



# Private Hire Driver – Conditions of Licence

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## **Contents**

1.	Legislation .....	3
2.	Requirements and Obligations .....	3
3.	The Licence.....	3
4.	Conduct of Driver .....	3
5.	Passenger Safety.....	4
6.	Badge.....	4
7.	Convictions During any period of Licence .....	5
8.	Change of Address.....	5
9.	Medical Fitness .....	5
10.	Fares .....	5
11.	Prompt Attendance.....	6
12.	Animals .....	6
13.	Wheelchair Accessible Vehicles .....	6
14.	Lost Property.....	7
15.	Smoke Free – Health Act 2006.....	7
16.	The Wearing of Seatbelts .....	7
17.	Copy of Conditions of Licence .....	8
18.	Loss of Drivers Badge .....	9
19.	Return of Badge.....	9
20.	Complaints.....	9
21.	Compliance.....	9
22.	Appeal.....	9
23.	Declaration .....	10

## **1. Legislation**

- 1.1 Section 51(2) of the Local Government (Miscellaneous Provisions) Act 1976 states that: “a District Council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary”.
- 1.2 Consequently, Private Hire driver licences are issued subject to the following conditions.

## **2. Requirements and Obligations**

- 2.1 As stated within the Hackney Carriage and Private Hire Licensing Policy, drivers have a number of requirements and obligations placed upon them. Please refer to Section 6 of the policy for further details.
- 2.2 Drivers are advised to study these conditions carefully in conjunction with the policy, keeping their knowledge updated.
- 2.3 Drivers are warned that non-compliance with any one condition may cause further enforcement action to be taken by the Council, which could include their licence being suspended or revoked.

## **3. The Licence**

- 3.1 The driver licence shall remain the property of the Council at all times during its issue.
- 3.2 The licence will be valid for an initial period of 12 months (new applications). Renewal applications will be granted for a period of between 1 and 3 years at the request of the applicant.
- 3.3 In the event of the expiry, suspension or revocation of the licence, the licence shall be returned to the Council within seven days of such expiry, suspension or revocation.
- 3.4 The driver licence cannot be transferred to another person.
- 3.5 A copy of these conditions shall be retained by the driver.

## **4. Conduct of Driver**

- 4.1 Private Hire drivers shall:
  - a) Adhere to the Code of Good Conduct (Appendix A of the Hackney Carriage and Private Hire “Fit and Proper“ Person Policy) at all times;

- b) Afford all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the Private Hire vehicle;
- c) Afford all reasonable assistance with passengers' luggage;
- d) Whilst (carrying a hirer) must not without the express consent of the hirer drink or eat in the Private Hire vehicle;
- e) Ensure that any Private Hire vehicle driven by him/her is in a roadworthy condition and thoroughly cleansed before the commencement of his/her journey;
- f) At all times be clean and respectable in his/her appearance;
- g) Not ply for hire or give the impression that he/she is plying for hire

## **5. Passenger Safety**

5.1 Private Hire drivers shall:

- a) Not convey or permit to be conveyed in a Private Hire vehicle a greater number of persons (regardless of the age or size of the passenger) than the number of persons prescribed in the licence for the Private Hire vehicle in operation and specified on the vehicle identification plate affixed to the rear of the Private Hire vehicle
- b) Not allow the number of passenger to exceed the number of restraints available in the Private Hire vehicle
- c) Not allow there to be conveyed in the front of the Private Hire vehicle any child below the age of 12 or 135cms in height, unless conveyed in a safety seat which meets the current legislative criteria or any replacement legislation

## **6. Badge**

6.1 Private Hire drivers shall:

- a) Ensure that their badge is worn in such a position and manner as to be plainly and distinctly visible at all times when discharging their duties as a Private Hire driver
- b) Only discharge their duties as a Private Hire driver by working for a person licensed by the Council as an Operator under the Act
- c) Only drive a vehicle which has been licensed by the Council under the Act as a Private Hire vehicle

