

Hackney Carriage and Private Hire Drivers

Policy and Conditions of Licensing

**Approved & adopted by Stevenage Borough Council from 1st October
2014**

This document can be revised at any time to reflect Acts of Parliament, new legislation, associated revisions to existing legislation and/or policy changes.

Issued by:

Stevenage Borough Council
Leisure, Environmental Health and Children's Services
Daneshill House
Danestrete
Stevenage
SG1 1HN

Tel: 01438 242242

Fax: 01438 242142

Email: licensing@stevenage.gov.uk

Table of Contents

Definitions	3
Background	5
The Role of Licensing: Policy and Justification	5
Introduction	5
Objectives	5
Status	6
Implementation	6
Application Procedures and Service Standards	6
Consideration of Applications	7
Application for the initial grant of a Hackney Carriage and Private Hire Driver’s Licence	7
Competency	7
Right to work in the UK.....	7
Driver Tests	8
These requirements will continue to be monitored with the review and reform of the legislation by the Law Commission.	Error! Bookmark not defined.
English language	9
Driving Proficiency and Qualifications	9
Medical Examination	9
Disclosure and Barring Service (DBS) Checks	10
DVLA licence checks.....	11
Length of a Dual Drivers Licences.....	12
Existing Licence Holders	13
Renewal of a Dual Drivers Licences.....	13
DVLA licence checks.....	13
Medical Examination	13
Disclosure and Barring Service (DBS) Checks/Disclosure Scotland Checks	14
Length of a Dual Drivers Licences.....	14
Late Applications	14
Driving Proficiency and Qualifications	15
APPENDIX A	16
Powers and Duties	16
CONDITIONS OF LICENCE – DRIVERS	16
DEFINITIONS.....	16
GENERAL	17
CONDITIONS.....	17
CONDUCT OF DRIVER	17
FITNESS OF DRIVER.....	18
FARES AND JOURNEYS	19
DUTIES OF LICENCE HOLDER.....	20
LOST PROPERTY	21
ACCIDENT REPORTING.....	21
CARRIAGE OF ANIMALS.....	21
WHEELCHAIR ACCESSIBLE VEHICLES	22

Definitions

Appeal	A review of our decision. Appeal is to the Magistrates' Court or the Crown Court. The Courts may uphold our decision (agree with the Local Authority), or overturn it (agrees with you).
Conviction	A court decides someone is guilty of a crime.
District	The area covered by Stevenage Borough Council
Driver	The person licensed by a local licensing authority to drive a licensed vehicle.
Conviction free period	A period without any further convictions.
Fit & proper person	A person who we think has the right skills and ability assessed throughout the application process, because, for example, they: <ul style="list-style-type: none">▪ Are no threat to the public▪ Have a good knowledge of the district▪ Are healthy▪ Are of good character
Hackney carriage	A vehicle that can carry passengers for hire or reward. The vehicle can be hailed by its passenger from the street; can park on a rank while waiting for its passenger; is available for immediate hire.
Mitigating circumstances	Circumstances, which can be presented to the licensing authority to explain what happened which may reduce its seriousness and aid with determination of an application
Private hire vehicle	A vehicle that can carry passengers by prior arrangement only through a licensed operator. This type of vehicle cannot stand on a rank, or give the impression that it is available for immediate hire.
Proprietor	The person(s), partnership or company named on, and who are in possession of a licensed vehicle.
Operator	An individual or business that invites or accepts bookings for private hire, and sometimes, hackney carriage vehicles.
Refuse/	We made a decision not to give the licence.

Refusal	
Revoke	To take away a licence permanently.
Suspend	To take away a licence temporarily.
Verbal warning	A spoken statement saying that although a conviction or complaint was not serious enough for a written warning, the matter has caused us concern as regards to the person's suitability to hold a licence. Similar or repeat behaviour in the future could lead to suspension, or revocation of a licence.
Written warning	A letter saying that although a conviction or complaint was not serious enough for us to suspend, or revoke the licence, the matter has caused us concern as regards to the person's suitability to hold a licence. Similar or repeat behaviour in the future could lead to suspension, or revocation of a licence.
The Council	Stevenage Borough Council
PHV	Private Hire Vehicle
PHO	Private Hire Operator
DBS	Disclosure and Barring Service
DSA	Driving Standards Agency
DVLA	Driver and Vehicle Licensing Agency
MOT	Ministry of Transport – annual motor vehicle inspection
GP	General Practitioner

Background

Stevenage Borough Council has responsibility for licensing hackney carriage and private hire vehicles, drivers and operators within the district of Stevenage.

