

**Report to** Licensing committee

30 January 2020

**Item**

**Report of** Environmental health and public protection manager

**Subject** Amendment to standard conditions for licences to drive  
hackney carriage and private hire vehicles

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### **Purpose**

For members to consider an amendment to the standard conditions attached to a City of Norwich driver's licence regarding hackney carriage and private hire vehicles, relating to notification to the city council of convictions, cautions, and inclusion on barred lists.

### **Recommendation**

That members agreed the amendment to the conditions as detailed in the report.

### **Corporate and service priorities**

The report helps to meet the corporate priorities of inclusive economy and people living well.

### **Financial implications**

None.

**Ward/s:** All Wards

**Cabinet member:** Councillor Maguire - Safe and sustainable city environment

### **Contact officers**

Tony Shearman, Public protection manager

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### **Background documents**

None

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## Report

1. The Licensing department produces a document entitled BYELAWS, REGULATIONS & CONDITIONS APPLICABLE TO HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE, PROPRIETORS, DRIVERS AND OPERATORS. It is more commonly known as 'The Green Book'.
2. As the title of the document indicates, it details the various conditions, byelaws and legislation as applied to the various licences required within the hackney carriage and private hire trades.
3. Pages 7-10 of this document list the conditions applied to a private hire drivers licence. These conditions would also apply to the holder of a licence to drive a hackney carriage as this is a dual licence allowing the holder to driver either class of vehicle.
4. The current condition 12. of the private hire drivers licence, copied below for information, sets out the requirement for the holder to inform Norwich City Council if they are convicted of any offence.

### 12. Convictions

*The driver shall within seven days disclose to the Council in writing details of any conviction imposed on him/her during the period of the licence.*

5. The current wording of this condition does not address any requirement to inform the Licensing Authority of any other formal enforcement action taken against the licence holder, such as the administration of a caution by the Police, or being barred from working with children.
6. In order to ensure safety of the public, it is important that the Licensing Authority be informed of the results of any criminal and/or motoring enforcement action taken against a licence holder, so that an assessment can be made as to whether they continue to be considered a fit and proper person.
7. The following updated wording is suggested to replace the current wording of condition 12:-

### 12. Cautions, Convictions and Barred Lists

*The driver shall within seven days of being aware of any caution or conviction or other penalty imposed on them during the period of their licence inform the licensing department of the Council in writing with details of the caution or conviction or other penalty, this includes all motoring offences and driving licence endorsements. The driver shall also inform the licensing department of the Council in writing within seven days of being aware of inclusion in any list barring or restricting the driver from working with adults or children within seven days of notification, with details of the bar or restriction. The driver must ensure that their notification has been received by the licensing department of the Council.*

***Please note – should there be an allegation that this condition has been breached whereby Council has not received proper notification,***

***then it shall be the licence holders' responsibility to prove that due notification was given***

8. A draft copy of the Green Book, with the suggested amendment as detailed above, is attached as Appendix A.



**BYELAWS, REGULATIONS & CONDITIONS  
APPLICABLE TO  
HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE,  
PROPRIETORS, DRIVERS AND OPERATORS**

**THE GREEN BOOK**



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## **Code of Conduct**

### **Hackney Carriage and Private Hire Drivers**

Hackney Carriage and Private Hire Drivers (referred to in this document as Drivers) are in a position of trust in respect of the safety and welfare of their passengers. The Licensing Authority, through its licensing team and committees, must ensure that all Drivers are 'fit and proper' to undertake their work as Drivers and that they also act as ambassadors for the district. It is essential that the Council and Drivers work together in order to ensure members of the public are treated with dignity and respect, including reporting any concerns.

On occasions, drivers may become aware of, or have suspicions that, their passengers may be the victim of abuse, neglect or exploitation either sexual or otherwise, or at risk of becoming a victim. In addition, drivers themselves may be accused of misconduct or inappropriate behaviour through the misinterpretation of the driver's actions or conversation.

