

Appendix 4

Consultation Comments	Officer Comments/Recommendations
<p>2(a) The reference to "legibly painted or marked..." would lead to all types of cavalier interpretation regarding style, paint etc; suggest remove this reference and keep with current practice of plate approved/supplied by CBC fixed permanently to rear of vehicle i.e. whether working or not. (This will comply with my reading of current legal requirements). Also details (as plate) displayed inside of vehicle so as to be readable from inside and outside of vehicle. I.e. continue with current practice.</p>	<p>2(a) complies with requirements set out in section 51 of the Town Police Clauses Act 1847 ("TPCA47" hereafter) which states "...be painted on a plate placed on some conspicuous place on the outside of such carriage...". Officers do not consider that this requirement will lead to misinterpretation since the same section above also prescribes the format and information to be displayed on licence plates.</p>
<p>3(c) should be one per door into all passengers' compartments plus driver's.</p>	<p>DfT Circular 8/86 stipulates that the purpose of the model byelaws is to "...cover the range of <i>standard controls</i> which most local authorities would want to impose and we would expect local authorities to base their byelaws on the model." The requirement under 3(c) is the standard but does not by virtue of that exclude anything over and above such a standard.</p>
<p>3(i) In the event of an accident there must be exits from both sides of the vehicle; therefore there must be 4 doors.</p>	<p>Officer comments as per the above.</p>
<p>4(d) change word "printed" to "displayed"</p>	<p>Officers do not consider there to be a significant difference in meaning and it will therefore not constitute a point of confusion. It is therefore not considered that the suggested rewording constitutes a sufficient reason to deviate from the model byelaws on this point.</p>
<p>8 Phrase "shall not make use...any other person...". This does not mention the driver. Suggest reword statement to read "no one (driver or agent) shall solicit hire"</p>	<p>It is already an offence for, amongst others, a Hackney Carriage driver "...to solicit persons to hire vehicles to carry them as passengers" under section 167 of the Criminal Justice and Public Order Act 1994. For this reason, officers do not recommend para. 8 be amended.</p>
<p>10 This statement does not refer to Hackney Hire working! It is a statement of how Private Hire operates i.e. PREBOOKED. Although I agree with the comments expressed I feel that the statement be removed.</p>	<p>A right exists for Hackney Carriages to undertake advance booking work. Para. 10 ensures that when a Hackney Carriage driver does undertake advance booking work, that they punctually attend. For this reason, it is not recommended that para. 10 be amended.</p>
<p>12 Remove "If" badges are issued by CBC. Current practice is to wear one badge and display one badge in the vehicle in clearly visible places. Suggest this continues.</p>	<p>Cheltenham Borough Council does issue badges and for this reason the suggested rewording does not constitute a sufficient reason to deviate from the model byelaws on this point.</p>
<p>14(i) "...unless the hirer express...engage by time" Almost impossible to enforce unless a stopwatch is used and agreement on cost/time agreed plus a</p>	

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<p>calculation would be needed. This is an area where conflict could occur. Suggest remove this phase.</p> <p>14(ii) Agree with statement but feel that it be extended to cover "quoted/estimated" fares. Suggest any quotes are prefaced by the words "fare is as per meter but it will be approx £..." and consult any references that the driver may have (e.g. pre-printed sample destination/distance calculations)</p> <p>15 section i) & ii). Suggest a rewrite of the "Statement of Fares" to make it easier to understand in a non ambiguous way. Must be comprehensible by both Drivers and members of the public.</p> <p>16 Add "at least at end of shift"</p> <p>17 What is the position if lost items are unclaimed? Does ownership go to the driver? Or to the Council?</p> <p>18 Assume this refers to cash penalties as imposed by the Courts. What penalties and effects on Driver's licence?</p>	<p>The requirement under para. 14(ii) is a requirement in law by virtue of section 58 TPCA47 "Overcharge by hackney coachmen". Byelaws cannot be repugnant to the law and for this reason it is not recommend that this para. Be amended.</p> <p>Comments noted but these are not considered sufficient reason to deviate from the model byelaws.</p> <p>Including "at least at end of shift" would be inconsistent with the intention of para. 16 by virtue of the fact that the paragraph ensures that a vehicle is inspected at the end of each and every journey (or as soon as practicable thereafter) not only once at the end of the shift. The suggested rewording will be addressed by the current wording in any case and it is therefore not recommended that para. 16 be amended.</p> <p>The Council will put procedures in place to deal with unclaimed property. These will be inline with Gloucestershire Constabulary's lost property procedures.</p> <p>Depending on the merits of each case, the Council will have discretion to either prosecute for an offence under the byelaw or to seek a review of the licence.</p> <p>Persons convicted can be fined by the convicting court. The fine for first offences cannot not exceeding level 2 (i.e. not exceeding £500) although further fines can be imposed for continuing offences.</p>
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