

# **Hackney Carriage Driver's Byelaws, Conditions & Penalty Points scheme**

## **LEGISLATION, BYELAWS AND CONDITIONS APPLICABLE TO HACKNEY CARRIAGE VEHICLE DRIVER'S LICENCES & PENALTY POINTS ENFORCEMENT SYSTEM**

**Town Police Clauses Act 1847**

**Local Government (Miscellaneous Provisions) Act 1976**

**Public Health Act 1875**

### **PART 1 – PENALTY POINTS SYSTEM**

#### **1. Operation of Penalty Points System**

- 1.1. Without prejudice to any other course of action or remedy available to the Council, in the event of any contravention of any relevant statute, byelaw, regulation or hackney carriage vehicle driver condition, the Council may use this penalty points system as a means of enforcement. Where the system is used, if a breach or contravention occurs, as indicated in these conditions, the penalty points indicated within this document shall be allocated to the licence.
- 1.2. In the event that a driver surrenders their hackney carriage vehicle driver's licence or withdraws their application to renew a hackney carriage vehicle driver's licence or does not apply to renew a licence, any penalty points issued or in process will remain live and will be imposed on any subsequent hackney carriage vehicle driver's licence issued within 12 months of the issue of any penalty points.

#### **2. Action where a suspected breach or non-compliance occurs**

- 2.1. Where a suspected breach or noncompliance with the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847, Public Health Act 1875 or Hackney Carriage Vehicle Driver's Licence Byelaws and Conditions is detected, a letter will be sent to that person setting out the circumstances of the alleged breach or noncompliance. The letter shall offer an opportunity to either admit or deny the allegation. Where the breach is admitted the appropriate number of penalty points shall be allocated to the licence and a letter shall be sent to the licence holder confirming the allocation of points.
- 2.2. If the licence holder fails to respond to the letter setting out the circumstances of the alleged breach or non-compliance within 28 days, the appropriate number of penalty points shall be allocated to that individual's licence and a letter shall be sent confirming the allocation of points.
- 2.3. If the licence holder responds to the letter but denies the allegation due to them not being the vehicle driver at the time of the incident, they shall be given an opportunity to nominate another driver. If the licence holder fails to nominate another person the appropriate number of penalty points shall be allocated and again, a letter shall be sent to the licence holder confirming the allocation of points. That letter shall also explain the appeal options open to the licence holder.
- 2.4. If the licence holder denies the allegation due to a dispute of facts, they shall have the opportunity to challenge the matter as detailed in the disputes options, as set out at paragraph 7 below.

#### **3. Use of alternative enforcement action in conjunction with penalty points**

- 3.1. Where penalty points are shown in the conditions this shall not preclude alternative formal

action, including prosecution or suspension/revocation, being taken by the Council.

- 3.2. Where enforcement actions such as prosecution or fixed penalty notices are used in respect of breaches, this shall not preclude the issuing of penalty points and penalty points will normally be awarded in addition to the alternative form of enforcement.
- 3.3. Where a driver also holds a private hire/school transport vehicle driver's licence any action taken in respect of their hackney carriage vehicle driver's badge will also apply to their private hire/school transport driver's badge.

#### **4. First accumulation of 12 penalty points**

- 4.1. If a licence holder accumulates 12 penalty points in any 12-month period the licence will be reviewed by officers, with particular focus on the circumstances relating to the current and earlier imposition of penalty points, and unless the review determines otherwise, the licence shall be suspended for 14 calendar days. Following the suspension the points shall be removed from the licence. In cases where a combination of breaches of licence conditions results in the number of penalty points reaching more than 12, and a suspension subsequently occurs, all the penalty points from the breaches resulting in the suspension shall be considered spent and no penalty points will be carried forward.
- 4.2. In the case of a breach of condition 13.5, resulting in 36 penalty points being awarded, the licence will be reviewed by officers, as above, and unless the review determines otherwise, no suspension shall occur and instead the licence shall be revoked. This revocation, and the rights of appeal against it, shall be notified in writing to the driver by officers.

