

Taxi and Private Hire Conditions of Licensing

Appendix A – Drivers

CONDITIONS OF LICENCE – DRIVERS

The following specifications and conditions of licence are made by Borough Council of Wellingborough under powers conferred by Part II of the Local Government (Miscellaneous Provisions) Act 1976 (as amended) to ensure effective regulation of private hire vehicle use and to ensure that proper vehicle and driver standards are maintained, in the interests of public safety.

Possession of this Conditions of Licence document does not guarantee that the individual holds a current, valid private hire or hackney carriage driver licence. The validity of any licence may be confirmed by contacting Borough Council of Wellingborough Licensing Team.

DEFINITIONS

In these conditions:

‘the 1976 Act’	means the Local Government (Miscellaneous Provisions) Act 1976 (as amended)
‘the Council’	means Borough Council of Wellingborough.
‘Authorised Officer’	means a Licensing Officer authorised in writing by Wellingborough Council.
‘the hirer’	means any person who, from time to time, hires or books the vehicle.
‘the licensee’	means the person(s) named in the licence.
‘the driver’	means the person(s) named in the licence
‘the operator’	means any person or company or partnership licensed by the Council to operate private hire vehicles.
‘the vehicle’	means the vehicle named in the licence.

GENERAL

All licensed drivers must comply, in all respects, with the conditions of licensing set out below. The conditions of licence are supplementary to, and should be read in conjunction with, applicable statutory legislation. The following list is not exhaustive: -

The Town Police Clauses Act 1847 (as amended)
The Local Government (Miscellaneous Provisions) Act 1976 (as amended)
The Disability Discrimination Act 1995
The Equality Act 2010

1.0 CONDUCT OF DRIVER

- 1.1. The driver shall, at all times, when acting in accordance with the driver's licence granted to them, wear the badge as supplied by the council in such a position and manner as to be plainly and distinctly visible at all times.
- 1.2. The badge supplied by the council shall include the driver's full name, colour photograph, licence number and expiry date. The badge must not be covered, concealed or defaced in any way
- 1.3. The licence holder shall not lend the badge to any other person or permit any other person to wear it and on termination or surrender of a driver's licence, he/she shall return the badge to the council immediately.
- 1.4. The driver shall behave in a civil, polite and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- 1.5. The driver shall not wilfully or negligently cause or permit the vehicle licence plate to be concealed from public view or allow the licence plate to be so defaced as to make any figure or information unavailable. The driver shall also ensure that the door signs that are required to be displayed on the vehicle are present and not damaged, defaced or concealed in any way.
- 1.6. The driver of a private hire or hackney vehicle who has agreed, or has been hired, to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.
- 1.7. The driver, when hired to drive to a particular destination, shall proceed to that destination by the shortest available route, unless a different route has been agreed with the hirer before the commencement of the journey.
- 1.8. The driver shall not convey, or permit to be conveyed, in such vehicle any greater number of persons than the number of persons specified on the vehicle licence (plate).
- 1.9. The driver shall convey a reasonable amount of luggage and afford reasonable assistance in loading and unloading luggage.
- 1.10. The driver must not solicit, by calling out or by any other means, any person to hire or be carried for hire, and Private Hire Drivers must not accept an offer for the hire of the vehicle except where that hiring is first communicated to the driver by the operator.

- 1.11 The driver shall ensure that the vehicle is presented in a clean and tidy, roadworthy and well maintained condition for each journey undertaken.
- 1.12 The private hire or hackney vehicle must only be driven with the permission of the proprietor of the vehicle.
- 1.13 The driver must comply with any hirer's request not to drink or eat in the vehicle, or play any radio or sound equipment, which is not connected with the operation of the vehicle as a hackney private hire vehicle.
- 1.14 The driver shall ensure that the noise emitted from any sound equipment in the vehicle does not cause annoyance to any person, whether inside or outside the vehicle.
- 1.15 The driver shall not attract the hirer's attention, as a means of indicating that the vehicle has arrived or is waiting, by operating the horn or shouting.
- 1.16 The driver must not cause or permit a private hire vehicle to stand on a road or in a public place so as to suggest that the vehicle is plying for hire or stop, wait on or use any hackney carriage stand.
- 1.17 Drivers are not permitted to use any type of e-cigarette or similar device in a licensed vehicle
- 1.18 Drivers are permitted to use one Bluetooth earpiece only on/in one ear, which does not require any direct contact with the mobile telephone to operate, and which does not interfere with their ability to drive safely. Any such equipment must only be used in compliance with all other relevant legislation. Drivers are not permitted to wear or use earphones or other devices on/in two ears. Equipment or devices that require any contact whatsoever with the mobile phone to operate or activate them, are not permitted.

