

Appendix 3



DUAL DRIVERS CONDITIONS

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CONDITIONS ATTACHED TO PRIVATE HIRE/HACKNEY CARRIAGE DRIVERS

Herefordshire Council as the Licensing Authority licenses both Hackney Carriage and Private Hire Vehicles under the provisions of The Town and Police Clauses Act 1985, Part 11 of the Local Government Miscellaneous Provisions Act 1976 as amended by the Transport Act 1985.

These conditions have been reviewed by the Licensing Authority and will replace all previous conditions and will remain in place until 2024, minor amendments are delegated to Officers, and more complex amendments will be referred to the Cabinet Member for decision or by whatever other process is constitutional at that time. The Service Manager with responsibility for licensing will determine the appropriate method of decision.

All applications received which fall outside the Licensing Authority's Conditions or Policy will be referred to Officer Panel for determination and may incur additional costs to be paid by the applicant. Money will only be refunded in exceptional circumstances if the Chair instruct a refund.

Once a valid application has been accepted no refunds will be considered unless authorised by the Chair.

The Offices of the Licensing Authority is:

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(The Licensing Authority will use Government Guidance, Legislation, IOL Guidance and the Licensing Authority's Hackney Carriage and Private Hire Licensing Policy to base its decisions)

1.0 CONDUCT OF THE DUAL DRIVER

- 1.1 The driver of a hackney carriage or private hire vehicle licensed by the Licensing Authority shall hold a current dual drivers badge and the vehicle must be licensed by the Licensing Authority. Drivers of private hire vehicles must be aware that the driver, vehicle and Operator must all have licences issued by the Licensing Authority.
- 1.2 At all times the driver shall be clean and respectable in their dress and person and behave in a civil and orderly manner. The Drivers Dress Code and Drivers Code of Good Conduct must be complied with. These can be found at [Appendix 5 and 6](#).
- 1.3 The driver shall not at any time cause or permit the sound emitted by any radio or other similar equipment in the vehicle to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
- 1.4 The driver or passengers are not permitted to smoke, vape or use electronic cigarettes or any other like device, in the licensed vehicle at any time.

- 1.5 All private hire drivers, when not engaged in a pre-arranged booking, must not park in such a position or location on the public highway which could give the appearance of being for hire.
- 1.6 The driver of a private hire vehicle shall not ply for hire.
- 1.7 The driver of a licensed vehicle shall not call out or influence any person in any way, which might reasonably be considered as an invitation to travel in their vehicle for gain.

2.0 BADGES AND PLATES

- 2.1 Whilst driving a licensed vehicle, the driver shall have readily available on their person a dual driver badge which shall be produced on the request of an officer of the Licensing Authority, the Police or a member of the public.
- 2.2 The second drivers badge issued by the Licensing Authority shall be displayed where it can be easily seen and read in the vehicle. This should not be in a location which can obscure the drivers view through the windscreen or windows.
- 2.3 The driver will return their drivers badge to the Licensing Authority on revocation, suspension or at the request of the Licensing Authority.
- 2.4 Insurance may be invalid if the dual drivers licence has expired or is suspended/revoked.
- 2.5 The driver is also required to supply the annual self-declaration form, fee and other documentation required to maintain the 3 year badge. Failure to supply these will result in the licence being suspended and Penalty Points being issued.
- 2.6 Where an annual self-declaration is provided after expiry 6 penalty points will be issued on the first occasion and 12 penalty points on a second occasion. The driver may have their dual drivers badge suspended until the self-declaration is provided.

3.0 INSURANCE

- 3.1 The driver shall carry evidence of insurance cover in the vehicle at all times whilst on duty, showing that the vehicle is suitably insured for the purpose of Hackney Carriage/Private Hire use. A photocopy of the certificate or cover note will be accepted or if stored on a phone. Electronic e-mail copies will be accepted direct from the Insurance Company or broker.
- 3.2 Where insurance is provided after expiry 6 penalty points will be issued on the first occasion and 12 penalty points on a second occasion. The proprietor may have the vehicle licence suspended until such time as insurance is produced.

4.0 PASSENGERS\LUGGAGE

- 4.1 The driver shall not carry or permit to be carried in their vehicle any greater number of persons than the number specified in the licence issued to the vehicle.
- 4.2 The driver shall not, without the consent of the hirer, carry any other person in the vehicle.

- 4.3 Members of the drivers family and friends shall not be carried during any period that the vehicle is for hire or is being hired by a member of the public or whilst under contract.
- 4.4 All drivers shall if required: -
- a) Carry a reasonable quantity of passenger's luggage, ensuring its security.
 - b) Afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which they may take up or set down such person.
 - c) Take reasonable precautions to ensure the safety of persons carried in or entering or alighting from the vehicle.

