

In the Council's view this policy is compatible with the rights and freedoms under the European Convention and Human Rights.

This policy aims to provide guidance to all parties with an interest in hackney carriage vehicle licensing thereby providing transparency and consistency.

In this document the 'Council' means Burnley Borough Council (BBC)

In this document the term "approved" or "approved by BBC" means approved by Burnley Borough Council. A 'licence' and 'licensed' (and cognate expressions) refer to the granting of a licence by BBC under section 37 of the Town Police Clauses Act 1847 and section 47 of the Local Government (Miscellaneous Provisions Act 1976)

The Conditions of Fitness (CoF) in this document set out the conditions of fitness in Burnley, which take effect on (date to be inserted). BBC reserves the right to amend the COF should there be situations which require it, such as amendments to national or international laws with respect to road vehicles or air quality. These may include for example, changes arising from disability legislation or the implementation of European emissions and air quality laws or changes to taxi licensing legislation.

No vehicle will be licensed as a hackney carriage vehicle unless it is fit for purpose and conforms to the requirements in this document unless the Council exempts a vehicle from those requirements after a request by an applicant and where, having regard to the exceptional circumstances it considers it reasonable to do so.

This document incorporates relevant policies relating to the licensing / following the licensing of a vehicle(s) as a hackney carriage that proprietors should take into consideration prior to submitting an application for a hackney carriage vehicle proprietor licence.

The following current policies relate to hackney carriage vehicles. Should a decision be made to adopt a set of Burnley Hackney Carriage 'Conditions of fitness' Vehicle Specification it is envisaged that these policies will be updated and incorporated into a 'Burnley Hackney Carriage Vehicle Policy.'

- Advertising on / in Licensed Hackney Carriage
- Age limits for Hackney Carriage Vehicles.
- Hackney Carriage Vehicle Proprietor Licence Conditions
- Vehicle Testing Policy
- Dual Fuel Policy
- Dents and Scratches Policy

Procedure to be followed by manufacturers and proprietors who wish to licence for the first time a vehicle (not previously licensed) as a hackney carriage in Burnley.

1. Approval for new vehicles that may be suitable to be licensed as a hackney carriage vehicle in Burnley

1.1 Consideration for the approval of a new type of vehicle that may be suitable to be licensed as a hackney carriage vehicle must be made in writing to BBC and

must be accompanied by documentary evidence that it complies in all respects with the following;

- i. All respects of the requirements of the Motor Vehicle (Type Approval) Regulations 1980
- ii. The Motor Vehicle (Type Approval) Regulations (Great Britain 1984)
- iii. The Motor Vehicles (EC Type Approval) Regulations 1998 and with any further national or international legislation as may be applicable.
- iv. The Road Vehicles (Construction and Use) Regulations 1986 (C & U).
- v. All respects of British and European vehicle regulations and be "type approved" to the requirements of the M1 category of European Whole Type Approval Directive 2007/46/EC as amended.
- vi. Note: If a vehicle has not been "type approved" to the M1 category (e.g. conversions) approved certification be provided that confirms that the specific vehicle meets the requirements of that category
- vii. The vehicle must be able to facilitate the carriage of disabled persons and of accommodating a disabled person in a wheelchair (as stipulated in section 14 of CoF ) in the passenger compartment.

1.2 Maximum and minimum age of vehicles please refer to 3a of the CoF

1.3 Vehicles will be allocated an appointment date and time for an inspection to be carried out by BBC or their approved agent. If the vehicle conforms to the approved type a 'certificate of approval' will be issued by or on behalf of BBC.

1.4 Alterations and Modifications following vehicle approval inspection– a request in writing fully specifying the proposed alterations /modifications to the approved vehicle must be made in writing to BBC. Prior written approval from BBC for the specified alterations/modifications must be obtained prior to any work being carried out on the vehicle.

