

## **APPENDIX A:DRAFT: Local Government (Miscellaneous Provisions) Act 1976 Standard Conditions applying to Private Hire Driver Licences**

The following conditions will be attached, pursuant to section 51(2) of the Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”), to all Private Hire Drivers Licences issued by Three Rivers Council, unless a specific exemption has been granted by the authority. The attachment of these conditions does not affect the Council’s entitlement to attach any other condition to a licence in response to a specific issue arising from a particular application.

### **1. Introduction**

- 1.1. In these conditions: “the Council” means Three Rivers Council; “the Operator” means the holder(s) of the Private Hire Operator’s Licence issued by the Council; “vehicle” means any licensed private hire vehicle (and hackney carriages, if bookings are also invited and accepted for fulfilment by these vehicles) operated by the Operator and “driver” means the holder of a private hire drivers licence.
- 1.2. Terms defined under section 80 of the 1976 Act shall bear the meanings set out therein.
- 1.3. The licence is issued in respect of the person(s) whose details on the licence are not transferable. If at any time during the period of the licence the operator for any reason does not wish to retain the licence, the licence shall be surrendered to the Licensing Officer at the Council. There would be no full or part refund of the licence fee in such circumstances.

### **2. Standard of Service**

- 2.1. The driver shall:
  - a) At all times, be clean and respectable in his / her dress and person and behave in a civil and orderly manner;

- b) Take all reasonable steps to ensure the safety of passengers conveyed in, entering and alighting from the vehicle; Any substantiated complaints received by the Council regarding the standard of a drivers driving or if poor standards of driving are witnessed by a licensing officer or by a police officer, the driver may be required to undergo and pass a further practical driving test within a specified period at the cost of the driver. This test may be of a higher standard than previously undertaken.
- c) Not eat or drink in the vehicle when they have a passenger on board;
- d) Not consume alcohol whilst working or on a day they will be on duty whether actually driving or not. Upon request, a driver could be breath tested when attending a routine appointment or during any enforcement activity. Any driver who is disqualified from driving for a drink drive or similar offence will have their licence revoked and will be barred from obtaining another private hire / hackney carriage licence for a period defined in the Council's Suitability Policy;
- e) Not without the express consent of the hirer, play any radio or sound producing instrument or equipment in the licenced vehicle other than for the purposes of sending and or receiving messages in connection with the operation of the vehicle;
- f) At no time cause or permit the noise by any radio or other previously mentioned equipment in the vehicle to be a source of nuisance or annoyance to any person, whether inside or outside of the vehicle;
- g) Not sound the horn of a licensed vehicle to notify the passenger of his / her arrival. The sounding of the horn is only to be used within the guidelines as set out in the appropriate legislation and the Highway Code.
- h) Before commencing work each day, licensed drivers must ensure that the vehicle is maintained in a clean, comfortable, safe, watertight and mechanically sound condition and is in all other respects suitable for the purpose for which it is intended.

- i) Before commencing work each day, licenced drivers must ensure that any vehicle they drive has an adequate Fire Extinguisher, First Aid Kit and Emergency Bulb Kit meeting the vehicle licence conditions. If during the day these items are used the driver shall ensure that these are replaced before collecting the next customer.

### 3. Passengers

3.1. The driver shall not:

- a) Carry more passengers than the vehicle is licensed to carry;  
(NB a one-day old child is a passenger)
- b) Have more than one passenger using any one seat belt;
- c) Without the consent of the hirer of the vehicle, convey or permit to be conveyed, any other person in that vehicle;
- d) Place any passenger in danger regarding the use of seat belts or child restraints.

### 4. Smoking

- 4.1. A licensed driver shall not smoke in their vehicle or permit any other person to smoke in their vehicle whether they are working or not. Under the Health Act 2006 all private hire / hackney carriage vehicles are required to be smoke-free **at all times** even when not being used for work purposes. 'No Smoking' signage must be displayed in the vehicle in accordance with the legislation. Failure to comply with the above may lead to a fixed penalty notice being issued or a criminal prosecution.
- 4.2. The use of electronic / vapour cigarettes is not permitted to be used in a licensed vehicle while the driver has a passenger on board. The lack of knowledge and research into the long-term effects to the exposure of these devices is unknown.

