

Report to Regulatory Panel

Agenda
Item:

A.2

Meeting Date: 12th November 2014
Portfolio: Finance, Governance and Resources
Key Decision: Not Applicable:
Within Policy and Budget Framework
Public / Private Public

Title: REVIEW OF HACKNEY CARRIAGE DRIVER CODES OF PRACTICE AND PRIVATE HIRE DRIVERS TERMS OF CONDITIONS
Report of: Director of Governance
Report Number: GD.57/14

Purpose / Summary:

Cumbria Constabulary has recently changed its policy on lost and found property. It is therefore necessary to amend drivers' Codes of Practice and Terms of Conditions so that existing and new drivers are aware of their new responsibilities.

Recommendations:

To agree or amend the wording in 2.2 of the report.

Tracking

Executive:	
Overview and Scrutiny:	
Council:	

BACKGROUND

- 1 Hackney Carriage Driver Codes of Practice & Private Hire Driver Terms and Conditions are issued with Driver Licences under the Local Government Miscellaneous Provisions Act 1976. **Appendix A**

Both of these documents have been amended from time to time at Officer level to accommodate minor changes. Major changes are always referred to Council members.

PROPOSALS

- 2 It has come to our attention that the Police have been unwilling to take possession over the past few months of found property items handed into the main Police Station at Durranshill by Taxi Drivers. On speaking to Cumbria Constabulary and after reading their website, it is clear that they now expect the finder of any identifiable item to return it to the owner if this is at all possible and that the Police will only accept identified items if they cannot be reunited. They will then return them to the issuing authority.
eg. Driving Licence will be sent back to the DVLA. **Appendix B**

- 2.1 These new instructions allow Drivers to hand in identified property they have been unable to re-unite. This includes wallets/purses/handbags containing bank cards, Driving Licences etc.,
On handing to the Police, a receipt should be obtained. These identifiable items should also include laptops, phones, cameras etc which may contain personal data.
Any other property that is not identifiable eg., gloves, umbrella, keys, should be retained by the driver for 28 days, before being disposed of.
- 2.2 All found items whether handed to the Police or retained by the driver, should be reported to the Licensing Section within 48 hours of being found.
This will enable Licensing to keep a record should any member of the Public call with enquiries.

RECOMMENDATIONS

3. To allow Codes of Practice & Terms of Conditions to be amended to read:

'12. At the end of each hiring and before commencing any further hiring the driver shall search the vehicle for any property accidentally left by the immediately preceding hirer. It is the drivers legal obligation to try and reunite all lost property with the owner and shall as soon as practicable and in any case within 48 hours after the discovery of property, attempt to return it to the owner. Failing that and still within 48 hours, all identifiable property shall be handed into the Police Station within the Council's area and a receipt obtained, which must be kept by the proprietor of the vehicle. Identifiable property can range from purses, bank cards, driving licences, mobile phones, laptops, cameras, i.e anything that can identify the owner.

All unidentifiable property shall be kept by the proprietor for a minimum of 28 days and a record kept of the description.

ALL found property must be reported to the Licensing Section, Civic Centre, Carlisle within 48 hours where a record will be taken '

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Appendices
attached to report: APPENDIX A – Codes of Practice & Terms of Conditions
APPENDIX B – Cumbria Constabulary guidance

CITY OF CARLISLE

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

CODE OF PRACTICE FOR HACKNEY CARRIAGE DRIVERS

The holder of a Hackney Carriage driver's licence (hereinafter called the driver) shall observe and perform all the following codes of practice which shall be attached to and form part of his Hackney Carriage driver's licence.

