

APPENDIX 1



HACKNEY CARRIAGES

BYELAWS. CONDITIONS, RELEVANT LEGISLATION AND GUIDELINES

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BYELAWS FOR HACKNEY CARRIAGES

Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by Northampton Borough Council with respect to hackney carriages in the borough of Northampton.

INTERPRETATION

1. Throughout these byelaws “the Council” means Northampton Borough Council and “the district” means the borough of Northampton.

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. The 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 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.

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 The 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. 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.

Provided always that where a hackney carriage furnished with a taximeter shall be 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.

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

REPEAL OF BYELAWS

19. The byelaws relating to hackney carriages which were made by Northampton Borough Council on the 31 day of January 1977 and which were confirmed by Secretary of State of the Home Office on the 4 day of March 1977 are hereby repealed.

THE COMMON SEAL of
NORTHAMPTON BOROUGH COUNCIL
was hereunto affixed this day of in the presence of:-

Signed:

.....

Francis Fernandes
Solicitor to the Council

OTHER RELEVANT LEGISLATION:-

Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976.

Under the 1976 Act, there are a number of offences relating to both hackney carriages and private hire vehicles. Again, enforcement falls to the local authority, but the 1976 Act introduces the concept of an authorised officer.

This is defined in section 80 as: *“**authorised officer**” means any officer of a district council authorised in writing by the council for the purposes of this Part of the Act;*

Your attention is drawn to the following offences relating to Hackney Carriage Proprietors, Drivers and Vehicles.

Level 1	Level 2	Level 3	Level 4	Level 5
£200	£500	£1,000	£2,500	£5,000

TOWN POLICE CLAUSES ACT 1847

Section	Offence	Maximum Penalty
40	Giving false information on application for hackney carriage proprietor's licence	Level 1
44	Failure to notify change of address of hackney carriage Proprietor	Level 1
45	Plying for hire without a hackney carriage proprietor's licence	Level 1
47	Driving a hackney carriage without a hackney carriage driver's licence	Level 4
47	Lending or parting with a hackney carriage driver's licence	Level 3
47	Hackney carriage proprietor employing unlicensed driver	Level 3
48	Failure by hackney carriage proprietor to hold hackney carriage driver's licence	Level 1
48	Failure by hackney carriage proprietor to produce hackney carriage driver's licence	Level 1
52	Failure to display hackney carriage plate	Level 1
53	Refusal to take a fare	Level 2
54	Charging more than the agreed fare	Level 1

Section	Offence	Maximum Penalty
55	Obtaining more than the legal fare	Level 3 & 1 month imprisonment until the excess is refunded
56	Travelling less than the lawful distance for an agreed fare	Level 1
57	Failing to wait after a deposit to wait has been paid	Level 1
58	Charging more than the legal fare	Level 3
59	Carrying other person than the hirer without consent	Level 1
60	Driving a hackney carriage without proprietors consent	Level 1
60	Person allowing another to drive a hackney carriage without proprietors consent	Level 1
61	Drunken driving of hackney carriage	Level 1
61	Wanton or furious driving or wilful misconduct leading to injury or danger	Level 1
62	Driver leaving hackney carriage unattended	Level 1
64	Hackney Carriage driver obstructing other hackney carriages	Level 1

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

Section	Offence	Maximum Penalty
49	Failure to notify transfer of hackney carriage proprietor's licence within 14 days.	Level 3 (by virtue of section 76)
50(1)	Failure to present hackney carriage for inspection as required	Level 3 (by virtue of section 76)
50(2)	Failure to inform Local Authority where hackney carriage is Stored if requested	Level 3 (by virtue of section 76)
50(3)	Failure to report an accident to Local Authority within 3 days.	Level 3 (by virtue of section 76)
50(4)	Failure to produce hackney carriage proprietor's licence and Insurance	Level 3 (by virtue of section 76)
53(3)	Failure to produce hackney carriage driver's licence within 7 days.	Level 3 (by virtue of section 76)
57	Making false statement or withholding information to obtain a hackney carriage drivers licence	Level 3 (by virtue of section 76)

