

## Appendix 4

### DRAFT

#### Private Hire Driver Conditions of Licence

#### CONDITIONS ATTACHED TO PRIVATE HIRE DRIVERS LICENCES

#### SECTION 51 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)

#### ACT 1976

Each application for a private hire drivers licence will be considered on its merit. The following are Rossendale Councils standard conditions that are normally attached to the grant of a private hire drivers licence. However additional conditions or amendment to the standard conditions may be made as deemed appropriate in respect of each application granted. Failure to comply with any condition attached to the grant of the licence may lead to a review of the private hire driver's licence which could result in revocation or suspension of the licence

- 1 Drivers must comply with the Rossendale Council Licensed Driver Code of Conduct including the dress code
- 2 Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination (if it is safe and legal to do so).
- 4 Drivers must take all reasonable steps to ensure the safety of passengers entering or conveyed in or alighting from the vehicle, especially those passengers with a disability
- 5 Drivers must not, without the express consent of the hirer, drink or eat in the vehicle (water may be drunk) or play any radio or sound reproducing instrument or equipment in the vehicle other than for the sending or receiving messages in connection with the operation of the vehicle.
- 6 Drivers must at all times when driving a licensed private hire vehicle ensure that such vehicle is maintained in a roadworthy and both the inside and outside of the vehicle is in a clean condition.
- 7 Drivers must ensure that none of the markings / signs / notices that are required to be displayed on the private hire vehicle become concealed from public view or be so damaged or defaced that any information is rendered illegible.

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8. Drivers shall ensure that his/her driver's licence is worn in a conspicuous position and that if it becomes damaged / defaced or illegible in any way, the licensed driver shall obtain a replacement and surrender the original
- 9 Drivers of a private hire vehicle must if he/she is aware that the vehicle has been hired to be in attendance at an appointed time and place or he/she has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place punctually attend at the appointed time and place unless delayed or prevented by sufficient cause.
10. Drivers of wheelchair accessible vehicles are required to complete training on safe access/ egress and travel of passengers travelling in wheelchairs prior to driving a wheelchair accessible vehicle.
- 11 Drivers must undertake a daily inspection of the vehicle before the first fare paying passengers are in the vehicle whilst it is being used by the licenced driver. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors and seat belts. A written record must be made of each safety check, details of faults recorded and remedial action taken. The record must be completed by the driver undertaking the safety checks.
12. Drivers must check to ensure that all signage and notices that are required by Rossendale Councils' licensing conditions are appropriately fixed / attached to the licensed vehicle. A record must be made by the driver to confirm that the checks have been undertaken; this record must be available for inspection by an authorised officer of the council.
13. Drivers must ensure that where the vehicle is fitted with CCTV, the system is operational in accordance with the Councils CCTV policy requirements i.e. at all times that the vehicle is being used as a licensed vehicle (i.e. for the carriage of fare paying passengers).
- 14 Drivers must not tamper or otherwise interfere with the CCTV system or the footage that is contained within it (nor must the driver allow the system to be tampered or interfered with by any person that does not have the council's express authority to do so), except as would be expected in order to operate the system in accordance with the manufacturer's directions.
15. Drivers must not carry any pets/ animals owned by the driver/ vehicle licence holder in the vehicle. (Assistance dogs belonging to the passenger must be carried – unless the driver holds an exemption certificate issued on medical grounds)
- 17 Drivers must not, if driving a licensed vehicle fitted with a taximeter, cause the fare recorded on the meter to be cancelled or concealed until the hirer has had the opportunity of examining it and has paid the fare.

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- 18 Drivers must 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 taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.
- 19 Drivers must, if requested by the hirer, provide a written receipt for the fare paid, such receipt to include the name and badge number of the driver and the vehicle licence number, or if booked through an App or other electronic means, via e mail or similar method.
- 20 Drivers must not allow a greater number of people to be carried in a licensed vehicle than that indicated on the vehicle licence/ plate In addition drivers must ensure that seat belt legislation is complied with in respect of all children conveyed in the vehicle.
- 21 Drivers must not allow to be conveyed in the front of a licensed vehicle:
- more than one person unless the vehicle is manufactured to carry two front seat passengers and seat belts are fitted for both passengers, or
  - any child under the age of 10 years old,
  - any person between the ages of 10 and 18 years old, unless the passenger is part of a group that includes at least one person over the age of 18, or all other passenger seats in the vehicle are occupied by persons under the age of 18.
22. Drivers must not, without the consent of the hirer of the vehicle, allow any other person to be conveyed in the vehicle at that time.
- 23 Drivers shall drive to the destination by the shortest route unless an alternative route has been agreed with the hirer