The Role of Licensing: Policy and Justification

The aim of local authority in its licensing of the taxi and PHV trades is to protect the public. Stevenage Borough Council is aware that the public should have reasonable access to taxi and PHV services, because of the part they play in local transport provision.

Licensing requirements which are unduly stringent will tend unreasonably to restrict the supply of taxi and PHV services, by putting up the cost of operation or otherwise restricting entry to the trade. The Council recognise that too restrictive an approach can work against the public interest and can, indeed, have safety implications.

For example, it is clearly important that somebody using a taxi or PHV to go home alone late at night should be confident that the driver is competent and that the vehicle is safe.

However, if the supply of taxis or PHV's has been unduly constrained by onerous licensing conditions then that person's safety might be put at risk by having to wait on late-night streets for a taxi or PHV to arrive; he or she might even be tempted to enter an unlicensed vehicle with an unlicensed driver illegally plying for hire.

Introduction

Objectives

In setting out our procedures and conditions of licensing, the Council seeks to promote the following objectives:

- The protection of public health and safety.
- The establishment of a professional and respected hackney carriage and private hire trade.
- Public access to an efficient and effective public transport system.
- The protection of the environment.

The aim of the licensing process, in this context, is to regulate the hackney carriage and private hire trade in order to promote the above objectives, with consideration to licence holders being fit and proper persons.

It is Stevenage Borough Council's wish to facilitate well run and responsible businesses which display sensitivity to the wishes and needs of the general public.

Status

In exercising its discretion when carrying out its regulatory functions, the Council will have regard to this document and the objectives set out therein.

Notwithstanding the existence of this document and any other relevant Council policy, each application or enforcement measure will be considered on its own merits.

Where it is necessary for the authority to depart from its policies, reasons will be given for doing so to the licence holder(s).

Implementation

Upon implementation of this document, the Council expects licence holders to comply with its terms and conditions from its affective date.

It is acknowledged, however, that certain provisions may place financial obligations on existing licence holders and, accordingly, the Council will permit a transitional period, during which necessary changes must be made (hereinafter referred to as Grandfather Rights), or until such time that a further licensing application is made. Where Grandfather Rights apply they are described within that individual condition.

Application Procedures and Service Standards

The Council will:

- Process any new or renewal application within **four** working days of receiving a completed application form and all associated documentation;
- Process any other applications or notifications, such as change of address or vehicle transfer, within **four** working days of receipt of all required documents and forms

Please note that working days as outlined above are defined as Monday to Friday, excluding public/bank holidays.

The Council will send written reminders to existing licence holders in advance of the expiry date of the current licence. **Written reminders may be by post, email or text messaging service.**

Where any application is received less **than ten** working days prior to the expiry of the current licence, the Council cannot guarantee completion before the expiry of the current licence and, consequently, the licence may expire. In

this case the driver or vehicle concerned would not be licensed and consequently would be unable to work.

Consideration of Applications

The application procedures for hackney carriage or private hire licences are not prescribed by law, but are described below.

The Council will consider all applications, on their own merits, once it is satisfied that the application's criteria have been met and the application form and supporting documents have been correctly completed and received by the Council.

The Council will also have regard to its Policy Statement on Convictions when considering both new and renewal applications for dual driver's licences.

Application for the initial grant of a Hackney Carriage and Private Hire Driver's Licence

The Council has decided that as the criteria for private hire and hackney carriage drivers are the same, dual licences will be issued that will enable any licensed driver to drive both hackney carriage and private hire vehicles.

Competency

Stevenage Borough Council believes that hackney carriage and private hire drivers are professional drivers whose driving abilities and standards should be of the highest calibre from the time an applicant is first granted a licence and badge.

The Council recognises that private hire and hackney carriage drivers are lone workers, who occasionally have to manage difficult customers whilst, simultaneously, having to drive a vehicle safely and to high standards. Consequently, in addition to the legal requirement for applicants to have held a full UK driving licence or equivalent for at least 12 months, the Council requires applicants for hackney carriage or private hire driver's licences to demonstrate their competency by passing the tests described below.

Right to work in the UK

The prevention of illegal migrant working in the UK is governed by sections 15 to 25 of the Immigration, Asylum and Nationality Act 2006. As a result of this legislation and the Department for Transport Best Practice Guidance the Council now has a responsibility to ensure that it only issues licences to persons who have a legal entitlement to work in the United Kingdom.