Section	Offence	Maximum Penalty
58(2)	Failure to return plate after notice given after expiry, revocation or suspension of hackney carriage proprietor's licence within 7 days	Level 3 (by virtue of section 76)
61(2)	Failure to surrender drivers licence after suspension, revocation or refusal to renew	Level 3 (by virtue of section 76)
64	Permitting any vehicle other than hackney carriage to wait on a hackney carriage stand	Level 3 (by virtue of section 76)
66	Charging more than the meter fare for a journey ending outside the district, without prior agreement	Level 3 (by virtue of section 76)
67	Charging more than the meter fare when hackney carriage used as private hire vehicle	Level 3 (by virtue of section 76)
69	Unnecessarily prolonging a journey	Level 3 (by virtue Of section 76)
71	Interfering with a taximeter	Level 3 (by virtue of section 76)
73	<p>(1) Any person who –</p> <p>(a) wilfully obstructs an authorised officer or constable acting in pursuance of this Part of this Act or the Act of 1847; or</p> <p>(b) without reasonable excuse fails to comply with any requirement properly made to him by such officer or constable under this Part of this Act; or</p> <p>(c) without reasonable cause fails to give such an officer or constable so acting, any other assistance or information which he may reasonably require of such person for the purpose of the performance of his functions under this Part of this Act or the Act of 1847;</p> <p>shall be guilty of an offence</p> <p>(2) If any person, in giving any such information as is mentioned in the preceding subsection, makes any statement which he knows to be false, he shall be guilty of an offence.”</p> <p>It can be seen that an authorised officer is a person appointed by the district council to act on their behalf, in relation to enforcement activities under the 1976 and 1847 Acts. It will be necessary for such an officer to demonstrate his authorisation, if required, and that authorisation must be in writing to satisfy the requirements of section 80.</p>	<p>Level 3 (by virtue of section 76)</p> <p>Level 3 (by virtue of section 76)</p> <p>Level 3 (by virtue section 76)</p>

HEALTH ACT 2006

Chapter 1, Part 1 Offence of smoking in smoke-free place.

(1) In this section, a “smoke-free place” means any of the following—

(a) premises, so far as they are smoke-free under or by virtue of sections 2 and 3 (including premises which by virtue of regulations under section 3(5) are smoke-free except in relation to performers),

(b) a place, so far as it is smoke-free by virtue of section 4,

(c) a vehicle, so far as it is smoke-free by virtue of section 5.

(2) A person who smokes in a smoke-free place commits an offence.

THE ROAD VEHICLES (Construction and Use) (Amendment) (No. 4) Regulations 2003

Amendment of the Road Vehicles (Construction and Use) Regulations 1986

(2). The Road Vehicles (Construction and Use) Regulations 1986(2) are amended by inserting after regulation 109—

“Mobile telephones

110.—(1) No person shall drive a motor vehicle on a road if he is using—

(a) a hand-held mobile telephone; or

(b) a hand-held device of a kind specified in paragraph (4).

(c)

NOTE: Whilst operating a hands free device is not unlawful, the Council does not encourage its use and advises drivers stop in a safe place to make and receive calls.

HACKNEY CARRIAGE VEHICLE CONDITION OF LICENCE

The Hackney Carriage Vehicle Licence is granted to you subject to you complying with the following conditions of licence.

Failure to comply with any of the conditions may lead to prosecution or could lead to your licence being suspended, revoked or not being renewed.

1. MAINTENANCE OF VEHICLE

- (a) The vehicle and all its fittings and equipment must at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all the relevant statutory requirements including in particular those contained in Motor Vehicles (Construction and Use Regulations) must be fully complied with.
- (b) That a spare wheel or other approved manufacturers device is provided readily available for use together with the tools and equipment required to carry out an emergency repair.
- (c) That a complete set of replacement light bulbs are readily available.

2. DRIVER'S LICENCE

The proprietor must, before a driver commences to drive the vehicle, satisfy themselves that the driver has a valid Hackney Carriage Driver's Licence and a valid Hackney Carriage Vehicle Licence. This must include a personal check of the aforementioned Licenses issued by the Council.

NOTE: LICENCE RENEWAL/REMINDERS

Please note that licence renewals/reminders are sent purely as a courtesy. The responsibility for renewal rests with the licence holder.

3. CHANGE OF ADDRESS

The proprietor must notify the Licensing Department, in writing, of any change of address or operator during the period of the licence within 7 days of such a change taking place.

4. INSURANCE

- (a) The proprietor must maintain in force for the duration of the licence an insurance policy for the vehicle providing private hire cover only and must produce on demand to an authorised officer of the Council or Police Constable an appropriate certificate.
- (b) The proprietor is responsible for maintaining up to date records of licences and insurances for all employed drivers and vehicles operating under his/her control. The proprietor must ensure that these records are maintained for inspection at any time by an authorised officer of the Council or Police Constable.
- (c) The driver or proprietor of the vehicle, whilst working for a Private Hire Operator, **MUST** carry valid proof of private hire insurance for that vehicle. Failure to carry valid proof of insurance (i.e. cover note or certificate, photocopies acceptable) **WILL** entail the immediate suspension of the vehicle licence until such proof is

provided. Proprietors with more than one vehicle should supply drivers with a Motor Vehicle Schedule as well as a copy of motor insurance.

