

# LICENSING COMMITTEE

Wednesday, 27th February, 2019  
6.30 pm





# LICENSING COMMITTEE

## BURNLEY TOWN HALL

Wednesday, 27th February, 2019 at 6.30 pm

This agenda gives notice of items to be considered in private as required by Regulations (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Members are reminded that if they have detailed questions on individual reports, they are advised to contact the report authors in advance of the meeting.

Members of the public may ask a question, make a statement, or present a petition relating to any agenda item or any matter falling within the remit of the committee.

Notice in writing of the subject matter must be given to the Monitoring Officer by 5.00pm three days before the meeting. Forms can be obtained for this purpose from the reception desk at Burnley Town Hall, Manchester Road or at the Contact Centre, Parker Lane, Burnley or from the web at: <http://burnley.moderngov.co.uk/ecCatDisplay.aspx?sch=doc&cat=13234> . You can also register to speak via the online agenda. Requests will be dealt with in the order in which they are received.

## **AGENDA**

### **1) Apologies**

To receive any apologies for absence.

### **2) Minutes**

5 - 6

To approve as a correct record the Minutes of the last meeting as enclosed.

### **3) Additional Items of Business**

To determine whether there are any additional items of business which, by reason of special circumstances, the Chair decides should be considered at the meeting as a matter of urgency

### **4) Declaration of Interest**

### **5) Exclusion of the Public**

To determine during which items, if any, the public are to be excluded from the meeting.

### **6) Public Question Time**

To consider questions, statements or petitions from members of the public.

**7) Amendment to Hackney Carriage Bye Laws**

7 - 24

To consider proposed amendments to the Hackney Carriage Bye Laws.

**MEMBERSHIP OF COMMITTEE**

Councillor Ann Royle (Chair)  
Councillor Frank Cant (Vice-Chair)  
Councillor Ida Carmichael  
Councillor Saeed Chaudhary  
Councillor Tom Commis  
Councillor Ivor Emo  
Councillor Danny Fleming

Councillor Shah Hussain  
Councillor Anne Kelly  
Councillor Arif Khan  
Councillor Sobia Malik  
Councillor Elizabeth Monk  
Councillor Paul Reynolds  
Councillor Jeff Sumner

**PUBLISHED**

Tuesday, 19 February 2019

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## LICENSING COMMITTEE

BURNLEY TOWN HALL

Wednesday, 24th October, 2018 at 6.30 pm

### PRESENT

### MEMBERS

Councillors A Royle (Chair), F Cant (Vice-Chair), I Emo, D Fleming, S Hussain, A Kelly, A Khan, S Malik, P Reynolds and C White

### OFFICERS

Joanne Swift	– Head of Streetscene
David Talbot	– Senior Solicitor
Peter Henderson	– Principal Licensing Officer
Alison McEwan	– Democracy Officer

### 9. Apologies

Apologies were received from Cllrs Carmichael & Sumner.

### 10. Minutes

To minutes of the meeting held on 14<sup>th</sup> June 2018 were approved as a correct record and signed by the Chair.

### 11. Taxi Licence Fees 2019

Members considered the level of taxi licence fees to be effective from January 2019.

Members noted that the balance of the taxi reserve would be utilised to support the work plan for the coming year and enable fees to be maintained at the current level.

### RESOLVED

That the taxi licence fees be maintained at the current level and no changes be made for 2019 for the following licences:

Private Hire Operator, Private Hire Driver, Private Hire Vehicle, Hackney Carriage Driver and Hackney Carriage Vehicle.

## **12. Gambling Act 2005 Policy for 2019 - 2021**

Members gave consideration to the Council's Gambling Act Policy for 2019-2021.

The Gambling Act 2005 requires the Council to review and publish its licensing policy every 3 years.

The draft Statement of Principles attached at Appendix A had been the subject to widespread consultation between July and October 2018 and the responses had been considered in detail and where appropriate had been included in the draft Statement of Principles.

Members considered and accepted two minor wording changes to the policy.

### **Paragraph 7.2**

The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the data protection legislation (as defined in Section 3 of the Data Protection Act 2018) will not be contravened.

Reason: The General Data Protection Regulation is not the only piece of legislation that covers data protection requirements and obligations.

### **Paragraph 8.7**

Any such prosecution shall be commenced and conducted by the Head of Legal and Democratic Services in accordance with the powers delegated by the Council.