Proof of the right to work in the UK must therefore always be provided when any new applications are received. This requirement is for all applicants for all of the licensing permits we cater for with regards to Hackney Carriage and Private Hire licensing.

The Home Office through the UK border agency has compiled a list of documents which prove that an individual has the right to work in the UK. Documents will fall into either list “A” or list “B”. These lists, which may be updated from time to time, can be found on the UK Border Agency’s web-pages.

As a rule, an applicant will need to provide either:

- One document from list “A”. These documents show an on-going right to work in the UK.
- If you are unable to produce a document from list “A”, you will be required to supply documentation from list “B”. These documents will show a right to work in the UK for up to 12 months.

The above documents will need to be presented as originals, unless certified as a true copy of the original by a Solicitor, Doctor or other agreed notary. Scanned copies or faxed copies will not be accepted.

Driver Tests

Stevenage Borough Council considers that licensed drivers need a good working knowledge of the area for which they are licensed. In particular, applicants for licences who are not resident in or familiar with, the Stevenage area benefit from studying for and passing the local knowledge test.

In order to maintain the high standards that the Council expects of its drivers, a licence will not be granted unless the Council is satisfied that the applicant is a ‘Fit and Proper’ person. The Council considers that the Knowledge Test’ is a relevant question to be asked in helping to decide who is a ‘Fit and Proper’ person, in this context.

An applicant’s ability to find destinations easily, have a working knowledge of the licensed district, have a good working knowledge of the Highway Code and the legislation relevant to the use of hackney carriage and private hire vehicles is seen as a fundamental skill in providing a safe, quality, service to passengers.

In order to determine an applicants ‘Fitness’ in this respect, applicants will be required to undertake a written test as to their knowledge of:

- the topography of the Stevenage Borough Council licensed district and its immediate surroundings;
- the Highway Code;
- the statutory legislation relating to hackney carriage and private hire vehicle use;
- the conditions of licensing for hackney carriage vehicles, private hire vehicles, drivers and operators within the Stevenage licensing district;
- relevant road traffic legislation; and
- basic numeracy and literacy

It is recommended that new applicants be permitted no more than three (3) attempts at undertaking the Knowledge Test as part of the initial application process.

Should an applicant fail on three (3) occasions, it is suggested that they allow a further period of self-improvement of three months before they undertake the knowledge test again.

English language

All applicants will be required to take an English language test. The Council believes this is vital to ensuring that the licensed driver is safe and can deal with potentially volatile customers that they may encounter during their work. It is also important that the customer can easily communicate with the licensed driver for the purposes of receiving good customer service.

It is recommended that new applicants be permitted no more than three (3) attempts at undertaking the spoken English test as part of the initial application process.

Should an applicant fail on three (3) occasions, it is suggested that they allow a further period of self-improvement of three months before they undertake the test again.

Driving Proficiency and Qualifications

Stevenage Borough Council recognises the initial Driving Standards Agency (DSA) driving test, and the requirements to have held a full drivers licence for a minimum period of 12 months before application. However, this test does not necessarily provide an adequate standard of driving competency for drivers of hackney carriage and private hire vehicles, particularly for those persons newly applying to obtain a licence.

The DSA provides a driving assessment specifically tailored for drivers of hackney carriage and private hire vehicles, which can, where necessary, include the element of wheelchair accessibility for persons considering the purchase or driving of a wheelchair accessible vehicle.

All new applicants for driver licences are, therefore, required to take and pass the DSA hackney carriage/private hire test before a licence will be granted. Those applicants intending to drive a wheelchair accessible vehicle should include that element of the DSA test.

Medical Examination

The following is an extract from The Department of Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance: -

'It is clearly good practice for medical checks to be made on each driver before the initial grant of a licence and thereafter for each renewal. It is common for licensing authorities to apply the 'Group 2' medical standards -

applied by DVLA to the licensing of lorry and bus drivers - to taxi and PHV drivers. This seems best practice.'

The Council has decided that each applicant for the grant of a driver's licence will be required to undergo all components of a Group 2 medical examination with their own General Practitioner (GP), to assess their physical, mental and visual fitness to drive a licensed vehicle. The medical examination report must be returned to the Council before a licence will be determined.

