

**Three Rivers District Council
Hackney Carriage and Private Hire Drivers Licence Requirements**

Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”)

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. These requirements apply to hackney carriage and private hire drivers. In determining what matters should be considered for a person to be a fit and proper person to be a driver the following applies:

1. Introduction

1.1. In these conditions: “the Council” means Three Rivers District 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 driver’s 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. Fit and proper person

Applications for a private hire driver’s licence can only be made by fit and proper persons. A fit and proper person must:

- be medically fit
- comply with the Council’s guidelines for the issue of hackney carriage and private hire driver and operator licences policy and the Home Office circular with regard to cautions, convictions or pending court appearances as detailed in the Home Office circular
- not be entered on the sex offenders register
- be an experienced driver
- have the required knowledge of the district, highway code, policy and customer care.

3. New applications

Applications will only be accepted by the Licensing department if they are made on the form produced and provided by the Council.

The first application for a driver’s licence must be accompanied by two independent references as to the character of the applicant. The names, addresses, and phone number of the referees must be stated on the application form.

An application will also be only considered after it has proved that they have a right to work in the UK and the Council is in the receipt of three references, two passport-sized photographs, a full DVLA/ EU (UK) driving licence including photo card and DVLA code, a current medical certificate (not older than 3 months), proof of identity (Passport/ Birth Certificate), a relevant knowledge test pass certificate, an enhanced Disclosure and Barring Service criminal record check (not older than 3 months) or DBS certificate and written authorisation to check the ‘update service’, a specialist driving standards test certificate and a Certificate of Good Conduct from the relevant embassy for all applicants who have lived in the UK for less than 5 years (new applicants only) or who have been absent for a period of 9 months or more within the last three years for current licensees.

If the Certificate is not issued in English, the applicant will be required to pay for the relevant translation. All fees must be paid when submitting the application.

A medical certificate completed by the applicant's registered medical practitioner is required to prove the applicant is fit to drive a licensed vehicle.

Where an existing licensed hackney carriage driver applies to obtain a private hire licence, or vice versa, no additional medical will be required.

4. Renewal

Applications will only be accepted by the Licensing department if they are made on the form produced and provided by the Council.

An application will only be considered upon receipt of the correct fee, two passport-sized photographs and a full DVLA/EU (UK) driving licence including photo card and DVLA Code. Any additional documents that are due to expire within the renewal period must also be presented at renewal. In addition, the expired driver's badge must be returned to the Council in order to collect your replacement badge.

All fees must be paid at the time of renewal. Only full applications will be accepted and any missing documents or elements will mean your application will not be processed.

Licences will be issued following processing within 28 days of a full application.

All applications for the renewal of a licence must be made at least four weeks prior to the expiry of the existing current licence. Applications received less than 28 days prior to the expiry of the licence may not be issued prior to the expiry of the current licence, and in these cases the Licensee will not be able to work as a licensed driver or drive a licensed vehicle until the new licence is issued.

5. Fees

The appropriate fee as prescribed from time to time by the Council must accompany all applications.

6. Photographs

An application must be accompanied by two recent passport sized photographs of the applicant. It must be signed by the applicant. It must be taken against a light coloured background, and clearly show your full face. You must not wear sunglasses, or any head covering unless head covering is worn for religious or medical reasons. The photo will be used for the driver's badge that will be issued by the Council.

7. Proof of identity

A birth certificate, national insurance number, passport or new style photographic driver's licence must be produced on first application.

8. Duration of driver's licence

The standard period that a licence shall remain in force is three years, commencing from the date the licence is granted, not the date of the application itself.

No licence will be issued for a period longer than the standard three-year period, but if an applicant wishes to be considered for a licence with a shorter duration, this request must be put in writing at the time of application. These requests will be considered on a case by case basis.

A driver's licence on renewal may be issued for a probationary period of less than three years as determined by the Council, dependant on the applicant's ability to demonstrate being a fit and proper person. Items that could be considered would include driver's experience, criminal record, references, past allegations, record of compliance with the conditions, outstanding fees and any other reasonable cause.