2.0 **FITNESS OF DRIVER**

- 2.1 The licensed driver must at any time, or at such intervals as the council may reasonably require, produce a medical report in a form prescribed by the council, to the effect that he/she is, or continues to be physically and mentally fit to be the driver of a private hire vehicle.
- 2.2 Applicants for the initial grant of a drivers licence must undergo the medical examination prior to the grant of the first licence. Thereafter licence holders will be required to undergo a medical examination on each application between the ages 45 to 65 years. From the age of 65, drivers will be required to undergo a medical examination every 12 months.

The medical examination may be undertaken by any suitably qualified General Medical Practitioner, but the examining medical practitioner must have sight of, and review, the applicant's full medical history before making an assessment as to whether the driver should be considered medically fit to be granted a licence.

The examining medical practitioner will need to confirm in writing on the medical disclosure that they have reviewed and considered the applicants full medical records history before signing the disclosure.

Licensed drivers must notify the council immediately in writing of any deterioration or change in their physical or mental health that may affect their fitness to drive a licensed vehicle.

- 2.3 Whether or not a medical report is produced a driver must, if required by the council at any time, submit to a medical examination, if necessary by a Medical Practitioner designated by the council.
- 2.4 A driver must cease driving any licensed hackney or private hire vehicle and inform the council immediately they become aware of any medical condition which may affect their driving ability and/or the health and safety of themselves or their passengers.
- 2.5 The following medical condition(s) must be notified to the council, in writing, as soon as reasonably practicable:
 - Heart condition .
 - Deterioration of eyesight or hearing
 - Abnormal blood pressure .
 - Alcohol or drug dependency
 - Diabetes .
 - Mental or psychological disorders
 - Epilepsy .
 - Serious physical injury or disability
 - Sudden attacks of giddiness or fainting
 - Any other condition affecting the ability to drive

3.0 **FARES AND JOURNEYS**

- 3.1 A hackney carriage driver must not charge a fare which is greater than that given in the 'Hackney Carriage Table of Maximum Fares' set by the council, for any journey ending inside the borough of Wellingborough.
- 3.2 The operator of a private hire vehicle may make their own agreement with the hirer as to the fare to be charged for a particular journey. This must be agreed in advance of the journey taking place.

- 3.3 The driver shall, if requested by the hirer, provide the hirer with a written receipt for the fare paid. The receipt must include the following information in a legible format:
- The time and date of the journey
 - The start and destination points of the journey
 - The drivers name (in capitals)
 - The vehicle licence plate number or registration
 - The fare paid
 - The drivers signature
- 3.4 If the vehicle is fitted with a taxi-meter, then the driver of the vehicle shall:
- A. unless the hirer expresses at the commencement of the journey his/her desire to engage by time alone (agree fare before commences), bring the meter into operation at the commencement of the journey
 - B. bring the machinery of the taxi-meter into action by moving the said key, flag, button or other device, so that the word 'HIRED' is legible on the face of the taximeter before beginning a journey for which the fare is charged by distance and time, and keep the machinery of the taxi-meter in action until the termination of the hiring;
 - C. when waiting for hire, keep the key, flag, button or other device fitted for that purpose locked in the position in which no fare is recorded on the face of the meter;
 - D. cause the display of the taxi-meter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness, as defined for the purposes of The Road traffic Act 1972, and also at any other time at the request of the hirer; and
 - E. not demand from any hirer of a private hire vehicle 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 taxi-meter, the fare shown on the face of the meter.
- 3.5 In the event of a journey commencing in but ending outside Borough Council of Wellingborough's area, or vice-versa, there may be charged for the journey such fare or rate, if any, as was agreed before the hiring commenced. If no such agreement was made then the fare to be charged should be no greater than that fixed by the council 'Hackney Carriage Table of Maximum Fares'.

