

MEETING OF THE COUNCIL - 5TH DECEMBER, 2005

ADOPTION OF BYELAWS IN RESPECT OF HACKNEY CARRIAGES

REPORT OF THE TAXIS COMMITTEE

PURPOSE

- 1 To seek approval of the adoption of byelaws and in respect of hackney carriages.

BACKGROUND

- 2 The Council are responsible for the licensing of hackney carriages, hackney carriage drivers and for their regulation by byelaws.
- 3 The current byelaws were adopted by the Council on the 8th August, 1975 and confirmed by at the Home Office as coming into operation on the 3rd October, 1975.
- 4 On the 13th January, 2005 the Taxis Committee approved a hackney carriage and private hire 'drivers' training course for the disabled. This course was finalised and implemented during August, 2005, and will take in the region of 18 months to complete.
- 5 To enable the Council to make the training course mandatory for all hackney carriage drivers, it is advisable for the Council to approve a byelaw, i.e.

"It is a necessary requirement prior to an application for grant (including renewal) of a hackney carriage driver's licence after the 9th day of May, 2005, that the applicant should have satisfactorily completed the Council's training course for the conveying of the disabled. Certificates granted by the Council on completion of the Council's training course on the conveying of the disabled shall be displayed and be clearly visible at all times to the travelling public in the hackney carriage."
- 6 Hackney carriages are permitted under the Local Government (Miscellaneous Provisions) Act, 1976, Section 67, to be used as private hire vehicles without requiring a private hire vehicle operator's licence.
- 7 Private hire vehicle operators are required by legislation to keep records of all booked journeys with specified details. This is invaluable when Enforcement Officers are investigating alleged complaints.
- 8 To enable the Council to require hackney carriages to keep the same records a byelaw must be approved, i.e.

“It is a necessary requirement that every hackney carriage driver when undertaking a pre-booked fare, shall before the commencement of that journey cause to be logged in the ledger of the Operator who invited or accepted that pre-booked fare, the following particulars:-

- a) date booking made;
- b) time booking made;
- c) method by which the booking was communicated to the driver;
- d) hackney carriage licence number of vehicle making journey;
- e) place booking received by driver;
- f) place passenger's journey to commence;
- g) place passenger's journey to terminate;
- h) name and address of person hiring vehicle.”

- 9 The Department of Transport have issued model byelaws for hackney carriages and a copy of those byelaws is attached as Appendix 1 to this report.
- 10 On the 20th October, 2005, the Taxis Committee considered and resolved to recommend to the Council the adoption of the two byelaws outlined in Paragraphs 5 and 8 of this report, together with the adoption of the Department of Transport's Model Byelaws for Hackney Carriages to replace the current byelaws in respect of hackney carriages.

FINANCE

- 11 There are no financial implications to the Council.

LAW

- 12 The making, sealing and advertising procedures are contained in 236 of the Local Government Act 1972:-
- The bye-laws are made under the common seal of the authority and will not have effect until they are confirmed by the Department for Transport.
 - At least one month before application for confirmation of the bye-laws is made to the Department for Transport, notice of the intention to apply for confirmation must be given in one or more local newspapers circulating in the area to which the bye-laws are to apply.
 - For at least one month before application for confirmation to the Department for Transport is made a copy of the bye-laws are made and

must at all reasonable hours to be open to public inspection without payment.

- The Council is required to furnish on application to any person a copy of the bye-laws.
 - A copy of the bye-laws when confirmed must be printed and deposited at the Council offices and be open for inspection and on application a copy shall be supplied.
- 13 The bye-laws are made under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875.
- 14 These are the four tests of legal validity for bye-laws:-
- Bye-laws must be within the powers of the local authority which makes them.
 - Bye-laws must not be repugnant to the general law.
 - Bye-laws must be certain and positive in their terms.
 - Bye-laws must be reasonable.

The advice of the Director of Law and Property is that the proposed bye-laws satisfy these tests.

EQUALITY IMPACT

- 15 This report complies fully with the Council's policy on equal opportunities.

RECOMMENDATION

- 16 That the Council adopt the 2 bye-laws set out in paragraphs 5 and 8 of this report and the Model Byelaws for Hackney Carriages set out in Appendix 1 to replace the current bye-laws.
- 17 That the Director of Law and Property be authorised to take all necessary action to implement the resolution in paragraph 16.1 above including the steps referred to in paragraph 12 of this report.



CHAIRMAN OF TAXIS COMMITTEE

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