



# Private Hire / Hackney Carriage Driver's Licence

## CONDITIONS

February 2007

## 1. Introduction

### 1.1 Interpretation. In these conditions:

- a) **Applicant** means person, persons or body named as the applicant on the application form
- b) **Authorised Officer** means the Principal Environmental Health Practitioner (Consultation and Licensing); Senior Licensing Officer; Licensing Officer and Technical Support/Licensing Enforcement Officer and any other officer authorised in writing by the head of consumer protection under delegated authority from the council.
- c) **Certificate of Compliance** means the certificate issued by the Council certifying that the vehicle is mechanically sound
- d) **The Council** means Isle of Wight Council
- e) **The Driver** means the person to whom the Council has granted the Hackney Carriage/Private Hire Driver's licence to which these conditions are attached.
- f) **The Manager** means Environmental Health Manager for the time being of the Council
- g) **The Nominated Officer** means the Senior Licensing Officer for the time being of the Council
- h) **Nominated Garage** means the garage approved by the Council for the time being for the purpose of undertaking mechanical inspections
- i) **The Operator** is the person to whom the council has granted the private hire operators licence to which these conditions apply. In the case of a partnership to each of the partners, and in the case of a company to each company director
- j) **The Operators Licence** means the private hire operators licence issued to the operator
- k) **Plate** means the licence plates issued by the Council to be displayed on the exterior of a licensed vehicle to identify the vehicle as a private hire vehicle.
- l) **The Proprietors Licence** means the licence issued for the hackney carriage that allows the vehicle to stand/ply for hire
- m) **The Proprietor** means the person, persons or body named in this licence as the proprietor(s) of the hackney carriage vehicle and includes a part proprietor and, in relation to a vehicle which is subject of a hire purchase agreement, means the person in possession of the vehicle under that agreement.
- n) Any obligation in these conditions not to do any act or thing shall be deemed an obligation not to cause or permit that act or thing to be done
- o) Any reference to any Statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.
- p) Any requirements of legislation that affect the operations being carried out under the terms of a licence shall be regarded as if they were conditions of that licence.

1.2 This licence is issued subject to the provisions the Local Government (Miscellaneous Provisions) Act, 1976, Part II and the following conditions:

1.3. Any requirements of legislation, which affect the operations being carried out under the terms of this licence, shall be regarded as if they are conditions of this licence.

1.4. By submission of the application form the applicant agrees to observe and conform to all of the following terms and conditions.

1.5. If the licence is granted, the applicant shall be known thereafter as the operator.

1.6. The applicant and operator shall observe and conform to all of the following terms and conditions.

## 2. Grant of a Licence: The Application

2.1. Application for a Hackney Carriage and Private Hire Drivers Licence is to be made to the Isle of Wight Council and addressed to:

Isle of Wight Council  
Licensing Section  
Jubilee Stores  
The Quay  
Newport  
Isle of Wight  
PO30 2EH

## 3. Grant of a Licence: Form of Application

3.1 The application must:

- a. Be made in writing.
- b. Be made on the correct application form as prescribed by the Council
- c. Be accompanied by the full application fee.
- d. Be accompanied by the necessary documents which are:

1. A fully completed Criminal Records Bureau (CRB) Enhanced Disclosure Application Form or an Enhanced Disclosure issued no more than 1 calendar month from the date of presentation at the council offices.
2. A current full driving licence that has authorised the applicant to drive a motor car for at least twelve months before the date of application. The driving licence must be issued by the DVLA or an equivalent and acceptable foreign licence.
3. A Birth Certificate
4. A certificate signed by a qualified medical practitioner that is evidence that the applicant is medically fit to drive
5. A digital photograph to be taken by an authorised officer.
6. The name of two referees. These persons must be persons of some standing in the community and should include the applicant's employer. A future employee, relative or friend is not acceptable. References are only required on initial application.

e. Be fully and correctly completed

- 3.2 If the application includes a Criminal Records Bureau Enhanced Disclosure Application Form, the applicant shall also submit the fee as prescribed by the Criminal Records Bureau. This is part of the application fee.
- 3.3 If the application fee is paid by cheque, the fee shall not be deemed to have been paid in full, until the funds have cleared.
- 3.4 A licence will not be granted or issued until the fee has been paid in full
- 3.5 Any incomplete or incorrectly completed application will be returned to the applicant
- 3.6 Any application received after the renewal date will be considered as a new application and not a renewal
- 3.7 Without prejudice, the Council reserves the right to charge the full licence fee in the case of a late application.
- 3.8 The fee may be increased or decreased by the council in accordance with legislation and policy.

