

LICENSING COMMITTEE

THURSDAY 8 DECEMBER 2016
7.00 PM

Bourges/Viersen Rooms - Town Hall

AGENDA

Page No

1. **Apologies for Absence**

2. **Declarations of Interest**

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests or is a "pending notification" that has been disclosed to the Solicitor to the Council. Members must also declare if they are subject to their party group whip in relation to any items under consideration.

3. **Minutes of the Meeting Held on:**

- | | | |
|-----|--|---------------|
| 3.1 | 19 November 2015 | 3 - 6 |
| 3.2 | Minutes of the Sub-Committee Hearing Held on 18 December 2015 | 7 - 10 |

4. **Proposed Taxi Policy** **11 - 30**

Emergency Evacuation Procedure – Outside Normal Office Hours

In the event of the fire alarm sounding all persons should vacate the building by way of the nearest escape route and proceed directly to the assembly point in front of the Cathedral. The duty Beadle will assume overall control during any evacuation, however in the unlikely event the Beadle is unavailable, this responsibility will be assumed by the Committee Chair.

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There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Karen Dunleavy on 01733 452233 as soon as possible.

Councillors: Ayres (Chair), G Nawaz (Vice Chairman), Allen, Fuller, P Hiller, Amjad Iqbal, Azher Iqbal, Hussain, Davidson and B Saltmarsh

Substitutes: Councillors: R Brown, M Jamil, C Ash and Bond

Further information about this meeting can be obtained from Karen S Dunleavy on telephone 01733 452233 or by email – karen.dunleavy@peterborough.gov.uk

**MINUTES OF A MEETING OF THE LICENSING COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 19 NOVEMBER 2015**

Members Present: Councillors Hiller (Vice-Chair), Coles, Iqbal, Martin, Miners, Davidson, Stokes and Bisby

Officers Present: Peter Gell, Head of Regulatory Services
Terri Martin, Regulatory Officer
Kerry Leishman, Licensing Development Officer
Colin Miles, Litigation Lawyer
Pippa Turvey, Senior Democratic Services Officer

1. Apologies for Absence

Apologies for absence were received from Councillors Thacker, Nawaz and Herdman. Councillors Stokes and Bisby were in attendance as substitutes.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes of the Meeting Held on:

3.1 3 September 2015

The minutes of the meeting held on 3 September 2015 were approved as a true and accurate record.

3.2 Minutes of the Sub-Committee Hearings Held Between August 2015 and October 2015

The following minutes of the Sub-Committee hearings held between August 2015 and October 2015 were approved as true and accurate records:

- i) 16/10/15 – 3 Langford Buildings, Alexandra Road (New Premises Licence)

4. Statement of Licensing Policy – Licensing Act 2003

The Committee received a report following consultation on the Council's Statement of Licensing Policy, as recommended by the Licensing Committee on 18 June 2015. The report sought for consideration of the representations and evidence received following the public consultation.

The Regulatory Officer presented the report and made the following key points:

- The Council was statutorily required to formulate a Statement of Licensing Policy and the current policy came into effect in 2011 and was amended in 2013.
- There had been some changes to the relevant legislation, which was reflected in the amended Policy before Committee.
- The amended Policy had been out to consultation between 6 July 2015 and 13 September 2015.

- The Committee attention was directed to data relating to Public Health (Appendix C to the report) and the Cumulative Impact Assessment Review (Appendix D to the report) as key documents.

The Committee queried whether the East Ward Councillors had been consulted with regard to a possible Cumulative Impact Area in East Ward. The Head of Regulatory Services advised that the Residents Association and Ward Councillors had been involved and it was understood that they supported the introduction of such a scheme.

Following further discussion in relation to the parameters of a Cumulative Impact Area, the Head of Regulatory Services advised that such a scheme would not address any existing problems. Statutory guidance required that all other methods should be utilised prior to the introduction of a Cumulative Impact Area. The Head of Regulatory Services felt that there was compelling evidence to retain the current 'Op-Can-Do', whilst there was not sufficient evidence to extend the Cumulative Impact Area.

The Committee discussed the significance of health data, the level of Designated Public Place Orders and the level of police involvement in the area.

RESOLVED that the Licensing Committee:

- i) Noted the contents of the report and responses received to the consultation;
- ii) Determined that the current Cumulative Impact Area covering 'Op-Can-Do' be retained;
- iii) Determined that sufficient evidence was not available to implement a Cumulative Impact Area in East Ward; and
- iv) Recommended adoption of the final Statement of Licensing Policy to Council.

5. Statement of Principles – Gambling Act 2005

The Committee received a report which outlined amendments to the Statement of Principles and sought agreement to recommend the Statement to Council.

The Licensing Development Officer presented the report and made the following key points:

- The Gambling Commission was responsible for operating licences and personal licences.
- The Local Authority was responsible for premises licences.
- At current there were 27 premises licenced for gambling in the Peterborough area.
- The Statement before the Committee was the 4th edition.
- The changes made following the review were minor in nature.

RESOLVED that the Licensing Committee:

- i) Approved the revised Statement of Principles and; and
- ii) Recommended that the Statement of Principles be adopted by Council.

6. Taxi Licensing Fees

The Committee received a report which sought approval for the new schedule of fees and charges for taxi licensing and to delegate authority to Officers to set taxi licensing fees. The report further sought agreement for operators to have the option of a 1 year or 5 year licence.

The Head of Regulatory Services presented the report and made the following key points:

- Committee were requested to set the fees prior to the change in licensing period.
- The Council was unable to make a profit from such fees.
- Following consultation with operators no feedback had been received, which was considered positive.
- Communication had been made with the trade to talk them through the changes.
- The choice provided to operators to opt for a 1 or 5 year licence aimed to assist smaller operators.
- Fees were currently approved by Committee, however it was proposed that this be delegated to officers, or officers in consultation with the Chairman.