5.0 LOST PROPERTY

- 5.1 The proprietor or driver of a licensed vehicle shall, after each journey search the vehicle for lost property.
- 5.2 Any property found by the driver in the vehicle, or handed to them, shall, if not claimed by or on behalf of the hirer within 24 hours, be handed into to the police.
- 5.3 The proprietor or driver shall be entitled to receive from any person to whom the property is re-delivered an amount equal to five pence in the pound of the estimated value (or the fare for the distance from the place of finding to the return address of the owner of the property or police station, whichever be the greater, but not more than ten pounds).

6.0 TAXI METER/FARES

- 6.1 Licensed vehicles equipped with a taximeter (compulsory for a hackney carriage but optional for a private hire car) shall operate the taximeter in accordance with the requirements of the conditions.
- 6.2 For hackney carriages the taximeter must be used even if it is a pre-booked journey. A lesser fee than the metered fare may be charged.
- 6.3 If the journey is undertaken through a service contract or out of the county and the fee is quoted and known to be less than the metered fare the hackney carriage would not be required to use the taximeter.
- 6.4 The driver shall not charge more than the metered fare or the additional fees permitted by the agreed tariffs.
- 6.5 All taximeters shall be fitted with a tamper-proof seal.
- 6.6 A driver of a licensed vehicle shall not tamper with or permit any person, other than a proper authorised person or approved technician, to alter or adjust any taximeter with which the vehicle is provided, with the fittings thereof, or with the seals affixed thereto. This includes disconnecting the taximeter from the vehicle
- 6.7 If the vehicle is fitted with a taximeter, the driver shall not cause the fare showing to be cancelled or concealed until the hirer has had reasonable opportunity of examining it and has agreed the fare.
- 6.8 The driver shall not demand from the hirer a fare in excess of any previously agreed fare for that hiring agreed between the hirer and the driver/operator or,

if the vehicle is fitted with a taxi meter, the fare shown on the face of the taximeter.

6.9 Where a hirer's journey finishes outside Herefordshire and no fare or rate has been agreed prior to the hire, the driver or operator shall not charge more than the fare that is indicated on the taxi meter.

6.10 The fare for each journey shall only begin when the hirer enters the vehicle, unless prior agreement has been made or if the customer is not available until later than the agreed pick up time. Appropriate waiting time shall be given without charge to people with disabilities.

7.0 COMPLAINTS

7.1 The driver shall advise the proprietor of the vehicle of any complaints made by passengers. If there are serious complaints these must also be passed to the Licensing Authority by the driver or vehicle proprietor.

7.2 The driver shall advise passengers of their right to refer the complaint to the Licensing Authority and give contact details for them to do so.

8.0 PROMPT ATTENDANCE

8.1 The driver who has agreed or has been hired to be in attendance with the vehicle at any appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such time and place.

8.2 The driver shall not, without reasonable cause, unnecessarily prolong, in distance or in time, the journey for which the vehicle has been hired.

9.0 LICENCE/APPLICATION

9.1 If the driver is permitted or employed to drive a hackney carriage and/or private hire vehicle by an operator/vehicle proprietor they shall, before commencing to drive that vehicle, provide a copy of their dual driver's licence with that operator/vehicle proprietor for retention by them, until such time as the driver ceases to be permitted or employed to drive for that operator/vehicle proprietor.

9.2 All drivers should ensure that the proprietor holds valid insurance to cover them for the hiring of a hackney carriage and/or private hire vehicle. The driver should also ensure that the proprietor has a private hire operator's licence where appropriate.

9.3 All drivers shall ensure that any car driven by them is licensed by the Licensing Authority for that purpose.

10.0 CHANGE OF DETAILS/CIRCUMSTANCES

10.1 The driver shall notify the Licensing Authority in writing of any change of their address and/or contact details within 7 days of such change.

- 10.2 The driver shall immediately, disclose to the Licensing Authority in writing, details of any conviction/caution/warning (motoring or criminal) involving them during the period of the licence. Failure to do this could result in immediate suspension of the dual driver licence and/or referral to Officer Panel for determination, the cost of referral will be paid by the licence holder, unless this fee is waived by the Chair of the Panel.
- 10.3 The driver shall immediately, disclose to the Licensing Authority in writing, details of any involvement in incident/s which may lead to caution/conviction/warning. Failure to do this could result in immediate suspension of the dual driver licence and/or referral to Officer Panel for determination and the cost will be paid by the licence holder, unless this fee is waived by the Chair of the Panel.
- 10.4 The driver or person nominated by them shall notify the Licensing Authority in writing, as soon as possible and in any event within 7 days of any serious illness or injury affecting their fitness to drive in any way. Failure to do this could result in immediate suspension of the dual driver licence and/or referral to Officer Panel for determination and the cost will be paid by the applicant, unless this fee is waived by the Chair of the Panel.
- 10.5 The driver or person nominated by them shall notify the Licensing Authority in writing, as soon as possible and in any event within 7 days of any condition which would require notification to the DVLA (Full details can be found at <https://www.gov.uk/driving-medical-conditions>). Currently this includes but is not exhaustive:
- [diabetes or taking insulin](#)
 - [syncope \(fainting\)](#)
 - heart conditions (including [atrial fibrillation](#) and [pacemakers](#))
 - [sleep apnoea](#)
 - [epilepsy](#)
 - [strokes](#)
 - [glaucoma](#)
 - head injury

