

**PRIVATE HIRE DRIVER LICENCE CONDITIONS**

**All individuals granted a licence to driver a private hire vehicle under the Local Government (Miscellaneous Provisions) Act 1976 by Hertsmere Borough Council shall be subject to the following conditions:**

**The Licence and the Badge**

1. This Licence is granted subject to the provisions of the Local Government (Miscellaneous Provisions) Act 1976 and is for the benefit of the named Licensee only and not transferable.
2. The Licensee shall at all times when acting in accordance with the Licence wear in such position as to be plainly and distinctly visible the Badge issued by the Council.
3. Neither the Licence nor the Badge shall be defaced or altered in any way and must be produced by the Licensee on demand to any officer of the Council or the Police and returned to Council on its expiry, revocation, suspension, or renewal be returned to the Council.
4. The Licence shall expire on the date stated on the front on the front of the Licence but may be renewed by the Licensee by way of application made to the Council before the expiry date.

**When to notify the Council**

5. The Licensee must notify the council within 48 hours of any arrest, charge, grant of bail (conditional or unconditional), caution or conviction, relating to any sexual offence or offence involving violence or dishonesty.
6. Notwithstanding the above, the Licensee must notify the council within 7 days of any of the following:
  - a. being convicted for any criminal or road traffic offence (including fixed penalty offences).
  - b. Any grant of bail to the driver (conditional or unconditional) by any court or police station.
  - c. Any court cases pending against the driver.
  - d. Whether the driver has been cautioned or received an official warning from the police.
7. The Licensee must inform the Council, in writing, within 7 days of any change to the Licensees name and/or address.
8. The Licensee must inform the Council immediately of any loss, damage, defacement or destruction to the Licence or Badge and forthwith apply for the issue of a replacement licence and pay such administrative fee as maybe set by the Council.

9. The Licensee must notify the Council if they intend to leave the United Kingdom for, or have been outside of the United Kingdom for, any period of 6 months.

#### **Documents to be provided to the Council and kept up to date**

10. The Licensee must produce the following documents upon the request of, and within such reasonable timescale as may be stated by, a Council Officer:
- a. Proof of the licensees right to remain, reside and work in the United Kingdom as a licensed driver;
  - b. The Licensee's DVLA Driving Licence
  - c. Proof that the Licensee has registered their DBS Certificate with the DBS update service;
  - d. The Licensees enhanced DBS certificate and such other information as necessary to check via the DBS update service their up-to-date criminal record;
  - e. A DVLA shared driving licence code or the means for the Council to check the Licensees current DVLA licence record;
  - f. A medical certificate meeting the requirements of the Policy or such other information as may reasonably be requested.
  - g. Any other document that the Council may reasonably require to be produced to ensure that the Licensee remains a fit and proper person.
  - h. A certificate of good conduct from any other overseas territory in which the Licensee has resided in for 6 months or more since the grant of the Licence.

#### **Medical fitness and health**

11. The Licensee shall ensure that they undertake a medical examination to the standard required by the Council and at such frequency as the Council may stipulate in its Policy and at any time upon the Council's reasonable request.
12. The Licensee shall not drive a licensed vehicle at any time when they are suffering from any disease, illness, injury, impairment or disability which would in the opinion of a reasonable person cause them or any vehicle driven by them to be a danger to the public.
13. The Licensee shall provide a specimen of breath, blood or urine as may be requested by an authorised officer of the Council at any time whilst the licensee is working in relation to a licensed vehicle in order to verify that they are not impaired by any substance, drug, medication or alcohol.
14. The Licensee shall notify the Council within 5 working days of the occurrence of any serious illness, injury or disability that affects their ability to drive a motor vehicle whether short or long term (for example, head injury, heart attack, stroke, broken limbs, diabetes, etc.).
15. Where the Licensee has been incapacitated by the occurrence of any illness, injury or disability and unable to notify the Council within 5 working days of its occurrence the licensee must notify the Council as soon as possible and no later than 5 working days of their recovery.

16. Where the Licensee has notified the Council of any disease, illness, injury, impairment or disability which they are suffering from, the licensee shall, if requested to do so, undergo an additional medical examination or produce written confirmation from their own medical practitioner or hospital consultant to satisfy the Council of their fitness.
17. The Licensee must ensure that their eyesight meets the standard set by the DVLA and shall undergo such examination by an optician as may be requested by the Council.

