

## **Licensing and Appeals Committee**

### **Minutes of the meeting held on 21 July 2014**

#### **Present:**

Councillor Longsden in the Chair  
Councillors N Ali, Sameem Ali, Austin, Collins, Hassan, Grimshaw, Ludford, Lyons, Royle and Stone.

#### **Apologies:**

Councillors Hughes, Ollerhead.

#### **LAP/14/14 Minutes**

The minutes of the meeting on 16 June 2014 were submitted for consideration.

#### **Decision**

To approve as a correct record the minutes of the meeting held on 16 June 2014, with an amendment that Councillors Austin and N Ali had given their apologies.

#### **LAP/14/15 Annual report from the Chair of the Safety Advisory Group**

A report of the Head of Planning, Building Control and Licensing was submitted which requested the Committee to consider the content of the report which is to be presented to the Executive, and to consider the key issues and make recommendations to the Executive.

The report provided an overview of the key issues considered by the Safety Advisory Group (SAG) in respect of football matches held at the Etihad Stadium during the 2013/14 football season.

A representative from the Premises Licensing Unit (PLU) explained the background and scope of the group. The Committee discussed specific aspects of the report and the structure of the group.

After discussion members agreed the following recommendations.

#### **Decision**

1. To note the report.
2. To ask the PLU manager to discuss with the SAG the possibility of co-opting an elected member to the group in order that residents views could be taken into account.

(Councillor Lyons declared a personal interest in this item)

## **LAP/14/16 Hackney Carriage Byelaws**

A report of the Head of Planning, Building Control and Licensing was presented to the Committee by the Principal Officer for Taxi Licensing. The report updated the Committee on matters with relevance to the taxi licensing functions. Guidance and conditions are consistent with the Law Commission recommendations and also be proactive in preparing a plan for the introduction of any new legislation.

A representative from the Premises Licensing Unit (PLU) explained the background and scope of the report. The Committee discussed specific aspects of the report and the amendments to the proposed Hackney Carriage Byelaws that had been proposed by the Department for Transport.

### **Decision**

1. To note the report.
2. To recommend that Council approve the amendments to the Hackney carriage Byelaws as appended to these minutes.

## **Appendix 1 - 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.