The Committee queried why no profit could be made from taxi licensing. The Head of Regulatory Services advised that this was laid out in legislation. Any surplus income resulting from the fees required reinvestment into taxi services. The Committee further discussed the ramifications of vehicles licenced by other authorities operating in the Peterborough area. The Head of Regulatory Services explained that current legislation allowed for greater freedom of movement, and that this did cause problems. The Council ensured that issues encountered were raised with neighbouring authorities.

RESOLVED that the Licensing Committee:

- i) Approve the new schedule of fees and charges proposed for taxi licensing;
- ii) Agree to a proposal to amend the Council's Constitution to enable taxi licensing fees to be set by Officers; and
- iii) Agree that Operators will have the option of a 1 year or 5 year licence.

7. New Model Licence Conditions for Dog Breeding Establishments

The Committee received a report which sought approval to replace the existing conditions applicable for licensed dog breeding establishments, with the more comprehensive updated set of model conditions from the Chartered Institute of Environmental Health, and to adopt the new model conditions for licensed breeding establishments for dogs.

The Regulatory Officer presented the report and advised that the model conditions had been updated following the Animal Welfare Act, and were considered to be best practice.

The Committee discussed the report and questioned how regularly inspections were undertaken. The Committee further queried how a commercial dog breeding establishment was differentiated from a hobby breeder.

The Regulatory Officer explained that inspections took place every year. Inspections also took place following any complaints received. The categorisation of breeders was dependant the number of litters born per year. Two litters of puppies a year were permitted for pets to be retained by the owners. It was further clarified that no

licensed dog breeding establishments were expected to go out of business as a result of the new conditions.

RESOLVED that the Licensing Committee adopt the new Model Conditions for Licensed Dog Breeding Establishments.

8. New Model Licence Conditions for Licensed Pet Shops

The Committee received a report which sought approval to replace the existing conditions applicable for licensed pet shops with the more comprehensive updated set of model conditions from the Chartered Institute of Environmental Health, and to adopt the new model conditions for licensed Pet Shops.

The Regulatory Officer presented the report and made the following key points:

- The model conditions and guidance had been updated.
- Pages had been added in relation to specific animals (e.g. birds).
- It was advised that these conditions could be appealed at the magistrates court.

The Committee discussed whether the Council had any powers to stop Pet Shops from selling cats and dogs. The Regulatory Officer explained while there were not any known Pet Shops in Peterborough selling cats and dogs, it could be possible to remove the ability to sell cats and dogs from the schedule.

RESOLVED that the Licensing Committee adopt the new Model Conditions for Licensed Pet Shops.

9. New Model Licence Conditions for Cat Boarding Establishments

The Committee received a report which sought approval to replace the existing conditions applicable for licensed cat boarding establishments (catteries), with the more comprehensive updated set of model conditions from the Chartered Institute of Environmental Health, and to adopt the new model conditions to licensed cat boarding establishments.

The Regulatory Officer presented the report and made the following key points:

- The current conditions were adopted in 1995.
- The Welfare of Cats (Breeding and Sale) Bill was going through Parliament at the current time, which could require a new regime to be put in place.

RESOLVED that the Licensing Committee adopt the new Model Conditions for Licensed Cat Boarding Establishments (Catteries).

Chairman
7.00pm – 8:02pm

Meeting of the Licensing Act 2003 Sub-Committee
 held at the Town Hall, Peterborough on Friday, 18 December 2015

RECORD OF DECISION

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| 1. Apologies for Absence | There were no apologies for absence received. |
| 2. Declarations of Interest | There were no declarations of interest. |
| 3. Application | Review of Premises Licence – International Shop, Fitzwilliam Street, Peterborough |
| 3.1 Application Reference | MAU: 072295 |
| 3.2 Sub-Committee Members | Councillor Thacker (Chairman) Councillor Martin Councillor Coles |
| 3.3 Officers | Darren Dolby, Regulatory Officer – Licensing Colin Miles , Lawyer – Legal Advisor to the Sub-Committee Karen S Dunleavy, Governance Officer – Clerk to the Sub-Committee |
| 3.4 Applicant | Cambridgeshire Constabulary |
| 3.5 Nature of Application | <p><u>Application Type</u></p> <p>Review of Premises Licence.</p> <p><u>Summary of Review Application</u></p> <p>In accordance with section 51 of the Licensing Act 2003, following the submission of an application to review the premises licence from Cambridgeshire Constabulary, a Responsible Authority, the licensing authority was required to hold a hearing.</p> <p>The application to review, served by Cambridgeshire Constabulary, was received on 27 October 2015.</p> <p>A representation in support of the review and recommendations had been received from the Licensing Authority. Additional representations in support of the review had also been received from Trading Standards.</p> <p>A summary of the issues raised within the representations included:</p> <ul style="list-style-type: none"> • Illicit tobacco and cigarettes found hidden in the premises on two separate occasions within a short time period; • Section 11.28 of Guidance (issued under section 182 of the Licensing Act 2003) recommended that revocation of the licence even in the first instance, should be seriously considered where reviews arose and the licensing authority determined, that the crime prevention objective was being undermined through the premises being used to |

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| | <p>further crimes;</p> <ul style="list-style-type: none"> • Impact on Public Safety as the illicit cigarettes breached EU Standards which was an offence under UK regulations which required traders to supply safe goods; and • The distribution and sale of illicit goods was linked to serious and organised crime. <p>The Legal Officer also advised the Sub-Committee that Cambridgeshire Constabulary had permission to confirm the nature of the arrest, which had been originally redacted in the report in relation to a pending conviction for which the Licensee had been arrested for and was currently being detained.</p> |
| 3.6 Licensing Objective(s) under which representations were made | 1. The Prevention of Crime and Disorder |
| 3.7 Parties/Representatives and witnesses present | <p><u>Applicant / Responsible Authority</u></p> <p>PC Grahame Robinson, who presented the case on behalf of Cambridgeshire Constabulary.</p> <p><u>Responsible Authorities</u></p> <p>Trading Standards, who was present on behalf of the Licensing Authority.</p> <p><u>Licensee / Representative</u></p> <p>The Licensee was not in attendance and was no representative in attendance on behalf of the Licensee.</p> |
| 3.8 Oral representations | <p>The Regulatory Officer addressed the Sub-Committee and outlined the main points with regards to the application.</p> <p><u>Applicant / Responsible Authority</u></p> <p>PC Grahame Robinson, Cambridgeshire Constabulary addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:</p> <ul style="list-style-type: none"> • The License holder was arrested along with two other employees of the premises for the possession of Class A Drugs and was being held on remand; • The License holder was due to appear in court on 4 April 2016, with a subsequent trial to follow; • The named applicants noted within the report had shown a history of the licence applications for the premises; • There had been limited information in respect of the Licensee's arrest within the report, which was redacted, however, confirmation had been given by Cambridgeshire Constabulary to reveal the nature of arrest; • A number of concerns in regards to the management of premises in order to uphold the licence objectives had previously been raised with the Licensing team; and • Concerns had been raised previously by Cambridgeshire |