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24 Drivers must, search the private hire vehicle after each hiring for any property which may have been accidentally left in the vehicle. Any lost property should be held at the operator's base in the area where the property was found, for a minimum of 21 days.

25 Drivers must notify the Council ***in writing without undue delay*** of any change in medical condition.

26 Drivers must at any time, or at such intervals as the Council may reasonably require, produce a certificate in the form prescribed by the Council signed by a registered medical practitioner to the effect that he/she is or continues to meet the medical standard required by the Council and remains physically fit to be a driver of a private hire vehicle.

27 Drivers must notify the Council in writing within 14 days providing full details of any conviction, binding over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on him / her during the period of the licence.

What should be reported?

- Any conviction (criminal or driving matter);
- Any caution (issued by the Police or any other agency);
- Issue of any Magistrate's Court summonses against you;
- Issue/ imposition of any fixed penalty notice for any matter;
- Any harassment or other form of warning or order within the criminal law including anti-social behaviour orders or similar;
- Arrest for any offence (whether or not charged).
- Any acquittal following a criminal case heard by a court.

28 Fixed Penalty Notices. This includes all motoring offences – whether endorsable or not and requirements to attend a Speed Awareness Course. This means that licence holders are required to notify the council if they opt to attend a speed awareness course rather than have their licence endorsed with penalty points

29 Drivers must subscribe and maintain subscription to the Disclosure and Barring Service Online Update Service which then removes the requirement to undergo a further DBS check unless an offence has been committed and renders the DBS check transferable between other taxi licensing authorities. Any costs associated with maintaining this subscription must be met by the licence holder.

30 Drivers must give permission for the council to undertake checks of their DBS status as and when required. The council will use the update service to monitor the criminal record of licence holders.

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- 31 Drivers must notify the Council in writing within 7 days of any change of operator through whom he/she works. This does not limit the ability of a licensed driver to accept bookings from more than one licensed operator.
- 32 The licence holder must notify the Council in writing within 7 days of any change of his/her address taking place during the period of the licence, whether permanent or temporary.
- 33 Drivers must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to those that will use it for the purpose for which it has been collected.
- 34 In line with ICO regulations, personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates. For example, telephone numbers provided by customers so that they can be alerted / updated by SMS text message with regard to a booking they have made must only be used for this purpose. The information must not be retained by the driver after the text message has been sent, and / or used for any other purpose (such as unsolicited marketing calls).

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## NOTES

**(i)** These conditions should be read in conjunction with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

**(ii)** Any person who commits an offence against any of the provisions of the Act of 1976 pursuant to Section 76 may be liable on summary conviction to a fine not exceeding level 3 on the standard scale or to such other penalty as expressly provided in the Act. The licence holder should ensure compliance at all times.

**(iii)** The use of a vehicle not licensed as a private hire vehicle to fulfil any private hire booking is prohibited even if no fare is charged for the journey or irrespective of when, how and to whom any fare is payable.

**(iv)** A child can travel in a licensed vehicle without a child car seat, however the following must be observed:

- a. children under 3 years of age can travel without a child's car seat or seat belt, but only on the back seat
- b. children aged 3 years or older can travel without a child's car seat if they wear an adult seat belt

**(v)** If at any time the conduct of the driver leads to concerns by the Council as to whether they remain a fit and proper to hold a licence, the Council will investigate the conduct and if satisfied that the driver is no longer fit and proper person the driver licence may be suspended or revoked.

**(vi)** Failure to declare any conviction within the required timescale together with the nature of the conviction will be taken into account in deciding whether a licence holder is a fit and proper person to hold a hackney carriage/private hire driver licence. This may result in the suspension, revocation or refusal to renew the hackney carriage/private hire driver licence.

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