

# PRIVATE HIRE DRIVER'S LICENCE CONDITIONS

Licensing

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## Version Control

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1.0	Final	05.01.21
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## Approvals

Approved by	Date
Environment <del>&amp; Direct Services</del> <u>and Development</u> Committee	12.11.20
<u>Environment and Development Committee</u>	

## Associated Documentation

Description of Documentation
Private Hire Licensing Policy 2021-2026



## PRIVATE HIRE DRIVER'S LICENCE CONDITIONS

### LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 ("the Act")

The following conditions are made by South Derbyshire District Council ("the Council") in pursuance of the powers conferred by Part II of the Act 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.

#### 1 GENERAL

- 1.1 The licence holder shall ensure that ~~he or she~~ they compl~~y~~ies 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.

#### 2 MAINTENANCE OF THE VEHICLE

2.1 The licence holder 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 complies with the conditions attached to the licence relating to the vehicle before the commencement of any journey.
- Record details of daily checks and inspections ~~in the record book~~ on a vehicle checklist provided by the proprietor of the vehicle.
- Report any defect discovered by the licence holder to the proprietor of the vehicle.

#### 3 CONDUCT OF THE LICENCE HOLDER

3.1 The licence holder shall:

- at all times be clean and respectable in ~~his or her~~ their dress.
- behave in a civil and orderly manner.
- work cooperatively with and be civil and respectful towards Officers of any Licensing Authority who are carrying out their duties.
- confirm the name, destination, method of payment and fare 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.
- take all reasonable steps to ensure the safety of luggage conveyed in, being loaded in or removed from 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~~ they may collect or set down a person.
- unless otherwise directed by the passenger, proceed to the destination requested by the passenger by the shortest possible route.
- not drive the vehicle without the written consent of the proprietor of the vehicle. The written consent must be kept in the vehicle at all times.
- not drink, eat, or play audio equipment in the vehicle without the express permission of the passenger.



- 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 to signify to the passenger that the driver is waiting for the passenger.
- not drive a vehicle in a manner that may intimidate or have the potential to intimidate another road user.
- 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 vehicle; and not cause or procure any other person to tout or solicit any person to hire or be carried for hire in any vehicle.
- not smoke or vape or permit a passenger to smoke or vape in the vehicle.
- ensure that "No Smoking" signs are prominently displayed on the front passenger window or dashboard and on the rear passenger window of the vehicle.
- not use a mobile phone, PDA, or similar communication device whilst the engine of the vehicle is running unless it is connected to a suitable handsfree device, and the use of such a device would not infringe any road laws.
- not initiate and/or engage in any inappropriate dialogue with a passenger.

#### 4 TAXIMETER

- 4.1 If the vehicle to be driven by the licence holder is fitted with a taximeter, ~~he or she~~ they shall not drive the vehicle as a private hire vehicle unless the taximeter is in working condition, has been sealed by a company with a calibration certificate being held by the Council and the tariff of the taximeter has been submitted to the Council. If the vehicle being driven by the licence holder is fitted with a taximeter, ~~he or she~~ they 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.
- 4.2 The licence holder 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 licence holder shall ensure that when the vehicle is not in use the taximeter is switched off.
- 4.3 The licence holder shall submit to the Council a new calibration certificate and tariff if they change private hire operator or the tariff changes during the course of the licence.

#### 5 WRITTEN RECEIPT

- 5.1 The licence holder shall, if requested by the hirer, provide a written receipt of the fare paid. This receipt should include the name of the private hire operator, the name of the driver, the name of the passenger, the date, time and details of the journey and the fare paid.

#### 6 ACCIDENTS AND DAMAGE TO THE VEHICLE

- 6.1 All accidents, collisions and damage involving the licensed vehicle, however minor, must be reported to the Council in writing as soon as reasonably practicable, and in any case within 72 hours of the occurrence thereof, regardless of whether any party was injured.

#### 7 PROMPT ATTENDANCE

- 7.1 When the vehicle has been hired to be in attendance at an appointed time and place, the licence holder shall, unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at such appointed time and place. Prior to collecting the hirer, the licence



holder shall ensure that ~~he or she is~~they are aware of the destination and how to reach the destination.

## 8 DRIVER'S IDENTITY BADGE

- 8.1 The licence holder shall wear the driver's identity badge issued by the Council in a position where it may be seen at all times. The licence holder shall return the identity badge within 7 days upon termination of the licence, whether such termination is through suspension, surrender, revocation, or normal expiry.
- 8.2 Any loss of badge must be reported to the Council as soon as the loss becomes known. A fee will be payable for all replacement badges. The licence holder must not drive for hire or reward purposes until they receive their updated badge.

## 9 FARES

- 9.1 The licence holder shall:
- not demand from any hirer a fare more than 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 licence holder shall not demand any fare higher than that shown on the face of the taximeter.
  - contact the private hire operator for a new fare if the hirer alters the original route.
  - not demand from any hirer their personal belongings in lieu of payment.
  - cause any statement of fares provided by the operator to be exhibited inside the vehicle, in clearly distinguishable letters and figures.
- 9.2 In the event of a customer being unable to pay the required fare, the licence holder shall contact the operator immediately.

## 10 PASSENGERS

- 10.1 The licence holder shall not:
- convey or permit to be conveyed in the vehicle a greater number of persons than that prescribed on the licence for the vehicle.
  - without the consent of the hirer convey or permit to be conveyed any other person in the vehicle.
- 10.2 The licence holder shall ensure that all passengers over three years of age must use an adult seat belt in the rear of the vehicle.