Therefore, Norwich City Council has introduced this **Code of Conduct** which is aimed at providing the best possible service by protecting both passengers and drivers. This ensures that concerns, suspicions of abuse, neglect or exploitation can be reported appropriately and minimise the risk of misunderstandings.

Drivers are expected to comply with this Code of Conduct. Failure to do so may result in the driver being referred to the Regulatory Sub Committee to explain the circumstances surrounding any incident. In the event of a repeated and/or serious failure to comply, drivers can expect that consideration will be given to the suspension or revocation of their licence.

It should be noted that the code does not override any obligations that are enshrined in legislation, licence conditions or other contractual obligations, such as County Council contracts.

#### **Drivers should:**

- Act in a professional manner at all times
- Treat passengers and other road users with respect
- Keep relationships with passengers on an appropriate, professional basis
- Respect all individuals – regardless of age, disability, gender, sexual orientation, gender reassignment, religion/belief, language spoken, race or ethnicity

#### **And be aware of:**

- Safety and well-being of passengers must be paramount
- The importance of the use of appropriate language
- Be aware of the vulnerability of children and adults
- Be aware of passengers with special needs
- Any instruction given about the care or first aid requirements of a passenger
- Personal beliefs and standards, including dress and religion
- Passengers misreading situations



- The use of social networking sites such as Facebook and Twitter. These are public websites and therefore passengers conveyed may access a Driver's site. Ensure you use the appropriate privacy settings to avoid passengers viewing your social media sites

#### **Drivers should never:**

- Become over-friendly or unprofessional in any way with passengers or engage in any form of inappropriate relationship, infatuation or show favoritism
- Inappropriately touch a passenger, unless in an emergency situation, or if required to do so because of the additional needs of the passenger
- Administer medication unless a specific request has been made by the hirer
- Photograph or video passengers in your care unless used in compliance with data protection legislation and any relevant codes of practice issued by the Home Office or Information Commissioner's Office
- Engage with passengers through social networking sites (such as Facebook and Twitter), instant messengers or any other online communication software such as mobile phone applications or video games
- Phone or send text messages to passengers other than directly concerning the hiring of your vehicle
- Swear, make personal/humiliating comments, make comments that could be perceived to be hate crime, or tell inappropriate jokes in person or by any other means e.g. social media
- Offer or accept sweets, cigarettes or gifts of any sort
- Stop anywhere other than the specified pick up/drop off points unless requested by the hirer
- Show passengers videos or pictures on your mobile phone or any other electronic device

#### **Safeguarding:**

If a driver has concerns or suspects abuse, neglect or exploitation of a passenger then these should not be ignored. If there are any suspicions or concerns about the way someone is being treated it is important to report this. The safeguarding of children and vulnerable adults is everybody's responsibility. Remember that your information could help a vulnerable child or adult.

If a driver is working under a Norfolk County Council contract then their documents and guidance procedures should be followed alongside any training received by the driver.

Otherwise, the following procedures should be complied with in reporting any information or suspicions you may have of anyone being subject to abuse, neglect or exploitation:

#### **Action to be taken if you have concerns:**

- If your concerns are of an urgent matter or you believe that a crime has been committed and there is an immediate risk of danger, telephone the police emergency number, **999 or 112**
- If you are suspicious or are concerned that a child or an adult is suffering or is likely to suffer significant harm, including any form of mistreatment, abuse, neglect or exploitation but it is not of an urgent matter, please contact Norfolk Constabulary on **101**.

## **QUALIFICATIONS FOR APPLICATIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS LICENCE**

1. Every applicant for a hackney carriage and private hire driver's licence must have held a current full driving licence for at least 12 months. A provisional licence together with a certificate of competence to drive will not suffice.
2. A medical certificate must be submitted by the applicant as to his/her physical fitness to drive a hackney carriage or private hire vehicle. The Council reserves the right to demand a second opinion at the applicant's expense from a medical practitioner of their own choice.
3. The applicant shall produce his/her driving licence for examination before any licence is issued.
4. All unspent convictions shall be disclosed MOTORING OR CRIMINAL.
5. For prospective hackney carriage drivers the applicant shall be required to satisfy the Director of neighbourhoods as to his/her knowledge of Norwich as to the shortest routes between given points.