The Group Two (2) standard precludes the licensing of drivers with insulin treated diabetes, however, exceptional arrangements do exist for driver's with insulin treated diabetes who can meet a series of medical criteria, to obtain a licence to drive category C1 vehicles. The position is summarised at Annex B to the Guidance from the Secretary of States Honorary Medical Advisory Panel on Diabetes Mellitus and Driving.

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 reaching forty five years of age and every five years thereafter. On reaching the age of sixty five years applicants will be required to undergo an annual medical examination.

Licensed drivers must advise the Council as soon as reasonably practicable, but no later than seven (7) days after notification, of any deterioration of their physical, mental or visual health that may affect their fitness to drive a licensed vehicle.

Where there is any doubt as to the medical fitness of any applicant or licence holder, the Council may require that person to undergo a medical examination by a medical practitioner as nominated by the Council.

Disclosure and Barring Service (DBS) Checks

Public safety is the first priority in all aspects of hackney carriage and private hire licensing. Consequently, DBS checks every three (3) years, or sooner if required and the declaration on each renewal application form of any convictions or cautions, both criminal and motoring, are an essential requirement of the licensing process.

Applicants for all licence types are therefore required to disclose on their first application all convictions, cautions, warnings or reprimands received including those that would have previously been regarded as spent under the Rehabilitation of Offenders Act 1974, by completing the relevant section of the respective licence application form.

Failure to declare any conviction, or caution, may result in the immediate suspension of a licence, or depending on the nature of the conviction, caution or other warning, an appearance before the General Purposes committee.

Before an application for a dual driver's licence can be considered, the Council must be in receipt of the enhanced DBS Disclosure related to that

applicant. The applicant must apply for the disclosure via Stevenage Borough Council, and provide the licensing department with the certificate results. Disclosures from third parties will only be accepted if they are within the same workforce category, and dated within 3 months of a completed application being made to the Licensing Authority.

Applicants for a driver's licence who come from elsewhere in the EU and other overseas countries, who have been resident in the United Kingdom for less than five years, will also be required to provide Certificate(s) of Good Conduct (Citizenship) from each country that they have resided in for the five(5) years prior to obtaining residency in the UK.

Applicants should be aware that the DBS application can take up to eight (8) weeks to process, and in some instances checks could take up to three (3) months to be completed. Therefore applicants are encouraged to make their applications in good time and in all instances after the initial grant of a drivers licence, prior to the expiry of a current DBS certificate.

Licence holders may wish to subscribe to the DBS online update service. For a charge of £13 per annum you will:

- have a DBS certificate that is up-to-date;
- have a DBS certificate that can be taken from role to role within the same workforce.

This will enable employers to carry out free, online checks of an individual's disclosure certificate, once consent has been provided, to check that your certificate is up to date.

You will also benefit from not having to submit a new mandate application every three years as would normally be required.

DVLA licence checks

Applicants for the initial grant of a dual drivers licence will be required to complete a driver's licence check with the DVLA, which will either be applied for direct, or through an intermediary body acting as an agent of behalf of the licensing authority.

These checks will then be required annually, or at such time specified by the licensing authority for drivers with 7 or more penalty points on their DVLA issued drivers licence.

Reference here to motoring offences will also be made to our Policy on Convictions for persons with 6 or less points on a case by case basis, as is the current working practice.

For all new applicants whose drivers licence has been issued by a country within the European Union (EU), the DVLA have advised that they will no longer be issuing paper counterparts automatically.

Therefore, Stevenage Borough Council will require all applicants whose drivers licence has originally been issued by an EU member state to apply to the DVLA to have their EU licence converted to an UK drivers licence before any licence for the provision of Hackney Carriage and Private Hire driving is issued to them.

Length of a Dual Drivers Licences

The initial grant of a hackney carriage and private hire driver's licence will be for a period of up to one (1) year, and issued for an annual period thereafter.

Existing Licence Holders

Renewal of a Dual Drivers Licences

Each year, the holder of a dual drivers licence will be required to complete and submit to the licensing authority a completed application form accompanied with two (2) passport sized photographs. The application will also need to be accompanied with the application fee required for this.

In addition, applicants will be required to complete the following:

DVLA licence checks

Applicants renewing their dual drivers licence will be required to complete a driver's licence check with the DVLA, which will either be applied for direct, or through an intermediary body acting as an agent of behalf of the licensing authority.

These checks will be required annually as part of the renewal process, or at such time as specified by the licensing authority for drivers with 7 or more penalty points on their DVLA issued drivers licence.

