

TORRIDGE DISTRICT COUNCIL

BYE LAWS FOR REGULATION OF HACKNEY CARRIAGE DRIVERS

TOWN POLICE CLAUSES ACT 1847, s.68 PUBLIC HEALTH ACT 1875, s.171

1. Throughout these byelaws, 'the Council' means 'Torrige District Council' and 'the district' means 'Torrige District'.

Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence shall be displayed.

2. (a) The proprietor or driver of a hackney carriage shall cause the number on the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and the inside of the carriage, or on plates affixed thereto.

(b) The proprietor or driver of a hackney carriage shall:

- (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
- (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided

3. The proprietor of a hackney carriage shall:

- (a) provide sufficient means by which any person in the carriage 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 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 service;
- (g) provide means for securing luggage if the carriage is so constructed as to carry luggage.

Provisions regulating the installation of taximeters in hackney carriages

4. The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements:
 - (a) The taximeter shall be fitted with a key, flag or other device, the turning of which will bring the mechanism of the meter into action and cause the word "HIRED" to appear on the face of the meter.
 - (b) Such key, flag or other device must be capable of being locked in such position so the mechanism of the meter is not in action and that no fare is recorded on the face of the meter.
 - (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the resolution of the Council in that behalf.
 - (d) The word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon.
 - (e) The taximeter shall be so positioned that the face of the meter is plainly visible at all times to the person being conveyed and shall be capable of being suitably illuminated during any period of hiring.
 - (f) The taximeter and all fittings shall be so affixed to the carriage with seals and other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying for hire within the district in their several employments and determining whether such drivers shall wear any and what badges.

5. The driver of a hackney carriage provided with a taximeter shall:
 - (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
 - (b) as soon as the carriage is hired by distance and before the beginning of the journey, bring the machinery of the taximeter into action by moving the said key, flag or other device so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
 - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972 and also at any other time at the request of the hirer.
6. The proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided with the fittings thereof or with the seals affixed thereto.

7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:
 - (a) proceed with reasonable speed to the stand fixed by the byelaw in that behalf;
 - (b) if a stand, at the time of his arrival, is occupied by the full number of hackney carriages authorised to occupy it, proceed to another stand;
 - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
 - (d) from time to time when any other carriage immediately in front is driven off or moved forward, cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward;
8. The proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for this purpose.
9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
11. The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
12. The proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such a carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
13. If a badge has been provided by the Council and delivered to the driver of a hackney carriage, he shall, when standing or plying for hire, and when hired, wear that badge in such a position and manner as to be plainly visible.
14. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:
 - (a) convey a reasonable quantity of luggage;
 - (b) afford reasonable assistance in loading and unloading;
 - (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such persons.
17. (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed from time to time by the Council to be exhibited inside the carriage in clearly distinguishable letters and figures.

- (b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time when the carriage is plying or being used for hire.

Provisions for securing the safe custody and re-delivery of any property accidentally left in hackney carriages and fixing the charges to be made in respect thereof.

- 18.** The proprietor of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
- 19.** The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him
 - (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council and leave it in the custody of the officer in charge of the office on his giving a receipt for it.
 - (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of Council, whichever be the greater) but not more than five pounds.

CONDITIONS ATTACHED TO LICENCE TO DRIVE A PRIVATE HIRE VEHICLE

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

1. General

The holder of this Licence shall comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 a copy of which is available for inspection at the Council Offices.

2. Conduct of Driver

The holder of this Licence, when acting in the capacity of a hackney carriage/private hire driver, shall:

- (a) at all times when in charge of a licensed vehicle being used for hire, wear the lapel badge provide by the Council on his/her person in such a position and manner as to be plainly visible;
- (b) at all times be clean and tidy in dress and person and behave in a civil and orderly manner;
- (c) take all reasonable precautions to ensure the safety of persons conveyed in, or entering, or alighting, from the vehicle;
- (d) assist with the loading and unloading of luggage;
- (e) unless otherwise directed by the hirer, proceed to the destination by the shortest possible route;
- (f) not act as driver of a taxi or private hire vehicle without the consent of the proprietor of the vehicle;
- (g) comply with the hirer's request not to drink or eat in the vehicle;
- (h) comply with the hirer's request not to play any radio or other sound reproducing instrument or equivalent in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
- (i) at no time cause or permit the noise emitted from any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle;
- (j) when the licensee or any servant or agent therefore has agreed the licensed vehicle shall be available for use at a previously appointed time and place ensure the vehicle is in attendance punctually unless delayed or prevented by some sufficient cause;
- (k) shall not operate the vehicle horn for the purpose of signalling to the hirer that the vehicle has arrived. This is an offence under the Road Traffic Act.
- (l) the driver of a private hire vehicle shall not:
 - use any taxi rank within the Torridge District area;
 - ply for hire or pick up fares on the highway unless previously booked;
 - obstruct any other licensed driver.

