
HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' GENERAL CONDITIONS (POLICY)
December 2018

PART 1 - THE APPLICATION PROCESS

- **The Application** – Will be made on the appropriate form and with the current fee, along with all the supporting documentation detailed in the application checklist.
- **Drivers living outside the district** – Applications will normally be refused, unless they provide evidence they will be “entirely or predominately” working here.
- **Driving assessment** - New applicants are required to pass the appropriate training (DVSA Driving Test or one of our approved providers) prior to a licence being granted. Evidence of this must be provided in the form of the original pass certificate, which will be returned to the applicant.
- **Knowledge of driver’s conditions and taxi legislation** - The driver must be familiar with the Council’s requirements and conditions for hackney carriage / private hire drivers at all times. New applicants for hackney driver’s licences will be required to sit a knowledge test. This will be in a format approved by the licensing unit.
- **Medical fitness** - A medical examination form must be submitted at the time of initial application. It must be completed by someone who has access to your medical records, confirming that you are medically fit to Group 2 standard. The medical should specify a date when it is due for renewal. Approximately six weeks before renewal date, the licensing authority will issue a reminder letter to the applicant at their last given address. If by the time of expiry, an updated medical has not been received without good reason, the matter may be referred for a licensing panel hearing with a recommendation that the drivers licence is suspended or revoked.
- **Criminal convictions** - New drivers will be required to provide a full enhanced Disclosure and Barring Service (DBS) result to verify any criminal convictions. Drivers will be required to sign up to the DBS online checking service, and sign an authority, allowing verification of their criminal convictions status online, at a frequency considered necessary and proportionate by the licensing unit. If not, then a licence will not be issued. Convictions may prejudice your licence application. If you have any concerns about what may appear on your result certificate, you should contact the licensing authority for advice before continuing.
- **DVLA Driving licences and Motoring Convictions** – Drivers are required to submit their driving licence as part of their application. Drivers will also be required to provide evidence of their motoring convictions in a format and frequency required by the licensing unit, both at the start of, and throughout the period, of their licence.

PART 2 – DRIVER CONDUCT

- **Driver badges** – Two identification badges are issued. One is to be worn at all times while on duty via the lanyard and badge holder. The other is to be displayed in the vehicle so that it can be clearly seen by passengers.
- **Conduct** – The driver will conduct themselves in a civil, polite and respectful manner to members of the public, passengers, and other road users at all times, regardless of whether the vehicle they are driving is on or off duty at that time, and take all reasonable precautions to ensure the safety of their passengers, and members of the public around them.
- **Appearance** - The driver shall at all times when acting as a driver be respectably dressed, clean and tidy in their appearance.
- **Punctual attendance** – For advanced bookings, the driver shall, unless delayed or prevented by some sufficient cause, attend at the appointed time and place.
- **Eating and drinking** – Drivers and passengers shall not eat or drink in the vehicle while it is hired.
- **Smoking and e-cigarettes** - A driver shall not smoke in the vehicle, or permit any passenger to smoke in the vehicle, at any time , which for the avoidance of doubt shall include smoking, piped tobacco, electronic cigarettes or any other vapor-producing smoking device.
- **Seat Belts** - The driver shall point out to passengers that seat belts shall be worn as per current legislation. It is the driver's responsibility to ensure that unaccompanied children under 14 years of age are suitably secured.
- **Number of passengers** - The driver shall not carry in any vehicle a number of persons greater than that specified in the licence or on the plate for that vehicle.
- **Shortest route** - The driver shall, subject to any instructions given by the hirer, proceed to the destination by the shortest available route.
- **Use of radios and mobile phones** - No radio or musical apparatus shall be used other than for the purpose of sending or receiving messages in connection with the operation or business of the vehicle without the consent of any passenger. A driver shall not use a mobile phone whilst the vehicle is moving, with the exception of a hands free device.
- **Assistance to passengers** - The driver shall, when requested by any person hiring or seeking to hire their vehicle:-
 - convey a reasonable quantity of luggage;
 - afford reasonable assistance in carrying, loading and unloading the luggage to or from the place at which he/she may take up or set down such a person;
 - Afford all reasonable assistance to wheelchair bound, disabled and elderly persons.
 - Drivers do not have to convey noxious, odorous, foul, offensive or dangerous substances.
 - No luggage will be conveyed on the exterior of the vehicle.
- **Lost Property** - The driver shall immediately after termination of any hiring, or as soon as practicable thereafter, check the vehicle for any property which may have been accidentally left therein and, if any such property is found, the driver shall take it, as soon as possible and, in any event, within 24 hours, to their registered office.
- **Pets** - The driver shall carry any household pets, providing they are accompanied by an adult, are clean, suitably restrained / contained so to not cause nuisance or damage. A driver may refuse to carry pets if they are allergic to such animals. A doctor's certificate to that effect, must be produced to a Licensing Officer of the Council