## **5. Communication, Audio and Visual devices**

- 5.1. A licensed driver must not use any hand held communications or navigation devices or similar (such as mobile telephone, two way radio, satellite navigation device or personal digital assistant) whilst driving.
- 5.2. All Communications Devices must be securely fitted within the vehicle and appropriately located as to not interfere with operation of the vehicle.
- 5.3. The use of headphones is not permitted to be used in a licenced vehicle.
- 5.4. In order to protect passenger confidentiality, a licensed driver must neither retain nor publish any image, sound or information of any passenger(s) captured on a hand-held recording device, or any other form of recording device, except where this is to an authorised officer of the Council or Police.

## **6. Luggage**

- 6.1. The driver shall:
  - a) Convey a reasonable amount of luggage;
  - b) Afford reasonable assistance in loading and unloading
  - c) Afford reasonable assistance in removing a reasonable amount of luggage to or from the entrance of any house, station or place.

## **7. Lost Property**

- 7.1. The driver shall immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left.
- 7.2. Any items of lost property found within the vehicles / operating premises shall be kept at the operating base for a period of 3 months (with the exception of perishable items) pending it being claimed by or on behalf of the hirer. After this period of time, the lost property should then be passed to the Licensing Officer at the Council for further record keeping and storage / disposal as the Licensing Officer sees fit.

- 7.3. If the lost property has significant value, i.e. money, passport, phone, DVLA licence etc. or it would be unlawful for a 'normal person' to possess it, i.e. it could be stolen, drug related, firearms, knives etc., then the item(s) must be handed in to the nearest police station. A record of the reference number given by the police must be recorded against the lost property.
- 7.4. All lost property, whether handed into the police station or not, must be recorded either electronically or by any other method and be available for inspection by an authorised officer or police officer.

## **8. Receipt of Fare**

- 8.1. The driver shall if requested by the hirer, provide a written receipt of the fare paid.

## **9. Assistance Dogs / Carriage of animals**

- 9.1. The driver must not refuse to carry an assistance dog, any assistance dog accompanied by their owner shall be carried free of charge. These include guide dogs for the blind or partially sighted, hearing dogs for the hard of hearing, and other assistance dogs. Any driver with a medical condition, which may be exacerbated by dogs, may apply for exemption from this condition. A certificate of exemption is supplied on production of suitable medical evidence. All drivers must comply with the requirements of the Equality Act 2010. This includes allowing an assistance dog being conveyed in the front passenger footwell.
- 9.2. The driver shall not convey in a licenced vehicle any animal belonging to or in the custody of himself/herself or the proprietor or operator of the vehicle.
- 9.3. Other than an assistance dog, any animal in the custody of any passenger, which in the driver's discretion may be conveyed in the licenced vehicle, shall only be conveyed in the rear of the vehicle.

## **10. Customers requiring assistance**

- 10.1. A driver of a wheelchair accessible vehicle must not refuse to carry a passenger in their wheelchair. Any driver with a medical condition, which may be exacerbated this or is physically unable to do this may apply for exemption from this condition. A certificate of exemption is supplied on production of suitable medical evidence.

- 10.2. A driver of a non wheelchair accessible vehicle shall not refuse to carry a passenger if they can transfer out of their wheelchair into the licensed vehicle. The wheelchair should be safely stored in the vehicle as not to cause obstruction or danger.
- 10.3. A licence holder must not treat a person with disabilities differently from other people, for example by charging a person using a wheelchair more than an able-bodied person for the same trip. All drivers must comply with the requirements of the Equality Act 2010.