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| | <p>Constabulary over the application made by the current licence holder.</p> <p><u>Responsible Authority – Licensing Authority</u></p> <p>The Trading Standards Officer addressed the Sub-Committee. The key points raised during her address, and following questions from the Sub-Committee, were as follows:</p> <ul style="list-style-type: none"> • The two hives, which stored the illicit foreign tobacco and cigarettes were located behind tiles in the premises; • Experience had pointed the team where to look for the hives; • A price list had also been found in relation to the illicit items, which was a crucial part of evidence; • The illicit items seized had been conducted over a two day period; • A bin bag was also found under till at premises, which contained the illicit goods; and • Sections of 179 and 180 of the licencing act had been used to conduct the second investigation at the premises. <p><u>Summing Up</u></p> <p>All parties were given the opportunity to summarise their submissions and there were no further comments made by any party.</p> |
| <p>3.9 Written representations and supplementary material taken into consideration</p> | <p><u>Applicant / Responsible Authority – Cambridgeshire Police</u></p> <p>Consideration was given to the application submitted by Cambridgeshire Police and attached to the Sub-Committee report.</p> <p><u>Responsible Authorities</u></p> <p>Consideration was given to the written submissions attached to the Sub-Committee report from the Licensing Authority, Trading Standards.</p> |
| <p>3.10 Facts/Issues in dispute</p> | <p><u>Issue 1</u></p> <p>Whether the review application would further support the ‘Prevention of Crime and Disorder’ Licensing Objective.</p> |
| <p>4. Decision</p> | <p>The Sub-Committee listened to all the evidence put before it and also took into account the contents of the application and all representations and submissions made in relation to it. The Sub-Committee found as follows:-</p> <p>The Sub-Committee considered the representations made and in writing from:</p> <ul style="list-style-type: none"> • Cambridgeshire Police; • Trading Standards; and • The premises licence holder was not in attendance and was not represented. <p>In its deliberations, the Sub Committee gave consideration to the facts submitted, those being:</p> |

- The premises was entered under warrant on 13th October 2015. Some 15,040 cigarettes were found hidden in two places along with 3.9kg of hand rolling tobacco;
- The tobacco products were foreign imported products that did not comply with UK labelling regulations and HM Revenue & Customs duty had not been paid;
- On 21st October, the premises were once again searched by police officers. A further 1,560 cigarettes and 350g hand rolling tobacco was found. These products also proved to be illicit; and
- The premises licence holder is held in custody for serious drug related offences and is expected to be put on trial on 4th April 2016.

The Sub Committee considered such steps as appropriate to promote the licensing objectives. The steps were:

- (a) to modify the conditions of the premises licence
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor from the licence;
- (d) to suspend the licence for a period not exceeding three months; or
- (e) to revoke the licence.

The Sub-Committee's decision was to revoke the premises licence in its entirety for the premises, known as International Shop – 9 Fitzwilliam Street, Peterborough, PE1 2RU.

The Sub-Committee considered that given the circumstances surrounding the review and the seriousness of the allegations associated with the premises, and the quantity of tobacco seized in two visits, just days apart, led the Committee to believe that no other available remedy would suffice in order to uphold the licensing objective of the prevention of crime and disorder other than revocation.

Chairman
Start 1:30 – Finish 2:00 pm

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| LICENSING COMMITTEE | AGENDA ITEM No. 4 |
| 8 DECEMBER 2016 | PUBLIC REPORT |

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|--------------------------------|--|---|
| Cabinet Member(s) responsible: | Councillor Walsh – Communities and Environment Capital | |
| Contact Officer(s): | Terri Martin – Regulatory Officer - Licensing Peter Gell – Head of Regulatory Services Kerry Leishman – Licensing and Business Manager | Tel. 453561 Tel. 453419 Tel. 453502 |

PROPOSED TAXI POLICY

| R E C O M M E N D A T I O N S | |
|--|----------------------------|
| FROM The Licensing Team | Deadline date : N/A |
| <p>Request Members determine the following eight taxi and private hire matters, in order to incorporate proposals into a consultation on a draft taxi policy:</p> <ol style="list-style-type: none"> 1 Vehicle ages and critical failure (section 6) 2 Whether to amend the current driving test requirements (section 7) 3 Whether to replace our current health check for a group 2 health check for all drivers (private hire and hackney carriage) at application and three year renewal (section 8) 4 To introduce a requirement for operators to have a complaints procedure and to retain records of complaints (section 9) 5 To introduce a requirement to display required information within vehicles (section 10) 6 To introduce a three stage trigger point system for all drivers (section 11) 7 To introduce waiting areas for private hire vehicles to designated car parks on the outskirts of the city centre (section 12) (subject to service director approval) 8 To consult and adopt DfT model bye laws (conditions applicable to hackney carriage drivers) (section 13). | |

1. ORIGIN OF REPORT

1.1 This report is submitted to the committee following a review of best practice.

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is to obtain the committee’s views and direction of the proposed development of an overarching draft taxi policy for consultation.

2.2 This report is for the committee to consider under its Terms of Reference No. 2.5.1.3 (a) To exercise the functions of the authority as listed in Schedule 2.5.4, where these are not delegated to officers as listed at section 2.5.3, namely hackney carriage and private hire vehicle licensing.