1. This Licence is personal to the driver named herein and the driver shall not in any circumstances assign it or in any way part with the benefit thereof to any other person.
2. The driver shall at all times when acting as a driver of a Hackney Carriage, wear or display the driver's current year identity card issued by the Council **in such a position and manner as to be plainly and distinctly visible to the hirer.**
3. The driver's identity card issued by the Council remains the property of the Council and shall be returned to the Council by the driver or a person appointed by them within seven days of the date of the suspension or revocation of or refusal or failure to renew this Licence.
4. The driver shall not, at any time whilst driving or in charge of any Hackney Carriage (the Hackney Carriage):-
 - (a) station the Hackney Carriage on any place which is marked out as a bus stop or loading bay, or on any length of highway during times when a prohibition on loading and unloading is in operation;
 - (b) station the Hackney Carriage on a public highway in such a manner so that it is double parked or otherwise obstructing the free flow of traffic and this condition shall apply at all times and including whilst and before and after the hirer is boarding or alighting from the Hackney Carriage;
 - (c) station the Hackney Carriage so as to obstruct the exit or fire exits of any place licensed for regulated entertainment or to station the Hackney Carriage in such a way that a condition attached to the premises licence as to access for emergency vehicles cannot be complied with;
 - (d) leave the Hackney Carriage parked and unattended on any taxi rank.
5. (a) The driver shall not permit or cause or suffer to be carried in any licensed Hackney Carriage, a greater number of persons than that specified in the licence for that Hackney Carriage and shall provide that the seating arrangements are as specified in the licence for that Hackney Carriage.
 - (b) The driver shall not allow there to be conveyed in the front of a Hackney Carriage beside him:-

(1) any child below the age of ten years; or

(2) more than one person.

unless the Hackney Carriage has been specifically designed to provide more than one passenger seat in the front, in which case the above rules apply to each seat.

(c) The driver shall not without the consent of the hirer of a Hackney Carriage convey, or permit to be conveyed, any other person or animal in that Hackney Carriage.

6. The driver shall not demand from any hirer of a Hackney Carriage a fare in excess of any previously agreed for that hiring between himself and the hirer or in excess of the fare shown on the face of the taximeter.
7. The driver of a Hackney Carriage shall not cause the fare recorded on the meter to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.
8. The driver, except where he is the proprietor of the Hackney Carriage, shall report to the Proprietor of any Hackney Carriage as soon as practicable and in any case within 24 hours of its occurrence, details of any accident in which such Hackney Carriage has been involved.
9. The driver of a Hackney Carriage which has been hired to be in attendance at an appointed time and place shall unless delayed or prevented by some sufficient cause punctually attend at the appointed time and place.
10. The driver shall when requested by the hirer convey a reasonable quantity of luggage and afford reasonable assistance in loading and unloading, including assistance in removing to and from the entrance of any house or other place where he collects or sets down his passengers. The driver shall not accept a hiring if the hirer abandons a shopping trolley on a road or public place unless the driver first returns such a trolley to the store from which it was brought. He shall also provide all reasonable assistance with wheelchair bound, disabled, elderly and vulnerable passengers.
11. The driver shall not refuse to carry within the vehicle any household pets providing they are accompanied by an adult and providing such pets are suitably restrained or contained so as not to cause a nuisance or damage.
12. At the end of each hiring and before commencing any further hiring the driver shall search the vehicle for any property accidentally left by the immediately preceding hirer and shall as soon as practicable and in any case within 48 hours after the discovery of any such property leave it at a Police Station within the Council's area and shall obtain a receipt for such property and hand the receipt therefor to the Proprietor of the vehicle.
13. The driver shall, every three years, submit via the Council which is a registered body, an application to the Disclosure & Barring Service (DBS) for an enhanced disclosure.
14. The driver shall, every three years, produce to the Council a certificate signed by his registered medical practitioner, to the effect that he is fit to be the driver of a Hackney Carriage. He should come to this decision using Group 2 standards for vocational drivers

as laid down in the current issue of "At a glance guide to the current medical standards of fitness to drive" issued by the Drivers Medical Unit, DVLAS, Swansea. In addition he shall if so required, whether or not such medical certificate has been produced, submit to an examination by a registered medical practitioner selected by the Council as to his fitness to be such a driver.

