

## **Appendix D**

### **Private Hire / Hackney Carriage Driver Conditions of Licence**

These conditions of licence are made pursuant to Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and Section 46 of the Town and Police Clauses Act 1847

#### **1. DRIVER LICENCE**

The licensee shall not assign or in any way part with the benefit of the licence which is personal to the licensee.

#### **2. DRIVER BADGE**

- a. The driver shall at all times, when driving a licensed vehicle for hire or reward, wear the driver's badge issued by the Council on a prominent visible place on the outer clothing.
- b. The driver's badge shall remain the property of the Council. Upon expiry of the licence and badge (whether application to renew has been made or not) the badge shall be returned to the Council within 7 days of expiry or other such time as the Council may specify.
- c. The badge must be returned to the Council immediately the licence is suspended, revoked or becomes invalid for any reason (eg: expiry).

#### **3 CONDUCT OF DRIVER**

- a. The driver shall dress in accordance with the Rotherham MBC Licensed Driver Dress Code.
- b. The driver shall comply with the Rotherham MBC Code of Conduct in relation to working with vulnerable passengers.
- c. The driver shall behave in a civil and orderly manner and comply with all reasonable requirements of any person hiring or being conveyed in the vehicle.
- d. The driver shall afford all reasonable assistance with passenger luggage as may be required. At the conclusion of the journey the driver shall similarly offer all reasonable assistance to passengers leaving the vehicle and assist them with luggage or any disability aids or wheelchair.
- e. Particular care must be taken with unaccompanied children and vulnerable adults. Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination.

- f. The driver shall take all reasonable steps to ensure the safety of passengers entering or conveyed in or alighting from the vehicle, especially those passengers with a disability – see 4 below.
- g. The driver shall not smoke tobacco or like substance in the vehicle at any time as provided by the Health Act 2006.
- h. The driver shall not, without the express consent of the hirer, drink or eat in the vehicle or play any radio or sound reproducing instrument or equipment in the vehicle other than for the sending or receiving messages in connection with the operation of the vehicle.
- i. The driver shall at all times when driving a licensed vehicle ensure that such vehicle is maintained in a roadworthy and clean condition.
- j. The driver shall ensure at all times that insurance cover is in force covering him/her to drive such vehicle for private hire/hackney carriage purposes.
- k. The driver, **whilst in charge of a private hire vehicle** on a road or other public place, shall not –
- park the vehicle on any hackney carriage stand for any reason during the operational times of such stand or ply for hire or offer such vehicle for immediate hire; or
  - solicit, cause or procure any person to hire or be carried for hire in such vehicle; or
  - accept for the immediate hire of such vehicle while the driver or that vehicle is on a road or other public place, except where such offer is first communicated by the operator to the driver by telephone or by apparatus for wireless telegraphy fitted to that vehicle and the driver has no knowledge of such offer prior to such communication; or
  - tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle; or
  - cause or procure any other person to tout or solicit on a road or other public place any person to hire or to be carried for hire in any private hire vehicle; or
  - offer that vehicle for immediate hire while the driver or that vehicle is on a road or other public place.
- l. The driver of a licensed vehicle shall ensure that none of the markings / signs / notices that are required to be displayed on the vehicle become concealed from public view or be so damaged or defaced that any figure or material particular is rendered illegible.
- m. The driver of a private hire vehicle shall if he/she is aware that the vehicle has been hired to be in attendance at an appointed time and place or he/she has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time

and place punctually attend at the appointed time and place unless delayed or prevented by sufficient cause.

- n. The fitting of mobile / portable / cell phones in licensed vehicles is prohibited but such a phone may be carried by the driver for emergency use only (use of a phone for in connection with a booking of a private hire vehicle will render the driver liable to prosecution). The use of scanner equipment is prohibited.
- o. The driver of a wheelchair accessible vehicle is required to hold a Driving Standards Agency (DSA) Wheelchair Assessment Certificate.
- p. Where there is a reasonable cause to believe that there is a need to assess a licence holders English language literacy and numeracy skills because of a substantiated complaint, or an expressed concern from an identified person, an authorised officer may require, in writing, a licensed driver to undertake such testing at his/her own expense. A reasonable time scale up to 3 months will be set for the test to be successfully undertaken at a place designated by the council. If unsuccessful, or there is a failure to attend, the licence of the driver may be suspended and consideration given to its revocation.
- q. During the lifetime of a drivers licence, an authorised officer of the Council may require a licence holder to undertake reasonable and appropriate training to meet these expectations and requirements. Such a requirement would be in writing. A reasonable time scale of up to 3 months will be set for the training to be successfully undertaken at a place designated by the Council. If there is a refusal or failure to attend, or the licensed driver does not meaningfully participate in the training or attain the training accreditation the licence may be suspended and consideration given to its revocation. The cost of such training will be borne by the licence holder.
- r. Drivers must undertake an inspection of any vehicle that they are driving whilst working as a private hire / hackney carriage driver. This inspection must be undertaken at least daily and before the first carriage of fare paying passengers in the vehicle whilst it is being driven by the licence holder. The checks that the driver carried out must be recorded in an appropriate manner and available for inspection by an authorised officer of the council.
- s. Drivers must maintain appropriate records as may be required by the council from time to time.