3. TIMESCALE

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| Is this a Major Policy Item/Statutory Plan? | No |
|---|----|

4. Background

4.1 Taxi and private hire legislation is primarily concentrated in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The aim of the

legislation is to protect the public. The legislation provides a broad framework for the licensing of drivers, vehicles, and operators, but allows local authorities to set their own standards and conditions, to ensure the public travel in safe well maintained vehicles driven by competent drivers. Unlike the Licensing Act 2003 and the Gambling Act 2005, there is no legislative requirement to have an overarching policy document, however it is considered best practice to have one.

- 4.2 Currently Peterborough has the following sets of standards and conditions:
- Peterborough Conditions of Fitness for Hackney Carriage Vehicles
 - Private Hire Operators Licence Conditions
 - Peterborough City Council Private Hire Vehicle Licence Conditions
 - Peterborough City Council Private Hire Drivers Licence Conditions
 - Guidelines Relating to the Relevance of Convictions / Cautions in Relation to Taxi Licensing
 - Peterborough City Council Limousine and Speciality Vehicles Licence Conditions

5. Development of an overarching policy

- 5.1 The Local Government Association (LGA) strongly encourages licensing authorities to create a unified policy that brings together all procedures in one policy. They state; *‘Creating a single, unified policy that is reviewed on a regular basis will provide clarity for drivers and operators, as well as strengthening the councils position if there is a challenge against a decision in court.’*
- 5.2 In consideration of the LGA’s comments, a policy is being developed which will underpin and expand on the current standards and conditions, (as listed above, which have already been agreed and approved by committee), as well as providing guidance on procedural matters when making applications, recommending best practice and providing further information on other relevant matters, such as other relevant legislation, safeguarding etc.
- 5.3 In developing the overarching policy consideration has been given to available guidance such as, Department for Transport (DfT) Taxi and Private Hire Vehicle Licensing Best Practice (March 2010) and LGA Taxi and PHV Licensing Councillors’ handbook (England and Wales) September 2016, and case law. This has given rise to some questions on our current standards and conditions which we would like direction from the committee prior to consulting on a draft policy.

6 Consideration point 1 – Vehicle age limits and critical failures

- 6.1 We currently have an age limit beyond which we will not licence a vehicle. We also de-licence a vehicle, if at a certain age, it fails a mechanical inspection on a critical matter, see appendix A for critical failure list. See table below for current conditions, which were set by committee in February 2012 following requests from the trade.

| | Hackney Carriage | Private Hire |
|--|------------------|--------------|
| Maximum age at time of first being licensed | 3 years | 6 years |
| Maximum age limit for a vehicle beyond which it will not be licensed | 15 years | 10 years |
| Age at which vehicle is tested six monthly instead of annually | 6 years | 6 years |
| Critical failure age | 12 years | 8 years |

There is also a mileage limit for new private hire vehicles when entering the trade, see table below

| Age (months) | 0 - 12 | 13- 24 | 25 - 36 | 37 - 48 | 49 - 60 | 61 - 72 |
|-------------------|----------------|----------------|----------------|----------------|---------|---------|
| mileage (maximum) | No restriction | No restriction | No restriction | No restriction | 65,000 | 75,000 |

- 6.2 The reasoning behind setting a restriction is to put measures in place in order to achieve the required level of mechanical safety and that the interior and exterior of the vehicle is of a standard that is expected by the licensing authority.
- 6.3 The licensing committee took the following matters into consideration when setting the above standards:
- The opinions of the trade (both the private hire association and the hackney carriage federation)
 - The improvement of vehicle technology resulting in higher quality built vehicles which are designed to last longer, and in turn supports the worlds sustainable resources.
 - Public Carriage Office (PCO) guidelines (now part of TfL (Transport for London))
 - Environmental impact
- 6.4 The adoption of the above standards allowed vehicles to be utilised for longer than the previous standards. Critical failure was introduced at this time due to concerns that vehicles being on the road for the extra years could result in safety issues for passengers, the driver and the general public. This being an issue if vehicles were not subject to routine planned preventative maintenance in order to ensure safety. If a vehicle failed its test for any critical item, it must be assumed that the vehicle had not been part of a regular maintenance programme thus resulting in the vehicle being delicensed. See Appendix A for critical failure criteria.
- 6.5 Maintenance is a key factor with any vehicle and good practice for all commercial vehicles is to be part of planned preventative maintenance programme where all vehicles are routinely serviced to ensure safety and quality. The council expects this level of commitment from drivers and it should be noted that the twelve monthly and six monthly tests carried out by the testing centre is to confirm the level of safety and quality, rather than highlight to the driver what maintenance needs to be carried out.
- 6.6 **Matters to be considered**
 Since the introduction of these standards, the trade have questioned why a vehicle should be delicensed on a critical failure at a particular age. The trade would like the opportunity to get the vehicles repaired and re-present them for testing within a period of 30 days for another inspection rather than have them de-licensed (option 2).
- 6.7 DfT guidance states *'It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a Local Authority will not licence vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles, for example, twice yearly for vehicles more than five years old.'*
- 6.8 TfL still licence hackney carriage vehicles until they are 15 years old at which point they are de-licensed. This can be extended for a further five years (to a total of 20 years old) if the vehicle has been converted from diesel to LPG (Liquid Petroleum Gas) or, CNG (Compressed Natural Gas) or, Bio methane, or if it meets the Euro 5 emission standards.
- 6.9 An initiative similar to that operated by TfL where low emission vehicles have a five year longer life within the trade, could also be adopted in Peterborough. This could be implemented to encourage the trade to seriously consider the viability of investing in lower emission vehicles (option 4).
- 6.10 **Members are asked to consider if the current standards as detailed in the above tables, should be retained or if they should be amended.**

The following options are for members to consider.

