



Middlesbrough Council Notes and Council Policies for Hackney Carriage Drivers

Notes for Drivers of Hackney Carriages

Please refer to the Conditions of Hackney Carriage Vehicle Licences, the Byelaws with Respect to Hackney Carriages (Appendix N) and the Council's Private Hire and Hackney Carriage licensing Policy for further information

The following pages contain abbreviations of various pieces of legislation as follows:

TPCA – Town Police Clauses Act 1847

LG(MP)A – Local Government (Miscellaneous Provisions) Act 1976

Laws

1. Authorised Officers (*Section 73 LG(MP)A*)

HC drivers must not obstruct any authorised officer of the Council or Police Officer. Drivers must provide any assistance or information the officer may reasonably require

2. Charging (*Section 58 TPCA/Section 66 LG(MP)A*)

HC drivers must ensure that only the fare displayed on the taximeter at the end of the journey can be charged unless a lesser fare has been agreed. If the journey ends or begins outside of the district a higher fare may be agreed before the journey begins.

3. Drink Driving (*Section 61 TPCA*)

In addition to any offences under other legislation, it is an offence to drink and drive while acting as a HC driver and also to drive in such a way that may harm or put in danger any person.

4. Drivers Must Be Licensed (*Section 46 TPCA*)

Once a vehicle is licensed as a HC, every driver of that vehicle must hold a current HC driver licence, whether the vehicle is used as a HC or a private vehicle.

5. Equal Opportunities (*Equality Act 2010*)

HC drivers must at all times treat their passengers or any potential passenger with courtesy and respect. They must not discriminate against any person because of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation

6. Carrying of Passengers (*Sections 51 & 59 TPCA*)

- a) The driver of a HC must not carry more persons than the number displayed on the vehicle licence plate.
- b) The driver of a HC must not allow any other person to be carried in the vehicle without the consent of the hirer

7. Obstruction (*Section 64 TPCA*)

It is an offence to wilfully obstruct the driver of another HC in setting down or picking up passengers or prevent another driver from being hired.

8. Other Persons Not To Drive Hackney Carriages (*Section 60 TPCA*)

HC drivers must not allow any other person to drive the HC without consent of the vehicle proprietor.

9. Production of Licence (*Section 53 LG(MP)A*)

A HC driver must produce their HC driver licence when asked to do so by an authorised officer or police constable.

10. Refusal to Carry Passenger (*Section 53 TPCA*)

If the driver of a HC refuses to carry the number of passengers shown on the licence plate or less they will be guilty of an offence.

The driver of a HC who refuses without reasonable cause to drive a passenger to a particular place or refuses to carry a passenger may be prosecuted.

Remember that passengers are not bound by any gentleman's agreement in relation to their selection of a vehicle at a HC rank. A passenger may therefore choose not to travel in the first vehicle available on a rank and drivers must allow them to do so without argument or dispute.

12. Charging/Fares (*Sects 54, 56&58 TPCA, Sects 66&69 LG(MP)A, Byelaw 6*)

- a) If the driver of a HC agrees a fare which will be less than shown on the meter they must not then try to charge more than they originally agreed. If a prior agreement was made for a fare that turns out to be higher than that shown on the meter, the passenger need only pay the metered fare.
- b) If an agreement of a fare was made to carry a passenger for a particular distance, then the passenger must be carried for that full distance.
- c) The driver of a HC is entitled to charge the rate of fare listed on the tariff card in the vehicle. The driver of the HC must not ask for a fare greater than that displayed on the taximeter.
- d) Any driver of a HC who is convicted of taking a fare greater than that authorised by the current table of fares, may be required to return the overcharge as well as being fined for the offence. The driver or the owner of the vehicle must not conceal the table of fares while the carriage is plying or being used for hire.
- e) If the driver of a HC is carrying a passenger on a journey ending outside of the district of Middlesbrough and where no agreement has been made in relation to a fixed fare for that journey, they must not charge more than the fare shown on the taximeter.
- f) Where a HC driver is carrying passengers they must drive them to their destination by the shortest route, unless an alternative route has been agreed with the passengers prior to the commencement of the journey

- g) The driver of a HC shall, as soon as a HC is hired by distance and before commencing the journey, bring the machinery of the taximeter into action and keep the machinery of the taximeter in action until the termination of the hiring. The taximeter must be activated before each and every journey, regardless of whether a fare has been previously agreed for that journey and regardless of the destination.
- h) The total number of people carried in a HC, including children, must not exceed the maximum number of persons allowed to be carried in the vehicle (indicated on the vehicle's HC licence plate)

13. Return of Badge (*Section 61 LG(MP)A*)

HC drivers must return their driver identification badge to the Council upon request of an authorised officer if it has been suspended or revoked.

