



# PRIVATE HIRE DRIVER LICENCE

## CONDITIONS

July 2018

# Private Hire Driver Licence Conditions

In accordance with Section 51(2) of the Local Government (Miscellaneous Provisions) Act 1976 the Council may attach to the grant of a licence such conditions as they may consider reasonably necessary. A failure to comply with these conditions of your licence or any of the general conditions, regulations or statutes from time to time in force, may result in the suspension or revocation of your Private Hire Driver Licence.

If you are aggrieved by any of the requirements contained in these conditions you have the right of Appeal to a Magistrates' Court within 21 days.

## Interpretation

"Wirral Council" includes the Licensing Health and Safety and General Purposes Committee, the Licensing Panel, and Council Officers.

"Authorised Officer" includes a Council Officer employed by Wirral Council, a Council Officer employed by another Local Authority authorised by Wirral Council, and a Police Officer.

"In writing" includes a written letter, a completed form, and email. The email address for the Licensing Section is [taxilicensing@wirral.gov.uk](mailto:taxilicensing@wirral.gov.uk)

## CONTRACT

- 1 The driver must only undertake work exclusively under and in strict accordance with the terms and conditions of a contract issued by the **Director of Children and Young Peoples Department** to transport children to and from educational establishments.

## MATTERS TO BE REPORTED TO THE COUNCIL

- 2 The licence holder must disclose if they are under investigation in respect of any criminal offence, on police bail pending the outcome of an investigation or whether any criminal proceedings in the Magistrates or Crown Court have started against them.
- 3 The licence holder must notify the Council within 72 hours, details of any:
  - **investigation** into any criminal or motoring offence
  - motoring offences or penalty points received
  - criminal convictions received
  - fixed penalty notices
  - cautions, warning or reprimands received
  - anti-social behaviour order (or other order) issued by a court
  - change in medical condition or long term prescribed medication which may affect ability to drive

***In the case of a motoring endorsement, do not wait for your licence to be returned from the DVLA, Swansea.***

- 4 The licence holder must notify the Council of any change of address within 7 days of such change. In these circumstances the licence holder must produce their Private Hire Driver Licence to the Licensing office who will issue a licence in the new address.
- 5 The licence holder must notify the Council of any change of telephone number within 7 days of such change.

- 6 The licence holder must report lost or stolen Private Hire Vehicle Licence plates to the Council immediately on discovering the loss or theft.
- 7 The licence holder must report lost or stolen Private Hire Driver Licence badges to the Council immediately on discovering the loss or theft.

## **ACCIDENTS AND DAMAGE TO VEHICLE**

- 8 In every case where a private hire vehicle **sustains damage** the details of the vehicle and the damage sustained must be reported by the licence holder to Wirral Council within 72 hours of the damage having been sustained. The licence holder must complete an incident report form or provide details of the incident in an email and arrange for the vehicle to be inspected as appropriate. The insurance certificate covering the date of the damage occurring and current insurance certificate, if different, must be produced.
- 9 In every case where a private hire vehicle is involved in a **road traffic collision**, the details of the collision must reported by the licence holder to Wirral Council as soon as practicable and in any case no later than 72 hours after the collision occurring. The licence holder must complete an incident report form or provide details of the incident in an email and arrange for the vehicle to be inspected as appropriate. The insurance certificate covering the date of the damage occurring and current insurance certificate, if different, must be produced.
- 10 Where damage to the Private Hire Vehicle materially affects the safety, performance or appearance of the vehicle, the vehicle must not be used for hire until such damage is repaired to the satisfaction of the Licensing Authority.

## **FITNESS OF DRIVER**

- 11 The licence holder must at any time, or at such intervals as the Council may reasonably require, produce a satisfactory medical assessment from their Registered General Practitioner confirming that they meet the Council's medical standards for a licensed Private Hire Driver.
- 12 The licence holder must cease driving any Private Hire Vehicle and contact the Council immediately if they know of any medical condition or medication which may affect their driving ability and the safety of themselves and any passengers.

