relevant conditions and on production of approved certification.

3.3.3 Have at least 4 doors excluding the tailgate that must include at least one door on each side of the vehicle which passengers riding behind the driver can use to get out without moving seats.

3.3.4 have a rear seat with a width of no less than 1200 mm, measured in a straight line across the centre of the seat from the edge to the edge. In the case of a 2 seater bench seat the measurement shall be no less than 800 mm. The seat depth measured in a straight line from the backrest to the front edge of the seat shall not be less than 475 mm. Additionally the measurement from the front edge of the seat to the next obstruction in front of that seat shall not be less than 762 mm when the seat is on its midpoint on its runners.

3.3.5 Shall carry not less than 4 passengers

3.3.6 have rear headroom that is adequate for passengers to sit comfortably and in any event, the distance from the squab as measured at its central point (from side to side), at the point where it meets the backrest, and then measured vertically to a point on the headlining, shall be no less than 840 mm;

3.3.7 be of right hand drive;

3.3.8 be fitted with sufficient and suitable seat belts for every person who may be carried in the licensed vehicle pursuant to conditions 17;

3.3.9 in vehicles where there is a gap between the top edge of the rear seat and the roof a mechanism must be in place and used when appropriate to ensure the safety of passengers from displacement of luggage. E.g. retractable parcel shelf or removeable grille.

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3.3.10 at all times maintained to standards that meet the then current requirements of the Council, and must be in a clean and comfortable condition for the carriage of passengers.

3.3.11 Only vehicles that are certified as classification M1 or have been converted by manufacturers, or those professionally engaged in adaptation or conversion, that are “M1” certified after adaptation or conversion.

### 3.4 WHEEL CHAIR ACCESSIBLE VEHICLES (NEW LICENCES MUST BE WCA)

3.4.1 A disabled passenger must be able to get in and out of the licensed vehicle and travel in it while sitting in their wheelchair. The person in the wheelchair must also be able to transfer to a seat in the vehicle if they want to.

Throughout these conditions we refer to a ‘reference wheelchair’. A diagram of this with dimensions is set out in Additional Information at the end of this document.

#### 3.4.2 Access

- On all passenger doors, the way of opening them, and the direction they open, should be clearly marked on the inside and outside of the vehicle.
- There must be at least one doorway where a wheelchair and the person in it can enter. The doorway must be at the rear or nearside of the vehicle.
- The doorway must provide a minimum unobstructed space of 1170mm high and 680mm wide.
- Adequate lighting must be provided to help passengers get in and out of the vehicle.

3.4.3 To facilitate passengers wishing to transfer into a seat in the vehicle a transfer board must be stowed safely in the vehicle.

3.4.4 Space must be provided to store safely the wheelchair after the passenger has transferred to a seat.

#### 3.4.5 DESIGNATED WHEELCHAIR SPACE

The space for the wheelchair must be large enough for a ‘reference wheelchair’ to be moved from outside the vehicle into the space.

The minimum headroom above the space must be 1310mm.

The route from the door to the wheelchair space must not have any obstructions.

The route to the space must be large enough for a ‘reference wheelchair’ to be moved into the space with no more than a four-point turn and without lifting the wheels from the floor.

When the wheelchair is moved from the door to the designated space, the headroom above this area must be the same as or greater than the height of the entry door.

#### 3.4.6 STEPS

Fixed or retractable steps must be permanently secured at the point of entry into the vehicle.

There must be no more than three steps into the vehicle.

The height of the first step from the ground at all entrance and exit doors must not be greater than 250mm. All other steps must be inside the vehicle, and must be between 120mm and 200mm high.

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All steps must be at least 400mm wide and 280mm deep, and must not have open risers.

The surface of all steps must be slip resistant

### 3.7 HANDRAILS/HANDHOLDS

Handrails or handholds must be provided for disabled passengers coming into and leaving the vehicle.

The surface of every handrail and handhold must contrast in colour or tone with the surrounding surfaces, and must have a slip-resistant finish.

### 3.4.8 SEATS

All seats used by disabled passengers must be forward or rear facing.

### 3.4.9 BOARDING DEVICE

A boarding device at the doorway through which a wheelchair and the person using it would enter will be in the vehicle

Any power-operated boarding device must have the ability to be manually operated if there is a power failure.

Any boarding device must be stowed so that it does not obstruct any handle or other opening device for any exit. If the boarding device obstructs an exit, you must be able to push or pull it out of the way from the inside and outside when the door is open so that the doorway is clear if there is an emergency. It must be stowed securely to prevent injury.

