

## APPENDIX 2



# PRIVATE HIRE

## LICENSING GUIDELINES AND CONDITIONS

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# PRIVATE HIRE DRIVERS' CONDITIONS OF LICENCE

The Private Hire Driver's Licence is granted to you subject to you complying with the following conditions of licence.

Failure to comply with any of the conditions may lead to a prosecution or could lead to your licence being suspended, revoked or not being renewed.

## 1. CONDUCT OF DRIVER

The driver must:-

- (a) (i) Give all reasonable help with passengers' luggage/shopping.
  - (ii) Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him/her, and in particular those confined to wheelchairs or accompanied by guide dogs.
- (b) (i) At all times, be clean, tidy and suitably dressed. Behave in a civil and acceptable manner and comply with all reasonable requirements of any person hiring or being conveyed in the vehicle.
  - (ii) Not, to play any radio or sound producing instrument or equipment in the vehicle at such a volume which could be a source of nuisance or annoyance to any person whether inside or outside the vehicle.
  - (iii) The driver shall not smoke (cigarette or tobacco) at any time **whilst in their vehicle. It is an offence under Part 1 of the Health Act 2006 which designates a Private Hire Vehicle and a Hackney Carriages as a designated enclosed public place.**
  - (iv) Not without reasonable cause to unnecessarily prolong in distance or in time the journey for which the Private Hire is being hired. If asked indicate the route they are going to take.

## 2. PASSENGERS

- (a) The driver must not convey or permit to be conveyed in a Private Hire Vehicle a greater number of persons than that described in the licence for the vehicle.
- (b) The driver must not, without the consent of the hirer of the vehicle, convey any other persons in that vehicle.

## 3. SEATBELTS

A Private Hire Driver is only exempt from wearing a seat belt when carrying fare paying passengers.

## 4. WRITTEN RECEIPTS

The driver must, if requested by the hirer, provide at the end of the hiring a written receipt for the fare paid.

## **5. ANIMALS**

The driver must not convey in a Private Hire Vehicle any animal belonging to them or in their possession or that of the proprietor. Any animal belonging to or in the custody of any passenger may be conveyed in the vehicle at the driver's discretion. Assistance dogs may be carried in the front passenger footwell of the vehicle.

## **6. ASSISTANCE DOGS**

Private Hire Vehicles 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 (Equality Act 2010). A medical practitioner must verify any such condition and it will be reported to the Council for an exemption certificate to be granted this must be in the possession of the driver and be available for inspection at any time. Any driver in possession of this exemption certificate will display a yellow 'Assistance Dog Exemption' disc in the rear window of his vehicle. This will bear a photograph of the exempt driver thereon. Drivers have a responsibility to ensure that their operator is aware of such a condition when they are first engaged. Assistance dogs may be carried in the front passenger footwell of the vehicle.

## **7. TAXI METER**

- (a) If a Private Hire Vehicle being driven by the driver is fitted with a taxi meter, the meter should be displayed in a place where it can easily be read by the hirer and properly illuminated throughout the hiring.
- (b) Not tamper with or allow any other person other than an authorised person to tamper with the taxi meter with which the vehicle is provided with its fittings or with any of the sealing devices.

## **8. FARE TO BE DEMANDED**

The driver must not demand from any hirer of a Private Hire Vehicle 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 taxi meter and there has been no previous agreement as to the fare, in excess of the fare shown on the face of the taxi meter.

## **9. CHANGE OF ADDRESS**

The driver must notify the Licensing department in writing, of any change of his/her address within 7 days of such a change taking place. (You will also need to change the details of your address on your DVLA Licence).

## **10. CONVICTIONS**

**Any driver/proprietor convicted on any offence or receives a motoring endorsement or fixed penalty excluding parking fines must report details, in writing to the Council within 7 days. Failure to comply with this condition may result in his/her licence being revoked.**

## **11. ROADWORTHINESS AND CLEANLINESS OF VEHICLE**

- (a) The driver must, at all times when driving a Private Hire Vehicle for hire or reward:-
  - (i) Check that the tyres, lights, indicators, horn, wipers and washers are in a roadworthy condition.
  - (ii) That the vehicle is clean inside and out at all times.
- (b) Where a passenger being conveyed in a Private Hire Vehicle fouls the interior of the vehicle in such a way to immediately prevent the driver from continuing working with that vehicle, he/she may demand from the passenger a reasonable amount of money to enable him/her to clean the interior of the vehicle so that it is fit for public use.

**NOTE:**

**1) Failure of that passenger to pay any such reasonable amount is a civil debt and neither the Council or the Police have any authority to deal with non-payment.**

**2) Following any fouling the vehicle should be thoroughly cleansed throughout**

## **12. CHANGE OF OPERATOR**

The driver must notify the Council, in writing, of any change of his/her operator during that period of the licence within 7 days of such a change taking place.

## **13. HEALTH OF DRIVER**

The driver of a Private Hire Vehicle must inform the Licensing Department, without delay, about the onset or worsening of any health condition which would negate their ability to pass a Group 2 medical standard examination. Drivers who are in doubt about whether or not their health condition is one which should be reported should consult their doctor.

