

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
EACH HACKNEY CARRIAGE CORRESPONDING WITH THE NUMBER OF
ITS LICENCE SHALL BE DISPLAYED

2. (a) The proprietor of a hackney carriage shall cause the number of the Licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto;
- (b) A proprietor or driver of a hackney carriage shall:-
 - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;

- (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 2nd day of August 1978 and confirmed by one of Her Majesty's Assistant Under Secretaries of State on the 6th 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)