

**Manchester City Council  
Report for Resolution**

**Report to:** Licensing and Appeals Committee – 21 July 2014

**Subject:** Hackney Carriage Byelaws

**Report of:** Head of Planning, Building Control & Licensing

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**Summary**

This Report outlines the response from the Department of Transport to the proposed Hackney Carriage Byelaws which were considered and approved in principal by the Licensing and Appeals Committee on 16 December 2013 and ratified by Council on 29<sup>th</sup> January 2014.

**Recommendations**

To approve the recommended amendments as proposed by the Department for Transport.

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**Wards Affected:**

All

<b>Community Strategy Spine</b>	<b>Summary of the contribution to the strategy</b>
Performance of the economy of the region and sub region	Not applicable in the context of this report.
Reaching full potential in education and employment	Not applicable in the context of this report.
Individual and collective self esteem – mutual respect	Not applicable in the context of this report.
Neighbourhoods of Choice	Not applicable in the context of this report.

**Full details are in the body of the report, along with any implications for:**

- Equal Opportunities Policy
  - Risk Management
  - Legal Considerations
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**Financial Consequences – Revenue**

## **Financial Consequences – Capital**

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### **Contact Officers:**

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### **Background documents (available for public inspection):**

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

Licensing and Appeals Committee report of 28 October 2013  
Licensing and Appeals Committee report of 16 December 2013  
Section 236 Local Government (Miscellaneous Provisions ) Act 1972

## 1.0 Introduction

- 1.1 In 1957 Manchester City Council adopted Byelaws in relation to hackney carriage proprietors and drivers; these were amended in February 1961, and July 1962.
- 1.2 In 2013 Manchester's statement of policy, conditions of fitness in relation to Hackney Carriage vehicles was introduced which required a review of the Byelaws to ensure alignment and consistency. The Licensing and Appeals Committee initially agreed to the principle of adopting new Byelaws in October 2013 and resolved that officers should meet representatives of the Hackney Carriage Trade to talk through potential changes. A meeting with hackney carriage trade representatives subsequently took place
- 1.3 The matter was brought back to the Licensing and Appeals Committee who approved a set of proposed draft byelaws on 16th December 2013. The Council subsequently ratified the new proposed byelaws on 29th January 2014.
- 1.4 Members may recall that the proposed new byelaws were based upon the Department of Transport model byelaws but it was also considered appropriate that a number of the original Manchester City Council byelaws be retained for continuity and clarity.
- 1.5 A copy of the proposed new byelaws together with a covering letter was sent to the Department for Transport seeking their approval. A copy of the letter and enclosure is given at **Appendix 1**.

## 2.0 Department for Transport Response

- 2.1 The Department for Transport has now considered the proposals and has not given its approval to the proposed new byelaws as drafted. The response from the Department of Transport which is at **Appendix 2** sets out which byelaws require amendment or deletion. These are also detailed below.
- 2.2 Byelaw 12 provides that drivers must either wear their badge or display it in the vehicle in such a manner as to be clearly visible. The response from the Department of Transport is that the Council is acting outside its powers. The power to make byelaws for regulating Hackney carriages which is given under s 68 of the Town Police Clauses Act 1847 provides as follows:-

"The commissioners may from time to time make Byelaws for all or any of the purposes following:

**For regulating the conduct of the proprietors and drivers of hackney carriages plying within the prescribed distance in their several employments , and determining whether such drivers shall wear any and what badges,..... "**

The Department for Transport has taken a very narrow view in this regard and states the Council can make a byelaw requiring drivers to wear their badge but can not require them to display it. Although it could be argued that displaying the badge within the vehicle if it is not being worn is an aspect of conduct and gives drivers an additional choice this may not be accepted. The Department for Transport should approve the byelaw if reference to displaying the badge within the vehicle is deleted.

- 2.3 Byelaw 14 prohibits obstruction of authorised officers and Byelaw 15 requires the proprietor to divulge the name and address of any person who has been in charge of a vehicle in the last 6 months. The view of the Department for Transport is that these are not required as s 73 of the Local Government Miscellaneous Provisions Act 1976 which is set out below makes the byelaws unnecessary:-

**73.— Obstruction of authorised officers.**

(1) Any person who—

(a) wilfully obstructs an authorised officer or constable acting in pursuance of this Part of this Act or the Act of 1847; or

(b) without reasonable excuse fails to comply with any requirement properly made to him by such officer or constable under this Part of this Act; or

(c) without reasonable cause fails to give such an officer or constable so acting any other assistance or information which he may reasonably require of such person for the purpose of the performance of his functions under this Part of this Act or the Act of 1847;

shall be guilty of an offence.