For prospective private hire drivers the applicant shall be required to satisfy the Director of neighbourhoods as to his/her knowledge of fixed points and places of interest in Norwich.

Applications from licensed drivers for the renewal of their licence shall be subject to a satisfactory medical examination on the third anniversary of the date from when the licence was first granted and then every three years thereafter

**(Please Note:** Where your medical practitioner indicates it is necessary, you may be required to produce a satisfactory medical certificate with your renewal application before the three year period referred to above has elapsed).

**CONDITIONS ATTACHED TO A CITY OF NORWICH DRIVER'S LICENCE  
WITH REGARD TO PRIVATE HIRE VEHICLES**

1. Conduct of Driver

The driver shall:-

- (a) afford all reasonable assistance with passengers' luggage.
- (b) at all times be clean and respectable in his/her dress and person and behave in a civil and orderly manner.
- (c) take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him/her.
- (d) not without the express consent of the hirer drink or eat in the vehicle.
- (e) not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
- (f) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he/she is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.

2. Passengers

- (1) The driver shall not convey or permit to be conveyed in a private hire vehicle a greater number of persons than that prescribed in the licence for the vehicle.
- (2) The driver shall not without the consent of the hirer of the vehicle convey or permit to be conveyed any other person in that vehicle.

3. Lost Property

- (1) The driver shall immediately after the termination of any hiring of a private hire vehicle or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left therein.
- (2) If any property accidentally left in a private hire vehicle by any person who may have been conveyed therein is found by or handed to the driver, he/she shall take it as soon as possible and in any event within 48 hours, if not sooner

claimed by, or on behalf of, its owner, to a Police Station in the district and leave it in the custody of the officer in charge on his/her giving a receipt for it.

4. Written receipts

The driver shall if required by the hirer to a private hire vehicle provide him/her with a written receipt for the fare paid.

5. Animals

(1) The driver shall not convey in a private hire vehicle any animal belonging to or in the custody of him/herself or the proprietor or operator of the vehicle and he/she shall ensure that any animal belonging to or in the custody of any passenger is conveyed in the rear of the vehicle.

(2) The driver of a private hire vehicle which has been hired:

(a) by or for a disabled person with their guide, hearing or assistance dog: or

(b) by a person who will be accompanied in the private hire vehicle by such a disabled person

must carry the disabled passenger's dog ( and allow it to remain with the passenger) unless the driver has been granted a certificate of exemption on medical grounds by the Council which certificate must be carried by the driver and made available for inspection by the hirer or any other passenger on request.

6. Prompt Attendance

The driver of a private hire vehicle shall, if he/she is aware that the vehicle has been hired to be in attendance at an appointed time and place or he/she has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place, unless delayed or prevented by sufficient cause.

7. Copy of Condition

The driver of a private hire vehicle shall carry with him/her a copy of these conditions and shall make them available for inspection by the hirer or any other passenger on request.

8. Deposit of Licence

If the driver is permitted or employed to drive a private hire vehicle of which the proprietor is someone other than him/herself, he/she shall before commencing to drive that vehicle deposit their Norwich City Council drivers licence with that proprietor for retention by him/her until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his/hers.

9. Taximeter

If a private hire vehicle is fitted with a taximeter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless credit is to be given).

10. Fare to be demanded

The driver shall not demand from any hirer of a private hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.

11. Change of Address

The driver shall notify the Council in writing of any change of his/her address during the period of the licence within seven days of such change taking place.

12. Cautions, Convictions and Barred Lists

The driver shall within seven days of being aware of any caution or conviction or other penalty imposed on them during the period of their licence inform the licensing department of the Council in writing with details of the caution or conviction or other penalty, this includes all motoring offences and driving licence endorsements. The driver shall also inform the licensing department of the Council in writing within seven days of being aware of inclusion in any list barring or restricting the driver from working with adults or children within seven days of notification, with details of the bar or restriction. The driver must ensure that their notification has been received by the licensing department of the Council.

