

# Appendix B - Private Hire and Dual Licence Driver Conditions

## 1. Requirements and Conditions for licensed drivers (private hire)

- 1.1 The following conditions are considered to be reasonably necessary by North Northamptonshire Council in relation to private hire and dual drivers' licences and all private hire and dual drivers' licences will be granted subject to these conditions. The power to attach conditions to a private hire drivers' licence is contained in section 51(2) Local Government (Miscellaneous Provisions) Act 1976. (as amended).
- 1.2 In determining these conditions the Council has had regard to the Department of Transport Statutory Taxi & Private Hire Vehicle Standards July 2020.
- 1.3 These conditions are ancillary to and should be read in conjunction with applicable statutory legislation. The following list is not exhaustive: -
- The North Northamptonshire Hackney Carriage and Private Hire Licensing Policy
  - The Town Police Clauses Act 1847 (as amended)
  - The Local Government (Miscellaneous Provisions) Act 1976 (as amended)
  - The Disability Discrimination Act 1995
  - The Equality Act 2010
  - Public Health Act 1875
- 1.4 The conditions of licence are made pursuant to Section 51 of the Local Government (Miscellaneous Provisions) Act 1976,
- 1.5 Failure to comply with any of the conditions attached to this licence may result in Penalty Points being issued to the licence holder, or other action such as referral to the Licensing Sub Committee, with a view to potential suspension or revocation of the licence.

## 1.6 Definitions

In these conditions:

'the 1976 Act' means the Local Government (Miscellaneous Provisions) Act 1976 (as amended)

'the Council' means North Northamptonshire Council

'Authorised Officer' means a Licensing Officer authorised in writing by North Northamptonshire Council

'the hirer' means any person who, from time to time, hires or books the vehicle.

'the licensee' means the person(s) named in the licence.

'the driver' means the person(s) named in the licence

'the operator' means any person or company or partnership licensed by the Council to operate private hire vehicles.

'the vehicle' means the vehicle named in the licence.

## **2 Driver Licence and Badge**

- 2.1 The driver will be issued with one driver badge and must at all times, when driving a licensed vehicle, wear the badge in a prominent visible place on their outer clothing.
- 2.2 Badges remain the property of the Council and must be returned upon expiry, surrender, suspension or revocation.
- 2.3 The badge must not be covered, concealed or defaced in any way.
- 2.4 The drivers badges, to which these conditions refer, must be made available for inspection, on request, by any authorised officer of the Council or Police; or any passenger or potential passenger, or any other member of public who may have reason to request sight of the badge (such as in the case of a road traffic accident or complaint situation).
- 2.5 The driver must notify the Council in writing, within seven days of being engaged or employed to drive a private hire vehicle, of the name of the proprietor (licensee) of the vehicle, the operator of the vehicle (if different) and the date when such engagement or employment commenced. The driver must also notify the Council in writing within seven days of any termination of engagement or employment with an operator.
- 2.6 The driver must not lend the badge to any other person or permit any other person to wear it.
- 2.7 The driver's badge remains the property of the Council. The badge must be returned to the Council immediately if the licence is suspended or revoked. Upon expiry the badge must be returned to the Council within seven days.
- 2.8 The driver of a private hire or hackney carriage vehicle must hand his original Private Hire Driver Licence to his employer or the Private Hire Operator who engages him, before he commences his employment or engagement. The driver must take the licence from the operator if he ceases to be employed or engaged by them.
- 2.9 Drivers must notify the Council in writing immediately in the event that a badge or licence is lost.
- 2.10 Private hire vehicles must not be driven by unlicensed drivers under any circumstances.

## **3.0 Conduct of Driver**

- 3.1 The driver of a private hire vehicle must be clean and dressed in clean, smart clothes at all times when the private hire vehicle is being driven for hire.
- 3.2 The driver must not at any time behave in an abusive, aggressive or threatening manner to any passenger, officer of the Council, contracted garage personnel or any

other person.