- **Guide / Assistance Dogs** - Persons with guide dogs or other assistance dogs will be transported (along with their animal) unless the driver of the vehicle is allergic to such animals. A certificate, signed by the driver's general practitioner, must be produced to Licensing Officer of the Council. A notice of exemption must be displayed on the windscreen of the vehicle.
- **Taxi ranks** - Drivers shall not obstruct the free flow of a hackney carriage rank and shall move forward as soon as a space becomes available. If a rank is full, the driver shall immediately proceed to the next available rank
- **Accidents** - . The driver shall (within 24 hours) report to the proprietor of any vehicle, and the licensing authority, details of any accident in which their vehicle is involved.
- **Safeguarding of children and vulnerable adults** - It will be a condition of a taxi driver's licence that the driver undergo safeguarding training or refresher training during the lifetime of their licence and a failure to undergo such training will be a reason for refusing the renewal of that licence.

PART 3 – THE VEHICLE

- **Condition of the vehicle** - The driver shall, ensure the vehicle lights are fully operative, tyres are within legal limits, the vehicle is clean and tidy and that necessary tools, spare wheel, and fire extinguisher are available for use, and that the vehicle is in a roadworthy condition.
- **Taxi meters**
 - i) The driver of a vehicle fitted with a taximeter shall bring the meter into operation as soon as the vehicle is hired until termination of the hiring. The vehicle shall be deemed to be hired when the passenger is seated safely inside the vehicle. Where the vehicle is in attendance at the pick-up point at the correct time and is requested to wait, or proceed to another destination, the vehicle shall be deemed to be hired from that point.
 - ii) The taximeter shall be kept illuminated throughout any part of a hiring which is between half an hour after sunset and half an hour before sunrise.
 - iii) The driver of a hackney carriage/private hire vehicle fitted with a taximeter shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.
 - iv) The driver of a hackney carriage/private hire vehicle shall not tamper with, or permit any person, other than an authorised Officer of the Council or an authorised taximeter dealer, to make any alterations to the taximeter with which the vehicle is provided, with the fittings thereof, or with the seals affixed thereto.
- **Agreed fares for vehicles** - The driver shall not demand from the hirer a fare in excess of any previously agreed for that hiring between the hirer and the operator and shall adhere to the operator's tariff at all times, unless specifically instructed by the operator to the contrary. If the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the driver shall not demand from the hirer a fare in excess of the fare shown on the face of the taximeter.

PART 4 – CONVICTIONS / SUSPENSIONS / REVOCATIONS

- **Motoring and criminal convictions** - It is the policy of the Council to require annual DBS checks on all drivers. The driver shall, within 7 days of conviction or caution, disclose to an authorised Officer of the Council, in writing, details of any motoring offences and any convictions or formal cautions imposed on them during the period of this licence. This includes convictions subject to appeal. A licence will not be granted or renewed in the case of a person with a conviction for driving with excess alcohol in his/her blood, or a conviction involving controlled drugs, until a period of 10 years has elapsed since the date of conviction.
- **Cumulative motoring convictions** – when a driver reaches 9 points on their DVLA driving licence, they will be have to take a formal recorded interview with a licensing officer, irrespective of whether these offences have been declared within the relevant timescales or not. The offences will be discussed, and depending on the response, the matter may be referred to the licensing panel to consider if the driver is a fit and proper person to hold a licence.
- **Suspension, revocation, or refusal to renew a licence** - The licence may be suspended, revoked or not renewed by the Council:-
 - i) if the driver is convicted of an offence under, or otherwise fails to comply with any of the provisions of, the Town Police Clauses Act, 1847 or Part II of the Local Government (Miscellaneous Provisions) Act, 1976;
 - ii) if the driver has been convicted of an offence involving dishonesty, indecency or violence;
 - iii) if the driver becomes disqualified from driving, the licence shall be automatically revoked; or
 - iv) If the driver fails to provide correct administrative documentation, licensing officers have delegated authority to immediately suspend a driver, pending correct receipt.
 - v) any other reasonable cause
- **Return of badges** – Drivers must return the badges issued by the Council to a licensing officer immediately upon suspension, revocation or ceasing to be so licensed.

