

# Appendix 3

## HACKNEY CARRIAGE DRIVER'S CONDITIONS AND PENALTY POINTS SCHEME (see APPENDIX G)

### CHANGES TO BE MADE TO THE PENALTY POINTS SCHEME

**Section 7 disputes** – keep changes proposed in 7.2 – appeal only to committee if suspension/revocation will result.

**Section 8** – remove this section, drivers will start with clean slate.

**Penalty point values to remain the same apart from:**

**BYELAWS** all 3 points apart from the following (this is to make them the same as comparable conditions for private hire):

#### **Byelaw 5**

The driver of a hackney carriage provided with a taximeter shall: -

- (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 to indicate that the hackney carriage is hired or that a fare is being charged and keep the machinery of the taximeter in action until termination of hiring; **Failure to do so - 6 penalty points**

#### **Byelaw 6**

The 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. **To do so - 12 penalty points.**

#### **Byelaw 8**

The 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. **To do so – 12 penalty points**

#### **Byelaw 11**

The 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 for the purpose of this byelaw two children under the age of twelve years shall be regarded as one person and children under the age of three years shall not be reckoned subject to the limitation that no hackney carriage licensed to carry three, four or five persons shall carry more than five, six or seven adults and children respectively. **To do so – 6 penalty points**

#### **Byelaw 15**

The driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate of fare prescribed by the Table of fares the of fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage

by time.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Table of Fares which it may not be possible to record on the face of the taximeter. **To do so – 6 penalty points**

**Penalty points to remain the same as for current private hire conditions apart from:**

- 1.2 You must not drive a private hire vehicle if you no longer hold, have had suspended or are disqualified from holding a DVLA, European Economic Area or Northern Ireland driving licence for that type of vehicle. To do so – 12 penalty points. **Up from 6 points.**
- 6.2. You must provide any relevant document or information requested within the specified timescale – failure to do so – 3 penalty points. **New condition.**
- 6.3 Drivers must sign up to the DBS update service and maintain their annual payments. Failure to do so - 6 penalty points. **New condition.**
- 6.4 If a driver is given notice to take an enhanced DBS check/DVLA check they must provide all information or documentation within 14 days in order to carry out the check – failure to do so – 6 penalty points. **New condition.**
- 11.1 When working as a hackney carriage driver, you must not use an unlicensed vehicle, this includes any vehicle where the hackney carriage vehicle licence has been suspended for any reason. To do so – 12 penalty points. **New condition.**
- 11.2 When licensed as a driver of hackney carriage vehicles by the Council you must only use a hackney carriage vehicle licensed by Reading Borough Council, unless you are appropriately licensed to use a vehicle licensed by another authority. Failure to do so – 12 penalty points. **Up from 6 points.**
- 13.2 You must not eat in your vehicle whilst you have a passenger or passengers on board. To do so – 3 penalty points. **Amended to remove eating.**
- 13.3 You must not smoke, vape or use any kind of electronic cigarette in a hackney carriage vehicle at any time. To do so – 3 penalty points. **Wording changed to include vaping and e-cigarettes.**
- 13.7 Without prejudice to the generality of condition 12.4, you must not engage in any discussion or dialogue, including by telephone contact, social media, email or any other form of communication, of a sexual nature or about a sexual relationship with a passenger (be it a past, present or future relationship). To do so – 12 penalty points. **Wording amended.**
- 15.1 You must not refuse to carry a guide dog, or assistance dog accompanying a passenger unless you have a proven medical condition that would preclude

such action. Failure to do so – 12 penalty points. **Wording amended and points increase.**

