

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
PRIVATE HIRE DRIVER LICENCES

CONDITIONS OF LICENCE

For the purposes of consultation the conditions of licence are shown as below. In the final policy the conditions of licence will show only the licence conditions approved by the Licensing Committee following the close of consultation and consideration of comments received.

Ref no		Existing Wording of Licence conditions	Officer Comments	Proposed private hire driver licence conditions
A	Licensing administration			
A1	Deposit of Licence	If the driver is permitted or employed to drive a Private Hire vehicle of which the proprietor is someone other than himself, he shall before commencing to drive that vehicle deposit a copy of his Private Hire drivers licence with that proprietor for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.	The condition is still valid to be included in new conditions as this is the mechanism that the proprietor ensures vehicle is driven by a licensed driver. Suggest amended wording to require each new/ renewal licence should also be given to proprietor so that proprietor knows when licence expires and can ensure he/ she does not commit an offence of knowingly permit an unlicensed driver to drive a licensed vehicle. Suggest that the condition is also extended so that the driver has to give the operator a copy of his / her private hire driver's licence thereby ensuring that the operator has the appropriate information to ensure he does not allocate work to a driver once the licence has expired.	A private hire driver shall <ul style="list-style-type: none"> • Provide the holder of the private hire vehicle licence with a copy of his private hire drivers licence prior to driving a licensed vehicle and shall provide copies of future licences upon grant. Before commencing work with a private hire operator provide the private hire operator with a copy of his private hire driver's licence and shall provide copies of future licences upon grant.

A2	Change of Address	The driver shall notify the Licensing Office in writing of any change of his address during the period of the licence within seven days of such change, taking place.	Valid condition, it is important that the licensing records are kept up to date with relevant contact details.	A private hire driver shall Within 7 days of a change of address notify the Council in writing of the change of address
A3	Production of Driving Licence & Insurance	The licensee shall, within 7 days of receiving written notice requiring him to do so, produce to the Licensing office his current Driving Licence & insurance for inspection.	<p>Recommend that this condition is no longer required in its current format. Driving licences are no longer checked manually</p> <p>Suggest condition be reworded to require licensed drivers to provide DVLA check code to licensing officers within 2 working day of request being made.</p> <p>Requirement to produce valid insurance is to be included within the vehicle licence conditions</p>	A private hire driver shall Within 2 working days of a request being made, provide the Licensing Office with a DVLA check code to enable a check of his/ her DVLA licence to be undertaken
A4			This is a proposed new condition, in place to assist the council monitor a person's driving standard/ ability, which is clearly linked to public safety. Whilst some incidents will be the fault of a third party it is important that the Council can monitor driving standards of licence holders regardless of whether the licence holder was driving a licensed vehicle or an unlicensed vehicle at the time of the incident	A private hire driver shall <ul style="list-style-type: none"> Report to the licensing office any form of road traffic accident/ collision/ incident in which the license holder was the driver of a vehicle involved in the incident This is regardless of whether the incident was in a licensed vehicle or not. The incident should be reported as soon as possible and in any event within 72 hours. The incident should be reported on the driver

Appendix E

				notification of accident form available online at the Councils website XXXXX
A5			The emergence of matters/ issues which could impact on public safety may require additional driver training. Examples of such issues include safeguarding and county lines which have now been included within the initial driver training requirements, but which existing drivers were required to attend one off update training	A private hire driver shall: <ul style="list-style-type: none"> Undertake any reasonable training appropriate to the role of a licensed driver as required by the City Council. Any costs associated with the provision of the training will be borne by the licence holder.
A6			The proposed condition is important to ensure that the Council can conduct the 6 monthly DBS checks required by the DfT standards The reference to medical is of particular reference to older drivers who may be required to produce annual medicals but be issued with three yearly licences	A private hire driver shall: <ul style="list-style-type: none"> ensure that relevant documentation (including DBS update status, Medical Certificate, and right to work documentation is maintained throughout the duration of the licence
A7			The suggested wording is awkward, but has been drafted as such in recognition that a PHD isn't necessarily employed by the operator	A private hire driver shall notify the licensing office in writing or by email of the name of his/ her private hire operator company within 7 days of commencing taking bookings from the operator