## **CONDUCT OF DRIVERS**

- 13 The licence holder must at all times when acting in accordance with the Private Hire Driver Licence granted to them, wear such badge as supplied by the Council in such position and manner as to be plainly and distinctly visible at all times.
- 14 In addition the licence holder must display within the vehicle a further identification badge which should be clearly and distinctly visible to all passengers carried within the vehicle. The licence holder must not lend the badge to any other person or cause or permit any other person to wear it.  
  
*The driver's badge should be worn on the top half of the body (eg chest) and should be CLEARLY visible.*
- 15 The licence holder must not wilfully or negligently cause or permit any licence plate or interior display of the Private Hire Vehicle Licence number to be concealed from public view or to be so defaced as to make any figure or information illegible.

- 16 The licence holder must not drive a licensed vehicle in a manner that may intimidate or have the potential to intimidate another road user.
- 17 The licence holder must, on ceasing to be licensed as a driver, when the licence expires and is not renewed, when the licence is suspended or revoked, or when required to do so by an officer of the Council, return the badges to the Wirral Council.
- 18 The licence holder **must not**,
- smoke tobacco or like substances in the vehicle **at any time**
  - eat or drink in the vehicle when carrying passengers, except with the express consent of the hirer.
- 19 The licence holder must not, except with the express consent of the hirer, play a radio receiver or sound reproducing equipment in the vehicle other than for the purpose of receiving messages in connection with the operation of the vehicle.
- 20 The licence holder must at no time cause or permit the noise emitted by any radio equipment or any sound reproducing equipment, installed in the Private Hire vehicle, to be a source of annoyance to any person whether inside or outside the vehicle.
- 21 The licence holder must not operate the horn as a means of signalling that the vehicle has arrived.
- 22 The licence holder must not, while driving or in charge of a private hire vehicle:-
- tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle, or
  - cause or procure any person to tout or solicit on a road or other public place, any person to hire or be carried for hire in any private hire vehicle, or
  - offer that vehicle for immediate hire while the licence holder of that vehicle is on a road or other public or
  - accept an offer for the immediate hire of that vehicle while the licence holder of that vehicle is on a road or other public place.
- 23 The licence holder must ensure that there is a current certificate of insurance in force for the vehicle they are driving at all times and that such certificate of insurance allows them to drive the vehicle for private hire purposes.
- 24 The licence holder must produce the current valid certificate of insurance for the private hire vehicle when requested to do so by an Officer.
- 25 If the certificate cannot be produced on demand it must be presented within 72 hours to Wirral Council.
- 26 The licence holder must drive at all times in accordance with all relevant traffic regulations and the highway code and should never drive in an aggressive or dangerous manner.
- 27 The licence holder must ensure that the Private Hire Vehicle driven by them is in a roadworthy condition and is kept in a safe and satisfactory condition at all times.
- 28 The licence holder must ensure that the vehicle is presented in a clean and tidy condition at all times.
- 29 The licence holder must ensure the vehicle complies with Wirral Council's Vehicle Inspection Policy.

***Notwithstanding the above, the licence holder should ensure that any private hire vehicle they drive complies with private hire vehicle conditions and current legislation. Failure to do so may result in action being taken against you.***

