



SOUTH
KESTEVEN
DISTRICT
COUNCIL

GUIDE FOR HACKNEY CARRIAGE PROPRIETORS AND DRIVERS

The information contained in this leaflet is by no means exhaustive but is meant as a basic guide for those who are already involved in the taxi trade and those who are entering it for the first time. The Council's Licensing Section is on hand to help you if you have any queries or problems and can be contacted at the following address:

Licensing

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St Peter's Hill
Grantham
Lincs, NG31 6PZ

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LICENSING SECTION – PUBLIC PROTECTION

Introduction

Hackney carriages (otherwise known as taxis) can ply for hire i.e. they can stand on ranks and be hailed in a public street or they can be pre booked.

Licences are issued under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

Failure to comply with the above can result in prosecution and may affect one's fitness to hold a licence. A list of offences is attached and, although the list is long, we advise you to read it! Offences are also created under the local byelaws - available separately.

The Council's Licensing Committee deals with cases where decisions have to be made with regard to the issue, withdrawal, suspension or revocation of a licence. Applicants/licence holders are invited to attend the meeting and, if aggrieved by the Committee's decision, have the right of appeal to a Magistrates' Court within 21 days.

A separate guide for the private hire trade is available.

STANDARDS

The taxi trade provides an important service for the public. It rests with the trade and the Council to ensure, between them, that vehicles and drivers meet the standards required.

Drivers

- ◆ are expected to be polite and courteous
- ◆ behave in a civil and orderly manner
- ◆ ensure the safety of their passengers
- ◆ assist with baggage
- ◆ be clean, neat and tidy and adhere to the required dress code

Taxi drivers are not only put in positions of trust by the very nature of their work but are also ambassadors for this area, often being the first point of contact for visitors and tourists.

Advice and details of how to apply for a hackney driver's licence are contained in the information pack issued to all applicants.

Vehicles

- ◆ are tested twice a year by the Council's appointed garages and may be the subject of a spot check at any time (examples of a test report can be supplied upon request). The twice-yearly tests are the equivalent of an MOT.
- ◆ in addition, a vehicle should have no untreated or unrepaired body defect. All rust spots and repairs in excess of 100 millimetres long or wide should have been prepared and repainted with matching colour up to insurance finishing standards.
- ◆ interiors should be clean and tidy
- ◆ a roof sign must be displayed (specification available on request)
- ◆ the plate must be fixed to rear **exterior** of vehicle
- ◆ a meter fitted
- ◆ a fire extinguisher fitted
- ◆ although not essential a first aid kit is recommended
- ◆ a table of fares displayed (SKDC have deregulated fares which means that proprietors may set their own rates but must deposit a copy with the Council. For those choosing not to do this then the Council "default" rate takes effect) (advice/further details on request)
- ◆ Unconventional vehicles - such as 'stretched limos', rickshaws, tricycles, horse drawn carriages etc. will only be licensed if the Licensing Committee is satisfied as to their suitability and safety.

Proprietors are expected to maintain their vehicles in a roadworthy condition and not wait until a test for faults to be revealed. **The public's safety is paramount.**

The onus is on a proprietor to obtain planning permission before using premises as a taxi office.

DISABLED CUSTOMERS

Drivers must always show consideration towards disabled customers. By law all hackney carriage drivers are under a duty to carry, free of charge, guide, hearing and certain other assistance dogs in their vehicles.

FREQUENTLY ASKED QUESTIONS:

Can I advertise on my taxi?

Advertising is allowed below roof level but we would want to see standards maintained.

How many passengers can I carry?

The number of passengers you may carry will be displayed on your plate and will be dependent upon the make/model of your vehicle (saloon cars are usually licensed to carry four passengers). For purpose-built taxis and people carriers the maximum number of passengers can be eight (excluding the driver).

Can my spouse/partner drive my taxi for domestic or social purposes?

Legal decisions have confirmed that, regardless of the circumstances, licensed hackney carriage (and private hire) vehicles may only be driven by drivers holding the appropriate local authority licence, regardless of whether the journey is for non-business use.

Can I buy a vehicle that will be 5 years old the same month as I purchase it ?

If you are purchasing a vehicle, you must ensure that it is within 5 years of first registration by DVLA.

You must ensure that when you submit a vehicle (and its relevant documentation, including a passed Compliance Certificate) to the Licensing Team that it is no older than 5 years old. For example, if you consider buying a vehicle that would be 5 years old on the 20th of the month, you must ensure that there is sufficient time to enable you to purchase the vehicle, for it to pass a compliance test and submit the documentation to the Licensing Team before the 20th of the month, otherwise it would be older than 5 years at first registration.

Can I drive a Private Hire vehicle with a Hackney Carriage licence ?

No, you must hold either a dual licence or a private hire drivers licence to drive a Private Hire vehicle. However, hackney carriages can pick up pre-booked appointments.

What's the ruling on seat belts?

Regulations came into effect on 18 September 2006 concerning seatbelts in cars, vans and goods vehicles. The changes are summarised below, and more details are available at <https://www.think.gov.uk/>.

Front Seat

Children up to 135cm in height (approx 4'5") or 12th birthday (whichever they reach first) **must** use correct child restraint.

Anyone over 1.35cm (approx 4'5") or 12 or 13 years **must** use seat belt if available.

Rear Seat

Children up to 3 yrs may travel unrestrained in a licensed taxi/private hire vehicle if the correct child restraint is not available.

Children from 3rd birthday up to 135cm in height (approx 4'5") or 12th birthday (whichever they reach first) **must** use correct child restraint where seat belts are fitted. If the correct child restraint is not available they **must** use the adult belt. If seat belts are not available a child 3 and over may travel unrestrained.