Any manually operated boarding device must be easy to operate.

### 3.4.10 RAMPS

Any one-piece ramp must be at least 750mm wide to accommodate a wheelchair. The ramp must not be longer than 1700mm. Folding ramps are allowed, as long as the ramp is rigid when it is being used.

When the ramp or ramps are being used on the road, the ramp slope must not be at an angle greater than one in four (25 per cent). In all cases, the ramp or ramps must be capable of use on a level road and a kerb that is 125mm high.

The ramp or ramps must be capable of being securely positioned at the top end of the ramp where they are secured to the vehicle.

The surface of all ramps must have a slip-resistant finish. All outer edges must be clearly marked in a contrasting tone and colour.

The ramp or ramps must be in one piece when in use.

### 3.4.11 LIFTS

The lift platform must be at least 750mm wide and 1200mm long.

A tailboard that is at least 100mm to stop the wheelchair rolling off must be supplied.

The lift must be able to reach the ground.

### 3.4.12 WHEELCHAIR INSIDE THE VEHICLE

All passengers travelling with a wheelchair must either face forwards or backwards.

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All wheelchairs must be securely tied down with dynamically tested equipment.

A restraint system for passengers who sit in a wheelchair must be provided..

A back rest and head restraint must be supplied if passengers can be rear facing. This backrest and head restraint must be a maximum of 480mm from the floor of the vehicle, and should be at least 1300mm high. Any movement of the backrest should not be more than 12 degrees. The width of the backrest must be between 270mm and 480mm.

### 4. **AGE OF VEHICLE**

4.1 Any new vehicle associated with an application for a new licence will be no more than 1 year in age taken from the date of first registration as recorded by DVLA or for vehicles used outside of the UK the date the vehicle was first used on any other roads of any description and be wheel chair accessible.

4.1 Any vehicle when first licensed as a replacement vehicle shall be less than 7 years old – taken from the date of first registration as recorded by DVLA or for vehicles used outside of the UK the date the vehicle was first used on any other roads of any description, if this date cannot be determined the vehicle will not be licensed.

4.2 Purpose built wheel chair accessible vehicles will not be licensed once they have attained 15 years of age. All other vehicles shall not be licensed once they have attained 12 years of age.

### 5. **LOLER**

5.1 The Licensing Authority notes that for reasons of safety and maintenance, any mechanical lifting equipment is subject to periodic inspection and testing requirements under the Lifting Equipment and Lifting Operations Regulations 1998 (LOLER). Therefore, for reasons of public safety and compliance with the law the licensing authority will normally require applicant proprietors to submit and maintain a valid LOLER certificate for each piece of lifting equipment that may be fitted to or within the vehicle (e.g power swivel, seats, mechanical lifts etc)

5.2 If your vehicle requires a LOLER certificate you will be required to produce this at every renewal of the LOLER certificate (every 6 months) and when the vehicle is first registered. You will also need to complete the necessary sections on the application form.

### 6 **ADVERTISEMENTS AND SIGNS**

6.1 No advertisement, sign, notice, mark, illumination or other feature, other than as required by law or permitted by these conditions shall be placed on the exterior of or visible from outside of any licensed hackney carriage including the windows, except as follows:-

6.1.2 Advertising, including third party products and services, etc. is permitted (subject to conditions and law) on any part of the body of the licensed vehicle. Windows are excluded from this permission..

6.2 All such advertising as mentioned below may only be displayed following approval by the Senior Licensing Officer

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- 6.3 At all stages prior to approval the proprietor or operator will accept the risk involved in not meeting these criteria or requirements.
- 6.4 The power to give approval will be delegated to the Senior Licensing Officer.
- 6.5 All advertising is to be completed to a professional standard and quality.
- 6.6 This advertising may promote the proprietor or operator of the licensed vehicle or a trade, business, goods or services of a third party.
- 6.7 The approved complaint wording on the rear of the paper front plate must be displayed in the licensed vehicle in a prominent position so it can easily be seen and read from inside the vehicle.