Medical Examination

The Council has decided that each applicant for the grant of a driver's licence will be required to undergo all components of a Group 2 medical examination with their own General Practitioner (GP), to assess their physical, mental and visual fitness to drive a licensed vehicle. The medical examination report must be returned to the Council before a licence will be determined.

The Group Two (2) standard precludes the licensing of drivers with insulin treated diabetes, however, exceptional arrangements do exist for driver's with insulin treated diabetes who can meet a series of medical criteria, to obtain a licence to drive category C1 vehicles. The position is summarised at Annex B to the Guidance from the Secretary of States Honorary Medical Advisory Panel on Diabetes Mellitus and Driving.

Since April 2009, licence holders were required to undergo a Group 2 medical examination on reaching forty five years (or age as above 45 at this time), and every five years thereafter. On reaching the age of sixty five years applicants will be required to undergo an annual medical examination.

Licensed drivers must advise the Council as soon as reasonably practicable, but no later than seven (7) days after notification, of any deterioration of their physical, mental or visual health that may affect their fitness to drive a licensed vehicle.

Where there is any doubt as to the medical fitness of any applicant or licence holder, the Council may require that person to undergo a medical examination by a medical practitioner as nominated by the Council.

The Licensing Department will notify licence holders in writing, either by letter, email or text message as to when their medical is required to be re-completed.

Disclosure and Barring Service (DBS) Checks/Disclosure Scotland Checks

Applicants for the renewal of a driver's licence must renew their enhanced CRB disclosure every three years, or sooner if required, as well as declaring on each renewal application form any convictions, cautions, warning or reprimands, both criminal and motoring, and will be required of all licence holders of a dual drivers licence.

Applicants for dual drivers licence are therefore required to disclose all convictions, cautions, warnings or reprimands received within the previous twelve (12) months, or since the last grant of their dual driver's licence, including those that would have previously been regarded as spent under the Rehabilitation of Offenders Act 1974, by completing the relevant section of the respective licence application form.

Licensed drivers are obliged to notify the Council, without delay and in any case within seven (7) days of receiving notification, of any criminal or motoring convictions, cautions, warnings or reprimands that they receive during the term of a licence, and of any arrest or pending court appearances.

Failure to declare any conviction, caution, warning or reprimand may result in the immediate suspension of a licence for a specified period, or depending on the nature of the conviction, caution or other warning, an appearance before the General Purposes committee.

The Licensing Department will notify licence holders in writing, either by letter, email or text message as to when their DBS will be required to be re-completed.

Length of a Dual Drivers Licences

The renewal of a hackney carriage and private hire driver's licence will be for a period of up to one (1) year, and will be issued for an annual period thereafter.

Late Applications

In the event that a renewal application for a driver's badge is not received prior to the expiry of the existing licence the application will not be treated as a renewal, save for when there are demonstrated exceptional circumstances as to why the application could not have been made in good time (licence holder having to attend a family matter abroad as an example).

In each instance, the application as received will be reviewed and considered on its own merits.

In all other instances and up to six months from when the previous dual drivers licence has expired, such applications will be treated as a grant of a licence, requiring the applicant to complete and submit the following;

- a new medical examination;
- a new DBS disclosure; and
- a D.V.L.A. disclosure.

The decision to grant the licence will not be made until all the relevant documentation as outlined above has been received and processed by the Council.

Applications received outside six months will be treated as a new application in all instances, and the applicant will be required to complete all of the requirements as stipulated for a new licence holder.

Driving Proficiency and Qualifications

Existing holders of hackney carriage or private hire driver licences will not be required to undertake the DSA test as a matter of course, however, those licensed drivers who:

- attract a complaint about their standard of driving;
- are involved in a blameworthy road traffic collision;
- commit an offence or offences for which they receive a Fixed Penalty Notice fine and/or points;
- commit an offence or offences for which they appear at Court and receive points and/or a fine;
- accumulate 7 or more penalty points on their DVLA issued drivers licence, or
- for any other reasonable cause

may be required to undertake the DSA test to assure the Council that they remain a 'Fit and Proper' person to continue to hold such a licence.

APPENDIX A

Powers and Duties

These conditions of licensing are written pursuant to the powers conferred by the Local Government (Miscellaneous Provisions) Act 1976, as amended, which places on Stevenage Borough Council the duty to carry out its licensing functions in respect of hackney carriages and private hire vehicles.