## **14. PLYING FOR HIRE**

The driver or proprietor shall not, whilst in control or in charge of a Private Hire Vehicle, ply for hire or otherwise:-

- (i) Tout or solicit on a road or other public place any person to hire or be carried in any Private Hire Vehicle.
- (ii) Cause or procure any other person to tout or solicit on any road or other place any person to hire or be carried for hire in any Private Hire Vehicle.
- (iii) Offer the vehicle for immediate hire whilst the driver is on a road or public highway.

## **15. WAITING FOR PRE-BOOKED FARES**

The driver or proprietor must not allow, cause or permit any driver to attend at or near any premises in order to wait for passengers. This does not affect pre-booked passengers where there is an entry in a booking record prior to the journey taking place.

## **16. ACCEPTANCE OF HIRING**

Before commencement of duty, a Private Hire Driver shall ensure:-

- (i) That the vehicle is licensed in accordance with the Council's regulations.
- (ii) The vehicle is correctly insured as required by the relevant Road Traffic Regulation Act or any other enactment.
- (iii) Before commencement of a journey, the driver shall confirm the passenger's name and destination.

## **17. AUTHORISED OFFICER/POLICE SUSPENSION OF VEHICLE NOTICE**

- (a) Any driver or proprietor, on being issued with a notice suspending the vehicle from public use, must present the vehicle for test and inspection at the Council approved testing station or other nominated place within the time and date stated in the notice. Any disputes as a result of the inspection to be adjudicated by a Licensing Enforcement Officer.
- (b) A fee will be payable by the driver/proprietor to the approved testing station relative to the determined faults to be rectified.

## **18. DRIVER'S IDENTIFICATION BADGE**

The driver must, at all times, when acting as a driver of a Private Hire Vehicle, display his/her identity badge provided by the Council in such position and manner as to be, at all times plainly and distinctly visible to fare paying passengers. The recommended position being on the centre of the dashboard in a vertical position facing towards the rear seats. Only one badge to be displayed at any one time.

## **19. DRIVER'S LICENCE**

- (a) Each driver shall deliver to his/her employing operator the licence to drive a Private Hire Vehicle. The employing operator shall be responsible for the sole custody of the driving licence during the period of employment and shall return it to the driver when he/she ceases to be employed or to the Licensing Department at the request of an authorised officer.
- (b) At the request of any constable to produce this licence for inspection either forthwith or within 7 days of such request at any police station which is within the area of the Council and is nominated by the licence holder when the request is made.

### **NOTE: LICENCE RENEWAL/REMINDERS**

**Please note that licence renewal/reminders are sent purely as courtesy. The responsibility for renewal rests with the licence holder.**

## **20. CERTIFICATE OF INSURANCE**

The driver or proprietor of the vehicle, whilst working for a Private Hire Operator, **MUST** carry valid proof of Private Hire insurance for that vehicle. Failure to carry valid proof of insurance (ie cover note or certificate, photocopies acceptable) **WILL** entail the immediate suspension of the vehicle licence until such proof is provided. Proprietors with more than one vehicle should supply drivers with a Motor Vehicle Schedule as well as a copy of motor insurance.

## **21. SOUNDING OF HORNS**

Drivers must not sound their horns outside any premises where they have been sent for a fare irrespective of the hour of the day.

## **22. MOBILE TELEPHONES AND IN-CAR TECHNOLOGY**

A driver must not use a mobile telephone of any description whilst the vehicle is not parked. It is an offence under The Road Vehicles Regulations 2003. This includes PDA's'.

**Whilst it is not an offence to use a hands free device, the Council does not encourage their use in the interests of public safety.**

## **23. WITHDRAWAL OF LICENCE**

In the event of the Licensing Authority suspending, revoking or refusing to renew this licence, the driver must return the badge to the Licensing Department on demand.

## **24. APPEAL AGAINST CONDITION**

Any person aggrieved by any of the conditions specified in this licence may appeal to a court of summary jurisdiction against such conditions within 21 days of the date hereof pursuant to Section 52 of the Local Government (Miscellaneous Provisions) Act 1976.

## **25. COPY OF CONDITIONS**

The driver must, at all times, when driving a Private Hire Vehicle carry with him/her a copy of these conditions and must make it available for inspection by the hirer or any other passenger, authorised officer of the Council or Police Constable, on request.

### **GENERAL LICENCE CONDITIONS**

All drivers shall operate strictly within the terms of any licence issued under the incorporating terms and conditions of the Local Government (Miscellaneous Provisions) Act 1976 and the above conditions are to be particular noted, but may not necessarily be exhaustive.

**N.B. This licence does not permit the holder to drive a Hackney Carriage.**

## **PRIVATE HIRE VEHICLE CONDITIONS OF LICENCE**

The Private Hire Vehicle Licence is granted to you subject to you complying with the following conditions of licence.

Failure to comply with any of the conditions may lead to prosecution or could lead to your licence being suspended, revoked or not being renewed.