- Option 1 -** Retain the status quo in all regards
Option 2 - If a vehicle has a critical failure at the appointed age, suspend the vehicle, rather than delicense, and allow for a retest within 30 days

- Option 3 -** Remove age restrictions so that vehicles can be licensed for unlimited duration so long as they pass mechanical tests, with ability for retest within 30 days for critical failures.
- Option 4 -** Extend the age limit for an extra five years for low emission vehicles, for each type, so that a low emission hackney could be licensed up to 20 years and a private hire up to 15 years old.

7 Driving tests

- 7.1 Prior to becoming a licensed driver (hackney carriage and private hire) all applicants are currently required to take a driving test which assesses; driving ability, control of the vehicle, awareness of controls within the vehicle, and local knowledge without the use of satellite navigation equipment. Hackney carriage drivers must also be able to demonstrate that they can safely load and unload a disabled person confined to a wheelchair into the vehicle and ensure that the wheelchair is safely secured and the passengers seat belt is secured.
- 7.2 Applicants for hackney carriage drivers licence are asked to drive to five streets and two places of interest within Peterborough chosen randomly, and must be able to drive the shortest route between them, as the law requires that the driver must not unnecessarily prolong a journey. Due to the immediate booking ability of these vehicles and drivers, they must have a good local knowledge of the area. The requirement for hackney carriage drivers to have a driving test is to remain.
- 7.3 Applicants for private hire drivers licence are currently asked to drive to three districts and two places of local interest within Peterborough chosen randomly, and must be able to drive the shortest route between them.
- 7.4 One of the key differences between the vehicles is that a private hire vehicle, unlike a hackney carriage, cannot ply for hire, which means that all journeys are pre-booked in advance through a licensed operator and the fare is agreed at this point. As it is pre-booked, the driver has the opportunity to check the details of the route with a map or satellite navigation equipment before starting the journey. Also the fare is pre-agreed so if it is not the shortest route, the passenger is not financially penalised.
- 7.5 DfT best practice guidance states *'So it may be unnecessarily burdensome to require a would be PHV driver to pass the same 'knowledge test as a Taxi driver, though it may be thought appropriate to test candidates ability to read a map and their knowledge of key places such as main roads and railway stations.'*
- 7.6 We are not necessarily non-compliant with the DfT best practice, as the two 'knowledge' tests are different. The hackney carriage test requires knowledge of streets with five nominated, whereas the Private Hire test requires knowledge of districts (general areas e.g. Paston or Bretton) with three nominated. Both require two places of interest.
- 7.7 In formulating and devising the draft policy, we looked at many other local authority policies to assess best practice. Our findings indicate that most other local authorities use external providers for the driving test. This ensures that the person undertaking the role of examiner is specifically trained in this role.
- 7.8 DfT notes that DSA (Driving Standards Agency) provide a driving assessment specifically designed for taxis. However, from 31 December 2016, DSA will no longer offer this service, but other assessors are available, such as ROSPA and Blue Lamp Trust. These providers have experience of delivering taxi testing alongside the DVSA and can provide this service nationally using DVSA approved fleet assessors.
- 7.9 **Members are asked if they wish to retain the current system or replace with one of the options provided below.**

- Option 1 - Retain current in house driving tests for hackney carriage drivers and private hire drivers
- Option 2 - Retain driving tests for hackney carriage and private hire drivers but use an external provider
- Option 3 - Remove the requirement for a private hire driver to take a driving test.

7.10 There is no option for hackney carriage driving tests to be removed, due to the immediate nature of booking and the safety requirement for disabled passengers. However, there is the option for it to be provided by an external provider.

8. **Should we retain our current health checks or should we adopt the group 2 medical**

8.1 The council can only licence drivers which are 'fit and proper'. To achieve this, the council requires information from various sources, one of which is a completed health check from the applicants doctor. The applicant is required to provide the completed health check with the submission of their application, and is required again at 55 years, 60 years, 65 years and annually thereafter. Any fees incurred for this medical check to be completed are the responsibility of the driver.

8.2 The current checklist, includes questions regarding the drivers general health, such as blood pressure, sight, hearing, and any pre-existing conditions which may affect their driving ability such as epilepsy vertigo, etc. It asks the doctor for their opinion on the drivers ability to undertake the role of a licensed driver, so it may be subjective.

8.3 The group 2 medical is nationally recognised standard, it asks similar questions, but is prescriptive rather than subjective. For example, on blood pressure, it provides a maximum and minimum tolerance and asks about other relevant medical conditions which may affect a persons ability to drive. It is a requirement by DVLA (Driver and Vehicle Licensing Agency) for those who wish to drive heavy goods vehicles (HGV) such as lorries, and public service vehicles (PSV) such as buses and minibuses. The HSE (Health and Safety Executive) also recommend it for those who drive predominately at night. DVLA and DfT also recommend it as best practice for taxi and private hire drivers, but accepts that it is for each local authority to determine. See link below:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/526635/assessing-fitness-to-drive-a-guide-for-medical-professionals.pdf

8.4 It is essential that licensed drivers are in good health as they are expected to carry passengers luggage, will drive on the road for longer periods than most car drivers and may have to assist disabled passengers and therefore we must be satisfied that the applicant/licence holder is fit enough to undertake these tasks and that any pre-existing medical condition is disclosed and under control to the satisfaction of a general practitioner (GP) and the council.

8.5 Research indicates that a majority of other councils have already adopted the group 2 medical requirements, including neighbouring authorities, (South Kesteven District Council, Fenland, South Holland District Council, Rutland and East Northampton). All authorities which have adopted the group 2 medical requirements, require a medical certificate for new applications, there are however differences of when a subsequent certificate would be required.

8.6 Some authorities require a new medical at the age of 45 then every five years until the driver is 65 then annually. Some require every five years until 65 then annually, others require every three years, which is consistent with the drivers badge renewal and DfT best practice.

8.7 **Would Members like to retain the current health check or adopt the group 2 medical standard? With a requirement for a new group 2 medical to be submitted with all new applications, then every three years upon renewal and then annually thereafter when the driver reaches 65.**

9. Should we introduce a requirement for operators to have a formal complaints policy and procedure and for these records to be retained and made available to officers?

