

PRIVATE HIRE VEHICLE DRIVERS EXPLANATORY GUIDANCE NOTES AND LICENCE CONDITIONS

A. Explanatory Guidance Notes

1. The licensing provisions relating to private hire vehicle drivers are contained in Part II of the Local Government (Miscellaneous Provisions) Act 1976 ('the 1976 Act') and every applicant should be aware and become familiar with the provisions. Every applicant is advised to seek his/hers own legal advice on the statutory requirements of the 1976 Act.

2. A private hire vehicle driver is a person who requires a licence from West Berkshire District Council ('the Council') before he/she can drive a licensed private hire vehicle. To obtain a licence an applicant must be 21 years of age or over, and must have held a driving licence (not provisional licence) granted under Part III of the Road Traffic Act 1988 for at least twelve months prior to the date of the application.

3. A licence may be obtained by making an application to the Council. Each applicant must submit to the Council:-

a) A completed application form;

A driving licence

3 Passport size photographs

Completed Police Check Form

The appropriate licence fee plus the medical fee;

In the case of a new applicant, there will be a short test to ascertain the level of knowledge about the standard conditions. For instance a question may be asked about the wearing of identification badges or the circumstances under which a fare can be taken. A full set of the Council's standard conditions follow. The test will ask questions about directions and routes to major destinations inside or near to the West Berkshire area. A typical question would therefore ask for the route between Newbury and Heathrow Airport. A standard road atlas will be available to assist candidates.

All drivers are required to undergo medical examination every 3 years (unless over 65 or required by the Occupational Health Specialist). Appointments need to be made direct with the Occupational Health Department on 01189 877629.

5. Under the 1976 Act licences can be, granted for up to three years, and it is the Council's policy, however, to licence private hire drivers for one year.

6. If a licence is granted an identification badge will be issued. This must be worn in such a position and manner as to be plainly and distinctly visible at all times.

7. The Council has the power to attach conditions to a private hire vehicle driver's licence. The standard conditions approved at present are set out below. The Council may attach additional conditions in appropriate circumstances. Applicants are requested to study the conditions and ensure that they comply with them.
8. If a driver is aggrieved by any of the conditions attached to the licence he/she may appeal to a Magistrates Court within twenty-one days of the issue of the licence. Before lodging an appeal a driver is advised to seek legal advice.
9. The Council has the power under the 1976 Act to prosecute any driver who fails to comply with the conditions attached to his/hers licence.
10. In these Guidance Notes and in the conditions set out below the masculine shall include the feminine and the singular shall include the plural and vice-versa.
11. The Council has the power under the 1976 Act to revoke, suspend or refuse to renew licences after conviction for various offences or for failure to comply with the relevant provisions of the 1976 Act, or for any other reasonable cause.
12. The administration and the enforcement of the 1847 and the 1976 Acts, the Council's bylaws and the standard conditions set out below is carried out by the Council's Management Officer and any application form or correspondence should be sent to the Management Officer, Public Protection Service, West Berkshire District Council, Council Offices, Faraday Road, Newbury, Berkshire, RG14 2AF.

B. STANDARD LICENCE CONDITIONS

1. Standard of Service:-

- (1) The driver shall provide a prompt, efficient and reliable service to Members of the public at all reasonable times.
- (2) Without prejudice to the generality of the previous condition the driver shall in particular:-
- a) ensure that when he/she becomes aware that the private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place;
 - b) afford all reasonable assistance with hirers and other passenger's luggage;
 - c) at all times be clean and respectable in his/her dress and person and behave in a civil and orderly manner.
 - d) take all reasonable steps to ensure the safety of passengers conveyed. in entering or alighting from the vehicle driven by him/her;
 - e) not, without the prior express consent of the hirer, smoke, drink or eat in the vehicle.
 - f) not, without the prior express consent of the hirer, play any radio or sound producing instrument or equipment in the vehicle, other than for the purpose of sending or receiving messages in

connection with the operation of the vehicle and shall not allow any such instrument or equipment (when permitted) to be or become a source of nuisance or annoyance to any person inside or outside the vehicle;

g) provide the hirer of the vehicle with a written receipt for the fare paid, if requested to do so by the hirer.

2. Passengers

(1) The driver shall not convey or permit to be conveyed in the Private Hire Vehicle a greater number of persons exclusive of the driver than the number of persons specified in this Licence, provided that for the purpose of this Condition children under 10 shall be regarded as one person.

(2) The driver shall not without the consent of the hirer of a vehicle, convey or permit to be conveyed any other person in that vehicle.

3. Animals:

(1) The driver shall not convey in a private hire vehicle any animal belonging to, or in the custody of himself, or the proprietor or operator of the vehicle or any other person other than the hirer.

(2) Subject to paragraph (3) below any animal belonging to or in the custody of the hirer or other passenger may at the driver's discretion be conveyed in the private hire vehicle, but only in rear of the vehicle.

