



St. Helens
Council

HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE CONDITIONS

DRAFT JANUARY 2020

HACKNEY CARRIAGE/PRIVATE HIRE DRIVER CONDITIONS

January 2020

In accordance with Sections 51(2) of the Local Government (Miscellaneous Provisions) Act 1976 the Council may attach to the grant of a licence such conditions as they may consider reasonably necessary. Failure to comply with these conditions of your licence may result in the suspension or revocation of your Hackney Carriage/Private Hire Driver Licence.

If you are aggrieved by any of the requirements contained in these conditions, you have the right of Appeal to the Magistrates Court within 21 days.

Interpretation

'Council' means St Helens Council Licensing Service.

'Officer' means an authorised officer of St Helens Council Licensing Service.

Please note where the conditions refer to 'in writing', this includes email. The email address for the Licensing Section is taxilicensing@sthelens.gov.uk

MATTERS TO BE REPORTED TO THE COUNCIL

1. The licence holder must disclose if they have been interviewed or are under investigation in respect of any criminal offence, on bail pending the outcome of an investigation or whether any criminal proceedings in the Magistrates Court or Crown Court have started against them.
2. The licence holder must notify the Council within 72 hours, details of any:
 - a. investigation into any criminal offence
 - b. warnings received – this to include any harassment or anti-social behaviour orders
 - c. cautions received – issued by the police or any other agency
 - d. criminal convictions received
 - e. issue of any fixed penalty notice
 - f. their arrest for any offence (whether or not charged)

Change in medical condition or circumstances or long term prescribed medication which may affect your ability to drive.

In the case of a motoring endorsement, do not wait for your licence to be returned from DVLA before informing the Licensing Service.

3. The licence holder must notify the Council in writing of any change of address within 7 days of any such change.
4. The licence holder must notify the Council in writing of any change of telephone number or email address within 7 days of any such change.
5. The licence holder must notify the Council in writing of any change of Operator or if you have started to work for an Operator within 7 days of any such change.
6. The licence holder must report lost or stolen Hackney Carriage or Private Hire Vehicle plates to the Council immediately on discovering the loss or theft. No licensed work must be undertaken in the vehicle until the Council is satisfied that the vehicle is displaying the appropriate plates.

7. The licence holder must report lost or stolen Hackney Carriage/Private Hire Driver licences/badges to the Council immediately on discovering the loss or theft. No licensed work must be undertaken in a licensed vehicle until the Council is satisfied that the licence holder is in possession of the necessary licence/badge.

ACCIDENTS AND DAMAGE TO VEHICLES

8. In every case where a hackney carriage/ private hire vehicle **sustains damage or is involved in an accident** the details of the vehicle and the damage sustained must be reported by the licence holder to the Council within 72 hours of the damage having been sustained. The licence holder must provide details of the accident and arrange for the vehicle to be inspected as appropriate. The licence holder will provide details of the incident and if deemed necessary the licence holder will complete an accident report.
9. In every case where a hackney carriage/private hire vehicle is involved in a **road traffic collision**, the details must be reported by the licence holder to the Council as soon as it is practicable and in any case no later than 72 hours after the collision occurring. The licence holder must provide details of the incident and arrange for the vehicle to be inspected as appropriate.
10. Where damage to the hackney carriage/private hire vehicle affects the safety, performance or appearance of the vehicle, until such damage is repaired to the satisfaction of the Licensing Authority the vehicle must not be used for hire/reward.
11. For the avoidance of doubt, slight scratches or stone chips which do not materially affect the use of the vehicle do not need to be reported.

FITNESS OF DRIVER

12. The licence holder must at any time, or at such intervals as the Council may reasonably require, produce a satisfactory medical from their registered GP (or a GP with access to their medical records) confirming that they meet the Council's medical standards (Group 2 medical standards) for a licensed hackney carriage/private hire driver.
13. The licence holder must cease driving any hackney carriage/private hire vehicle immediately if they know of any medical condition or of any medication they may have been prescribed, which may affect their driving ability and the safety of themselves and any passengers.
14. If the Licensing Authority is reasonably concerned about the health of the licensed driver, regardless of whether a medical is due, may require the licence holder to undergo a further medical to establish their medical fitness.

CONDUCT OF DRIVERS

15. The licence holder must at all times when acting in accordance with the hackney carriage/private hire driver licence granted to them, wear such a badge as supplied by the Council displayed in such position and manner as to be plainly and distinctly visible at all times to all passengers. The licence holder must not lend the badge to any other person or cause or permit any other person to wear it.
16. The licence holder must not wilfully or negligently cause or permit any licence plate or interior licence disc of the hackney carriage/private hire vehicle number to be concealed from public view or to be so defaced as to make any information contained illegible.

17. The licence holder must not drive a licensed vehicle in a manner that may intimidate or have the potential to intimidate another road user.
18. The licence holder must, on ceasing to be licensed as a driver, when the licence expires and is not renewed, when the licence is suspended or revoked or when required to do so by an officer of the Council, return the badge and licence documents to the Licensing Authority.
19. The licence holder **must not**
 - Smoke tobacco or like substances (including e-cigarettes) in the vehicle **at any time**
 - Eat or drink in the vehicle when carrying passengers, except with the express consent of the hirer.
 - Allow passengers to do any of the points noted in point 19.
20. The licence holder must at no time cause or permit the noise emitted by any radio equipment or any sound reproducing equipment installed in the vehicle to be a source of annoyance to any person whether inside or outside the vehicle.
21. The licence holder must not operate the horn as a means of signalling that the vehicle has arrived.
22. The licence holder must not (Private Hire Drivers only) while driving a private hire vehicle;
 - tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle, or
 - cause or procure any person to tout or solicit on a road or other public place, any person to hire or be carried for hire in any private hire vehicle, or
 - offer that vehicle for immediate hire while the licence holder of that vehicle is on a road or other public place or
 - accept an offer for the immediate hire of that vehicle while the licence holder of that vehicle is on a road or other public place.
23. The licence holder must produce the current valid insurance certificate of insurance for the hackney carriage/private hire vehicle when requested to do so by an Officer.
24. If the insurance certificate cannot be produced on demand it must be presented within 72 hours to St Helens Council Licensing Service.
25. The Licence holder should produce, upon request a copy their proof of payment of Road Tax.
26. The licence holder must drive at all times in accordance with all relevant traffic regulations and the highway code and must never drive in an aggressive or dangerous manner.
27. The licence holder must ensure that the hackney carriage/private hire vehicle driven by them is in a roadworthy condition and is kept in a safe and satisfactory condition at all times.
28. The licence holder must ensure that both the interior and exterior of the vehicle is in a clean and tidy condition at all times.
29. The licence holder must at all times when the hackney carriage/private hire vehicle is available or driven for hire ensure that door signs are displayed on the front doors on both sides of the vehicle, in accordance with the relevant vehicle conditions. When using magnetic signage, please ensure that this is properly aligned when applied to the private hire vehicle.

- **Notwithstanding the above, the licence holder should ensure that any hackney carriage or private hire vehicle they drive complies with the hackney carriage or private hire conditions and current legislation. Failure to do so may result in action being taken against you.**

30. The licence holder must present for inspection any hackney carriage/private hire vehicle driven by them as requested by an Officer. Failure to comply with such request may result in the suspension or revocation of the hackney carriage/private hire driver and vehicle licence.
31. The licence holder must not convey or permit to be conveyed in their vehicle more than the maximum number of persons permitted by the hackney carriage or private hire vehicle.
32. The licence holder must not allow any child apparently under 10 years of age to be conveyed in the front of the vehicle beside the licence holder.
33. The licence holder must not permit any person to be conveyed in the vehicle without the consent of the hirer.
34. Every licence holder who must have agreed or must have been hired to be in attendance with the vehicle at an appointed time and place must, unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at such appointed time and place.
35. Every licence holder must at all times when requested by the passenger;
 - Convey a reasonable quantity of luggage
 - Afford reasonable assistance in loading and unloading luggage
36. The licence holder must at all times when the vehicle is available or being driven for hire;
 - Behave in a civil, polite and orderly manner towards every person seeking to hire, or hiring or being conveyed.
 - Ensure the safeguarding of children, young and vulnerable persons is not put at risk
 - Be clean, hygienic and respectable in their dress and person
 - Address disputes through appropriate legal channels and avoid confrontation
 - Comply with the reasonable requirements of every person hiring or being conveyed in the vehicle
 - Take all reasonable precautions to ensure the safety of persons conveyed in or alighting from the vehicle
 - Ensure they do not pose a threat to the public
 - Ensure the public are safeguarded from dishonest persons
 - Ensure they do not bring into disrepute the integrity of the Council for having granted them a licence
 - Ensure the hackney carriage/private hire vehicle complies with the fitness standard set by the Council
37. The licence holder must not initiate or engage in any dialogue of a sexual nature with a passenger.

