

Licensing conditions relating to Private Hire Drivers

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

1. Introduction

The following conditions are made by Three Rivers District Council in pursuance of the powers conferred by Part II of the Local Government (Miscellaneous Provisions) Act 1976 (as amended) to ensure efficient and effective regulation of private hire vehicle use and to ensure that proper vehicular and driver standards are maintained in the interests of public safety.

These conditions should be read in conjunction with the Local Government (Miscellaneous Provisions) Act 1976 and other relevant legislation.

2. Definitions

In these conditions:

‘The application’ shall mean the application made by the licensee for the grant of the licence

‘Authorised officer’ shall mean a licensing officer of the Council’s Regulatory Services Department or any other officer authorised by the Regulatory Services.

‘The Council’ shall mean Three Rivers District Council

‘the hirer’ shall mean any person or persons who from time-to-time hires or books the vehicle

‘the licensee’ shall mean the person(s) named in the licence

“the operator” shall mean any person, company or partnership licensed by the Council to operate private hire vehicles

“the vehicle” shall mean any private hire vehicle licensed by the Council

3. General

The licensee shall ensure that he or she complies in all respects with the requirements of any Act and regulations affecting the operation of private hire vehicles and motor vehicles, these conditions and any code of practice implemented by the Council.

4. Maintenance of the vehicle

The licensee shall:

- Ensure that the vehicle to be driven by him or her is in a roadworthy condition, thoroughly cleansed; all equipment fittings and fixtures are present and serviceable and comply with the conditions attached to the licence relating to the vehicle before commencement of any journey.
- Record details of checks and inspections in the record book provided by the proprietor of the vehicle.
- Report any defect discovered by the licensee to the proprietor of the vehicle.

5. Standard of Service

The licensee shall:

- 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
- confirm the name, destination, and method of payment with every passenger prior to

commencing any journey

- take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle
- assist any passenger in gaining access to or from the vehicle
- assist any passenger with the loading and unloading of luggage into and out of the vehicle
- 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, proceed to the destination requested by the hirer by the shortest possible route
- not drive the vehicle without the written consent of the proprietor of the vehicle
- not drink, eat, or play audio equipment in the vehicle without the express permission of the hirer
- shall ensure that no annoyance or disturbance is caused to residents or other road users whilst driving the vehicle
- not use 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
- not drive a licensed vehicle in a manner that may intimidate or have the potential to intimidate another road user
- take all reasonable steps to ensure the safety of luggage conveyed in, being loaded in or removed from the vehicle
- comply with all road traffic law
- 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
- immediately notify the Council's licensing officer if he or she has knowingly conveyed a dead body in the vehicle, and not drive the vehicle again until he or she has obtained written permission for the continued use of the vehicle
- not cause or permit the vehicle to stand in such a manner as to suggest that it is standing or otherwise plying for hire or that it is a hackney carriage
- not tout or solicit any person to hire or be carried in any private hire vehicle
- not cause or procure any other person to tout or solicit any person to hire or be carried for hire in any private hire vehicle
- ensure that he or she does not drive a vehicle with more passenger capacity than their badge authorises.

In addition, the following apply.

- 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.

- 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.
- A licensed driver shall 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, with or without consent.
- 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.

6. Taximeter

If the vehicle to be driven by the licensee is fitted with a taximeter, he or she shall not drive the vehicle as a private hire vehicle unless the taximeter is in working condition and has been sealed by a company with a calibration certificate being held by the Council. If the vehicle being driven by the licensee is fitted with a taximeter, he or she shall not cause the fare recorded to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.

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. The licensee shall ensure that when the vehicle is not in use the taximeter is switched off.

If a taximeter is fitted then the tariff card shall be displayed in the vehicle so it is visible to the customer.

7. Written Receipt of Fares

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

8. Accidents and damage to the vehicle

The licensee shall report to the authorised officer any accident (motoring or otherwise) involving 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.

9. Prompt attendance

The licensee, when it is agreed that the vehicle has been hired, shall be in attendance with the vehicle at the appointed time and place and shall, unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at such appointed time and place. Prior to collecting the hire the licensee shall ensure that he or she is aware of the destination and how to reach the destination.