- 3.3 The licensed driver of a private hire vehicle must not ply or stand for hire and cannot use hackney carriage stands for any purpose, including dropping off passengers.
- 3.4 The driver must not convey, or permit to be conveyed, in a private hire vehicle any greater number of persons than the number of persons specified on the vehicle licence (plate).
- 3.5 The driver must at all times ensure the safety and welfare of all passengers and ensure additional care is taken when dealing with potentially vulnerable passengers.
- 3.6 Good safeguarding practices are essential for all drivers working with passengers. These standards are equally applicable when working with vulnerable and non-vulnerable passengers. The following safeguarding principles must be observed at all times:
- The driver / operator must confirm that any necessary safeguarding or assistance provisions have been made for the vulnerable person prior to accepting the booking or commencing the journey. This does not necessarily mean that the driver / operator is responsible for the provision of appropriate measures but is responsible for checking that any such measures are in place. However if appropriate measures are not in place then the driver / operator must not undertake the journey.
  - Drivers must always ask if a passenger (whether considered vulnerable or not) needs help and should not make assumptions.
  - Drivers must remain professional at all times and must not:
    - Touch a person except in an emergency or when requested to do so by the person concerned for assistance, etc.
    - Make offensive or inappropriate comments (such as the use of swearing, sexualised or discriminatory language)
    - Solicit or engage in any inappropriate conversations
    - Behave in a way that may make a passenger feel uncomfortable, intimidated or threatened
    - Attempt to misuse personal details obtained via the business about a person
  - Drivers must remain alert to issues around the safeguarding of children and vulnerable adults. Drivers must ensure that children and vulnerable adults leave the private hire vehicle directly onto the kerb and immediately outside their destination (if it is safe and legal to do so).
  - If a driver is concerned about the safety, welfare or behaviour of a vulnerable person, they should report this to the police by telephoning 101 (or in appropriate cases by calling 999).
- 3.7 If a driver is concerned about someone else's conduct, they should report their concerns to the Council's licensing department, Police, or Crimestoppers.
- 3.8 The driver must comply with all reasonable requirements and requests of any person hiring or being conveyed in the private hire vehicle.

- 3.9 The driver must afford all reasonable assistance with passenger luggage or other items being carried as may be required. At the conclusion of the journey the driver must similarly offer all reasonable assistance to passengers leaving the private hire vehicle and assist them with luggage or any disability aids or wheelchair etc.
- 3.10 The driver must take all reasonable steps to ensure the safety of passengers entering or conveyed in or alighting from the private hire vehicle, especially those passengers who are vulnerable.
- 3.11 The driver must not smoke tobacco or any other substance, nor use E-Cigarettes / Vaping Cigarettes/or any electronic smoking device in the private hire vehicle at any time. In addition, the driver must take all reasonable steps to prevent any passengers smoking or using similar devices.
- 3.12 The driver must comply with any hirer's request not to drink or eat in the vehicle, or play any radio or sound equipment, which is not connected with the operation of the vehicle as a private hire vehicle.
- 3.13 The driver must at all times when driving a private hire ensure that the vehicle is maintained in a roadworthy and clean condition.
- 3.14 Every driver must undertake an inspection of any private hire vehicle that they are driving at the start of their shift whilst working as a private hire driver to ensure the vehicle is in a suitable and roadworthy condition and is compliant with all licensing requirements. This inspection must be undertaken at least daily and before the first carriage of passengers in the vehicle. A record must be made by the driver to confirm that the checks have been undertaken; this record must be retained for a period of six months and must be made available for inspection by an authorised officer of the Council upon request.
- 3.15 The driver of a licensed vehicle must ensure that none of the markings / signs / notices that are required to be displayed on the private hire vehicle become concealed from public view or be so damaged or defaced that any figure or material particular is rendered illegible.
- 3.16 The driver of a private hire vehicle that has been hired to be in attendance at an appointed time and place or he/she has otherwise been instructed by the operator of the vehicle to be in attendance at an appointed time and place punctually attend at the appointed time and place unless delayed or prevented by sufficient cause.
- 3.17 The driver, when hired to drive to a particular destination, must proceed to that destination by the shortest available route, unless a different route has been agreed with the hirer before the commencement of the journey. If traffic delays (e.g. congestion, road works) mean that the shortest available route may not be the quickest, that should be explained to the passenger who can then make an informed decision as to which route they would like the driver to take.
- 3.18 Drivers are permitted to use one Bluetooth earpiece only, in one ear, which does not require any direct contact with the mobile telephone to operate, and which does not interfere with their ability to drive safely. Any such equipment must only be used in compliance with all other relevant legislation. Drivers are not permitted to wear or use earphones or other devices on/in two ears. Equipment or devices that require any contact whatsoever with the mobile phone to operate or activate them, are not

permitted. Wired earpieces or headphones etc are not permitted to be used.

