

LICENSING AND SAFETY COMMITTEE

20 JULY 2011

REVISION OF HACKNEY CARRIAGE BYELAWS

Report from: Deborah Upton. Assistant Director (Housing & Corporate Services)

Author: Alison Poulson. Business Development & Licensing Manager

Summary

The purpose of this report is to ask the Licensing and Safety Committee to approve revised Byelaws in respect of Hackney Carriages.

1. Budget and Policy Framework

1.1 The creation of byelaws is a non-executive function. As the byelaws relate to hackney carriages they are within the remit of the Licensing and Safety Committee.

2. Background

2.1 The current Hackney Carriage Byelaws were based on the 1974 model byelaws and were made by Gillingham Borough Council and Rochester Upon Medway City Council, approved by the previous Hackney Carriage Joint Committee on 7 November 1988, confirmed by the Secretary of State for Transport and came into force on 1 March 1989.

2.2 Hackney Carriage Byelaws are permitted to be made by section 68 of the Town Police Clauses Act 1847. The Department of Transport has produced a set of model byelaws as a basis for licensing authorities to use. Byelaws need to be approved by the Secretary of State, and where a local authority wishes to introduce a byelaw which deviates from the model the Secretary of State will expect the byelaws as drafted by the local authority to meet the legal tests for validity, i.e.

- To be within the powers of the local authority
- Not to be contrary to any other legal provision
- Byelaws must be certain and positive in their terms
- Byelaws must be reasonable

2.3 Due to changes in legislation and a more recent version of the model byelaws being issued, the existing Byelaws need updating.

3. Consultation

- 3.1 As part of the review of the Byelaws the Medway Licensed Taxi Drivers Association (MLTDA) were consulted on the proposed revision.

4. Advice and Analysis

- 4.1 The MLTDA had no objections to the proposed revision. A letter confirming their agreement is attached at Appendix D

5. Proposed Amendments

- 5.1 The revised byelaws attached at Appendix C show the amendments in red. These amendments are largely based on the model byelaws attached at Appendix B.

- 5.2 There are only two deviations to the model byelaws:

- ◆ Byelaw 8. Officers and the taxi trade feel that the wording of the model byelaw is confusing insofar as it indicates that as long as a driver does not use a third party he or she can tout for business. Therefore this byelaw has been slightly reworded.
- ◆ Byelaw 12. Medway Council issues internal ID badges to all licensed drivers, which have to be clearly displayed in their vehicles whilst they are working. These ID Badges are portable and can be taken by the driver when required to produce ID in relevant circumstances, such as collecting a child from school. Therefore the word “wear” has been substituted by “display”.

6. Risk Management

- 6.1 This review of Byelaws is key in relation to the council’s position in continuing to implement the Licensing Teams objectives and ensures a fair, transparent and consistent approach when determining any enforcement issues.

7. Financial and legal implications

- 7.1 The only costs associated with this review is the requirement to advertise the byelaws in the local press.
- 7.2 Section 68 of the Town Police Clauses Act 1847 gives the Council the power to make byelaws regulating hackney carriage drivers and proprietors in such a way as to ensure that they are fit and proper persons and in order to ensure the safety of the travelling public. Section 236(7) of the Local Government Act 1972 gives the Secretary of State power to confirm or refuse byelaws. The byelaws will come in to effect on an agreed date (usually four weeks) after confirmation by the Secretary of State.

8. Recommendations

- 8.1 The Committee is asked to approve the making of the revised Byelaws and the submission to the Secretary of State for confirmation.

Lead officer contact

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Background papers

1. Existing Hackney Carriage Byelaws (Appendix A)
2. Model Byelaws (Appendix B)
3. Revised Byelaws (Appendix C)
4. Letter from MLTDA agreeing to revised Byelaws (Appendix D)



BOROUGH OF GILLINGHAM

BYELAWS

made under section 68 of the Town Police Clauses Act 1847
and section 171 of the Public Health Act 1985
by the Gillingham Borough Council

with respect to

HACKNEY CARRIAGES

Municipal Buildings
Canterbury Street
Gillingham
Kent
ME7 5LA

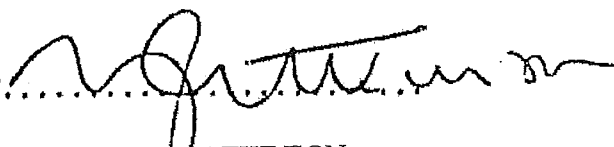
CERTIFICATION OF BYELAW PURSUANT TO SECTION 238 OF THE LOCAL GOVERNMENT ACT 1972 (as amended)

I, Yvonne Atkinson, Deputy Town Clerk and Solicitor of the Gillingham Borough Council, HEREBY CERTIFY that the attached document is a true copy of the Byelaws with respect to Hackney Carriages.