B	Convictions and Suitability			
B1	Convictions and Cautions	The driver shall within seven days, disclose to the Licensing Office in writing details of any conviction,	Principal of this condition remains valid however wording to be	A private hire driver shall

		caution or fixed penalty imposed on him during the period of the licence.	amended to reflect aspirations of the DfT Standards (para 4.12)	<ul style="list-style-type: none"> • Within 48 hours notify the council in writing (email will suffice) providing full details of any conviction, fixed penalty, binding over, caution, charge or arrest for any matter (whether or not charged) imposed on him/her during the period of the licence.
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C	Medical			
C1		<p>The licensee shall inform the Licensing Manager without delay about the onset or worsening of any health condition likely to cause him to be a source of danger to the public when driving either now or in the future.</p> <p>Examples are giddiness, fainting, blackouts, epilepsy, strokes, multiple sclerosis, Parkinson’s disease, heart disease, angina, ‘coronaries’, high blood pressure, arthritis, disorder of vision, mental illness, alcoholism, drug-taking, and loss of a limb or use of a limb.</p> <p>THIS LIST DOES NOT INCLUDE ALL THE DISABILITIES THAT MUST BE REPORTED.</p> <p>THESE EXAMPLES ARE GIVEN ONLY TO INDICATE THE TYPES OF DISABILITIES.</p>	<p>Condition to be retained in principal although wording amended.</p> <p>The revised wording makes direct reference to the DVLA group 2 standard which is the standard applied by the Council in terms of private hire driver medicals.</p> <p>The proposed new wording facilitates any change in national DVSA medical standard without any requirement to change the wording of the licensing condition.</p> <p>The second proposed condition is to facilitate the City Council asking for a further medical certificate this may be based on information from a licensed driver regarding a change in medical condition or information</p>	<p>A private hire driver shall</p> <ul style="list-style-type: none"> • Notify the Council of any newly diagnosed or change to a current medical condition which may restrict their entitlement to a driver’s licence requiring a DVSA Group 2 medical standard (the same standard as applied by the DVSA to the licensing of lorry and bus drivers). Notification must be sent to the Licensing Office email address immediately (or in any case within 48 hours) of the relevant diagnosis or change to medical condition. • The licensee shall at any time (or at such intervals as the City Council may reasonably require) produce a current certificate in the form prescribed

		<p>Temporary conditions, other than recurrent ones, not expected to last more than three months need not be reported. Drivers who are in doubt about whether or not their health condition is one which, should be reported should consult their doctor.</p>	<p>received from a third party /complaint. The Council will be seeking reassurance as to medical fitness which is a public safety issue.</p>	<p>by the City Council signed by an appropriate Doctor/Consultant who has access to the driver’s full medical records to the effect that he/she is or continues to be fit to be a driver of a private hire vehicle.</p>
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D	Driver Conduct			
D1		<p>The driver shall:</p> <p>(a) Afford all reasonable assistance with passengers’ luggage.</p> <p>(b) At all times be clean and respectable in his dress and person and behave in a civil and orderly manner.</p> <p>(c) Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him.</p> <p>(d) Not without the express consent of the hirer drink or eat in the vehicle.</p> <p>(e) 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.</p>	<p>References made in (a)-(f) are relevant and will be included within new conditions but worded in the same way as the HC driver code of conduct so that there is parity between the same.</p> <p>The comment regarding private hire rank, is not a licence condition but a statement .</p>	<p>A private hire driver shall:</p> <ul style="list-style-type: none"> • Be polite to passengers and communicate clearly • Whilst working as a private hire driver be compliant with the dress code for licensed drivers • Provide reasonable assistance to passengers (getting in and out of the vehicle and unloading luggage to the outer door of the premises/ building) • Not eat or drink in the vehicle whilst passengers are in the vehicle except with their permission • Ensure luggage is stored safely and properly secured in the vehicle