### **1. MAINTENANCE OF VEHICLE**

- (a) The vehicle and all its fittings and equipment must at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all the relevant statutory requirements including in particular those contained in Motor Vehicles (Construction and Use Requirements) must be fully complied with.
- (b) That a spare wheel or other approved manufacturers device is provided readily available for use together with the tools and equipment required to carry out an emergency repair.
- (c) That a complete set of replacement light bulbs are readily available.

### **2. ALTERATION OF VEHICLE**

No material alteration or change in a specification, design, condition or appearance of the vehicle must be made after inspection of the vehicle by the Council's approved vehicle tester, without the approval of the Council at any time when the licence is in force, and at all times the vehicle must comply with the specifications of the Council for a licensed Private Hire Vehicle.

### **3. VEHICLE LICENCE**

The proprietor of a Private Hire Vehicle will ensure that the vehicle licence issued by the Council is lodged with his nominated operator prior to the vehicle being taken into service. The Operator is solely responsible for this licence whilst in his/her possession and shall return the licence to the proprietor at his/her request or an authorised officer of the Council.

#### **NOTE: LICENCE RENEWAL/REMINDERS**

**Please note that licence renewal/reminders are sent purely as courtesy. The responsibility for renewal rests with the licence holder.**

### **4. DRIVER'S LICENCE**

The proprietor must, before a driver commences to drive the vehicle, satisfy himself/herself that the driver has a valid Private Hire Driver's Licence. This must include a personal check of the actual Private Hire Driver's Licence issued by the Council.

### **5. CHANGE OF ADDRESS/OPERATOR**

The proprietor must notify the Licensing Department in writing, of any change of

address or operator during the period of the licence within 7 days of such a change taking place.

## **6. INSURANCE**

- (a) The proprietor must maintain in force for the duration of the licence an insurance policy for the vehicle providing private hire cover only and must produce on demand to an authorised officer of the Council or Police Constable an appropriate certificate.
- (b) The proprietor is responsible for maintaining up to date records of licences and insurances for all employed drivers and vehicles operating under his/her control. The proprietor must ensure that these records are maintained for inspection at any time by an authorised officer of the Council or Police Constable.
- (c) The driver or proprietor of the vehicle, whilst working for a Private Hire Operator, **MUST** carry valid proof of private hire insurance for that vehicle. Failure to carry valid proof of insurance (i.e. cover note or certificate, photocopies acceptable) **WILL** entail the immediate suspension of the vehicle licence until such proof is provided. Proprietors with more than one vehicle should supply drivers with a Motor Vehicle Schedule as well as a copy of motor insurance.

**NOTE: On plating, it is expected that the presented insurance certificate will have a minimum of seven days cover remaining**

## **7. DRIVERS**

The proprietor of the vehicle must notify the Council of the name and address of all licensed drivers engaged and employed by him/her and of any such driver ceasing to be so employed within 7 days of the date appointment or termination as the case may be.

## **8. NO SMOKING SIGN**

In accordance with the Council's policy on smoking a "No Smoking" sign shall be displayed within the vehicle, in such a position that can be clearly seen.

## **9. VEHICLE CHECKS**

- (a) The proprietor, or the driver of the vehicle, as the case may be, must, at the request of an authorised officer of the Council or Police Constable stop the vehicle to enable a check to be made for the purpose of preventing or detecting contravention of any statutory requirements or of any conditions applicable to the vehicle and its use as a Private Hire Vehicle whether or not passengers are carried at that time, and must not proceed until the authorised officer or Police Constable is satisfied that all such requirements or conditions are being observed and complied with.
- (b) It is an offence if lawfully directed, to fail to attend such an inspection

## **10. RADIO EQUIPMENT**

Any radio equipment **MUST** be securely fixed in the vehicle so as not to cause the driver or passengers any problem when they vacate the vehicle.



There is a complete ban on all radio scanners.

## **11. SAFETY EQUIPMENT**

- (a) There must be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher and a suitable first aid kit. This equipment must be carried in such a position in the vehicle as to be readily available for immediate use in emergency.
- (b) The fire extinguisher must be securely clamped which is easily accessible by the driver. The fire extinguisher must be of the rechargeable, multipurpose, dry powder type. It must have a minimum 13a/70b as defined in European Standard EN3 and have been manufactured to comply to that standard. It must be serviced annually in accordance with British Standard 5305, Part 3 and permanently, legibly marked with the licensing plate number of the vehicle.

As a general guide, the first aid kit shall contain the following items:-

1. 10 individually wrapped sterile adhesive dressings of various sizes.
2. 2 sterile eye pads.
3. 4 individually wrapped triangular bandages.
4. 6 safety pins.
5. 6 medium size and 2 large individually wrapped sterile unmedicated wound dressings.
6. 1 pair of disposable gloves.

That a sign indicating the location of the first aid box be displayed in the vehicle for the benefit of passengers or the Emergency Services and that it be legibly marked with the licensing plate number of the vehicle.

**Note: There is no requirement under this condition for the driver to administer or be trained in the use of First Aid.**

## **12. OVERLOADING**

The driver or proprietor must not convey or permit to be conveyed in the vehicle a greater number of persons (excluding the driver), than the number of persons authorised by the licence.

