

SECTION 1

STANDARD CONDITIONS ATTACHED TO A PRIVATE HIRE DRIVERS LICENCE

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT, 1976 PART 2

All licences in connection with the driving and operation of Private Hire vehicles are issued by the Council in accordance with the provisions of the 1976 Act. Drivers and Operators should be familiar with this Act, the provisions of the Town Police Clauses Act and the Equality Act 2010 affecting Private Hire licences. The Health and Safety at Work Act has particular meaning Private Hire Drivers.¹ (There are explanatory notes at the end of these Conditions.)

The following Conditions apply to all licensed Private Hire drivers. In certain circumstances additional appropriate Conditions may be attached to an individual licence which could be set out as an addendum to Section 1 or by way of a formal notice served upon the licence holder concerned.

The Council informs of changes to its Conditions and policy by publicising the changes in a variety of ways. It is the responsibility of the licence holder to be familiar with those changes and seek appropriate advice and guidance if in doubt. Additional copies can be obtained, free of charge, by visiting the Taxi and Private Hire Licensing office, or downloading from the website, or requesting a copy be sent by post. It is also a Condition of the a Private Hire Operators licence that a copy is available for viewing.

Councillors have considered carefully the following Conditions and emphasise that they are essential requirements of the role. Failure to observe may lead to immediate suspension of the driver and vehicle licences and consideration of licence revocation and prosecution

Beyond actual regulatory acts, the Council is alert to public expectations of passenger care and comfort and it is not unreasonable to insist that all fare paying passengers are treated with respect and courtesy.

1. DRIVER LICENCES

Each driver shall deliver to his employing operator the licence to drive a Private Hire vehicle. The employing Operator shall be responsible for the safe custody of the driving licence during the period of employment and shall return it to the City Council at the request of an Authorised Officer

2. CHANGE OF OPERATOR

A licensed driver must inform the Section immediately in writing and in any case not more than 72 hours after the event if he / she changes Operator. It is essential to the enforcement ability of the Council and public safety issues that there is strict adherence to this Condition.

3. CHANGE OF ADDRESS

The driver shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place.

4. MEDICAL CIRCUMSTANCES

(a) A licensed driver must notify the Council in writing, within 72 hours, of any changes to his / her medical circumstances. These circumstances are defined as those where it is the duty of the licence holder to notify DVLA of any medical condition which may affect safe driving or where their General Practitioner has advised them not to drive (Reference Direct.gov website, Health conditions that could affect your driving).

(b) A licensed driver must comply with the request of an Authorised Officer of the Council to undertake a medical examination with their General Practitioner or consultant or the Council's authorised Occupation Health representative to satisfy the Council that they are fit to safely undertake public transport duties. The driver must supply an original copy of that medical opinion to the Council. The Authorised Officer may suspend the licence if not satisfied that the Condition set out here is not being complied with within a reasonable timescale, or that the medical condition of the licensed driver is such that the licence should be suspended in any case, or that the medical condition appears to be such that it is in the interest of safety to suspend the licence

(c) DISABILITY DISCRIMINATION

Every licensed driver must conform to the requirements of the Equality Act 2010, and associated legislation. If a licensed driver requires exemption from the equality requirements they should apply to the licensing office for the Council policy and follow its approved procedure. This is the case even where a temporary exemption is required.²

5. REQUIREMENTS TO REPORT CONVICTIONS & ASSOCIATED INCIDENTS³

- (a) Any of the following events must be reported in writing to the Taxi & Private Licensing office within 72 hours during the currency of a licence giving full details:-
- (a) any conviction or finding of guilt (criminal or driving matter);
 - (b) any caution (issued by the Police or any other agency);
 - (c) issue of any Magistrate's Court summons against them;
 - (d) issue of any fixed penalty notice for any matter;
 - (e) any harassment or other form of warning or order within the criminal law including Anti-Social Behaviour Orders or similar;
 - (f) their arrest for any offence (whether or not charged)
- (b) When required a licensed driver will undertake enhanced Criminal Records Bureau (CRB) vetting at his/her own expense and within a timescale set by the Council. Such a requirement may be on the basis of the Council's responsibility to ensure continued public safety and monitor licensed drivers.⁴

6. ENGLISH LANGUAGE, LITERACY & NUMERACY TESTING⁵

REQUIREMENT TO UNDERTAKE ENGLISH LANGUAGE LITERACY AND NUMERACY TESTING

Where there is a reasonable cause to believe that there is a need to assess a licence holders English language literacy and numeracy skills because of a substantiated complaint, or an expressed concern from an identified person, an Authorised Officer may require, in writing, a licensed driver to undertake such testing at his/her own expense. A reasonable time scale up to 3 months will be set for the test to be successfully undertaken at a place designated by the Council. If unsuccessful, or if there is a failure to attend, the licence of the driver may be suspended and consideration given to its revocation