NOTE: On plating, it is expected that the presented insurance certificate will have a minimum of seven days cover remaining

5. DRIVERS

The proprietor of the vehicle must notify the Licensing Department of the name and address of all licensed drivers engaged and employed by him/her and of any such driver ceasing to be so employed within 7 days of the date appointment or termination as the case may be.

6. NO SMOKING SIGN

In accordance with the Council's policy on smoking a 'No Smoking' sign shall be displayed within the vehicle, in such a position that can be clearly seen.

7. REAR LICENSING PLATE

The driver or proprietor of a Hackney Carriage Vehicle shall not wilfully or negligently cause or suffer any licence plate issued by the Council to be concealed from public view whilst the vehicle is being used for the purpose of hire and must ensure that the plate is securely fixed to the rear outside of the vehicle.

The rear licensing plate remains the property of the Council.

8. INTERIOR PLATE REPLICA

A small replica of the Hackney Carriage Licensing Plate issued by the Council shall be affixed to the inside of the vehicle so as to be plainly and distinctly visible to fare paying passengers.

9. VEHICLE CHECKS

- a) The proprietor, or the driver of the vehicle, as the case may be, must, at the request of an authorised officer or Police Constable stop the vehicle to enable a check to be made for the purpose of preventing or detecting contravention of any statutory requirements or of any conditions applicable to the vehicle and its use as a Hackney Carriage vehicle whether or not passengers are carried at that time, and must not proceed until the authorised officer or Police Constable is satisfied that all such requirements or conditions are being observed and complied with.
- b) It is an offence if lawfully directed, to fail to attend such an inspection

10. RADIO EQUIPMENT

Any radio equipment **MUST** be securely fixed in the vehicle so as not to cause the driver or passengers any problem when they vacate the vehicle.

There is a complete ban on all radio scanners to prevent bookings from being intercepted.

11. OVERLOADING

The driver or proprietor must not convey or permit to be conveyed in the vehicle a greater number of persons (excluding the driver), than the number of persons authorised by the licence.

Note: Each person is classed as an individual passenger.

12 SAFETY EQUIPMENT

- (a) There must be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher and a suitable first aid kit. This equipment must be carried in such a position in the vehicle as to be readily available for immediate use in emergency.
- (b) The fire extinguisher must be securely clamped which is easily accessible by the driver. The fire extinguisher must be of the rechargeable, multi purpose, dry powder type. It must have a minimum 13a/70b as defined in European Standard EN3 and have been manufactured to comply to that standard. It must be serviced annually in accordance with British Standard 5305, Part 3 and permanently, legibly marked with the licensing plate number of the vehicle.

As a general guide, the first aid kit shall contain the following items:-

1. 10 individually wrapped sterile adhesive dressings of various sizes.
2. 2 sterile eye pads.
3. 4 individually wrapped triangular bandages.
4. 6 safety pins.
5. 6 medium size and 2 large individually wrapped sterile unmedicated wound dressings.
6. 1 pair of disposable gloves.

That a sign indicating the location of the first aid box be displayed in the vehicle for the benefit of passengers or the Emergency Services and that it be legibly marked with the licensing plate number of the vehicle.

Note: There is no requirement under this condition for the driver to administer or be trained in the use of First Aid.

12. AUTHORISED OFFICER/POLICE SUSPENSION OF VEHICLE NOTICE

- (a) Any driver or proprietor, on being issued with a notice suspending the vehicle from public use, must present the vehicle for test and inspection at a Council Approved Testing Station or nominated place within the time and date stated in the notice. Any disputes as a result of the inspection to be adjudicated by a Licensing Enforcement Officer.
- (b) A fee will be payable by the driver/proprietor to the testing station relative to the determined faults to be rectified.

13. ADVERTISEMENTS

All advertisements, printed matter, mark or sign, other than as required by law, must be formally approved by the Council, such approval not to be unreasonably withheld.

Suggested criteria for display of advertisements in or on a Hackney Carriage Vehicle

Advertisements displayed in or on Hackney Carriage Vehicles Licensed by Northampton Borough Council must comply with the Equality Act 2010 e.g

- (a) Non racist
 - (b) Non sexist
 - (c) Non disablist.
- They should also be:
- (a) Non Political
 - (b) Should not refer to tobacco products unless as part of a Health Education or similar campaign
 - (c) Should not cause offence to the general public or any section of the community.