**Note: Every individual regardless of age or size is to be classed as a person.**

## **13. AUTHORISED OFFICER/POLICE SUSPENSION OF VEHICLE NOTICE**

- (a) Any driver or proprietor, on being issued with a notice suspending the vehicle from public use, must present the vehicle for test and inspection at a Council approved testing station or nominated place within the time and date stated in the notice. Any disputes as a result of the inspection to be adjudicated by a Licensing Enforcement Officer.
- (b) A fee will be payable by the driver/proprietor to the testing station relative to the determined faults to be rectified.

## **14. FOUND PROPERTY**

Any property found in the vehicle or handed to the driver, if not claimed by the loser, must be taken to the nearest Police Station and deposited there within 24 hours.

#### **15. RETURN OF LICENCE PLATE**

In the event of the revocation, expiry or suspension of this vehicle licence, to return the vehicle plate to the Licensing Department within 7 days after the service of a notice to do so.

#### **16. FITTED METERS AND FARE STRUCTURE**

To ensure that any meter fitted to the vehicle has been properly set to correspond with the fare structure of the company under which it is being operated and has been checked and sealed by the Council's vehicle inspector. Any changes of meter settings due to change of company, change of fare structure, or other reason must be rechecked and resealed by the Council's vehicle inspector.

#### **17. FARE TARIFF**

A tariff of fares must be clearly displayed in every vehicle fitted with a meter by the Operator or Proprietor of the Private Hire Vehicle.

#### **18. LIVERY AND ADVERTISEMENTS**

- (a) (i) The proprietor be permitted to display the corporate livery, company name and telephone number below the level of the windows/windscreen of the vehicle and any additional printed matter, mark, sign or advertisement other than as required by law must be formally approved by the Licensing department prior to display. Such approval not to be unreasonably withheld.
- (iii) Not to include the word "taxi" or "cab", whether in the singular or the plural or whether alone or as part of another word, in any advertisement that indicates that motor vehicles can be hired on application to a specified address or telephone number of any premises in the Borough. This condition shall not apply if the vehicle offered for hire is a Licensed Hackney Carriage.
- (iv) Not to include the word "taxi" or "cab" whether in the singular or the plural or whether alone or as part of another word, in any advertisement on or near the premises in the Borough indicating that motor vehicles can be hired at those premises. This condition shall not apply if the vehicles offered for hire are licensed Hackney Carriages.
- (iv) Not to issue or cause to be issued any advertisement which would breach Condition (i) (ii) or (iii) above.
- (v) Not to display any third party commercial advertisement other than on the two back doors of the vehicle and subject to the condition that the advertisement displayed has previously been formally approved by the Licensing Department.

**NOTE: In Condition (ii), (iii) and (iv) above, "advertisement" includes every form of advertising, whether in a publication or by the display of notices or by means of circulars or other documents or by an exhibition of photographs or a cinematograph film or by way of sound broadcasting or television or any other electronic medium and references to the issue of an advertisement shall be construed accordingly.**

## **19. ROOF SIGNS**

The licensed vehicle must be fitted with a roof sign which does not contravene the Transport Act 1980. It shall be of a design approved by Northampton Borough Council and must comply with the following specifications.

- (i) The dimensions of the roof sign shall be a minimum of 600mm in length and a maximum of 620mm in length. The depth of the sign shall be a minimum of 170mm and a maximum of 190mm. The minimum height of the sign shall be 120mm and the maximum height 170mm.
- (ii) The roof sign shall comprise a yellow background to the front, top and sides with black lettering only. The rear of the sign shall be red in colour showing black lettering only.

### **Front Elevation**

- (i) The front elevation of the sign shall include in descending order the operator's name and the words 'ADVANCE BOOKINGS ONLY'. The height and width of each letter or number must be a minimum 25mm and not exceed 50mm and be to the satisfaction of the Council.

### **Rear Elevation**

- (i) The rear elevation of the roof sign shall include in descending order the operator's name and telephone number in letters and numbers not less than 30mm in height and width.
- (ii) Nothing other than words and figures specified in these conditions shall appear or be displayed on the roof sign.
- (iii) The roof sign must only be illuminated when the vehicle's sidelights are activated.
- (iv) The letters and figures displayed on the roof sign must be maintained in a legible condition at all times.
- (v) The roof sign must be displayed on the roof in a central position towards the front of the vehicle at all times whilst the vehicle is in use as a Private Hire Vehicle and licensed by Northampton Borough Council. If the Private Hire Vehicle Licence is suspended or revoked for any reason the Licensee shall remove the roof sign forthwith.

## **20. REAR LICENSING PLATE**

The driver or proprietor of a Private Hire Vehicle shall not wilfully or negligently cause or suffer any licence plate issued by the Council to be concealed from public view whilst the vehicle is being used for the purpose of hire and must ensure that the plate is securely fixed to the rear outside of the vehicle, in a central position close to the registration plate or to the offside. The rear licensing plate remains the property of the Council.

## **21. OPERATIONAL VEHICLES**

A vehicle displaying a roof sign and/or a Northampton Borough Council Licensing Plate to the rear will be deemed as operational and as such subject to all the relevant conditions and legal requirements.