#### **4. The Hearing**

- 4.1 A licence may be granted, under delegated authority, by an authorised officer.
- 4.2 Attendance at the licensing committee will not always be necessary when applying for the grant of a licence.

#### **5. Grant of a Licence: The Applicant**

- 5.1 The applicant must satisfy the Council that he or she is a fit and proper person to hold the licence.
- 5.2 The Council will have regard to the Isle of Wight Council Policy relating to the relevance of convictions when deciding whether a person is a fit and proper person to hold a hackney carriage and private hire driver's licence.
- 5.3 The licence will be granted for a period of one year

#### **6. Grant of a Licence: The Procedure**

- 6.1 The applicant must be at least 21 years of age
- 6.2 On first application, the applicant must pass a knowledge test set by the Council.
- 6.3 On renewal of a driver's licence after (date of amalgamation of zones) the applicant must pass a knowledge test.

#### **7. Grant of a Licence: First Application**

- 7.1 On first application, the applicant must comply with all conditions in Section 3 above.

#### **8. Grant of a Licence: Renewal Application**

- 8.1 On renewal of the driver's licence, the applicant must submit either
- a) A fully completed Criminal Records Bureau Enhanced Disclosure Application Form or
  - b) An Enhanced Disclosure issued no more than 1 calendar month from the date of presentation at the council offices.
- This condition applies every third year from the date of first grant of the licence.
- 8.2 On renewal of the driver's licence, the applicant must submit evidence to the satisfaction of the Council that he or she is physically fit to drive.
- This condition applies from age 45 years and every 5 (five) years thereafter until the age of 65 years when a medical certificate must be produced yearly thereafter.
- 8.3 Applications for a renewal of a driver's licence must be made at least 10 working days (excluding Saturday, Sunday and Bank Holidays) before the renewal date.
- 8.4 If a CRB disclosure is required the application should be submitted at least 6 weeks before the licence expires.
- 8.5 Any application received after the renewal date will be considered as a new application and not a renewal.

<b>9. Grant of a Licence: Conduct and Responsibilities</b>
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**9.1 Duties**

1. The hackney carriage/ private hire driver shall behave in a civil and orderly manner at all times.
2. The hackney carriage/ private hire driver shall take all reasonable precautions to ensure the safety of persons carried in or entering or leaving the vehicle.
3. The hackney carriage/ private hire driver shall ensure that when the hackney carriage is plying for hire in any street, and not actually hired:
  - a. He must proceed with reasonable speed to one of the stands fixed by the council
  - b. At the time of his arrival at a stand that is occupied by the full number of vehicles authorised to occupy it, proceed to another stand
  - c. On arriving at a stand not already occupied by the full number of vehicles, station the vehicle immediately behind the vehicle or vehicles on the stand and so as to face in the same direction
  - d. From time to time when any other carriage immediately in front is driven off or moved forward, cause his/her vehicle to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.

**9.2 Touting and Soliciting**

1. A hackney carriage/ private hire driver shall not, whilst driving or in charge of the vehicle:
  - a. Tout or solicit any other person to hire, or be carried for hire in any private hire vehicle
  - b. Cause or procure any other person to tout or solicit any person to hire or be carried for hire in any private hire vehicle
  - c. Ply for hire or appear to be plying for hire.
  - d. Allow any roof light affixed to the vehicle to be lit when not hired or proceeding to a hiring.
2. The driver, when standing or plying for hire shall not, by calling out or otherwise, interfere with the free selection by any person of the particular carriage on the stand which such person may desire to hire. The proprietor shall not make use of the services of any other person for the purpose

3. The hackney carriage/ private hire driver shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle

### **9.3 Smoking**

The hackney carriage/ private hire driver shall not at any time smoke whilst in the vehicle or allow customers to smoke whilst in the vehicle.