14. PRODUCTION OF LICENCE TO THE POLICE

At the request of a Police Constable to produce, for inspection within 7 days, your Hackney Carriage Vehicle Licence.

15. TRANSFER OF VEHICLE

In the event of any proprietor specified in the vehicle licence transferring his/her interest in the vehicle to someone other than a joint proprietor, both parties that is to say the current proprietor and the new proprietor shall within 7 days of such transfer complete the "Transfer of Vehicle" form available on request from the Licensing Office. Once completed, the form must be returned forthwith together with Public Hire Insurance for the change of ownership to be recorded.

16. VEHICLE TESTING

(a) To present the vehicle for inspection and testing on up to 3 separate occasions during any one period of 12 months within such period and at such place as the Council may, by notice, reasonably require.

(b) The proprietor of the licensed vehicle or his/her agent shall submit the vehicle to a safety check, when required, on the demand of an Authorise Officer or Police Officer, irrespective of inspections required by the Council.

17. TAXI METERS

An accurate electronic, calendar controlled taxi meter of a type approved by the Council must be affixed in the Hackney Carriage in a position satisfactory to the Council. No licence holder or driver may tamper with the mechanism of the taxi meter or its seals, provided that, should the meter become defective it may be repaired and a service meter substituted. The service meter and repaired meter must, before use, be duly tested and sealed. Taxi meters fitted to licensed Hackney Carriages must be tested on each vehicle test.

18. TARIFF SHEET

The current tariff sheet must be mounted and displayed inside the Hackney Carriage in a position approved by the Council. Following an increase in tariff,

vehicles nominated by the Council must submit to a meter check at an authorised testing station within seven days.

19. DAMAGE TO VEHICLE

- (a) If a Hackney Carriage is involved in a road traffic accident and either mechanical or body damage is sustained or damage caused by any other means which material affects safety, performance or appearance or the comfort or convenience of persons carried therein, a report must be made by the licence holder to the Licensing Department as soon as practicable or within 3 days of the accident and, after repair, may be required to pass a mechanical inspection at a place to be determined by the Council, subject to payment of an appropriate fee. The Hackney Carriage Licence Plate is liable to be removed from any vehicle which, in the opinion of an Authorised Officer or Agent of the Council in any way constitutes a danger to the public, is in breach of any road traffic enactment or the Construction and Use Regulations, or is unfit for use as a Hackney Carriage.
- (b) On completion of the repairs to the satisfaction of the Authorised Officer the plate may be restored.
- (c) The removal of the Hackney Carriage Licence plate will constitute suspension of the Hackney Carriage Licence.

20. "TAXI" SIGN

The Hackney Carriage shall exhibit a taxi sign on the roof as approved by the Council. This shall be capable of being illuminated at night. No other form of lighting shall be displayed on the Hackney Carriage other than that required by law.

21. RECORDS OF BOOKINGS

Where a Hackney Carriage Driver accepts a pre-booked fare either by telephone or verbally then a record of such a booking shall be kept in such form as the Council may prescribe. Such records shall be kept for at least one year. The entry is to be entered in such record book to be:-

- (a) Name of person making the booking, name and address of passenger and place where passenger is to be picked up.
- (a) Time and date where passenger(s) are to be picked up (24hr clock must be used)
- (b) Destination.
- (c) Licence number of Hackney Carriage so used.
- (d) It shall be the responsibility of the vehicle licence holder to keep and maintain this record. Such record shall be produced on request to any authorised officer or to any police constable for inspection.

22. APPEAL AGAINST CONDITION

Any person aggrieved by any of the conditions specified in their vehicle licence may appeal to a court of summary jurisdiction against such condition within 21 days of the date hereof pursuant to Section 47(3) of the Local Government (Miscellaneous Provisions) Act 1976.

28. COPY OF CONDITIONS

The driver or proprietor must, at all times, when driving a Hackney Carriage Vehicle carry with him/her a copy of this booklet and make it available for inspection by the hirer or any other passenger, authorised officer or police constable, on request.

ADVICE ON MEETING THE NEEDS OF DISABLED PASSENGERS

Advice for Drivers

Taxis and Private Hire Vehicles are an invaluable means of door-to-door transport for many people. For a large and growing number of elderly and disabled people, they are quite literally a lifeline. Often they provide the only means of accessible local transport or the only accessible link to long distance transport, for example; by rail or air. In fact, they are the most flexible form of public transport there is.