## **22. TRANSFER OF VEHICLE**

In the event of any proprietor specified in the vehicle licence transferring his/her interest in the vehicle to someone other than a joint proprietor, both parties that is to say the current proprietor and the new proprietor shall within 14 days of such transfer complete the "Transfer of Vehicle" form available on request from the Licensing Office. Once completed, the form must be returned forthwith together with Private Hire Insurance for the change of ownership to be recorded.

## **23. VEHICLE TESTING**

- (a) To present the vehicle for inspection and testing on up to 3 separate occasions during any one period of 12 months within such period and at such place as the Council may, by notice, reasonably require.
- (b) The proprietor of the licensed vehicle or his/her agent shall submit the vehicle to a safety check, when required, on the demand of an Authorised Officer or Police Officer, irrespective of inspections required by the Council.

## **24. DAMAGE TO VEHICLE**

- (a) If a Private Hire Vehicle is involved in a road traffic accident and either mechanical or body damage is sustained or damage caused by any other means in which material affects safety, performance or appearance or the comfort or convenience of persons carried therein, a report must be made by the licence holder to the Licensing Department as soon as practicable or within 3 days of the accident and, after repair may be required to pass a mechanical inspection at a place to be determined by the Council, subject to payment of an appropriate fee. The Private Hire Licence Plate is liable to be removed from any vehicle which, in the opinion of an Authorised Officer or Agent of the Council in any way constitutes a danger to the public, is in breach of any road traffic enactment or the Construction and Use Regulations, or is unfit for use as a Private Hire Vehicle.
- (b) On completion of the repairs to the satisfaction of the Authorised Officer the plate may be restored.
- (c) The removal of the Private Hire Licence plate will constitute suspension of the Private Hire Licence.

## **25. USE OF TRAILERS**

- (a) No trailer is to be towed when the vehicle is used for hire unless it complies with all the relevant requirements of current legislation in respect of construction and use, lighting and insurance.
- (b) The towing of a trailer by a licensed vehicle shall only be permitted to convey goods, luggage and belongings owned by a passenger.

- (c) Any trailer so used must be fitted with a securely fastened cover which can be hard top or canvas tarpaulin type.
- (d) A spare wheel and tyre for the trailer shall be carried when a trailer is in use.
- (e) That the kerbside weight of the trailer when fully laden shall not exceed that determined by the vehicle manufacturer as being the safe towing weight limit.
- (f) Any trailer towed when the vehicle is used for hire shall be submitted for mechanical and/or such other inspection as the Council may require.
- (g) The Council must be informed by the owner of every trailer taken into service.

## **26. APPEAL**

Any person aggrieved by any of the conditions specified in their vehicle licence may appeal to a court of summary jurisdiction against such conditions within 21 days of the date hereof pursuant to Section 47 subsection (7) of the Local Government (Miscellaneous Provisions) Act 1976.

## **27. COPY OF CONDITIONS**

The driver or proprietor must, at all times, when driving a Private Hire Vehicle carry with him/her a copy of these conditions and must make it available for inspection by the hirer or any other passenger, authorised officer or police constable, on request.

# **PRIVATE HIRE OPERATORS' CONDITIONS OF LICENCE**

The Private Hire Operator's Licence is granted to you subject to you complying with the following conditions of licence. Failure to comply with any of the conditions may lead to a prosecution or could lead to your licence being suspended, revoked or not being renewed.

## **1. OPERATOR'S LICENCE**

- (a) The Operator's Licence has been granted to the licensee personally and does not licence any other person, who may take over the licensee's business. Therefore, unless any person who intends to take over the licensee's said Private Hire business is already an operator licensed by the Council that person must obtain an Operator's Licence in his/her own right from the Council prior to taking over the said Private Hire business.
- (b) The current Operator's Licence must be displayed at the business premises to which the Licence relates in a prominent position at all times in view of the general public with the exception of such times as the Licence is presented to the Licensing Authority for amendment, or it is required to be produced for inspection by an Authorised Officer of the Licensing Authority or a Police Constable. This Licence must be returned to the Licensing Department upon revocation or suspension.

**NOTE: This Licence is not transferable.**

## **2. STANDARD OF SERVICE**

The Operator must provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose must ensure that when a Private Hire Vehicle has been hired, it attends at an appointed time and place punctually, unless delayed or prevented by sufficient cause.

### **3. LICENSED PREMISES**

The Operator's Licence does not permit the licensee to operate licensed Private Hire Vehicles from premises other than the authorised premises mentioned in the Licence. Any change in the details of these premises must be notified within 7 days of the change to the Licensing Department. Planning permission may be necessary.

### **4. RECORDS**

The records required to be kept by the Operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 must be legible in ink, kept in a suitable book, the pages of which are numbered consecutively, or a computer database.

The Operator must enter or cause to be entered into the record book or computer database, before the commencement of each journey, the following particulars of every booking of a Private Hire Vehicle invited or accepted by the Operator or his/her Agent.