### **9.4 Punctuality**

The hackney carriage/ private hire driver who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place

### **9.5 Number of passengers**

The hackney carriage/ private hire driver shall not convey or permit to be conveyed in such vehicle any greater number of persons than the number of persons specified on the plate affixed to the outside of the vehicle

### **9.6 Luggage**

The hackney carriage/ private hire driver must ensure when requested by any person hiring or seeking to hire the vehicle

- a. That a reasonable quantity of luggage is conveyed
- b. That reasonable assistance in loading and unloading is provided
- c. That reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such a person is provided

### **9.7 Found Property.**

The hackney carriage/ private hire driver shall immediately after termination of any hiring or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left therein

- a. Carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to:
  1. the office of the council, and leave it in the custody of the officer in charge of the office on his giving a receipt for it, or
  2. if the office of the council is closed to a police station in the district

### **9.8 Dead Bodies**

The hackney carriage/ private hire driver who shall knowingly convey in a vehicle a dead body of any person, shall immediately thereafter, notify the fact to the Council's Environmental Health Department

### **9.9 Sounding the Horn.**

The hackney carriage/ private hire driver shall not sound his horn to announce his presence to the hirer.

### **9.10 Appearance**

1. The hackney carriage/ private hire driver shall be clean and tidy in appearance.
2. The hackney carriage/ private hire driver shall at all times be dressed in a manner not to cause embarrassment or offence to members of the public and in particular but without prejudice to the generality of the foregoing;
  - a. Shall wear
    - i. Long or short sleeved shirt, or in the case of female drivers if preferred, a blouse

- ii. Long trousers. Tailored shorts which reach to within 3 inches above the knee when the driver is standing upright or, in the case of female drivers if preferred, a skirt or dress of at least knee length
  - iii. Suitable footwear for driving
- b. Shall not wear
  - i. Swimming costume
  - ii. Sleeveless vest or singlet.
  - iii. Football shirt
  - iv. Tracksuit bottoms

#### **9.11 Deposit of Licence**

1. If a driver is permitted or employed to drive a private hire vehicle, operated by someone other than himself, he shall, before commencing to drive that vehicle, deposit his private hire driver's licence with that operator for retention by him until such time as he ceases to be permitted or employed to drive the vehicle or any other vehicle used by the same operator.
2. The operator must return such licence to the driver when he ceases to drive any vehicle operated by that operator.

#### **9.12 Taximeter**

1. If the vehicle being driven by the driver is fitted with a taximeter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.
2. The driver of the vehicle shall not tamper with or permit any person to tamper with any taximeter with which the vehicle is provided, or with the fittings thereof or with the seals affixed thereto.
3. The driver of a private hire vehicle fitted with a taximeter may not operate unless the meter is in working condition and has been checked by the Council's Authorised Officer.

#### **9.13 Fare to be deemed**

1. The driver shall not demand from any hirer of a private hire vehicle a fare in excess of any previously agreed for the 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 taximeter.
2. Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor (or driver) thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the council which it may not be possible to record on the face of the meter.
3. Journeys shall be by the shortest or most direct route unless otherwise requested.

#### **9.14 Receipts**

1. Any passenger requesting a receipt for payment made will be provided with a receipt showing the date, fare paid, and will be signed by the driver. It shall be in such a form as to identify the company or individual providing the receipt.

#### **9.15 Change of address**

1. The driver shall notify the Council in writing of any change of address during the period of his licence, if possible before the change takes place, and in any case within seven days of such change. The driver shall produce his licence and pay a fee for a replacement licence.

#### **9.16 Convictions**

1. The driver must as soon as possible and in any case within seven days disclose to the Council in writing details of any conviction, motoring or otherwise, (including any caution or fixed penalty notice), imposed upon him during the period of his licence.