15. The driver shall at the request of any authorised officer of the Council or any police constable produce for inspection his Hackney Carriage Driver's licence either forthwith or before the expiration of seven days beginning with the day following the date of the request:-
 - (a) in the case of a request of an authorised officer of the Council at the offices of the Council's Assistant Director (Governance), or
 - (b) in the case of a request of a police constable at any police station within the Council's area which is nominated by the driver when the request is made.
16. The driver shall: -
 - (a) if requested by the hirer of a Hackney Carriage provide him with a written receipt for the fare paid;
 - (b) at all times be clean and respectable in his dress and person and behave in a civil and orderly manner;
 - (c) take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him;
 - (d) not without the express consent of the hirer drink or eat in the vehicle;
 - (e) not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
 - (f) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving, to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle;
 - (g) at all times when driving a Hackney Carriage carry with him a copy of these codes of practice and shall make it available for inspection by the hirer or any other passenger on request;
 - (h) at all times ensure that the Hackney Carriage lights are fully operative, the tyres are within the legal limits, the Hackney Carriage is clean and tidy and that it has a serviceable fire extinguisher and fully stocked first aid kit readily available.
17. This licence may be suspended, revoked, not renewed or the holder may be required to undertake a Driving Standards Agency "Taxi" test by the Council:-
 - (a) if the driver commits an offence or otherwise fails to comply with any of the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976, or the Town

Police Clauses Act 1847.

(b) if the driver has been convicted of an offence involving dishonesty, indecency or violence;

(c) if the driver becomes disqualified from driving under any of the Road Traffic Acts, in which case the licence shall be automatically revoked;

(d) on any other reasonable grounds;

18. The driver who as a result of any Court decision or other administrative or judicial process, is convicted, sentenced or receives any penalty in respect of any offence or other decision of the Court during the currency of this licence, shall within 7 days inform the Council in writing of such decision. Such notification may not be delayed until the next application for renewal of the licence is due.
19. The Council may at any time add to, delete or alter any of the foregoing code of practice and upon notice thereof having been served upon the Driver such additions, deletions or alterations shall as from the date of such service be deemed to be incorporated herein.
20. Any notice required to be served by the Council under this Licence or under any of the provisions of the Local Government (Miscellaneous Provisions) Act 1976, or Town Police Clauses Act 1847, shall be deemed to have been properly served if sent by them by prepaid post to or left at the last known address of the driver.
21. This Licence shall continue in force for 12 months after the date of grant unless previously suspended or revoked pursuant to any statutory or other provisions.
22. If the driver is permitted or employed to drive a Hackney Carriage of which the proprietor is someone other than himself, he shall before commencing to drive that vehicle, deposit his Hackney Carriage Driver's Licence with that proprietor for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle operated by that proprietor.
23. If during the currency of this Licence any of the particulars supplied in the driver's application shall change, details of the change shall be notified in writing to the Licensing Manager, Civic Centre Carlisle within seven days. Such notification may not be delayed until the next application for renewal of the Licence is due.
24. The driver shall not drive any wheelchair accessible Hackney Carriage, unless he has passed the wheelchair element of the Driving Standards Agency test, or was granted grandfather rights by the Council and has been issued with the appropriate licence and identity card.
25. In the interpretation of these codes of practice the masculine gender shall be deemed to include the feminine and the singular shall be deemed to include the plural.

CITY OF CARLISLE
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
TERMS AND CONDITIONS ATTACHED TO
PRIVATE HIRE VEHICLE DRIVER'S LICENCES

The holder of a private hire vehicle driver's licence (hereinafter called the driver) shall observe and perform all the following terms and conditions which shall be attached to and form part of his private hire vehicle driver's licence.