10. Driver’s identity badge

The licensee, at all times, when acting in accordance with this licence, shall wear in such a position as to be plainly and distinctly visible the badge issued to him/her by the Council. Hanging the badge from the internal mirror is not acceptable.

11. Proximity to an authorised rank

The licensee shall not be permitted to wait or park on the public highway within 75 metres of an authorised hackney carriage rank.

12. Fares and fare table

- The driver shall not demand from any hirer 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. The driver shall not demand any fare higher than that shown on the face of the taximeter.
- The licensee shall cause any statement of fares provided by the operator to be exhibited inside the vehicle, in clearly distinguishable letters and figures.

13. Seat belts

When driving the vehicle it is recommended that the licensee shall wear a seat belt at all times.

14. 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.

14. Carriage of animals and Assistance Dogs

The licensee shall not permit any animal belonging to or under the care of the licensee or the driver to ride in the vehicle when using the vehicle for private hire. The licensee or driver shall not refuse any request to carry an assistance/guide dog, accompanying a person with a disability unless the licensee and/or driver has been exempted from this requirement by the Council. It is an offence to refuse to carry a guide or assistance dog (unless a medical exemption certificate is held. The licensee shall not refuse any reasonable request to carry an animal belonging to the hirer in the rear of the vehicle.

15. Private hire vehicle operator

The Licensee shall not use the vehicle for private hire unless the bookings are invited and accepted by an operator within the district. The licensee shall ensure the operator has a current private hire vehicle operator's licence issued by the Council.

The licensee shall notify the authorised officer in writing of the name and address of the operator for whom they are permitted or employed to drive for within seven days from the date they commenced driving for that operator. If the licensee ceases driving for the operator, they shall notify the authorised officer in writing that they have ceased driving for the operator within seven days. If a driver ceases to work for an operator, and does not immediately notify the Council of their new operator's details, they must return their drivers badge to the Council immediately. Any driver not employed or registered to an operator upon the renewal of their licence shall be permitted to renew their licence, but their badge and licence will be retained by the Council until they find gainful employment with an operator based within Three Rivers District.

16. Deposit of licence

The driver shall deposit a copy of his or her paper licence with the vehicle licensee/proprietor and operator before commencing to drive the vehicle. The licence shall be retained by the vehicle licensee/proprietor and operator until such time as the driver ceases to drive that vehicle or ceases to be registered / employed by the Operator.

17. Insurance

The driver of a licensed vehicle shall ensure that they are covered by a valid, fully comprehensive insurance policy for private hire purposes which includes legal liability for passengers before commencing to drive the vehicle 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 the authorised officer.

18. Lost property

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. The licensee shall take any property accidentally left in the vehicle or handed to him or her to a Police Station within the Three Rivers District boundary (see main policy) and leave it in the custody of the officer in charge and obtain a receipt. Such property if not sooner claimed by the owner must be taken to a Police station within 48 hours of the property being found.

19. Inspections

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

20. Medical fitness

The standard of medical examination as required by Three Rivers District 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 authorised 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.

21. Convictions and cautions

The licensee shall, within 72 hours, disclose to the licensing officer in writing if they or any of their drivers are arrested, cautioned, or convicted of any offence (including motoring offences) during the period of this licence. A representative must fulfil this obligation if the licensee is detained by the Police. Fixed penalty notices must be declared when received not when the DVLA driving licence is updated.

The licensee shall ensure that any licensed driver employed by them in any capacity is made aware that they are required to disclose all the information contained in point (16) above to the vehicle licence-holder during their period of employment.

21. Change of personal details

The licensee shall immediately notify the authorised officer in writing of any change in his or her personal details. Changes shall include, changes of address, name status, phone number, mobile number, and email address.

28. Copy of licence and requirements

Licencees shall at all times when driving the vehicle carry with them 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

29. 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.

22. Variation of conditions

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

23. 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 contained in Hackney Carriage and Private Hire Licensing Policy (available upon request)

24. Right of appeal

If aggrieved by any of these conditions, the licensee may appeal to a Magistrates' Court within 21 days of the issue of the licence to the licensee.

25. Expiry of licence

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