

SOUTH DERBYSHIRE DISTRICT COUNCIL

PRIVATE HIRE DRIVER'S LICENCE CONDITIONS

PART B

PRIVATE HIRE DRIVER'S LICENCES ARE ISSUED SUBJECT TO THE FOLLOWING CONDITIONS. YOU ARE ADVISED TO STUDY THESE CAREFULLY AS NON-COMPLIANCE WITH ANY CONDITION MAY RESULT IN A FINE AND/OR THE LICENCE BEING SUSPENDED OR REVOKED.

1. General Conditions

Applications can only be made to this Authority by persons who have been in possession of a full DVLA licence for at least 12 months. An EC or EEA licence is acceptable provided the paper licence issued by the DVLA (for EC & EEA drivers) accompanies it.

(a) On submission of an application for the grant of a Private Hire Driver's Licence, the following documents should be produced to the Licensing Section of the Council;

- Driver's licence application form
- DVLA Driver's Licence (both paper and card parts)
- One photograph of driver to be licensed
- Eye- Test Certificate
- Medical Certificate
- Two proofs of address
- Driving Standards Agency (DSA) Certificate
- Mandate (DVLA Check)
- Fees

For the DSA Test, production of booking confirmation will be accepted on initial application. On taking the test, if the test is failed, a further booking confirmation of the next test is required within 14 days to the Licensing Section of the Council.

(b) On submission of an application for the renewal of a Private Hire Driver's Licence, the following documents should be produced to the Council;

- Driver's licence application form
- DVLA Driver's Licence (both paper and card parts)
- One photograph of driver to be licensed
- Mandate (DVLA Check)
- Fees

(c) The Licensee shall observe and perform the following conditions:-

The licensee shall not assign or in any way part with the benefit of the licence. It is personal to the licensee.

(d) The licensee shall **not**, while driving or in charge of a private hire vehicle;-

- Tout or solicit on a road or other public place any person to hire or be carried in any private hire vehicle
- Offer that vehicle for immediate hire while the licensee or that vehicle is on a road or other public place; (Plying for Hire).

(e)The licensee shall when driving a Private Hire Vehicle wear in a conspicuous position so as to be plainly and distinctly visible the driver's badge issued by the Council.

2. Disclosure of Information (To determine fit and proper person)

(a) It is now a requirement that all new drivers have to submit via a recognised body a Disclosure of Information Form to the Criminal Records Bureau (CRB). It should be noted that new drivers will not be issued with a licence until all appropriate paperwork is completed and the Disclosure of Information Form is returned to the Council Offices. The time taken for this search can vary but may take up to 8 weeks.

(b) All drivers will be required to submit a new disclosure of Information Form to Criminal Records Bureau every 3 years after their initial approval in order to ascertain that the driver has not received any convictions which have not been brought to the attention of the Authority. This will be undertaken in conjunction with the renewal of the licence and will not suspend the licence whilst the Council awaits the return of the CRB form. No additional fee will be charged for this except the fee charged by the CRB.

3. Conduct of Driver

The driver shall:-

- (a) behave in a civil and orderly manner;
- (b) be clean and respectable in his dress and person;
- (c) take all reasonable steps to ensure the safety of passengers conveyed in, entering into or getting out of the vehicle driven by him and drive safely at all times and pay consideration to other road users
- (d) not to eat or drink in the vehicle whilst it is being let for hire and it is an offence for the **driver or passengers** to smoke in the vehicle at any time. **Under the smokefree regulations, all vehicles used for public transport are required to be smokefree at all times. This includes when the driver is off duty or using the vehicle for private use.**
- (e) not, without the express consent of the hirer, play any radio or any sound reproducing equipment in the vehicle other than for the purposes of sending or receiving messages in connection with the operation of the vehicle;
- (f) not stand or ply for hire or solicit on a road or other public place any person to hire or be carried for hire in the vehicle.

(g) not use a mobile phone **or similar messaging equipment** whilst the engine is running unless it is via an appropriate hands free operation and not be distracted in any way whilst taking messages from the mobile phone **or similar messaging equipment**.

(h) **Confirm with passengers the pre-arranged fees, given by the private hire operator before setting off on the journey. Should the journey deviate in any way, communication between the passengers and operator should determine any extra charges.**

4. Badge

The driver shall ensure that the badge is **current** and worn on his / her clothing in such a position and manner as to be plainly and distinctly visible at all times when discharging his duties as a driver of a vehicle.

5. Passengers

The driver shall not:-

(a) convey or permit to be conveyed in a vehicle a greater number of passengers than that specified in the private hire vehicle licence.

(b) allow any child under the age of 10 years to be conveyed in the front passenger seat of the vehicle without an appropriate restraint;

(c) allow more than one passenger to be conveyed in the front passenger seat of the vehicle unless the vehicle is adapted to carry more; and

(d) without the consent of the hirer of the vehicle convey or permit to be conveyed any other person in that vehicle.

6. Animals

(a) The driver shall not convey in the vehicle any animal belonging to or in the custody of himself or the operator of the vehicle, without the consent of the hirer.