- (a) The time and date of the booking - **the 24 hour clock must be used.**
- (b) The name of the hirer or Home Address or if at the request of another Operator (the name of the Operator).
- (c) The pick up point and destination.
- (d) The plate number of the vehicle and badge number of driver allocate for the booking.
- (e) Operators will keep a current schedule of all drivers and vehicles in use at any one time. This schedule must be made available for inspection without notice at any time, by an Authorised Officer.

All records should be kept for at least 12 months following the date of the last entry and be available for inspection at all reasonable times by any duly authorised officer of the Council or any Police Constable. Such Officers are empowered to remove records from the premises if so required.

In the event of failure of the computer database manual records containing information identical to that held on the database must be maintained.

### **5. LICENCES AND OTHER DOCUMENTS TO BE KEPT BY THE OPERATOR**

- (a) The licensee shall keep a copy of all the current Private Hire Vehicle Licences held by them that are issued by the Council at the Operator's office and the following particulars of any Private Hire Vehicle they operate
  - (i) Date on which the vehicle was added to the licensee's fleet.
  - (ii) Date on which the vehicle was withdrawn from the licensee's fleet.

- (b) The licensee shall keep a copy of the current Private Hire Driver's Licence issued by the Council, and the following particulars of all licensed Private Hire Drivers engaged to drive any Private Hire Vehicle operated by him/ her at the Operator's office. He must record:
- (i) Date the employment commenced.
  - (iii) Date the employment terminated
  - (iv) The reason the employment was terminated.
- (c) All current vehicle insurance details for all the drivers working under the Operator's Licence must be kept with their respective drivers and vehicle licences. The licence holder must ensure that these records are maintained for inspection without notice by an authorised Officer of the Council or Police Constable at any time at the base station.

Operators must be aware of the insurance expiry date of their drivers' certificates. The Operator must not operate a Private Hire Vehicle without the vehicle and the driver each being separately licensed by the Council.

The Operator must personally examine all relevant licences and certificates. If necessary confirm such details with the Council.

## **5. DRIVERS**

The Operator shall notify the Licensing Department of each and every Private Hire Driver employed or used by the Operator and complete the Operator's Driver Schedule form. Where an Operator ceases to employ or use any licensed Private Hire Driver, the Operator shall within 7 days, notify the Council in writing and amend the Operator's Driver Schedule accordingly. The Private Hire Driver's Licence shall at this time be returned to the Driver.

## **6. VEHICLE**

No Licensed Operator shall operate any Private Hire Vehicle other than those which have been listed by the Licensing Department and recorded on the Operator Vehicle Schedule. Any addition or withdrawal of a Private Hire Vehicle must be notified to the Licensing Department forthwith and any event within 7 days. When a vehicle ceases to be used by an Operator the vehicle licence will be returned to the vehicle proprietor or his nominated driver and the Operator Vehicle Schedule amended accordingly.

**NOTE: In the event of a dispute between an Operator and a Driver or in relation to an Operator and a Vehicle, the licence will be returned to the Licensing Department until the issue is resolved by the relevant parties.**

## **7. CONVICTIONS**

**In line with the Home Office directives within Circular 6/2006 under the 'Notifiable Offences Occupations' scheme, the Operator must within 7 days disclose to the Licensing Department in writing details of any conviction (parking offences excluded) imposed on them(or if an Operator is a company or partnership, on any of the directors or partners) during the period of the licence.**

**Any Operator who fails to declare and notify the Licensing Department in writing of any convictions within 7 days may have his/her licence revoked.**

**In the case of a Company or Partnership any Director or Partner will be deemed to be an Operator.**

## **8. ABSENCE**

- (a) If the Operator leaves the United Kingdom for more than 28 days consecutively the day to day running of the Business must be transferred to a responsible person approved by the Licensing Department (see Condition 1(a) above).
- (b) The Operator must also ensure that any person left in charge of the premises in the absence of the Operator is fully aware of the conditions of the licence, particularly those relating to the keeping and maintaining of records for drivers, vehicles and bookings, and the need to comply with the conditions at all times.

## **9. ADVERTISEMENTS**

- (a) Not to include the word “taxi” or “cab”, whether in the singular or plural or whether alone or as part of another word, in any advertisement that indicates that motor vehicles can be hired on application to a specified address or telephone number of any premises in the Borough. This condition shall not apply if the vehicles offered for hire are Hackney Carriages.
- (b) Not to include the word “taxi” or “cab”, whether in the singular or plural and whether alone or as part of another word, in any advertisement on or near any premises in the Borough indicating that motor vehicles can be hired at those premises.
- (c) Not to issue or cause to be issued any advertisement which would breach conditions 19(a) and 19(b) above.

**NOTE: In Conditions 19(a), (b) and (c) “advertisement” includes every form of advertising, whether in a publication or by the display of notices or by means of circulars or other documents or by an exhibition of photographs or a cinematograph film, or by way of sound through broadcasting or television or any other electronic medium and references to the issue of an advertisement shall be construed accordingly.**

## **10. FARE STRUCTURE**

To provide a list of the Operator’s current fare structure to the Licensing Department, The Guildhall, Northampton, or e-mail [licensing @northampton.gov.uk](mailto:licensing@northampton.gov.uk) and notify any changes to the fare structure within seven days.