9. Medical certificate

The standard of medical examination as required by the Council is that normally associated with a Group 2 driver's licence. All drivers are required to provide a certificate signed by their registered medical practitioner to the effect that they are physically fit to be the driver of a taxi or private hire vehicle. A medical certificate is required at first application, every 3 years up to 60 years of age, and annually thereafter.

The applicant is responsible for the payment of all fees required for any medical examination.

The licensee shall notify the licensing officer in writing as soon as possible and in any event not later than fourteen days of any illness or injury affecting his or her fitness to drive in any way.

Where there is reasonable doubt over a driver's fitness, the Council may direct the driver for a medical examination by a specified registered medical practitioner at any time. The applicant is responsible for the payment of all fees required for any medical examination.

10. Driving experience

A valid full DVLA/ EU (UK) driver's licence (Groups A and B) must have been held for a period of three years prior to application. Whilst each case will be taken on its merit, as a general principle a licence will not be granted where an applicant has been convicted of a serious driving offence in the past three years, or has more than six active points on their licence.

In addition to the above, all new applicants will have to demonstrate good driving ability and be aware of potential hazards. This will be assessed by the completion of a driving assessment by the DSA; a valid (within valid date as printed on certificate) pass certificate will be required before the licence can be issued. Alternatively a driver can demonstrate his/her ability by being a member (by examination) of the Institute of Advanced Motorists, or holding a HGV/ PCV (PSV) licence.

11. Disclosure and Barring Service criminal record check

A DBS enhanced disclosure is required on receipt of new applications. Applicants and existing drivers are required to sign up to the update service provided by DBS ([GBG](#)), providing a mandate for this to the Council. An authorised officer can make random checks whilst the licence is effective. This will require a DBS enhanced disclosure application form to be completed by the applicant. All applicants should refer to the Council's guidelines for issue of private hire driver and operator and Home Office circular with regards to any criminal convictions or cautions. A fee is required for this check.

Existing drivers at the time this policy is adopted will be required to sign up to the Update service when their current criminal record check is due to be updated.

12. Convictions

Convictions will be dealt with in accordance with the policy on criminal convictions and behaviour in section 21 of the hackney carriage and private hire policy.

In order to ensure protection of the public a driver must ensure immediate disclosure (within 72 hours) to the licensing officer in writing if they are charged, arrested, cautioned, or convicted of any offence during the period of their licence. Should knowledge of any offences be withheld, this will reflect on a person fitness to be a licensed driver and may lead to a licence being suspended.

13. Driver's identity badge

The badge shall be worn at all times the vehicle is being used as a licensed vehicle and in such a position and manner as to be plainly and distinctly visible. Hanging from the interior mirror is not acceptable.

On the expiry, revocation or suspension of the licence, the driver shall return the badge to the Council on demand.

The driver must report the loss of their driver's badge and or licence to the Council as soon as such loss becomes known. The driver cannot work as a private hire driver until a replacement has been issued.

Upon the expiry, revocation or suspension of his/her licence, the driver must forthwith return to the Council the driver's badge issued by the Council.

The badge remains the property of the Council at all times.

13. Compliance with legislation

Drivers, where applicable, are expected to comply with the provisions of the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, the byelaws made in respect of

hackney carriages and conditions relating to the private hire driver's licence. They are also expected to comply with Section 37 of the Disability Discrimination Act 1995 and Equality Act (2010) in respect of assistance dogs.

14. Smoking

It is prohibited for anyone (driver or passenger) to smoke within the vehicle at any time. Appropriate signage must be displayed inside the vehicle in accordance with the Health Act 2006.

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 of the exposure to these devices is unknown.

The Council requires an international no-smoking symbol at least 70mm in diameter must be displayed in the front passenger window or on the dashboard, and in the rear passenger window. The signs must be clearly visible from inside and outside of the vehicle.

15. Insurance

The driver of a licensed vehicle must ensure the vehicle is insured for use for that specific purpose. Such insurance must be continuous and include full legal liability for passengers and luggage.

16. CCTV in vehicles

The licensee shall ensure that they do not drive a licensed vehicle with unauthorised facilities for recording visual or audio sources. All vehicles with an authorised CCTV system shall contain a certificate of authorisation. Any proposed CCTV system must satisfy the requirements of the CCTV conditions within the hackney carriage and private hire licensing policy and must be authorised by a relevant officer.