You may have a vehicle which has been designed to make travelling easier for many elderly and disabled people including those who use wheelchairs. But the vehicle design is only part of the answer. **Your attitude and understanding are vital.** If you are not sure how to help or if you are not willing to help elderly or disabled passengers you may lose a significant potential market and they will have lost an invaluable source of independent mobility. Here is some basic advice to help you give the best service to your passenger and get the best from your vehicle. Disability comes in many forms - some visible, some invisible. Never make assumptions. Always ask what help (if any) a passenger may need from you. Make sure you are familiar with any access and safety equipment in your vehicle. For example you have a responsibility to know how to use wheelchair ramps safely and correctly. If the passenger is a wheelchair user and you drive a wheelchair accessible vehicle you should always:-

- pull as close as possible to the kerb;
- ask if they would like to use the ramps;

- if necessary, tip up the back seat to give more space to manoeuvre the wheelchair;

- insist that the passenger travels in the correct position as recommended by the vehicle manufacturer, or conversion team. In the case of Fairway or Metrocab taxis this position will be facing to the rear of the vehicle. In the case of wheelchair accessible vehicles which have been specially converted for the purpose of conveying wheelchairs, you should follow the converter's recommendations. **Any other travelling position is unsafe;**

- always make sure that the brakes of the wheelchair are on;
- be polite and ask before touching or moving your customer;
- secure the wheelchair and suggest that the passenger also uses the seat belt provided (*they may need your help with this*);
- if it has been raised, lower the back seat, if the passenger would prefer it;
- avoid sudden braking or acceleration;
- bring the wheelchair out of the vehicle backwards down the ramp and ask if the passenger would like the brakes on once it is unloaded;
- leave the passenger in a safe and convenient place which enables them to move away independently.

If you drive a saloon car, you may still be able to take wheelchair users provided that the passenger is able to transfer. In those circumstances, you should ask the passenger what help they require, listen to their response, and act only as advised. Take care when loading the wheelchair into the boot. Wheelchairs can be expensive to repair or replace and without one the passenger may be totally immobile.

Remember, many disabled people who have mobility difficulties will not use a stick or crutches. People, with arthritis in particular, may be unable to walk using a stick or crutches due to painful upper limbs. If the passenger appears to have walking difficulties, or is frail or elderly, always:-

- offer to fit the additional step if there is one - this reduces the first step and makes it easier to get into the vehicle. Ask whether pulling up as close as possible to the kerb would be helpful. For saloon cars this may not be useful because it increases the height the passenger has to drop down to the seat and may make it more difficult for them to get out of the seat at the end of the journey;
- offer the use of the swivel seat (*if you have one*);
- be ready to help but do not insist on helping. If you are asked to help, listen carefully to the information given, or ask what is the best way to assist;
- if you have used a swivel seat, make sure it is locked back in position once inside the vehicle.

If the passenger is blind or partially sighted, ask what assistance they require and always:-

- look out for the "TAXI" sign which is held out by some blind or partially sighted people in order to hail a cab;
- if you are collecting a blind or partially sighted passenger from a prebooked location, knock at the door on arrival - do not remain in the cab and "hoot your horn";
- tell your passenger whether they are entering a saloon car or purpose built cab;

- demonstrate which way the doors open;
- if possible, place the blind person's hand on the open door and indicate the position of the roof;
- make sure they know which way the vehicle is facing;
- make sure they are seated and have secured the seat belt (*where applicable*) before you move off. They may like help with the belt;
- tell them if you are taking a different route from the one they expect, or if there is a hold-up or diversion;
- tell them the fare and count out the change;
- set them down in a safe place and make sure they know where they are going. If they would like to be accompanied to the entrance of a building, offer them your arm; gripping just above your elbow will enable them to be guided more easily;
- remember guide dogs are trained to remain on the floor of a vehicle and will not abuse your vehicle. In saloon cars, there is more room for the dog on the floor in the front of the vehicle.

If the passenger is deaf or hard of hearing, always:-

- look at them when you are speaking. Speak clearly - but do not shout.
- always have a pad of paper and pen handy as it is sometimes easier to communicate in writing;
- make sure they are aware that you have understood their instructions and that you know where they are going.

Maintenance of Vehicles

- keep door handles, locks and hinges well oiled. This reduces the amount of physical (often painful) effort required to open them.