### 7. **ADVERTISEMENT CONTENT**

- 7.1 All advertisements must comply with the British Code of Advertising Practice and it is the responsibility of the agency or individual seeking the Licensing Authority's approval to ensure that they do so.
- 7.2 Each proposal is considered on its merits, but the following advertisements **WILL NOT BE APPROVED**, always subject to the provisions of the Human Rights Act 1998 and any other law.
  - 7.2.1 those with political, ethnic, religious, sexual or controversial texts
  - 7.2.2 those for escort agencies, gaming establishments or massage parlours
  - 7.2.3 those displaying nude or semi-nude figures
  - 7.2.4 those likely to offend public taste.
  - 7.2.5 those which promote the sale or consumption of tobacco products or cigarettes.
- 7.3 The Senior Licensing Officer will be delegated to give approval of matters in 7.2 above.
- 7.3 It is the proprietor's responsibility, as part of the contract entered into when commissioning any exterior advertising of the foregoing nature, to ensure that, at the completion of the contract, or upon the vehicle ceasing to be a licensed hackney carriage, work to return the vehicle to its original manufacturer's colour is included.

### 8. **"TAXI" SIGN**

- 8.1 All hackney carriages shall exhibit a TAXI sign on the roof (subject to these conditions) as approved by the Council. This shall be capable of being illuminated at night. No other form of lighting shall be displayed on the vehicle save those required by law.
- 8.2 The TAXI sign must be illuminated when plying for hire but must not stay illuminated when the vehicle is hired or is outside of Eastleigh Borough.
- 8.3 All hackney carriages that do not have a purpose-built 'London' type (that is, having an integral or factory-fitted 'taxi' sign) must carry the approved Council white roof sign.
- 8.4 The roof sign should be 762mm wide when measured from the front and 120mm high (measured from the centre point of the sign to the top). The sign should be approximately 170mm deep.

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- 8.5 The front of the sign must show the word 'taxi', centrally placed, in black lettering, 100mm high and 450mm wide. The Eastleigh Borough Council logo, including the words 'licensed by', must appear either side of the word 'taxi'. This must be placed 37.5mm from the end of the lettering of the word 'taxi'. The logo should be a mid-green colour (Pantone 354), measuring 42mm high and 100mm wide.
- 8.6 The back of the sign should also be white but, when illuminated, it must appear red, as required by law.
- 8.7 The back of the sign must show the word 'taxi', centrally placed, in black lettering, 70mm high and 300mm wide. The Eastleigh Borough Council logo, including the words 'licensed by', must appear either side of the word 'taxi'. The logo should be a mid-green colour (Pantone 354), measuring 70mm high and 184mm wide.
- 8.9 The sides of the sign will be left blank, apart from for the hackney carriage plate number (in black). The plate numbers must be 50mm high and should fit into a space no higher than 50mm and no wider than 100mm.
- 8.10 The position of the roof sign will be, in line with the "B" frame of the driver's door and rear passenger's door of the car and on the middle line running through the centre of the vehicle. If the vehicle is fitted with a sunroof then the roof sign will be placed on roof rails in line with the "B" frame of the driver's door and rear passenger door.
- 8.11 **All hackney carriages that are the London type** (those with an integral or factory-fitted 'taxi' sign) must display two signs. The signs should be displayed on both the offside and nearside rear quarter. They must follow the specifications set out in the following condition.
- 8.12 The signs, which must be centrally placed, should be 300mm high and 210mm wide, with a white or off-white background colour. They should include the following information, in the following order, starting at the top:
- (a) the Eastleigh Borough Council logo, in a mid-green colour (Pantone 354), including the words 'licensed by', 50mm high and 105mm wide
  - (b) the word 'taxi' in black lettering, 45mm high and 145mm wide
  - (c) the words 'licence number' and the number of the hackney carriage plate in black lettering. Both of these should fit into a space no larger than 50mm high and 140mm wide.

### LICENCE PLATES

- 9.1 One licence plate shall be securely fixed in a position at the rear of the hackney carriage to the satisfaction of the Head of Legal Services..
- 9.2 A second licence plate, being a paper plate for display in the windscreen, shall be securely fixed in a position on the front of the hackney carriage to the satisfaction of the Head of Legal Services.

### 10. RETURN OF LICENCE PLATES

- e10.1 Licence plates remain the property of the Council and, on revocation, expiry or suspension of the licence, must be returned within seven days after the service on the licence holder by the Council of a notice requiring its return.

### 11. TAXIMETERS

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- 11.1 An accurate electronic taximeter of a type approved by the Council must be affixed in the hackney carriage in a position satisfactory to the Council. No licence holder or driver may tamper with the mechanism of the taximeter or its seals, provided that, should the meter become defective it may be repaired and a service meter substituted. The service meter and repaired meter must, before use, be duly tested and sealed.