### **Duty to customers**

18. Where the Licensee has agreed to be despatched in a private hire vehicle by, and in fulfilment of a booking accepted by, a Private Hire Operator, the Licensee shall:
  - a. Punctually attend in the vehicle at the time and place specified in the booking;
  - b. Drive to the specified destination, by the shortest available route subject to any directions or request's that may be agreed with the hirer.
  - c. Not unnecessarily prolong in distance or time the journey for which the vehicle was hired.
  - d. Not eat or drink in the licensed vehicle whilst carrying passengers.
  - e. Not cause their licensed vehicle to remain stationary for a longer period of time than is necessary for the purpose of picking up or setting down passengers.
  - f. Take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
  - g. Sign a legible receipt for the hiring stating the date, pick up and drop off locations, the fare paid and the operator and provide this to the customer upon request.
  - h. Immediately after the termination of any hiring or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left therein by a person having been conveyed in that vehicle.
19. When required to do so by any person who has booked the vehicle through a private hire operator the Licensee shall convey a reasonable quantity or weight of luggage and shall ensure that:
  - a. Luggage is stored safely within the vehicle and in such manner that does not present any danger or injury to passengers;
  - b. Luggage is stored in a manner that does not prevent the Licensee from operating the vehicle safely;
  - c. Luggage is not stacked higher than the height of the rear passenger seats unless the vehicle is fitted with suitable luggage restraints or covers to prevent luggage from entering the passenger compartment.
  - d. Reasonable assistance is afforded to customers when loading and unloading luggage
  - e. Reasonable assistance is afforded to customers when carrying luggage to or from the entrance of any residence, station, airport or other place at which a passenger may be collected or set down.

## **Conduct**

20. The Licensee shall:
- a. Have due regard to the Council's code of conduct and dress code
  - b. At all times be smart, clean and respectable
  - c. Behave in a polite, civil and courteous manner to passengers and other members of the public and road-users alike.
21. The Licensee shall not:
- a. Accept any person as a passenger into a private hire vehicle that they are driving unless that passenger or someone on that passengers behalf has previously pre-booked the journey through the business premises of a Hertsmere Borough Council Licensed private hire operator.
  - b. Seek to entice any person to hire their vehicle by any means of touting;
  - c. Use the services of any person touting for customers to use licensed vehicles;
  - d. Use any mobile devices including phones, tablets, laptops or any similar item whilst driving;
  - e. Use a hands-free kit whilst conveying a passenger;
  - f. Smoke, or permit to be smoked, any cigarette, electronic cigarette or similar device in a licensed vehicle;
  - g. Make any recording of any image, sound or other information relating to a member of the public via any form of recording device, except where done so for lawful purposes;
  - h. Retain, publish or distribute any lawful recording made, other than for purposes of providing it as evidence the Police, Council or other authorised agency.
  - i. Park their vehicle at such 'public' locations or positions whereby the vehicle's appearance makes it look like the vehicle is available for immediate hire or wait / park in a location which may encourage an approach from a member of the public to enquire as to the vehicle's availability for hire.
  - j. The licensed driver shall not park / position his / her licensed vehicle in such a manner as to cause obstruction on a public highway.

### **Licence Holders duty to those with disabilities or who are vulnerable**

22. The Licensee shall not refuse to carry an assistance dog unless prior to such refusal the Licensee has been granted an exemption by the Council.
23. The Licensee is not permitted to make any additional charge for carrying an assistance dog and must allow the assistance dog to remain with the passenger in the vehicle.
24. The Licensee shall not refuse a passenger with a dog unless the Licensee has taken reasonable steps to ensure that the passenger does not have a disability and that the dog is not an assistance dog.
25. The Licensee must take all reasonable steps to assist a passenger where the licensee knows, or should reasonably be expected to know, that the passenger

has, or may have, a disability and provide all reasonable assistance to ensure that the passenger can complete the journey booked.