		<p>(f) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle. Any gathering of 2 or more Private Hire vehicles could be seen as forming a rank and lead to prosecution for plying for hire.</p>		<ul style="list-style-type: none"> • Not play the radio, utilise phone or internet whilst passengers are in the vehicle except with their permission. An exemption is the use for sending or receiving messages in connection with the operation of the vehicle • Not conduct themselves or utilise the vehicle in any way so as to be a nuisance to passengers, or the public • Comply with any reasonable request made by an Authorised Officer, Testing Mechanic or Police Officer. The licensed driver will also comply with any reasonable request of the passenger regarding their comfort during the journey (e.g. heating/ventilation).
<p>D2</p>	<p>Seatbelts/Child Seats</p>	<p>Rear-facing baby seats MUST NOT be used in a seat protected by a frontal air-bag unless the air-bag has been deactivated manually or automatically.</p> <p>It is impracticable to expect the right child seat or booster to be available in a taxi unless carers have brought one with</p>	<p>The seat belt requirements reflect a legal requirement and therefore do not need to be replicated as a licence condition. the wording in respect of seat belt requirements has been included within the main body of the taxi licensing policy</p>	<p>A private hire driver shall:</p> <ul style="list-style-type: none"> • Know and comply with the highway rules around children travelling in private hire vehicles, in particular regarding the provisions of car seats and where in the vehicle children

		<p>them. Therefore, there is a qualified exception so that if child restraints are not available in a licensed taxi or licensed Private Hire vehicle.</p> <ul style="list-style-type: none"> - Under 3's may travel unrestrained but in the rear only; - Those 3 years and above must use an adult belt in the rear seat only. <p>Remember that a child up to 135cms in a front seat of ANY vehicle must use the correct child seat or booster</p> <p>The driver of the vehicle is responsible for seat belt wearing by children under 14 years (except in Taxis with fixed partitions)</p>	<p>This condition is predominantly aimed at ensuring public safety in licensed vehicles where seats have been temporarily removed, this is usually to accommodate passengers travelling in wheelchairs , but would also cover a situation where a single seat has been taken out of use to facilitate the storage of luggage or other materials. It is understood that some licensed vehicles may temporarily remove seats from</p>	<p>are permitted to sit (see taxi policy for details)</p> <p>The licensed driver shall ensure that all passengers must have access to a designated seat and appropriate seat belt. For passengers travelling in a wheelchair , the wheelchair can be regarded as a designated seat provided the wheelchair is adequately secured using proper restraints and the passenger travelling in the wheelchair has access to an appropriate seat belt.</p>
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Appendix E

			<p>the vehicle to accommodate the safe travel of a person travelling in a wheelchair. This may involve the removal of two seats to accommodate a person travelling in a wheelchair, this means that a vehicle normally licensed to carry 4 passengers (1 in the front and 3 in the rear) can only safely accommodate 3 passengers when 1 person is travelling in a wheelchair (1 in the front 1 in the rear and 1 travelling in a wheelchair)</p>	<p>(Compliance with this licence condition may mean that the vehicle cannot carry the maximum number of passengers that it is licensed to carry)</p>
D3			<p>It is important that drivers conduct themselves appropriately drivers should not pass personal comments regarding a customer’s appearance ask personal questions, or engage in any inappropriate behaviour.</p> <p>It is essential that drivers do not contact customers other than for purposes directly related to the booking</p>	<p>A private hire driver shall</p> <ul style="list-style-type: none"> • Keep relationships with passengers on an appropriate professional basis <p>Not keep or utilise customer telephone number or other contact details other than for purposes associated with the booking</p>
D4			<p>The proposed conditions are all taken from Annex B of the Department for Transport Best practice guidance 2010</p>	<p>A private hire driver shall:</p> <ul style="list-style-type: none"> • Drive with due care and courtesy towards the