### 12. **INSPECTION OF VEHICLE**

- 12.1 The hackney carriage shall be submitted for inspection at least once, but not more than three times, in a year. In addition the Council may arrange for the vehicle to be tested at any reasonable time and require further inspection and testing if it proves unsatisfactory. Licence holders will be notified by letter of time and date that vehicle is to be presented for inspection.

- 12.1.1 All vehicles that are not renewal applications must pass an examination at the Council's vehicle examination facility. New vehicles less than 3 months old, less than 500 miles on the odometer and has had no adaptations may be excused from this requirement on request to the licensing office.

- 12.1.2 In exceptional circumstances where a replacement vehicle is in temporary use, the hire vehicle may be examined at an Eastleigh VOSA approved garage

- 12.1.3 At renewal all vehicles must have a full mechanical and visual inspection and MOT at an approved VOSA vehicle testing centre within the borough of Eastleigh dated no more than 30 days prior to the expiry of the licence. If the full mechanical and visual inspection is carried out by the workshop at Hedge End Depot, an MOT will not be required as a certificate of compliance will be issued.

- 12.2 Without prejudice to the foregoing, where more than six years has elapsed since the first registration of the hackney carriage under the Vehicles (Excise) Acts of 1949, 1971, or successor legislation, the hackney carriage shall undergo a mechanical and visual inspection by a VOSA approved testing station in the period of 10 days either side of the date six months from the last grant of the vehicle licence (the "due date") and the vehicle test certificate shall be presented for inspection to the Licensing office within 14 days of the due date.

### 13. **DAMAGE TO VEHICLE**

- 13.1 The proprietor must inform the licensing office of either mechanical or body damage within three days. An assessment will be made of the damage by Licensing staff who will determine the next steps. Minor damage will normally be expected to be repaired within 1 month, some matters may be given a shorter period. After repair the vehicle may be required to pass a mechanical inspection at a place to be determined by the Council, subject to payment of an appropriate fee. The hackney carriage plate is liable to be removed from any vehicle which, in the opinion of an appropriate Officer or agent of the Council in any way constitutes a danger to the public, is in breach of any road traffic enactment or the Construction and Use Regulations, or is unfit for use as a hackney carriage. On completion of the repairs, to the satisfaction of the Senior Licensing Officer, the licence plate may be restored.

- 13.2 The removal of the hackney carriage plate will constitute suspension of the vehicle licence.

### 14. **INSURANCE**



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14.1 At all times during the currency of the licence the licence holder shall keep in force in relation to the use of the vehicle as a hackney carriage a policy of insurance complying with the requirements of Part VI of the Road Traffic Act 1972 or subsequent relevant legislation..

### 15. **PRODUCTION OF DOCUMENTS**

15.1 The proprietor shall on being so required by an authorised officer, produce for inspection the licence and/or the certificate of insurance in relation to the use of the vehicle as a hackney carriage. Provided that, if the proprietor fails to produce such licence and/or certificate of insurance on request, he shall produce it within five days of such request to an authorised officer at the licensing office.

### 16.. **TARIFF SHEETS**

16.1 The tariff sheet, must be mounted and displayed inside the hackney carriage in a position approved by the Council.

### 17. **SEATING CAPACITY**

17.1 Every hackney carriage shall have sufficient seating capacity to carry not less than four nor more than eight passengers in comfort in addition to the driver.

### 18. **NUMBER OF PASSENGERS**

18.1 The licensee shall not convey, or cause or permit to be conveyed in the vehicle a greater number of persons, exclusive of the driver, than specified in the licence. In addition, children under three years will not be conveyed in the front seat of a vehicle whether restrained or unrestrained. Children and babies in arms are included in the calculation.

### 19. **EMPLOYMENT OF DRIVERS**

19.1 The holder of a hackney carriage licence shall maintain records of the drivers of any hackney carriage he has ownership of and notify the Council on request with the name and badge number of any such driver as soon as is practicable

### 19. **CHANGE OF ADDRESS**

19.1 The licensee shall notify the Council in writing within seven days of any change of his address using the prescribed form

### 20. **TRANSFER OF LICENCE**

20.1 If the holder of a hackney carriage licence intends to transfers his interest in the hackney carriage to any other person, he shall arrange an appointment to see a licensing officer with all the parties that have an interest in the vehicle and those intending to have an interest in the hackney carriage licence.

