



Winchester
City Council

~~Hackney Carriage & Private Hire Drivers~~ (Tuk Tuk) Conditions

These conditions are made under Section 51 Part II of the Local Government (Miscellaneous Provisions) Act 1976 by Winchester City Council in respect of ~~Hackney Carriage and Private Hire Vehicle Drivers, and the Town Police Clauses Act 1847.~~

The holder of a ~~Hackney Carriage and/or Private Hire Vehicle~~ Driver's licence must observe and carry out the requirements of the Local Government (Miscellaneous Provisions) Act 1976, Part II, and any order or regulation made under this Act, and the requirements of any other Act of Parliament or orders, regulations or byelaws made under these Acts relating to the driving of motor vehicles.

Any obligation in these conditions not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done.

Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

Interpretation

In these conditions –

“**Assistance Dogs**” means as defined in Section 37A(9) of the Disability Discrimination Act 1995.

“**Authorised Officer**” means any officer of the Council authorised in writing by the Council for the purpose of these conditions.

~~“**Hackney Carriage**” has the same meaning as in the Town Police Clauses Act 1847.~~

“**Private Hire Vehicle (Tuk Tuk)**” means a motor vehicle constructed or adapted to seat fewer than nine passengers, other than a Hackney Carriage or public service vehicle, which is provided for hire with the services of a Driver for the purpose of carrying passengers.

~~“**Taximeter**” means any device for calculating the fare to be charged in respect of any journey in a Hackney Carriage or Private Hire vehicle by reference to the distance travelled or time elapsed since the start of the journey, or a combination of both.~~

“**the Act**” means Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847.

“**the Council**” means Winchester City Council.

“the Driver” means a person licensed to drive a ~~Hackney Carriage and~~ Private Hire (Tuk Tuk) vehicle under Section 51 of the Act.

“the Licence Holder” means the holder of the Hackney Carriage and/or Private Hire Drivers licence.

“the Operator” means the person(s) or company directors whom the Council has granted the Private Hire Operator’s Licence under Section 55 of the Act.

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Drivers must be familiar with the conditions and apply them at all times and upon request make them known to any hirer.

General

1. The Driver’s badge shall be worn in such a position that it be clearly seen all the time the Driver is working.
2. The Driver’s badge remains the property of Winchester City Council and if the Driver’s licence is not renewed, or is otherwise revoked or suspended such badge shall be returned by the Driver together with the licence to the Council within seven days of a written notice or upon the demand of an Authorised Officer.
3. The Driver’s badge remains the property of Winchester City Council and in the event of loss or damage to this badge, which renders it unserviceable, the Licence Holder shall make application to the Council for a replacement badge to be issued for which a fee is payable. Loss or theft shall be reported to the Police and the Police reference number provided to the Council.
4. The Driver of a ~~Hackney Carriage or~~ Private Hire vehicle (Tuk Tuk) shall be fully acquainted with the topography of the district and, if requested to do so, satisfy the Council as to their knowledge of the district.
5. The Driver shall immediately and in any case within 48 hours disclose to the Council in writing any arrest, charge, conviction, caution, fixed penalty or community resolution, imposed upon them during the period of the licence.
6. The Driver shall notify the Council in writing of any change of address during the period of licence prior to such change taking place and in any case within seven days of such change.
7. The Driver shall if requested by the hirer provide a written receipt for the fare paid. This shall include the Driver’s full name, Driver’s badge number, signature and date.
8. If, at any time, the Driver becomes aware of any medical condition which may affect their fitness to drive licensed vehicles they shall immediately give notice in writing to the Council and shall, if required, submit to an examination by a registered medical practitioner of the Council’s choice to ascertain their fitness to be licensed. The cost of such examination shall be paid by the Driver.

~~9. The Driver of a Hackney Carriage or Private Hire vehicle where the Taximeter is used, shall be entitled to the fare fixed by the Council. The fare shall be calculated by distance and shown on the Taximeter. The Driver shall not demand a higher fare than that shown on the Taximeter unless a fouling charge is applicable.~~

~~10.9.~~ The Driver shall produce a valid certificate of insurance at the request of an Authorised Officer. Failure to do so may result in suspension of the Drivers licence.

~~11.10.~~ Where the Driver has any safeguarding concerns they must report these immediately to the local Safeguarding Board or Police.

Conduct of Driver

~~12.11.~~ The Driver of a ~~Hackney Carriage or Private Hire vehicle~~ (Tuk Tuk) shall drive to any destination by the shortest available route unless otherwise directed by the hirer.

~~13.12.~~ The Driver shall at all times:-

- (a) Provide a prompt, efficient and reliable service.
- (b) Assist passengers with luggage, ~~pushchairs and wheelchairs.~~
- (c) Be clean and respectable in their dress and person and in a manner not to cause embarrassment to members of the public.
- (d) Behave in a civil, courteous and orderly manner.
- (e) Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by them.

~~(f)~~ Ensure that children under 15 years of age must not travel in the Vehicle unless accompanied by an appropriate adult.

(e)

~~(g)~~ Comply with any code of conduct the Council may have in force at any time they are licensed by the Council.

~~14.13.~~ The Driver shall at no time cause or permit the noise emitted by any radio or in car entertainment in the vehicle to be a source of nuisance or annoyance to any person, whether they are inside or outside the vehicle.

