

CONDITIONS ATTACHED TO THE ISSUE OF A HACKNEY CARRIAGE LICENCE ADDITIONAL TO THE STATUTORY BYELAWS

<p>DEFINITION</p> <p>1. "Authorised Officer" has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act, 1976. "The Council" means the Council of the Borough of Chorley. "Taxi" has the same meaning as in the Transport Act, 1985. "The identification plates" mean the plates issued by the Council for the purpose of identifying the vehicle as a hackney carriage. "The proprietor" has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act, 1976. "Taximeter" has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act, 1976. "Byelaws" are those byelaws made in pursuance of the Town Police Clauses Act, 1847 and the Local Government (Miscellaneous Provisions) Act, 1976.</p> <p>IDENTIFICATION PLATES</p> <p>2. The identification plate shall remain the property of the Council at all times and shall be affixed to the hackney carriage by the proprietor at his own expense, in the following manner:</p> <ol style="list-style-type: none"> at the rear of the vehicle, and to the exterior of the vehicle, and with the number facing to the rear, and in a vertical plane, and must be affixed by bolts or screws or other similar secure means in such a manner as to be easily removed by an Authorised Officer of the Council or Police Constable. <p>3. Internal licence plate must be fixed to the dashboard not obscuring the drivers view or on the windscreen outside the swiped area.</p> <p>4. Door signs. The vehicle shall display Council provided livery to the front driver and passenger door fixed in a readable position.</p> <p>TYPE OF VEHICLE</p> <p>5. (a) The vehicle must be a vehicle approved for use as a Hackney Carriage in Chorley. (b) The vehicle must not be left hand drive. (c) The vehicle must not be a convertible, ie have a soft top. (d) The vehicle must have at least 4 doors. (e) The vehicle must have a capacity for at least 4 adult passengers. (f) Where the vehicle is fitted with continuous seats, one person shall be counted for each complete length of 16 inches measured in a straight line lengthwise on the front of each seat, and where any such continuous seat is fitted with arms for the purpose of separating the seating spaces and such arms are so constructed that they can be folded back or otherwise put out of use, such seat shall be measured for the purposes of this Regulation as if it had not been fitted with such arms. (g) The colour of the vehicle unless a purpose built hackney carriage shall be white. (h) (i) On the date of first licensing, a vehicle shall normally be no older than three years from the date of first registration; (ii) On the vehicle reaching the age of six years from the date of first registration, the Licence for the vehicle shall normally no longer be eligible for renewal; (iii) That in respect of the Fairway, Austin FX4 or Reliant Metrocab Hackney Carriages, or any subsequent replacement models thereof, on the date of first licensing a vehicle shall be no older than seven years from the date of first registration, and that on the vehicle reaching the age of twenty years from the date of first registration, the Licence for the vehicle shall normally no longer be eligible for renewal.</p> <p>CONDITION OF VEHICLE</p> <p>6. The proprietor shall ensure that the hackney carriage shall be maintained in a sound mechanical and structural condition at all times and be capable of satisfying the Council's mechanical and structural inspection at any time during the continuance of the vehicle's licence including the MOT/taxi test and vehicle safety report.</p> <p>7. The proprietor or proprietors as defined by Section 80 of the Local Government (Miscellaneous Provisions) Act, 1976 shall be jointly and severally responsible for the vehicle and all its fittings and equipment and shall ensure that at all times when the vehicle is in use or available for hire, it is maintained in an efficient, safe, tidy and clean condition and that all relevant statutory requirements (including in particular those contained in Motor Vehicles (Construction and Use) Regulations) are fully complied with. The regulations, amended to include rear seat passengers, who must now wear seat belts if provided is outlined below.</p> <p>8. The proprietor shall not allow the mechanical and structural specification of the hackney carriage to be varied without the consent of an Authorised Officer of the Council.</p> <p>SAFETY EQUIPMENT</p> <p>9. The proprietor of the hackney carriage shall provide and maintain to the satisfaction of an Authorised Officer an efficient fire extinguisher which shall be securely fixed to the vehicle and in easy reach of the driver at all times. The extinguisher shall be manufactured to British Standards and shall show the B.S. number.