## **11. Prompt Attendance**

- 11.1. The driver of a licenced vehicle shall, when hired, punctually attend at the appointed time and place, unless delayed or prevented by sufficient cause.
- 11.2. In the event of a delay or prevention by a sufficient cause, the driver shall contact the operator to inform them of the delay or sufficient cause. The driver or operator shall contact the hirer to explain the reason for delay.
- 11.3. In the case delay or prevention by a sufficient cause the operator shall either dispatch another vehicle or if necessary sub-contract the booking to another private hire operator to dispatch a replacement vehicle.

## **12. Hire of Vehicle, Touting and Soliciting**

- 12.1. The driver shall not, whilst in charge of a licensed vehicle:
  - a) Offer that vehicle for immediate hire;
  - b) Tout or solicit any person to hire or to be carried for hire in any licenced vehicle;
  - c) Cause or procure any other person to tout or solicit an solicit any person to hire or to be carried for hire in any licensed vehicle.
  - d) The driver of a Private Hire vehicle shall ensure that they only accept jobs given to them by their Three Rivers District Council Licensed Operator – and not accept hiring in any other way.

## 13. Deposit of Private Hire Drivers Licence

- 13.1. The driver shall deposit a copy of their Private Hire Drivers Licence to any licenced Private Hire operator that they accept bookings with.
- 13.2. The driver shall deposit a copy of their Private Hire Drivers Licence to any proprietor of a licenced vehicle which they drive.

## 14. Taximeter

- 14.1. If a licensed vehicle is fitted with a Taximeter, the driver shall not cause the fare recorded there on to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and paid the fare.
- 14.2. The driver of the licensed vehicle shall not tamper with or permit any person to tamper with any taximeter or with the seals affixed thereto.
- 14.3. Licensed vehicles may not operate unless the meter is in working condition and the position of the meter inside the vehicle has been approved by an Authorised Officer.

## 15. Fares to be deemed.

- 15.1. The driver shall not demand from the hirer a fare in excess of any previously agreed for the 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 is to be charged. Journeys shall be the shortest route unless requested otherwise by the hirer.

## 16. Notifications

### 16.1. **Change of Name or identity of the licence holder –**

The driver shall notify the Licensing Team in writing of any change of name / identity during the period of the licence. This notification should be made as soon as possible and in any event within 7 working days of the change. Proof of change of name / identity will require proof of name change i.e. marriage certificate or deed poll.

### 16.2. **Change of licence holder's home address –**

The driver shall notify the Licensing Team in writing of any change of address during the period of the licence. This notification should be made as soon as possible and in any event within 7 working days of moving.

**16.3. Change of Operator details –**

The driver shall immediately disclose to the Licensing Team in writing of any change of operator during the period of the licence. The driver shall ensure that an Operator Notification form is completed by the new operator and deposited to the Licensing team before accepting any work.

**16.4. Notification of Conviction(s), caution(s) and disqualification –**

The Operator shall notify the Council in writing within five working days of receiving a driving licence endorsement, fixed penalty notice, warning, reprimand, police caution, criminal conviction or other criminal proceedings (including their acquittal as part of a criminal case).

**16.5. Notification of Arrest –**

Licence holders must inform the Council in writing, or by email within 3 working days of their arrest for any matter (whether subsequently charged or not). To fail to do so, will raise serious questions for the Council as to the honesty of the licence holder and will be taken into account as part of any subsequent renewal applications.

## **17. Expiry of Licence**

17.1. The driver shall upon expiry, revocation or suspension of his/her licence forthwith return to the Council the driver's licence and drivers badge issued by the Council.

## **18. Deceased Persons**

18.1. A driver who has conveyed the dead body of any person in a licensed vehicle shall immediately notify the fact to the Council's Director of Environment.

