

PROPOSED
HACKNEY CARRIAGE DRIVERS
EXPLANATORY GUIDANCE NOTES AND LICENCE CONDITIONS

A. Explanatory Guidance

1. The licensing provisions relating to hackney carriage drivers are contained in the Town Police Clauses Act 1847 ('the 1847 Act') and Part II of the Local Government (Miscellaneous Provisions) Act 1976 ('the 1976 Act') and every applicant should be aware and become familiar with the provisions. Every applicant is advised to seek his/hers own legal advice on the statutory requirements of the 1847 and the 1976 Acts.
2. A hackney carriage driver is a person who requires a licence from the West Berkshire District Council ('the Council') before he/she can drive a licensed hackney carriage. To obtain a licence an applicant must be 21 years of age or over, and must have held a driving licence (not provisional licence) granted under Part III of the Road Traffic Act 1988 for at least twelve months prior to the date of the application.
3. A licence may be obtained by making an application to the Council. Each applicant must submit to the Council:-
 - (1) a completed application form;
 - (2) a driving licence;
 - (3) a satisfactory medical certificate from a doctor in the form provided (where required);
 - (4) the appropriate licence fee;
 - (5) a Criminal Records Bureau Disclosure Application form
 - (6) In the case of the first application:-

Undergo a test designed to demonstrate the applicant's knowledge of roads and places within the licensing area. This will include questions designed to test knowledge of the shortest route between two points.
4. The cost of obtaining a medical certificate is to be met by the applicant, who will be required to submit medical certification with every application where the applicant is over the age of 65 or at such other time as may be reasonably required by the Council. This fee is set by the medical authority and may change from time to time.
5. The fee for a criminal records bureau check is set by the Bureau and may change from time to time. The Council will charge a processing fee for each application it processes. Checks will be required every three years at renewal or upon first being licensed.
5. Licences will be granted for three years.

6. If a licence is granted an identification badge will be issued. This must be worn in such a position and manner as to be plainly and distinctly visible at all times.
7. The Council has the power to attach conditions to a Hackney Carriage Driver's Licence. The standard conditions approved at present are set out below. The Council may attach additional conditions in appropriate circumstances. Applicants are requested to study the conditions and ensure that they comply with them.
8. If a driver is aggrieved by any of the conditions attached to the licence he/she may appeal to a Magistrates Court within twenty-one days of the issue of the licence. Before lodging an appeal a driver is advised to seek legal advice.
9. The Council has the power under the 1847 and the 1976 Acts to prosecute any driver who fails to comply with the conditions attached to his/her licence or fails to comply with the Council's Bylaws or take any other action as deemed necessary.
10. In these guidance notes and in the conditions set out below the masculine shall include the feminine and the singular shall include the plural and vice-versa.
11. The Council has the power under the 1976 Act to revoke, suspend or refuse to renew licences after conviction for various offences or for failure to comply with the relevant provisions of the 1847 and the 1976 Acts. or for any other reasonable cause.
12. The administration and the enforcement of the 1847 and the 1976 Acts, the Council's bylaws and the standard conditions set out below are carried out by the Council's Public Protection Service (Licensing) and any application form or correspondence should be sent to the Licensing Team, Public Protection Service, West Berkshire District Council, Council Offices, Faraday Road, Newbury. Berkshire, RG14 2AF.

B. STANDARD LICENCE CONDITIONS

1. Standard of Service:-

- (1) The driver shall provide a prompt, efficient and reliable service to members of the public at all reasonable times.
- (2) Without prejudice to the generality of the previous condition the driver shall in particular:-
 - a) ensure that when he/she becomes aware that the hackney carriage vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place;
 - b) afford all reasonable assistance with hirers and other passenger's luggage and ensure that all luggage stowed is secure.
 - c) at all times be clean and respectable in his/her dress and person and behave in a civil and orderly manner:

- d) take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle, driven by him/her;
- e) not without the prior express consent of the hirer, smoke, drink or eat in the vehicle.
- f) not without the prior express consent of the hirer, play any radio or sound producing instrument or equipment in the vehicle, other than for the purpose of sending or receiving messages in connection with the operation of the vehicle and shall not allow any such instrument or equipment (when permitted) to be or become a source of nuisance or annoyance to any person inside or outside the vehicle.
- g) provide the hirer of the vehicle with a written receipt for the fare paid, if requested to do so by the hirer.
- h) Where a booking is made by telephone or by prior arrangement, a booking charge may be made. This charge must be agreed in advance. In all other circumstances the meter must be switched on at the point at which the customer enters the vehicle.

2. Passengers

- (1) The driver shall not convey or permit to be conveyed in the hackney carriage a greater number of persons, exclusive of the driver, than the number of persons specified in the licence.
- (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.
- (3) **The Motor Vehicles (Wearing of Seat Belts) Regulations 1993** require that all passengers must wear seat belts if fitted to a hackney carriage. Drivers may claim exemption if plying for, or actually carrying passengers on hire, but this will not apply whilst driving to and from home or office, (base), nor whilst not plying for hire. However, the Council recommends that all drivers wear a seat belt whilst the vehicle is moving.