Appendix E

			<p>The first bullet point is in relation to safe driving practices The second ensures that the journey and the vehicles occupants are protected by valid and appropriate insurance The third relates to good standard of communication between drivers and passengers and reduces the opportunity for conflict</p>	<p>passengers and other road users</p> <ul style="list-style-type: none"> • Ensure that the passenger has pre-booked before commencing the journey • Take the most time efficient route bearing in mind likely traffic problems and known diversion's and agree with the passenger any diversion from the most direct route.
D5			<p>The outside of the vehicle needs to be kept clean so that signage and plates can be easily read, and windows are clear.</p> <p>The inside of the vehicle needs to be kept clean for passenger comfort.</p>	<p>A private hire driver shall:</p> <ul style="list-style-type: none"> • Ensure that the vehicle is kept clean (inside and out) and free of rubbish
D6			<p>The proposed condition is considered reasonably necessary in respect of the safety of the vehicle. It is common practice for professional drivers to undertake daily checks on vehicle before commencing work. The purpose of the checks is to ensure as far as is reasonably practicable that the vehicle is in a safe and clean condition. Daily checks are not</p>	<p>A private hire driver shall undertake a daily vehicle check at the beginning of each shift. The checks to be carried out are as follows:</p> <ul style="list-style-type: none"> • lights and indicators • tyre condition, pressures and tread/ wheelnuts • Wipers, washers and washer fluid levels • Cleanliness inside and out

			<p>expected to identify serious mechanical defects and it is accepted that a tyre can pick up a nail / light bulb can blow at any time , however the failure of several lights or inadequate tread on tyres would give rise to concerns re maintenance of a vehicle.</p> <p>The requirement to inform the vehicle owner of defects/ corrective action is that ultimately it is the vehicle licence holder who has overall responsibility for the maintenance of the vehicle and any failures to maintain the vehicle properly could result in action being taken against the vehicle licence holder</p>	<ul style="list-style-type: none"> • Bodywork – no dents or sharp edges • Licence plates present and fixed in accordance with licensing requirements • Signage present as required • brakes • Horn in working order • Oil/ water levels • Drivers mirrors • Seats/ seat belts • Sundry equipment • Suspension/ steering appear to be working ok <p>The private hire driver shall ensure a record is immediately made once the checks have been carried out and note any defects and corrective action undertaken. The record of the check is to be kept in the vehicle at all times and will ensure the information is available to an Authorised Officer upon request.</p> <p>In the case of vehicles licensed by a person other than the driver, the vehicle licence holder must be informed of any defects identified and corrective action undertaken/ required</p>
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D7			<p>The proposed conditions deal with the issue of inconsiderate parking and passenger safety. Inconsiderate parking is a matter about which the Council does receive complaints and whilst it may not always constitute a motoring offence the proposed condition is considered reasonably necessary for the safety and consideration of others.</p>	<p>A private hire driver shall</p> <ul style="list-style-type: none"> stop or park the private hire vehicle considerately and legally (not in contravention of any road traffic orders) and shall switch off the engine if required to wait <p>Wherever possible ensure that children and vulnerable adults leave the vehicle directly onto the kerb and outside their destination (if it is safe and legal to do so.</p>
D8	Written Receipts	<p>The driver shall if requested by the hirer of a Private Hire vehicle provide him with a written receipt for the fare paid.</p>	<p>A valid condition and will be included as a proposed condition and in the HC drivers code of conduct.</p> <p>Slightly reworded to allow for receipt to be provided to either the person who made the booking or the person who took the journey.</p>	<p>A private hire driver shall</p> <ul style="list-style-type: none"> Provide written receipts on request
D9	Animals	<ol style="list-style-type: none"> The Licensee shall not convey in a Private Hire vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle. The Licensee shall at all times carry guide/hearing/assistance dogs, free of charge, unless he has a proven medical condition 	<p>Part 1 of existing condition valid.</p> <p>Question whether part 2 should be included as a licence condition because it is a requirement of primary legislation.</p> <p>Part 3 remains valid.</p>	<p>A private hire driver shall:</p> <ul style="list-style-type: none"> Not convey in a Private Hire vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle. Ensure that their private hire operator is aware of any exemption certificate they have from the City Council in relation