9.1 The current requirement for operators regarding complaints is contained within Section 12 of our operator's licence conditions. Please see below:

12 (a) The operator shall, on receipt of any complaint relating to a contract for hire or purported contract for hire relating to or arising from his/her business, immediately notify the complainant of his/her rights to forward the complaint to the council.

12 (b) Any complaint shall be investigated immediately by the operator and the complainant notified of the outcome within 24 hours.

12 (c) Where a complaint is investigated by an authorised officer of the council the operator shall conform to any directions of the officer in respect of that complaint.

9.2 The proposal is to amend these conditions by requiring operators to have a formal process and procedure in place, which is freely available to customers, for the complaints to be documented and records retained and made available to an authorised officer.

9.3 Most other types of businesses which provide a service are already required to have a system for dealing with complaints, as it is a requirement of The Provision of Services Regulations 2009 and/or covered by the Consumer Rights Act 2015.

9.4 If a customer is aggrieved in any way by the service provided either by the operator or the driver, they should be able to contact the operator and make their complaint to them for appropriate resolution. The operator should have the right to try and resolve the complaint in the first instance without unnecessary regulatory burden. Responsible operators should monitor complaints to ensure that the drivers and vehicles they utilise, continue to meet safety standards and the expectations of the traveling public.

9.5 Where customers have approached the operator and remain dissatisfied with the outcome, they should be informed that they can further their complaint to the licensing department, thereby affording customer protection.

9.6 The proposal is to remove the existing conditions in section 12 and replace them with the following:

12 (a) Operators must have a complaints procedure and policy in place which must be freely available to all customers. The policy and procedure must as a minimum include and document the following matters:

- (i) the way in which customers can complain, including the operators business name and telephone number,
- (ii) when the complaint was made (date and time),
- (iii) who made the complaint,
- (iv) the nature of the complaint,
- (v) when the complainant can expect to be contacted by the operator regarding the complaint (not more than 72 hours from receipt),
- (vi) the resolution offered by the operator, and
- (vii) that the complainant may further their complaint to the licensing department if they remain unsatisfied with the operators resolution.

12 (b) The operator is responsible for ensuring that the complaint records are documented in a written or electronic format, contain all the information required in 12 (a) (ii) to (vi), be retained for a minimum period of six months and made available to an authorised officer.

12(c) These requirements are to remain the responsibility of the operator who accepted the booking, even where the booking has been subcontracted.

12(d) All vehicles utilised by the operator (except where subcontracted to another operator) must clearly display the following information in a conspicuous

unobscured place, which can be easily read by a passenger travelling in the rear and front of the vehicle, the business name of the operator, the following text 'Please call (insert telephone number) should you have a complaint about your journey'.

12(e) Operators must monitor complaints to see if there are any trends, or if they relate to particular drivers or vehicles. Where a trend is apparent, appropriate action must be taken by the operator to address the issue.

12(f) If an operator is made aware of a safeguarding or serious complaint relating to the 'fit and proper' status of a driver, they must notify the council immediately and provide details of the actions taken by the operator.

9.7 The operator is the controlling influence of the business and they need to accept the responsibility for ensuring that their customers travel in a manner which is safe and promotes good customer service. Responsible operators will want to ensure continued customer satisfaction but must inform the licensing department if any serious concerns come to their attention. The proposed conditions allow a certain amount of self-regulation without intervention, whilst still affording customer protections. The requirement for operators to monitor complaints will provide a clear focus on where improvements can be made.

9.8 **Would members like to retain the current conditions in section 12 of the private hire operators licence conditions, or would they like to replace them with the new section 12 conditions (a to f) as proposed above?**

10 To introduce a requirement to display required information within vehicles

10.1 Following on from the above we would like members to consider if it is appropriate for vehicles to display certain other required information in a conspicuous place within the vehicle.

10.2 The required information would be in addition (and complementary) to the above, and include, the vehicle registration number, the licence plate number and the drivers badge number and photo. All of this information would be expected to be on one notice in two parts to allow them to be interchanged.

Part one containing the operator information and telephone number for a complainant to contact, the vehicle registration number and licence plate number.

Part two to contain the drivers badge number and photo.

10.3 This would then allow for drivers to drive for more than one operator and for operators to allow vehicles to be driven by different drivers. The introduction of this would afford further customer protection, by providing all the information in a transparent manner, should the customer have cause to complain.

10.4 Most people, when using private hire vehicles, do not automatically make a note of the licence plate number, registration number, or the drivers badge number before they get in a private hire vehicle, as most journeys take place without incident, this isn't always a problem. However, if the person does have concerns, they can only get the information after they have exited the vehicle and it is being driven away. They may also feel it is confrontational to request to see the drivers badge, especially if they have had a difficult journey.

10.5 By requiring the display of this information inside the vehicle, a customer who had concerns, could see and make note of, or photograph the notice, so that they can contact the operator with all the information they need to make a complaint or raise their concerns. This would also be more efficient for the operators as it would enable them to quickly and easily identify the driver or vehicle in question.

10.6 The proposal would be to add a condition to the current private hire operators licence conditions and to the private hire drivers licence conditions, as the responsibility to display the required information is incumbent on both parties. Part one of the notice on the operator and part two of the notice on the driver.

10.7 The proposal would be to further extend condition 12(d) (of the private hire operators licence conditions) above to read;

12(d) All vehicles utilised by the operator (except where the booking is subcontracted to another operator) must clearly display the following information in a conspicuous unobscured place which can be easily read by a passenger travelling in the rear and front of the vehicle,

The business name of the operator,

The following text 'Please call (insert telephone number) should you have a complaint about your journey'.

The vehicle registration number, and

The vehicle licence plate number

This will be further referred to as the part one notice

10.8 It would also add the following condition to the private hire drivers licence conditions.

Prior to accepting any bookings, the driver must ensure that his drivers badge number and photo (hereafter referred to as the part two notice), is displayed in the vehicle in a conspicuous unobstructed way to enable a person in the front or back of the vehicle to read it.