11.0 ANIMALS

- 11.1 Any animal belonging to or in the custody of any passengers can be conveyed in a licensed vehicle at the driver's discretion.
- 11.2 A driver of a licensed vehicle which has been hired by or for a disabled person with their guide, hearing or prescribed assistance dog, or a person who wishes such a disabled person to accompany them in the vehicle will have a duty to: -
- a) Convey the disabled passenger's dog and allow it to remain with the passenger; and
 - b) Are not to make any additional charge for doing so.

An assistance dog is defined by regulations as a dog which is trained by a specified charity i.e. "Dogs for the Disabled", "Support Dogs" or "Canine Partners for Independence", to assist a disabled person with a physical impairment, and which at the time that its owner hires a taxi is wearing a yellow jacket inscribed with the name of one of those charities.

- 11.3 The driver shall only be exempt from the condition 11.2 on medical grounds if they have obtained an exemption certificate from the Licensing Authority. An exemption certificate will only be issued where the driver has supplied medical evidence from a GP or other recognised medical specialist. The certificate of exemption shall be exhibited in a prominent position within the licensed vehicle.

12.0 MOBILE PHONES

- 12.1 Drivers wishing to use a mobile phone in the vehicle must use them in accordance with The Road Vehicles (construction and use) (Amendment) (No.4) Regulation 2003. In brief a driver may not hold a mobile telephone while driving or operate a 2- way radio.

13.0 GENERAL CONDITIONS

- 13.1 The holder of a licence shall comply with the provisions of the Town Police Clauses Act 1847 as amended by Part 11 of the Local Government (Miscellaneous Provisions) Act 1976, a copy of which is available for inspection at the Licensing Authority.
- 13.2 The driver is to ensure daily that the vehicle is clean both inside and out.
- 13.3 The driver is to inform the Licensing Authority and the proprietor of the vehicle of any accident or damage to the vehicle within 72 hours, and present the vehicle for inspection forthwith if requested to do so. The vehicle is not to be used for hire if the damage is significant and/or effects passenger safety or comfort.
- 13.4 The driver shall, if requested by the hirer of the vehicle, provide them with a written receipt for the fare paid.
- 13.5 The driver of a licensed vehicle shall co-operate with any Authorised Officer, Constable or any other clearly identifiable person nominated by the Licensing Authority, with any enquires.

14.0 PRIVATE HIRE

- 14.1 Private hire vehicle drivers must keep a record of journeys, which is to be kept in the vehicle or accessible through the private hire operator immediately if it is requested.
- (i) The driver of a private hire vehicle shall at all times whilst acting in accordance with the private hire driver's licence keep a record sheet in the private hire vehicle and before commencement of each journey, enter particulars of each journey to be undertaken and the name and address of the person who has made the booking. This may be in computerised form if the operating system provides this facility. If the journey is part of a contract, individual records of each journey will not have to be detailed, as long as the journeys are noted in the contract of hire.

15.0 THE WEARING OF SEATBELTS

- 15.1 The requirements contained in the Road Traffic Act 1988, s 15, the Motor Vehicle (wearing of seat belts) Regulations 1993, Part III and the Motor

Vehicles (wearing of seatbelts by Children in Front Seats) Regulations 1993 and the Motor Vehicles (Wearing of Seat Belts) (Amendments) Regulations 2006 must be complied with. Please see table below

	Front Seat	Rear Seat	Who is responsible
Driver	Taxi drivers - hackney carriage drivers are exempt from wearing a seat belt while on duty (whether they have a passenger or not). Private hire taxi drivers are only exempt when carrying a fare-paying passenger. They must wear a seat belt at all other times.		Driver
Child up to 3 years old	Correct child restraint MUST be used.	If no appropriate restraint available the child may travel unrestrained in the rear.	Driver
Child from 3 rd birthday up to either 135cms in height or 12 years old	Correct child restraint MUST be used	MUST use adult belt if the correct child restraint is not available.	Driver
Child over 135 cm or 12 to 13 years	Seat belt MUST be worn if available	Seat belt MUST be worn if available	Driver
Passengers 14 years and over	Seat belt must be worn if available	Seat belt must be worn if available	Passenger