#### **5. Second accumulation of 12 penalty points**

- 5.1. If, following a first suspension, a licence holder accumulates a further 12 points in any 12-month period, within 4 years of the end of the first suspension, the licence will be reviewed by officers, as above, and unless the review determines otherwise, the licence shall be suspended for a period of 28 calendar days. Following the suspension the points shall be removed from the licence. In cases where a combination of breaches of licence conditions results in the number of penalty points reaching more than 12, and a suspension subsequently occurs, all the penalty points from the breaches resulting in the suspension shall be considered spent and no penalty points will be carried forward.
- 5.2. In the case of a breach of condition 13.5, resulting in 36 penalty points being awarded, the licence will be reviewed by officers, as above, and unless the review determines otherwise, no suspension shall occur and instead the licence shall be revoked. This revocation, and the rights of appeal against it, shall be notified in writing to the driver by officers.

#### **6. Third accumulation of 12 penalty points**

- 6.1. If, following a second suspension, a licence holder accumulates a further 12 points in any 12-month period, within 4 years of the end of the second suspension, their hackney carriage vehicle driver's licence will be reviewed by officers, as above, and unless the review determines otherwise, the licence shall be revoked. This revocation, and the rights of appeal against it, shall be notified in writing to the driver by officers. In cases where a combination of breaches of licence conditions results in the number of penalty points reaching more than 12, and a revocation subsequently occurs, all the penalty points from the breaches resulting in the revocation shall be considered spent and no penalty points will be carried forward.

## **7. Disputes**

### **7.1. Review by Senior Officer**

- 7.1.1. In the event of the licence holder disputing that they are liable for points to be awarded against them, the licence holder may request, in writing within 28 days of being notified of the allegation, that the incident and awarding of penalty points be considered by a Senior Officer. Where this occurs, the Senior Officer shall consider the evidence attached to the incident and will aim to respond to the licence holder, in writing, within 28 days of being notified of the dispute. The Senior Officer shall decide whether it is appropriate to allocate the penalty points.
- 7.1.2. If the Senior Officer upholds the decision of the Licensing Officer, no greater punishment shall be imposed other than the awarding of the penalty points for those breaches or requirements.
- 7.1.3. If the award of points does not result in the licence holder accumulating 12 or more points on their licence, there is no further right of appeal.

### **7.2. Accumulation of 12 points or more – right to request a review by the Licensing Sub Committee**

- 7.2.1. If the licence holder is unhappy with the findings of the Senior Officer and the award of penalty points results in the driver accumulating 12 or more points on their licence, which may result in a suspension/revocation, they may ask for the matter to be reviewed by the Council's Licensing Sub-Committee.
- 7.2.2. This request must be made in writing within 28 days of being notified of the Senior Officers' findings. When this occurs, a hearing shall be held where details of all the incidents that lead to the accumulation of at least 12 penalty points within a 12-month period shall be provided to the Sub-Committee in writing and the licence holder will have the opportunity to present evidence and information in support of his/her case.

## **8. Appeals to the Magistrates Court in connection with Penalty Points**

- 8.1. Where a driver receives a period of suspension, that person shall be notified in writing within 14 days of the reason(s) for the suspension and shall have the right of appeal to the Magistrates' Court within 21 days of being served with a notice of the Council's decision.
- 8.2. Where a driver's licence is revoked, that person shall be notified in writing within 14 days of the reason(s) for the revocation and shall have a right of appeal to the Magistrates' Court within 21 days of being served a notice of the Council's decision.

## **9. Action where a private hire/school transport licence is also held**

- 9.1. In the event of the suspension or revocation of a hackney carriage driver's licence an identical suspension or revocation shall apply in respect of any private hire/school transport driver's licence held by the same individual. This suspension or revocation and the rights of appeal against it shall be notified in writing to the driver by officers.

## **10. Action following revocation of licence**

- 10.1 A person who has had a hackney carriage vehicle driver's licence revoked under the penalty points system of enforcement shall not be eligible for the issue of a further hackney carriage vehicle driver's or private hire/school transport driver's licence until three years have elapsed since the revocation. The Assistant Director of Planning, Transport & Public Protection is authorised to refuse any application for a licence in these circumstances.

