

## PENALTY POINTS SYSTEM

Without prejudice to any other course of action or remedy available to the council in the event of any contravention of any relevant statute, bylaw, or regulation, the penalty points then applicable to that particular breach or contravention as indicated in the handbook will be issued to the licence holder. Provided no more than eleven penalty points have been issued to the licence holder within any twelve month period but upon accumulation of twelve or more points within any twelve month period the licence holder will be liable to any appropriate action being taken by the council, including suspension, revocation, or refusal to renew the licence.

In the event of a licence holder disputing that he is liable for points to be awarded against him, the matter will be referred to a meeting of the Licensing Sub-committee, where in the event that he is adjudged liable for and breach or requirement for which penalty points would have been imposed, no greater punishment will be imposed other than the awarding of the penalty points for that particular breach or requirement.

### PART I

Laws relevant to the driving of hackney carriages in the Borough of Reading.

#### TOWN POLICE CLAUSES ACT 1847

The driver of a hackney carriage whilst on a taxi rank or in any street who refuses or neglects without reasonable excuse to drive to any place in the area for which he is licensed (the Borough of Reading) commits an offence. (6 points)(Section 53)

#### LOCAL GOVERNMENT (MISC. PROVISIONS) ACT 1976

You must produce your hackney carriage driver's licence at the request of a council officer or police officer at the Civic Offices or Police Station within five days of the request. (6 points)(section 53) Provide a medical certificate as and when required by the council. You must be examined by the Consultant occupational Health Physician to ascertain your fitness to hold a licence before the grant of your first licence, every fifth year until age 60, every other year to age 70 and annually thereafter, or at any other time considered reasonably necessary the Head of Planning and Environmental Health. (6 points)(Section 57) The Council may suspend or revoke or refuse to renew your licence if:

(a) you are convicted of an offence involving dishonesty, indecency or violence or have been convicted of an offence or failed to comply with the law and conditions controlling the hackney carriage trade;

(b) any other reasonable cause. (Section 61)

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. (3 points)(Section 66)

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.

(3 points)(Section 67)

You must not without reasonable cause unnecessarily prolong in distance or time, the journey for which the vehicle was hired.

(9 points)(Section 69)

You must not wilfully obstruct a council officer or police constable acting under the above Act, or without reasonable excuse fail to comply with any requirement made to you by such a person or without reasonable cause fail to give any such person any other assistance or information he may reasonably require in the performance of his duties under the above Act.

(12 points)(Section 73)

BYELAWS MADE BY THE COUNCIL UNDER SECTION 68 TOWN POLICE CLAUSES ACT 1847 AND SECTION 171 PUBLIC HEALTH ACT 1875 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; (3 points)

(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; (5 points)

(c) Cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is during the hours of darkness as defined for the purpose of the Road Traffic Act 1972 and also at any other time at the request of the hirer. (3 points)(Byelaw 5)

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. (12 points)(Byelaw 6)

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 or deemed to have been

appointed under section 63 of the Local Government (Miscellaneous Provisions) Act 1976; (3 points)

- (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; (3 points)
- (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; (3 points)
- (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. (3 points)(Byelaw 7)

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. (3 points) (Byelaw 8)

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. (6 points)(Byelaw 9)

The 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. (6 points)(Byelaw 10)

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. (6 points)(Byelaw 11)

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. (6 points)(Byelaw 12)

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;

(3 points)

- (b) afford reasonable assistance in loading and unloading; (3 points)
- (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. (3 points)(Byelaw 13)

Every hackney carriage driver shall present a clean and tidy appearance. (6 points)(Byelaw 14)

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. (9 points)(Byelaw 15)

A Statement of fares fixed by the Table of Fares shall be exhibited inside the carriage in clearly distinguishable letters and figures. The driver of a hackney carriage bearing a statement of fares in accordance with this bylaw 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. (3 points)(Byelaw 16)

The 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 herein. (3 points)(Byelaw 17)

The driver of a hackney carriage shall if any property is accidentally left therein by any person who may have been conveyed in the carriage be found 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 Civic Offices, Reading, or other office for the time being of the Borough Council, and leave it in the custody of the officer in charge on his giving a receipt for it; (12 points)
- (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence on 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. (Byelaw 18)