- 15.6 You must not charge a higher price for any journey, for a person with a disability than would otherwise be charged for a person without such a disability for the same journey. Failure to do so – 6 penalty points. **New condition.**
- 15.7 You must provide reasonable assistance to any passengers with a disability, or those with reduced mobility, including providing reasonable assistance to safely load/unload wheelchairs or mobility aids. Unless you have a medical exemption certificate that allows you not to assist on medical grounds. Failure to do so – 6 penalty points. **New condition.**
- 18.2 You must, before commencing work each day, ensure that the vehicle is maintained in a clean, comfortable, safe, watertight and mechanically sound condition and is in all other respects suitable for the purpose for which it is intended. Failure to do so – 3 penalty points for each breach found. **Amended to add 'for each breach found'.**
- 19.1 You must notify the Council Licensing Section within 7 days in writing of any change of address, contact number and email address. Failure to do so – 3 penalty points. **Amended.**
- 19.2 You must notify the Council in writing of all new convictions and cautions within 48 hours from the date of formal notification. Failure to do so - 6 penalty points. **Amended**

This includes, but is not limited to, warnings, reprimands, anti-social behaviour orders, community protection notices, criminal behaviour orders, community service orders, restraining orders, fixed penalties (including traffic offences), driver education courses and any disqualifications from driving.

- 19.3 You must notify the council within 48 hours of any arrest and release, charge, caution or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence, this includes fixed penalties (FPN). Failure to do so – 6 penalty points. **New condition.**
- 20.1 You must not drive a hackney carriage vehicle if you are not insured to do so. To do so – 12 penalty points. **Points increase from 6.**
- 27.1 At any time when driving a hackney carriage vehicle, you must not cause or permit the vehicle to be parked, or stop, in such a position to cause an unnecessary obstruction or be in a dangerous position (e.g. double parked, parked/stopped at or close to a road junction, zigzags, any 'keep clear' markings or in the middle of the road, etc). To do so – 3 penalty points. **Wording amended points 3 not 4.**
- 28.4 At any time when driving a hackney carriage vehicle, you must not drive in a manner that causes your passengers discomfort, alarm or distress. To do so – 3 penalty points. **New condition.**

- 33.1 You must not use a mobile phone, communications/navigation device or similar when driving if it is not connected to a 'handsfree' system (Bluetooth earpiece or an inbuilt car system). **To do so - 12 penalty points.**

Devices include, but are not limited to, mobile telephones, tablets, a two-way radio, satellite navigation device or personal digital assistant.

'Use' of the device includes, but is not limited to, making a call (voice or video), texting, watching videos, making videos, searching on the device or interacting with it in anyway which may cause your attention to become distracted. **Amended condition and points increase**

35. Home to School transport contract journeys – conditions 35.1 to 35.5 are new conditions with the points for 35.2 to 35.5 to be reduced to 3.

**Conditions specific to HCD:**

- 8.1. You must not leave your hackney carriage vehicle unattended on a hackney carriage stand at any time unless it is a designated rest rank. To do so - 6 penalty points. **To remain the same as PH parking on a rank.**
- 8.2 Drivers shall switch off the vehicle engine if waiting for more than one minute when picking up or dropping off passengers or whilst waiting on a rank. Failure to do so – 3 penalty points. **New condition.**
- 9.2 When undertaking a journey which ends outside the licensed area (the Borough of Reading) you must not charge more than the fare shown on the taximeter unless a fare was agreed before commencement of the journey. To do so – 6 penalty points. **New condition.**
- 9.3 When used as a private hire vehicle, i.e., when not plying for hire or standing on a taxi rank or accepting bookings through a third person, you must only charge the fare shown on the taximeter from where the hirer commenced the journey. To do so – 6 penalty points. **New condition.**
- 9.4 On payment of a fare by card, no extra or minimum charge shall be imposed on the hirer. To do so - 6 penalty points. **New condition.**
- 25.2 At any time when driving a hackney carriage vehicle, you must not permit the vehicle to be driven in any bus lane, except for bus lanes that specifically permit use by hackney carriage vehicles. To do so – 3 penalty points. **Points reduced to 3.**
- 34.2 You must not permit any hackney carriage vehicle you are driving to display any signs or advertisements of any nature apart from Council approved livery designs/advertisements in accordance with the Council's hackney carriage vehicle licence conditions. To do so – 3 penalty points. **Reduced from 4 points.**