## **11. FITTED METERS**

To ensure that any meters fitted to any Private Hire Vehicle operated under the terms of this licence is properly set and correspond with the Operator’s current fare structure, and to ensure that all meters are checked and sealed by the Council’s vehicle examiner.

## **12. FARE TARIFF**



To ensure that every licensed Private Hire Vehicle operated, is in possession of the current Operator fare structure and is made available for viewing at any time by fare paying passengers.

**THE COUNCIL RESERVE THE RIGHT TO VARY, DELETE OR WAIVE ANY OF THE FOREGOING CONDITIONS.**

## **ADVICE ON MEETING THE NEEDS OF DISABLED PASSENGERS**

### **Advice for Drivers**

Taxis and Private Hire Vehicles are an invaluable means of door-to-door transport for many people. For a large and growing number of elderly and disabled people, they are quite literally a lifeline. Often they provide the only means of accessible local transport or the only accessible link to long distance transport, for example; by rail or air. In fact, they are the most flexible form of public transport there is.

You may have a vehicle which has been designed to make travelling easier for many elderly and disabled people including those who use wheelchairs. But the vehicle design is only part of the answer. **Your attitude and understanding are vital.** If you are not sure how to help or if you are not willing to help elderly or disabled passengers you may lose a significant potential market and they will have lost an invaluable source of independent mobility. Here is some basic advice to help you give the best service to your passenger and get the best from your vehicle. Disability comes in many forms - some visible, some invisible. Never make assumptions. Always ask what help (if any) a passenger may need from you. Make sure you are familiar with any access and safety equipment in your vehicle. For example you have a responsibility to know how to use wheelchair ramps safely and correctly. If the passenger is a wheelchair user and you drive a wheelchair accessible vehicle you should always:-

- pull as close as possible to the kerb;
- ask if they would like to use the ramps;
- if necessary, tip up the back seat to give more space to manoeuvre the wheelchair;
- insist that the passenger travels in the correct position as recommended by the vehicle manufacturer, or conversion team. In the case of Fairway or Metrocab taxis this position will be facing to the rear of the vehicle. In the case of wheelchair accessible vehicles which have been specially converted for the purpose of conveying wheelchairs, you should follow the converter's recommendations. **Any other travelling position is unsafe;**
- always make sure that the brakes of the wheelchair are on;
- be polite and ask before touching or moving your customer;
- secure the wheelchair and suggest that the passenger also uses the seat belt provided (*they may need your help with this*);
- if it has been raised, lower the back seat, if the passenger would prefer it;
- avoid sudden braking or acceleration;

- bring the wheelchair out of the vehicle backwards down the ramp and ask if the passenger would like the brakes on once it is unloaded;
- leave the passenger in a safe and convenient place which enables them to move away independently.

If you drive a saloon car, you may still be able to take wheelchair users provided that the passenger is able to transfer. In those circumstances, you should ask the passenger what help they require, listen to their response, and act only as advised. Take care when loading the wheelchair into the boot. Wheelchairs can be expensive to repair or replace and without one the passenger may be totally immobile.

Remember, many disabled people who have mobility difficulties will not use a stick or crutches. People, with arthritis in particular, may be unable to walk using a stick or crutches due to painful upper limbs. If the passenger appears to have walking difficulties, or is frail or elderly, always:-

- offer to fit the additional step if there is one - this reduces the first step and makes it easier to get into the vehicle. Ask whether pulling up as close as possible to the kerb would be helpful. For saloon cars this may not be useful because it increases the height the passenger has to drop down to the seat and may make it more difficult for them to get out of the seat at the end of the journey;
- offer the use of the swivel seat (*if you have one*);
- be ready to help but do not insist on helping. If you are asked to help, listen carefully to the information given, or ask what is the best way to assist;
- if you have used a swivel seat, make sure it is locked back in position once inside the vehicle.

If the passenger is blind or partially sighted, ask what assistance they require and always:-

- look out for the "TAXI" sign which is held out by some blind or partially sighted people in order to hail a cab;
- if you are collecting a blind or partially sighted passenger from a prebooked location, knock at the door on arrival - do not remain in the cab and "hoot your horn";
- tell your passenger whether they are entering a saloon car or purpose built cab;
- demonstrate which way the doors open;
- if possible, place the blind person's hand on the open door and indicate the position of the roof;
- make sure they know which way the vehicle is facing;
- make sure they are seated and have secured the seat belt (*where applicable* before you move off. They may like help with the belt;

- tell them if you are taking a different route from the one they expect, or if there is a hold-up or diversion;
- tell them the fare and count out the change;
- set them down in a safe place and make sure they know where they are going. If they would like to be accompanied to the entrance of a building, offer them your arm; gripping just above your elbow will enable them to be guided more easily;
- remember guide dogs are trained to remain on the floor of a vehicle and will not abuse your vehicle. In saloon cars, there is more room for the dog on the floor in the front of the vehicle. If the passenger is deaf or hard of hearing, always:-
- look at them when you are speaking. Speak clearly - but do not shout.
- always have a pad of paper and pen handy as it is sometimes easier to communicate in writing;
- make sure they are aware that you have understood their instructions and that you know where they are going.

