



HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS CONDITIONS

TOWN POLICE CLAUSES ACT 1847 & LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

HACKNEY CARRIAGE /PRIVATE HIRE VEHICLE DRIVERS

SCHEDULE OF CONDITIONS OF LICENCE

1. INTRODUCTION

In these conditions, unless the subject or context otherwise requires, “the Council” means the Council of the District of Huntingdonshire, the District shall mean the District of Huntingdonshire District Council, the “driver” means a person holding and acting in accordance with a Hackney Carriage and Private Hire Vehicle Driver’s Licence issued by the Council and “the vehicle” means a hackney carriage or private hire vehicle licensed by the Council.

Words importing the masculine, feminine or neuter genders and any body of persons corporate or incorporate shall be deemed and taken to include all or any of the masculine, feminine and neuter genders and any body of persons corporate or incorporate and the singular shall include the plural and the plural the singular unless the contrary as to gender or number is expressly provided or unless the same is inconsistent with the context.

It is a criminal offence to drive either a hackney carriage or private hire vehicle without having a hackney carriage/private hire driver’s licence. This also applies when a vehicle is being used for social or domestic purposes. Once, licensed the vehicle remains a licensed vehicle for the duration of the licence, and can only be driven by a licensed hackney carriage/ private hire driver.

2. HIRE

2.1. A driver when plying for hire in a hackney carriage vehicle in any street and not actually hired shall:-

2.2. on arriving at a stand go to the head of the stand if it is empty or if it is not already occupied by the full number of vehicles authorised to occupy it, station the vehicle

immediately behind the vehicle or vehicles on the stand so that they face in the same direction;

- 2.3. from time to time when any other vehicle immediately in front is driven off or moved forward, shall move forward so as to fill the space;
- 2.4. remain with the vehicle and be ready to be hired at once by any person when his vehicle is the first or second vehicle on the stand.
- 2.5. The driver shall not by calling out or otherwise invite any person to hire the vehicle which he is using and shall not make use of the services of any other person for such purpose.
- 2.6. The driver shall when standing, plying or driving for hire, wear the badge provided, in such a place and manner as to be plainly and distinctly visible.
- 2.7. The driver who has agreed to be or has been hired to be in attendance with a 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.
- 2.8. The driver of a private hire vehicle shall:-
- 2.9. not tout or solicit, on a road or other public place, any person to hire or be carried in his vehicle;
- 2.10. not offer the vehicle for immediate hire whilst the driver is on a road or other public place;
- 2.11. before the commencement of a journey, confirm the passenger's name and destination. The driver shall confirm the fare before the commencement of the journey unless a sealed taximeter, which has been approved by the Council, is used in the vehicle.
- 2.12. When not engaged in a pre-arranged booking, must not park his vehicle in such a position or location on the public highway so as to give the impression to members of the public that the vehicle is available for immediate hire. Public highway means any highway and any other road to which the public has access and includes bridges over which a road passes.

3. CONDUCT OF DRIVER

The driver shall:-

- 3.1 at all times be clean and respectable in his dress and person and behave in a civil and orderly manner;
- 3.2 treat all passengers with politeness and courtesy;
- 3.3 take all reasonable steps to ensure the safety of passengers entering, conveyed in or alighting from the vehicle driven by him;

- 3.4 convey a reasonable quantity of passengers' luggage, giving passengers assistance with this to or from the entrance of any building, station or place at which he may take up or set down passengers;
- 3.5 not without the express consent of the hirer, eat or drink in the vehicle;
- 3.6 not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
- 3.7 at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle;
- 3.8 at no time discard litter on to the highway. All litter shall be deposited in an appropriate receptacle.

4. CARRIAGE OF PASSENGERS

- 4.1 The driver shall not convey or permit to be conveyed in the vehicle a greater number of persons than that prescribed in the licence for the vehicle.
- 4.2 The driver shall not without the consent of the hirer of the vehicle convey or permit to be conveyed any other person in that vehicle.
- 4.3 The driver is to ensure that a disabled person in a wheelchair shall be permitted to hire any hackney carriage licensed by the Council that is specifically constructed or adapted so as to be suitable for carrying passengers in wheelchairs at any designated taxi rank in the district regardless of that person's position in any queue at the rank and the position of the vehicle on the rank.
- 4.4 The driver shall not use the horn to alert a customer on arrival. Besides being an offence it causes significant residential and environmental nuisance. Offenders will be required to undertake appropriate training and a knowledge test at their own expense
- 4.5 Drivers need to be conscious of concerns that women or children might have about being alone with someone they do not know or only have limited knowledge of. It is very important when involved in conversations with passengers that drivers do not ask personal questions. It is wholly inappropriate and unacceptable that questions are asked about a passenger's private life or personal relationships, especially women or children.

5. ROUTES

- 5.1. The driver when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.