***Please note – should there be an allegation that this condition has been breached whereby the Council has not received proper notification, then it shall be the licence holders' responsibility to prove that due notification was given.***

13. Return of Badge

The driver shall upon the expiry (without immediate renewal), revocation or suspension of this licence forthwith return to the Council the driver's badge issued to him/her by the Council when granting the licence.

14. Display of licence plate

The licence holder shall at all times when driving the vehicle ensure that the licence plate is prominently displayed so as to be readily visible to members of the public and that the figures and numbers endorsed thereon are distinct and legible.

15. Conveying dead body

The licence holder who has knowingly conveyed in the vehicle the dead body of any person shall immediately thereafter notify the Public protection manager.

**These conditions are in addition to the provisions of Part II of the Local Government (Miscellaneous Provisions) Act, 1976.**

**SUMMARY OF THE MAIN PROVISIONS OF PART II OF THE LOCAL GOVERNMENT  
(MISCELLANEOUS PROVISIONS) ACT, 1976 CONCERNING PRIVATE HIRE DRIVERS**

- S.46 (1) (b) Driver to be licensed.
- S.51 (1) Grant of licence.  
(2) Conditions may be attached.  
(3) Council to maintain register.
- S.53 (2) Council may charge for licence.  
(3) (a) Driver to produce licence for inspection within five days.
- S.54 (1) Council to issue badge.  
(2) (a) Driver to wear badge.  
(2) (b) Offence not to wear badge.
- S.57 (1) Council may require applicant to submit any information to enable them to determine whether to grant licence.  
(2) (a)(i) Require production of medical certificate and  
(ii) submit to medical practitioner selected by the Council.
- S.61 (1) Council may suspend, revoke or refuse to renew licence on reasonable cause.  
(2) (a) Driver to return badge within 14 days of above.
- S.73 Offence to obstruct, failure to comply with requirement or failure to give information or assistance to an authorised officer.
- S.76 Penalty for offences – Fine not exceeding level 3 on the standard scale.  
[£1000 at time of writing]

## **CONDITIONS ATTACHED TO A PRIVATE HIRE VEHICLE LICENCE**

1. Throughout these conditions “proprietor” includes a part-proprietor and, in relation to a vehicle which is the subject of a hiring agreement or a hire-purchase agreement, means the person in possession of the vehicle under that agreement.
2. In the event of the proprietor of a private hire vehicle changing his/her address he/she shall within 7 days give notice in writing to the Director of neighbourhoods and shall produce the vehicle licence at the office of the Director of neighbourhoods to enable details of the new address to be endorsed thereon.
3. The licence shall be in force only whilst the vehicle has a current valid Mechanical Test Certificate issued by Norwich City Council or their appointed agent.
4. The vehicle shall be kept in good order, the interior clean and the braking machinery efficient. There shall be an electric light fitted in the interior of the vehicle, in working order.
5. If any alteration is proposed to be made to any part of the vehicle the Director of neighbourhoods shall be notified and consent obtained before any such alteration is carried out.
6. A 1kg dry powder fire extinguisher with a fire rating of 5A/34B complying with BS EN:3 1996 shall be installed in the vehicle and in satisfactory working order at all times.
7. The floor of the vehicle shall be covered with a proper carpet, mat or other suitable covering.
8. The vehicle shall be equipped with a satisfactory arrangement for quickly replacing any punctured or damaged tyres and shall in any case carry a roadworthy spare wheel with fitted tyre.
9. The number of the licence shall be legibly marked:-
  - (i) inside the vehicle, on a card affixed to the vehicle, so as to be visible to passengers;
  - (ii) outside the vehicle on a yellow plate affixed vertically to the rear of the vehicle, on the opposite side to the exhaust and a reasonable distance above the ground.
10. There shall be displayed inside the vehicle a notice supplied by the Council stating to the effect that:-
  - (i) The vehicle is a private hire vehicle;
  - (ii) The vehicle may not be hailed in the street or boarded from a rank;
  - (iii) Fares cannot be controlled by the City Council and should be negotiated with the operator;
  - (iv) Any complaints should be referred to the City Council.