		<p>that would preclude such action and is in receipt of a 'Notice of Exemption' issued by the authority, in accordance with Section 37 of the Disability Discrimination Act 1995.</p> <p>3) The Licensee has a responsibility to ensure that their company / employer is aware of such a condition when they are first employed.</p>		<p>to the requirement to carry assistance dogs.</p>
D10			<p>This proposed condition is considered reasonably necessary as it is clear in the DfT standards that the primary objective of hackney carriage and private hire licensing is public safety (para 3.2). This is supported by the proposed policy and in particular section 3.9 of the City Councils draft policy which details the expectation in respect of safeguarding. The proposed condition is a mechanism by which para 3.9 will be implemented.</p>	<p>A private hire driver shall</p> <ul style="list-style-type: none"> • Report immediately to the operator any incident of concern including accidents where hurt or distress has been caused, customer disputes or passenger conduct concerns. • Be vigilant regarding vulnerable passengers and safeguarding concerns when working and shall report any concerns immediately to the private hire operator. • Report any safeguarding concerns regarding the private hire operator to the Licensing office.

Appendix E

D11	Prompt Attendance	The driver of a 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.	Condition still relevant and valid to be replicated in proposed conditions although query whether reference to proprietor is appropriate all booking should be via operator	A private hire driver shall <ul style="list-style-type: none"> • If aware that the vehicle has been hired to be in attendance at an appointed time and place or he/she has otherwise been instructed by the operator 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.
D12			This proposed condition is considered reasonably necessary as the City Council has received and dealt with complaints about these types of activity. The occurrence of such activities in a licensed vehicle would suggest that it is reasonably necessary to impose a condition on the licence that explicitly prevents such activities.	A private hire driver shall <ul style="list-style-type: none"> • Not engage in any sexual or illicit related activity in a licensed vehicle, even if consensual and the vehicle is not being used for private hire purposes.

E	Assistance Dogs			
E1			This is a reasonably necessary condition as it provides the methodology by which an	A private hire driver shall <ul style="list-style-type: none"> • Keep a copy in the licensed vehicle of any exemption

			<p>authorised officer of the council can immediately identify whether a licensed driver has the right to refuse to accept a passenger travelling with an assistance dog. It also acts as a reminder to a licence holder of the need to request an exemption certificate due to his/her medical condition detailed in a medical certificate</p>	<p>certificate issued by the City Council, relating to the medical condition that prevents the licensed driver from carrying assistance dogs in the licensed vehicle</p> <p>FOR INFORMATION IT IS A LEGAL REQUIREMENT TO CARRY AN ASSISTNCE DOG UNLESS AN EXEMPTION CERTIFICATE HAS BEEN ISSUED BY THE CITY COUNCIL TO THE NAMED DRIVER</p>
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F	Fares and Meters			
F1			<p>The majority of Lancaster’s private hire vehicles are fitted with a taxi meter. There is a condition imposed on the private hire vehicle licence regarding the requirements of the actual meter. It is reasonably necessary to impose a condition on the private hire driver to ensure that he/ she operates the meter in a correct manner</p>	<p>A private hire driver shall</p> <ul style="list-style-type: none"> ensure the meter is set to display any fare table adopted by the private hire operator ensure any meter is set to the tariff displayed and sealed appropriately
F2			<p>There has been media coverage of drivers in some areas (No specific ref to Lancaster) starting to operate the meter on the vehicle whilst providing assistance to passengers in accessing the</p>	<p>A private hire driver shall</p> <ul style="list-style-type: none"> Not operate the meter until the journey commences (this does not apply where no meter is