3. Animals:

- (1) The driver shall not convey in a hackney carriage any animal belonging to, or in the custody of himself, or the proprietor of the vehicle, or any other person, other than the hirer.
- (2) Subject to paragraph (3) below any animal belonging to or in the custody of the hirer or other passenger may at the driver's discretion be conveyed in the hackney carriage. but only in the rear of the vehicle.
- (3) **The Disability Discrimination Act 1995 (Taxis) (Carrying of Guide Dogs etc) (England and Wales) Regulations 2000** requires all taxis to carry dogs used for seeing, hearing or assistance, whilst with the owner, free of charge. Drivers applying for a medical exemption to this condition must do so to the Council.

4. Complaints

- (1) The driver shall on receipt of any complaint immediately notify the complainant of his/her right to forward the complaint to the Council.
- (2) The driver shall on the same day of receiving a complaint, inform the proprietor of the following particulars of the complaint:-
 - a) the date and time the complaint was received.
 - b) the name and address of the complainant;
 - c) how the complaint was made;
 - d) the nature of the complaint;
 - e) remarks (if any)

5. Lost Property:

- (1) The driver shall immediately after the termination of any hiring of a hackney carriage, or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left there.
- (2) If any property accidentally left in a hackney carriage by any person who may have been conveyed in the vehicle is found by or handed to the driver, unless it is claimed by and on behalf of its owner, shall be taken within twenty-four hours to the nearest Police Station and left in the custody of the Officer in charge.

6. Touting and Soliciting

- (1) The driver shall not whilst driving or in charge of a hackney carriage tout or solicit any person to hire or be carried for hire in the hackney carriage or cause or procure any other person to tout or solicit any person to hire or be carried for hire in the hackney carriage.

7. Taximeters:

- (1) The driver of a hackney carriage fitted with a taximeter shall ensure that the taximeter has been sealed by an authorised officer or agent of the Council.
- (2) The driver of a hackney carriage fitted with a taximeter shall ensure:-
 - a) that the taximeter is only brought into action at the commencement of the hirer's journey;
 - b) that the fare or charge is calculated from the point in the District from which the hirer commences his/her journey and shall not exceed that displayed on the taximeter at the completion of his/her journey except for any additional charges as specified in the scale of fares approved by the Council.

- c) that the fare or charge recorded shall not be cancelled or concealed until the hirer has had the opportunity of examining it and has paid the fare or charge;
- d) A hackney carriage fitted with a taximeter shall not operate unless the meter is in working condition and has been checked and sealed by an authorised officer or agent of the Council.

8. Fares:

Subject to Paragraph 7 (2) (b):-

- (1) The driver shall not demand from any hirer of a hackney carriage a fare in excess of the fare shown on the face of the taximeter.
- (2) The driver of a hackney carriage shall ensure that journeys shall be by the shortest or most direct route unless requested by the hirer to proceed by a different route.

9. Identification Plate and Driver's Badges:

- (1) The driver of a hackney carriage shall ensure that the identification plate issued by the Council in respect of the vehicle is clearly visible from the rear of the vehicle so as to be visible at all times. The vehicle identification badge, issued by the council, shall be displayed on the front windscreen of the vehicle and the driver shall ensure that his/her window badge/licence is placed alongside the vehicle identification, in the wallet provided.
- (2) The driver shall not wilfully or negligently conceal from public view the identification plate.
- (3) The driver's badge issued by the Council **shall be worn** by the driver in a position where it can be seen at all times.
- (4) The driver shall from the expiry (without immediate renewal) revocation or suspension of his/hers driver's licence forthwith return the driver's badge to the Council.

10. Convictions

The driver shall disclose to the Council in writing within seven days details of any convictions imposed upon him/her during the period of the licence. Where convictions are not notified to the Council, any renewal application may be refused whether or not the conviction is spent.

11. Change of Address

The driver shall notify the Council in writing of any change of his/her address.

12. Vehicle Damage or Driver's Illness or Injury:-

- (1) The driver shall immediately notify the Council and the proprietor of his/her vehicle of any damage to the vehicle regardless of severity, as soon as he/she becomes aware of such damage or at the earliest opportunity.

- (2) The driver shall notify the Council in writing as soon as possible and in any event within seven days of any illness or injury affecting in any way his/her fitness to drive a hackney carriage vehicle.

13. Copy of Conditions:-

The driver of a hackney carriage shall at all times when driving carry with him/her a copy of these conditions and the current tariff and shall make them available for inspection by the hirer or any other passenger on request.

14. Causing or Permitting:-

The driver shall not cause, permit or allow any other person to commit an offence under or non-compliance with the 1847 and the 1976 Acts, or contravene any of the above conditions.

15. Statutory Requirements:-

The driver shall ensure that when he/she drives a hackney carriage he/she does so in accordance with all statutory requirements, including those relating to tax and insurance and the Council's bylaws.

16. Rights of Refusal:-

The driver shall have the right to refuse to carry a passenger or passengers for any reasonable cause, (except the potential fare for the journey).