

Hackney Carriage and Private Hire Drivers Licence and Pre-Licence Conditions

1 Introduction

1.1 In order that a reliable Hackney Carriage/Private Hire service of an acceptable standard is provided under a Rochford District Council licence, the following conditions will apply at all times. These conditions may be amended or varied by the Council at any time.

2 Pre-Licensing Conditions

2.1 In order that licensed drivers are reliable and of a good standard, a person being considered for a Hackney Carriage Drivers/Private Hire Licence shall satisfy all aspects of the Council's Pre-Licensing Conditions.

2.2 A person being considered for a Hackney Carriage/Private Hire Drivers Licence shall:

- (a) Pass a Test in respect of the Knowledge of the streets in the District of Rochford and answer questions on byelaws and the conditions of licence.
- (b) Be over 21 years of age.
- (c) Be vetted by the Criminal Records Bureau. Applicants are required to complete a form for this purpose (obtainable from Rochford District Council) and return it together with the appropriate fee to Rochford District Council.
- (d) Pass a Medical Examination by the Applicant's General Practitioner to the criteria laid down in "Medical Aspects of Fitness to Driver" (Group 2 Standard), and produce a medical certificate in the form prescribed by Rochford District Council.
- (e) Produce a current Passport or Birth Certificate.
- (f) Produce their full DVLA driver's licence, which should be in good condition and must display the applicant's current address.
- (g) Supply four passport size photographs.
- (h) Supply the names and addresses of two people for character references
- (i) Have held a full licence to drive a motorcar for not less than three years immediately prior to making the application for Hackney Carriage/Private Hire Drivers Licence.
- (j) Not have been convicted of three or more Motoring Offences in the previous three years.

- (k) Not have been convicted of a serious Motoring Offence during the previous three years.
- (l) Not have been convicted of a Criminal Offence (e.g. theft) during the previous three years.
- (m) Not have been convicted of a serious Criminal Offence e.g. causing grievous bodily harm or sexual offence during the previous seven years and not have been convicted of a criminal offence which is not otherwise "spent" under the terms of the Rehabilitation of Offenders Act 1974.
- (n) Not have received a Police Caution for a Criminal Offence within the previous twelve months.

2.3 A person wishing to renew their Hackney Carriage/Private Hire Drivers Licence who has not held one during the previous one month shall be treated as a new applicant.

2.4 The applicant, in person, must present the application form together with all relevant documentation to Rochford District Council.

3 Restricted Private Hire Driver's Licence

3.1 A Restricted Private Hire Driver's Licence will only be issued to drivers carrying out specified journeys in Private Hire vehicles, not carrying taximeters.

3.2 The driver must pass a test in respect of questions on the licence conditions.

3.3 The driver must meet the Pre-Licensing Conditions in all other aspects.

3.4 Drivers issued with a restricted Private Hire Driver's Licence wishing to drive a Private Hire vehicle for general use on a circuit within the District, must submit themselves for knowledge test.

3.5 Action will be taken against any driver with a restricted Private Hire drivers licence found driving a Private Hire vehicle for general use within the District.

4 Appeal

4.1 All relevant facts will be taken into account when consideration is given to an application for a driver's licence and it may be that additional or higher standards will be imposed.

4.2 Any person aggrieved by a decision of the Council to refuse to grant a licence has the right to appeal initially to the Appeals and Licensing Committee but subsequently to the Rochford and Southend-on-Sea Magistrates' Court within 21 days of that decision.

5 Conduct of a Driver

5.1 A person shall not drive a Private Hire vehicle for hire and reward without a Private Hire Driver's Licence. A person shall not drive a Hackney Carriage vehicle for public hire without a Hackney Carriage Driver's Licence. The holder shall also produce that licence for examination by their proprietor both at the commencement of their employment and immediately after its renewal.