#### **4.0 Change of Address**

- 4.1 The licensee must notify the Council in writing within seven days of any change of their address taking place during the period of the licence, whether permanent or temporary.

#### **5.0 Customer and other Personal Information**

- 5.1 Drivers must comply with all Information Commissioner / Data Protection obligations regarding all personal data provided to them in the course of their work.
- 5.2 Personal information must not be used for any purpose other than that for which it was collected without the express permission of the individual to which the information relates.
- 5.3 For example, telephone numbers provided by customers so that they can be alerted / updated by SMS text message with regard to a booking they have made must only be used for this purpose. The information must not be retained by the driver after the text message has been sent, and / or used for any other purpose (such as unsolicited marketing calls).

#### **6.0 Accidents**

- 6.1 If at any time the vehicle is involved in an accident, however minor, the driver must inform the Council of this fact as soon as possible and in any event within 72 hours (by telephoning XXXXXX or emailing xxxxxx). An accident report form (available from the licensing office) must then be completed and submitted to the Council within seven days of the accident occurring (except in exceptional circumstances when the report must be made as soon as possible after the seven day deadline – an example of an exceptional circumstance would be that the driver is incapacitated due to the accident and physically unable to make the notification).
- 6.2 Any damage to a licensed vehicle which materially affects the safety, performance or appearance of the vehicle or the comfort or convenience of persons using the vehicle, must be reported immediately.

#### **7.0 Fares**

- 7.1 The driver must not, if driving a licensed vehicle fitted with a taximeter which is being used to calculate the fare for the private hire journey, cause the fare recorded thereon to be cancelled or concealed until the hirer has had the opportunity of examining it and has paid the fare.
- 7.2 The driver must not demand from any passenger a fare in excess of any previously agreed for that hiring between the hirer and the operator or if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter or calculated by the means determined by the operator.
- 7.3 The operator of a private hire vehicle will have entered into a contract with the hirer

which will determine the fare to be charged for a particular journey. This must be honoured by the private hire driver

7.4 The driver must, if requested by the hirer, provide the hirer with a written receipt for the fare paid. The receipt must include the following information in a legible format:

- The name and address of the operator of the vehicle
- The time and date of the journey
- The start and destination points of the journey
- The drivers name (in capitals)
- The drivers badge number
- The vehicle licence plate number or registration
- The fare paid
- The drivers signature

## 8.0 Identification plates

8.1 The driver must not conceal or remove or allow to be concealed or removed, the exterior identification plates and other required markings of the private hire vehicle or the details painted or marked thereon, from public view, and will always keep these items in a clean condition during the period of the licence.

## 9. Passengers

9.1 The driver must not allow to be conveyed in the front of a licensed vehicle:-

- more than one person, unless the vehicle is manufactured to carry two front seat passengers, and seat belts are fitted for both passengers,
- any child under the age of 13 years old unless this is part of a school contract,
- any person between the ages of 13 and 18 years old, unless the passenger is part of a group that includes at least one person over the age of 18, or all other passenger seats in the vehicle are occupied by persons under the age of 18.

9.2 The driver must not, without the consent of the hirer of the vehicle, convey or permit to be conveyed any other person in that vehicle.

## 10.0 Duty to assist passengers in Wheelchairs

10.1 Section 165 of the Equality Act 2010 places a duty on the driver of a designated\* wheelchair accessible private hire vehicle to:

- carry the passenger while in the wheelchair;
- not to make any additional charge for doing so;
- if the passenger chooses to sit in a passenger seat to carry the wheelchair;
- to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- to give the passenger such mobility assistance as is reasonably required.

Drivers must:

- be fully aware of the correct method of operation of all ramps, lifts, wheelchair restraints and any ancillary equipment provided for the purpose of conveying wheelchair bound passengers;
- before the vehicle is put into motion, ensure that all wheelchairs and occupants are firmly secured to the vehicle by use of an approved restraint system and seatbelt(s). The wheel brakes of any wheelchair should be set before the private hire vehicle is put into motion;
- ensure that any wheelchair(s), equipment and passengers are carried in such a manner that no danger is likely to be caused to those passengers or to any other person, and in accordance with any statutory legislation or regulations;
- be physically capable of loading and unloading passengers confined to an un-powered wheelchair.