14. Vehicles Must Be Licensed (*Section 45 & 52 TPCA, Byelaw 2*)

- a) It is an offence to use a vehicle as a HC without the appropriate HC driver's licence, while the vehicle's licence is suspended or without displaying the number of the HC on the vehicle.
- b) The driver of a HC must ensure the Council's identification plates are properly displayed on the vehicle and not concealed from public view or defaced in any way.

The list of laws above should be taken as a guide only and it is the responsibility of a HC driver to ensure that they are familiar with all laws in relation to driving HC vehicles before they commence work

Council Policies in respect of Hackney Carriage Drivers

1. Fitness of Vehicle

HC drivers must thoroughly check a vehicle before driving to ensure roadworthiness. These checks should include the lights and tyres of the vehicle. Drivers should also check that the appropriate Council signage and plates are affixed to the vehicle.

Drivers must report immediately to the owner/operator of the vehicle, any defects or damage to the vehicle that make the vehicle unroadworthy, i.e. would cause the vehicle to be suspended and which occur during the course of their work. They should then return the vehicle to its base until defects/damage have been rectified.

2. Animals

Drivers are only permitted to carry animals belonging to their passengers and only when the animal is accompanied by its owner. If drivers do carry an animal then it must be carried in the rear of the vehicle with the exception of assistance dogs. Drivers are not obliged to carry an animal that is not an assistance dog.

3. Assistance Dogs

Unless the driver has been issued a medical exemption in relation to the carriage of assistance dogs, the driver must allow the passenger with the assistance dog to sit in the front seat and for the assistance dog to sit in the foot well.

4. Change of Address or Name

HC drivers must let the Council know in writing within 7 days if they change their home address or name.

5. Change of Employer

HC Drivers are required to inform the Council, within 7 days in writing, if they change their employer, i.e. start to drive a hackney carriage belonging to another proprietor.

6. Complaints

If a HC driver receives a complaint from a customer and is unable to resolve the issue himself, then he must advise the customer of the Council's contact number detailed on the complaint stickers in each HC and notify the HC proprietor.

7. Conduct of Driver

Drivers must always be clean, respectable and polite.

The driver shall at all times when acting as a driver of a licensed vehicle:

- 7.1 Assist passengers with their luggage

- 7.2 Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by them
- 7.3 Comply with the Councils Dress Code, Code of Conduct for Licensed Drivers and Code of Conduct When working with Vulnerable Passengers
- 7.4 Behave in a civil and orderly manner at all times
- 7.5 At all times treat their passengers or any potential passenger with courtesy and respect. They must not discriminate against any person because of their race, creed, gender, disability or age.
- 7.6 Take particular care with unaccompanied children and vulnerable adults. Drivers must remain alert to safeguarding matters related to children and vulnerable adults. Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination (if it is safe and legal to do so).

Drivers must not:

- 7.7 Drink, or eat in their vehicle whilst carrying fare paying passengers
- 7.8 Play music in their vehicle without the permission of their passengers
- 7.9 Engage in any sexual activity with their passengers, make inappropriate personal contact or make inappropriate comments of a sexual nature
- 7.10 Make inappropriate remarks about sexuality, disability, race or any other subject that may be discriminatory
- 7.11 Cause any nuisance or annoyance to any person whether inside or outside of their vehicle. This includes the sounding of horns and banging of doors, littering etc.

8. Convictions, Charges, Arrests

If a driver is cautioned for, or convicted of, any motoring or criminal offence or made subject to a CRASBO, ASBO or Injunction or arrested or charged with any motoring or criminal offence they must notify the Council, in writing, within 7 days

9. Dress Code

Drivers should be clean and tidy at all times and adhere to the Driver's Dress Code:

The purpose of the Driver's Dress Code is to seek a standard of dress that provides a positive image of the hackney carriage and private hire trade in Middlesbrough, to enhance a professional image of licensed drivers and ensure that public and driver safety is not compromised.