- 5.2 The Driver of a Hackney Carriage/Private Hire shall, when requested by the person who has hired the vehicle:
- (a) Convey a reasonable quantity of luggage.
 - (b) Afford reasonable assistance in loading and unloading such luggage.
 - (c) Afford reasonable assistance in removing such luggage to or from the entrance of any building, station or place at which they may pick up or set down such person.
- 5.3 The Driver of a Hackney Carriage/Private Hire vehicle when hired to drive to any particular destination shall, subject to any direction given by the hirer, proceed to such destination by the shortest possible route.
- 5.4 The driver shall be clean, respectable and act with civility towards every person travelling in the vehicle and shall comply with his or her reasonable requirements.
- 5.5 The wearing of **Vest or Singlets** is prohibited. Shorts may be worn only if properly tailored and of sufficient length when the driver is seated as not to offend against decency.
- 5.6 The driver will take all reasonable precautions to ensure the safety of persons travelling in or alighting from such vehicle and attend to the needs of any person with a disability whether wheelchair bound or not. No charge will be made for the carriage of a wheelchair.
- 5.7 The driver shall not at any time, whilst carrying passengers for hire and reward, smoke tobacco or use a mobile phone.
- 5.8 The driver of a Hackney Carriage/Private Hire vehicle shall not by calling out or otherwise importune any person to hire the vehicle and shall not make use of the service of any other person for the purpose.
- 5.9 The person authorised by the proprietor of Hackney Carriage/Private Hire to act, as the driver of the vehicle shall not permit any other person to act as driver of the vehicle without consent of the proprietor.
- 5.10 The driver of Hackney Carriage/Private Hire shall not tamper with or permit any person to tamper with the taximeter with which the vehicle is provided.
- 5.11 The driver of a Private Hire vehicle may not wait on a taxi rank or ply for hire. All journeys must be pre-booked through the operator.
- 5.12 The driver shall comply with Rochford District Council's Licence Conditions as to Hackney Carriages or Private Hire vehicles.
- 5.13 A driver shall not obstruct or hinder another Hackney Carriage driver in any way.

6 **Passengers**

- 6.1 The driver shall not convey or permit to be conveyed in a Hackney Carriage/Private Hire vehicle a greater number of persons than that prescribed on the licence for the vehicle.
- 6.2 No person shall be carried in Hackney Carriage/Private Hire when hired, without the express consent of the person hiring the vehicle.

7 **Lost Property**

- 7.1 The Driver of a Hackney Carriage/Private Hire shall immediately after termination of the hiring carefully search the vehicle for any property that may have been accidentally left in the vehicle.
- 7.2 The driver shall on finding such property carry it as soon as possible and in any event within 48 hours to Rochford District Council.
- 7.3 The driver shall be entitled to receive from any person to whom the property shall be re-delivered, an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the Office of the Council, whichever be the greater) but not more than five pounds.

8 **Written Receipts**

- 8.1 The driver shall if requested by the hirer of a Hackney Carriage/Private Hire vehicle, provide him/her with a written receipt for the fare paid.

9 **Animals**

- 9.1 A driver of Hackney Carriage/Private Hire is required to carry a Guide, Hearing or Assistance Dog free of charge.
- 9.2 A driver who has a proven medical condition that prevents him/her carrying a Guide, Hearing or Assistance Dog when driving a Hackney Carriage/Private Hire must obtain a Driver Exemption Certificate and **display it clearly** at all times when driving the vehicle. A driver is responsible for informing his employer of such a condition when first employed or, if such condition occurs subsequently, at that time.

10 **Prompt Attendance**

- 10.1 The driver of a Hackney Carriage/Private Hire vehicle shall punctually attend a hiring at the appointed time and place unless unavoidably delayed or prevented.
- 10.2 When picking up the hirer. The driver shall make his presence known in person and shall not attract the hirer's attention by sounding their horn or shouting.

11 Documents

- 11.1 The driver shall at all times when driving a Hackney Carriage/Private Hire vehicle, carry with them a copy of:
- (a) These conditions and make them available for inspection by the hirer or any other passenger on request.
 - (b) Rochford District Council Licence Conditions as to Hackney Carriage or Private Hire vehicles.

12 Use of Unlicensed Drivers

- 12.1 The use of an unlicensed driver is strictly forbidden. If a driver wishes to be employed in such a capacity, then they must deposit with the proprietor a copy of their licence, which authorises them to drive, as well as a Hackney Carriage/Private Hire driving licence issued by Rochford District Council. The proprietor will retain that copy until such time as the driver ceases to be permitted or employed to drive a Hackney Carriage vehicle.
- 12.2 No licensed driver shall act as a Hackney Carriage or Private Hire Driver without the consent of the proprietor.

13 Change of Address

- 13.1 If a driver changes their address they must notify Rochford District Council in writing within seven days.

14 Convictions

- 14.1 A Hackney Carriage/Private Hire driver must disclose cautions, convictions, charges, driving offences or disqualifications to the Hackney Carriage Office.
- 14.2 In the event that the licence holder is charged or summonsed for any alleged criminal offence, they shall within **seven** days of being charged or on receipt of the summons, report the fact, in writing, to Rochford District Council. Particulars of each alleged offence and in which Court the proceedings are pending must be supplied.
- 14.3 In the event that the licence holder is cautioned or convicted of any criminal offence, they shall, within **seven** days, report such caution or conviction in writing to Rochford District Council. Particulars of each caution or conviction, and any penalty imposed must be supplied.
- 14.4 Any conviction or the issue of a fixed penalty notice which results in penalty points being endorsed on the DVLA driving licence must be produced to Rochford District Council within **seven** days of its return from the DVLA, Court or a fixed penalty notice office.
- 14.5 In the event of a conviction before a Court **Resulting in Disqualification from Driving**, the licensed driver shall inform Rochford District Council and surrender their driver's badge immediately.