~~15.14.~~ The Driver who has been hired to be at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at the appointed time and place.

~~16.15.~~ The Driver shall when requested by any person hiring or seeking to hire the vehicle:-

- (a) Convey a reasonable quantity of luggage.

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(b) Afford reasonable assistance in loading and unloading.

(c) Afford reasonable assistance by removing the luggage to and from the entrance of any house, station or place at which the journey starts or finishes.

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~~17.16.~~ The Driver of a ~~Hackney Carriage or~~ Private Hire vehicle, ~~(Tuk Tuk)~~ shall refrain from operating a radio or similar communications equipment to the annoyance of the hirer.

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~~18.17.~~ The Driver of a ~~Hackney Carriage or~~ Private Hire vehicle ~~(Tuk Tuk)~~ shall not smoke inside the vehicle at any time.

~~19.~~ A Driver of a wheelchair accessible vehicle shall not refuse to take a wheelchair user when plying for hire or when instructed to do so by the Private Hire Operator, unless they have been granted an exemption letter by the Council.

Vehicle inspection

~~20.18.~~ The Driver shall immediately after the end of any hiring of a licensed vehicle, or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left in the vehicle.

~~21.19.~~ Any property that is found or is given to the Driver having been left in a ~~Hackney Carriage or~~ Private Hire vehicle ~~(Tuk Tuk)~~ shall be reported to the Council within 24 hours.

~~22.20.~~ The Driver of a ~~Hackney Carriage vehicle or~~ Private Hire vehicle ~~(Tuk Tuk)~~ shall ensure that the vehicle is kept to a high standard of cleanliness at all times. In cases where the Driver is not the vehicle Licence Holder, they shall report any mechanical or bodywork problems to the Licence Holder immediately.

Carrying of animals

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~~23.21.~~ The Driver of a Hackney Carriage or Private Hire vehicle shall not refuse to carry an assistance dog provided it is accompanied by a fare paying passenger, unless the Driver can produce a letter of exemption from the Council. No additional charge shall be made for the carriage of assistance dogs.

Commented [CS1]: Being a PHV, does Roger have to take an assistance dog?

~~24.22.~~ The Driver of a Hackney Carriage or Private Hire vehicle shall not convey in the vehicle any animals belonging to or in the custody of the Driver, the proprietor or operator of the vehicle unless they are accompanied by a fare paying passenger.

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~~25.23.~~ Any animal belonging to or in the custody of any fare paying passenger, which at the Driver's discretion may be carried in a Hackney Carriage or Private Hire vehicle, shall not be carried in the front of the vehicle and shall be kept under control at all times.

HACKNEY CARRIAGE DRIVERS ONLY

~~26.~~ Every Driver of a Hackney Carriage for which ranks are fixed by any Byelaw shall when plying for hire in any street and not actually hired proceed with reasonable speed to one of the ranks, and;

~~(a) If the rank, at the time of arrival is occupied by the maximum number of vehicles authorised to occupy it, proceed to another rank.~~

~~(b) On arriving at a rank not already occupied by the maximum number of vehicles authorised to occupy it, place the vehicle immediately behind the vehicle on the end so as to face in the same direction.~~

~~(c) When any other vehicle immediately in front is moved, move the vehicle forward so as to fill the place previously occupied.~~

~~27. The Driver of a Hackney Carriage shall when occupying any position on a rank shall remain with the vehicle ready to be hired at once.~~

~~28. The Driver of a Hackney Carriage provided with a Taximeter shall:-~~

~~(a) When plying for hire, have the roof light illuminated.~~

~~(b) When hired or off duty, or in another Council district, ensure the roof light is not illuminated.~~

~~(c) Ensure the Taximeter is not activated until immediately prior to the journey starting.~~

~~(d) Ensure that the Taximeter is properly illuminated throughout any part of the hiring.~~

~~(e) Not tamper with or permit any person to tamper with any Taximeter in the vehicle.~~

~~29. The Driver shall clearly display the current Hackney Carriage fare chart.~~

~~30. The Driver of a Hackney Carriage plying for hire shall drive to any place within the Council district at the request of the hirer.~~

~~31. The Driver of a Hackney Carriage shall not, by calling out or otherwise, encourage any person to hire such carriage and shall not make use of the services of any other person for that purpose.~~

PRIVATE HIRE DRIVERS ONLY

~~32. The Driver shall not demand from the hirer of a Private Hire vehicle (Tuk Tuk) a fare in excess of any previously agreed for the hiring between the hirer and the Operator. If the vehicle is fitted with a Taximeter and the fare has not been agreed then the fare shall be that amount shown on the Taximeter.~~

~~24.~~

~~33-25.~~ Drivers of Private Hire vehicles (Tuk Tuk) shall not stop on or near an appointed Hackney Carriage rank at any time in circumstances which could give the impression that the vehicle is being used to ply for hire.

Appeals

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~~34:26~~. The Licence Holder may appeal against the imposition of any of these conditions.

~~35:27~~. The Licence Holder/applicant may appeal against the refusal to grant or renew a licence, or the suspension or revocation of a licence.

~~36:28~~. **Any appeal should be made to the Magistrates Court within 21 days of the refusal to grant or renew a licence, or the suspension or revocation of such a licence.**