## **7. Convictions During any period of Licence**

7.1 The driver shall, within 48 hours, disclose to the Council, in writing or by email:

- a) Details of any interview, arrest, charge, summons, postal requisition notice, caution or conviction, by the Police in respect of any matter.
- b) Details of the offence for which the proprietor has been convicted, including the offence, date and venue of the conviction, and the penalty imposed.
- c) Details of any penalty points gained or the suspension or revocation of their DVLA driving licence as a result of a motoring offence. Any fixed penalty notice should be reported to the Council upon acceptance of the notice as opposed to when the driving licence has been updated.
- d) In the case of a deferred sentence, the penalty must be disclosed to the Council within 7 days of sentencing. Any fixed penalty notice should be reported to the Council upon acceptance of the notice as opposed to when the driving licence has been updated.

## **8. Change of Address**

8.1 The Private Hire driver shall within 7 days disclose to the Council in writing or by email:

- a) Any change of the Private Hire driver's residential address, telephone number (mobile or land line) or email address. The notification will include full details of the Private Hire driver's new address and telephone number. A revised licence will be issued at no cost to the Private Hire driver

## **9. Medical Fitness**

9.1 After the grant of a licence, the Private Hire driver shall:

- a) Notify the Council in writing or by email of any medical condition which arises after the issue of the licence and which may affect the ability to drive safely.

## **10. Fares**

10.1 The Private Hire driver shall not demand from any hirer:

- a) A fare higher than that agreed between the hirer and Operator in respect of the journey and shall on request of a hirer of the Private Hire vehicle;

provide a written receipt for the fare paid. The receipt should show the private hire company's name, the fare paid, the date of the hiring, and the name of the hirer. The Private Hire driver must also include their name and sign and date the receipt.

- b) Where a meter is fitted within the vehicle, any fare that is higher than that displayed on the meter at the termination of the journey.

## **11.      Prompt Attendance**

11.1     The Private Hire driver who has been hired and instructed by his/her Operator to be in attendance at an appointed time and place, shall unless delayed or prevented by some sufficient cause, punctually attend at the time and place required by the hirer.

## **12.      Animals**

12.1     No animal belonging to the Private Hire driver, the vehicle proprietor or Operator shall be conveyed in a Private Hire vehicle.

12.2     Any animal belonging to or in the custody of a hirer, which in the Private Hire driver's discretion may be conveyed in a Private Hire vehicle, must be conveyed in the rear of the Private Hire vehicle and contained so as not to present a nuisance or hazard to the occupants of the Private Hire vehicle.

12.3     A Private Hire driver must carry a guide dog or assistance dog belonging to a hirer free of charge, unless the Private Hire driver has a proven medical condition and has been issued an exemption certificate by the Council.

## **13.      Wheelchair Accessible Vehicles**

13.1     Drivers operating wheelchair accessible vehicles shall:

- a) Have properly mounted fittings for the safe securing of a wheelchair and any passenger seated therein;
- b) Be fully conversant with the correct method of operation of all lifts, ramps and wheelchair restraints fitted within the vehicle;
- c) Before the commencement of any journey ensure that all wheelchairs are firmly secured and that the brakes of the wheelchair are fully applied;

- d) Wheelchair accessible vehicles may display a disability symbol of a maximum of 10" (254cm) square on the wheelchair access door(s) only.
- e) A proprietor or driver of a wheelchair accessible vehicle MUST carry the passenger at no extra cost and give mobility assistance to the passenger as reasonably required. A driver who has a proven medical condition that would preclude him/her from giving mobility assistance must apply for and then display an exemption certificate issued by the Council.

#### **14. Lost Property**

- 14.1 The Private Hire driver shall immediately after the termination of any hiring of a Private Hire vehicle or as soon as practicable thereafter, carefully search the Private Hire vehicle for any property which may have been accidentally left in it.
- 14.2 Any property found by the Private Hire driver in the Private Hire vehicle or handed to them shall be immediately handed to the Operator of the vehicle or if this is not possible be handed to the local Police within 24 hours and left in the custody of the Officer in charge on being given a receipt for it.