7. TRAINING TO EXPECTED STANDARDS OF SERVICE AND SAFETY⁶

- (a) During the lifetime of a drivers licence, an Authorised Officer of the Council may require a licence holder to undertake reasonable and appropriate training to meet these expectations and requirements. Such a requirement would be in writing. A reasonable time scale of up to 3 months will be set for the training to be successfully undertaken at a place designated by the Council. If there is a refusal or failure to attend, or the licensed driver does not meaningfully participate in the training or attain the training accreditation the licence may be suspended and consideration given to its revocation. The cost of such training will be borne by the licence holder.
- (b) The driver of any wheelchair accessible vehicle must undertake appropriate training set by the Council to ensure that passengers are handled and conveyed safely.

8. DRIVER BADGES

Each driver shall at all times, when driving a licensed private hire vehicle display the driver's badge issued by the Council, in a prominent place on the outer clothing at the front of the upper body. A replacement badge may be issued on application in return for the prescribed fee. The badges issued by the Council shall remain the property of the Council and must be returned to the Council immediately the licence is suspended, revoked or becomes invalid for any reason.

9. CONDUCT OF DRIVER

The driver shall:-

- (a) Alight from the vehicle and provide reasonable assistance with passengers' luggage and ensure its safe storage within the vehicle
 - (b) Where a passenger has an obvious or apparent disability, the driver shall alight from the vehicle, offer assistance and ensure the passenger is seated safely in the vehicle before commencing the journey
 - (c) Ensure that any disabled aid, wheelchair or assistance dog is appropriately and safely stored or accommodated within the vehicle⁷
 - (d) On arrival at the pick up point of a booked journey, use the Operators 'ring back' system or radio the Operator base to enable the customer to be informed of the booked vehicles arrival⁸
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- (e) At the conclusion of a journey the driver shall similarly offer all reasonable assistance to passengers leaving the vehicle and assist them with luggage or any disability aids or wheelchair
- (f) Particular care must be taken with unaccompanied children and vulnerable adults. Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination. In respect of passengers with significant visual impairment who are taken to hospitals or other medical establishments, personal guidance and assistance should be given to ensure that they arrive at an appropriate place of contact i.e. a reception desk.
- (g) At all times be clean and respectable in his/her dress and person and behave in a civil and orderly manner. ⁹
- (h) Take all reasonable steps to ensure safety of passengers conveyed in, entering or alighting from the vehicle driven by him / her.
- (i) Not without the express consent of the hirer drink or eat in the vehicle.
- (j) Not smoke at any time within the licensed vehicle, or allow any other person to do so, or adjacent to it, which results in smoke entering the vehicle.
- (k) 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 which may only be by way of the Operators radio or data head linked to the Operators dispatch system.
- (l) At no time cause or permit the noise emitted by any radio or other previously mentioned equipment. In the vehicle which he / she is driving, to be a source of nuisance to any person, whether inside or outside the vehicle.
- (m) Not use a mobile telephone unless in emergency circumstances e.g. a '999' call. It must not be used for social calls or for the purpose of recording a booking which the Operator has not despatched.
- (n) Not record, or cause to be recorded in the Operators booking system any hiring they have undertaken, are undertaking, or considering undertaking which was not despatched by the Operator. Any such attempt to circumvent the relevant legislation in order to give the appearance that a journey was lawfully pre-booked will be considered as a serious breach of primary legislation and Conditions and may result in the suspension and revocation of the drivers licence.
- (o) Other than satellite navigation information not display any moving images and not have any other form of visual display screen fitted to the licensed vehicle.

10. PASSENGERS

- (a) The driver shall not convey or permit to be conveyed in a private hire vehicle a greater number of persons than that prescribed in the licence for the vehicle.
- (b) The driver shall not allow there to be conveyed in the front of a private hire vehicles any child below the age of ten years:
- (c) 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.

11. PROMPT ATTENDANCE

- (a) The driver of the Private Hire vehicle shall, if he is aware that the vehicle has been hired to be in attendance at an appointed time and place, or he 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 that appointed time and place, unless delayed or prevented by sufficient cause.
- (b) The driver shall immediately report to the Operator such delay. ¹⁰

12. FARE TO BE DEMANDED & ISSUING OF RECEIPTS

- (a) The driver shall 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 the hirer and the driver. If the vehicle is fitted with a tariff meter and there has been no previous agreement as to the fare, the driver shall not demand from any hirer a fare in excess of that shown on the face of the meter
 - (b) The driver will supply the hirer, or one of the party accompanying the hirer, upon request and free of charge, a formal receipt for the cost of the journey. The information to be included on the receipt is: - The name of the Operator, the date & time of the hiring, the drivers licence badge number, the cost of the journey and signature and printed name of the driver.
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13. LOST PROPERTY

- (a) Any property or articles of any description left in a Private Hire vehicle by a passenger shall forthwith, and in any event not later than 72 hours, be delivered to the Police Station for the area which the Licensed Operator is based. Appropriate enquiries should be made by the driver to return the property to the owner, but nevertheless must be lodged with the Police, in line with the stated time scales in this Condition. A record of the property receipt should be retained for a period of 6 months by the driver whose responsibility it was to take care of the property when found.