1.5 Renewal of vehicle licence –the approved vehicle may be renewed in line with the normal renewal application process.

## Burnley Borough Council – Conditions of Fitness

### Index to terminology

\*Dft reference wheelchair – is the standard size set by DfT detailed within their 'Public Service Vehicle Accessibility regulations 2000 guidance

\*\*Squab – refers to the seat cushion the passenger sits on. The measurement is taken from the centre of the seat cushion outwards into the vehicle to ensure enough distance between facing seats to accommodate a seated person (room for knees)

| <b>General construction</b>                 |  |
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| <b>1</b>                                    | The vehicle will comply with:  |
| a   | All respects of the requirements of the Motor Vehicle (Type Approval) Regulations 1980   |
| b   | The Motor Vehicle (Type Approval) Regulations (Great Britain 1984)   |
| c   | The Motor Vehicles (EC Type Approval) Regulations 1998 and with any further national or international legislation as may be applicable.  |
| d   | The Road Vehicles (Construction and Use) Regulations 1986 (C & U).   |
| e   | All respects of British and European vehicle regulations and be “type approved” to the requirements of the M1 category of European Whole Type Approval Directive 2007/46/EC as amended.  |
| f   | Note: If a vehicle has not been “type approved” to the M1 category (e.g. conversions) approved certification must be provided that confirming that the specific vehicle meets the requirements of that category                  |
| <b>2 Wheelchair Accessibility</b>           |  |
|   | The vehicle must be able to facilitate the carriage of disabled persons and of accommodating a disabled person in a *DfT reference wheelchair in the passenger compartment   |
| <b>3 Maximum Age of Vehicles</b>            |  |
| a   | The vehicle must comply with Burnley Borough Council age/ emissions policy. ( The Committee will give consideration to retention or amendment of the current age policy and to the introduction of a suitable emissions policy ) |
| <b>4 Steering</b>                           |  |
| a   | The steering wheel must be on the offside of the vehicle   |
| <b>5 Modifications/Additional Equipment</b> |  |
| a   | No equipment and or fittings, other than those approved may be attached to, or carried on the inside or outside of, the vehicle  |
| b   | No modifications may be carried out to the vehicle without prior written approval of the Council. Written proposals for any vehicle modification should  |

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|           | include appropriate information from the vehicle manufacturer that the modification can be accomplished without compromising the vehicle specification.   |
| <b>7</b>  | <b>Tyres</b>  |
| a         | Vehicles must have tyres that comply with the relevant legislation Specifically, re-tread tyres must comply with BS AU 144E as amended and be marked accordingly.   |
| b         | Tyres should be of the designated size, speed and weight rating for that make and model of vehicle as prescribed by the vehicle manufacturer.   |
| <b>8</b>  | <b>Brakes</b>   |
| a         | The vehicle must have an anti-lock braking system fitted.   |
| <b>9</b>  | <b>Interior Lighting</b>  |
| a         | The vehicle must be fitted with adequate lighting for the driver and passengers   |
| b         | The vehicle must be fitted with separate lighting controls for both passenger and driver.   |
| c         | The vehicle passenger compartment will have an illuminated control switch fitted, which is within reach of wheel chair passengers   |
| d         | The vehicle should have lighting provided at floor level to each passenger door, which is activated by the opening of the Doors   |
| <b>10</b> | <b>Electrical Equipment</b>   |
| a         | Any additional electrical installation and/or after-market components, used within the vehicle, must meet the requirements of the relevant Automotive Electro Magnetic Compatibility (EMC) Directive, as amended, and be marked accordingly.                                    |
| <b>11</b> | <b>Fuel Systems</b>   |
| a         | The vehicle must have a device provided whereby the supply of fuel to the engine may be immediately cut off.  |
| b         | If a manually operated device is fitted, the location together with the means of operation and "off" position must be clearly marked on the outside of the vehicle?<br>In the case of a vehicle fitted with an automatic inertia fuel cut off switch, no markings are required. |
| c         | Where the engine is powered by liquid petroleum gas (LPG), compressed natural gas (CNG), liquid natural gas (LNG), petrol or any combination of these fuels, the vehicle must be fitted with an automatic inertia fuel cut off device.  |
| d         | The vehicle must have a manually operated fuel cut off device externally mounted which is easily visible and readily accessible at all times from the outside of the vehicle with its location and means of operation clearly marked  |

