

CONDITIONS ATTACHED TO THE ISSUE OF A PRIVATE HIRE VEHICLE (PHV) LICENCE

DEFINITIONS

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.
 "The identification plates" means the plates issued by the Council for the purpose of identifying the vehicle as a private hire vehicle.
 "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.

IDENTIFICATION PLATES

2. The identification plate shall remain the property of the Council at all times and shall be affixed to the private hire vehicle by the proprietor at his own expense, in the following manner:-
 (a) at the rear of the vehicle, and
 (b) to the exterior of the vehicle, and
 (c) with the number facing to the rear, and
 (d) in a vertical plane, and
 (e) 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.
3. The proprietor of the private hire vehicle shall ensure the identification plates are maintained and kept in such condition that the information contained on the identification plate is clearly visible to public view at all times.
4. Internal licence plate must be fixed to the dashboard not obscuring the drivers view or on the windscreen outside the swiped area.
5. Door signs. The vehicle shall display Council provided livery to the front driver and passenger door fixed in a readable position.

TYPE OF VEHICLE

6. (a) The vehicle must not be a vehicle approved for use as a Hackney Carriage in Chorley.
 (b) The vehicle must not be left-hand drive except for stretch limousines or vehicles of similar nature.
 (c) The vehicle must not be a convertible i.e. 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 shall not be white unless it is a stretched limousine or other similar vehicle that is acceptable for licensing as a private hire vehicle.
 (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.

CONDITION OF VEHICLE

5. The proprietor shall ensure that the private hire vehicle 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.
6. The proprietor or proprietors as defined in 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.
7. The proprietor shall not allow the mechanical and structural specification of the private hire vehicle to be varied without the consent of an Authorised Officer of the Council.

PROVISIONS REGULATING HOW PHV's ARE TO BE FURNISHED OR PROVIDED

8. The proprietor of a private hire vehicle shall
 (a) provide sufficient means by which any person in the vehicle may communicate with the driver;
 (b) cause the roof or covering to be kept watertight;
 (c) provide any necessary windows and a means of opening and closing with 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 use;
 (g) provide means for securing luggage;
 (h) provide if possible within the constraints of Construction and Use Regulations, at least two doors for the use of persons conveyed in such a vehicle and a separate means of ingress and egress for the driver.

SAFETY EQUIPMENT

9. The proprietor of the private hire vehicle 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.

SIGNS, NOTICES ETC

10. (1) 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:-
 (a) 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 number; provided that in the opinion of the Council the wording of any sign does not appear to lead any person to believe that the vehicle is a hackney carriage;
 (b) Displays sponsored commercial advertisements to be displayed on the rear passenger's doors, for which display prior written permission has been obtained from the Council.
- (2) There may be displayed within the vehicle for the information of the passengers a table of fares in a form and type of printing previously submitted to and approved by the Council.
- (3) Roof signs are not permitted on private hire vehicles.

PASSENGERS AND SEAT BELTS

11. (A) The proprietor/licensee shall not permit the Private Hire Vehicle 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.
- (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.
 (i) 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.
 (ii) Private Hire drivers may only claim exemption when a fare paying passenger is actually in the vehicle and not at any other time.
- (C) Mini-bus type vehicles must have passed a "seat belt test" unless seat belts have been installed by the vehicle manufacturer. If you need further information about the testing of seat belts, please contact the Licensing Office in Union Street.

12. The proprietor shall only allow the appropriate number of passengers it be carried in the front of the vehicle as the vehicle is designed to carry. 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.

The regulations, amended to include rear seat passengers, who must now wear seat belts if provided is outlined below.

From 18 September 2006 in cars, vans and goods vehicles

	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.	Driver
Child from 3rd birthday up to 135cms in height (or 12th birthday, whichever they reach first)**	Correct child restraint be used.***	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.	Driver
Child over 1.35 metres (approx 4ft 5ins in height) or 12 or 13 years.	Seat belt MUST be worn if available.	Seat belt MUST be worn if available.	Driver
Adult passengers (ie 14 years and over)	Seat belt MUST be worn if available.	Seat belt MUST be worn if available.	Passenger

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.

* 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.

** 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.

*** 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.

'ALL PASSENGERS MUST BY LAW USE A SEAT BELT WHERE PROVIDED'

ANIMALS

13. 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.

LICENCES

14. The proprietor shall deposit the vehicle licence issued by the Council with the private hire operator for whom the vehicle is being used during the time it is so used for that operator.

TWO-WAY RADIOS

15. The proprietor shall ensure that any radio equipment fitted to the private hire vehicle is at all times kept in a safe and sound condition and maintained in proper working order.
16. That any means of radio communication used by the proprietor or driver of a private hire vehicle 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.

CONVICTIONS

17. The proprietor of a Private Hire Vehicle 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.

CHEQUES

18. A licence in respect of which the licence fee has been paid by cheque shall not be effective until the cheque has been cleared.

CHANGE OF ADDRESS

19. The proprietor shall notify the Council in writing of any change in his address within 7 days of such change taking place.

TOUTING ETC

20. The proprietor shall not:
 (a) TOUT OR SOLICIT IN A PUBLIC PLACE ANY PERSON TO HIRE OR BE CARRIED FOR HIRE IN ANY PRIVATE HIRE VEHICLE OR
 (b) 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 PRIVATE HIRE VEHICLE.

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).

DRIVERS

21. The proprietor shall not cause or procure or permit any person who is not the holder of a current private hire vehicle driver's licence issued by the Council to drive the private hire vehicle for the purposes of any hiring.

ACCIDENTS

22. The proprietor of a Private Hire Vehicle shall report to the Council as soon as reasonably practicable, and in any case within 72 hours of the occurrence, 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.

RECORD BOOKS AND RECEIPTS

23. 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.

RADIO SCANNERS

24. The Licensee shall not fit, carry, or use any radio frequency scanning apparatus in or on a licensed vehicle.

INSURANCE

26. 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.