### **Maintenance of Vehicles**

- keep door handles, locks and hinges well oiled. This reduces the amount of physical (often painful) effort required to open them.

If you drive a purpose built vehicle, make sure you know how to use the equipment. For example, you should know the correct way to secure and load a wheelchair and to operate the swivel seat for vehicles such as the Fairway and Metrocab models. In the case of vehicles specifically converted for the conveyance of wheelchairs, methods vary according to the conversion, therefore, you should consult your conversion specialists. Additional information is given in the video "Call a Cab" available on free loan from the Department of Transport's Mobility Unit.

**NOTE: The above advice is taken from the D.P.T.A.C. leaflet entitled Meeting the Needs of Disabled Passengers – Advice for Taxi Drivers.**

## **GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS**

### **NORTHAMPTON BOROUGH COUNCIL'S GUIDELINES WHEN DETERMINING WHETHER OR NOT TO GRANT, RENEW, SUSPEND OR REVOKE A PRIVATE HIRE DRIVER'S LICENCE OR A HACKNEY CARRIAGE DRIVER'S LICENCE.**

These guidelines are based on the Department of Transport Circular 2/92 and Home Office Circular 13/92 Disclosure of Criminal Records: Applicants for Hackney Carriage and Private Hire Vehicle Driver's Licences which advises local authorities on the procedures to adopt for checking with the police the criminal convictions of

applicants for hackney carriage and private hire vehicle drivers' licences. (Now superseded by the Police Act 1997).

The Council will also give due regard to Section 17 of the Crime and Disorder Act 1998, which states –

“Without prejudice to any other obligation imposed on it, it shall be the Duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area”.

Applications should be submitted to the Borough Solicitor at the Guildhall Northampton.

Each case will be decided on its own merits taking into account these guidelines and any other relevant circumstances.

1. A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public.
2. The following examples afford a general guide on the action to be taken where convictions are admitted. A new application with more than 8 current points on the D.V.L.A. Driving Licence will generally not be considered.

#### **(a) Minor Traffic Offences**

Convictions for minor traffic offences (e.g. obstruction, waiting in a restricted street, speeding, defective tyres/brakes, failing to stop at traffic signs etc.) should not prevent a person from proceeding with an application. If sufficient points have been accrued to require a period of disqualification of the applicant's driving licence then a hackney carriage or PHV licence may be granted after its restoration but a warning should be issued as to future conduct.

#### **(b) Major Traffic Offences**

Following a conviction for dangerous driving or aggravated vehicle taking at least 3 years to 5 years free of such a conviction should be shown before an application is entertained. Convictions for driving with no insurance, driving whilst disqualified, driving without due care and attention. More than one conviction of this type of offence within 2 years should merit refusal and no further application should be considered until a period of 1 to 3 years free from convictions has elapsed.

#### **(c) Drunkenness**

##### **(i) With Motor Vehicle**

A serious view should be taken of convictions of driving or being in charge of a vehicle while under the influence of drink and/or drugs. Likewise, a conviction for failing to provide a specimen. Due regard will be had to the alcohol/drugs level and or the penalty imposed by the Court, together with the circumstances of the offence.

An isolated incident should not necessarily debar an applicant but strict warnings should be given as to future behaviour. More than one conviction for these offences should raise grave doubts as to the applicant's fitness to hold a licence. At least 3 years should elapse (after the restoration of the driving licence) before an applicant is considered for a licence.

If there is any suggestion that the applicant is an alcoholic, a special medical examination should be arranged before the application is entertained. If the applicant is found to be an alcoholic a period of 5 years should elapse after treatment is complete before a further licence application is considered.

### **(iii) Not in Motor Vehicle**

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination (see (l) above). In some cases, a warning may be sufficient.

### **(d) Drugs**

An applicant with a conviction for a serious drug related offence should be required to show a period of at least 3 years free of convictions before an application is entertained, or 5 years after detoxification treatment if he/she was an addict.

### **(e) Indecency Offences**

As hackney carriage and PHV drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning, any indecency involving children or any of the more serious sexual offences, should be refused until they can show a substantial period (at least 3 to 5 years) free of such offences. More than one conviction of this kind should preclude consideration for at least 5 years. In either case if a licence is granted a strict warning as to future conduct should be issued.

### **(f) Violence**

As hackney carriage and PHV drivers maintain close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault, robbery, offences relating to weapons, serious criminal damage or public disorder offences. At least 3 years free of such convictions should be shown before an application is entertained and even then a strict warning should be administered.

### **(g) Dishonesty**

Hackney carriage and PHV drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver.

For these reasons a serious view will be taken of any conviction involving dishonesty, examples of which are theft, burglary, fraud, deception, blackmail and taking a

vehicle without consent. In general, a period of 3 to 5 years free of conviction should be required before entertaining an application.

5<sup>th</sup> Edition November 2012