CONDITIONS OF LICENCE – DRIVERS

The following specifications and conditions of licence are made by Stevenage Borough Council in pursuance of the 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 Stevenage Borough Councils' Licensing Office.

DEFINITIONS

In these conditions: -

'the 1976 Act' shall mean the Local Government (Miscellaneous Provisions) Act 1976 (as amended)

'the Council' shall mean Stevenage Borough Council.

'Authorised Officer' shall mean a Licensing Officer authorised in writing by Stevenage Borough Council.

'the hirer' shall mean any person who, from time to time, hires or books the vehicle.

'the licensee' and 'the driver' shall mean the person(s) named in the licence.

'the operator' shall mean any person or company or partnership licensed by the Council to operate private hire vehicles.

'the vehicle' shall mean the vehicle named in the licence.

GENERAL

All licensed vehicles shall 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 Equalities Act 2010

CONDITIONS

CONDUCT OF DRIVER

The holder of a private hire driver's licence shall comply with the following conditions:

- 1.1. The driver shall, at all times, when acting in accordance with the driver's licence granted to them, wear such 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 initials and family 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 cause 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 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 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 condition for each journey undertaken.
- 1.12. The private hire 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 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 the 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.

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 from their own General Practitioner (GP) 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 reaching forty five years of age and every five years thereafter. On

reaching the age of sixty five years applicants will be required to undergo an annual medical examination.

Licensed drivers must advise the Council of any deterioration of 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 by their own GP or, if necessary, a Medical Practitioner designated by the Council.
- 2.4. A driver must cease driving any licensed 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

FARES AND JOURNEYS

- 3.1. The driver shall, if requested by the hirer, provide the hirer with a written receipt for the fare paid.
- 3.2. If the private hire vehicle is fitted with a taxi-meter *and a fare has not been agreed in advance with the operator who accepted the booking*, then the driver of a private hire vehicle shall: -
 - 3.2.1. unless the hirer expresses, at the commencement of the journey, his/her desire to engage by time alone (agree the fare before the journey commences), bring the meter into operation at the commencement of the journey;
 - 3.2.2. 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 taxi-meter 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;

- 3.2.3. 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;
- 3.2.4. 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
- 3.2.5. 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.
- 3.3. In the event of a journey commencing in, but ending outside Stevenage Borough Council'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'.

DUTIES OF LICENCE HOLDER

- 4.1. The private hire 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 Constable.
- 4.2. The driver must notify the Council in writing, within seven (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 and ceased.
- 4.3. **Dual driver licences** remain the property of the Council at all times. They must be returned forthwith when the licensee ceases to be engaged or employed as a private hire driver, the licence expires and is not renewed. **In the instance where the licence is suspended or revoked, the licence holder will be required to return both the drivers badge and paper counterpart to the Licensing authority.**
- 4.4. The driver must notify the Council in writing, within seven (7) days, of any change of personal address or change of private hire operator.
- 4.5. The driver must notify the Council in writing, within seven (7) days, of any criminal or motoring Conviction, 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.

- 4.6. The licensed driver must submit an enhanced disclosure and barring service certificate to the Council every three (3) years *or sooner if required*. This must be obtained through Stevenage Borough Council as the registered body; *third party certificates for the same workforce group can now be accepted*.
- 4.7. The licensee shall submit an application for the renewal of this licence and all required original documentation, to the Council, at **least ten (10)** days prior to the expiry of the current licence.

LOST PROPERTY

- 5.1. The driver of a private hire vehicle 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 it should, as soon as possible but in any event within forty eight (48) hours be handed in at the nearest Police Station. A receipt or Found Property Register number must be obtained at that time.

ACCIDENT REPORTING

- 6.1. A proprietor, or driver of a private hire vehicle shall report to the Council, in writing, as soon as reasonably practicable, and in any case within seventy two (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.

CARRIAGE OF ANIMALS

- 7.1. A driver must not carry in a private hire 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 *in accordance with the Equalities Act 2010*. 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.

WHEELCHAIR ACCESSIBLE VEHICLES

All drivers of wheelchair accessible vehicles (WAV's): -

- 8.1. must be fully conversant with the correct method of operation of all ramps, lifts, wheelchair restraints and any ancillary equipment provided for the purpose of conveying wheelchair bound passengers;
- 8.2. 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;
- 8.3. 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;
- 8.4. must be physically capable of loading and unloading passengers confined to an un-powered wheelchair, unless an exemption has been applied for, and granted to the holder of a dual driver's licence that excludes them from completing this task.