

## APPENDIX F

### LICENCE CONDITIONS APPLICABLE TO PERSONS GRANTED A COMBINED LICENCE TO DRIVE BOTH A PRIVATE HIRE VEHICLE AND A HACKNEY CARRIAGE VEHICLE UNDER THE UNDER LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

These are the Standard Conditions attached to the grant of a Hackney Carriage (HC) / Private Hire (PH) Driver Licence; breach of these may constitute an offence. Thus, the driver should read these Conditions carefully and ensure they understand them.

In these Conditions, unless the subject or context otherwise requires, "*the Council*" means Hertsmere Borough Council, "*the Licensing Officer*" means any Officer authorised by the Council under the 'Local Government (Miscellaneous Provisions) Act 1976', "*Proprietor / Operator*" means the holder of a HC Proprietor's / PH Operator's Licence, "*Driver*" means the holder of a HC / PH Driver's Licence, "*Vehicle*" means a vehicle with a HC / PH Vehicle Licence, and "*Licence*" means a licence issued by the Council under the Local Government (Miscellaneous Provisions) Act 1976.

Each licence shall expire on the date shown on the licence and is not valid after that date and will be subject to the following conditions.

1. The Licence is issued in respect of the person whose details are printed on the licence and is non-transferable. If at any time during the period of the Licence the holder does not wish to retain any of the Licenses, they shall surrender the Licenses to a Licensing Officer at the Council - only then are they not bound by these Conditions attached to the Licence.

Please Note - there is no refund to any part or whole of the Licence fee in such circumstances.

2. Each licence shall expire on the date shown on the licence and is not valid after that date. Any driver who fails to renew their licence within 1 month of the expiry date must apply as a 'new driver', the licence will not be 'renewed'.
3. Drivers must deposit a copy of their paper private hire licence(s), DVLA driving licence, MOT, insurance certificate and any other documents the operator may require, with their private hire operator, who shall retain such documents during the period of their employment with them and shall return it to the driver when they cease to be employed by or with that operator.
4. The driver shall notify the Council and his / her operator in writing of any change(s) of address during the period of the Licence as soon as possible and in any event within 7 days of such change(s) taking effect.
5. The driver shall notify the Council in writing of any caution(s) / conviction(s) including DVLA Licence endorsements and fixed penalty tickets imposed on him / her during the period of the HC / PH driver Licence as soon as possible and in any event within 7 days of such caution(s) / conviction(s) being imposed.
6. Drivers must report to the Council as soon as is reasonably practicable and in any case within 72 hours, the occurrence of any accident / incident involving their licensed vehicle, whether or not any damage materially affecting the safety, performance or appearance of the vehicle has occurred.
7. The private hire driver shall also report to their private hire operator as soon as is reasonably practicable and in any case within 24 hours of the occurrence, any accident / incident to their private hire vehicle which caused damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons using the vehicle.
8. Following a road traffic accident or any other incident involving a licensed vehicle being driven by you where there is a likelihood of any dispute over damage or injury, you must give full details of yourself, the owner of the vehicle (if different from yourself) and the insurance for the vehicle to any person

reasonably requesting the information within 7 days of such a request being made.

9. If the driver is not the owner of the licensed vehicle that is involved in a road traffic accident or any other incident, the owner of the vehicle must be notified as soon as reasonably practicable and in any case within 72 hours of the accident/ incident.
10. Where, following an accident or damage to a licensed vehicle, it is the intention of the driver to continue using the vehicle for hire and reward / public hire purposes, the vehicle must be inspected initially by the Licensing Officer and then if necessary at the Council's testing facility (at the drivers expense), to determine its fitness for continued use. If the vehicle cannot be inspected by the local authority the licence will be suspended until such time the vehicle can be presented to an officer for inspection.
11. A licensed vehicle which has suffered major accident damage or requires substantial mechanical repair may be replaced by a hire vehicle, provided:
  - the damage to or defect of the vehicle has been reported within 72 hours;
  - an application and appropriate fee is made in the usual way for a change of vehicle;
  - the replacement vehicle meets Hertsmere Borough Council's criteria and has a new MOT and compliance test from the nominated testing station, certificate of insurance and letter of authorisation from the hiring company.
12. The licensed driver shall at all times be smart, clean and respectable in his / her dress and person, and behave in a polite and courteous manner to passengers and other members of the public and road-users alike.
13. The licensed driver shall at all times when acting in accordance with this licence, wear in such a position as to be plainly and distinctly visible the badge issued to him/her by the Council pursuant to Section 54(1) of the Local

Government (Miscellaneous Provisions) Act 1976. Hanging from the internal mirror is not acceptable.