(b) The driver may carry any animal belonging to a passenger at his own discretion but only in the rear seating area of the vehicle and he shall ensure where necessary that such animals are suitably contained so as not to present a nuisance or hazard to the occupants of the vehicle.

(c) Notwithstanding (b) above a Private Hire vehicle **must** carry a guide dog or assistance dog belonging to a passenger free of charge unless the driver has a proven medical condition that would preclude such action. Operators have the responsibility to ensure that their drivers / employees are aware of such condition when they are first employed.

7. Luggage

The driver shall:-

- (a) carry a reasonable quantity of passengers' luggage on or in the vehicle; and
- (b) afford reasonable assistance in removing or depositing such luggage from or to the entrance of any dwelling, station or other place at which or near to which the driver picks up or sets down a passenger. (Subject to Health and Safety Conditions)

8. Trailers

The driver shall only drive a vehicle fitted with a trailer when he/she has been issued with a certificate by the Licensing Authority, to say that he/she can do so. (see *special conditions*)

9. Prompt Attendance

The driver of a vehicle, which has been hired, to be in attendance at an appointed time and place shall, unless delayed or prevented by sufficient cause, punctually attend with the vehicle at the appointed time and place. **The driver should not sound the vehicle horn or make unnecessary noise to alert the hirer of the driver's presence.**

10. Lost Property

- (a) The driver shall immediately after the termination of any hiring or as soon as is practicable thereafter, carefully search the vehicle for any property which may have been left in it.
- (b) Any property found by the driver in the vehicle or handed to him shall, if not claimed by or on behalf of the passenger within 24 hours, be given by the driver to the operator of the vehicle.

11. Destination

When hired to drive to a particular destination the driver shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.

12. Meter

If the vehicle being driven is fitted with a meter, the driver shall:-

- (a) on commencement of a journey bring the machinery of the meter into action and keep the meter in action until the termination of the hiring;
- (b) cause the meter to be properly illuminated throughout any part of the hiring which is during the hours of darkness and at any other time at the request of the hirer; and
- (c) not conceal from public view the proprietor's fare table.
- (d) not tamper with the meter in any way.**

13. Fares

The driver shall not demand from any hirer:-

(a) in respect of a vehicle with a meter, a fare in excess of that displayed thereon at the termination of the journey unless otherwise agreed with the hirer prior to the commencement of the journey; and

(b) in respect of a vehicle without a meter, a fare in excess of that previously agreed for the hiring between the hirer and the operator.

14. Written Receipt

The driver shall, if requested by the hirer of the vehicle, provide him with a written receipt of the fare paid.

15. Interior Display

The driver shall not conceal from the passengers' view the interior display disc indicating the information required to be displayed inside the front windscreen under the private hire vehicle licence conditions.

16. Plate

The driver shall ensure that the plate is at all times clearly visible to public view when the vehicle is being used for private hire purposes.

17. Medical Fitness

The driver shall:-

(a) Produce a Medical Examination Certificate which must be completed and signed by a Medical Practitioner as to his fitness to be a driver of a vehicle with the initial application.

A new Medical Examination Certificate will be required on renewal of a driver's Licence every 5 years (from initial application) until the age of 65 unless the driver is restricted to a shorter period for medical reasons. At the age of 65 certificates are renewable annually without an upper age limit.

(b) **Produce every 2 years** after the initial application (**unless otherwise stated by practitioner**) a medical examination certificate from a qualified Ophthalmic Optician, confirming that his/her vision is of an acceptable standard for the purpose of driving a Private Hire Vehicle. For persons over the age of 65 this will **required annually**.

(c) Notify the Licensing Section of the Council in writing of any medical condition or ophthalmic condition arising during the period of the licence which may affect his ability to drive safely;

(d) If required to do so by the Licensing Section of the Council produce a certificate signed by a Medical Practitioner as to his/her fitness to be a driver of a vehicle **after illness/accident etc**;

Private Hire Drivers who also hold a PSV or HGV licence, may submit a certified copy of there HGV or PSV medical certificate which runs within the same period.

18. Change of Address

The driver shall give notice to the Licensing Section of the Council in writing of any change of his address during the period of the licence for endorsement within **14** days of such change taking place.

19. Convictions

The driver shall within 14 days of any conviction or simple caution imposed on him / her, during the period of the licence, notify the Licensing Section of the Council in writing in a letter or e mail format.

This should also include a copy of the DVLA driver's licence reflecting any motoring endorsements. A driver should also notify the Licensing Section as soon as practical if charged with any offence involving indecency, violence or dishonesty, serious offences connected with the driving of a motor vehicle or any drug or alcohol related offences.

20. Loss of Licence or Badge

The driver shall report the loss of his licence or badge to the Licensing Section of the Council in writing as soon as the loss becomes known. A duplicate may be issued upon payment of a fee.

21. Return of Licence and Badge

The driver shall immediately return his licence and badge to the Licensing Section of the Council in the event of the suspension or revocation of the licence or if s/he ceases to be employed by an operator licensed by the Council.

