

LEGISLATION RELATING TO HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

The following information is intended to provide a guide to the main provisions of the legislation relating to Hackney Carriage and Private Hire. This should not be taken as a comprehensive and authoritative statement of the law for which reference should be made to the appropriate legislation.

LEGISLATION APPLICABLE TO DRIVERS

a) Hackney Carriage Drivers

- Town Police Clauses Act 1847
- Local Government (Miscellaneous Provisions) Act 1976
- Bylaws
- Greater Manchester Act 1981 Section 166 (1-4)
- Health Act 2006
- Equality Act 2010

b) Licensed Hire Car (Private Hire) Drivers

- Local Government (Miscellaneous Provisions) Act 1976
- Licence Conditions
- Greater Manchester Act 1981 Section 166-167
- Health Act 2006
- Equality Act 2010

REQUIREMENTS TO DRIVE A LICENSED VEHICLE

Before a person can drive a Hackney Carriage or Private Hire Vehicle, they must obtain a Licence to drive a licensed vehicle from the Council. A Licence will be issued provided the applicant fulfils all of the Councils requirements.

SUSPENSION OR REVOCATION OF DRIVER'S LICENCE

The Council has the power to suspend, revoke or refuse to renew a driver's Licence if the driver has been convicted of an offence under the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976, or for any other reasonable cause.

DRIVER'S BADGE

When a Licence is issued the driver will be provided with a Badge which must be worn at all times whilst engaged in licensed hire work, in a position where it can be clearly visible when driving for hire. It is a criminal offence for drivers not to wear their badge whilst working.

PROLONGATION OF JOURNEYS

It is an offence for any driver of a Hackney Carriage or Private Hire vehicle without reasonable cause to unnecessarily prolong in time or distance a journey for which the vehicle has been hired.

SMOKING IN A LICENSED VEHICLE

It is a criminal offence to smoke in a smoke free place, this includes smoke free premises and smoke free vehicles. Hackney Carriages and Private Hire vehicles are classed as smoke free vehicles.

The penalties and fines for the smoke free offences set out in the Health Act 2006 are:

Smoking in a smoke free premises or vehicle: a fixed penalty notice of £50 (discounted to £30 if paid within 15 days from the issue of a notice) or a fine by a court not exceeding level 1 on the standard scale (up to £200)

Failure to display no smoking signs in smoke free premises and vehicles as required by the new law: a fixed penalty notice of £200 (discounted to £150 if paid within 15 days from the issue of a notice) or a fine by a court not exceeding level 3 on the standard scale (up to £1000)

Failing to prevent smoking in a smoke free premises or vehicle: a fine by a court not exceeding level 4 on the standard scale (up to £2500)

FARES FOR LONG JOURNEYS – HACKNEY CARRIAGE VEHICLES

Any driver of a Hackney Carriage/Taxi undertaking a journey outside of the Stockport boundary which ends at a point within the County but outside the district and less than 4 miles from the nearest boundary of Stockport (known as the regulated distance) the driver is compelled to undertake the hire and shall not require a fare greater than that recorded on the taximeter plus any allowable extras.

All journeys going beyond this area are not compelled and the driver can negotiate a fare with the passenger, but must do so before the start of the journey. If he fails to negotiate a fare he must not require a fare greater than that recorded on the taximeter. If he endeavours to demand a greater fare in either case he shall be guilty of an offence.

HACKNEY CARRIAGE USED FOR PRIVATE HIRE

No Hackney Carriage can be used within the regulated distance under a contract or purported contract for private hire except at a rate of fare no greater than the fares fixed by the Council for Hackney Carriages. The fare should be charged from the point the hirer commences his journey to their destination. Any person who knowingly contravenes these provisions will be guilty of an offence.

TAXIMETERS

Applicants are advised that it is an offence to tamper with any seal on a taximeter or alter the taximeter with intent to mislead.

ILLEGAL PLYING FOR HIRE

It is a criminal offence for any Private Hire driver to take any passengers for hire or reward without the journey first being booked through a Licensed Private Hire Operator. This also renders the vehicle insurance invalid.