Reason: The Council's structure has changed resulting in the post of Head of Governance, Law and Regulation being replaced by the Head of Legal and Democratic Services.

## **RESOLVED**

That the draft Statement of Principles for the Gambling Act 2005 Policy for the period 3rd January 2019 to 31<sup>st</sup> December 2021 be recommended to the Council for approval.

### **Licensing Training**

The Chair reminded members that there was a training session scheduled for 25th October at 6pm for those Members who had not already completed the compulsory licensing training.

### **Thanks**

On behalf of the Committee, the Chair expressed thanks and best wishes to Peter Henderson who was retiring in November.

<b>REPORT TO LICENSING COMMITTEE</b>
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<b>DATE</b>	<b>27<sup>th</sup> February 2019</b>
<b>PORTFOLIO</b>	<b>Environment</b>
<b>REPORT AUTHOR</b>	<b>Emma Barker</b>
<b>TEL NO</b>	<b>01282 425011</b>
<b>EMAIL</b>	<b>ebarker@burnley.gov.uk</b>

<b>Amendment to Hackney Carriage Bye Laws</b>
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<b>PURPOSE</b>
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1. For Licensing Committee to consider proposed amendments to the Hackney Carriage Bye Laws.

<b>RECOMMENDATION</b>
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2. That Committee recommend to Council approval of the proposed changes to the Burnley Hackney Carriage Bye Laws. (Appendix 'B')

<b>REASONS FOR RECOMMENDATION</b>
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3. To ensure that the bye laws accurately reflect the requirements of the Council with regard to driver training, behaviour and customer care.

<b>SUMMARY OF KEY POINTS</b>
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4. Unlike private hire driver's licences, legislation prevents the Council from imposing conditions on a hackney carriage driver's licence. The only way that holders of hackney driver's licences can be the subject of legal requirements is by way of hackney carriage bye laws.
5. Burnley's hackney carriage bye laws have not been updated since 6<sup>th</sup> October 1978 and do not accurately reflect modern day requirements for the control of hackney driver's behaviour.
6. The changes are necessary in order to reflect changes to private hire driver conditions that have previously been approved by licensing committee.
7. The amended byelaws were recommended for Council approval by the Licensing Committee on the 27<sup>th</sup> October 2016 and subsequently approved by Full Council on the 21<sup>st</sup> December 2016. The byelaws then needed approval from the Secretary of State.

8. Since that date, dialogue has taken place between the Council and the Secretary of State and some minor amendments have been made to the original version which came before committee in October 2016, namely: -
- Byelaw 11 now refers to anti-smoking legislation and electronic smoking devices.
  - Byelaws 18/19 has been worded to make it more understandable but the content has the same meaning as before
  - Byelaws 23/24 in relation to fares were included in the model byelaws from the Secretary of State and needed adding to the Council's byelaws.
9. The byelaws which were put before committee in October 2016 are attached to this report as Appendix A and the amended version (amendments highlighted) as Appendix B.

**FINANCIAL IMPLICATIONS AND BUDGET PROVISION**

11. Nil

**POLICY IMPLICATIONS**

12. Nil

**DETAILS OF CONSULTATION**

13. The proposed changes have previously been the subject of licensing committee reports that have been approved by licensing committee and full consultation was carried out with the taxi and private hire trade.

**BACKGROUND PAPERS**

14. None

**FURTHER INFORMATION**  
**PLEASE CONTACT:** Emma Barker  
**ALSO:**



# BYELAWS

Made under Section 68 of the Town Police  
Clauses Act 1847, by the Council of the  
Borough of Burnley with respect to Hackney  
Carriages in the Borough of Burnley

## HACKNEY CARRIAGES BYELAWS

MADE UNDER SECTION 68 OF THE TOWN POLICE CLAUSES ACT 1847  
AND SECTION 171 OF THE PUBLIC HEALTH ACT 1875, BY THE COUNCIL  
OF THE BOROUGH OF BURNLEY WITH RESPECT TO HACKNEY  
CARRIAGES IN THE BOROUGH OF BURNLEY