- 2.3.1 The requirement under byelaw 15 is a lot more specific than the requirements of s73 however if any such information is requested and not forthcoming this is an offence under s 73(1)(c). Therefore as there is already an offence for obstructing an officer and/or constable performing taxi compliance duties these byelaws can be deleted from the proposed byelaws.

- 2.4 Byelaw 17 is the requirement to convey a passenger within the compellable area. Section 53 of the Town Police Clauses Act 1847 makes it an offence for a driver to refuse or neglect to drive to any place within the prescribed distance or any distance to be appointed by any byelaw. The Greater Manchester Act 1981 defines the regulated distance as being "any journey commencing in the district and ending at any point within the county but outside the district less than four miles from the nearest boundary of the district." . Byelaw 17 therefore does not add anything further and can be deleted.

- 2.5 Byelaw 18 directs that the driver shall unless otherwise directed proceed by the most practicable direct route and shall not unnecessarily or improperly delay the carriage on any journey or wilfully deceive any person in respect of the route or destination.

Section 69 of the LGMP Act 1976 is set out below:-

**69.— Prolongation of journeys.**

(1) No person being the driver of a hackney carriage or of a private hire vehicle licensed by a district council shall without reasonable cause unnecessarily prolong, in distance or in time, the journey for which the hackney carriage or private vehicle has been hired.

(2) If any person contravenes the provisions of this section, he shall be guilty of an offence.

2.5.1 Although the terminology is different the meaning is very similar and prohibits the same conduct. The Department of Transport will therefore not approve this byelaw and it should be deleted.

2.6 Byelaw 19 (iii) states that fares outside the compellable area can not be greater than the fare recorded on the meter unless an agreed fare has been negotiated with the hirer before the start of the journey. Journeys starting and ending within the City and compellable area must be at the rate shown on the meter. A written receipt for the fare must be provided upon request.

Section 66 of LGMP Act 1976 is set out below:-

**66.— Fares for long journeys.**

(1) No person, being the driver of a hackney carriage licensed by a district council, and undertaking for any hirer a journey ending outside the district and in respect of which no fare and no rate of fare was agreed before the hiring was effected, shall require for such journey a fare greater than that indicated on the taximeter with which the hackney carriage is equipped or, if it is not equipped with a taximeter, greater than that which, if the current byelaws fixing rates or fares and in force in the district in pursuance of section 68 of the Act of 1847 or, as the case may be, the current table of fares in force within the district in pursuance of section 65 of this Act had applied to the journey, would have been authorised for the journey by the bylaws or table.

(2) If any person knowingly contravenes the provisions of this section, he shall be guilty of an offence.

2.6.1. For journeys ending outside " the district " it prevents a fare greater than the fare on the meter or fare card being charged unless there has been a prior agreement. The provisions of s 166 Greater Manchester Act 1981 mean that the compellable area is the district for the purposes of s 66 of the LGMP Act 1976. Therefore the first part of 19 (iii) can be deleted as it has the same meaning as the section above however the rest of it should remain.

2.7 Byelaw 22 is a slightly amended version of model byelaw 17 provided by the Department for Transport. The relevant amendment is that drivers are required to deliver lost property to a police station. In this instance the Department of Transport is seeking clarification that Greater Manchester Police have been consulted and have agreed to the adoption of this byelaw. Enquiries with neighbouring authorities have been made and at least one neighbouring authority, within the area of Greater Manchester Police has adopted this version of the model byelaw. As this byelaw has been approved for use by one authority there is no reason to refuse its approval in a neighbouring authority. This byelaw should be retained as drafted.