26. Where a passenger is in a wheelchair and can transfer out of that wheelchair and into the vehicle driven by the Licensee, the Licensee shall ensure that the wheelchair is folded and safely stowed or carried within the vehicle and shall give such reasonable assistance to passenger entering and departing the vehicle.
27. Where the Licensee is unable to convey a passenger with a disability or a passenger who is vulnerable due to circumstances beyond the control of the Licensee, the Licensee shall take such measures as is reasonable to arrange appropriate transport for that passenger and where necessary remain with the passenger until such transport attends.

### **Licensees duty in respect to the vehicle that they drive**

28. When driving a licensed vehicle in accordance with this Licence the Licensee shall ensure that the licensed vehicle plates are affixed securely to the vehicle and displayed in such manner as may be specified by the Council.
29. The Licensee shall ensure that when driving a licensed vehicle they are aware of and comply with, the conditions of that vehicle's licence, whether they are proprietor of that vehicle or not.
30. The Licensee shall not carry more than the maximum number of passengers for which the vehicle is licensed.
31. The Licensee shall not drive a licensed vehicle for the purposes of conveying passengers at any time in which the vehicle is in such condition that it would fail an MOT, is in breach of the relevant construction and use regulations governing the vehicle or does not comply with the Council's Policy set out in Annex C.
32. The Licensee shall not use any mobile devices including phones, tablets, laptops or any similar item whilst driving and, even where lawful, shall not use a hands-free kit whilst conveying a passenger.
33. The Licensee must comply with the Road Traffic Act, Highway Code and Road Traffic Regulations at all times in order to ensure the safety of the public and must carry out or undertake any activity whilst driving which may distract them from, or impair their ability to, drive safely and comply with aforesaid regulations.
34. The Licensee shall ensure that any licensed vehicle that they drive complies with requirements of the Health Act 2005 and its subordinate legislation and ensure that no person, including the Licensee, smokes in a licensed vehicle and correct signage is displayed on that vehicle when licensed.
35. The Licensee shall not smoke an electronic cigarette or similar device in a licensed vehicle and shall ensure that no other person does so in respect

## **Licensees duty following an accident**

36. If the Licensee is involved in any accident or incident whilst driving a licensed vehicle, or is aware of any damage to a Licensed Vehicle, whether or not in the opinion of the Licensee it materially affects the safety, performance, appearance or comfort of persons using the vehicle, the Licensee must:
- a. Report the matter to the Council, as soon as reasonably practicable and within 72 hours of the accident/incident or damage occurring;
  - b. Report the matter to the Proprietor of the vehicle (if not the licensee);
  - c. Report the matter to the Operator of the vehicle (if not the licensee).
37. If the Licensee is involved in a road traffic accident or any incident involving another vehicle the Licensee must give all details required by Law to the other party, such as the name and contact details of the Licensee, vehicle proprietor and insurance.
38. Where the Licensee has reported an accident to the Council, the Licensee shall not use the vehicle without the further approval of a Licensing Officer.
39. Where the Licensee is involved in an accident that shall prevent the commencement or conclusion of a journey the Licensee shall take such steps as necessary to assist the passenger in obtaining alternative transport.

## **To Provide copy of this licence to Operator**

40. The Licensee shall deposit copies of their Hertsmere Borough Council Private Hire drivers' licence, DVLA driving licence, Vehicle licence, MOT, insurance certificate and any other document that the operator may reasonably require, in order for the operator to comply with the conditions of its operator licence. The driver is entitled to be reasonably satisfied by the operator that any information and data provided shall be kept in securely and in compliance with the provisions of data protection legislation.
41. The Council reserves the right to update and amend these licence conditions in writing to the Licensee with at least 21 days' notice, which may be by letter, email, notice on its website or other electronic means

## **Interpretation**

**"Licence"** means this licence issued to the licensee under section 51 of the Local Government (Miscellaneous Provisions) Act 1976.

**"Licensee"** means the person named on the Licence and who has been granted a private hire drivers licence by the Council.

**"Council"** means Hertsmere Borough Council.

**"Badge"** means the badge issued with the licence by the Council pursuant to Section 54(1) of the Local Government (Miscellaneous Provisions) Act 1976.

**"Policy"** means the Council's adopted private hire and hackney carriage vehicle licensing Policy.

**"DVLA"** shall mean the Driver and Vehicle Licensing Agency.

**"DBS"** shall mean the Disclosure and Barring Service and **"DBS certificate"** shall mean the Enhanced disclosure required by the Council under the provisions of its Policy.