## **Interpretation of Conditions and Byelaws attached to hackney carriage vehicle driver's licence**

In these conditions, unless the subject or context otherwise requires:

- i. "The Act" means the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847 or Public Health Act 1875.
- ii. "Byelaw" means a condition made by the Council under Section 68, Town Police Clauses Act 1847 and Section 171 Public Health Act 1875.
- iii. "The Borough" means the Borough of Reading.
- iv. "The Council" means Reading Borough Council.
- v. "Home-to-School transport contract" means a written contract between a local authority and a licensed private hire operator or hackney carriage driver for the purpose of transporting children from their usual abode to school".
- vi. "Driver" means a person holding and acting in accordance with a hackney carriage vehicle driver's licence issued by the Council.
- vii. "Driving" includes parking or leaving a vehicle unattended.
- viii. "Licence" means hackney carriage vehicle driver's licence.
- ix. "Penalty Points" means the number of points, which may be attached to a hackney carriage vehicle driver's licence for a breach of the Act or the conditions/byelaws in this document.

## **Appeal Procedure in respect of conditions attached to licence**

Any person aggrieved by any condition specified in this licence may appeal to a Magistrates' Court.

The procedure shall be by way of complaint for an order, and the Magistrates' Courts Act 1980 (or any re-enactment or amendment thereto) shall apply to the proceedings.

The time within which any such appeal may be brought shall be twenty-one days from the date on which notice of the requirement, or other decision was served upon the person desiring to appeal and for this purpose the making of the complaint shall be deemed to be the bringing of the appeal.

## **PART 2 – HACKNEY CARRIAGE VEHICLE DRIVER CONDITIONS AND BYELAWS**

### **CONDITIONS AND BYELAWS**

#### **1. Action where a DVLA Driver's Licence or similar is suspended**

- 1.1. Where a driver has been disqualified from driving by a court, their hackney carriage driver's licence will be revoked by an appropriate officer delegated by the Assistant Director of Planning, Transport and Public Protection.
- 1.2. You must not drive a hackney carriage 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.**

#### **2. Requirement to wear/display Reading Borough Council Hackney Carriage Driver's Badge**

##### **BYELAW 12**

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. **Failure to do so – 3 penalty points**

- 2.1. The badge must be worn using a lanyard or a clip fastened to the upper chest area. **Failure to do so – 3 penalty points.**
- 2.2. All drivers must ALWAYS display in the vehicle, in full view of passenger(s), the other hackney carriage driver's badge issued to you. **Failure to do so – 3 penalty points.**

#### **3. Requirement to display a hackney carriage vehicle licence plate**

- 3.1. You must not drive a licensed hackney carriage vehicle without a hackney carriage vehicle plate securely attached to the rear bumper or rear bodywork of the vehicle. **Failure to do so – 3 penalty points.**
- 3.2. You must not wilfully or negligently cause or suffer the licence plate or identification card allocated to your hackney carriage vehicle, to be concealed from public view or to be so defaced such that it is illegible. **To do so – 3 penalty points.**
- 3.3. You must not remove a hackney carriage vehicle licence plate from a hackney carriage vehicle, whilst the vehicle remains licensed. **To do so – 3 penalty points.**

#### **4. Requirement to produce hackney carriage driver's licence**

- 4.1. You must produce your hackney carriage vehicle driver's licence at the request of an authorised officer of Reading Borough Council and/or a Police officer, either forthwith, or, in the case of an Authorised Officer, at the Civic Offices, Reading and in the case of a Police Constable, the Police Station of your choice within the Borough of Reading within five days of the request. **Failure to do so – 3 penalty points.**

#### **5. Medical fitness**

- 5.1. You must undergo a medical examination as prescribed by the Council, confirming your fitness to drive a licensed hackney carriage vehicle as and when required by the Council. The frequencies at which medical examination must usually be undertaken are prior to obtaining

your first licence, then at least every 5 years to age 60, then at least every 2 years to age 70 and at least once a year over the age of 70. **Failure to do so – suspension of licence until medical examination passed and 3 penalty points.**