If you drive a purpose built vehicle, make sure you know how to use the equipment. For example, you should know the correct way to secure and load a wheelchair and to operate the swivel seat for vehicles such as the Fairway and Metrocab models. In the case of vehicles specifically converted for the conveyance of wheelchairs, methods vary according to the conversion, therefore, you should consult your conversion specialists.

Additional information is given in the video "Call a Cab" available on free loan from the Department of Transport's Mobility Unit.

FOOTNOTE: The above advice is taken from the D.P.T.A.C. leaflet entitled Meeting the Needs of Disabled Passengers –Advice for Taxi Drivers.

GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS

NORTHAMPTON BOROUGH COUNCIL'S GUIDELINES WHEN DETERMINING WHETHER OR NOT TO GRANT, RENEW, SUSPEND OR REVOKE A PRIVATE HIRE DRIVER'S LICENCE OR A HACKNEY CARRIAGE DRIVER'S LICENCE.

These guidelines are based on the Department of Transport Circular 2/92 and Home Office Circular 13/92 Disclosure of Criminal Records: Applicants for Hackney Carriage and Private Hire Vehicle Driver's Licences which advises local authorities on the procedures to adopt for checking with the police the criminal convictions of applicants for hackney carriage and private hire vehicle drivers' licences. (Now superseded by the Police Act 1997).

The Council will also give due regard to Section 17 of the Crime and Disorder Act 1998, which states –

“Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area”.

Applications should be submitted to the Borough Solicitor at the Guildhall Northampton.

Each case will be decided on its own merits taking into account these guidelines and any other relevant circumstances.

1. A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public.
2. The following examples afford a general guide on the action to be taken where convictions are admitted. A new application with more than 8 current points on the D.V.L.A. Driving Licence will generally not be considered.

(a) Minor Traffic Offences

Convictions for minor traffic offences (eg obstruction, waiting in a restricted street, speeding, defective tyres/brakes, failing to stop at traffic signs etc) should not prevent a person from proceeding with an application. If sufficient points have been accrued to require a period of disqualification of the applicant's driving licence then a hackney carriage or PHV licence may be granted after its restoration but a warning should be issued as to future conduct.

(b) Major Traffic Offences

Following a conviction for dangerous driving or aggravated vehicle taking at least 3 years to 5 years free of such a conviction should be shown before an application is entertained.

Convictions for driving with no insurance, driving whilst disqualified, driving without due care and attention. More than one conviction of this type of offence within 2 years should merit refusal and no

further application should be considered until a period of 1 to 3 years free from convictions has elapsed.

(c) Drunkenness

(i) With Motor Vehicle

A serious view should be taken of convictions of driving or being in charge of a vehicle while under the influence of drink and/or drugs.

Likewise a conviction for failing to provide a specimen. Due regard will be had to the alcohol/drugs level and or the penalty imposed by the Court, together with the circumstances of the offence.

An isolated incident should not necessarily debar an applicant but strict warnings should be given as to future behaviour. More than one conviction for these offences should raise grave doubts as to the applicant's fitness to hold a licence. At least 3 years should elapse (after the restoration of the driving licence) before an applicant is considered for a licence.

If there is any suggestion that the applicant is an alcoholic, a special medical examination should be arranged before the application is entertained. If the applicant is found to be an alcoholic a period of 5 years should elapse after treatment is complete before a further licence application is considered.

(ii) Not in Motor Vehicle

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination (see (I) above). In some cases, a warning may be sufficient.

(d) Drugs

An applicant with a conviction for a serious drug related offence should be required to show a period of at least 3 years free of convictions before an application is entertained, or 5 years after detoxification treatment if he/she was an addict.

(e) Indecency Offences

As hackney carriage and PHV drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning, any indecency involving children or any of the more serious sexual offences, should be refused until they can show a substantial period (at least 3 to 5 years) free of such offences. More than one conviction of this kind should preclude consideration for at least 5 years. In either case if a licence is granted a strict warning as to future conduct should be issued.

(f) Violence

As hackney carriage and PHV drivers maintain close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault, robbery, offences relating to weapons, serious criminal damage or public disorder offences. At least 3 years free of such convictions should be shown before an application is entertained and even then a strict warning should be administered.

(g) Dishonesty

Hackney carriage and PHV drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become “fair game” for an unscrupulous driver.

For these reasons a serious view will be taken of any conviction involving dishonesty, examples of which are theft, burglary, fraud, deception, blackmail and taking a vehicle without consent. In general, a period of 3 to 5 years free of conviction should be required before entertaining an application.

5th Edition – November 2012