#### **9.17 Badges and Licence**

1. The drivers badge shall be worn by the driver at all times when driving the vehicle or if it is not worn by the driver, that it is secured within the vehicle and plainly visible to all passengers. The badge must be worn on the upper front of the torso in a position where it can clearly and readily seen by any person in front of the driver.
2. The driver shall upon expiry, revocation, or suspension of his licence, forthwith return to the Council the driver's badge and licence issued to him by the Council.
3. In the case of the licence being renewed a new badge will be issued if the old one is lost, stolen or the driver has a substantial change of appearance or when the expired badge is surrendered to the Licensing Office. If the new badge is posted to the driver, the expired badge should be returned as soon as convenient, and in any case within two weeks.
5. If the badge is lost or stolen the Council will make a charge for a replacement.

#### **9.18 Private Hire**

1. All drivers are responsible for checking that the Operator through whom they are working has a current Private Hire Operator's Licence.
2. A licensed driver must notify the Council in writing as soon as he changes the operator through whom he takes bookings.
3. The driver shall not convey in any private hire vehicle any animals belonging to or in the custody of himself or the proprietor or operator of the vehicle.
4. Any animal belonging to or in the custody of any passenger, which may be conveyed in a private hire vehicle at the driver's discretion, shall only be conveyed in the rear of the vehicle.

#### **9.19 Illness or Injury**

1. The driver shall notify the Council in writing as soon as possible and in any event within 7 days of any illness or injury affecting his fitness to act as a driver.

#### **9.20 Assistance dogs**

- a. No driver may refuse to carry an assistance dog that is in the charge of a fare paying passenger and no charge shall be made for the carriage of such a dog whilst in the company of a disabled person or a person training such a dog.
- b. Any driver with a medical reason for not complying with this legal requirement must apply for a Certificate of Exemption from the Licensing Authority to exempt him from S. 37, DDA, 1995. Any payment for such medical examinations as may be required is the responsibility of the applicant.
- c. All drivers must comply with the requirements of the Disability Discrimination Act 1995, in respect of such assistance dogs. Failure to do so is a criminal offence that may lead to prosecution as well as suspension of the driver's licence.
- d. The certificate of exemption must be displayed in the vehicle at all times whilst being driven by the driver so exempted.

#### **9.21 Public Register**

1. A register will be kept of the details of all hackney carriage/private hire driver's licences that have been issued by the Isle of Wight Council.
2. The details required to be kept include:
  - i. Name of driver
  - ii. Licence Number
  - iii. Period for which the licence is valid
  - iv. Offences committed by the driver
3. The Register shall be open to public inspection.

## **9.22 Correspondence**

1. All correspondence with the licensing authority must be submitted in writing unless of a minor nature.
2. All applications for information must be made in writing unless of a minor nature
3. All complaints submitted by hackney carriage proprietors must be submitted in writing.

## **10. Trade Associations**

### **10.1 Trade Association**

- a. Drivers may form or join a trade association
- b. If a trade association is formed, a copy of the constitution and the rules of that association shall be forwarded to the Senior Licensing Officer.
- c. The Association must provide the Senior Licensing Officer with a typed list of all officers and members of the association
- d. The association must keep the Senior Licensing Officer informed in writing of the changes to any names of officers and members of the association.
- e. The association will provide the Senior licensing Officer with a standard letterhead for use by the association. All Correspondence from the association must be submitted on the declared letterhead
- f. If these conditions are not met, the Licensing Authority shall not recognise the association as being properly constituted and all correspondence will be treated as correspondence from the individual and not representative of the trade as a whole.

## **11. Enforcement**

- 11.1 Any enforcement action instigated by the Council will be in accordance with the Enforcement Concordat and the Environmental Health Enforcement Policy.

## **12. Data Protection**

- 12.1 The Isle of Wight Council ("the Council") is the Data Controller of all personal information recorded for the purposes of these conditions. The Council will process and hold that information in accordance with principles of the Data Protection Act 1998.
- 12.2 The information supplied and held may be disclosable in accordance with the Freedom of Information Act 2000 or Environmental Act 2004. Any person that believes their information should not be disclosed should notify the Council of the reasons for such belief.