#### **15. Smoke Free – Health Act 2006**

- 15.1 A Private Hire driver shall ensure that the Private Hire vehicle they are operating is smoke-free at all times including when hirers are not being carried. Private Hire vehicle are considered “smoke free premises” under the Health Act 2006.

#### **16. The Wearing of Seatbelts**

- 16.1 The requirements contained in the Road Traffic Act 1988, Section 15, the Motor Vehicle (wearing of seat belts) Regulations 1993, Part 111 and the Motor Vehicles (wearing of seatbelts by Children in Front Seats) Regulations 1993 must be complied with. Please see table below.

Driver/Passenger	Front Seat	Rear Seat	Who is responsible
Private Hire Driver	Private Hire Drivers are only exempt when carrying a fare-paying passenger. They must wear a seat belt at all other times.		Private Hire Driver
Child under 3 years of age	Correct child restraint MUST be used.	If no appropriate restraint available, the child may travel unrestrained in the rear.	Private Hire Driver
Child from 3 <sup>rd</sup> birthday up to either 135cm in height or 12 years old	Correct child restraint MUST be used.	Must use adult belt if the correct child restraint is not available.	Private Hire Driver
Child over 135cm in height or 12 to 13 years old	Seat belt MUST be worn if available.	Seat belt MUST be worn if available	Private Hire Driver
Adult passengers 14 years and over	Seat belt must be worn if available	Seat belt must be worn if available	Passenger

## 17. Copy of Conditions of Licence

17.1 The Private Hire driver shall at all times:

- a) When driving any Private Hire vehicle carry with him/her a copy of these conditions and shall make them available for inspection by the hirer or any passenger on request. A further copy of the conditions shall be signed by the

licensed driver and held on file at the Council Offices to ensure that they have been read and understood.

## **18. Loss of Drivers Badge**

18.1 The Private Hire driver must immediately notify the Council either verbally or in writing in the event of the loss of a Badge or licence. A duplicate badge may be issued upon payment of the relevant fee.

## **19. Return of Badge**

19.1 In the event of the expiry, suspension or revocation of the licence, the licence shall be returned to the Council within seven days of such expiry, suspension or revocation.

## **20. Complaints**

20.1 The driver shall advise the proprietor of the vehicle and/or Private Hire Operator of any complaints made by passengers. A record of any complaint must be kept by the Private Hire Operator. The driver shall also advise passengers of their right to refer their complaint/s to the Council.

## **21. Compliance**

21.1 The licence holder shall take all reasonable steps to ensure that they observe and adhere to the conditions of their licences and do not commit any offences under the Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976, Equality Act 2010 and any general Road Traffic Laws.

**21.2 FAILURE TO COMPLY WITH ANY OF THE CONDITIONS ATTACHED  
TO THE GRANT OF A LICENCE MAY RESULT IN THE SUSPENSION OR  
REVOCATION OF THE LICENCE.**

## **22. Appeal**

22.1 The Local Government (Miscellaneous Provisions) Act 1976 details an applicant's right of appeal.

22.2 In general terms, where an applicant is aggrieved by the Council's decision to refuse to grant, or refuse to renew a licence, or the Council's decision to suspend or revoke a licence, the applicant has a right of appeal to the local Magistrates' Court.

22.3 Any appeal must be lodged at the Magistrates' Court within twenty-one days of the applicant receiving written notification of the Council's decision. The appeal must state the grounds upon which the appeal is based.

### **23. Declaration**

I confirm that I have read and understood the above conditions. I will comply with the conditions at all times. I understand that any breach of these conditions may result in the suspension or revocation of my Private Hire drivers licence, and/or prosecution in the Magistrates court.

Signed .....

Print Name.....

Dated.....

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2	Licensing & Regulatory Committee	28.02.2022	01.04.2022