</p> <p>SIGNS, NOTICES, ETC</p> <p>10. No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provision or required or permitted by these conditions, provided however, that this condition shall not apply to a sign which:</p> <ol style="list-style-type: none"> contains no words or numbers other than the name, address and telephone number of the operator of the vehicle or the name under which he carries on his business and his business address and telephone numbers; displays sponsored commercial advertisements for which display prior permission has been obtained from the Council. <p>The proprietor shall cause to be fixed to the roof of Saloon Type Hackney Carriages an illuminated sign bearing the words "CHORLEY BOROUGH TAXI" on both the forward and rearward faces of the sign. The sign shall be capable of being so operated that when the vehicle is engaged for hire, the sign is not illuminated.</p> <p>PASSENGERS</p> <p>11(A) The proprietor shall not permit the Hackney Carriage to be used to carry a greater number of passengers than that prescribed in the licence. NOTE: It must be remembered that a licence is issued for a maximum number of passengers, be it 4, 5 or 8 (regardless of age or size) and it is an offence to carry more than the number licensed for (this may also invalidate the vehicle insurance). The allowance of two children under the age of ten being counted as one person insofar as the rear seating only is concerned is only for the purpose of the fare charged and not for increasing the number of persons being carried as passengers.</p> <p>B) Under the Motor Vehicles (Wearing of Seat Belts) Regulations 1993, all occupants of a vehicle, as described in (A), must wear a seat belt if provided.</p> <ol style="list-style-type: none"> Hackney Carriage drivers may claim exemption if plying for, or actually carrying passengers on hire, but this will not apply whilst driving to and from his home or base nor whilst not plying for hire. Private Hire drivers may only claim exemption when a fare paying passenger is actually in the vehicle and not at any other time. <p>ANIMALS</p> <p>12. The proprietor shall not permit any animal to ride in the vehicle, except an animal in the custody or control of the hirer which animal shall be conveyed in the rear of the vehicle.</p> <p>TWO-WAY RADIOS</p> <p>13. The proprietor shall ensure that any radio equipment fitted to his hackney carriage is at all times kept in a safe and sound condition and maintained in proper working order.</p>	<p>14. That any means of radio communication used by the proprietor or driver of a hackney carriage with respect to the operation thereof must be a means of radio communication using radio frequencies other than those licensed by the Department of Trade and Industry for use by Citizens Band Radio.</p> <p>The regulations, amended to include rear seat passengers, who must now wear seat belts if provided is outlined below.</p> <p style="text-align: center;">From 18 September 2006 in cars, vans and goods vehicles</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;"></th> <th style="width: 20%;">Front seat</th> <th style="width: 20%;">Rear seat</th> <th style="width: 15%;">Who is responsible?</th> </tr> </thead> <tbody> <tr> <td>Driver</td> <td>Seat belt MUST be worn if available.</td> <td></td> <td>Driver</td> </tr> <tr> <td>Child up to 3 years*</td> <td>Correct child restraint MUST be used*.</td> <td>Correct child restraint MUST be used*. If one is not available in a taxi, may travel unrestrained.</td> <td>Driver</td> </tr> <tr> <td>Child from 3rd birthday up to 135cms in height (or 12th birthday, whichever they reach first)**</td> <td>Correct child restraint be used.***</td> <td>Where seat belts fitted, correct child restraint MUST be used. Must use adult belt if the correct child restraint is not available: - in a taxi; - for a short distance for reason of unexpected necessity; - two occupied child restraints - prevent fitment of a third. A child 3 and over may travel unrestrained in the rear seat of a vehicle if seat belts are not available.</td> <td>Driver</td> </tr> <tr> <td>Child over 1.35 metres (approx 4ft 5ins in height) or 12 or 13 yrs.</td> <td>Seat belt MUST be worn if available.</td> <td>Seat belt MUST be worn if available.</td> <td>Driver</td> </tr> <tr> <td>Adult passengers (ie 14 years and over)</td> <td>Seat belt MUST be worn if available.</td> <td>Seat belt MUST be worn if available.</td> <td>Passenger</td> </tr> </tbody> </table> <p>In addition, the revised regulations also say that rear-facing baby seats MUST NOT be used in a seat protected by frontal air-bag unless the air-bag has been deactivated manually or automatically.</p> <p>* Children under 3 years MUST use the child restraint appropriate for their weight in all cars, vans and other goods vehicles, with the single exception for the rear of taxis. They cannot travel otherwise. This means for example that they may not travel in cars, vans or goods vehicles which do not have seat belts installed.