ANY PERSON WHO:-

- i) wilfully obstructs an authorised Officer or constable acting in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act, 1976 or the Town Police Clauses Act, 1847;
- ii) without reasonable excuse, fails to comply with any of the requirements properly made to him by such Officer or constable, in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act, 1976 or the Town Police Clauses Act, 1847;
- iii) without reasonable cause, fails to give such an Officer or constable any other assistance or information which he may require for the performance of his functions in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act, 1976 or the Town Police Clauses Act, 1847

shall be guilty of an offence.

These conditions shall apply to hackney carriage/private hire drivers licensed by the Sedgemoor District Council. The Council reserves the right to waive any requirements of these conditions at its absolute discretion. The Council reserves the right to amend or add to any of the foregoing conditions, and notice thereof will be served on all licensees.

PART 5 – CHANGES IN YOUR PERSONAL CIRCUMSTANCES

- Any change in your medical condition that may affect your driving ability must be notified to the licensing authority within 48 hours, or as soon as practicable. The driver shall, if required, produce to the Council a certificate, signed by a registered medical practitioner, certifying that the driver is fit to act as a driver of a hackney carriage or private hire vehicle.
- The driver shall, within 7 days of conviction or caution, disclose to an authorised Officer of the Council, in writing, details of any motoring offences or endorsements and any criminal convictions or cautions imposed on them during the period of this licence. This includes any offence for which you are currently going through the appeals process.
- If you move address or change you name, you must notify any change to the licensing authority with 7 days. A revised licence will be issued and a fee will be charged. Any letter issued by the Council under this licence, or under any of the provisions of the Town Police Clauses Act, 1847, Part II of the Local Government (Miscellaneous Provisions) Act, 1976 and all other relevant legislation, shall be deemed to have been properly issued if served personally on them or sent to them by pre-paid post to, or left at, the last known / declared address of the holder of the licence.

PART 6 – (PRIVATE HIRE DRIVERS ONLY)

- **Plying for hire** – Whilst in a private hire vehicle, the driver shall not
 - i) station their vehicle for hire, or ply for hire or solicit any person to hire or to be carried for hire or reward, on any road, or in any public place readily accessible and visible from a road;
 - ii) the driver shall not call out or otherwise importune any person to hire the vehicle or use anyone else to do so;
 - iii) all hiring's must be communicated to the driver by or on behalf of the licensed private hire operator for that vehicle by use of telephone or by a two way radio system fitted to that vehicle. At no time can a hiring be accepted other than a pre-arranged booking;
 - iv) illuminate the roof sign, except when the vehicle is stationary picking up a fare;
 - v) station their vehicle on or near a hackney carriage rank.
- **Record keeping** – The driver of a private hire vehicle should keep a current record detailing the following points, which should be made available to a licensing officer on request
 - i) name of hirer
 - ii) time of pick-up
 - iii) pick-up point
 - iv) destination
 - v) fare charged

PART 7 - PENALTY POINT SCHEME

The driver's acceptance of the licence confirms acceptance of the penalty point system detailed below, in relation to breaches of these conditions.

PENALTY POINTS SYSTEM RELATING TO HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCE CONDITIONS	
Cause	Points
Demanding more than displayed on taximeter.....	6
Failing to wear ID badge.....	4
Refusing to carry guide dogs, hearing dogs or service dogs for the disabled, unless exempted by a medical certificate	4
Failing to notify conviction/formal cautions within 7 days	4
Failing to notify change of details, e.g., address, within 7 days	3
Failing to afford all reasonable assistance with luggage when requested .	3
Failing to convey a reasonable quantity of luggage in the vehicle when requested	3
Failing to meet required standards of conduct/dress	3
Failing to notify accident to proprietor within 24 hours	4
Carrying excess passengers	6
Failing to keep records (private hire only)	3
Failing to produce records (private hire only)	3
Parking on or near a hackney carriage rank (private hire only)	3
Travelling with roof sign illuminated (private hire only).....	4
Demanding more than agreed fare	3
Failing to attend at time and place without sufficient cause.....	3
Breach of any other condition not specified above.....	1-4

Where 12 or more points are issued to a driver within any period of one year, a report will be submitted to the Licensing Panel with a view to the suspension, revocation or refusal to renew such a licence.

The licence is issued on condition that you fully accept the preceding conditions and the penalty point's scheme, as laid down.

PART 8 SIGNED DECLARATION

THIS PART SHOULD BE SIGNED AND RETURNED WITH THE APPLICATION FORM

I confirm that I have read and fully understand the driver's conditions and penalty point scheme document dated December 2015. I understand the Council's requirements for hackney and private hire drivers and agree to abide by the conditions and accept the administration of the penalty point scheme.

Signed:

Full name:

Date: