

CYNGOR SIR POWYS COUNTY COUNCIL

JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE CONDITIONS

Introduction

These conditions apply the Council's policy concerning all drivers of vehicles licensed in Powys for private hire, or as joint private hire and hackney carriage vehicles.

In the conditions set out below, the Licensing Authority is Powys County Council.

The Council's Licensing Review Panel comprises 3 elected members of the Licensing Committee and has the delegated authority to determine matters concerning individual licences or applications for licence.

The purpose of the Council's policy is to promote the safety of the public by putting in place reasonable measures to ensure that a licensed driver is fit and proper for the purpose.

As part of those measures a Criminal Records Bureau Disclosure will be required, prior to an application being determined or renewed. It should be noted however that having a criminal record would not necessarily be a bar to obtaining a licence.

DRIVER LICENCE CONDITIONS

1. General

- 1.1 A joint Hackney Carriage Private Hire Drivers Licence will remain in force for up to 1 year from the date of issue.
- 1.2 A licensed driver shall notify the Council in writing of any change of his or her name or address during the period of the licence, within 7 days of the change.
- 1.3 The loss or theft of a driver's licence or badge must be reported to the Licensing Officer immediately.
- 1.4 If a driver moves to a new operator during the term of the licence the Licensing Authority must be notified, in writing by the driver, within 7 days.
- 1.5 A Licensed driver shall notify the Licensing Authority of any medical condition that arises during the term of the Licence that may invalidate (temporarily or otherwise) their vehicle insurance or original certificate of fitness.

2. Notification of Convictions, Cautions and Charges

- 2.1 A licensed driver must notify the Licensing Officer immediately if charged with, cautioned for, or convicted of an offence.
- 2.2 A licensed driver must, on request, present his/her most recent disclosure certificate issued by the Disclosure and Barring Service(DBS) within 7days to the licensing

authority for consideration. This period may be extended at the discretion of the authority where the applicant has lodged a dispute with the DBS in relation to the content of the certificate.

3. Driver Conduct and the Safety and Care of Passengers

- 3.1 The driver of a private hire vehicle shall ensure that only passengers pre-booking their journey via a licensed operator are carried.
- 3.2 The driver of a private hire vehicle shall not ply for hire, or tout or solicit for business on the road or other public place, or arrange for any other person to tout or solicit on his or her behalf.
- 3.3 The driver of a licensed vehicle shall:
- (a) Be familiar with the layout and whereabouts of all roads and streets in the area and subject to any directions given by the hirer, proceed to the destination by the shortest practical route.
 - (b) Not smoke or permit smoking in the vehicle at any time.
 - (c) Not without the express consent of the hirer play any radio or sound equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
 - (d) At no time allow the noise emitted by any radio or other equipment in the vehicle to be a nuisance or annoyance to any person, whether inside or outside the vehicle.
 - (e) At all times wear or display the driver's identification badge provided by the Licensing Authority in such a position as to be plainly and distinctly visible at all such times when the driver is undertaking licensed duties.
 - (f) At all times whilst undertaking his or her duties, behave in a civil and orderly manner, refrain from the use of bad language, and shall take all reasonable precautions to ensure the safety of persons conveyed, entering or leaving the vehicle. Particular care shall be taken to assist a passenger with a disability.
 - (g) Assist passengers with reasonable amounts of luggage and give reasonable assistance, if required, in removing it to and from the entrance of place at which the driver may take up or set down such a passenger.
 - (h) Not carry any other person in the vehicle without the consent of the hirer.
 - (i) Not carry more than the number of persons specified in the vehicle licence*.