6. TAXIMETER

The driver of a hackney carriage shall:-

- 6.1 when standing or plying for hire, keep the meter of the vehicle locking in the position in which no fare is recorded on the face of the taximeter;
- 6.2 as soon as the vehicle is hired and before commencing the journey, bring the machinery of the taximeter into action until the termination of the hiring. The sign bearing the words "FOR HIRE" shall be operated so that these are not legible by persons outside the carriage as soon as the carriage is hired;
- 6.3 ensure, during the continuance of any hiring, that the display of the fare on the taximeter is not concealed in any manner or by any means and that such display is distinctly and plainly visible and legible to any person hiring or being conveyed in the vehicle;
- 6.4 cause the display of the fare on the taximeter to be kept properly illuminated throughout the hiring;
- 6.5 report immediately to the Council any failure of the taximeter;
- 6.6 not tamper with or permit any person to tamper with the taximeter, with the fittings thereof or with the seals affixed thereto.
- 6.7. Where a taximeter is an item of equipment in a private hire vehicle, the driver shall use the taximeter in a similar fashion to that in a hackney carriage, bringing the taximeter into action when the journey begins.

7. **FARE**

- 7.1 The driver of a hackney carriage shall not require for a journey a fare greater than that authorised by the Table of Fares in force within the district in respect of hackney carriages.
- 7.2 The driver of a private hire vehicle in which a taximeter is installed shall not require a fare greater than that shown in the Table of Fares by the private hire operator and approved by the Council. Where a journey is carried out under an agreement with the hirer (a contract of hire) the driver shall not require a fare greater than that which was agreed upon prior to the journey commencing.
- 7.3 The driver shall not wilfully or negligently cause or suffer the Fare Table fixed upon the vehicle to be inverted or detached or altered or the letters or figures on such Table to be in any manner or by any means concealed at any time.
- 7.4 The driver shall not use a hackney carriage in a district under a contract or purported contract of private hire except at a rate of fares or charges not greater than that fixed by the Table of Fares. (Such contract must be made otherwise than with or through the driver of the relevant hackney carriage vehicle which it is plying for hire or waiting at a stand for hackney carriages.)
- 7.5 The driver shall, if required by the hirer, provide a receipt for the fare paid.

7.6 The driver of a Private Hire vehicle shall not demand from any hirer of a licensed 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 meter and there has been no previous agreement as to the fare, any fare greater than that shown on the face of the taximeter for journeys that begin and end within the district.

8. **SIGNS**

The driver shall:-

8.1 Not wilfully or negligently damage the licence number marked on a vehicle or the licence plate and in the case of a hackney carriage the "TAXI" sign attached to the vehicle, to be concealed from the public view or to be so defaced that any figure or material particular is illegible;

8.2 When driving a hackney carriage ensure that the "TAXI" sign attached to the vehicle is illuminated when the vehicle is available for hire but not any other time.

9. **DEPOSIT OF DRIVER'S LICENCE**

A driver who is permitted or employed to drive a vehicle of which they are not the Proprietor shall, before commencing to drive that vehicle, deposit their hackney carriage/private hire vehicle driver's licence with the proprietor or the hackney carriage or private hire operator for their retention by the proprietor of the hackney carriage or private hire operator until such time as the driver ceases to be permitted or employed to drive the vehicle.

10. **PROPERTY LEFT IN VEHICLE**

10.1 The driver of a vehicle shall immediately after termination of any hiring or as soon as practicable thereafter carefully search the vehicle for any property which may have been left within it

10.2 The driver of a vehicle shall, take any property left in his vehicle and not claimed that day to a local police station within 24 hours of finding it.

11. **CONVICTIONS**

The licensee shall notify the council in writing within seven days of any offence for which he has been convicted whether for criminal or motoring offences including any official cautions and warnings.

12. **CHANGE OF PERSONAL DETAILS**

The Licensee shall notify the Council in writing of any change of name, address or telephone/mobile number, during the period of the licence, within seven days of the change taking place

13. **RETURN OF LICENCE AND BADGE**

If the driver licence is revoked or suspended the Licensee must return the licence and driver's badge to the Council, when instructed to do so.

14. **SMOKE FREE VEHICLES**

14.1 The Health Act 2006 (Smoke free legislation) requires drivers of hackney carriages and private hire vehicles to ensure that their vehicles remain smoke free at all times, even when the vehicle is not being used for licensed purposes. The law applies to anything that can be smoked. This includes:-

- cigarettes, pipes (including water pipes such as shisha and hookah pipes)
- cigars and herbal cigarettes, electronic cigarettes and vaping products

14.2 Drivers are to ensure that at least two legible no smoking signs are prominently displayed in the vehicle and are clearly visible to passengers...

Failure to comply with the requirements of this legislation will be a criminal offence.

15. **ANIMALS**

15.1 Licensed drivers must not refuse to carry an assistance dog, which is specifically trained to accompany their owner, unless the driver has an exemption certificate issued by Huntingdonshire District Council.

15.2 Assistance dogs accompanied by their owners shall be carried free of charge. All vehicles and drivers must comply with the requirements of the Equality Act 2010.

15.3 The driver shall not convey in any licensed vehicle any animal belonging to or in the custody of himself, or the Proprietor or operator of the vehicle. Any animal belonging to or in the custody of any passenger may be conveyed in the vehicle at the discretion of the driver. The driver shall ensure the animal is adequately restrained and kept in such a position so as not to distract the driver or otherwise be a cause of danger or nuisance.