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| e         | <p>Where a conversion to LPG has been undertaken 'post' manufacturing the Council will only licence such vehicles where the applicant is able to produce an LP Gas Association Conversion Certificate in relation to the vehicle. (photo copies will not be accepted)</p> <p>In all cases any certificate of insurance produced in support of an application must indicate that the vehicle is insured to run on LPG.</p>   |
| <b>12</b> | <b>Exhaust Emission Standards</b>   |
| a         | When a vehicle is first licensed (including a replacement vehicle) it is expected to meet (and maintain) the current or immediate previous Euro emission standard. This standard must be maintained throughout the period that the specified vehicle is licensed.   |
| <b>13</b> | <b>Body</b>   |
| a         | The body must be on the fixed head type with a partially glazed partition separating the driver from the passenger  |
| b         | The overall length must not exceed 5 metres. This is essential for determining the size of taxi ranks, other pickup points and for the free access and flow of other vehicles.  |
| <b>14</b> | <b>Facilities for the Disabled</b>  |
| a         | Every taxi must be equipped to approved standards in order that wheelchair passengers may be carried.   |
| b         | <p>The vehicle must have</p> <ul style="list-style-type: none"> <li>i. anchorages provided for wheelchair tie downs and the wheelchair passenger restraint</li> <li>ii. anchorages that are either chassis or floor linked and capable of withstanding approved dynamic or static tests</li> <li>iii. anchorage restraints for wheelchair and occupant independent of each other</li> <li>iv. anchorages provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment</li> <li>v. anchorages and restraints designed so that they do not cause any danger to other passengers</li> </ul> |
| c         | The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75cm and have a minimum angle of a hinged door when opened must be 90 degrees   |
| d         | The clear height of the doorway must not be less than 1.2 metres  |
| e         | Grab handles must be placed at door entrances to assist the elderly and disabled. All grab handles must be in a contrasting colour.   |
| f         | <p>The top of the tread for any entrance should normally be at floor level of the passenger compartment and comply with the following requirements:</p> <ul style="list-style-type: none"> <li>i. be not more than 380mm from the ground, (measured at the centre of the tread width)</li> <li>ii. the surface shall be covered in a slip-resistance material have a band of colour across the entire width of the edge which shall contrast with the</li> </ul>  |

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|           | remainder of the tread and floor covering   |
| g         | <p>Should any entrance be more than 380mm from the ground, an external interim step must be available when the associated passenger door is opened and comply with the following requirements</p> <ul style="list-style-type: none"> <li>i. not be more than 380mm in height from the ground, (measured at the centre of the step width)</li> <li>ii. be not less than 250mm deep</li> <li>iii. the surface shall be covered in a slip-resistant material</li> <li>iv. have a band of colour across its leading edge which shall contrast with the remainder of the step and floor covering</li> <li>v. not be capable of being operation whilst the vehicle is in motion</li> <li>vi. if automatic or powered be fitted with a safety device, which stops the motion of the step if the step is subject to a reactive force not exceeding 150N in any direction if that motion could cause injury to the passenger</li> <li>vii. can fold or retract so that it does not project beyond the side face of the vehicle and the vehicle is not capable of being driven away unless the step is folded or retracted</li> </ul> |
| h         | Where seats are placed facing each other, there must be a minimum space of 42.5cm between any part of the front of a seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level   |
| i         | Where all seats are placed facing to the front of the vehicle, there must be clear space of at least 66cm in front of every part of each **seat squab, measured along a horizontal plane at the centre of the cushion   |
| j         | A ramp for the loading of a wheelchair and occupant, which is available at all times for use, as a minimum, at the nearside passenger door. The ramp must have a safety lip, be 70cm wide, as a minimum, and comprise a single non-slip surface. It is desirable for this facility to be available at the offside passenger door also. An adequate locking device must be fitted to ensure that the ramp does not slip or tilt when in use. Provision must be made for the ramp to be stowed safely away when not in use.   |
| <b>15</b> | <b>Passenger Comfort</b>  |
| a         | When fitted, occasional seats must be at least 40cm in width and the distance from the back of the upholstery to the front edge of the seat must not be less than 35.5cm  |
| b         | Occasional seats must be so arranged as to rise automatically when not in use. They must be placed at least 4cm apart. When not in use, they must not obstruct doorways.  |
| c         | Suitable means must be provided to assist persons to rise from the rear seat, with particular attention to the needs of the elderly and disabled.   |
| d         | The rear seat dimensions must be adequate to carry the appropriate number of adult passengers comfortably   |
| e         | Lap and diagonal seatbelts must be fitted on all seats (including rear facing seats)  |