(3) A hirer's or other passenger's guide dog shall be conveyed in the rear of the vehicle.

4. Complaints

(1) The driver shall on receipt of any complaint immediately notify the complainant of his right to forward the complaint to the Council.

(2) The driver shall on the same day of receiving a complaint, inform the operator of the following particulars of the complaint:-

a) the date and time the complaint was received;

b) the name and address of the complainant;

c) how the complaint was made.,

d) the nature of the complaint;

e) remarks (if any)

5. Lost Property:

(1) The driver shall immediately after the termination of any hiring of a private hire vehicle, or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left there.

(2) If any property accidentally left in a private hire vehicle by any person who may have been conveyed in the vehicle is found by or handed to the driver, unless it is claimed by and on behalf of its owner, shall be taken within twenty-four hours to the nearest Police Station and left in the custody of the officer in charge.

6. Touting and Soliciting

(1) The driver shall not cause the private hire vehicle to stand in any road or public place in such a manner as to suggest that the vehicle is plying for hire or that it is a hackney carriage or taxi.

(2) The driver shall not whilst driving or in charge of a private hire vehicle tout or solicit any person to hire or be carried for hire in the private hire vehicle or cause or procure any other person to tout or solicit any person to hire or be carried for hire in the private hire vehicle.

7. Taximeters:

(1) If the private hire vehicle is fitted with a taximeter the driver shall ensure that the taximeter has been sealed by an authorised Officer of the Council.

(2) Where a private hire vehicle is fitted with a taximeter the driver shall ensure:-

a) that the taximeter is only brought into action at the commencement of the hirer's journey;

b) that the fare or charge is calculated from the point in the District from which the hire commences his journey and shall not exceed that displayed on the taximeter at the completion of his/her journey, except for any additional charges as specified in the scale of fares approved by the Council;

c) that the fare or charge recorded shall not be cancelled or concealed until the hirer has had the opportunity of examining it and has paid the fare or charge;

d) that the taximeter is sufficiently illuminated so that when in use it is visible to the hirer and all his/hers passengers.

(3) The driver of a private hire vehicle shall not tamper with or permit any person to tamper with any taximeter with which the vehicle is provided, or tamper with the seal.

(4) A private hire vehicle fitted with a taximeter shall not operate unless the meter is in working condition and has been checked and sealed by an authorised officer of the Council.

(5) The driver shall notify the Proprietor immediately if for any reason the meter fails to operate or ceases to be in working condition.

8. Fares:

(1) The driver shall not demand from any hirer of a private hire vehicle a fare in excess of any previously agreed from 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 of the face of the taximeter.

(2) The driver of a private hire vehicle shall ensure that journeys shall be by the shortest of most direct route unless requested by the hirer to proceed by a different route.

9. Identification Plate and Driver's Badges:

(1) The driver of a private hire vehicle shall normally ensure that the identification plate issued by the Council in respect of vehicle is clearly visible from the, rear of the vehicle, unless and exemption has been issued by the Council, so as to be visible at all times.

(2) The driver shall not wilfully or negligently conceal from public view the identification plate.

(3) The driver's badge issued by the Council shall be worn by the driver in a position where it can be seen at all times.

(4) The driver shall from the expiry (without immediate renewal) revocation or suspension of his/her driver's licence forthwith return the driver's badge to the Council.

10. Convictions

The driver shall disclose to the Council in writing within seven days details of any convictions imposed upon him/her during the period of the licence.

11. Change of Address or Change of Proprietor

The driver shall notify the Council in writing of any change of his/her address or of the Proprietor of the vehicle during the period of the licence prior to such change taking place.

12. Operator's Licence

The driver shall ensure that the operator has a current Operator's Licence.

13. Vehicle Damage or Driver's Illness or Injury:-

(1) The driver shall immediately notify the Council and the proprietor of his vehicle of any damage to the vehicle howsoever occurring as soon as he/she becomes aware of such damage.

(2) The driver shall notify the Council in writing as soon as possible and in any event within seven days of any illness or injury affecting in any way his/her fitness to drive a private hire vehicle.

14. Copy of Conditions:-

The driver of a private hire vehicle shall at all times when driving carry with him/her a copy of these conditions and shall make them available for inspection by the hirer or any other passenger or request.

15. Causing or Permitting:-

The driver shall not cause, permit or allow any other person to commit an offence under or non-compliance with the 1976 Act, or contravene any of the above conditions.

16. Statutory Requirements:-

The driver shall ensure that when he/she drives a private hire vehicle he/she does so in accordance with all statutory requirements, including those relating to tax and insurance.

17. Rights of Refusal:-

The driver shall have the right to refuse to carry a passenger or passengers for any reasonable cause, (except the potential fare for the journey).