38. The licence holder must not use rude, inappropriate or offensive language.

FARES AND JOURNEYS

39. **Private Hire Vehicles only** – The licence holder shall cause any statement of fares to be displayed inside the private hire vehicle in such a position as to be clearly visible at all times to the hirer. If the private hire vehicle is fitted with a device/meter for calculating the fare the device/meter must be maintained in good working order.
40. If the private hire vehicle being driven by the licence holder is fitted with a device/meter for calculating the fare, the licence holder must not cause the fare recorded thereon to be cancelled or concealed until the hirer has had an opportunity to examine the device/meter and has paid a fare.
41. The licence holder must not demand from a hirer of a private hire vehicle a fare in excess of that prescribed by the Operator or fare table displayed in the vehicle. If the vehicle is fitted with a meter and there has been no previous agreement as to the fare, the licence holder must demand no more than the fare shown on the face of the meter.
42. **Hackney Carriage Vehicles only** – The licence holder must display the tariff charges (tariff card provided by the Council) so that they are clearly visible at all times for the customer. The maximum fares chargeable by hackney vehicles are fixed by the Council. Drivers of hackney carriage vehicles are permitted to charge any fare for a journey, up to and including (but not exceeding) the fare displayed on the meter. When hackney vehicles are used for private hire purposes, hackney carriages they must charge from the point of pick-up of the hirer to the point of drop off. The meter must be used and the fare charged cannot be greater than that displayed on the meter.
43. The licence holder must if required by the hirer of a hackney carriage or private hire vehicle, provide a written receipt for any fare paid.
44. The licence holder, when hired to drive either a hackney carriage or private hire vehicle to any particular destination, must, subject to any directions given by the hirer, proceed to that destination by the shortest practicable route.

LOST PROPERTY

45. The licence holder must, immediately after the termination of any hiring, search the vehicle with reasonable care, for any property which may have been accidentally left therein. If any property left therein by any person who may have been conveyed in the vehicle is found by or handed to the licence holder they must report it to the Operator (in the case of a private hire vehicle). If the item is of significant value it must be taken to the nearest police station in the Borough in order to receive instructions from the police as to its custody.

THE CARRIAGE OF ANIMALS

46. A licence holder must not carry in a hackney carriage or private hire vehicle any animal which belongs to, or is being looked after by them while it is being used as a hackney carriage or private hire vehicle. Animals in the custody of passengers may be carried, at the driver's discretion. Provided they are restrained in a safe manner.
47. A licence holder must carry assistance dogs when necessary. These include guide dogs for the blind or partially sighted, hearing dogs for the hard of hearing, and other assistance dogs who assist disabled people with a physical impairment. Any driver with a medical condition, which may be exacerbated by dogs, may apply for an exemption. A certificate of medical exemption can be granted when the necessary application for a medical exemption is approved and the required steps are followed, including the production of suitable medical

evidence. This information and application forms necessary to apply for such an exemption can be found on the Council's website or by contacting St Helens Council Licensing Service.

48. The licence holder must only drive hackney carriage or private hire vehicles which are licensed by St Helens Council under Section 48 of the Local Government (Miscellaneous Provisions) Act 1976, as amended.

ALTERATION OF CONDITIONS

49. St Helens Council may alter these conditions upon giving 28 days, notice in writing to the licence holder that any of these conditions are deleted, any new ones inserted or existing conditions altered. If you are aggrieved, you have the right of appeal to the Magistrates Court within 21 days of being notified of the proposed change.

For further information, you should refer to the current Statement of Taxi Licensing Policy that is available on the Council's website at <https://www.sthelens.gov.uk/media/10076/statement-of-licensing-policy-2016-2018-new.pdf>