Anyone over 1.35cm (approx 4'5") or 12 or 13 years **must** use seat belt if available.

In addition, the revised regulations also say that rear-facing baby seats **must not** be used in a seat protected by a frontal air-bag unless the air-bag has been deactivated manually or automatically.

To comply with the law taxi drivers are within their rights to insist upon their use and may refuse to commence a journey until the request is complied with.

Hackney carriage drivers may claim exemption from wearing a seat belt if plying for, or actually carrying passengers for hire, but this does not apply whilst driving to or from your home or office (base).

Can I ply for hire anywhere in the country?

No. Hackney carriages are licensed to **ply for hire** within a particular local authority district although it is, of course, acknowledged that journeys take the vehicle outside that district.

Can I ply for hire or be hailed on private land?

No. A hackney carriage cannot ply for hire or accept a hailing whilst on a private road/land, even if access is permitted to the public to use the road for access. A pre-booked pick up can be accepted from a private road/land.

Do I need an MOT certificate?

When a vehicle passes its annual test at one of the Council's authorised garages a certificate of compliance is issued which exempts the vehicle from a Ministry of Transport certificate whilst the vehicle is licensed as a hackney carriage. If the licence expires or is suspended or revoked the certificate of compliance is invalidated and an MOT certificate is required.

Can I have a part refund of my licence fee if I hand my plate in before the licence expires?

No. However, the licence can be transferred to another vehicle (fee as per current scale of charges) but this applies solely to an existing licence which is to remain in the original licence holder's name. It is not a means of renewing another existing licence at a lesser fee or an opportunity to change plate number.

If I decide to give up taxi driving can I have a part refund on my licence and badge?

No. The only exceptions are medical reasons which would have to be supported by a doctor's report or on reaching retirement age. In both cases the licence and badge would have to be surrendered.

Do I have to have a medical?

Yes. All drivers must meet Group 2 standards of fitness for occupational drivers. These are the standards applied to bus and lorry drivers.

Medicals are 3 yearly (at the driver's expense). Drivers aged 65 years and over and those with a medical condition are required to pass annual medicals.

Can I wear shorts in hot weather?

Yes, if they are tailored, ending on or near the knee and are of a sober pattern.

Sleeveless tee-shirts and vests are not acceptable.

MOBILE PHONES

It is illegal to use a hand-held mobile phone when driving, even when you are stopped at traffic lights or in a queue of traffic.

Avoid taking calls on a hands-free phone. If you do, say you are driving and keep conversation short.

You can also be prosecuted for using a hands-free mobile phone if you fail to have proper control of your vehicle.

Use a message service and take regular breaks.

Penalties for driving carelessly or dangerously when using any phone can include disqualification, a large fine, and up to two years imprisonment.

SUMMARY OF HACKNEY CARRIAGE OFFENCES

Town Police Clauses Act 1847

- Section 44 A proprietor of a hackney carriage must notify the Council of a change of address in writing within seven days and produce the licence for amendment
- Section 45 A proprietor permitting plying for hire without licence of vehicle and driving, standing or plying for hire without licence or plate
- Section 47 Failure of driver to have licence (driver and proprietor may commit offence)
- Section 48 Proprietor to retain driver's hackney carriage licence
- Section 49 Proprietor to return licence to driver on leaving employment unless guilty of Misconduct
- Section 52 Neglecting or refusing to exhibit plate prescribed by Section 51
- Section 53 Driver refusing to drive without reasonable cause
- Section 54 Charging more than fare agreed at time of hiring being less than prescribed fare
- Section 56 Not carrying passenger distance equivalent to fee charged
- Section 57 Failing to wait when deposit paid
- Section 58 Overcharging in accordance with table of fares
- Section 59 Driver or proprietor permitting person other than hirer to ride without hirer's Consent
- Section 60 Acting as driver without licence
- Section 61 Drunken driving / furious driving
- Section 62 Driver leaving hackney carriage unattended in street or public place

Section 64 Driver obstructing other road users in picking up or setting down passengers

Section 68 Breaches of hackney carriage byelaws

Local Government (Miscellaneous Provisions) Act 1976

Section 49 Failure to notify the District Council in writing, within 14 days of the transfer of interest in a hackney carriage

Section 50 Failure to present hackney carriage for inspection when requested by District Council

Failure to state where hackney carriage is kept, and failure to afford facilities to inspect and test there

Failure to report accident to hackney carriage materially affecting safety, performance or appearance, or comfort or convenience of persons carried, within seventy-two hours. Failure to produce vehicle licence and/or certificate of insurance

Section 53 Failure to produce hackney carriage driver's licence on request

Section 57 Knowingly or recklessly making false statement, etc, in connection with licence Application

Section 58 Failure to return plate upon notice by District Council to do so

Section 61 Failure to return driver's badge when required to do so

Section 64 Causing or permitting vehicle other than licensed hackney carriage to wait on hackney carriage stand

Section 66 Hackney carriage driver demanding for journey ending outside area fare greater than at prescribed rate

Section 67 Using hackney carriage as a private hire vehicle and charging a fare in excess of that permitted by the table of fares

Section 69 Unnecessarily prolonging journey

Section 71 Tampering with seal on taxi meter without lawful excuse

Altering taxi meter with intent to mislead

Section 73 Obstructing police or authorised officer in exercise of their duties

NOTE: Breaches of conditions of the licence e.g. as to taxi meters or roof signs etc, although not constituting an offence would constitute reasonable grounds for revoking or not renewing a licence or could incur Penalty Points being added to the appropriate licence as outlined in the South Kesteven District Council Private Hire and Hackney Carriage Policy.