1. This Licence is personal to the driver named herein and the driver may not in any circumstances assign it or in any way part with the benefit thereof to any other person.
2. The driver shall at all times when acting as a driver of a private hire vehicle wear or display the driver's current year identity card issued by the Council in such a position and manner as to be plainly and distinctly visible.
3. The driver's identity card issued by the Council remains the property of the Council and shall be returned to the Council by the driver or a person appointed by him within seven days of the date of the suspension or revocation of or refusal or failure to renew this Licence.
4. The driver shall not, at any time whilst driving or in charge of a vehicle licensed for private hire :-
 - (a) station his vehicle on any place provided as a stand for hackney carriage vehicles or which is marked out as a bus stop or loading bay or on any length of highway during times when a prohibition on loading and unloading is in operation.
 - (b) station his vehicle for hire or ply for hire or solicit any person to hire or to be carried for hire or reward on any road or in any public place or in any place readily accessible and visible from a road;
 - (c) cause or procure any person to tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle or offer that vehicle for immediate hire while the driver or that vehicle is on a road or other public place; or
 - (d) accept an offer for the hire of the vehicle whilst the driver of that vehicle is on a road or other public place except where such offer is first communicated to the driver by or on behalf of the licensed Operator for that vehicle by use of a telephone or by a two way radio system (other than C.B. radio) fitted to that vehicle.
 - (e) station the vehicle on a public highway in such a manner so that it is double parked or otherwise obstructing the free flow of traffic and this condition shall apply at all times and including whilst and before and after the hirer is boarding or alighting from the vehicle;
 - (f) station the vehicle so as to obstruct the exit or fire exits of any place licensed for regulated entertainment or to station the vehicle in such a way that a condition attached to the premises licence as to access for emergency vehicles cannot be complied with.

5. (1) The driver shall not permit or cause or suffer to be carried in any vehicle licensed for private hire a greater number of persons than that specified in the licence for that vehicle the seating arrangements must be as provided in the licence.

(2) The driver shall not allow there to be conveyed in the front of a private hire vehicle beside him:-

(a) any child below the age of ten years; or

(b) more than one person.

unless the vehicle has been specifically designed to provide more than one passenger seat in the front, in which case the above rules apply to each seat.

(3) The driver shall not without the consent of the hirer of a vehicle convey or permit to be conveyed any other person in that vehicle.
6. The driver shall not demand from any hirer of a private hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.
7. The driver of a private hire vehicle fitted with a taximeter shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.
8. The driver if he is not the Proprietor of the vehicle shall report to the Proprietor of any vehicle licensed for private hire as soon as practicable and in any case within 24 hours of its occurrence details of any accident in which such vehicle is involved.
9. The driver of a private hire vehicle which has been hired to be in attendance at an appropriate time and place shall unless delayed or prevented by some sufficient cause punctually attend at the appointed time and place.
10. The driver shall when requested by the hirer convey a reasonable quantity of luggage and afford reasonable assistance in loading and unloading, including assistance in removing to and from the entrance of any house or other place where he collects or sets down his passengers. He should also provide all reasonable assistance with wheelchair users, disabled, elderly and vulnerable passengers. Provided that the drivers shall not accept a hiring if the hirer abandons a shopping trolley on a road or public place unless the driver first returns such a trolley to the store from which it was brought.
11. The driver shall not refuse to carry within the vehicle any household pets providing they are accompanied by an adult and providing such pets are suitably restrained or contained so as not to cause a nuisance or damage.
12. At the end of each hiring and before commencing any further hiring the driver shall search the vehicle for any property accidentally left by the immediately preceding hirer and shall as soon as practicable and in any case within 48 hours after the discovery of any such property leave it at a Police Station within the Council's area and hand the receipt therefor to the Proprietor of the vehicle.

13. The driver shall at the request of any authorised officer of the Council or any police constable produce for inspection his Private Hire Driver's licence either forthwith or before the expiration of seven days beginning with the day following the date of the request:-

- (a) in the case of a request of an authorised officer of the Council at the offices of the Council's Licensing Section; or
- (b) in the case of a request of a police constable at any police station within the Council's area which is nominated by the driver when the request is made.