Acceptable Standards of Dress

All clothing worn by the driver must be clean and in good condition, and the driver must have good standards of personal hygiene.

As a **minimum standard**, males should wear trousers and a shirt which has a full body and short sleeves.

As a **minimum standard**, females should wear long legged trousers, knee length skirt or dress and a shirt / blouse which has a full body and short sleeves.

Shirts or blouses may be worn with a tie or open necked.

Knee length shorts may be worn, for example during periods of warm weather.

Footwear

Footwear for all drivers shall fit around the heel of the foot.

Unacceptable Standard of Dress

The following are deemed unacceptable:

- Clothing not kept in a clean condition, free from holes and rips.
- Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend.
- Sportswear (e.g. football/rugby kits, track suits, beach wear etc.).
- Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel.
- Drivers not having either the top or bottom half of their bodies suitably clothed (see above).
- Vest style sleeveless tops
- The wearing of hoods or other clothing that obscures the driver's vision or their identity

The above list is not exhaustive and authorised officers of the LA shall assess whether standards of dress are acceptable or not. In such circumstances, the Officer's decision shall have effect as though it were included in the above lists and the licensed driver shall be required to comply accordingly

10. Fitness of Vehicle

Drivers should check their vehicle for general roadworthiness and cleanliness both inside and out prior to commencing work. These checks should include the lights and tyres of the vehicle. Drivers should also check that the appropriate Council signage and plates are affixed to the vehicle

11. Insurance

Drivers must check with the vehicle proprietor that they are insured to drive a vehicle before they commence work for the first time. The driver must ensure that they have sight of the insurance document which covers them to drive a vehicle BEFORE they drive the vehicle

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12. Loss/Theft of Badge/Licence

Drivers must report the loss or theft of their licence/identification badge to the Police as soon as the loss becomes known. They should then report the matter to the Licensing Office the next working day.

13. Loss or Theft of Vehicle Plate

If a driver becomes aware that the HC licence plate on their vehicle is lost or stolen, then they should report the fact to the Police and to the vehicle proprietor as soon as the loss becomes known. They should then report the matter to the Licensing Office the next working day.

14. Lost Property

The driver must check their vehicle after each and every journey to ensure that passengers have not left property within the vehicle. If a driver finds property they should return it to the passenger if possible and if not, then they should hand the property to the Police within 48 hours.

15. Medical Condition

Drivers must notify the Council, within 7 days, of any change in their medical condition that may affect their ability to drive.

A driver who receives medical treatment or medical consultation shall confirm with their medical attendant whether they are at that time fit to undertake the duties of a private hire vehicle driver in accordance with the DVLA's Guide to Medical Standards of Fitness for a Group 2 licence holder. Where any medical attendant specifies that a driver or prospective driver should not drive for a determinate or indeterminate period, the driver or prospective driver shall notify the Council immediately in writing of such medical opinion.

The requirement will not apply to any temporary incapacity or treatment for the duration of which the driver does not intend to drive a private hire vehicle.

16. Obstruction of Plates or Signs

Drivers must not conceal any information displayed on any official sign the Council requires to be affixed to a HC.

17. Receipts

A HC driver must provide a receipt to a customer upon request. This receipt should include the following: Name of hirer, date and time of journey, starting point and destination, price, driver name, driver badge number.

18. Wheelchair Accessible Vehicles

Prior to commencing work in a wheelchair accessible vehicle a HC driver must ensure that the correct ramps and passenger restraints are available for use within the vehicle. If such fittings are not available for use and in good working order, then the vehicle must be returned to its owner as the vehicle is not considered fit for use as a hackney carriage.

When conveying a passenger using a wheelchair in a wheelchair accessible vehicle, a HC driver must use any lifts, ramps etc. supplied with the vehicle, to afford easy and safe access into and out of the vehicle. The driver must, unless medically exempt by the Council, give every assistance to the passenger and should secure the wheelchair by means of the restraints in the manner prescribed by the vehicle manufacturer.

19. Smoking and the use of e cigarettes

Drivers shall not smoke or use e-cigarettes or vape in licensed vehicles and should not permit anyone else to do so either.

20. Passengers

The driver shall not allow there to be conveyed in the front seat of a HC

- i) Any child below the age of twelve (unless an appropriate child restraint is in place.
- ii) More than one person above that age (except where separate seats are provided).