11. Signage identifying the vehicle is a Private Hire Vehicle, as approved by the Director of neighbourhoods, shall be displayed on both rear doors of the vehicle.
12. The vehicle shall contain sufficient means by which the passenger may communicate with the driver, a watertight roof or covering and a means of opening and closing the windows.
13. The seats shall be properly cushioned or covered, fittings and furniture shall be kept clean and adequate for the convenience of persons conveyed therein and a means shall be provided for securing luggage.
14. If the vehicle is equipped with a taximeter, the same and all fittings thereof shall be so affixed to the vehicle 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.
15. The vehicle may only be equipped with a taximeter of the type specified in the Council's Byelaws with respect to hackney carriages or such other type as may be approved by the Council from time to time.
16. Any sign or lettering displayed shall be non-illuminated and shall be confined to the nearside and offside front doors of the vehicle, and the words "taxi" or "cab" whether in the singular or plural or any word of similar meaning or appearance should not appear on any private hire vehicle even to denote the name of the firm concerned, except:
  - (a) as authorised by these conditions or any Act or Byelaw;
  - (b) a permanently fitted roof bar or permanently fitted roof sign with the wording "pre-booked only" back and front which must be clearly visible by day and night of a size and dimension approved by the Director of neighbourhoods.
17. On initial licensing the age of the vehicle shall not exceed 5 years, from date of first registration with the DVLA.
18. The vehicle shall not be more than 10 years old unless passed by the Director of neighbourhoods as in exceptionally good condition.
19. The vehicle shall not be less than 1400cc, except for hydrogen fuel cell, electric and hybrid vehicles.
20. The number of passengers carried in the vehicle shall not exceed such number as that for which the vehicle is licensed and the number of such passengers shall be clearly marked upon the licence plate.
21. The seating capacity of the vehicle will be determined as follows:-
  - (a) where separate seats for each person are provided one person shall be counted for each separate seat provided; and

(b) where the vehicle is fitted with continuous seats one person shall counted for each complete length of 16 inches measured in a straight line lengthwise on the front of each seat and where such continuous seat is fitted with arms for the purpose of separating the seating spaces and such arms are so constructed that they can be folded back or otherwise put out of use such seat shall be measured for the purpose of this condition as if it had not been fitted with such arms.

22. Any vehicle conforming to the standard specification for Hackney Carriages as from 24<sup>th</sup> November 2009 shall not be used as a private hire vehicle.
23. The licence shall be revocable in the event of the Council being reasonably satisfied that a breach of any of the foregoing conditions has occurred and the licence holder may be liable to prosecution.
24. These conditions are in addition to the provisions of Part II of the Local Government (Miscellaneous Provisions) Act, 1976.

**SUMMARY OF THE MAIN PROVISIONS OF PART II OF THE LOCAL GOVERNMENT  
(MISCELLANEOUS PROVISIONS) ACT, 1976 CONCERNING PRIVATE HIRE  
VEHICLES**