- 5.2 You must not drive a hackney carriage vehicle if you are suffering from any disease or disability which would cause the vehicle being driven by you to be a danger to the public. **To do so – suspension/revocation of licence until medical examination passed and 3 penalty points**
- 5.3 You must ensure that you can, ALWAYS, meet the eyesight requirements specified by the Department of Transport driving test. **Failure to do so – suspension/revocation of licence until eyesight requirements met and 3 penalty points.**

## **6. Provision of information to the Council**

- 6.1 You must not, when providing information to the Council, on applying for a hackney carriage vehicle driver's licence knowingly or recklessly make a false statement and/or knowingly omit any material information. **To do so – 6 penalty points.**
- 6.2 You must provide any relevant document or information requested within the specified timescale. **Failure to do so – 3 penalty points.**
- 6.3 Drivers must sign up to the DBS update service and maintain their annual payments – **failure to do so - 6 penalty points.**
- 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.**

## **7. Correct use of taximeter**

### **BYELAW 5**

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; **Failure to do so - 3 penalty 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; **Failure to do so - 6 penalty 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. **Failure to do so - 3 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.**

## 8. Use of ranks

### BYELAW 7

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; **Failure to do so – 3 penalty 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; **Failure to do so – 3 penalty 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; **Failure to do so – 3 penalty 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. **Failure to do so – 3 penalty points.**

- 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.**
- 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.**

## 9. Prolonging of journeys and charging of fares

### 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**

### BYELAW 16

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. **Failure to do so – 3 penalty points.**

- 9.1. You must not without reasonable cause, unnecessarily prolong in distance or time, the journey for which the vehicle was hired. **To do so – 3 penalty points.**
- 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**
- 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**

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**

#### **10. Obstruction of authorised officers**

10.1. You must not wilfully obstruct an authorised officer of the Council or a police constable acting under the 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. **To do so – 6 penalty points.**

#### **11. Requirement to use a licensed vehicle**

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**

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.**

#### **12. Requirement to report loss of licence/badge**

12.1. You must report the loss of your licence and/or badge(s) to the Council as soon as such a loss becomes known. **Failure to do so – 3 penalty points.**

#### **13. Conduct of driver**

##### **BYELAW 9**

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. **Failure to do so – 3 penalty points.**

##### **BYELAW 10**

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. **Failure to do so – 3 penalty points**

##### **BYELAW 14**

Every hackney carriage driver shall present a clean and tidy appearance. **Failure to do so – 3 penalty points.**

13.1. You must comply with every reasonable requirement of your passengers. **Failure to do so - 3 penalty points.**

13.2. You must not eat in your vehicle whilst you have a passenger or passengers on board. **Failure to do so – 3 penalty points.**

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**

- 13.4. You must not behave in a sexually offensive manner towards passengers. **To do so – 12 penalty points.**
- 13.5. Without prejudice to the generality of condition 13.4, you are not permitted to have sexual intercourse with passengers whilst on duty or in a licensed vehicle. **To do so – 36 penalty points resulting in licence revocation.**
- 13.6. Without prejudice to the generality of condition 13.4, you are not permitted to have sexual contact, including intimate kissing, touching of private parts, or similar activity, with passengers whilst on duty or in a licensed vehicle. **To do so – 12 penalty points.**
- 13.7. Without prejudice to the generality of condition 13.4, 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**

#### **14. Carriage of luggage**

##### BYELAW 13

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. **Failure to do so – 3 penalty points**
- (b) afford reasonable assistance in loading and unloading. **Failure to do so – 3 penalty 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. **Failure to do so – 3 penalty points.**

#### **15. Carriage of guide/assistance dogs or disabled passengers**

- 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.**
- 15.2. You must not charge a fee to carry a guide dog or an assistance dog. **To do so – 6 penalty points.**
- 15.3. You must advise the Council's Licensing Section in writing of any medical condition which would preclude you from carrying a guide dog or assistance dog. **Failure to do so - 3 penalty points.**
- 15.4. You must ensure that wheelchairs are loaded in the correct position and securely fixed using the floor restraint system and manufacturers straps designed for the vehicle. **Failure to do so – 6 penalty points.**
- 15.5. You must not refuse to carry a wheelchair user unless your vehicle is unsuitable in size to safely accommodate the wheelchair and wheelchair user. If you refuse the journey for this reason, you must provide reasonable assistance to facilitate the use of an alternatively suitable hackney carriage. **Failure to do so – 12 penalty points.**
- 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.**