****Children of any age shall be counted as if they are an adult***

- 3.4 The driver shall not carry in the front of a licensed vehicle:
- (a) Any child below the age of eleven years and under 1.5 metres in height unless an appropriate child restraint is used; or

- (b) More than one person above that age where there is only one passenger seat belt, or two persons where an additional seat belt is fitted.
- 3.5 The driver shall ensure that the vehicle licence plate is securely fixed, in a position approved by the Licensing Authority and in accordance with vehicle conditions, before proceeding and that it is clearly visible and not obscured in any way.
- 3.6 The driver shall make every effort to provide the vehicle at the time and place requested by the hirer.
- 3.7 A driver must comply with any reasonable request regarding taxi licensing matters made by an authorised Officer of the Council or Police Officer.
- 3.8 A hackney carriage or private hire driver shall, at the request of a disabled person accompanied by a guide, hearing or prescribed assistance dog, carry the dog without additional charge*.

***Drivers are able to seek exemptions from these duties only on medical grounds, such as severe asthma, aggravated by contact with dogs or due to other allergies or acute phobias to dogs. In such cases, drivers will have to make an application to the Licensing Authority for an exemption, supported by evidence from an appropriate health care professional.**

4. Fares

- 4.1 In a hackney carriage fitted with a taximeter, the driver shall not cancel or conceal the recorded fare until the hirer has had a reasonable opportunity of examining it.
- 4.2 In the case of a private hire vehicle not fitted with a taximeter, the fare must be agreed with the hirer before the journey commences.
- 4.3 The driver shall not attempt to charge the hirer a fare in excess of the amount agreed at the commencement of the hiring.
- 4.4 In cases where there has been no agreement as to the fare prior to the commencement of the journey, the driver shall not attempt to charge in excess of the fare displayed on the taximeter.

Supplementary Notes (These do not form part of the conditions)

1. Applications

- 1.1 New Applicants are required to pass the authority's driver competency and knowledge test prior to being considered for a joint hackney carriage and private hire driver licence.
- 1.2 The renewal of a Licence shall be made in advance to ensure continuity. There is no automatic period of grace. Unlicensed driving is an offence.
- 1.3 An application for a joint hackney carriage and private hire driver licence must be made in writing, on an application form prescribed by Powys County Council. The application form must be completed fully, with particular attention being given to the disclosure of cautions, convictions (no matter how old) and any charges pending trial. The completed application form must be accompanied by the following:

- (a) A current driving licence (not a provisional licence) authorising the applicant to drive a motor car (or appropriate class of vehicle). The applicant must have held the licence for a period of not less than 12 months from the date of application for a joint hackney carriage and private hire driver licence.
- (b) The application fee. The responsibility for the prompt renewal of licences and the payment of application fees rests with the applicant.
- (c) Two passport size photographs not more than 12 months old.
- (d) Medicals
 - (i) Drivers who submit an application to renew a licence **which has not expired** may continue to submit a Group 1 standard certificate of fitness to drive a licensed vehicle.
 - (ii) All new applicants will be required to submit a Group 2 standard certificate of fitness to drive a licensed vehicle, signed by a registered medical practitioner.

Renewal applications received after the date of expiry of the licence will be treated as 'new' applications and therefore the more onerous Group 2 medical will be required as will the requirement to pass the authority's driver competency & knowledge test

A medical certificate in excess of five years old must be renewed when the driver attains the age of 45 and at five yearly intervals up to the age of 65 after which time the certificate must be renewed annually.

Drivers need to provide details to the licensing authority if they develop a new condition or disability, or one that has become worse since the licence was issued. Failure to notify the authority is an offence. The licensing authority may require the driver to submit a further certificate if medical advice suggests it is required.

Persons over the age of 70 years will be licensed only at the Council's discretion.

Drivers holding a current LGV or PCV licence are required to meet the standard of medical fitness in order to hold that licence and therefore are exempt from the requirement to produce a Medical Certificate to accompany their application.

Current best practice advice is contained in the booklet "Medical Aspects of Fitness to Drive" published by the Medical Commission on Accident Prevention in 1995. This recommends that the Group 2 medical standards should be applied by local authorities to taxi drivers.

- (e) A Disclosure and Barring (DBS) Disclosure application form must be completed and presented in person along with a minimum of 3 forms of identification documentation such as passport, drivers licence, birth certificate etc., required in connection with the DBS form.
- (f) Documentation from either list 1,2 or 3 below to prove your right to work.