10.9 **Do members wish to implement the requirement to display certain required information within the vehicle, thereby requiring the extra condition within the operators licence conditions and the extra condition on the private hire drivers licence conditions?**

11 To introduce a three stage trigger point system for all drivers

11.1 Officers deal with complaints and issues relating to drivers on a daily basis. Serious complaints with relevance to their fitness as a driver are investigated and appropriate action is taken. However, less serious complaints and minor infringements are not investigated to the same degree. But the accumulation of several complaints and infringements could highlight that there is a cause for concern with a particular driver.

11.2 In developing the draft policy we want to be transparent about our investigation and enforcement protocols and our constant strive for compliance in the interests of public safety. It is therefore proposed that the policy reflects that an accumulation of complaints will not go unnoticed and certain breaches of conditions or legalisation and complaints of a serious nature may be acted upon immediately.

11.3 It is proposed that there is a trigger point system in place and actions may be taken if certain trigger points are reached.

Trigger point one will be reached if three complaints are received regarding the same driver within a six month rolling period.

Trigger point two will be reached if during a further period of six months another two complaints are received.

Trigger point three will be reached if a complaint of a serious nature and or a breach of certain conditions or legislation is made. It will also be reached if during the period of 12 months six complaints are received.

- 11.4 Each incident, complaint, breach, or infringement against a driver will be considered on the individual circumstances of each case and as an accumulation.
- 11.5 When trigger point one is reached, an officer will review the drivers record and the issues which lead to the trigger point being activated. This may highlight an issue which requires the officer to contact the driver, or ask him to attend the council offices to see if support can be offered, such as a training need, or if any other action may be required.
- 11.6 When trigger point two is reached, the officer will again review the drivers record and the driver will be requested to attend an interview to discuss each issue which lead to the trigger point being activated. Other enforcement action may be considered if appropriate.
- 11.7 When trigger point three is reached this may lead to a formal warning, prosecution, immediate suspension or revocation of the drivers licence, even in the first instance, where there is an immediate public safety risk.
- 11.8 Members may be cautious in adopting and implementing any points based system against drivers as it has caused concern within the trade where councils have implemented such systems. These concerns are where an automatic sanction is applied if a certain limit is reached. The system we propose does not automatically lead to a sanction, just that the officer will review the history of what triggered the stage point then take appropriate action which could be to do nothing.
- 11.9 **Do members wish the policy to reflect the three stage trigger point system?**
- 12 To introduce waiting areas for private hire vehicles to designated car parks on the outskirts of the city centre, (subject to Service Directors Approval)**
- 12.1 Within the current private hire drivers licence conditions, condition number eight provides, *'The driver of a private hire vehicle shall return the vehicle to base, having allowed a passenger to alight, unless the vehicle is hired and required to proceed to another location.'*
- 12.2 This condition was introduced to avoid and ease congestion and to further prohibit the illegal practice of private hire drivers plying for hire or touting. It does however, have the inadvertent negative effect on the environment with the extra 'toing and froing' using fuel and it can also add to congestion where the operators base is situated.
- 12.3 It is proposed that this condition is removed and replaced with the following: *'Once a passenger has alighted the vehicle, the driver may park the vehicle whilst waiting for the next booking, so long as there are no parking restrictions, it is not causing an obstruction, and not within the city centre. private hire vehicles and drivers waiting for their next booking within the city centre will be required to wait in the following designated car parks, Wellington Street, Worrina, or Pleasure Fare.'*
- 12.4 The introduction of this amendment is intended to still keep the city centre free of congestion and added pollution, and does not create extra congestion at the operators office, it also cuts down the fuel usage and overall environmental impact.
- 12.5 The policy will also advise private hire drivers, that the parking orders within the car parks require drivers to switch off their engines, the car parks chosen are covered by CCTV and any illegal plying for hire or touting by drivers will be subject to enforcement action.
- 12.6 Members need to be aware that should they agree to the proposed amendment of this condition, it would be subject to approval from the service director, as the TRO (Traffic Regulation Order) will need to be amended to allow the private hire vehicles to park and wait in their vehicles without purchasing a ticket.
- 12.7 **Do members agree to the amendment of the condition which will introduce waiting areas for private hire vehicles to designated car parks on the outskirts of the city centre?**

- 13. Do members agree to consult and adopt the DfT model byelaws for hackney carriage drivers?**
- 13.1 The Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 allow for conditions to be applied to hackney carriage vehicle licenses, concerning such matters as design, appearance etc.
- 13.2 There is conflicting case law when it comes to attaching conditions to a hackney carriage drivers licence. However, The Town and Police Clauses Act 1847 allows for local authorities to adopt byelaws for regulating hackney carriage proprietors and drivers. The byelaws are effectively conditions put in place when a licence is issued.
- 13.3 The DfT have produced a set of model byelaws for hackney carriages as a basis for local authorities, which cover the range of standard controls which most local authorities would want to impose and the DfT would expect local authorities to base their byelaws on the model.
- 13.4 The existing byelaws are too restrictive and do not reflect DfT best practice and are in need of modernisation. Therefore it is proposed at some stage in the near future we will be applying to Secretary of State for new byelaws to reflect modern practice.
- 13.5 By modernising and adopting the model set of byelaws, it will put the 'conditions' applicable to hackney carriage drivers on a statutory footing thereby allowing action to be taken if they are breached. Please see appendix B for the DfT model byelaws.
- 13.6 Do members agree to the proposal of adopting and consulting on the DfT model byelaws?**
- 14. ANTICIPATED OUTCOMES**
Members will provide a direction for the development of an overarching private hire and hackney carriage policy for consultation in line with best practice.
- 15. CONSULTATION**
After members determine the contents of this report, a draft policy will be formulated and the consultation process will take place with stakeholders, starting mid December 2016 for six weeks until early February 2017.
Following consultation a report with the final draft policy will be presented to the committee for approval for adoption in March 2017.
- 16. REASONS FOR RECOMMENDATIONS**
It is considered best practice by the LGA (Local Government Association) and the DfT (Department of Transport) to have an overarching policy in place. The creation of an overarching policy will provide clarity for drivers and operators, as well as strengthening the councils position if there is a challenge against a decision in court.
- 17. ALTERNATIVE OPTIONS CONSIDERED**
Retain the status quo
- 18. FINANCIAL IMPLICATIONS**
The costs incurred will relate to the fee for the consultation advert and the potential TRO amendment, which are likely to be under £1,000. All costs will be offset from income revenue. Any increase in service delivery costs will be assessed and the licensing fees charged can be adjusted to ensure the regime operates on a cost recovery basis.
- 19. BACKGROUND DOCUMENTS**
Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)
Town and Police Clauses Act 1847
Local Government (Miscellaneous Provisions) Act 1976
DfT Hackney Carriage Byelaws Guidance notes and model byelaws 2014