I, Yvonne Atkinson, further certify that the aforesaid byelaw:-

- (a) was made by the Gillingham Borough Council on 7th November 1988
- (b) was confirmed by the Secretary of State for Transport
- (c) came into force on the 1st day of March 1989

SIGNED



YVONNE ATKINSON

Dated this 26th day of August 1993

MEDWAY COUNCIL

BYELAWS

Made under Section 68 of the Town Police Clauses Act 1847 and section 171 of the Public Health Act 1875, by the Gillingham Borough Council with respect to hackney carriages in the Borough of Gillingham

Interpretation

1. Throughout these byelaws "the Council" means the Gillingham Borough Council and "the district" means the Borough of Gillingham.

PROVISIONS REGULATING THE MANNER IN WHICH THE NUMBER OF EACH HACKNEY CARRIAGE CORRESPONDING WITH THE NUMBER OF ITS LICENCE SHALL BE DISPLAYED.

2. (i) 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.
- (ii) A proprietor or driver of a hackney carriage shall:
 - (a) 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;
 - (b) 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.

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 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 operating of which will bring the machinery of the taximeter into action;
 - (b) such key or 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 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 rates of fare fixed by the Council in that behalf;
 - (d) the word "FARE" shall be printed on the face of the taximeter in plain letter 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 the fittings thereof shall be so fixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with the 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. The 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 arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - (c) on arriving at another 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 carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward;
 - (e) if such carriage occupies the first or second position on one of the stands fixed or deemed to be fixed by the Council pursuant to section 63 of the Local Government (Miscellaneous Provisions) Act 1976 and any enactment amending or replacing the same remain with the carriage ready to be hired at once.
8. The 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 precautions 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. The 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 that two children between the ages of three and twelve shall count as one in assessing the number of persons who may be carried on the seats in the rear of the carriage, provided that each child is seated on a properly constructed seat which has been approved by the Council and which is covered by the Insurance Policy issued and in force in respect of the carriage.

12. If the badge has been provided by the Council and delivered to the driver of a hackney carriage, either with the licence granted to him by the Council or afterwards, he shall, when standing, plying or driving for hire wear that badge in such a 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 it to or from the entrance of any house, station, or place at which he may take up or set down such person.
14. The proprietor or driver of a hackney carriage shall not demand a fare greater than is fixed by the Council pursuant to section 65 of the Local Government (Miscellaneous Provisions) Act 1976 and any enactment amending or replacing the same.

PROVISIONS SECURING THE DUE PUBLICATION OF FARES TO BE PAID FOR HACKNEY CARRIAGES WITH THE DISTRICT

15.
 - (a) The proprietor of a hackney carriage shall cause a statement of the table of fares made by the Council to be exhibited inside the carriage, in clearly distinguishable letters and figures and shall renew such letters and figures as often as is necessary to keep them clearly visible.
 - (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.
16. The proprietor or driver of a hackney carriage shall, immediately after termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.

17. 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 24 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council, and leave it in the custody of the officer in charge of the office on his giving a receipt for it;
 - (b) be entitled to receive from any person to whom the property shall be redelivered an amount equal to five pence in the pound of its value estimated by the Chief Executive and Town Clerk (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

PROVISION REGULATING THE MINIMUM NUMBER OF HOURS TO BE WORKED BY A DRIVER.

18. The driver of a hackney carriage shall exercise his calling for no less than 35 hours within a week.

PENALTIES

19. 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 therefore.

REPEAL OF BYELAWS

20. The Byelaws relating to hackney carriages which were made by Gillingham Borough Council on the 6th day of May 1981 and confirmed by one of Her Majesty's Principal Secretaries of State on the 3rd day of July 1981, are hereby repealed.

THE COMMON SEAL of the said
GILLINGHAM BOROUGH COUNCIL was hereunto affixed this
7th day of November 1988 in the presence of:

A J BROOME
Deputy Town Clerk

The foregoing Byelaw is HEREBY
CONFIRMED by the Secretary of State
and shall come into operation on the 1st
day of March 1989.

Sophia Lambut
An Assistant Secretary of the
Department of Transport on behalf of the
Secretary of State for Transport

Model Byelaws for 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 *[name of council]* with respect to hackney carriages in *[name of district]*.

Interpretation

1. Throughout these byelaws "the Council" means *[name of council]* and "the district" means *[name of district]*.

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; and
 - (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 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; 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. ¹The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided 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, flag 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 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 or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council;
- (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; and
- (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

¹ (a) An assurance should be given that proprietors of cabs already fitted with taximeters will have no difficulty in complying with the byelaws relating to taximeters and, where the byelaws will require all cabs to be fitted with meters, that the other proprietors will be able to obtain and fit suitable meters and "FOR HIRE" signs by the time the byelaws may be expected to come into operation.