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.**

## 16. Provision of receipts

16.1. You must, if requested by your hirer/passenger, give a receipt in respect of the fare paid. The receipt must state the fare paid, date, time and driver badge number. **Failure to do so – 3 penalty points.**

## 17. Lost Property

### BYELAW 17

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 therein. **Failure to do so – 3 penalty points.**

### BYELAW 18

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; **Failure to do so – 3 penalty 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.

17.1. Where the owner/loser of the property collects the property from you, no charge may be made for the return of that property. **Failure to do so – 3 penalty points.**

## 18. Suitability of vehicles

18.1. You must not drive a hackney carriage vehicle if the vehicle does not comply with the Road Vehicles (Construction and Use) Regulations 1986 as amended. **To do so – 3 penalty points for each breach found.**

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.**

18.3. You must ensure that any hackney carriage vehicle you drive complies with the Council's requirements in relation to tinted windows at all times. (See vehicle specifications). **Failure to do so – 3 penalty points.**

18.4. You must not make any changes to the specification, design or appearance of a vehicle without prior approval from a Licensing Enforcement Officer. **To do so – 3 penalty points for each breach found**

## **19. Requirement to notify Council of change of address, contact details or a conviction**

- 19.1. You must notify the Council in writing of any change of address, contact number or email address within 7 days of the change taking place. **Failure to do so – 3 penalty points.**
- 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.** 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.**

## **20. Insurance**

- 20.1 You must not drive a hackney carriage vehicle if you are not insured to do so. **To do so – 12 penalty points.**
- 20.2 You must provide the Licensing Section of the Council with the original, valid certificate of insurance in respect of third-party risks which must cover your vehicle for hackney carriage purposes. **Failure to do so – 3 penalty points.**

## **21. Leaving the address shown on your licence for more than 28 days**

- 21.1. You must notify the Council in advance, in writing, if you are to be away from the address shown on your licence for a period of more than 28 days. **Failure to do so – 3 penalty points.**
- 21.2. If you are to be away from your home address for a period of more than 28 days and someone else is to use your hackney carriage vehicle whilst you are away you must provide the name, address and home telephone number of that person to the Council prior to going away. **Failure to do so – 3 penalty points.**

## **22. Road traffic accidents and other incidents**

- 22.1. Following a road traffic accident or any other incident involving a hackney carriage vehicle driven by you where there is a likelihood of any dispute over damage or injury, you must give full details of yourself, the owner of the vehicle and the insurance for the vehicle to any person reasonably requesting the information within seven days of such a request being made. **Failure to do so – 3 penalty points.**
- 22.2. If you are not the owner of the hackney carriage vehicle that is involved in a road traffic accident or any other incident while being driven by you, you must notify the owner of the vehicle as soon as is reasonably practicable, and in any case within 72 hours of the incident. **Failure to do so – 3 penalty points.**
- 22.3. If a hackney carriage vehicle driven by you is involved in an accident which causes damage which materially affects the safety, performance or appearance of the vehicle or comfort or convenience of the passengers you must report the damage to the Council as soon as reasonably practicable or in any case within 72 hours of the accident. **Failure to do so – 3 penalty points.**

## **23. Theft or loss of licence plate**

- 23.1. You must report the loss or theft of any hackney carriage vehicle licence plate, hackney carriage vehicle licence or internal vehicle licence plate, to the Police and the Council, as soon as the loss becomes known and in the event of ceasing to use the vehicle for hackney carriage purposes shall return the external and internal licence plates, to the Council within seven days. **Failure to do so – 3 penalty points.**

## **24. Touting**

### **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**

## **25. Bus stops and lanes**

- 25.1 At any time when driving a hackney carriage vehicle, you must not cause or permit the vehicle to stand or become stationary for any reason at any bus stop or in any bus lay-by. **To do so – 3 penalty points.**
- 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.**