- 30 The licence holder must present for inspection any private hire vehicle driven by them when requested by a Licensing Officer. Failure to comply with such request may result in the suspension or revocation of the Private Hire Vehicle Licence and the Private Hire Driver Licence.
- 31 The licence holder must not convey or permit to be conveyed in their vehicle more than the maximum number of persons permitted by the private hire vehicle licence.
- 32 The licence holder must not allow any child apparently under 10 years of age to be conveyed in the front of the vehicle beside the licence holder.
- 33 The licence holder must not permit any person to be conveyed in the vehicle without the consent of the hirer.
- 34 Every licence holder who must have agreed or must have been hired to be in attendance with the vehicle at an appointed time and place must, unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at such appointed time and place.
- 35 Every licence holder must comply with every reasonable requirement of every person hiring or being conveyed in the vehicle.
- 36 Every licence holder must when requested by a passenger:-
- convey a reasonable quantity of luggage;
  - afford reasonable assistance in loading and unloading luggage;
- 37 The licence holder must at all times when the vehicle is available or being driven for hire:-
- behave in a civil, polite and orderly manner towards every person seeking to hire, or hiring or being conveyed
  - ensure the safeguarding of children, young and vulnerable persons is not put at risk
  - be clean, hygienic and respectable in their dress and person
  - address disputes through appropriate legal channels and avoid confrontation
  - comply with every reasonable requirement of every person hiring or being conveyed in the vehicle
  - take all reasonable precautions to ensure the safety of persons conveyed in or alighting from the vehicle
  - ensure they do not pose a threat to the public
  - ensure the public are safeguarded from dishonest persons
  - ensure they do not bring in to disrepute the integrity of the Council for having granted them a licence
  - ensure the private hire vehicle complies with the fitness standard set out by the Council.
- 38 The licence holder must not initiate or engage in any dialogue of a sexual nature with a passenger.
- 39 The licence holder must not use rude, inappropriate or offensive language.

## **FARES AND JOURNEYS**

- 40 The licence holder shall cause any statement of fares supplied by the relevant private hire operator to be displayed inside the private hire vehicle in such a position as to be clearly

visible at all times to the hirer. If the private hire vehicle is fitted with a device/meter for calculating the fare the device/meter must be maintained in good working order.

- 41 If the private hire vehicle being driven by the licence holder is fitted with a device/meter for calculating the fare, the licence holder must not cause the fare recorded thereon to be cancelled or concealed until the hirer has had an opportunity to examine the device/meter and has paid the fare.
- 42 The licence holder must not demand from a hirer of a Private Hire Vehicle a fare in excess of that prescribed by the Operator or fare table displayed in the vehicle. If the vehicle is fitted with a meter and there has been no previous agreement as to the fare, the licence holder must demand no more than the fare shown on the face of the meter.
- 43 The licence holder must, if required by the hirer of the vehicle, provide a written receipt for any fare paid.
- 44 The licence holder, when hired to drive to any particular destination, must, subject to any directions given by the hirer, proceed to that destination by the shortest practicable route.

### **LOST PROPERTY**

- 45 The licence holder must, immediately after the termination of any hiring, search the vehicle, with reasonable care, for any property which may have been accidentally left therein. If any property accidentally left therein by any person who may have been conveyed in the vehicle is found by or handed to the licence holder they must report it to the Operator. If the item is of significant value it must be taken to the nearest police station situated in the Borough.

### **THE CARRIAGE OF ANIMALS**

- 46 A licence holder must not carry in a private hire vehicle any animal which belongs to, or is being looked after by themselves, or the owner or operator of the vehicle while it is being used as a private hire vehicle. Animals in the custody of passengers may be carried, at the driver's discretion, provided they are restrained in a safe manner
- 47 A licence holder must carry assistance dogs when necessary. These include guide dogs for the blind or partially sighted, hearing dogs for the hard of hearing, and other assistance dogs, which assist disabled people with a physical impairment. Any driver with a medical condition, which may be exacerbated by dogs, may apply for an exemption from this condition. A certificate of exemption can be supplied on production of suitable medical evidence.
- 46 The licence holder must only drive vehicles which are licensed by the Metropolitan Borough of Wirral under Section 48 of the Local Government (Miscellaneous Provisions) Act 1976, as amended.

### **ALTERATION OF CONDITIONS**

- 48 Wirral Council may alter these conditions upon giving 28 days notice in writing to the licence holder that any of these conditions are deleted, any new ones inserted or existing conditions altered. If you are aggrieved, you will have the right to appeal to the Magistrates Court within 21 days of being notified of the proposed change.