### INTERPRETATIONS

1. Throughout these byelaws:

“The Council” means the Council of the Borough of Burnley

“The District” means the Borough of Burnley

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 **in such manner, if any, as prescribed from time to time by the Council;**
- (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 or covering to be kept watertight
  - (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
  - (d) cause the floor to be provided with a proper carpet, mat or other suitable covering;
  - (e) cause the seats to be properly cushioned or covered;
  - (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 the same to be provided with a taximeter 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, 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 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 distance in pursuance of the byelaw 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 placed that all letters and figures on 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 suitable illuminated during any period of hiring;
- (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 byelaws in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
  - (b) as soon as the carriage is hired by distance, and before beginning the journey, 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 as defined for the purposes of the Road Transport Lighting Act 1957, and also at any other times 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 in the district.
  - (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 but not already occupied by a 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 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. A proprietor or driver of a hackney carriage, when standing, or plying for hire, shall not place or suffer to be placed any printed, written or other matter by way of advertisement on any part of the carriage except with the consent of the Council.
- 10. 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.
- 11. The driver of a hackney carriage shall not at any time when driving on hire smoke tobacco or like substance and shall not, except with the express consent of the hirer, play any radio or sound reproducing equipment in the hackney carriage other than for communicating with his employer or any agent of his employer.
- 12. 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.
- 13. The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
- 14. 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.
- 15. 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.

16. 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 quantity in loading and unloading
  - (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 a person.

17.

- (a) The driver of a hackney carriage shall notify the Council of any conviction against him/her or of any acceptance by him/her of an endorseable fixed penalty notice or simple caution for criminal or motoring offences or of any pending prosecutions taken against him/her for such types of offences since the issue of his/her hackney carriage driver's licence.
- (b) The notification required by byelaw 17(a) above shall be in writing and shall be given within not more than 7 days after any such conviction has been imposed, fixed penalty notice or simple caution accepted or the receipt of notification of any such pending prosecutions.

18.

Subject to byelaw 18(c), no person shall act as a driver of a hackney carriage unless:

- (a) within not more than 7 days after the grant by the Council of a hackney carriage driver's licence to him, he registered for the Driver's VRQ2 (BTEC) course for Transporting Passengers by Taxi and Private Hire ("the BTEC") and
- (b) he successfully completed the BTEC within 6 months of the date of the grant by the Council of the hackney carriage driver's licence to him
- (c) byelaws 18(a) and 18(b) above shall not apply to:
  - a. a driver who has, prior to the grant by the Council of a hackney carriage driver's licence to him, successfully completed the BTEC; or
  - b. the driving of a hackney carriage vehicle where:
    - i. the driver of the hackney carriage vehicle has registered for the BTEC in accordance with the requirements of byelaw 18(a) above; and

- ii. the driving is taking place within 6 months of the date of the grant by the Council of the hackney carriage driver's licence to that driver; and
- iii. the driver has not, at the time of driving the hackney carriage, successfully completed the BTEC.

19. No person shall drive a hackney carriage without first having completed a child sexual exploitation awareness course approved by the Council.

#### PROVISIONS SECURING THE SAFE CUSTODY AND RE-DELIVERY OF ANY PROPERTY ACCIDENTALLY LEFT IN HACKNEY CARRIAGES AND FIXING OF CHARGES TO BE MADE IN RESPECT THEREOF

20. 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
21. 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 a police station within the district and leave it in the custody of the officer in charge of the station on his giving receipt for it;
  - (b) be entitled to receive from any person to whom the property shall be redelivered an amount equal to 5p in the pound of its estimated value (or the fare for the distance from the place of finding to the police station, whichever be the greater) but not more than five pounds.

#### PENALTIES

22. 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

23. The byelaws relating to hackney carriages which were made by the Burnley Borough Council on the 2<sup>nd</sup> day of August 1978 and confirmed by one of Her Majesty's Assistant Under Secretaries of State on the 6<sup>th</sup> day of October 1978 are hereby repealed.

The Common Seal of the Council        )  
of The Borough of Burnley            )  
was hereunto affixed on the xx day  
of xxxx in the presence of )

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# BYELAWS

Made under Section 68 of the Town Police  
Clauses Act 1847, by the Council of the  
Borough of Burnley with respect to Hackney  
Carriages in the Borough of Burnley

## HACKNEY CARRIAGES BYELAWS 2018

MADE UNDER SECTION 68 OF THE TOWN POLICE CLAUSES ACT 1847  
AND SECTION 171 OF THE PUBLIC HEALTH ACT 1875, BY THE COUNCIL  
OF THE BOROUGH OF BURNLEY WITH RESPECT TO HACKNEY  
CARRIAGES IN THE BOROUGH OF BURNLEY

