

## Consultation on Draft Byelaws for Hackney Carriages

Following on from the recent consultation and adoption of Peterborough City Council's Hackney Carriage and Private Hire Licensing Policy, the council is now consulting on new draft Byelaws for Hackney Carriages, and once again invite your comments. The draft byelaws are available on the council's website at [www.peterborough.gov.uk/council/consultations](http://www.peterborough.gov.uk/council/consultations) and at Bayard Place and the Town Hall.

The council has attained confirmation from the Secretary of State to advertise and consult with stakeholders on the content of the byelaws.

The consultation period will run from 24<sup>th</sup> August 2017 to 21<sup>st</sup> September 2017. Should you wish to respond and make comment, please ensure that you do so prior to the end of the consultation period, to ensure your comments can be properly considered, prior to adoption of the final byelaws.

Any person who wishes to respond to the consultation may do so in the following manner:

In writing to: Consultation Officer, Peterborough City Council, Licensing Department, Town Hall, Peterborough, PE1 1FA

Or by email to: [lpc@peterborough.gov.uk](mailto:lpc@peterborough.gov.uk)

Please note: We are unable to accept verbal responses, however, should any person require any further information or clarification on the byelaws or the consultation process, please call 01733 747474 and ask for the licensing team. Please be aware that unless exceptional circumstances exist, the names of those who respond to the consultation will be released into the public domain.

The draft byelaws are based on the Department for Transport (DfT) Model byelaws. For ease of reference, the text shown in highlighted yellow, is where the council has deviated from the model.

Many of the requirements remain unchanged, however, for clarity, the main amendments are listed below:

- Condition 3.1(j): no material changes to the appearance of hackney carriages without prior approval
- Condition 3.2: requirement to display Part 1 and Part 2 notice
- Condition 12: requirement to return all expired badges to the council
- Condition 14: appropriate carriage of children within the vehicle
- Condition 15: drivers duty to notify the council of significant changes
- Condition 16: proprietors duty to notify the council of any safeguarding issue or serious complaints against a driver.
- Condition 17: conduct of driver when hired
- Condition 18: advertising in or on hackney carriages to be approved by the council
- Condition 19: conduct of driver when hired
- Condition 20: requirement to provide a receipt free of charge



# Draft 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 Peterborough City Council with respect to hackney carriages in Peterborough.

### Interpretation

- 1 Throughout these byelaws “the council” means Peterborough City Council and “the district” means the City of Peterborough

### 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, displayed on the outside of the carriage on plates affixed thereto, in such a manner as to be easily removed by an authorised officer of the council or by a police officer.
- 2 (b) A proprietor or driver of a hackney carriage shall –
- (i) Not wilfully or negligently cause or suffer any such plate 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 plate so defaced that any figure or material particular is illegible.

### Provision regulating how hackney carriages are to be furnished or provided

- 3.1 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 and first aid kit which shall be carried in such a position as to be readily available for use;
  - (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, and
  - (j) Make no material change to the specification design or appearance of the hackney carriage without the prior approval of the council.
- 3.2 The driver of a hackney carriage shall cause the display of a notice in the inside of the vehicle, containing the following information in a conspicuous unobscured place so that it can be easily read by a passenger travelling in the rear and front of the vehicle;
- The name of the vehicle proprietor
  - The contact telephone number where a customer can make a complaint or report a concern, e.g. 'Should you wish to comment positively or negatively on any aspect of your journey today, please call (insert telephone number)'
  - The vehicle registration number
  - The vehicle licence plate number
  - A photograph of the licensed driver who is driving the hackney carriage at that time and
  - That drivers licence number

- 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, 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 practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.
  - (g) The taximeter must comply with paragraph 9 of Schedule 1, or paragraph 13 or Schedule 2 to the Measuring Instruments Regulations 2016 (SI 2016 No 1153).

**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 be clean and smart in their appearance and 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 person specified on the plate affixed to the outside of the carriage.
- 12 The badge provided by the council and delivered to the driver of a hackney carriage shall be worn by the driver when standing or plying for hire, and when hired, in such position and manner as to be plainly visible. All expired badges must be returned to the council.
- 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.
- 14 A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in the front seat of the vehicle any person under 12 years of age unless an infant of 2 years or less conveyed in a seat or cot approved for that purpose by the British Standards Institute (or any other body carrying out the functions of the said Institute) and securely fixed to the front seat of the vehicle.
- 15 The driver must notify the council in writing within seven days of any significant changes which occur whilst they are licensed. Such as, changes in health status which may affect ability to drive, all convictions, cautions and arrests, including penalty points issued by DVLA, or any other matter which may question their fit and proper status.
- 16 If a proprietor is aware of a safeguarding issue or serious complaint concerning the 'fit and proper' status of a driver, they must notify the licensing authority immediately or as soon as practically possible including any actions taken
- 17 The driver of a hackney carriage must not eat or drink in the hackney carriage when hired, or consume alcohol whilst standing or plying for hire or when hired.
- 18 The driver of a hackney carriage vehicle must not display or permit to be displayed on or in the hackney carriage any advertising without the prior approval of the council.
- 19 Without the express consent of the hirer, the driver must not play any radio or sound reproducing equipment in the vehicle, other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
- 20 The driver shall if requested by hirer of the hackney carriage, provide a written receipt, free of charge.

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

- 21 (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) Where 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.
- 22 (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 which the carriage is plying or being used for hire.

**Provision 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**

- 23 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.
- 24 The proprietor or driver of a hackney carriage shall, if 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 Thorpe Wood Police Station 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**

- 25 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.

**Repeal of Byelaws**

All prior byelaws relating to hackney carriages which were made by Peterborough City Council are hereby repealed. This byelaw shall come into force on .....

The Common Seal of Peterborough City Council was hereunto affixed in the presence of:

Authorised Signatory:

**The common seal of Peterborough City Council will be hereunto affixed, dated and signed, following consultation, any revision agreed by virtue of the consultation process and confirmation from the Secretary of State. The above byelaws will then take effect four weeks after receiving confirmation from the Secretary of State.**