### **3.0 Proposed byelaws**

- 3.1 A copy of the byelaws as amended taking into account the comments of the Department of Transport is provided at **Appendix 3**. It is proposed that an amended version of the byelaws is forwarded to the Department for Transport for their approval.
- 3.2.1 If the proposed byelaws as amended are approved by the Department of Transport the process requires that they must then be advertised in a local newspaper and any objections are forwarded by the Department of Transport to the Council for consideration. The Department for Transport will then consider the objections and the Council's response and can at that stage either confirm or refuse to confirm what has been presented.
- 3.3 If the Department for Transport refuse to confirm the proposed byelaws a further revised set will have to be submitted for consideration. Where the Department for Transport confirm what has been presented, a coming into operation date is agreed and the byelaws are sealed and advertised.

### **4.0 Conclusion**

- 4.1 The Committee is asked to consider the content of this report and to approve with or without modification the amended proposed byelaws, having regard to the advice of the department for Transport.
- 4.2 The report recommends that the Committee seeks Council approval of the amended proposed byelaws.

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Date: 19 March 2014

Dear Ms Brown

**Re: Manchester City Council Hackney Carriage Byelaws**

I enclose for approval a copy of proposed Hackney Carriage Byelaws referred to as the Manchester Byelaws. The proposed byelaws enclosed have been considered and approved by the Council at a meeting on 29 January 2014. Consultation with trade representatives took place at a meeting on 14 November 2013 and a written representation was subsequently made which was taken into consideration by the Council. It is intended that these byelaws will repeal and replace the current Hackney carriage byelaws which were adopted in 1957.

The Manchester Byelaws have some variations from the model byelaws to take into account local needs and policy objectives. The variations and justifications are set out below:-

1. Byelaw 3 from the model byelaws has been excluded from the Manchester Byelaws. The reason for this is that in October 2013 the Council adopted a new Manchester statement of policy, conditions of fitness and guidelines relating to Hackney Carriage vehicles. The policy and conditions of fitness set out in detail the specific requirements for vehicles and the condition those vehicles must meet. This byelaw is therefore not required.
2. The proposed Manchester byelaw 8 amends slightly the requirements under model bye law 9 to include a requirement that hackney carriage drivers are clean and respectable in their dress. There is no formal dress code for hackney carriage drivers in Manchester. This requirement to be clean and respectable in their dress mirrors the requirement in private driver conditions and this is an existing requirement under the 1957 byelaws which are currently in force.

3. The proposed Manchester byelaw 9 places a requirement on hackney carriage drivers to notify the Council of convictions against them. The Council issues licences annually and currently there is no requirement on a driver of a hackney carriage to inform the Council of any convictions during the duration of their licence. This byelaw would mirror the requirement under private hire driver conditions to inform the Council of any convictions during the currency of a licence. This would enable the Council to make decisions regarding the continued suitability of a driver to hold a licence in a more timely and effective way.  
This would enable the Council to better protect the residents of the City and visitors who use hackney carriages in the same way that users of private hire vehicles are protected.
4. The proposed Manchester Byelaw 14 makes it a breach of the byelaws to wilfully obstruct or hinder an authorised officer in the execution of his/her duties. This is currently a byelaw for Hackney carriage drivers and is also a condition for private hire drivers. It is considered important for this to remain a byelaw to ensure that licensing officers are able to carry out their duties without hindrance or obstruction from hackney carriage drivers.
5. The proposed Manchester bye law 15 places a duty on proprietors to divulge the name and address of any person who has been in charge of a hackney carriage vehicle during the last six months if requested to do by a police constable or authorised officer. The purpose of this is in order to assist the investigation of complaints and potential criminal offences.
6. The proposed Manchester byelaw 16 places a duty on proprietors and persons in charge of hackney carriages to ensure that any person driving the vehicle is fully aware of all the facilities of the vehicles particularly in relation to ramps, anchors and swivel seats and are fully competent in their use. As only wheel chair accessible vehicles can be licensed as hackney carriages in Manchester the Council considers it very important that the vehicles are fully accessible to all potential passengers and that all passengers can be transported safely and comfortably. Surveys undertaken by disabled passengers have highlighted some journeys where drivers were unable to use the facilities and passengers were either not taken on their intended journey or were transported in an uncomfortable and/or unsafe manner. There have also been complaints from disabled passengers in this regard.
7. The proposed Manchester byelaws also include requirements in relation to the compellable area which are currently in force under the 1957 byelaws. The compellable area is defined under paragraph 2 of the interpretation section. The requirements in relation to the area are set out in the proposed byelaws 17 and 19 (iii) and in summary they require a driver to take a passenger to any point within the compellable area unless he/she has a reasonable cause to refuse to do so and all fares within the compellable area must be at the rate shown on the fare meter. It is the view of the Council that the retention of these byelaws is necessary to



ensure that local residents and visitors to the city are not refused access to Hackney carriages on the basis of the length of the journey and that the fares for such journeys are consistent and transparent.