(b) Where the Council wishes to require all cabs to be fitted with a taximeter, the following form of words may be used:

"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:-

(c) Where taximeters are not in use and their use cannot be foreseen, model byelaws 4, 5 and 6 may be omitted. If they are omitted, the heading preceding model byelaw 5 should remain.

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; and
 - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and 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 appointed by the Council;
 - (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 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; and
 - (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 make use of the services of any other person for the purpose of importuning any person to hire such carriage.

9. 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.
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 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.
12. 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.
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; and
 - (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 person.

Provisions fixing the rates or fares to be paid for hackney carriages within the district and securing the due publication of such fares

14. (i) 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.
 - (ii) ²Where 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 a 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.

² This provision should be included whether or not taximeters are introduced in case they are introduced on a voluntary basis before further byelaws are made.

15. (i) 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.
- (ii) 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.

Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof

16. 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.
17. 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 the office of the Council³ and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and
- (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

Penalties

18. 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.

³ It may be desired to substitute "a police station in the district". In this case, an assurance will be required that the consent of the police has been obtained.

Repeal of Byelaws⁴

19. The byelaws relating to hackney carriages which were made by Council⁵ on the day of and which were confirmed by⁶ on the day of are hereby repealed.

⁴ If there are no byelaws in force upon the subject, this should be stated and the clause struck out

⁵ State the names in full of all local authorities whose byelaws are to be repealed

⁶ State the confirming authority



BYELAWS

made under section 68 of the Town Police Clauses Act 1847 and
section 171 of the Public Health Act 1985
by Medway Council

with respect to

HACKNEY CARRIAGES

Gun Wharf
Dock Road
Chatham
Kent
ME4 4TR

CERTIFICATION OF BYELAW PURSUANT TO SECTION 238 OF THE
LOCAL GOVERNMENT ACT 1972 (as amended)

I, _____, Deputy Town Clerk and Solicitor of **Medway Council**,
HEREBY CERTIFY that the attached document is a true copy of the
Byelaws with respect to Hackney Carriages.

I, _____, further certify that the aforesaid byelaw:

- (a) was made by **Medway Council** on
- (b) was confirmed by the Secretary of State for Transport
- (c) came into force on the

SIGNED.....

Dated this day of

MEDWAY COUNCIL

BYELAWS

Made under Section 68 of the Town Police Clauses Act 1847 and section 171 of the Public Health Act 1875, by **Medway Council** with respect to hackney carriages in the **Borough of Medway**

Interpretation

1. Throughout these byelaws “the Council” means Medway Council and “the district” means the Borough of Medway.

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 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 **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 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 or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage **by time as well as for** distance in pursuance of the **tariff** fixed by the Council;
- (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; **and**

the taximeter and all the fittings thereof shall be so fixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with the 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; **and**
 - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is 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. The 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 **appointed** by the Council;
 - (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 another 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; **and**

- (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 The 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 precautions 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 The 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.

12 If a badge has been provided by the Council and delivered to the driver of a hackney carriage, he shall, when standing, plying or driving for hire **display** that badge in such a 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 it to or from the entrance of any **building**, station, or place at which he may take up or set down such person.

Provisions Fixing The Rates Or Fares To Be Paid For Hackney Carriages Within the District And Securing The Due Publication Of Such Fares

14. (i) 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.
- (ii) 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 a 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.
- 15.(i) 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; and
- (d) 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.

Provisions Securing The Safe Custody And Re-Delivery Of Any Property Accidentally Left In Hackney Carriages, And Fixing The Charges To Be Made In Respect Thereof

16. The proprietor or driver of a hackney carriage shall, immediately after termination of any hiring, or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.
17. 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 24 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council and leave it in the custody of the officer in charge of the office on his giving a receipt for it: and

- (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

Penalties

18. 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 therefore.

Repeal Of Byelaws

19. The Byelaws relating to hackney carriages which were made by Gillingham Borough Council and Rochester Upon Medway City Council on the **7th** day of **November 1988** and confirmed by one of Her Majesty's Principal Secretaries of State on the **1st** day of **March 1989**, are hereby repealed.

THE COMMON SEAL of the said
MEDWAY COUNCIL was hereunto affixed this
day of 20 in the presence of:

Chief Executive

The foregoing Byelaw is HEREBY
CONFIRMED by the Secretary of State and
shall come into operation on the**** day of
***** *****.

An Assistant Secretary of the Department of
Transport on behalf of the Secretary of State
for Transport

Medway Licensed Taxi Drivers Association
289 Beechings Way
Rainham
Kent
ME8 7BP

Licensing Unit
Medway Council
Gun Wharf
Dock Road
Chatham
Kent
ME4 4TR

Dear Mandy,

REVISION OF HACKNEY CARRIAGE BYELAWS

Thank you for providing us with a copy of the revised byelaws and our subsequent meeting to discuss the amendments.

I can confirm that the MLTDA have no objections to the amendments.

Yours sincerely



Mike Smith
Chairman



Ian Walton
Vice Chairman