House of Commons Briefing Paper Taxi and private hire vehicle licensing in England and Wales August 2016
DfT Taxi and Private Hire Vehicle Licensing Best Practice Guidance March 2010
LGA Taxi and PHV licensing Councillors' handbook (England and Wales) September 2016

20 APPENDICES

Appendix A Critical failure List
Appendix B DFT model Byelaws

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Testing criteria for vehicles which have reached the standard age limit

The licensing department has now implemented essential testing criteria for vehicles that fail tests starting from the commencement of the extended period (from year 8 for private hire and year 12 for hackney carriages). Where a failure occurs in this period relating to one or more of the critical items as highlighted on the critical items list overleaf then the vehicle will be immediately de-licensed and will no longer be regarded as suitable for service. The type of failure is what should be considered as being major and would indicate that regular preventive maintenance has not been carried out, or if it has it has not been effective.

Hackney Carriage

Tests carried out between 12 and 15 years of age

Private Hire Vehicles

Tests carried out between 8 years and 10 years of age

The table below highlights the items that the council considers to be critical areas of a vehicle test. Therefore if a vehicle fails its vehicle test on any of the items highlighted below the vehicle will be considered no longer fit for service and will be de-licensed immediately.

Vehicles should be presented to the testing centre in a good serviceable condition, and subject to routine planned preventative maintenance in order to ensure the safety of passengers, the driver and the general public. Therefore if a vehicle fails its test for any of the items below it must be assumed that the vehicle has not been part of a regular maintenance program thus resulting in the vehicle being de-licensed.

| Critical Items | |
|-----------------------------------|--|
| Steering and suspension | |
| Steering mechanism / system | Failure will result in immediate de-licence of vehicle |
| Transmission shafts | Failure will result in immediate de-licence of vehicle |
| Front suspension | Failure will result in immediate de-licence of vehicle |
| Rear suspension | Failure will result in immediate de-licence of vehicle |
| Brakes | |
| Condition of service brake system | Failure will result in immediate de-licence of vehicle |
| Condition of parking brake system | Failure will result in immediate de-licence of vehicle |
| Tyres and Wheels | |
| Tyre type and condition | Failure will result in immediate de-licence of vehicle |
| Road wheels | Failure will result in immediate de-licence of vehicle |

| | |
|-----------------------|---|
| General | |
| Exhaust emissions | Failure will result in immediate de-licence of vehicle |
| Vehicle structure | Failure will result in immediate de-licence of vehicle |
| Appearance - interior | Must be clean and tidy and presented in a good condition |
| Appearance - exterior | Must be clean and tidy and presented in a good condition |
| Road test | Where an issue is highlighted by the testing centre this will be determined on an individual basis depending on diagnosis |

Model Byelaws for Hackney Carriages

BYELAWS

Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the council of *[name of council]* with respect to hackney carriages in *[name of district]*.

Interpretation

1. Throughout these byelaws "the Council" means *[name of council]* and "the district" means *[name of 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 of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.

(b) A 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; and
 - (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 water-tight;

- (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;
- (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use; and
- (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

4. ¹The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached and maintained as to comply with the following requirements, that is to say -

- (a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
- (b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- (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 time as well as for distance in pursuance of the tariff fixed by the Council;
- (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 placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and
- (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be

¹ (a) An assurance should be given that proprietors of cabs already fitted with taximeters will have no difficulty in complying with the byelaws relating to taximeters and, where the byelaws will require all cabs to be fitted with meters, that the other proprietors will be able to obtain and fit suitable meters and "FOR HIRE" signs by the time the byelaws may be expected to come into operation.

(b) Where the Council wishes to require all cabs to be fitted with a taximeter, the following form of words may be used:

"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, that is to say:-

(c) Where taximeters are not in use and their use cannot be foreseen, model byelaws 4, 5 and 6 may be omitted. If they are omitted, the heading preceding model byelaw 5 should remain.

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 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) before beginning a journey for which a fare is charged for distance and time, 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; and
 - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.
6. A 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 one of the stands appointed by the Council;
 - (b) if a stand, at the time of his arrival, is occupied by the full number of 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; and
 - (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. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.

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. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
12. 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 position and manner as to be plainly visible.
13. 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; and
 - (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 person.

Provisions fixing the rates or fares to be paid for hackney carriages within the district and securing the due publication of such fares

14. (i) The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by a combination of distance and time unless the hirer express at the commencement of the hiring his desire to engage by time.

(ii) ²Where a hackney carriage furnished with a taximeter is hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

² This provision should be included whether or not taximeters are introduced in case they are introduced on a voluntary basis before further byelaws are made.

15. (i) The proprietor of a hackney carriage shall cause a statement of the fares fixed by council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- (ii) 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 while the carriage is plying or being used for hire.

Provisions 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

16. The proprietor or driver 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.
17. 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 Council³ and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and
- (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 the Council, whichever be the greater) but not more than five pounds.

Penalties

18. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefor.

³ It may be desired to substitute "a police station in the district". In this case, an assurance will be required that the consent of the police has been obtained.

Repeal of Byelaws⁴

19. The byelaws relating to hackney carriages which were made by Council⁵ on the day of and which were confirmed by⁶ on the day of are hereby repealed.

⁴ If there are no byelaws in force upon the subject, this should be stated and the clause struck out

⁵ State the names in full of all local authorities whose byelaws are to be repealed

⁶ State the confirming authority