



Our Ref.:
Enquiries to:
☎ Tel. No.:

Newsletter Update
Licensing Department;
01252 622122
licence@hart.gov.uk
www.hart.gov.uk

26th March 2019

Dear Sir/Madam

Following on from our newsletter issued in September 2018, there have been further complaints about issues at various Hackney ranks in the Hart District. These complaints include refusal of short journeys, overcharging and not using the meter for journeys. Enclosed below is the relevant section from the newsletter which includes guidance on these issues and a reminder that these complaints constitute offences. To read the entire newsletter, and a copy of the Taxi policy and Hackney Carriage Bylaws, please visit the council website on the link below:

<https://www.hart.gov.uk/taxis>

Making a Complaint to the Council

Further to the information about making a complaint to the council, in order for officers to investigate complaints, as much detail as possible about the incident must be provided. This can include time and date of location, name or badge number or car registration of the people involved and an account of the incident. Without this detail it is difficult for officers to gather evidence to investigate the complaint.

Meters and Meter update

Regarding the use of meters in Hackney Carriages, if a vehicle is fitted with a meter, the meter must be used for all journeys charged by time and distance. As detailed in by law 5 (b):

“As soon as the carriage is hired by distance....bring the machinery of the taximeter into action....and keep the machinery of the taximeter in action until the termination of the hiring”

While it can be allowed that a taxi can do a journey for a fixed, pre agreed price, it is a criminal offence to do so at a fixed price greater than the metered fare, if the journey is wholly within the district. If you agree to do a journey for a fixed price, you **must** always turn on your taxi meter.

Card Payments

If you accept card payments then you cannot set a minimum card payment higher than the minimum fare, nor can you refuse short journeys paid for by card. You must either accept card payments or not, in the same way that you do not have to accept payments by cheque. Drivers are recommended to display a small sign in the passenger side window stating the accepted card payment methods. This will make it easier for customers to decide which vehicle they can use.

Ranks

The Licensing Team have also received complaints regarding the Moo Moo rank, which is frequently a site of over ranking and the noise generated has been disturbing residents. This is a reminder that while you are operating from the ranks late at night or early in the morning, please be considerate of local residents; i.e. refrain from revving engines, slamming car doors, playing loud music within the vehicle and carrying on conversations whilst standing outside your vehicle.

Enforcement Evening 15th March

Between the hours of 21.30 and 02.00 on Friday 15th March, 5 members of the Shared Licensing Team and 2 District Councillors carried out the inspection of 47 drivers and vehicles in the District. Out of those 47 drivers, 7 were not wearing their badge and 2 did not have their badge with them and were immediately suspended.

Of the 47 vehicles inspected 6 were missing “no smoking signs”, 3 had expired first aid kits, 7 had no spare tyre or emergency repair kit, 8 had meter timing issues, 7 were missing fare charts, 1 had a plate issue and another had a tyre nearing the tread limit.

If you have any queries or require further information regarding this letter, please contact the Licensing Team on (01252) 622122 or email licence@hart.gov.uk.

Yours sincerely,



Robert Draper
Interim Regulatory Services Manager

Enforcement update

During the recent enforcement evening in Hart, it was observed that proper rank etiquette was not being followed. The Licensing team have also received a number of complaints about this situation. Rank etiquette is noted in the by-laws adopted in Hart, and can be found at www.hart.gov.uk/taxis

1. If a rank is full, move to another available rank (by-law 7b). Do not park on double yellow lines to wait for a free space on the rank. Double yellow lines are a safety measure to ensure safe passage of vehicles and pedestrians. Parking or waiting on double yellow lines is a contravention of the Highway Code (rule 238) and of the Road Traffic Regulation Act 1984.
2. Move to the head of the rank when space becomes available (by-laws 7c and 7d).
3. Ensure passengers approach the taxi at the head of the rank. Should a passenger approach you, and you are not the start of the rank, please ask them to approach the first taxi on the rank.
4. It is an offence to refuse a fare under section 53 of the Town Police Clauses Act 1847. The only time a fare can be refused is for 'reasonable cause', which can include if the driver believes their safety is at risk, the passenger is overly drunk or abusive or the passenger refuses to stop eating or drinking or smoking. A fare cannot be refused on the grounds the journey is too short, or if they only wish to pay by card (and you have the facilities to accept payment by card).
5. It is an offence under section 62 of the Town Police Clauses Act 1847 to leave a hackney carriage unattended on the rank, and an offence under section 64 of the Local Government (Miscellaneous Provisions) Act 1976 for a private hire vehicle to stop or park on a rank.
6. It is an offence under section 58 of the Town Police Clauses Act 1847 to charge more than the legal fare.

Lost property

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During the recent Hart enforcement evening, it was noted that 40% of the drivers spoken to were not wearing their drivers badge. Paragraph 13 of the Hackney Carriage by-laws states that "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 a position and manner to be plainly visible". In order to comply with this by-law of your licence, your driver badge must be worn at all times whilst you are working. If you do not wish to wear the lanyard issued with your badge, the badge can be clipped to your top.

Private Hire drivers have a condition on their licence which states "I, the licensed driver shall, at all times when driving a private hire vehicle, wear in a conspicuous position, the drivers badge issued to the licensee by the council". Failure to wear a private hire badge is also an offence under section 76 of the Local Government (Miscellaneous Provisions) Act 1976. The Council have also received complaints about drivers touting for work.

Making a complaint to the Licensing team

If you or your passenger find yourself in the unfortunate position of having to make a complaint to the Licensing team, this must be made in writing. Complaints can be sent by email to licence@hart.gov.uk or by post to Hart District Council, Harlington Way, Fleet, GU51 4AE.

Officers investigate complaints in a fair manner and have to consider the evidence provided and assess that complaints are justified. During the investigation, Officers have regard to the seriousness of the issue and our enforcement policy to determine what action is required. Actions are based on evidence established through the complaint and this is why complaints and evidence must be submitted in writing. Complaints are anonymous, however should the complaint lead to a prosecution it is likely the complainant will be asked to make an official statement and may have to make an appearance in court.