14. The licensed driver must report the loss of their driver badge and or licence to the Council as soon as such loss becomes known.
15. The driver badge remains the property of the Council and should be returned on expiry of the licence or surrendered on demand of an authorised officer of the Council or Police Constable.
16. The driver shall take all reasonable steps to ensure the safety and comfort of all passengers being transported in, entering, and leaving the vehicle and offer all reasonable assistance with any luggage or other baggage that the passenger may have.
17. Any substantiated complaints received by the Council regarding the standard of a drivers driving or if poor standards of driving are witnessed by a licensing officer or by a police officer, the driver may be required to undergo and pass a further practical driving test within a specified period at the cost of the driver. This test may be of a higher standard than previously undertaken.
18. The licensed driver shall not consume alcohol whilst working, whether actually driving or not, or whilst off duty on the evening prior to or on a day they will be on duty. Upon request, a driver could be breath tested when attending a routine appointment or during any enforcement activity. Any driver who is disqualified from driving for a drink drive or similar offence will have their licence revoked and will be barred from obtaining another private hire / hackney carriage licence for a period defined in the council's conviction policy.
19. The licensed driver shall not eat or drink in his / her Vehicle whilst carrying fare paying passengers.
20. A licensed driver shall not smoke in their vehicle or permit any other person to smoke in their vehicle whether they are working or not. Under the Health Act

2006 all private hire / hackney carriage vehicles are required to be smoke-free **at all times** even when not being used for work purposes. 'No Smoking' signage must be displayed in the vehicle in accordance with the legislation. Failure to comply with the above may lead to a fixed penalty notice being issued or a criminal prosecution.

21. The use of electronic / vapour cigarettes are also not permitted to be used in a licensed vehicle. The lack of knowledge and research into the long term effects to the exposure of these devices is unknown and therefore the same smoke free requirements as stated above should also apply to these devices.
22. The licensed 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.
23. The licensed drivers must not without reasonable cause, unnecessarily prolong in distance or time, the journey for which the vehicle was hired.
24. The fare agreed by the operator and the hirer for a particular journey should not be altered by the driver unless there has been a change made to the original booking. If such change occurs the driver must inform their operator. If the licensed vehicle is fitted with a taximeter, a fare in excess of that displayed must not be charged.
25. The licensed driver shall not sound the horn of their licensed vehicle to notify the passenger of his / her arrival. The sounding of the horn is only to be used within the guidelines as set out in the appropriate legislation and the Highway Code.
26. Upon request by the hirer, the driver shall provide a receipt for the hiring, showing the date and fare paid, and shall be signed by the driver. Any such receipt shall also be in a form as to identify the proprietor / operator with whom the hiring was made.

27. A licensed driver must undergo a medical examination as prescribed by the council, confirming their fitness to drive a licensed private hire vehicle as and when required by the council. Failure to do so will result in the suspension of the private hire driver licence until a satisfactory medical can be produced to an authorised officer.
28. A licensed driver must not drive a licensed vehicle if they are suffering from any disease or disability which would cause the licensed vehicle being driven by them to be a danger to the public.
29. A licensed driver must ensure that they can, at all times meet the eyesight requirements specified by the Department of Transport driving test.
30. A licensed driver must notify the council and their operator (*private hire driver*) of any illness, injury or other impairment affecting their ability to drive immediately. A driver may be required to undergo a further medical examination in accordance with the DVLA guidelines.
31. The licensed driver must not use any hand held communications or navigation devices or similar (such as mobile telephone, two way radio, satellite navigation device or personal digital assistant) whilst driving.
32. All Communications Devices must be securely fitted within the vehicle and appropriately located as to not interfere with operation of the vehicle.
33. In order to protect passenger confidentiality, a licensed driver must neither retain nor publish any image, sound or information of any passenger(s) captured on a hand held recording device, or any other form of recording device, except where this is to an authorised officer or police.
34. The licensed driver shall not accept any person as a passenger in a private hire vehicle unless the passenger or someone on his/her behalf has previously pre-

booked the journey through the business premises of a Hertsmere licensed private hire operator.

35. The licensed driver must produce their driver licence/badge at the request of an authorised officer of the Council and / or a police officer, either immediately or within 5 days of the request at a specified location.
  
36. If a licensed driver is going to be away from their address for more than a period of 28 days and another Hertsmere licensed driver will be using their licensed vehicle in their absence, the owner of that licensed vehicle must provide to the Council prior to the absence the name, address, contact telephone number and licensed driver number of the driver.