It is also a criminal offence for a Hackney Carriage driver to pick up passengers for hire or reward outside of the boundaries of Stockport, without prior booking.

OBSTRUCTION OF AUTHORISED OFFICERS AND CONSTABLES

It is an offence for any person to willfully obstruct any authorised Officer of the Council. This includes the failure to comply with any requirement of the Officer or failing to give them any assistance or information they may reasonably require.

CONDITIONS FOR LICENSED HIRE CARS

1. In this Licence 'authorised officer' has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

'the Council' means the Council of the Metropolitan Borough of Stockport.

'the identification plate' means the plate issued by the council for the purpose of identifying the vehicle as a licensed hire car.

'the proprietor' has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

'the taximeter' has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

'licensed hire car' has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

2. The identification plates when issued by the Council must be affixed to the front and rear of the licensed hire car, in accordance with the reasonable instructions of the authorised officer of the Council at the cost of the proprietor.
3. The proprietor of the licensed hire car shall ensure the identification plates are maintained and kept in such a condition that the information contained on the identification plates are clearly visible to the public at all times.
4. The identification plates shall be securely fixed to the vehicle in accordance with the instructions of the authorised officer but in such a manner as to be easily removable by the authorised officer of the Council or a Constable.
5. The proprietor of the licensed hire car shall cause the number of the licensed hire car's licence granted by the Council in respect of the licensed hire car to be clearly marked and kept and maintained inside the vehicle in such a position as to be clearly visible at all times to persons being conveyed in the licensed hire car.
6. The proprietor shall ensure the licensed hire car shall be maintained in a sound mechanical and structural condition at all times and be capable of satisfying the Council's mechanical and structural inspection at any time during the continuance of the vehicle's licence in respect of the vehicle.
7. The interior and exterior of the licensed hire car shall be kept in a clean condition and maintained in a safe condition by the proprietor.

8. The proprietor shall not allow the mechanical and structural specification of the licensed hire car and its external colour to be varied without the consent of the Council.
9. The proprietor of the licensed hire car shall:
 - (a) Provide sufficient means by which any person in the licensed hire car may communicate with the driver during the course of the hiring.
 - (b) Cause the interior of the vehicle to be kept wind and water tight.
 - (c) Provide any necessary windows and means of opening and closing with not less than one window on each side of the passenger compartment.
 - (d) Cause the seats in the passenger compartment to be properly cushioned and covered.
 - (e) Cause the floor in the passenger compartment to be provided with a proper carpet, mat or other suitable covering.
 - (f) Cause fittings and furniture of the licensed hire car to be kept in a clean condition and well maintained and in every way fit and safe for public use.
 - (g) Provide facilities for the conveyance of luggage safely and protected from inclement weather.
 - (h) Provide and maintain to the satisfaction of the authorised officer an efficient fire extinguisher.
 - (i) Provide at least two doors for use of persons conveyed in such licensed hire car and a separate means of ingress and egress for the driver.
 - (j) Provide and maintain a first-aid kit containing the following first aid dressing and appliances:-
 - 1 x First Aid Guidance Leaflet
 - 3 x Medium Size Sterile Wound Dressings No. 8
 - 1 x Large Size Sterile Wound Dressing No. 9
 - 1 x Extra Large Sterile Wound Dressing No. 3
 - 20 x Assorted Sterile Adhesive Dressings (plasters)
 - 2 x Triangular Bandages 95 cm X 134 cm
 - 6 x Safety Pins (Assorted)
 - 1 x Pair Scissors Blunt / Blunt Ends
 - 10 x Alcohol Free Moist Wipes
10. Any damage to a licensed hire car materially affecting the safety, performance or appearance of the vehicle shall be reported to the Council by the proprietor in accordance with Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976 and until such damage is repaired to the satisfaction of the authorised officer of the Council the vehicle shall not be used for hire.
11. The proprietor shall not cause or permit any sign, notice or advertisement to be displayed in, on or from the licensed hire car unless such sign, notice or advertisement is approved in writing by the Council.
12. The proprietor shall cause to be affixed and maintained in a conspicuous position in accordance with the directions of the Council any signs or notices required from time to time by the Council.