List 1 – any one of the following :

- A passport showing that you are a British citizen, or have a right of abode in the United Kingdom.
- A document showing that you are a national of a European Economic Area country or Switzerland. This must be a national passport or identity card.
- A resident permit issued by the Home Office to you if you are a national from a European Economic Area country or Switzerland.
- A passport or other travel document endorsed to show that you can stay indefinitely in the United Kingdom, or has no time limit on your stay.
- A passport or other travel document endorsed to show that you can stay in the United Kingdom; and that this endorsement allows you to do this type of work if you do not have a work permit.
- An application Registration Card issued by the Home Office to an asylum seeker stating that you are permitted to take employment.

List 2

A document giving your permanent National Insurance Number and name. This could be a P45, P60, National Insurance Card or a letter from a Government Agency (National Insurance Numbers beginning with TN or any number which ends with the letters E to Z inclusive are not acceptable).

And any of the following:

- A full birth certificate issued in the United Kingdom, which includes the names of your parents; or
- A birth certificate issued in the Channel Islands, the Isle of Man or Ireland; or
- A certificate of registration or naturalisation stating that you are a British citizen; or
- A letter issued by the Home Office to you which indicates that you can stay indefinitely in the United Kingdom, or has no time limit on your stay; or
- An Immigration Status Document issued by the Home Office to you with an endorsement indicating that you can stay indefinitely in the United Kingdom, or has no time limit on your stay; or
- A letter issued by the Home Office to you which indicates that you can stay in the United Kingdom, and allows you to do this type of work; or
- An Immigration Status Document issued by the Home Office to you with an endorsement indicating that you can stay in the United Kingdom, and this allows you to do this type of work.

List 3

A work permit or other approval to take employment that has been issued by Work Permits UK.

And either of the following:

- A passport or other travel document endorsed to show that you are able to stay in the United Kingdom and can take the work permit employment in question; or
- A letter issued by the Home Office confirming that you are able to stay in the United Kingdom and can take the work permit employment in question.

2. Police Cautions, Criminal Convictions and Convictions for Offences including Motoring

2.1 The Council has a policy on the treatment of convictions, cautions and charges, a copy of which is available on the Council's website or on request from a Licensing Officer. The Licensing Authority will check to see if an applicant has a criminal record, charges pending etc. The existence of a criminal record does not necessarily mean that a licence

will be withheld. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the Authority will look into:

- How relevant these offences or allegations are to the licence being applied for
- How serious the offences or allegations are, and
- How recent they were

3. Enforcement of Conditions

- 3.1 A driver found to be in breach of these conditions may be required to attend the Council's Licensing Review Panel. The Panel may revoke, suspend, or refuse to renew the licence.
- 3.2 A driver found to be knowingly committing an offence that poses a significant risk to public safety, or who wilfully obstructs an authorised officer, may be prosecuted without reference to the Licensing Review Panel.
- 3.3 An authorised officer of the Licensing Authority may suspend a driver's licence in cases where there is an imminent risk to the safety of the public. In these circumstances, the Licensing Authority shall advise the driver of the reason for the suspension, in writing, within twenty-four hours. The matter will be reported to the next available Licensing Review Panel. The Panel may revoke, or refuse to renew the licence, or extend the period of suspension.
- 3.4 Any person aggrieved by the refusal of the Licensing Authority to grant a licence, or by the revocation of a licence, or by any of the conditions set out above, may appeal to an appropriate court.

4. Contacts

- 4.1 If you are unsure about any of the conditions or accompanying notes set out above please contact the appropriate Licensing Section.

Council Offices	Council Offices	Council Offices
Neuadd Brycheiniog	Y Gwalia	Neuadd Maldwyn
Cambrian Way	Ithon Road	Severn Road
Brecon	Llandrindod Wells	Welshpool
Powys	Powys	Powys
LD3 7HR	LD1 6AA	SY21 7AS
Contact: 0845 602 7037 and ask to speak to an Officer		

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