</p> <p>** Examples. A 7 year old who is 140 cms tall is over the height for a child restraint and may use an adult seat belt. A 12 year old who is 130 cms tall is over the age threshold and therefore may use an adult belt</p> <p>*** If no seat belts are fitted in the front, then children under 135cms in height (who are also under 12 years of age) cannot travel in the front.</p> <p>The proprietor shall allow only one passenger to be conveyed in the front of the vehicle beside the driver. The proprietor must affix a sign provided by the Council as set out hereunder in a prominent position in the interior of the vehicle so as to enable it to be clearly visible to all passengers therein.</p> <p style="text-align: center;">'ALL PASSENGERS MUST BY LAW USE A SEAT BELT WHERE PROVIDED'</p> <p>CONVICTIONS</p> <p>15. The proprietor of a hackney carriage shall within seven days of conviction disclose to the Council in writing details of any convictions imposed on him during the currency of his licence.</p> <p>CHEQUES</p> <p>16. A licence in respect of which the licence fee has been paid by cheque shall not be effective until the cheque has been cleared.</p> <p>CHANGE OF ADDRESS</p> <p>17. The proprietor shall notify the Council in writing of any change in his address within 7 days of such change taking place.</p> <p>TOUTING, ETC.</p> <p>18. The proprietor shall not:</p> <ol style="list-style-type: none"> TOUT OR SOLICIT IN A PUBLIC PLACE ANY PERSON TO HIRE OR BE CARRIED FOR HIRE IN ANY HACKNEY CARRIAGE, OR CAUSE OR PROCURE ANY OTHER PERSON TO TOUT OR SOLICIT IN A PUBLIC PLACE ANY PERSON TO HIRE OR BE CARRIED FOR HIRE IN ANY HACKNEY CARRIAGE. <p>In this condition: "public place" includes any highway and any other premises or place to which at the material time the public have or are permitted to have access (whether on payment or otherwise).</p> <p>DRIVERS</p> <p>19. The proprietor shall not cause or procure or permit any person who is not the holder of a current hackney carriage driver's licence issued by the Council to drive the hackney carriage.</p> <p>ACCIDENTS</p> <p>20. The proprietor of a Hackney Carriage shall report to the Council as soon as is reasonably practicable, and in any case within 72 hours of the occurrence of any accident to the licensed vehicle causing damage materially affecting the safety, performance and appearance of the licensed vehicle or the comfort or convenience of persons carried.</p> <p>RECORD BOOKS AND RECEIPTS</p> <p>21. The proprietor shall ensure that a record book is kept at all times in the vehicle. This record book must show the occasions when a receipt is issued. A receipt must be given if requested and each receipt must show the licence number of the driver, the date and the amount charged. A sign should be displayed in the vehicle indicating that a receipt will be given if requested.</p> <p>METERS</p> <p>22. The taximeter that must be fitted in accordance with hackney carriage byelaws must be calibrated so that the fare shown is the current fare authorised by the Council and shall bear the Council's seal.</p> <p>RADIO SCANNERS</p> <p>23. The licensee shall not fit, carry or use any radio frequency scanning apparatus in or on a licensed vehicle.</p> <p>INSURANCE</p> <p>24. Where the insurance produced with the application for or renewal of this licence is due to expire before the date of expiry of the licence a current insurance document must be produced either on or before the date when the original insurance expires. It is the responsibility of the licensee to ensure that a current insurance document is produced to the Licensing Section; failure to do so may result in the suspension of this licence.</p> <p>ADDITIONAL LICENCE CONDITION – Applicable only to licence numbers 32 to 39 inclusive.</p> <p>25. This licence is issued specifically in respect of a vehicle constructed or adapted for the carriage of disabled persons and once granted, the licensed vehicle and any replacement vehicle must:</p> <ol style="list-style-type: none"> in the opinion of the Council be suitable for the carriage of disabled persons; at all times comply with the specification guidelines set down by the Council and for the time being in force; and/or comply with any regulations that may be made by the Secretary of State under the provisions of the Disability Discrimination Act 1995. 		Front seat	Rear seat	Who is responsible?	Driver	Seat belt MUST be worn if available.		Driver	Child up to 3 years*	Correct child restraint MUST be used*.	Correct child restraint MUST be used*. If one is not available in a taxi, may travel unrestrained.	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