- S.46 (1) (a) Vehicle to be licensed.
- S.48 (1) (a) Grant of vehicle licence – subject to provisions:-suitability, design, condition, comfortable, safe, etc.
- (2) Council may attach conditions.
- (5) Plate or disc to be issued.
- (6) Plate to be displayed as prescribed.
- S.49 (1) On proprietor's interest in vehicle being transferred to notify Council within 14 days.
- (2) Offence not to inform of transfer
- S.50 (1) Vehicle to be presented for inspection and testing on request by Council on not more than 3 occasions in any 1 year.
- (2) Requirement to inform Council where vehicle is kept when not in use.
- (3) Proprietor to report accident to vehicle within 72 hours.
- (4) Vehicle licence and insurance certificate to be produced on request.
- S.57 (1) Power to require applicants to submit information.
- S.58 (1) (a) Return of plate or disc on revocation, suspension or expiry of licence within 7 days after notice.
- (2) (b) Authorised officer entitled to remove plate and retain it.
- S.60 (1) Council may suspend or revoke or refuse to renew vehicle licence if vehicle unfit for use, non-compliance with Act by driver or operator or any other cause.
- (2) Within 14 days of above Council to give notice of grounds.
- S.68 Authorised officer or police constable may inspect and test vehicle and taximeter. Authorised officer or police constable may issue notice suspending licence if not satisfied.
- S.71 (1) Vehicle does not have to have taximeter, BUT where fitted must be tested and approved by the Council.
- S.73 (1) Offence to obstruct authorised officer or police constable or comply with his requirements.
- S.76 Penalty for offences – Fine not exceeding level 3 on the standard scale.  
[£1000 at time of writing]

### **CONDITIONS ATTACHED TO A HACKNEY CARRIAGE VEHICLE LICENCE**

1. Only vehicles which conform to the standard specifications for hackney carriages as adopted on 24<sup>th</sup> November 2009 may be used as a hackney carriage. A copy of which may be obtained from the Director of neighbourhoods, City Hall.
2. Any vehicle licensed as a hackney carriage must conform to the standard specification adopted on the 24<sup>th</sup> November 2009, and such licence shall only be valid so long as that vehicle continues to hold a current valid Mechanical Test Certificate issued by Norwich City Council or their appointed agent.
3. On initial licensing the age of the vehicle shall not exceed 5 years, from date of first registration with the DVLA.
4. With effect from 1<sup>st</sup> April 2017, a vehicle licence shall not be renewed if the age of the vehicle exceeds 15 years, from the date of first registration with the DVLA, on the date that the current licence expires.
5. A fully paid up insurance policy in respect of the vehicle, covering passenger risks, (unlimited), must be in force during the currency of the licence.
6. The Director of neighbourhoods must be notified if any alteration is proposed to be made to any part of the vehicle before such alteration is carried out.
7. The vehicle shall be equipped with a satisfactory arrangement for quickly replacing any punctured or damaged tyres and shall in any case carry a roadworthy spare wheel with fitted tyre.

**NORWICH CITY COUNCIL BYELAWS WITH RESPECT TO HACKNEY  
CARRIAGE PROPRIETORS AND DRIVERS**

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/her 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;
  - (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 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;
  - (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 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 operation of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face on 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 of fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time and distance, in pursuance of the tariff fixed by the Council in that behalf;
  - (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;
  - (f) the taximeter and all 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;
  - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness, this being the time

between half-an-hour after sunset to 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 fixed by the Council in that behalf;
  - (b) if the stand at the time of his/her 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;
  - (d) from time to time when any other carriage immediately in front is driven off or moved forward, cause his/her 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, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precaution 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) 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 persons specified on the plate affixed to the outside of the carriage, provided however that for this purpose two children below the age of ten years may be counted as one person insofar as the rear seating only is concerned.
  - (b) The driver shall not allow there to be conveyed in the front of a hackney carriage vehicle:-
    - (i) any child below the age of ten years; or
    - (ii) more than one person above that age.

12. If a badge has been provided by the Council and delivered to the driver of a hackney carriage, he/she 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;
  - (c) afford reasonable assistance in removing itto or from the entrance of any building, station or place at which he/she may take up or set down such person.
14. The driver of a hackney carriage shall:-
  - (a) not without the express consent of the hirer, play any radio or in-car sound equipment other than for the purpose of radio communication in connection with the operation of the business of the vehicle and this to be in such manner as not to cause annoyance to anyone.
  - (b) not at any time when driving for hire, smoke tobacco or any other like substance;
  - (c) if requested by the hirer of a hackney carriage provide him/her with a written receipt for the fare paid;
  - (d) not convey in a hackney carriage any animal belonging to or in the custody of him/herself or the proprietor or operator of the vehicle.

