



HEREFORDSHIRE  
COUNCIL

**THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

**DRAFT PRIVATE HIRE/HACKNEY CARRIAGE DRIVERS  
CONDITIONS**

## INDEX

		Page
1.0	Conduct of the driver	3
2.0	Badges	3
3.0	Insurance	4
4.0	Passengers\luggage	4
5.0	Lost property	4
6.0	Taxi meter/fares	4
7.0	Complaints/compliments	5
8.0	Prompt attendance	5
9.0	Licence/application	5
10.0	Change of details/circumstance	5
11.0	Animals	6
12.0	Mobile phones	6
13.0	Plates	6
14.0	General conditions	6
15.0	Private hire	6
16.0	The wearing of seatbelts	7



## **CONDITIONS ATTACHED TO PRIVATE HIRE/HACKNEY CARRIAGE DRIVERS**

Herefordshire Council licenses both Hackney Carriage and Private Hire Vehicles under the provisions of Part 11 of the Local Government Miscellaneous Provisions Act 1976 as amended by the Transport Act 1985, and the Town and Police Clauses Act 1847.

These conditions were approved by the Herefordshire Council's Regulatory Committee on ??????? these conditions will replace all previous conditions and will remain in place until such time the regulatory committee approve any amendments or review the conditions.

**All applications received which fall outside the Licensing Authorities Conditions or Policy will be referred to Regulatory Committee for determination and will incur additional costs to be paid by the applicant.**

*(Herefordshire Council will use Government Guidance and Herefordshire Councils Hackney Carriage and Private Hire Licensing Policy to base its decisions)*

### **1. CONDUCT OF THE DRIVER**

- 1.1 The driver of a hackney carriage or private hire vehicle shall hold a current dual drivers badge and licence from Herefordshire Council.
- 1.2 At all times the driver shall be clean and respectable in their dress and person and behave in a civil and orderly manner.
- 1.3 The driver shall not at any time cause or permit the sound emitted by any radio or other similar equipment in the vehicle to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
- 1.4 The driver is not permitted to smoke in the vehicle at any time, even when the vehicle has no passengers.
- 1.5 A driver of a Hackney carriage, when plying for hire in any street shall: -
  - a) proceed with care and within the speed limit, to one of the Ranks fixed by the Council.
  - b) when waiting on a Rank fixed by the Council, move his vehicle forward so as to fill the place which has been vacated by the vehicle in front.
- 1.6 All Private Hire drivers, when not engaged in a pre-arranged booking, must not park in such a position or location on the Public Highway which could give the appearance of being for hire.
- 1.7 The driver of a Private Hire vehicle shall not ply for hire in their vehicle but shall drive the vehicle for hire only by prior appointment.
- 1.8 The driver of a Licensed vehicle shall not call out or influence any person in any way, which might reasonably be considered as an invitation to travel in their vehicle for gain.

### **2.0 BADGES**

- 2.1 Whilst on duty, the driver shall wear the badge on the upper front of the body plainly and distinctly visible.
- 2.2 The second badge issue by the Council shall be displayed to be plainly and distinctly visible to those persons being conveyed inside the vehicle.
- 2.3 The driver will return their drivers badge to the Licensing Unit upon the expiry, revocation or suspension of their licence.

- 2.4 After the expiry date, shown on any drivers licence, that licence is no longer valid and any badge must be returned to the Licensing Unit immediately. (Insurance may be invalid if the dual drivers licence has expired.)

### **3.0 INSURANCE**

- 3.1 The driver shall carry evidence of insurance cover in the vehicle at all times whilst on duty, showing that the vehicle is suitably insured for the purpose of Hackney Carriage/Private Hire use,

### **4.0 PASSENGERS\LUGGAGE**

- 4.1 The driver shall not carry or permit to be carried in his vehicle any greater number of persons than the number specified in the licence issued to that particular vehicle.
- 4.2 The driver shall not, without the consent of the hirer, carry any other person in the vehicle.
- 4.3 All drivers shall if required: -
- a) carry a reasonable quantity of passenger's luggage, ensuring its security.
  - b) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he/she may take up or set down such person.
  - c) take reasonable precautions to ensure the safety of persons carried in or entering or alighting from the vehicle.