## **26. Disabled bays**

- 26.1. At any time when driving a hackney carriage vehicle, you must not cause or permit the vehicle to stand or become stationary for any reason in a disabled bay without displaying the appropriate badge or other lawful authority. **To do so - 3 penalty points.**

## **27. Dangerous parking/stopping**

- 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.**
- 27.2. At any time when driving a hackney carriage vehicle, you must not cause or permit the vehicle to be driven on or become stationary on a footway. **To do so - 3 penalty points.**

## **28. Parking on yellow lines/contravening traffic laws**

- 28.1. At any time when driving a hackney carriage vehicle, you must not cause or permit the vehicle to be stationary on double yellow lines or 'Red Routes' other than to pick up or drop off passengers. **To do so - 3 penalty points.**
- 28.2. At any time when driving a hackney carriage vehicle, you must not cause or permit the vehicle to be stationary on a single yellow line, in contravention of the notices displayed, other than to pick up or drop off passengers. **To do so - 3 penalty points.**
- 28.3. At any time when driving a hackney carriage vehicle, you must not contravene any traffic laws, regulations, orders or guidance outlined in the current highway code. **To do so - 3 penalty points.**

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**

### **29. Sounding of horn**

29.1. You must not sound the horn of the vehicle you are driving, whilst it is stationary, to signify the vehicle is waiting for passengers. **To do so - 3 penalty points.**

### **30. Number of passengers carried**

#### **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**

30.1. You must not carry any other person in your vehicle without the permission of the hirer. **To do so - 3 penalty points.**

### **31. Giving or lending of vehicle or licence to others**

31.1. You must not lend or give your licence to any other person, other than the copy of your licence that you are required by these conditions to give to your operator. **To do so - 6 penalty points.**

31.2. You must not permit any other person who is not a Reading Borough Council licensed hackney carriage vehicle driver to drive your licensed hackney carriage vehicle. **To do so - 6 penalty points.**

### **32. Playing of radio or similar**

32.1. You must not play a radio or any other sound producing device to the annoyance or discomfort of your passengers. **To do so - 3 penalty points.**

### **33. Use of a mobile phone, navigation or similar device**

33.1. You must not use a mobile phone, handheld communications/navigation device or similar when driving if it is not connected to a 'hands-free' system (Bluetooth earpiece or an inbuilt car system). **To do so - 12 penalty points. (When witnessed by a Licensing Officer, not for motoring convictions that are dealt with under the Convictions Policy).**

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 their attention to become distracted.

### **34. Signs and livery/advertisements**

34.1. You must display on your vehicle, always when you are working as a hackney carriage driver, a roof sign in accordance with the Council's approved specification (see vehicle specifications). **Failure to do so – 3 penalty points.**

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.**

### **35. Home-to-School Transport Contract Work**

*When a driver is fulfilling/undertaking a 'Home-to-School Transport Contract' journey the following conditions shall apply, notwithstanding that they may conflict with the conditions stated above.*

35.1. You must ensure that each passenger is always wearing a seat belt during the journey, ensure that wheelchairs are loaded in the correct position and securely fixed using the floor restraint system and manufacturers straps designed for the vehicle. **Failure to do so – 6 penalty points.**

35.2. When undertaking a home-to-school transport contract, you must not carry any person in your vehicle other than any passengers (including escorts) that you are required to carry pursuant to the contract. **To do so - 3 penalty points.**

35.3. You must display on a vehicle being used for a home-to-school contract, the school transport sign, to a type and standard normally applicable to PCV operators, prescribed in the Road Vehicles Lighting Regulations 1989 and amended in Statutory Instrument 1519 The Vehicles Lighting (Amendment) Regulation 1994, in such position as required by the Council, but only while the vehicle is actively involved in transporting pupils and at no other time. **Failure to do so – 3 penalty points.**

35.4. You must display on your vehicle when being used for any home-to-school transport contract, any signs as specified in the contract, such as the school number and contract route number. **Failure to do so – 3 penalty points.**

35.5. You must comply with all the terms stipulated within any home-to-school contract held or journeys undertaken. **Failure to do so – 3 penalty points.**