

Hackney Carriage Vehicle Licence Conditions

This Licence is issued subject to compliance with the Council's current Hackney Carriage byelaws and the relevant provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

1. Definitions

"Appointed Test Station" a garage approved by the Council for the purposes of carrying out a Test

"Authorised Officer" any Officer of the Council authorised in writing by the Council for the purposes of the Local Government (Miscellaneous Provisions) Act 1976

"The Council" means Bury Council

"Hackney Carriage" has the same meaning as in the Town Police Clauses Act 1847

"Identification Plates" means the plates and window identification badge issued by the Council for the purpose of identifying the vehicle as a hackney carriage vehicle

The "Licensee" is the person who holds the Hackney Carriage Vehicle Licence

"The Proprietor" means the person(s) who owns or part owns the private hire person who is in possession of the vehicle if subject to a hiring or hire purchase agreement.

"Taximeter" any device for calculating the fare to be charged in respect of any journey in a hackney carriage or private hire vehicle by reference to the distance travelled or time elapsed since the start of the journey, or combination of both

"Test" a compliance test of the vehicle undertaken at an Appointed Test Station

"Vehicle" the vehicle licensed as a Hackney Carriage

Words importing the masculine gender such as "he" or "him" shall include the feminine gender and be construed accordingly.

Where any condition below requires the Licensee to communicate with the Council unless otherwise stipulated, all communication must be with the Council's Licensing Department.

2. Identification Plates

- 2.1 The vehicle rear licence identification plate must be displayed in the authorised plate holder, obtained from the Licensing Department; and the plate must be fixed in the plate holder using the clips provided, so as to

allow it to be easily removed by an authorised officer. The plate holder should be securely fixed to the vehicle in such a way that neither it, nor the number plate are obscured; and that both are 100% visible. Cable ties are not an acceptable means of fixing plates to a vehicle or indeed to the plate holder. The front window identification badge must be displayed in the provided window holder, obtained from the Licensing Department, in the bottom passenger side of the vehicle front windscreen. It must be 100% visible.

- 2.2 The Licensee shall ensure that the 'Identification Plates' are maintained and kept in such condition that the information contained on the plate and window badge is clearly visible to public view at all times.
- 2.3 The Council has specified that the vehicle licence number, make, model and licence expiry date together with the number of passengers it is licensed to carry shall be placed on the rear identification plate attached to the vehicle. The window identification badge must be attached to the bottom passenger side of the vehicle windscreen displaying the plate number, expiry date of the licence and the numbers of passengers licensed to carry. The plate and window identification badge must not be tampered with or amended by anybody other than an Authorised Officer.
- 2.4 The licensee shall ensure that the passenger window signs, issued by the Council, shall be affixed permanently to all passenger windows of the vehicle and are not removed whilst the vehicle is licensed. The window signs must contain plate number, registration number, expiry date and the number of passengers the vehicle is licensed to carry.

3. Condition of Vehicle

- 3.1 The Licensee shall ensure that the vehicle is always maintained in a good mechanical and structural condition and be capable of satisfying the Council's mechanical and structural inspection at any time during the period of the licence.
- 3.2 The interior and exterior of the Hackney Carriage shall be kept in a clean condition by the Proprietor.
- 3.3 The Licensee shall not allow the mechanical and structural specification of the vehicle to be varied without the consent of the Council.
- 3.4 The Licensee of the vehicle shall: -
 - provide sufficient means by which any person in the vehicle may communicate with the driver during the course of the hiring;
 - ensure the interior of the vehicle to be kept wind and water tight and adequately ventilated;
 - ensure the seats in the passenger compartment are properly cushioned and covered;

- cause the floor in the passenger compartment to be provided with a proper carpet, mat or other suitable covering;
- ensure fittings and furniture of the vehicle are kept in a clean condition and well maintained and in every way fit and safe for public use;
- provide facilities for the carriage of luggage safely and protected from damaging weather conditions.

3.5 All vehicles must undertake and pass any further Test at the Appointed Test Station in accordance with Council policy (Arrangements for vehicle testing are entirely the responsibility of the Proprietor).

3.6 The Licensee must ensure that a daily vehicle check log must be completed by the licensee or driver(s) of the vehicle at the beginning of each shift. The checks to be carried out are as follows:

- Lights and indicators
- Tyre condition, pressures and tread
- Wipers, washers and washer fluid levels
- Cleanliness inside and out
- Bodywork – no dents or sharp edges
- Licence plate and vehicle identification badge present fixed in accordance with these conditions
- Any internal discs on display and facing inwards so customers can see.
- Door and bonnet stickers on display
- Tariff sheet in display
- Horn in working order

3.7 The Licensee shall ensure that he or the driver shall record the above information and keep it in the vehicle at all times and make it available to an authorised officer upon request.

4. Accidents

4.1 The Licensee shall report to the Council, in writing, as soon as is reasonably practicable and in any case within 72 hours any accident causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers. The report should contain full details of the accident damage including photos.

5. Advertisements

5.1 The Licensee may only display advertisements on the outside of a London Style Hackney Carriage which must comply with the Council's policy and for which consent has been provided by an Authorised Officer.

6. Vehicle Signage

- 6.1 The Licensee will not allow any sign, notice flag, emblem or advertisement to be displayed in or from any Hackney Carriage Vehicle without the express permission of the Council
- 6.2 The Licensee will ensure that any mandatory signs be affixed permanently to the vehicle as directed by the Council and are not removed whilst the vehicle is licensed.