### **5.0 LOST PROPERTY**

- 5.1 The proprietor or driver of a licensed vehicle shall, when practicable after journeys search the vehicle for lost property.
- 5.2 The proprietor or driver of a licensed vehicle shall, if any property is accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him, carry it as soon as possible and in any event within 48 hours if not sooner, to the office of the Council, and leave it in the custody of the officer in charge of the office on his/her giving a receipt for it. Unless within this time the item is claimed by or on behalf of its owner.
- 5.3 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 the 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 ten pounds).

### **6.0 TAXI METER/FARES**

- 6.1 Licensed vehicles equipped with a taximeter (compulsory for a hackney carriage but optional for a private hire car) shall operate the taximeter in accordance with the requirements of the conditions. For Hackney Carriages the taximeter must be used even if it is a pre-booked journey, a lesser fee than the metered fare may be charged. If the journey is undertaken through a service contract or out of the county and the fee is quoted to be less than the metered fare the hackney carriage would not be required to use the taximeter.
- 6.2 A driver of a licensed vehicle shall not tamper with or permit any person, other than a proper authorised person or approved technician, to alter or adjust any taximeter with which the vehicle is provided, with the fittings thereof, or with the seals affixed thereto.
- 6.3 If the vehicle is fitted with a taximeter, the driver shall not cause the fare showing to be cancelled or concealed until the hirer has had reasonable opportunity of examining it and has agreed the fare.
- 6.4 The driver shall not demand from the hirer a fare in excess of any previously agreed fare 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 taximeter.

- 6.5 The driver of a hackney carriage undertaking, for any hirer, a journey ending outside Herefordshire and in respect of which no fare and no rate was agreed before the hiring was effected, shall not require for such journey a fare greater than that indicated on the taxi meter with which the hackney carriage is equipped.
- 6.6 The fare for each journey shall only begin when the hirer enters the vehicle, unless prior agreement has been made or if the customer is not available until later than the agreed pick up time. Appropriate waiting time shall be given without charge to people with disabilities.

## **7.0 COMPLAINTS/COMPLIMENTS**

- 7.1 The driver shall advise the proprietor of the vehicle of any complaints made by passengers.
- 7.2 The driver shall advise passengers of their right to refer the complaint to the Council.

## **8.0 PROMPT ATTENDANCE**

- 8.1 The driver who has agreed or has been hired to be in attendance with the vehicle at any appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such time and place.
- 8.2 The driver shall not, without reasonable cause, unnecessarily prolong, in distance or in time, the journey for which the vehicle has been hired.

## **9.0 LICENCE/APPLICATION**

- 9.1 If the driver is permitted or employed to drive a hackney carriage and/or private hire vehicle by an operator/vehicle proprietor they shall, before commencing to drive that vehicle, provide a copy of their dual driver's licence with that operator/vehicle proprietor for retention by them until such time as the driver ceases to be permitted or employed to drive for that operator/vehicle proprietor.
- 9.2 All drivers should ensure that the proprietor holds valid insurance to cover them for the hiring of a hackney carriage and/or private hire vehicle. The driver should also ensure that the proprietor has a private hire operator's licence where appropriate.
- 9.3 All drivers shall ensure that any car driven by them is licensed by the Council for that purpose.
- 9.4 The issue of licence will be subject to satisfactory CRB, Medical, and DVLA returns.
- 9.5 Prior to the expiry of a licence a reminder will be sent to drivers. Only one reminder will be sent. Renewal paperwork must be submitted without delay, as no licence will be issued until the appropriate checks are received, including CRB and Medical if required.
- 9.6 All drivers applying for a new dual driver licence after 1<sup>st</sup> November 2005 or other drivers directed by the Regulatory Committee shall undertake and pass a knowledge test.

## **10.0 CHANGE OF DETAILS/CIRCUMSTANCE**

- 10.1 The driver shall notify the Council in writing of any change of their address and/or telephone number within 7 days of such change.
- 10.2 The driver shall immediately, disclose to the Taxi Licensing Unit in writing, details of any conviction/caution imposed on him/her during the period of the licence, motoring or criminal.
- 10.3 The driver shall immediately, disclose to the Taxi Licensing Unit in writing, details of any involvement in incident/s which the police are involved and may lead to caution/conviction.

- 10.4 The driver shall notify the Council in writing, as soon as possible and in any event within 7 days of any serious illness or injury affecting their fitness to drive in any way.

## **11.0 ANIMALS**

- 11.1 Any animal belonging to or in the custody of any passengers can be conveyed in a licensed vehicle at the driver's discretion.
- 11.2 A driver of a licensed vehicle which has been hired by or for a disabled person with their guide, hearing or prescribed assistance dog, or a person who wishes such a disabled person to accompany him in the vehicle will have a duty to: -
- a) Convey the disabled passenger's dog and allow it to remain with the passenger; and
  - b) Are not to make any additional charge for doing so.