Rates or fares to be paid for hackney carriages within the district, and securing the due publication of such fares

15. The proprietor or driver of a hackney carriage shall be entitled to demand and take for hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by time and distance unless the hirer expresses at the commencement of the hiring his/her desire to engage by time only. Provided always that where a hackney carriage shall be hired by time and distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of 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.
16.
  - (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the Council in that behalf 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.



Provision securing the safe custody and re-delivery of any property accidentally left in any hackney carriages

17. 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.
18. 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/her 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 a Police Station in the district and leave it in the custody of the officer in charge on his/her giving a receipt for it.
19. Every proprietor or driver of a hackney carriage who shall, knowingly convey in the carriage the dead body of any person shall, immediately thereafter, notify the fact to the Chief Environmental Health Officer of the Council.

Penalties

20. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding one hundred pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction thereof.

**LICENSED HACKNEY CARRIAGE DRIVERS PLEASE NOTE**

The Norwich City Council Drivers Licence issued to persons authorised to drive hackney carriages is a dual licence, that authorises the holder to also drive Norwich city council licensed private hire vehicles. Therefore the conditions detailed in the section of this document entitled 'CONDITIONS ATTACHED TO A CITY OF NORWICH DRIVER'S LICENCE WITH REGARD TO PRIVATE HIRE VEHICLES' also apply.

Where the condition applies specifically to the driving of a private hire vehicle, then it would only apply when driving said vehicle. Where a condition is not specific to the driving of a particular vehicle, such as condition 12. which relates to informing the council of convictions, then it would apply at all times.

**SUMMARY OF MAIN PROVISIONS OF THE TOWN POLICE CLAUSES ACT, 1847**  
**APPLICABLE TO HACKNEY CARRIAGE DRIVERS**

- |      |   |
|------|---|
| S.46 | Driver not to act without licence.                |
| S.50 | Council may revoke licence on second conviction.  |
| S.52 | Plying for hire without plate attached.           |
| S.53 | Refusing to drive without reasonable excuse.      |
| S.54 | Offence to demand more than sum agreed.           |
| S.55 | Agreement to pay more than legal sum not binding. |
| S.58 | Offence of overcharging.                          |
| S.59 | Vehicle may be shared only with consent of hirer. |
| S.62 | Vehicle not to be left unattended.                |
| S.66 | Unpaid fare may be recovered in County Court.     |
| S.68 | Council may make byelaws.                         |

**Local Government (Miscellaneous Provisions) Act 1976**

**S. 61 Suspension and revocation of drivers' licences.**

- (1) Council may suspend, revoke or refuse to renew licence on reasonable cause.

### **CONDITIONS ATTACHED TO PRIVATE HIRE OPERATORS LICENCE**

1. Licensed Operators shall keep a record of all bookings showing the points of commencement and termination of each journey, the charge made, the person accepting the booking, the vehicle used and the name of the driver.
2. Licensed Operators shall keep a record containing the names and addresses of proprietors, registration numbers and licence numbers of all vehicles operated.
3. All records kept by the Operator shall be preserved for a period of not less than six months following the date of the last entry.
4. The Operator shall notify the Council in writing of any change of his/her address (including any address from which he/she operates or otherwise conducts his/her business as an operator) during the period of the licence within seven days of such change taking place.
5. In the event of the licence holder being convicted of an offence of whatever kind he/she shall within seven days notify the Director neighbourhoods in writing of the conviction giving particulars of the date and place of conviction, the nature of the offence and the penalty imposed, together with such further information concerning the offence as the Director of neighbourhoods may require.
6. These conditions are in addition to the provisions of Part II of the Local Government (Miscellaneous Provisions) Act, 1976.