10.2 Designated vehicles are those listed by the Licensing Authority under section 167 of the Equality Act 2010 as being a 'wheelchair accessible vehicle'

### **11.0 Carriage of Animals**

11.1 A driver must not carry in a licensed vehicle any animal which belongs to or is being looked after by themselves, the owner of the vehicle or the operator whilst it is being used for hire by paying passengers.

11.2 Animals in the custody of passengers may be carried, at the driver's discretion, provided that they are restrained in a safe manner.

### **12.0 Duty to Carry Assistance Dogs**

12.1 The driver must not fail or refuse to carry out a booking by or on behalf of a person with disabilities who is accompanied by an 'assistance dog' unless the driver has a current Medical Exemption granted by the Licensing Authority and is displaying the Exemption Certificate in the approved manner on the vehicle.

12.2 Medical Exemption Certificates must be displayed in the vehicle by fixing it in a prominent position facing outwards on the dashboard.

12.3 When hired to carry an assistance dog, the owner should be asked where they would prefer their dog to be and their request should be accommodated by the driver.

12.4 Most assistance dogs are trained to lie in the front passenger foot well between the feet of their owner. If the vehicle is fitted with front and side air bags, it is essential that the dog is lying down at all times. Drivers should inform the passenger of this. The dogs are trained not to move and will not harm the driver in any way.

12.5 If the front foot well is not large enough to accommodate the dog, the assistance dog owner should be advised to travel in the rear of the vehicle with the dog in the foot well behind the front passenger seat. The seat should be pushed forward to make room for the dog. Ultimately, the passengers preference should be accommodated by the driver wherever possible.

12.6 Any animal belonging to or in the custody of any passenger should remain with that

passenger and be conveyed in the front or rear of the vehicle.

- 12.7 If the person needs assistance for themselves or their assistance dog to access or exit the vehicle, this should be provided by the licensed driver.

### **13.0 Lost and Found Property**

- 13.1 The driver must, following the termination of any hiring, or as practicable thereafter, ascertain if any property belonging to the hirer(s) has been left in the vehicle. If not immediately able to return any such property, the driver must hand any property to their operator. It is the operator's responsibility to notify the ~~local police~~ [Licensing Authority](#) of the item(s) within 24 hours, unless an alternative arrangement has been made with the owner of the property.

### **14.0 Medical Conditions**

- 14.1 The driver must notify the Council in writing without undue delay of any change in their medical condition that may affect their ability to safely drive a vehicle. This also includes the taking of any newly prescribed medication that carries the warning not to drive or operate any machinery or following the advice from a registered medical practitioner or other medical expert of a similar nature.
- 14.2 The following medical condition(s) must be notified to the Council, in writing, as soon as reasonably practicable after the driver becomes aware of any matter:
- Heart condition
  - Deterioration of eyesight or hearing
  - Abnormal blood pressure
  - Alcohol or drug dependency
  - Diabetes
  - Mental or psychological disorders
  - Epilepsy
  - Serious physical injury or disability
  - Sudden attacks of giddiness or fainting
  - Any other condition affecting the ability to drive

- 14.3 The Driver must at any time, or at such intervals as the Council may reasonably require, produce a certificate in the form prescribed by the Council signed by a registered medical practitioner to the effect that he/she is or continues to be physically fit to be a driver of a private hire/hackney carriage vehicle.

### **15.0 Convictions, Cautions, Arrest etc.**

- 15.1 The driver must notify the Council in writing within seven days providing full details of any conviction, binding over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on them during the period of the licence. This includes any driving convictions or points endorsed on the drivers DVLA driver's licence. This also includes any fixed penalty notice, community protection notice,



injunction, restraining order, or any other penalty imposed. Failure to do so may result in action being taken against the licence.

15.2 Drivers must also notify the Council in writing within seven days of any action taken by any other licensing authority in respect of any licences held elsewhere, including suspension or revocation.

## **16.0 Disclosure and Barring Service Online Update Service and Online DVLA system**

16.1 All drivers must subscribe to the Disclosure and Barring Service Online Update Service at time of initial DBS disclosure and maintain this subscription ongoing whilst a licensed driver. The subscription to this service must be activated within the prescribed timescale set out by the DBS service. Any costs associated with maintaining this subscription must be met by the driver.

16.2 The driver must give permission for the Council to undertake checks of their DBS and DVLA status should the Council consider it necessary to do so. The Council will use the update service to monitor the criminal record of licence holders at least every six months.