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| f         | Head restraints must be fitted to all (forward and rear facing seats. The design of headrests should maximise the rear sightedness for the driver when any of the passenger seats are not occupied.  |
| g         | An induction loop system (or equivalent) must be fitted.   |
| <b>16</b> | <b>Drivers Compartment</b>   |
| a         | The driver's compartment should be designed so that the driver has adequate room, can easily reach, and quickly operate, the controls.   |
| b         | Controls should be placed to allow reasonable access to the driver's seat, when centrally placed, and be properly protected from contact with luggage  |
| c         | The vehicle must be provided with an approved means of communication between the passenger and the driver. If a sliding window is fitted on the glazed partition, the maximum width of the opening must not exceed 11.5cm  |
| d         | Where a single-piece partition is fitted, a facility must be provided for making payment to the driver   |
| e         | The headrests should maximise rear sightlines for the driver, when any of the passenger seats are not occupied.  |
| f         | The vehicle must have an adequate heating and ventilation system provided for the driver and passengers and an independent control by the driver and for the passengers all switches must be within easy reach of seated passengers, including those in wheelchairs  |
| <b>17</b> | <b>Driver Visibility</b>   |
| a         | The vehicle should be fitted with a single piece, full-width, rear window.   |
| <b>18</b> | <b>Passenger Visibility</b>  |
| a         | The windows should maximise passenger visibility into and out of the vehicle. The top of the window line for front and side windows, when measured vertically to the top of the visible portion of the glass, must not be less than 780mm on any glass panel forward of or beside the seated passenger. The vertical distance is to be measured through the E point as defined in Directive 77/649/EEC, from the top of the uncompressed rear forward facing passenger seat cushion to the first point of totally obscured glass. Manufacturers are to declare conformity to this condition by way of a drawing. The bottom of the window area in the passenger compartment must be available for opening by the seated passenger. |
| b         | Windows must permit maximum visibility into and out of the vehicle. They must have a light no more than 25% tint value   |
| c         | Windows must be capable of being opened easily by passengers, including those in wheelchairs, when seated. The control for opening a window must be clearly identified to prevent being mistaken for any other control   |
| d         | A proportion of the window area in the passenger compartment must be able  |

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|           | to be opened by the passenger   |
| <b>19</b> | <b>Heating and Ventilation</b>  |
| a         | An adequate heating and ventilation system must be provided for the driver and passengers and means provided for independent control by the driver and the passengers. All switches must be within easy reach of seated passengers, including those in wheelchairs.   |
| <b>20</b> | <b>Door Fittings</b>  |
| a         | An approved type of automatic door securing device must be fitted to passenger doors to prevent them from being opened when the vehicle is in motion. When the vehicle is stationary the passenger doors must be capable of being readily opened from the inside and outside of the vehicle by one operation of a latch mechanism. The door must not open from the inside if the driver has the foot brake depressed. The interior door handle must be clearly identified to prevent it being mistaken for any other control. |
| <b>21</b> | <b>Fare Table</b>   |
| a         | A frame must be provided for the fare table fixed in an approved place.   |
| <b>22</b> | <b>Floor Covering</b>   |
| a         | The floor of the passenger compartment must be covered with a slip resistant material, which can be easily cleaned. The floor covering must not impede the movement of wheelchairs. The colour of the floor must contrast with any up stand areas around it and with the colour of the seats.   |
| <b>23</b> | <b>Luggage</b>  |
| a         | Suitable dedicated provision for the secure carriage of luggage should be made, separated from the passenger compartment and proportionate to the number of passengers carried.   |
| <b>24</b> | <b>Taxi Sign</b>  |
| a         | The vehicle must display a "Taxi" sign, approved by the Council which can be clearly visible both by day and night when the taxi is available for hire.   |
| <b>25</b> | <b>Radio Apparatus</b>  |
| a         | The vehicle must be suitable for the fitting of radio equipment<br>NB. The equipment fitted must have been approved by the council  |