## **19. Licence Badges / Plates**

19.1. The driver must:

- a) At all times when acting in accordance with this licence, wear in such a position as to be plainly and distinctly visible the badge issued to him/her by

the Council pursuant to Section 54(1) of the Local Government (Miscellaneous Provisions) Act 1976. Hanging from the internal mirror is **not** acceptable;

- b) Report the loss of their driver badge and or licence to the Council as soon as such loss becomes known. The driver can not work as a private hire driver until a replacement has been issued;
- c) Upon the expiry, revocation or suspension of his/her licence forthwith return to the Council the drivers badge issued by the Council. The badge remains property of the Council at all times;
- d) Produce their driver licence/badge at the request of an authorised officer of the Council and / or a police officer, either immediately if the request is in person or within 5 days of the request at a specified location if requested in writing.
- e) Ensure the vehicle licence plates are not concealed in any manner so that the information contained on the plate is clearly visible to public view at all times.
- f) Ensure the large external identification plate shall at all times be securely affixed to the rear of the Private Hire vehicle, regardless of whether or not the vehicle is being used for Private Hire purposes, unless a notice has been issued by the Council exempting the display of the licence plate on the private hire vehicle. The vehicle licence plate shall **not** be displayed in the rear window. Failure of this condition is an offence under the Local Government (Miscellaneous Provisions) Act 1976.
- g) Ensure the small internal identification plate shall at all times be affixed to the inside of the nearside front windscreen of the vehicle, in such condition that the information contained on the plate is clearly visible to public view at all times.

## 20. Consent of the Proprietor

- 20.1. The driver shall not act as the driver of any licensed vehicle without the consent of the proprietor thereof.

## **21. Operator's Licence**

21.1. The driver should ensure that the operator has a current licence before accepting any work.

## **22. Medical information of licenced driver.**

22.1. A licensed driver must:

- a) Undergo a medical examination confirming a DVLA Group 2 medical standard, confirming their fitness to drive a licensed private hire vehicle. This medical must be completed by the drivers GP and renewed in line with DLVA guidelines, unless your GP requires this to be completed more frequently. Failure to do so will result in the suspension of the private hire driver licence until a satisfactory medical can be produced to an authorised officer.
- b) Not drive a licensed vehicle if they are suffering from any disease or disability which would cause the licensed vehicle being driven by them to be a danger to the public.
- c) Ensure that they can, at all times meet the eyesight requirements specified by the Department of Transport driving test.
- d) Notify the council and their operator of any illness, injury or other impairment affecting their ability to drive immediately. A driver may be required to undergo a further medical examination in accordance with the DVLA guidelines.

## **23. Enhanced Disclosure & Barring Service, DVLA & Driver Training.**

24.1. In line with Council policy a driver licence is normally granted for a period of 3 years. The driver is however subject to an initial and annual Enhanced Criminal Disclosure available from the Disclosure and Barring Service.

24.2. The Licensee will provide proof of their attendance at disability awareness training to include specific training on the Equality Act 2010 and the relevance and impact of this to service providers.

24.3. The Licensee to provide proof of their attendance at a recognised course or courses on current and emerging safe-guarding risks to include at least: Recognising and reporting the signs of Child Sexual Exploitation, Modern Slavery and Extremism.

## **25. Surrender of licence**

25.1. If the licence holder cease to use the licence for the purpose for which it was licensed they shall surrender the licence and return the badge which remain the property of the Council. There would be no full or part refund of the Licence fee in such circumstances.

## **26. Expiry of Licence**

26.1. The licence holder shall upon expiry, revocation or suspension of his/her licence forthwith return to the Council the licence and associated driver badge issued by the Council.

## **27. Production of documentation**

27.1. On request, a Private Hire driver licence holder shall produce to an authorised officer of the Council or Police Constable the following document;

- a) The Private Hire driver licence and associated badge
- b) There DVLA driving licence
- c) A copy of the insurance certificate for the private hire vehicle they are driving.

## **28. Conditions**

28.1. The Council reserves the right to vary, delete or waive any of the forgoing conditions

## **29. Appeals**

29.1. If you are aggrieved by any of the Conditions attached to this licence, you may appeal to a Magistrates Court within 21 days if the service of these conditions upon you. (see S.52 and S.77 of the 1976 act and S.300 to 302 of the Public Health Act 1936.)

DRAFT