			vehicle. This has been a particular issue for passengers travelling in wheelchairs. The proposed licence condition makes it clear that this practice is not permitted.	fitted in the private hire vehicle)
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G	Illegal ply for hire/ standing for hire			
G1			<p>The proposed condition is deemed reasonably necessary as compliance with the condition would alleviate much of the uncertainty that often surrounds illegal ply for hire. Case law in respect of plying for hire is wide ranging but does not provide clear direction as to what constitutes ply for hire. Officer do not consider it appropriate to include a condition that states you must not ply for hire – as this is a legal requirement and so should not be duplicated in conditions. The proposed condition aims to reduce / eliminate the factors that can encourage / contribute towards ply for hire. The act of illegal ply for hire is one which results in the journey not being covered by insurance and therefore the protection that insurance provides is no longer present.</p>	<p>A private hire driver shall</p> <ul style="list-style-type: none"> • not behave in a way that may be deemed to be standing or plying for hire, by not plotting or waiting without a booking: <ul style="list-style-type: none"> a) in high footfall /high visible locations b) outside busy venues/ businesses or in close proximity to events c) at the front or back of designated hackney ranks d) in groups or lines that present as a “rank’ e) in contravention of road traffic orders • Ensure that the passenger has pre-booked before commencing the journey • Not while driving or in charge of a private hire vehicle: <ul style="list-style-type: none"> Accept, or consider accepting, an offer for the immediate hire

				<p>of that vehicle, including any such hire that is then communicated to the Operator to be recorded on the Operator’s booking system.</p> <p>For the avoidance of doubt, bookings can only be undertaken when first communicated to the licensed driver by the operator.</p>
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H	Lost property			
H1			<p>Lost property – there is no reference to this within the current private hire driver conditions, the issue is addressed in the hackney carriage byelaws and it is considered reasonable that a provision is made for lost property within the private hire regime</p>	<p>A private hire driver shall</p> <ul style="list-style-type: none"> • Immediately after the hiring or as soon as practicable thereafter check the vehicle for lost property. • Notify the owner of the lost property found in the vehicle (if this is possible by either booking records or personal details found in the lost property) • Make arrangements with the property owner regarding its return <p>Where the owner of the property cannot be ascertained the lost property must be handed back to the private hire operator who will</p>

Appendix E

				hold the property for a period not exceeding 6 months, before disposing of unclaimed items.
I	CCTV			
I1			It is unclear whether the Council will pursue a mandatory policy in respect of CCTV the DfT standards advocate consultation on this issue (para 7.9 of the DfT standards) If a mandatory policy is adopted then appropriate conditions will be required on drivers licences regarding the operation of any CCTV installations	
J	Existing licence conditions deemed no longer required			
	Return of Badge	The driver shall upon the expiry (without immediate renewal), revocation or suspension of a licence forthwith return to the Licensing Office the driver's badge issued to him by the Licensing Office when granting the licence.	There is a legal requirement to return the drivers badge (not licence) under section 61 2a i.e. when a suspension/ revocation has occurred	
	Suspension/Revocation	(a) The breach by the licensee of any provision of this code or the Byelaws may be treated by the Council as reasonable cause for the suspension or revocation of the licence under Section 61 of the Local Government	This is a relevant consideration and is detailed in the policy it is not considered necessary to duplicate legal requirements in licensing conditions	

		<p>(Miscellaneous Provisions) Act, 1976. Section 52 of the Road Safety Act 2006 has introduced 2 new sections into Section 61.</p> <p>Sub-section 2A provides that a suspension or revocation will take effect 21 days after the driver has received notification of the decision to suspend or revoke his licence. The day on which he receives notification will be day one.</p> <p>Sub-section 2B provides that if the Council believe that it would be in the interest of public safety to suspend or revoke the licence with immediate effect it may do so provided that the usual decision notice given to the driver states that the licence is suspended or revoked immediately and explains why.</p>		
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