3. Medical Examination

3.1 The licence holder shall produce a medical certificate:

every five years until attaining the age of 65 years; then on the anniversary of the issue of the licence after attaining the age of 65 years.

3.2 The licence holder will be expected to comply with the Group 2 Standards of Medical Fitness to Drive as currently applied by the Drivers Medical Group, DVLA, Swansea.

4. Duties of Licence Holder

4.1 The licence holder shall, on ceasing to be employed as a driver of a licensed vehicle, surrender the licence to the Council together with the badge issued;

4.2 The licence holder must notify the Authority in writing within seven days of any change of his/her address and/or telephone number.

4.3 The licence holder must notify the Authority in writing within seven days of any conviction, caution, charge or arrest including any motoring offence imposed on him during the period of the licence;

4.4 The licence holder must notify the Authority in writing within seven days of any adverse medical condition which may render him/her unfit to drive. The Authority may require the driver to undertake at his/her own expense, an additional medical examination with his/her GP or with such medical personnel as the Authority considers appropriate in order to ascertain if the driver is sufficiently fit to drive a licensed hackney carriage or private hire vehicle.

4.5 The licence holder must report any accident or damage to the vehicle to the Authority within 48 hours from the time of the event;

4.6 The licence holder must notify the Council in writing within seven days of any change of employer by whom he is or has been employed, or by whom he is or had been operated;

4.7 The licence holder shall on request of an authorised officer of the Council produce to him his current UK or EU Driving Licence either forthwith or within five days of such request, such production to be made either to the officer or at the Council Offices, Bridge Buildings, Bideford.

5. Passengers

5.1 The driver must not carry passengers in excess of the seating capacity stated on the vehicle licence plate. A child or a babe in arms will count as one passenger. It is an offence for a driver to take more passengers than the vehicle is licensed to carry.

5.2 The driver shall not without the consent of the hirer of a vehicle convey or permit to be conveyed any other person in that vehicle.

6. Carriage of Animals

6.1 The driver must not carry in a licensed vehicle any animal which belongs to him/her or to the proprietor of the vehicle when it is being used for licensed purposes.

- 6.2 Animals belonging to passengers may be carried at the discretion of the driver provided they are safely restrained in transit.
- 6.3 The driver is required by law to carry guide, hearing and other assistance dogs accompanying disabled people without additional charge in accordance with the provisions of the Equality Act 2010. The licensing authority will only grant an exemption from this requirement on medical grounds supported by a letter from the driver's GP.

7. Lost Property

- 7.1 The driver must immediately after the termination of any hiring of a vehicle or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left there.
- 7.2 If any property accidentally left in a vehicle by any passenger, is found by or handed to the driver, the driver must leave it in the same condition in which it was found.
- 7.3 Where lost property is found, drivers should complete the necessary form on the following police website (www.devon-cornwall.police.uk/contact/lost-and-found-property/) with the items that have been found. Items will then be added to a police-approved, national database that can be viewed by police nationally. Once drivers have completed a form (which can be updated or edited at any time), they will receive a lost property reference number.
- 7.4 Most found property does not need to be passed to the police (and it will not now be accepted), but the following items should be taken to the nearest police station:
 - (a) Mobile phones, laptops, cameras – anything with an internal memory.
 - (b) Personal ID – such as passport, driving licence, bank card, utility bills.
 - (c) Drugs.
 - (d) Significant amounts of cash.
- 7.5 Those items that do not need to be taken to the police station should be kept by a driver for a minimum period of 28 days before they are then disposed of (providing arrangements have not been made for their collection). Please note that the District Council do not provide a facility for the collection or storage of lost and found property.

8. Deposit of Licence

If the driver is permitted or employed to drive a Hackney Carriage of which the proprietor is someone other than himself, he shall before commencing to drive that vehicle deposit the licence with the proprietor for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.