15 **Accidents**

- 15.1 The driver shall notify Rochford District Council of any accident, which involve a Hackney Carriage/Private Hire vehicle and present the vehicle for inspection within 72 hours of such an accident.
- 15.2 The inside and outside of a Hackney Carriage/Private Hire vehicle shall be clean and free from damage, well maintained and in every way fit for public service.

16 **Wearing of Badge**

- 16.1 A driver shall at all times when available for hire wear the badge **on their person** so that it is clearly visible. No person shall damage, deface, mutilate or obscure a driver's badge or any part of it.
- 16.2 Hackney Carriage and Private Hire Driver's Licenses are renewed every year from the date of the previous expiry.
- 16.3 The driver shall upon expiry of their driver's badge, return it to Rochford District Council.
- 16.4 The driver of a Hackney Carriage/Private Hire vehicle shall produce their licence on request, for inspection, by any authorised officer of the council or any police officer.

17 **Display of Plate**

- 17.1 The driver shall ensure that:
 - (a) The Hackney Carriage/Private Hire licence plate is displayed in the correct position and is clear and legible at all times.
 - (b) The Council door stickers are displayed on the upper panel of each rear passenger door.
 - (c) The windscreen display cards are clearly visible, one relating to the driver, the other relating to the vehicle.
 - (d) The Hackney Carriage authorised fare tariff is displayed and clearly visible to passengers travelling in the vehicle.

18 **Fare to be Demanded**

- 18.1 The driver of a Hackney Carriage vehicle shall:
- 18.2 Ensure that when a vehicle is not hired keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter.
- 18.3 Ensure that during the time the vehicle is hired the digital display of the taximeter is plainly visible to any person travelling in the vehicle and is properly illuminated.
- 18.4 Be entitled to demand and take for the hirer the displayed rate of fare approved by Rochford District Council or, by negotiation, a lesser fare.

- 18.5 If a driver agrees before hand to carry a person for less than the authorised fare, he shall not at the end of the journey demand more than the agreed sum.
- 18.6 At the commencement of the journey when the vehicle is hired bring the machinery of the taximeter into action so that the word 'hired' is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring.
- 18.7 'Commencement of the journey 'means either:
- (a) When the hirer enters the vehicle.
 - (b) When the driver has attended at an appointed place and has made his presence known to the hirer.
 - (c) When the driver has presented himself at an appointed place at a specified time
 - (d) It is an offence for a driver to demand more than the authorised fare tariff.

NB The Conditions relating to taximeters also relate to Private Hire vehicles fitted with meters.

19 **Physical and Mental Fitness**

- 19.1 The driver shall, during the period of the licence report to the Hackney Carriage Officer, at Rochford District Council, in writing, as soon as practicable, any disability, physical or mental condition, which develops or worsens and may effect their ability to drive safely.

20 **Medical Evidence**

- 20.1 A driver shall submit themselves for a Medical Exam on 1st Application and thereafter every five years until the age of 60 years and thereafter every year.

21 **Criminal Record Bureau**

- 21.1 A driver is required to undergo a criminal Records check every 3 years at the time of the renewal of the Hackney Carriage/Private Hire driver's licence.

22 **Certificate of Insurance**

- 22.1 The driver will be responsible for ensuring that any vehicle in their charge is insured for use as a Hackney Carriage/Private Hire vehicle and that they are personally covered to drive such vehicle. The conditions relating to insurance of motor vehicles are contained in Part 6 of the Road Traffic Act 1988.

23 **Penalties**

- 23.1 The Head of Service or Hackney Carriage Officer may suspend or revoke a Hackney Carriage/Private Hire Driver's Licence if any of the above conditions are not complied with.

24 Appeals

- 24.1 An Appeal may be brought against the Licensing Conditions within 21 days from the date on which Notice of the Condition is served on the Applicant initially to the Appeal and Licensing Committee and subsequently to the Rochford and Southend-on-Sea Magistrates Court.
- 24.2 A driver disappointed by the decision of the Authority in respect of their Hackney Carriage/Private Hire Driver's Licence also has a right of Appeal initially to the Appeals and Licensing Committee and subsequently to the Rochford and Southend-on-Sea Magistrates Court.
- 24.3 Rochford District Council reserve the right to vary these conditions or impose further conditions at any time.

Rochford District Council
Transportation Department
Civic Suite
2 Hockley Road
Rayleigh
Essex
SS6 8EB