16. **CONVEYANCE OF DEAD BODY**

A driver in whose vehicle a passenger dies shall notify forthwith the Council's Head of Service for Environmental Health that a dead body had been conveyed in his vehicle.

17. **FITNESS OF DRIVER**

17.1 A medical certificate to the group 2 medical standards, signed by a medical practitioner practising in the United Kingdom, shall be produced at the time of the initial application for the licence to confirm that the applicant is fit to be a driver licensed by the Council. Medicals shall be mandatory every 6 years (at licence renewal) until the age of 65yrs thereafter an annual medical will be mandatory

17.2 The driver of a vehicle must inform the Council without delay about the onset or worsening of any health condition likely to cause him/her to be a source of danger to the public when driving either at that time or in the future. Examples are giddiness, fainting, blackouts, epilepsy, strokes, multiple sclerosis, Parkinson's disease, heart disease, angina, "coronaries", high blood pressure, arthritis, mental illness, alcoholism, drug-taking and loss of limb or loss of use of limb.

This list is not comprehensive of all disabilities that must be reported. Drivers who are in doubt about whether or not their health condition is one which should be reported should consult their doctor.

18. **FITNESS OF VEHICLE**

Before commencement of duty a driver shall ensure that:-

- 18.1 The vehicle is licensed in accordance with the Council's regulations;
- 18.2 The vehicle is correctly insured as required by the Road Traffic Act;
- 18.3 The vehicle is in a fit and proper condition to be used as a vehicle licensed to transport members of the public.
- 18.4 The driver is to ensure that the vehicle is clean and mechanically sound, paying particular attention to lights, indicators, tyres and brakes.
- 18.5 All defects which affect the serviceability and performance of the vehicle must be reported immediately to the vehicle proprietor and/or operator for immediate action.

19. **ADVERTISEMENTS**

- 19.1 The driver of a vehicle shall not place or allow another to place any printed, written or other matter by way of advertisement on any part of the vehicle.
- 19.2 If the driver receives an objection from a passenger with regard to the operation of a digital in car advertising screen in the vehicle, it is to be turned off immediately.

20. **DURATION OF LICENCE**

- 20.1 The maximum period for which a dual driver's licence will be granted is three years (the licensing period). The Licensing Authority may exercise discretion and issue a licence of a shorter duration if it considers this to be reasonable given the individual circumstances e.g. right to work in the UK. The Licence may be renewed and shall remain in force unless suspended or revoked during the licensing period.
- 20.2 The driver shall, prior to the date of the licence expiry, make an application to the Authority for a renewal. If an application is not received by the renewal date the licence will lapse. Where operations continue after a failure to renew, prosecutions are likely to be authorised without notice.
- 20.3 Where operations continue after a failure to renew, prosecutions are likely to be authorised without notice.
- 20.4 All new applicants to undertake and pass the council approved safeguarding course.
- 20.5 All licensed drivers to undertake the safeguarding course prior renewal of 3 yearly licence.
- 20.6 All new applicants will be required to take and pass the HDC Knowledge Test.

- 20.7 All new applicants are to undertake the Council approved driving test before being granted a licence.
- 20.8 Where complaints of bad driving or serious driving offences are upheld this authority may require a driver to take the test to prove they are fit and proper to hold such a licence. A serious driving offence may include persons who have accrued 9 points for totting up offences within a 12 month period.
- 20.9 Any driver obtaining a Private Hire or Hackney Carriage Driver licence with a foreign EU or exchangeable licence as permitted under the Local Government (Miscellaneous provisions) Act 1976 part II will only be granted a licence for one year. Any subsequent application must be made using a full GB licence.
- 20.10 Applicants from outside of the UK with permissions to undertake Private Hire or Hackney Carriage type work will be required to submit a certificate of good conduct signed and stamped by the relevant embassy. The certificate must be translated into English and delivered as part of the application. This will only apply to applicants who cannot provide a full and continuous 5 year residency in the UK.
- 20.11 All drivers must register for the DBS (Disclosure & Barring Service) update service, and must nominate the Council to receive updates.

21. COMPLAINTS

- 21.1 The driver shall report to the proprietor or private hire operator any complaints made by passengers.
- 21.2 In individual cases where complaints of bad driving or serious driving offences are upheld this authority may require An existing driver to take the test to prove they are fit and proper to hold such a licence. A serious driving offence may include persons who have accrued 9 points for totting up offences within a 12 month period.

22. RIGHT OF APPEAL

Under Section 52 of the Local Government (Miscellaneous Provisions) Act 1976, any person aggrieved by the refusal of the Council to grant a Driver's Licence or any conditions attached to the grant of a Driver's Licence may appeal to a Magistrates Court.

NOTE: FAILURE TO COMPLY WITH THESE CONDITIONS MAY RESULT IN THE COMMENCEMENT OF CRIMINAL PROCEEDINGS, AND/OR IN THE SUSPENSION OR REVOCATION OF AN EXISTING LICENCE, OR IN THE REFUSAL TO ISSUE A NEW LICENCE.