14. The driver shall:-

- (a) if requested by the hirer of a private hire vehicle provide him with a written receipt for the fare paid.
- (b) at all times be clean and respectable in his dress and person and behave in a civil and orderly manner.
- (c) take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him.
- (d) not without the express consent of the hirer drink or eat in the vehicle.
- (e) not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
- (f) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
- (g) at all times when driving a private hire vehicle carry with him a copy of these conditions and shall make it available for inspection by the hirer or any other passenger on request.
- (h) at all times a Private Hire Driver should ensure that the vehicle lights are fully operative, the tyres are within the legal limits, the vehicle is clean and tidy and that it has a serviceable fire extinguisher and fully stocked first aid kit readily available.

15. This licence may be suspended, revoked not renewed or the holder may be required to undertake a Driving Standards Agency "Taxi/Private Hire" test by the Council:-

- (a) if the driver commits an offence or otherwise fails to comply with any of the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 including failure to comply with any part of these terms and conditions;
- (b) if the driver has been convicted of an offence involving dishonesty, indecency or violence;
- (c) if the driver becomes disqualified from driving under any of the Road Traffic Acts in which case the licence shall be automatically revoked;

(d) on any other reasonable grounds;

16. The driver who as a result of any Court decision or other administrative or judicial process, is convicted, sentenced or receives any penalty in respect of any offence or other decision of the Court during the currency of this licence shall within 7 days inform the Council's Licensing Manager in writing of such decision. Such notification may not be delayed until the next application for renewal of the licence is due.
17. The driver shall, every three years, submit an application to the Disclosure Barring Service (DBS) for an enhanced disclosure, via the Council, which is a registered body.
18. The driver shall every three years, produce to the Council a certificate signed by his registered medical practitioner, to the effect that he is fit to be the driver of a Private Hire Vehicle. He should come to this decision using Group 2 standards for vocational drivers as laid down in the current issue of "At a glance guide to the current medical standards of fitness to drive" issued by the Drivers Medical Unit, DVLAS, Swansea. In addition he shall if so required, whether or not such medical certificate has been produced, submit to an examination by a registered medical practitioner selected by the Council as to his fitness to be such a driver.
19. The Council may at any time add to delete or alter any of the foregoing conditions and upon notice thereof having been served upon the Driver such additions, deletions or alterations shall as from the date of such service be deemed to be incorporated herein.
20. Any notice required to be served by the Council under this Licence or under any of the provisions of the Local Government (Miscellaneous Provisions) Act 1976 shall be deemed to have been properly served if sent by them by prepaid post to or left at the last known address of the driver.
21. If the driver is permitted or employed to drive a private hire vehicle of which the operator is someone other than himself, he shall before commencing to drive that vehicle deposit his Private Hire Driver's Licence with that operator for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle operated by that operator.
22. If during the currency of this Licence any of the particulars supplied in the driver's application shall change, details of the change shall be notified in writing to the Licensing Manager at The Civic Centre within seven days. Such notification may not be delayed until the next application for renewal of the licence is due.
23. In the interpretation of the conditions the masculine gender shall be deemed to include the feminine and the singular shall be deemed to include the plural.



Lost and Found



The following details will advise you how best to deal with property you have either lost or found.

Cumbria Constabulary will accept found property which may be linked to a crime. We will also accept found property that contains personal data, such as Identification, bank / store cards and mobile phones, if you are unable to report this to the issuing authority.

We are unable to take reports of lost property as this must be dealt with by the issuing authority.

We are therefore not able to issue lost property reference numbers, should you be asked for a lost property reference number from an insurance provider or another company, please [click here](#) for a letter that you can send to them to confirming this.

The following links will help you to report lost or found property to the correct place:

- [Lost Property](#)
- [Found Property](#)

If you would like to find out more about how to protect your property then please [click here](#).

If you have not already done so, you should consider registering your property on a database at www.immobilise.com, this will increase the likelihood of your property being returned to you.