22. Payment by Cheque

Where a driver pays any licence fee by cheque and the cheque is not honoured, the Council will communicate this (by telephone/email or letter based on details given) to the driver to rectify. The private hire driver's licence will be suspended until such time as the requisite fee is received.

23. Change of Operator

The driver shall notify the Licensing Section of the Council in writing, within seven days, of any change of private hire operator. The driver must **complete the appropriate application for amendment, supply a photograph to the Licensing Section of the Council with the appropriate fees.**

24. Driving Licence

The driver shall, upon the request of an authorised Officer of the Council, produce his/her current DVLA Driving Licence within five days of the request either to the Officer or at the Council's Licensing Office.

25. Licence Renewal

The driver must apply to the Licensing Section of the Council in writing on the appropriate application form at least 21 days before the expiry of the licence if s/he requires the licence to be renewed for a further period. Failure to renew the licence by the renewal date will result in suspension of the licence until renewal is completed. If the renewal is not completed within 1 calendar month of the renewal date the licence will be revoked completely.

26. Deposit of Licence

If the driver is operated by a licensed operator, s/he shall before commencing to drive, must hand a copy of his/her Private Hire Driver's Licence with that proprietor for retention by him/her until such time as the driver ceases to be permitted or employed to drive for the said operator.

27. Insurance and MOT

The driver/ proprietor of the vehicle must provide the Licensing Section of the Council with a continuous current certificate of insurance for the period of the licence, and it must comply with the requirements of the Road Traffic legislation. The insurance must cover the vehicle for use as a Private Hire Vehicle and must insure all drivers of the vehicle for that purpose. **Failure to comply will result in the Private Hire Vehicle being suspended. Private hire vehicles must be insured for private hire drivers only. Any persons without a Private Hire Driver's Licence are not authorised to drive a private hire vehicle in any circumstances.**

MOT

The driver/proprietor of the vehicle shall ensure that there is a current certificate of MOT provided to the Licensing section of the Council for the period of the licence. Failure to comply will result in the Private Hire Vehicle being suspended.

28. Conditions of Licence

(a) The driver shall at all times when driving a private hire vehicle carry with him/her a copy of these conditions and shall make them available for inspection by the hirer or any other passenger on request.

(b) The driver shall only discharge his/her duties for a person licensed by the Council as a private hire operator under the Act.

(c) For the purposes of private hire, the driver shall only drive a vehicle which has been licensed by the Council under the Act.

29. Private Hire Driving Test

All new applicants will be required to sit and pass a Driving Standards Agency examination driving test for Private hire / Hackney Carriage. **Production of booking confirmation will be accepted on initial application. On taking the test, if the test is failed, further booking confirmation to the Licensing Section of the Council of the next test is required within 14 days.**

Existing Private Hire Drivers will not be required to complete this test unless they commit a **motoring** traffic offence, which is classified as serious or the driver incurs 6 or more penalty points on their licence during a 2 year period. The period will be taken from when the offences are notified to the Authority by the Private Hire Driver or the Authority become aware of the offences. **A maximum time limit of 6 months is allowed to pass the test. If the driver fails the DSA test on the first occasion, a second DSA test will be allowed.**

If the driver fails the second DSA test or if the test is not passed within the 6 month period (without reasonable excuse), a report will be prepared and brought before the Licensing & Appeals Sub-Committee.

In addition where an investigation reveals poor driving, where no prosecution has occurred then the matter can be brought before the Licensing & Appeals Sub-Committee.

30. Knowledge Test

All new applicants clearly need a good working knowledge of the area for which they are licensed. No new private hire driver will be granted a licence unless the applicant has satisfied the authority that they have a knowledge of the highway code, relevant legislation and a fundamental knowledge of customer care. A non refundable fee will be levied for this test.

A different examination will be undertaken for those drivers who drive specifically to destinations outside of the area, this will mainly consist of private hire conditions and the highway code.

As the private hire knowledge test must be passed, this is considered sufficient test of a candidate's ability to understand and communicate effectively.

Should the applicant fail the knowledge test on 3 occasions then the Private Hire Driver's Application should be rejected for a 12 month period. **On this occasion, a refund of the Private hire driver's application only will be available minus administration costs.**

31. Driving Licence Verification

All new applicants and each applicant on their yearly renewal of their licence will be required to sign an authorisation under data protection law in order for this Authority to verify the particulars that are disclosed on an applicant's driving licence with either the DVLA or other suitable body.

32. Contracts for Derbyshire County Council

Please be advised that all drivers employed to transport passengers on behalf of Derbyshire County Council will be required to hold either a MiDAS certificate , a NVQ Level 2 in Road Passenger Transport or a BTEC Level 2 Award in Transporting Passengers By Taxi and Private Hire (or equivalent qualification). Passenger Assistants will be required to hold a relevant PATS Certificate (or equivalent qualification).

In addition any driver who is responsible for transporting passengers who travel in wheelchairs must have received training in The Safe Use of Passenger Lifts and Ramps and the Correct Use of Wheelchair Tie –downs and Passenger Safety Belts.