14. ANIMALS

The driver shall not convey in the Private Hire vehicle any animal belonging to or in the custody of himself or the Proprietor or Operator of the vehicle.

EXPLANATORY NOTES

1. HEALTH AND SAFETY OF PASSENGERS (DUTY OF CARE) – EXPLANATORY NOTE

Most people will be aware that employers have a duty of care to their employees, but the Health and Safety at Work Act, 1974, goes further. Part 1, Section 3 (2) states “it shall be the duty of every self-employed person to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that he and other persons (not being his employees) who may be affected thereby are not exposed to risks to their health and safety”. Operators, drivers and Proprietors are advised that a failure to safeguard passengers could have serious implications for the licence holder, and the licence.

2. A serious view will be taken of any discriminatory behaviour. This may lead to the prosecution of the driver and suspension or revocation of the licence.

3. MEANING OF CONVICTIONS – EXPLANATORY NOTE

How criminal allegations are finalised by law enforcement agencies has significantly changed since the Act setting out the legislation and Conditions for Private Hire licensing was introduced. There are now a variety of disposal methods for sentencing which have been introduced in recent years. Many of these do not necessitate the alleged offender appearing before the courts to be sentenced. Formal ‘Cautions’, either a simple caution, a conditional caution or a street caution, within Home Office guide lines and relevant Acts of Parliament are more frequently used in appropriate cases and ‘Fixed Penalty Fines’ can be issued for a range of criminal offences. There are also a variety of constraining orders issued by the Courts (Criminal and Civil) intended to control the behaviour of individuals. All these disposal methods have a common thread to actual convictions and are indicative of an individual's behaviour. These may be considered by the Council to consider the suitability of a licensed driver to continue to hold a licence. Similarly, the issue of summonses or the arrest and release on bail, with or without charge, can indicate there has been an event which may cause the Council to review the suitability of a licensed driver to continue to hold a licence. Each case will be considered on its own merits. Because of the public safety issues involved in private hire work the Council has been exempted from the provisions of the Rehabilitation of Offenders Act, 1976.

4. This may be by way of random CRB vetting, or where the Council has received intelligence or information or as part of an approved policy.

5. Concern has been expressed by Elected Members, the public, Private Hire Licence holders and Officers about the ability of some licensed drivers to speak and understand English to a desirable standard, as well as possessing basic literacy and numeracy skills. The Council has resolved that there should be a minimum standard of English comprehension and which is set at UK Citizenship standard (ESOL Entry level3). Appropriate assessments were designed, overseen and evaluated by Thomas Danby Leeds College, Trade representatives and the Councils Equality Team and are now carried out on behalf of the Council by an approved provider.

There was no previous testing undertaken by the Council and Members have determined that the new testing procedure will apply to all new applicants, but only to existing licensed drivers in the circumstances where there is a reasonable cause (A new applicant is a person who has not held a licence previously with this Council or whose previous licence expired, was revoked or where the Council refused to renew.)

6. Legislation effecting the provision of public transport has undergone significant change, (for example, Disability Discrimination, the Equality Act 2010, Health & Safety, road safety bills) and there are increased expectations within society that a service will be delivered professionally and fairly to all. Many of these issues do in fact have serious consequences for drivers within the criminal law, but it is also important to the Council that its values and principles are displayed by licensed drivers. They should conduct themselves in a way that reflects positively on the licensing policy of the Council and benefits those passengers using private hire transport.

7. Assistance dogs must be carried with the passenger at all times. Drivers must follow the advice of the passenger as to the exact position to best suit their needs.

8. Do 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.
9. 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.
10. Having entered in a private hire contract there is an obligation on the Operator & driver to fulfil that contract. Late attendance could result in the hirer missing an important event or travel link and might result in significant compensation being awarded against you. It may also create an unacceptable risk to vulnerable people.

SHOULD YOU FEEL AGGRIEVED BY ANY OF THE CONDITIONS IN THIS LICENCE THEN YOU HAVE THE RIGHT OF APPEAL TO THE MAGISTRATES COURT WITHIN 21 DAYS FROM THE DATE WHEN THIS LICENCE WAS SERVED UPON YOU.