### INTERPRETATIONS

1. Throughout these byelaws:

“The Council” means the Council of the Borough of Burnley

“The District” means the Borough of Burnley

“The Booking Clerk” means any person tasked by an operator to receive and/or record any private hire booking

“The Approved Course” means the Driver’s VRQ2 (BTEC) course for Transporting Passengers by Taxi and Private Hire or a similar qualification that includes such learning modules as may be required by the Council, and that at least matches or exceeds the level of qualification attained by the VRQ2 (BTEC)

PROVISIONS REGULATING THE MANNER IN WHICH THE NUMBER OF  
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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;

- (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 watertight
  - (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
  - (d) cause the floor to be provided with a proper carpet, mat or other suitable covering;
  - (e) cause the seats to be properly cushioned or covered;
  - (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 the same to be provided with a taximeter 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, 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 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 distance in pursuance of the byelaw 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 placed that all letters and figures on 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 suitable illuminated during any period of hiring;
- (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 byelaws in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
  - (b) as soon as the carriage is hired by distance, and before beginning the journey, 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 as defined for the purposes of the Road Transport Lighting Act 1957, and also at any other times 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 in the district.
  - (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 but not already occupied by a 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 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. A proprietor or driver of a hackney carriage, when standing, or plying for hire, shall not place or suffer to be placed any printed, written or other matter by way of advertisement on any part of the carriage except with the consent of the Council.
10. 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.
11. In addition to existing workplace anti-smoking legislation, the driver of a hackney carriage shall not at any time when driving on hire use an electronic smoking device and shall not, except with the express consent of the hirer, play or otherwise use any radio or sound reproducing equipment in the hackney carriage other than the use of any such radio or sound reproducing equipment for the purpose of communicating with his booking clerk or any agent of his booking clerk.
12. 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.
13. The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
14. 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.

15. 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.

16. 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 quantity in loading and unloading
- (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 a person.

17.

(a) The driver of a hackney carriage shall notify the Council of any conviction against him/her or of any acceptance by him of an endorseable fixed penalty notice or simple caution for criminal or motoring offences or of any pending prosecutions taken against him for such types of offences since the issue of his hackney carriage driver's licence.

(b) The notification required by byelaw 17(a) above shall be in writing and shall be given within not more than 7 days after any such conviction has been imposed, fixed penalty notice or simple caution accepted or the receipt of notification of any such pending prosecutions.

18.

No person shall act as a driver of a hackney carriage at any time after 6 months of the date on which the licence to drive is first granted to him by the Council unless:

(a) within not more than 7 days after the grant by the Council of a hackney carriage driver's licence to him, he registered for the Approved Course and

(b) he successfully completed the Approved Course within 6 months of the date of the grant by the Council of the hackney carriage driver's licence to him

19. Byelaws 18(a) and 18(b) above shall not apply to a driver who has, prior to the grant by the Council of a hackney carriage driver's licence to him, successfully completed the Approved Course.
20. No person shall drive a hackney carriage without first having completed a child sexual exploitation awareness course approved by the Council.

PROVISIONS SECURING THE SAFE CUSTODY AND RE-DELIVERY OF ANY PROPERTY ACCIDENTALLY LEFT IN HACKNEY CARRIAGES AND FIXING OF CHARGES TO BE MADE IN RESPECT THEREOF

21. 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
22. 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 a police station within the district and leave it in the custody of the officer in charge of the station on his giving receipt for it;
  - (b) be entitled to receive from any person to whom the property shall be redelivered an amount equal to 5p in the pound of its estimated value (or the fare for the distance from the place of finding to the police station, whichever be the greater) but not more than five pounds.

PROVISIONS FIXING THE RATES OR FARES TO BE PAID FOR HACKNEY CARRIAGES WITHIN THE DISTRICT AND SECURING THE DUE PUBLICATION OF SUCH FARES

23. (a) 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.
- (b) Where a hackney carriage furnished with a taximeter is hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take 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.

24. (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 letter or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

#### PENALTIES

25. 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

26. The byelaws relating to hackney carriages which were made by the Burnley Borough Council on the 2<sup>nd</sup> day of August 1978 and confirmed by one of Her Majesty's Assistant Under Secretaries of State on the 6<sup>th</sup> day of October 1978 are hereby repealed.

The Common Seal of the Council )

of The Borough of Burnley )

was hereunto affixed on the xx day

of xxxx in the presence of )

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