#### **4 FARES AND FARECARDS**

- a. The driver of a **private hire vehicle** shall ensure that a notice is visibly displayed for the benefit of passengers to the effect that in the absence of a published fare scale, the fare should be agreed between passenger(s) and driver before commencement of the journey. When a fare scale is used that fare scale shall be displayed and must be a similar size to the Council's notice regarding fares and shall give an accurate reflection of the charge, including any specific additions (i.e. Bank Holiday and after midnight loading) the customer may be expected to pay.
- b. The driver shall not, if driving a licensed vehicle fitted with a taximeter, cause the fare recorded thereon to be cancelled or concealed until the hirer has had the opportunity of examining it and has paid the fare.
- c. The driver shall not demand from any hirer of a **private hire vehicle** a fare in excess of any previously agreed for that hiring between the hirer and the operator or if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.
- d. The driver shall, if requested by the hirer, provide a written receipt for the fare paid, such receipt to bear the name and address of the proprietor of the vehicle together with the badge number of the driver.

## 5 PASSENGERS

- a. The licence holder shall not cause or suffer or permit to be conveyed in a licensed vehicle a greater number of persons exclusive of the driver than the number of persons specified in the licence issued in respect of that licensed vehicle. In addition the driver shall ensure that seat belt legislation is complied with in respect of all children conveyed in the vehicle.

For the purpose of this condition two children under the age of ten years shall be counted as one person, save that up to two children under the age of one year may be disregarded in calculating the number of persons.

Provided nevertheless that:-

- i Insofar as a vehicle licensed to carry not more than six persons is concerned, where a total of more than four children under the age of ten years are conveyed, each such child after the fourth shall be counted as one person.
- ii Insofar as a vehicle licensed to carry more than six but not exceeding eight persons is concerned, where a total

of more than six children under the age of ten years of age are conveyed, each such child after the sixth shall be counted as one person.

iii The driver shall not allow to be conveyed in the front of a licensed vehicle:-

- any child below the age of ten years; or
- more than one person above that age unless the vehicle is manufactured to carry two front seat passengers and seat belts are fitted for both passengers.

b. The driver shall not, without the consent of the hirer of the vehicle, convey or permit to be conveyed any other person in that vehicle.

c. The driver shall provide all reasonable assistance to passengers and especially those with a disability. The Equality Act 2010 places the following duties on licensed drivers:-

#### **Duty to assist passengers in Wheelchairs**

Section 165 places a duty on the driver of a designated\* wheelchair accessible hackney carriages and private hire vehicles to

- Carry the passenger while in the wheelchair;
- Not to make any additional charge for doing so;
- If the passenger chooses to sit in a passenger seat to carry the wheelchair;
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- To give the passenger such mobility assistance as is reasonably required.

\* Designated vehicles are those listed by the Licensing Authority under section 167 of the Equalities Act 2010 as being a 'wheelchair accessible vehicle'

#### **Duty to carry guide dogs and assistance dogs**

d. The driver shall not fail or refuse to carry out a booking by or on behalf of a person with disabilities who is accompanied by an 'assistance dog' unless the driver has a Medical Exemption granted by the Licensing Authority and is displaying the Exemption Certificate in the approved manner or in the vehicle.

Any animal belonging to or in the custody of any passenger should remain with that passenger and be conveyed in the front or rear of the vehicle.

Drivers are advised to have an blanket / towel which is kept in the boot of the licensed vehicle to be used where he/she may have concerns about excess dog hair being left in the vehicle.

## **6 FOUND PROPERTY**

The driver shall, following the setting down of passengers, ascertain if any property belonging to the hirer(s) has been left in the vehicle and if not immediately able to return any such property, shall leave it at the office of the licensed operator for that vehicle for safe keeping.

## **7 MEDICAL CONDITION(S)**

- a. The licence holder shall notify the Council ***in writing without undue delay*** of any change in medical condition.
- b. The licence holder shall at any time, or at such intervals as the Council may reasonably require, produce a certificate in the form prescribed by the Council signed by a registered medical practitioner to the effect that he/she is or continues to be physically fit to be a driver of a private hire/hackney carriage vehicle.

## **8 CONVICTIONS**

The licence holder shall notify the Council ***in writing within 7 days*** full details of any conviction, binding over, caution, warning or reprimand imposed on him/her during the period of the licence.