4.0 **DUTIES OF LICENCE HOLDER**

- 4.1 Any change in circumstance affecting this licence must be notified to the council in writing, in accordance with the timescales outlined below:

- 4.2 The driver's licence, to which these conditions refer, must be made available for inspection, on request, by any authorised officer of the council or police.
- 4.3 The driver must notify the council in writing, within 7 days of being engaged or employed to drive a private hire vehicle, of the name of the proprietor (licensee) of the vehicle, the operator of the vehicle (if different) and the date when such engagement or employment commenced. The driver must also notify the Council in writing within 7 days of any termination of employment with an operator.
- 4.4 All licenses and badges remain the property of the council at all times. They must be returned promptly when the licensee ceases to be engaged or employed as a private hire driver, the licence expires, or where the licence is suspended or revoked.
- 4.5 The driver must notify the council in writing, within 7 days, of any change of personal address or change of private hire operator (private hire drivers only).
- 4.6 The driver must notify the council in writing, within 7 days, of any criminal or motoring Conviction or endorsement, Caution, arrest, pending court appearance, or the receipt of any Fixed Penalty Notice imposed on them whilst the licence is in force. Failure to do so may result in the immediate suspension of this licence pending an investigation by the council.
- 4.7 The licensed driver must submit an enhanced disclosure and barring service certificate to the council every 3 years. This must be obtained through Borough Council of Wellingborough as the registered body. Third party certificates will not be accepted.
- 4.8 The licensee shall submit an application for the renewal of this licence and all required original documentation, to the council, at least 5 working days prior to the expiry of the current licence, failure to apply within this period will result in the applicant being treated as a new applicant and not a renewal. DBS forms must be submitted at least 5 weeks before required, to ensure that they are received back by the council before the licence expires.
- 4.9 All applicants must sign up to the DBS update service and allow the council to undertake status checks. Registration lasts for 12 months and licensed drivers are required to keep this up to date.
- 5.0 **LOST PROPERTY**
- 5.1 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 left therein. If any property is found, drivers must, wherever possible, make reasonable attempts to reunite lost property with its owner. In the event that this is not possible, the property should, as soon as possible, but in any event within 48 hours, be handed in at the nearest Police Station. A receipt or Found Property Register number must be obtained at that time and retained by the driver.

6.0 ACCIDENT REPORTING

- 6.1 A proprietor, or driver of a licensed vehicle shall report to the council, in writing, on the Councils prescribed form, as soon as reasonably practicable, and in any case within 72 hours of the occurrence, any accident including road traffic collisions or any other accident causing damage to a licensed vehicle materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons using the vehicle.

7.0 CARRIAGE OF ANIMALS

- 7.1 A driver must not carry in a licensed vehicle any animal which belongs to or is being looked after by themselves, the owner of the vehicle or the operator whilst it is being used as a private hire vehicle.
- 7.2 Animals in the custody of passengers may be carried, at the driver's discretion, provided that they are restrained in a safe manner.
- 7.3 A driver must carry assistance dogs, including guide dogs for the blind, hearing dogs and other dogs which assist persons with physical impairments, when requested to do so by the customer. The only exception being where a driver has been granted an exemption from doing so by the council.
- 7.4 An exemption certificate, when granted, must be displayed in the licensed vehicle it relates to at all times whilst it is available for hire.

8.0 WHEELCHAIR ACCESSIBLE VEHICLES

- 8.1 All drivers of wheelchair accessible vehicles (WAV's):
- A. must be fully aware of the correct method of operation of all ramps, lifts, wheelchair restraints and any ancillary equipment provided for the purpose of conveying wheelchair bound passengers;
 - B. must, before the vehicle is put into motion, ensure that all wheelchairs and occupants are firmly secured to the vehicle by use of an approved restraint system and seatbelt(s). The wheel brakes

of any wheelchair should be set before the private hire vehicle is put into motion;

- C. must ensure that any wheelchair(s), equipment and passengers are carried in such a manner that no danger is likely to be caused to those passengers or to any other person, and in accordance with any statutory legislation or regulations;
- D. must be physically capable of loading and unloading passengers confined to an un-powered wheelchair.