17. Appeals procedure

Any person aggrieved by refusal to grant a licence may appeal to the Magistrates' Court within 21 days of a decision being made.

18. Change of personal details

The driver shall immediately (within 7 days or 5 working days) notify the authorised officer in writing of any change in his or her personal details. Changes shall include changes of address, name, marital status, phone number and mobile number with relevant documentation to supporting the change i.e. DVLA licence.

19. Suspension, revocation, and refusal to renew licence

Without prejudice to these conditions, the Council may suspend, revoke or refuse to renew the licence when considered necessary to do so.

The Council will have regard to this policy when making a decision to suspend, revoke or refuse to renew a licence.

20. Other offences

The licensee shall be guilty of an offence if he or she:

- Wilfully obstructs an authorised officer acting in pursuance of Part II of the 1976 or the Town Police Clauses Act 1847
- Fails to comply with any requirements made to him or her by the authorised officer
- Without reasonable cause fails to give the authorised officer any other assistance or information which he may require for the performance of his or her functions.

21. Conduct of driver

The licensee shall:

1. at all times be clean and respectable in his or her dress, behave in a civil and orderly manner, and not use foul and abusive language;
2. take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle;
3. assist any passenger in gaining access to or exiting from the vehicle;
4. assist any passenger with the loading and unloading of luggage into and out of the vehicle;

5. afford reasonable assistance in removing a passenger's luggage to or from the entrance of any house, station or place at which he or she may collect or set down a person unless otherwise directed by the hirer, shall proceed to the destination requested by the Hirer by the shortest possible route;
 6. not drive the vehicle without the written consent of the proprietor of the vehicle;
 7. not drink, eat, or play audio equipment in the vehicle without the express permission of the hirer;
 8. shall ensure that no annoyance or disturbance is caused to residents or other road users whilst driving the vehicle;
 9. not sound the horn or lights of the vehicle or shout in order to signify to the Hirer or passengers that the Licensee is waiting for the Hirer or passengers;
 10. not drive a licensed vehicle in a manner that may intimidate or have the potential to intimidate another road user;
 11. take all reasonable steps to ensure the safety of luggage conveyed in, being loaded in or removed from the vehicle;
 12. comply with all road traffic law;
 13. not use a mobile phone whilst driving;
 14. ensure that he or she does not drive a vehicle with more passenger capacity than their badge authorises.;
 15. not smoke or permit a passenger to smoke in the vehicle.
 16. ensure that regulation "No Smoking" signs are prominently displayed on the front passenger window or dashboard and on the rear passenger window of the vehicle, the signs are to be international "No Smoking" signs 70mm in diameter.
- In addition, the following apply.
17. Drivers will ensure that they do not drive if they are under the influence of drugs or illegal or psychoactive substances. The use of these prior to commencing work, whilst at work or during meal/rest breaks in the working day, including meal/rest breaks spent outside of their operating base or vehicle or when on call, is strictly prohibited.
 18. Drivers must not initiate any dialogue of a "sexual" nature with a passenger including by telephone contact, social media, email or any other form of communication. Licensed drivers are not permitted to become involved "sexually", or have sexual contact, with a passenger whether consent is given or not and whether or not the vehicle is carrying fare-paying passengers at the time. Conversations that are likely to offend or upset passengers should also be avoided, examples would be conversations of a personal nature, but whether a conversation would be considered 'likely' to offend or upset a passenger would be considered by the Council on an individual basis if a complaint is received.
 19. 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.
 20. Before commencing work each day, licensed 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.

22. Passengers

The licensee shall not:-

- a) Convey or permit to be conveyed in the vehicle a greater number of persons than that prescribed in the licence for the vehicle
- b) Without the consent of the Hirer convey or permit to be conveyed any other person in the vehicle.

Allow to be conveyed in the front of the vehicle:

- c) Any child below the age of three years
- d) More than one person above the age of three years
- e) An infant in arms.

The licensee shall ensure that all passengers between three and twelve years of age or 135cm in height wear an appropriate child restraint to travel in the front of a vehicle. If not available, these passengers must use an adult seat belt in the rear of the vehicle.