20.2 Those attending that meeting will be required to provide sufficient documentation as required by the Licensing Authority to confirm the identity of those with an interest in the hackney carriage.

### 21. **LOST PROPERTY**

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- 21.1 The holder of a hackney carriage licence shall, if any property accidentally left in the vehicle by any passenger is found by or handed to him, take reasonable steps to reunite the property with the owner within 24 hours. After 24 hours proprietors should follow the guidance provided by the local police force for any unclaimed property.

### 22. RECORDS OF BOOKING

- 22.1 Where one or more persons form an association for the purpose of providing a hackney carriage service to the public and an office is established for the purpose, records of bookings shall be kept in such form as the Council may prescribe. Such records shall be kept for at least one year. The entries to be entered in such record are to be: -

22.1.1. Name of passenger and place where passenger is to be picked up.

22.1.2 Time and date when passenger(s) are to be picked up.

22.1.3 Destination.

22.1.4 Licence number of hackney carriage so used.

22.2 The person acting as the operator or controller of such service shall enter therein before commencement of each journey particulars of every booking of a hackney carriage invited or accepted by them whether by accepting the booking from the hirer or by undertaking it at the request of another operator.

22.3 Such record shall be produced on request to any authorised officer of the Council, or to any constable for inspection.

### 23. VEHICLE SPECIFICATION

23.1 All hackney carriages shall be maintained to their original specification whilst the licence remains in force. This includes all supporting systems such as air conditioning, heated screens etc..

23.2 All licensed vehicles will be kept clean both internally and externally, all furniture and fittings must be well maintained.

### 24. CCTV

24.1 Proprietors may fit cameras to record either external or internal images, however they must ensure appropriate signage is exhibited on the vehicle and the proprietor has complied with any data registration requirements.

24.2 Any evidence of inappropriate use of data from such equipment may be used in the consideration of the continuance of any licence issued by the authority.

### 25. CONVICTIONS

25.1 Any person who has an interest in the licence must notify the Licensing Authority immediately and certainly within 2 working days of any arrest or conviction.

### 26. SMOKING

26.1 Smoking, including the use of electronic smoking devices/vaping, is not permitted in a licensed vehicle. (See additional information)

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Note: For the avoidance of doubt all of the above requirements shall be deemed to form both the Council's policy (i.e. pre requisite to the grant of the licence) as well as conditions subject to which the licence is granted (which will continue to apply throughout the duration of the licence, as appropriate. As a result, any requirement which requires action or implementation prior to the grant of the licence is to be considered the Council's policy and any requirement to be complied with after the grant of the licence is a condition and compliance is required for the duration of the licence.

## ADDITIONAL INFORMATION

Please note that this information does not form part of Eastleigh Borough Council's licence policy or conditions

Drivers, proprietors and operators of licensed hackney carriages and private hire vehicles are reminded of the other statutory duties and restriction placed on them, amongst which are the following:

### Smoking

The Health Act 2006 prohibits the smoking of tobacco or any other substance by anyone in a licensed hackney carriage or private hire vehicle. The legislation applies at all times whilst the vehicle remains licensed.

The smoking of e-cigarettes/vaping in a licensed vehicle is also prohibited at any time.

Every licensed vehicle is required to carry appropriate signage under the Smoke-free (Signs) Regulations 2007. Guidance and signs are available from:

<http://www.smokefreeengland.co.uk/resources/guidance-and-signage.html>



### Assistance Dogs

The Equality Act 2010 imposes a duty on licensed drivers and operators to convey any guide, hearing or other assistance dog in a licensed hackney carriage or private hire vehicle.

Drivers must:

- carry assistance dogs accompanying disabled people;
- do so without additional charge; and
- allow the dog to remain with the passenger

Operators must:

- accept bookings made by or on behalf of a disabled person who is accompanied by an assistance dog;
- accept bookings made by a person who will be accompanied in a PHV by such a disabled person; and
- not make an additional charge for carrying the assistance dog

If a driver has a medical condition, such as severe asthma, which is aggravated by contact with dogs, or is allergic or has an acute phobia to dogs, it may be possible for them to qualify for an exemption. Please discuss this with the licensing team in the first instance, to whom application for exemption must be made. The driver will be required to produce conclusive medical evidence in support of his application.

Please note that the law does not allow for an exemption to be granted on religious grounds.



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Additional information is available from:

<http://www.dft.gov.uk/transportforyou/access/taxis/>

REFERENCE WHEEL CHAIR (SECTION 3.9)