7. Assistance Dogs

- 7.1 The Licensee shall permit any assistance dog to ride in the vehicle (in the control and custody of the passenger) and allow it to be carried in the front passenger seat footwell of the vehicles if required.
- 7.2 The location of the assistance dog must be agreed with the passenger at all times.
- 7.3 The Licensee will ensure that any certificates exempting drivers of the vehicle from duties to carry assistance dogs, are displayed visibly and prominently as prescribed by the Council.

8. Other Animals

- 8.1 Any other animal may be carried in the vehicle at the discretion of the driver and must be carried in the rear of the vehicle in the custody and control of the passenger.

9. Taximeters

- 9.1 The Licensee shall ensure the vehicle is fitted with a Council approved, tested and sealed Taximeter before plying or standing for hire and shall use the approved meter only.
- 9.2 The Licensee shall ensure that the Taximeter is located within the vehicle in accordance with the reasonable instruction of an authorised officer, and sufficiently illuminated that when it is in use, it is visible to all passengers.
- 9.3 The Licensee shall ensure that the authorised Taximeter is maintained in a sound mechanical/electrical condition at all times and programmed to calculate the fare in accordance with the current fares tariffs fixed by the Council.
- 9.4 The Licensee shall ensure that the 'for hire' sign is extinguished when the fare commences, and the taximeter is brought into operation.
- 9.5 The Licensee shall ensure that the 'for hire' sign is not illuminated when the vehicle is outside of its licensing district.

10. Tampering with Taximeters

10.1 Taximeters must not be tampered with by anybody other than an Authorised Officer or an approved contractor approved by the Council.

11. Fare Table

11.1 The Licensee shall ensure that a copy of the current fare table supplied by the Council is displayed and visible at all times so that it can be easily read by passengers.

12. Drivers Licence

12.1 The Licensee shall retain copies of the hackney carriage drivers' licence of each driver of his vehicle and produce the same to an Authorised Officer or Police Officer on request.

13. Communication Equipment

13.1 The Licensee shall ensure that any communication equipment, used to communicate with passengers, fitted to his Hackney Carriage is at all times kept in a safe and sound condition and maintained in proper working order.

14. Convictions and Suitability Matters

14.1 The licensee shall ensure they provide a relevant DBS certificate as required by the Council to assess their fit and proper status; and that it is kept up to date and remains 'valid' in line with the Council's policies.

14.2 The licensee will register and remain registered with the DBS Update Service to enable the Council to undertake regular checks of the DBS certificate status as necessary.

14.3 The licensee shall notify the Council if they are subject to any:

- arrest or criminal investigation,
- summons,
- charge,
- conviction,
- formal/simple caution,
- fixed penalty,
- criminal court order,
- criminal behaviour order or anti-social behaviour injunction,
- domestic violence related order,
- warning or bind over
- or any matter of restorative justice

against them immediately in writing (or in any case within 24 hours) and shall provide such further information about the circumstances as the Council may require.

15. Notifications and Licence Administration

- 15.1 For the duration of the licence, the licensee shall pay the reasonable administration charge or fee attached to any requirement to attend training, or produce a relevant certificate, assessment, validation check or other administration or notification process.
- 15.2 The Licensee shall notify the Council in writing within 14 days of any transfer of ownership of the vehicle. The notice will include the name, address and contact details of the new owner.
- 15.3 The Licensee shall give notice in writing to the Council of any change of his address or contact details (including email address) during the period of the licence within 7 days of such change taking place.
- 15.4 If requested by an Authorised Officer the Licensee must provide, in the timescale requested, in writing, to Council the following information: -
- The name of the driver and their badge number;
 - The address of the driver;
 - The company for whom the driver works for;
 - The date and time you hired / lent / leased / rented your vehicle to the driver;
 - Whose insurance the driver will be using the vehicle under;
 - Whether the driver will have sole use of the vehicle; if not sole use whom else will have access to the vehicle;
 - The expected duration the vehicle will be hired / lent / leased / rented to the driver

16. Intended Use

- 16.1 The Licensee of the Hackney Carriage vehicle licence shall ensure that an accurate and contemporaneous record is made and maintained either by himself or the driver of the vehicle, of all uses of the vehicle when being used to fulfil pre-booked hiring's on behalf of a private hire operator licensed by another local authority;
- 16.2 The accurate and complete record should include, as a minimum, the following information, and be recorded in a stitch or heat / glue bound book so as to provide a continuous record without breaks between rows: -
- date;

- time of first pick up;
- first 'pick up' point by location / name / address including house number;
- destination point by location / name / address including house number;
- the name and address of the operator on behalf of which the journey was being undertaken.

16.3 Each book shall legibly and clearly display the details of the vehicle to which it relates, including the make, model, registration number and vehicle licence number;

16.4 The record of journeys shall be available for inspection at any time by a Police Officer or PCSO; and an Authorised Officer of any local authority who through the course of their normal duties are authorised to inspect the licensed vehicle;

16.5 Each book, when full, shall be delivered to the Council's Licensing Department;

16.6 Where the Licensee wishes to maintain a record of use in any other format than set out above, prior approval must be obtained from an Authorised Officer.

17. CCTV

17.1 The licensee shall ensure that, in accordance with any Council policy, that CCTV cameras are fitted and in good working order.

NB: This proposed condition is subject to change and further consultation if CCTV is mandated either by GM or the Government. At this stage further conversations will take place with the Surveillance Commissioner and relevant parties.