23. Lost property

23.1 The licensee shall ensure that, immediately after the termination of any hiring or as soon as practicable thereafter, the vehicle is searched thoroughly for any property which may have been accidentally left therein,

23.2. The licensee shall ensure that any property accidentally left, or found or handed to him in the vehicle will be taken to a Police station within 48 hours of it being found.

23.3. 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.

24. Written receipts

The driver shall, if requested by the hirer, provide them with a written receipt for the fare paid.

25. Animals/assistance/guide dogs

The driver shall not convey in a licensed vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle.

The driver shall ensure that any animals, only belonging to or are in the custody of a fare paying passenger are conveyed in the rear of the vehicle. The driver shall transport any person and his/her guide or assistance dog without additional charge. Holders of an exemption certificate from carrying animals (issued because of medical reasons) must display the certificate in a prominent position.

It is an offence to refuse to carry assistance/guide dogs.

26. Prompt attendance

26.1. The driver of a licensed vehicle shall, when hired, punctually attend at the appointed time and place, unless delayed or prevented by sufficient cause.

26.2. 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.

26.3. In the case of 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.

27. Taximeter

The following conditions apply.

(a) A licensed driver shall not drive the vehicle unless the taximeter (where fitted) is in working condition and has been sealed by a meter company, which has issued the licensee with a calibration certificate.

(b) The licensed driver shall not cause the fare recorded (in accordance with table of fares *Hackney Carriage Only*) to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.

(c) The Licensee shall not tamper with or permit any person to tamper with any taximeter with which the vehicle is fitted, with the fittings thereof, or with the seals affixed thereto.

(d) The Licensee shall ensure that when the vehicle is not in use the taximeter is switched off.

28. Fare to be demanded

28.1 The driver shall not demand from any hirer of a licensed vehicle a fare in excess of any previously agreed. If the vehicle is fitted with a taximeter the fare shown on the face of the taximeter is the highest fare that can be charged. The driver shall not demand any fare higher than that shown on the face of the taximeter.

28.2 (Hackney Carriage Only) A printed copy of the table of fares currently approved by the Council must be prominently displayed in the passenger compartment of the vehicle and the fare charged to any passenger shall not exceed that table.

29. Seatbelts

It is recommended that when driving the vehicle the licensee should wear a seat belt at all times.

30. Insurance

The driver of a licensed vehicle shall ensure that, before commencing to drive the vehicle, he or she is covered by a valid insurance policy for public hire (and private hire if private hire bookings are accepted from licensed operators) which includes full legal liability for passengers and luggage and shall ensure that they do not act in any way which might invalidate the insurance.

The licensee shall, on being requested to do so, produce the insurance certificate to a Police officer or an authorised officer.

31. Accidents and damage to the vehicle

The licensee shall report to the authorised officer any accident (motoring or otherwise) involving the vehicle and/or any damage materially affecting the safety, performance or appearance of the vehicle within 72 hours of the accident using the form issued by the Council. In the interests of public safety, the licensee of any vehicle involved in an accident will be required to submit a compliance certificate to the Council. The licensee shall ensure that the vehicle is not used for hire until it has been inspected and approved by the authorised officer or a new compliance certificate has been obtained where appropriate as considered by the Council on receipt of the reported details of the incident.

32. Inspections

The licensee shall not obstruct the authorised officer or any Police officer from carrying out any inspection or test of the vehicle.

31. Copy of licence and requirements

33.1 The licensee shall at all times when driving the vehicle carry a copy of their licence and these requirements, and shall make it available for inspection by the hirer, any other passenger, the authorised officer or a police officer upon request.

34. Variation of requirements

The Council reserves the right to vary, delete or waive any of these requirements.

35. Notification of decisions

Any notice required to be served by the Council under any licence granted or under any of the provisions of the Local Government (Miscellaneous Provisions) Act 1976 shall be deemed to have been properly served if sent by pre-paid post to, or left at, the last known address of the holder of the licence. Notices may also be served by email and will be deemed served on the individual once sent.

36. Appeals procedure

Any person aggrieved by refusal to grant a licence may appeal to the Magistrates' Court within 21 days of a decision being made.