It's free and easy to register.

If you want to register your phone you will need your IMEI/ serial number (a 15-digit number) which can be accessed by keying in *#06# into your phone, looking behind the battery of your phone, on the box that your phone came in, or by contacting your service provider.

If you lose or find an item and you believe this has been involved with a crime, please contact police on 101 or visit your local station.

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Lost Property



The Constabulary is unable to take any reports of the following items of lost property, to help you to report this to the correct place, please follow the guidance below.

If you have lost any property such as cash, identification, cards, handbags, bikes etc , try to re-trace your steps and contact any premises you have visited to see if they have had this handed in. The premises listed below should have their own lost / found procedures:

Licence premises (pubs, nightclubs)

- Private premises (house, hotel, hostel)
- Taxi's
- Public transport (trains, buses, trams)
- Business premises (shops, supermarkets)
- Educational premises (schools, universities, colleges)
- If you have lost any of the items listed below, please report as follows:

Driving licences, passports, identification documents etc:

- report the loss of any of these items directly to the issuing authority.
- for information about reporting a lost passport, visit the gov.uk website: '[Report a lost or stolen passport](#)'
- for information about replacing a driving license, visit the gov.uk website: '[Replace a lost, stolen, damaged or destroyed driving licence](#)'

Credit / Debit / Store cards:

- contact your bank or credit card company and report the loss to them immediately, they will cancel and issue a replacement.

Mobile Phones:

- contact your service provider as soon as possible to have your phone blocked. Contact details can be found on your mobile provider's website or in your local store.

Handbag / Wallet / Purse:

- contact the issuers of any documents or cards as detailed above.

Keys:

- consider getting your locks changed to ensure your property remains secure.

Blue Badge:

- report the loss to the local council, who is the issuing authority.

Dogs:

- call your local district council, who may have picked up your dog as a stray.
- call local vets, refuge centres to see if they have had your dog or animal handed in.
- consider putting up a notice in the local area.



Found Property



The following guidance will help you to report property which has been found to the correct place. Items found containing personal data should be reported to the issuing authority, if you are unable to do this and you hand this into the police, we will forward this onto them for you. This will not be retained by the police.

When you have found some property it is your legal obligation to try to reunite it with the owner.

You could do this by putting a notice in the local shop or near where you found the item.

If you find an item of property such as cash, identification, cards, handbags, bikes etc in any of the premises below you should hand this into the manager of the following premises as they should operate their own lost and found procedures:

- Licence premises (pubs, nightclubs)
- Private premises (house, hotel, hostel)
- Taxi's
- Public transport (trains, buses, trams)
- Business premises (shops, supermarkets)
- Educational premises (schools, universities, colleges)

If you have found any of the items listed below, please report as follows:

Driving licences, passports, identification documents etc:

- send directly to the issuing authority, if you are unable to do this, this can be handed into Cumbria Police who will forward to them.

Credit / Debit / Store cards:

- follow the instructions on the back of the card found, if you are unable to do this, this can be handed into Cumbria Police who will forward to them.

Mobile Phones:

- hand the phone into the local service provider's mobile shop, if you are unable to do this, this can be handed into Cumbria Police who will forward to them.

Handbag / Wallet / Purse / Jewellery:

- if there are any documents that identify the owner, please contact them direct to reunite them with their property.
- if you are unable to identify the owner, please hand into Cumbria Police.

Keys:

- if you know who these belong to please contact them to reunite them with their keys.
- If you do not know who the keys belong to, please dispose of them securely.

Blue Badge:

- send this back to the local council who is the issuing authority.

Dogs:

- call your local district council, who will arrange to pick up the dog from you.

Pedal Cycles:

- call your local district council.

You may be able to claim entitlement to some property that you find, you can only retain the item on the understanding that if the owner comes forward, you must give it back.

If you find an item and you believe this has been involved with a crime, please contact police on 101 or visit your local station.