***The 7 days excludes a Saturday or a Sunday, Christmas Eve, Christmas Day, Good Friday, Bank Holidays or any other day on which the Licensing Office is closed.***

**What should be reported:-**

- **Any conviction (criminal or driving matter);**
- **Any caution (issued by the Police or any other agency);**
- **Issue of any Magistrate's Court summonses against you;**
- **Issue of any fixed penalty notice for any matter;**
- **Any harassment or other form of warning or order within the criminal law including anti-social behaviour orders or similar;**
- **Arrest for any offence (whether or not charged).**

### **Fixed Penalty Notices**

The driver shall notify the Council in writing of any fixed penalty notice within **35 days of the receipt of such a notice**. The driver shall subsequently produce his/her driving licence to the Council, immediately following its endorsement, or in any case **within 49 days of the date of the original offence**.

This includes all motoring offences – whether endorsable or not and requirements to attend a Speed Awareness Course.

### **Arrest for any Offence**

Whether charged or not the driver shall notify the Council within 72 hours of their arrest for an alleged offence(s).

**See explanatory note at foot of conditions.**

## **9 CHANGE OF OPERATOR**

The licence holder shall notify the Council **in writing within 7 days** \* of any change of operator through whom he/she works.

**\* The 7 days excludes a Saturday or a Sunday, Christmas Eve, Christmas Day, Good Friday, Bank Holidays or any other day on which the Licensing Office is closed.**

## **10 CHANGE OF ADDRESS**

The licence holder shall notify the Council **in writing within 7 days** \* of any change of his/her address taking place during the period of the licence, whether permanent or temporary.

**\* The 7 days excludes a Saturday or a Sunday, Christmas Eve, Christmas Day, Good Friday, Bank Holidays or any other day on which the Licensing Office is closed.**

## **11 FIT AND PROPER PERSON**

If at any time the conduct of the driver leads to concerns by the Council as to whether they remain a fit and proper to hold a licence, the Council will investigate the conduct and if satisfied that the driver is no longer fit and proper person the driver licence may be suspended and subsequently revoked.

Failure to declare any conviction within 7 days together with the nature of the conviction will be taken into account in deciding whether a licence holder is a fit and proper person to hold a hackney carriage/private hire driver licence. This may result in the suspension, revocation or refusal to renew the hackney carriage/private hire driver licence.

## **12 RETURN OF BADGE**

The driver shall, upon expiry, revocation or suspension of this licence, forthwith return to the Council the driver's badge issued to him by the Council when granting the licence.

## **13 WORKING HOURS**

Licensed drivers will not drive when their ability to do so is impaired by having worked excessive hours or when under the influence of drink or drugs.

## **14 CUSTOMER AND OTHER PERSONAL INFORMATION**

Drivers must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to those that will use it for the purpose for which it has been collected.

Personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates.

For example, telephone numbers provided by customers so that they can be alerted / updated by SMS text message with regard to a booking they have made must only be used for this purpose. The information must not be retained by the driver after the text message has been sent, and / or used for any other purpose (such as unsolicited marketing calls).



## NOTES

- (i) These conditions should be read in conjunction with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- (ii) Anyone to whom a badge and/or licence is produced as evidence of being licensed must check with the Licensing Office (01709 823153/823163/823173) to verify it is still currently valid and not suspended/revoked or cancelled.
- (iii) Any person who commits an offence against any of the provisions of the Act of 1976 shall pursuant to Section 76 be liable on summary conviction to a fine not exceeding level 3 on the standard scale or to such other penalty as expressly provided in the Act. The licence holder should ensure compliance at all times.
- (iv) The use of a vehicle not licensed as a private hire vehicle to fulfil any private hire booking is prohibited even if no fare is charged for the journey or irrespective of when, how and to whom any fare is payable.
- (v) **ANY INFRINGEMENT OF THE LICENSING CONDITIONS COULD LEAD TO SUSPENSION OF REVOCATION OF THE LICENCE.**
- (vi) **ANY REQUEST FOR ADVICE FROM THE COUNCIL IN RELATION TO LICENSING LEGISLATION SHOULD BE IN WRITING TO WHICH A WRITTEN RESPONSE WILL BE GIVEN SO AS TO AVOID ANY FUTURE DISPUTE AS TO THE ADVICE GIVEN. THIS DOES NOT PRECLUDE YOU FROM OBTAINING YOUR OWN INDEPENDENT LEGAL ADVICE.**
- (vii) **ANY PERSON AGGRIEVED BY ANY CONDITION SPECIFIED IN THE LICENCE MAY APPEAL TO A MAGISTRATES' COURT WITHIN 21 DAYS OF ISSUE.**