An assistance dog is defined by regulations as a dog which is trained by a specified charity i.e. "Dogs for the Disabled", "Support Dogs" or "Canine Partners for Independence", to assist a disabled person with a physical impairment, and which at the time that its owner hires a taxi is wearing a yellow jacket inscribed with the name of one of those charities.

- 11.3 The driver shall only be exempt from the condition 11.2 on medical grounds and has obtained an exemption notice from Herefordshire Council. The notice of exemption shall be exhibited in a prominent position.

## **12.0 MOBILE PHONES**

- 12.1 Drivers wishing to use a mobile phone in the vehicle must use them in accordance with The Road Vehicles (construction and use) (Amendment) (No.4) Regulation 2003.

## **13.0 PLATES**

- 13.1 The driver shall not wilfully or neglectfully cause or suffer any internal or external licence plate or number to be concealed from public view, nor shall he cause or permit the vehicle to have any such plate so defaced that any figure or material particular is illegible.

## **14.0 GENERAL CONDITIONS**

- 14.1 The holder of this licence shall comply with the provisions of the Town Police Clauses Act 1847 as amended by Part 11 of the Local Government (Miscellaneous Provisions) Act 1976, a copy of which is available for inspection at the Licensing Office.
- 14.2 The driver is to ensure cleanliness of the vehicle inside and out.
- 14.3 The driver is to inform the Council's Licensing Section and the proprietor of the vehicle of any accident or damage to the vehicle within 72 hours, and present the vehicle for inspection forthwith if requested to do so.
- 14.4 The driver shall, if requested by the hirer of the vehicle, provide them with a written receipt for the fare paid.
- 14.5 The driver of a licensed vehicle shall co-operate with any Authorised Officer, Constable or any other clearly identifiable person nominated by the Council, in their enquires.

## **15.0 PRIVATE HIRE**

- 15.1 Private Hire Vehicle drivers must keep a record of journeys, which is to be kept in the vehicle.
- (i) The driver of a private hire vehicle shall at all times whilst acting in accordance with the Private Hire Driver's licence keep a record sheet in the Private Hire Vehicle and before commencement of each journey, enter particulars of each

journey to be undertaken and the name and address of the person who has made the booking.

**16.0 THE WEARING OF SEATBELTS**

16.1 The requirements contained in the Road Traffic Act 1988, s 15, the Motor Vehicle (wearing of seat belts) Regulations 1993, Part III and the Motor Vehicles (wearing of seatbelts by Children in Front Seats) Regulations 1993 must be complied with. Please see table below

	Front Seat	Rear Seat	Who is responsible
Driver	Taxi drivers - Hackney Carriage drivers are exempt from wearing a seat belt while on duty (whether they have a passenger or not). Private hire taxi drivers are only exempt when carrying a fare-paying passenger. They must wear a seat belt at all other times.		Driver
Child under 3 years of age	Correct child restraint MUST be used.	If no appropriate restraint available the child may travel unrestrained in the rear.	Driver
Child from 3 <sup>rd</sup> birthday up to either 135cms in height or 12 years old	Correct child restraint MUST be used	MUST use adult belt if the correct child restraint is not available.	Driver
Child over 1.35 metres or 12 to 13 years	Seat belt MUST be worn if available	Seat belt MUST be worn if available	Driver
Adult passengers 14 years and over	Seat belt must be worn if available	Seat belt must be worn if available	Passenger

**Data Protection Act 1998**

This policy covers the treatment of personal data that Herefordshire Council may collect when you e-mail us, complete an application form, or when you complete and submit an online form on our web site.

When completing forms you may be asked for personal information such as name, address, postcode etc. It is only when you supply this type of information that you can be personally identified.

Herefordshire Council is registered with the Data Protection Act 1998 for the purpose of processing personal data in the performance of its legitimate business. Any information held by the Council will be processed in compliance with the principles set out in the Act.

Further information relating to the Data Protection Act 1998 can be sent to you on request.

If you have concerns about the processing of your personal data by the Council you may contact the Council's Data Protection Officer:

Data Protection Officer,  
 County Secretary and Solicitor  
 Herefordshire Council  
 Brockington  
 35 Hafod Road  
 Hereford HR1 1SH