## 11 CARRIAGE OF ANIMALS

- 11.1 The licence holder shall not permit any animal belonging to or under the care of ~~him or her~~the licence holder to ride in the vehicle when using the vehicle for private hire, without the consent of the hirer.
- 11.2 Any animal belonging to a passenger must be conveyed in the rear seating area of the vehicle and shall, when necessary, be contained so as not to present a nuisance or hazard to the occupants of the vehicle.



11.3 The licence holder shall not refuse any request to carry an assistance or guide dog, accompanying a person with a disability, unless the licence holder has been exempted in writing from this requirement by the Council. An assistance or guide dog must be carried free of charge in the vehicle. The notice of exemption must be displayed in the licensed vehicle at all times.

## 12 PRIVATE HIRE VEHICLE OPERATOR

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

12.2 The licence holder shall notify the Council in writing of the name and address of the operator ~~he or she is~~they are permitted or employed to drive for within 7 days from the date ~~he or she~~they commenced driving for that operator.

12.3 If the licence holder ceases driving for the operator, ~~he or she~~they shall notify the Council in writing within 7 days.

## 13 DEPOSIT OF PAPER LICENCE

13.1 The licence holder shall deposit a copy of ~~his or her~~their paper private hire driver's licence with the vehicle licence holder and operator before driving the vehicle.

13.2 The licence shall be retained by the vehicle licence holder and operator until such time as the driver ceases to drive that vehicle or ceases to be registered/employed by the operator.

13.3 Any loss of paper licence must be reported to the Council. A fee is payable for the replacement licence.

## 14 INSURANCE

14.1 The licence holder shall ensure that ~~he or she is~~they are covered by a valid insurance policy for hire and reward before driving the vehicle.

14.2 The licence holder shall, on being requested to do so, produce the insurance certificate to a Police Officer or the Authorised Officer.

## 15 LOST PROPERTY

15.1 The licence holder 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, and the operator informed immediately.

15.2 Any property found by the licence holder, or handed to the licence holder, must be taken to any Police Station within the South Derbyshire District boundary if not claimed by or on behalf of the customer within 24 hours. Licence holders must leave it in the custody of the officer in charge of the Police Station and obtain a receipt. If the Police do not accept any article of lost property, the licence holder must pass the property to the operator.

## 16 MEDICAL FITNESS



- 16.1 The licence holder must maintain the standard of medical fitness required by the Council which is DVLA Group 2 medical standards throughout the term of the licence.
- 16.2 The licence holder shall notify the Council in writing as soon as possible, and in any event not later than 72 hours, of any illness or injury affecting ~~his or her~~their fitness to drive in any way.
- 16.3 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.

## 17 CONVICTIONS AND DVLA DRIVING LICENCE

- 17.1 ~~The Council requires all licence holders who are interviewed, arrested, receive a Court summons, a notice of intended prosecution or have their vehicle seized by the Police to report this fact to the Council within 48 hours. A representative may fulfil this requirement if the licence holder is unable to. The licence holder shall immediately, and in event not later than 48 hours, disclose to the Council in writing if they are arrested, receive a summons or a postal requisition notice during the term of their licence. The licence holder's representative may fulfil this requirement if the licence holder is detained.~~
- 17.2 The licence holder shall, within 48 hours, notify the Council in writing of any charge or conviction of any sexual offence, of any offence involving dishonesty or violence and any motoring offence. The licence holder shall, within 7 days, notify the Council in writing of any other caution or conviction -received during the term of their licence.
- 17.3 Fixed Penalty Notices (FPN) for driving offences shall be reported to the Council in writing upon acceptance ~~from the Authorised Officer, of the notice~~ as opposed to when the driving licence has been updated. Any other FPN shall be reported to the Council in writing upon acceptance.
- 17.4 The licence holder shall notify the Council of any suspension or revocation of their DVLA driving licence within 48 hours. The licence holder shall make ~~his or her~~their DVLA/EU driving licence available for inspection by the Council or a Police Officer upon request.
- 17.5 The licence holder shall be signed up for the DBS online checking service for the length of the licence. The licence holder must notify the Council immediately if their subscription lapses.

## 18 CHANGE OF PERSONAL DETAILS

- 18.1 The licence holder shall notify the Council in writing of any change in ~~his or her~~their personal details within 14 days. Changes shall include changes of address, name, phone number, mobile number, and e-mail address.

## 19 WHEELCHAIR ACCESSIBLE VEHICLES

- 19.1 All drivers of wheelchair accessible vehicles must:
- (i) be fully conversant with the correct method of operation of all ramps, lifts and wheelchair restraints fitted to the vehicle.
  - (ii) before any movement of the vehicle takes place, ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system and the brakes of the wheelchair have been applied.



(iii) ensure that any wheelchairs, equipment, and passengers are carried in such a manner that no danger is likely to be caused to those passengers, or to anyone else, in accordance with the regulations detailed in Section 100 of the Road Vehicles (Construction and Use) Regulations 1986.

19.2 All wheelchair accessible vehicles are placed on the Council's designated list under section 167 of the Equality Act 2010. The driver of the licensed vehicle must comply with the duties and responsibilities placed on them as a driver of a wheelchair accessible vehicle unless the driver has been exempted in writing from them by the Council. The notice of exemption must be displayed in the licensed vehicle at all times in accordance with Regulations.

19.3 The licence holder shall comply with the mobility assistance duties placed on them by the Equality Act 2010 unless the licence holder has been exempted in writing from the mobility assistance duties by the Council. The notice of exemption must be displayed in the licensed vehicle in accordance with Regulations.

## 20 INTERIM DOCUMENTS

20.1 All necessary paperwork to support these conditions including medical, eye test, and online criminal record check shall be kept up to date during the currency of any licence and deposited with the Council.

## 21 VARIATION OF CONDITIONS

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