8. The proposed Manchester byelaw 18 places a duty on drivers to proceed by the most practicable route unless otherwise directed by the passenger and also prohibits the driver or proprietor from improperly delaying the journey or wilfully deceiving any person in respect of the route or destination. This is currently in force under the 1957 byelaws and the Council considers it to be an important safeguard to ensure that the travelling public particularly those members of the public who are unfamiliar with the city are not taken advantage of and that they are treated fairly and the journeys are not prolonged unnecessarily.
9. The proposed Manchester Byelaw 22 amends slightly model byelaw 17 by changing the requirement under paragraph (a) which under the model byelaw requires the driver to take any items of lost property to the office of the Council but the proposed byelaw 22 amends this requirement to hand any lost property to a police station in the district. The reason for this amendment is that the Council no longer has a Customer services desk at the Licensing Unit and therefore no longer has a facility for the deposit, storage and collection of lost property. The Council therefore is unable to take lost property from hackney carriages and it is more appropriate for these items therefore to be taken to a police station.

I confirm that legal advice has been sought from City Solicitors in relation to these byelaws and it is the view of City Solicitors that the byelaws as drafted are lawful and enforceable.

I look forward to hearing from you in due course.

.Yours sincerely,

Barbara Gora  
For City solicitor



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## **Proposed New Manchester Byelaws for Hackney Carriages**

### **BYELAWS**

Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the Manchester City Council with respect to Hackney Carriages in Manchester City.

#### **Interpretation**

- 1. Throughout these byelaws “the Council” means Manchester City Council and “the district” means Manchester City**
- 2. The ‘Compellable Area’ relates to where a hackney carriage is used for public hire or under contract or purported contract for private hire and the hire commences and concludes within the City boundary, or within an area 4 miles from the nearest point of the City boundary and within the Greater Manchester County**

**Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence shall be displayed**

- 2. a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.**
  - (b) A proprietor or driver of a hackney carriage shall -**
    - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire; and**
    - (ii) not cause or permit the carriage to stand or ply for hire with any such painting marking or plate so defaced that any figure or material particular is illegible.**

**Provisions regulating how hackney carriages are to be furnished or provided**

- 3. The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached and maintained as to comply with the following requirements, that is to say -**
- (a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word “HIRED” to appear on the face of the taximeter;**
  - (b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;**
  - (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures, a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council;**
  - (d) the word “FARE” shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;**
  - (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and**
  - (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.**

**Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges**

- 4. 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;**
  - (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 and keep the machinery of the taximeter in action until the termination of the hiring; and**
  - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after**

- sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.**
- 5. A proprietor or 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.**
  - 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 by the Council;**
    - (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;**
    - (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; and**
    - (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.**
  - 7. A proprietor or driver of a hackney carriage, when standing or plying for hire shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.**
  - 8. The driver of a hackney carriage shall be clean and respectable in his dress, behave in a civil and orderly manner and take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.**
  - 9. The driver of a hackney carriage vehicle shall notify the Council of any conviction against him/her or any acceptance of an endorsable fixed penalty notice or simple caution. Notice must be given immediately in writing after the conviction has been imposed or the fixed penalty notice or simple caution accepted.**
  - 10. The proprietor or 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.**
  - 11. A proprietor or 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.**

- 12. If a badge has been provided by the Council and delivered to the driver of a hackney carriage, the driver shall, when standing or plying for hire, and when hired, wear that badge or display it within the vehicle in such position and manner as to be plainly visible.**
- 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;**
  - (b) afford reasonable assistance in loading and unloading; and**
  - (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.**
- 14. The proprietor/driver of a hackney carriage shall not wilfully obstruct or hinder an authorised officer in the execution of his/her duties.**
- 15. The proprietor of a hackney carriage will, when requested by a Police Constable, Authorised officer of the Council or any person authorised by the Council, divulge the name and address of the person(s) who has been in charge of a hackney carriage vehicle, or the person(s) the hackney carriage vehicle has been hired to for any period during the previous six months.**
- 16. The proprietor/ person in charge of the hackney carriage vehicle will ensure that prior to any person driving the hackney carriage vehicle they are fully aware of all the facilities of the vehicles especially in relation to 'ramps' anchor straps and swivel seats and are fully competent in their use**

**Provisions regulating the distance to which drivers of Hackney Carriages are compelled to take passengers.**

- 17. The driver of any hackney carriage standing or plying for hire within the city when requested by a person hiring or wishing to hire the hackney carriage, shall convey that person to any point within the compellable area unless he shall have reasonable cause to refuse to do so.**
- 18 (1) The driver of a hackney carriage shall unless otherwise directed by the hirer, proceed by the most practicable direct route to the destination indicated by the hirer.**
  - (2) A proprietor or driver of a hackney carriage shall not unnecessarily or improperly delay the carriage on any journey or wilfully deceive any person in respect of the route or destination.**

**Provisions fixing the rates or fares to be paid for hackney carriages within the district and securing the due publication of such fares**

19. (i) The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by a combination of distance and time unless the hirer express at the commencement of the hiring his desire to engage by time.
- (ii) Where a hackney carriage furnished with a taximeter is hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.
- (iii) Where any driver of a hackney carriage is undertaking a journey ending outside the City and outside the four mile limit, (s)he must not seek a fare greater than that recorded on the fare-meter unless an agreed fare has been negotiated with the hirer before the start of the journey. Journeys starting and ending within the City or starting and ending within 4 miles of the nearest point of the City Boundary and (within Greater Manchester County) must be at the rate show on the fare-meter. If requested, a written receipt for fare paid must be provided.
20. (i) The proprietor of a hackney carriage shall cause a statement of the fares fixed by council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- (ii) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw 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.

**Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof**

21. The proprietor or 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.
22. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by 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 a police station in the

**district and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and**

**(b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to a Police station, whichever be the greater) but not more than five pounds.**

#### **Penalties**

- 23. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefore.**

#### **Repeal of Byelaws**

- 24. The byelaws relating to hackney carriages which were made by the Lord Mayor Alderman and the citizens of the City of Manchester on the 5th day of December 1956 and which were confirmed by one of her Majesty's Principal Secretaries of State on the 18th day of April 1957 are hereby repealed.**



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Our Ref: BAT 7/1/01

22 May 2014

Dear Ms Gora

### **HACKNEY CARRIAGE BYELAWS**

Thank you for your letter of 19 March submitting for provisional approval draft hackney carriage byelaws prepared by Manchester City Council.

We have considered the draft byelaws and have concluded that they are not in a form which the Secretary of State would be prepared to confirm.

I would offer the following comments:

General – There are several instances where the Council has drafted byelaws which duplicate the national legislation (the Local Government (Miscellaneous Provisions) Act 1976). We take the view that this is unnecessary and, in some cases would lead to enforcement problems where the respective penalties are different.

Interpretation – There is a relevant piece of legislation which affects the consideration of these byelaws but which was not brought to our attention and which we found through our own research around the byelaws; the Greater Manchester Act 1981 contains provisions which, for example, extend “the prescribed distance” beyond the council’s boundary, rather than defining the prescribed distance in accordance with the Town Police Clauses Act 1847. Against this background, the definition of “Compellable Area” in byelaw 2 is acceptable.

Byelaw 12 – The vires in section 68 of the 1847 Act extend only to the wearing of badges by drivers, not to the displaying of badges in the vehicle.

Byelaws 14 and 15 – It is unclear why these byelaws have been included. Section 73 of the 1976 Act covers this issue. I note you say that they were included in your 1957 byelaws but this set of byelaws must be considered in the context of the current legislation. Moreover, it should be borne in mind that there is an inconsistency in



terms of the penalties available; breach of byelaws results in a maximum Level 2 fine whereas breach of section 73 results in a maximum Level 3 fine.

Byelaw 16 – The byelaw vires extend to regulating the conduct of proprietors and drivers of hackney carriages. You have introduced the concept of a “person in charge of the hackney carriage” – unless this is the driver or proprietor of the hackney carriage then your byelaws cannot regulate their conduct.

Byelaw 17 – It is unclear why you consider this byelaw necessary. We understand your justification for defining the compellable distance in accordance with section 166 of the Greater Manchester Act 1981, but are unsure why you feel it necessary to have a byelaw relating to compellability when this is covered by section 53 of the 1847 Act in conjunction with section 166 of your local Act.

Byelaw 18 – Prolongation of journeys is covered by section 69 of the 1976 Act. And there is an inconsistency between the level of fines available for byelaws and section 69.

Byelaw 19(iii) – Section 66 of the 1976 Act deals with fares for hackney carriage journeys which end outside the district; this is a duplication of the primary legislation.

Byelaw 22(b) – Have you secured the agreement of the police?

Byelaw 23 – The final word should be “therefor”.

We await a revised version of the byelaws for provisional approval.

Yours sincerely,

**Pippa Brown**



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## **Proposed New Manchester Byelaws for Hackney Carriages**

### **BYELAWS**

Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the Manchester City Council with respect to Hackney Carriages in Manchester City.

#### Interpretation

1. Throughout these byelaws “the Council” means Manchester City Council and “the district” means Manchester City
2. The ‘Compellable Area’ relates to where a hackney carriage is used for public hire or under contract or purported contract for private hire and the hire commences and concludes within the City boundary, or within an area 4 miles from the nearest point of the City boundary and within the Greater Manchester County

#### **Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence shall be displayed**

2. (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.
  - (b) A proprietor or driver of a hackney carriage shall -
    - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire; and
    - (ii) not cause or permit the carriage to stand or ply for hire with any such painting marking or plate so defaced that any figure or material particular is illegible.

#### **Provisions regulating how hackney carriages are to be furnished or provided**

3. The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached and maintained as to comply with the following requirements, that is to say -

- (a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
- (b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures, a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council;
- (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
- (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and
- (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

**Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges**

4. 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;
- (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 and keep the machinery of the taximeter in action until the termination of the hiring; and
- (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.

5. A proprietor or 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.
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 by the Council;
  - (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;
  - (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; and
  - (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.
7. A proprietor or driver of a hackney carriage, when standing or plying for hire shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.
8. The driver of a hackney carriage shall be clean and respectable in his dress, behave in a civil and orderly manner and take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
9. The driver of a hackney carriage vehicle shall notify the Council of any conviction against him/her or any acceptance of an endorsable fixed penalty notice or simple caution. Notice must be given immediately in writing after the conviction has been imposed or the fixed penalty notice or simple caution accepted.
10. The proprietor or 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.
11. A proprietor or 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.
12. If a badge has been provided by the Council and delivered to the driver of a hackney carriage, the driver shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
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;
  - (b) afford reasonable assistance in loading and unloading; and
  - (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.
14. The proprietor of the hackney carriage vehicle will ensure that prior to any person driving the hackney carriage vehicle they are fully aware of all the facilities of the vehicles especially in relation to 'ramps' anchor straps and swivel seats and are fully competent in their use

**Provisions fixing the rates or fares to be paid for hackney carriages within the district and securing the due publication of such fares**

19. (i) The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by a combination of distance and time unless the hirer express at the commencement of the hiring his desire to engage by time.
- (ii) Where a hackney carriage furnished with a taximeter is hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.
- (iii) Journeys starting and ending within the City or starting and ending within 4 miles of the nearest point of the City Boundary and (within Greater Manchester County) must be at the rate show on the fare-meter. If requested, a written receipt for fare paid must be provided.
20. (i) The proprietor of a hackney carriage shall cause a statement of the fares fixed by council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- (ii) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw 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.

**Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof**

21. The proprietor or 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.

22. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by 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 a police station in the district and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and
- (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to a Police station, whichever be the greater) but not more than five pounds.

### **Penalties**

23. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefor.

### **Repeal of Byelaws**

24. The byelaws relating to hackney carriages which were made by the Lord Mayor Alderman and the citizens of the City of Manchester on the 5th day of December 1956 and which were confirmed by one of her Majesty's Principal Secretaries of State on the 18th day of April 1957 are hereby repealed.