**SUMMARY OF THE MAIN PROVISIONS OF PART II OF THE LOCAL GOVERNMENT  
(MISCELLANEOUS PROVISIONS) ACT, 1976 CONCERNING PRIVATE HIRE VEHICLE  
OPERATORS**

- S.46 (1) (d) Operator to be licensed.  
(e) Operator must ensure vehicle and drivers are licensed.
- S.55 (1) Grant of Operator's licence.  
(3) Council may attach conditions.
- S.56 (1) Contract for hire with Operator.  
(2) Records of bookings of journey to be kept and produced to authorised officer or police officer on request.  
(3) Records of vehicles operated by licence holder shall be required to be kept and produced on request.  
(4) Operator's licence to be produced on request of authorised officer or police officer.
- S.57 (2) (b) Council may require applicant for Operator's licence to submit certain information as required to obtain a licence:  
(i) name and address of applicant and any others concerned, etc:  
(ii) convictions:  
(iii) previous applications:  
(iv) other matters considered relevant.
- S.62 (1) Council may suspend, revoke or refuse to renew licence for:-  
(a) any offence or non-compliance with provisions:  
(b) conduct which Council consider renders him/her unfit to hold licence:  
(c) any material change on basis of licence being issued:  
(d) any other reasonable cause.
- S.70 (2) (c) Council to fix fees for licence.
- S.73 Obstruction of authorised officers.
- S.76 Penalty for offences – fine not exceeding level 3 on the standard scale. [£1000 at time of writing].

**SUMMARY OF THE MAIN PROVISIONS OF PART II OF THE LOCAL GOVERNMENT  
(MISCELLANEOUS PROVISIONS) ACT, 1976 AND THE TOWN POLICE  
CLAUSES ACT, 1847**

**Local Government (Miscellaneous Provisions) Act, 1976**

- S.47 (1) Council may attach conditions to licence.  
(2) Council may require vehicle to be clearly identified as a hackney carriage.
- S.49 (1) On proprietor's interest in vehicle being transferred to notify Council within 14 days.  
(2) Offence not to inform of transfer.
- S.50 (1) Vehicle to be presented for inspection and testing on request by Council on not more than 3 occasions in 1 year.  
(2) Requirement to inform Council where vehicle is kept when not in use.  
(3) Proprietor to report accident to vehicle within 72 hours.  
(5) Vehicle licence and insurance certificate to be produced on request.
- S.57 (1) Power to require applicant to submit information.
- S.58 (1) Return of plate or disc on revocation, suspension or expiry of licence within 7 days after notice.  
(2) (b) Authorised officer entitled to remove plate and retain it.
- S.60 (1) Council may suspend or revoke or refuse to renew vehicle licence if – vehicle unfit for use, non-compliance with Act by driver or any other reasonable cause.  
(2) Within 14 days of above Council to give notice of grounds.
- S.63 Council may appoint hackney carriage stands.
- S.64 Prohibition of other vehicles on hackney carriage stands.
- S.65 Council may fix fares for hackney carriages.
- S.66 If no agreement made for fare for journey ending outside district driver can only charge what would have been shown on meter.
- S.67 If hackney carriage used as private hire, fare or charge cannot be more than current fare laid down by Council. Fare to be calculated from point in district at which hirer commences journey.
- S.68 Authorised officer or police constable may inspect and test vehicle and taximeter and issue notice suspending licence if not satisfied.
- S.69 Offence to prolong journey.
- S.73 Offence to obstruct authorised officer or police constable or comply with requirements.

- S.76 Penalty for offences – Fine not exceeding level 3 on the standard scale.  
[£1000 at time of writing]

## Town Police Clauses Act, 1847

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|------|--|
| S.44 | Notice of change of address by proprietors to be given in writing to Council within 7 days.              |
| S.45 | Offence to ply for hire without vehicle licence or while licence suspended or not having plate attached. |
| S.47 | Offence for proprietor to employ unlicensed driver.  |
| S.48 | Proprietor to retain licence of driver.  |
| S.50 | Council may revoke licence on second conviction.   |
| S.51 | Offence not to have seating capacity plate attached to vehicle.  |