13. The proprietor shall not permit the licensed hire car to be used to carry a greater number of passengers than the number prescribed in the licence.
14. The proprietor shall not allow any child under the age of 10 years to be conveyed in the front of the vehicle.
15. The proprietor shall allow only one passenger to be conveyed in the front of the vehicle beside the driver, except where the hire car is licensed to carry more than six passengers and the appropriate seat belts are fitted.
16. If the vehicle is fitted with a taximeter;
 - (a) The proprietor shall cause the taximeter to be of a type approved by the Council and to be maintained in a sound mechanical condition at all times and for it to be located within the vehicle in accordance with the reasonable instructions of the authorised officer.
 - (b) The proprietor shall cause the taximeter to be set to display the proprietor's fare table approved by the Council from time to time.
 - (c) The proprietor shall not use or permit to be used a taximeter that the council has not sealed.
 - (d) The proprietor shall not permit the taximeter to be fitted with a second tariff unless second tariff is brought into force without driver operation.
 - (e) The proprietor shall cause the taximeter to be fitted with key to bring the machinery into action and cause the word 'HIRED' to appear on the face of the meter as soon as the vehicle is on hire.
 - (f) The proprietor shall ensure that when the vehicle is not hired the key is to be locked and the machinery kept inactive and the meter must show no fare at the time.
 - (g) The proprietor shall ensure that the meter shall not display a 'FOR HIRE' sign at any time.
 - (h) The proprietor shall ensure that when the taximeter is brought into action the fare and permitted extras will be shown legibly on the face of the meter and shall be no more than permitted by the approved tariff.
 - (i) The proprietor shall ensure the 'FARE' shall be printed on the face of the meter in clear letters so as to apply the fare recorded thereon.
 - (j) The proprietor shall ensure that the taximeter is in such a position in the licensed hire car that the figures thereon are clearly visible to any passenger being carried therein.
 - (k) The proprietor shall ensure that the taximeter is sufficiently illuminated that when in use it is visible to all passengers.

(l) The proprietor shall ensure that the taximeter and all its fittings are affixed to the licensed hire car with seals or by other means so that it shall not be practicable for any person to tamper with the meter except by breaking or damaging or permanently displacing the seals and other fittings.

(m) The proprietor undertakes to ensure that the taximeter will not be replaced without prior permission of the Council.

17. The proprietor shall ensure that a copy of the fare table, in a form approved by the council from time to time, is exhibited inside the licensed hire car at all times.
18. The proprietor shall ensure that the fare table is not concealed from view or rendered illegible while the vehicle is being used for hire.
19. The proprietor shall retain the licence of all drivers driving his vehicle and produce the same to an authorised officer or constable on request.
20. Section 49(1) of the Local Government (Miscellaneous Provisions) Act 1976 accommodates a transfer of a licensed hire car licence provided that notice is given to the Council within 14 days. This Council requires that any such transfer is completed at the Taxi Licensing Office, where both parties must be present to sign the transfer form. The Licensing staff will witness the transaction and supply copies of the transfer documents to both parties.
21. The proprietor shall ensure that no radio equipment is fitted to any of his licensed hire cars without prior written consent of the Council except where that radio equipment will allow the driver to communicate with an operator.
22. The proprietor shall ensure that any radio equipment fitted to the licensed hire car is at all times kept in a safe and sound condition and maintained in proper working order.
23. The proprietor of a licensed hire car shall immediately disclose to the Council in writing details of any conviction and details of any adult caution recorded against him by the police during the currency of his licensed hire car licence.
24. The proprietor of the licensed hire car shall keep in force in relation to the user of that vehicle a Policy of Insurance issued by an approved Insurance Company on a Comprehensive Basis and comply with the requirements of Part IV of the Road Traffic Act 1972.
25. A licence in respect of which the licence fee has been paid by cheque shall not be effective until the cheque has been cleared.
26. The licence holder will attend the Licensing Environment and Safety Committee following any conviction in respect of a criminal offence.