

## BLABY DISTRICT COUNCIL

### PRIVATE HIRE VEHICLE/HACKNEY CARRIAGE DRIVERS' LICENCES

#### APPLICATION CRITERIA AND CONDITIONS OF LICENCE

##### **1. Application Requirements**

Applications will only be acceptable if they include or are accompanied by the following:

- 1.1\_ Application form provided for the purpose by the Council, completed in its entirety (see 1.7 below) and signed by the applicant;
- 1.2\_ Original full driving licence, DVLA/PSV licence (paras 5 & 6);
- 1.3\_ Medical Certificate (para 6);
- 1.4\_ Two passport sized colour photographs of the applicant.
- 1.5\_ For new applications in connection with criminal record check requirements: additional supporting documents as itemised in explanatory booklet accompanying CRB (Criminal Records Bureau) disclosure form.
- 1.6\_ Criminal Records Disclosure Application Form. Prior to consideration of a new application, the Council will require a criminal record check in respect of the applicant, to be assessed in accordance with the criteria set out in these Conditions.
- 1.7\_ Acceptable written confirmation from the private hire operator licensed with the Council that the applicant will be driving for him/her to include the operator's name, premises address and licence number and signed by the operator.
- 1.8\_ All applications should be made in sufficient time before a licence is required (including renewals), otherwise they may not be dealt with by any renewal date or preferred date for issue.

##### **2. Fee**

All applications must be accompanied by the appropriate fee; cash or cheques supported by a cheque guarantee card are acceptable. The Council will also accept payment by Switch. The amount of such fee to be notified by the Council to each applicant. Should a cheque be returned unpaid the Licence will be revoked and future applications will only be accepted with the fee being paid in cash or by Switch. No refund will be given if the licence is refused or is surrendered early.

### **3. Provision of Misleading Information in Application**

If the applicant is found to have deliberately provided misleading or inaccurate material information to the Council in support of their application, any licence issued shall be revoked forthwith.

### **4. Fit and Proper Person**

A driver's licence will not be issued to any person unless the Council is satisfied that the applicant is a fit and proper person to hold a licence.

### **5. Driving Experience.**

You must have held a full British driving licence giving you an entitlement to drive for at least 12 months immediately prior to the date of your application.

### **6. Health of Driver/Medical Certificate**

Where required to be provided, a medical certificate must be in the form required by the Council, signed by a registered medical practitioner. A first application for a driver's licence must be accompanied by a medical certificate. A driver attaining the age of 60 shall also be required to provide a certificate when applying for the renewal of his/her driver's licence next following his/her sixtieth birthday. Drivers attaining 65 shall provide a certificate with every subsequent renewal application.

Medical certification is not required where the applicant is the holder of a current PSV or HGV licence.

### **7. Criminal Record**

A licence shall not be granted to any applicant who is found to have committed a criminal offence or criminal offences as revealed by the Council's police check until expiry of the period set out below in respect of the offence/offences in question.

#### **OFFENCE**

#### **PERIOD**

#### Driving Offences

Speeding, breach of pedestrian crossing regulations, leaving vehicle in dangerous position, eyesight related offences and failure to give information.

12 months following expiry of driving ban issued in respect of the offence

Licence offences, driving without reasonable consideration/care and attention

3 years following expiry of driving ban issued in respect of the offence

Failing to stop after accident, driving while disqualified, accident offences	7 years following expiry of driving ban issued in respect of the offence
Dangerous Driving, causing death by dangerous/careless driving, culpable homicide or manslaughter while driving	10 years following expiry of driving ban issued in respect of the offence

Drink related driving offences

First offence	3 years from restoration of driving licence
Second offence	7 years from restoration of driving licence
Subsequent offences	No licence to be granted

Drug offences

First offence	3 years from restoration of driving licence
Subsequent offences	7 years from restoration of driving licence

Indecency and related offences

No licence to be granted

Other Offences

Violence	No licence to be granted until conviction regarded as spent under the Rehabilitation of Offenders Act 1974
Dishonesty	No licence to be granted until conviction regarded as spent under Rehabilitation of Offenders Act 1974 (subject to a maximum of ten years following the date of the conviction)
Other offences	No licence to be granted until conviction regarded as spent under Rehabilitation of Offenders Act 1974

and any extra time period as per the adopted guidelines DoT 2/92 and HO 13/92 available for inspection from the Licensing Officer.

## 8. Term

The term of licence shall be one year, commencing on the date of the granting of the licence.

## 9. Driver's General Responsibilities

### 9.1 Compliance with licence conditions

The driver and private hire operator shall bear joint and several responsibility for compliance with the conditions of the licence.

### 9.2 Compliance with law

The driver and the private hire operator shall be jointly and severally responsible for ensuring compliance with all relevant Acts of Parliament, regulations, byelaws, orders and notices relevant to this licence.

### 9.3 Conduct of the Driver

The driver shall:

9.3.1 afford all reasonable assistance with passengers' luggage;

9.3.2 take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle;

9.3.3 not with the express consent of the hirer smoke, drink or eat in the vehicle.

#### Passengers

9.3.4 The driver shall not convey or permit to be conveyed in the vehicle a greater number of persons than that prescribed in the licence for the vehicle.

9.3.5 The driver shall not allow there to be conveyed in the front of the vehicle any child below the age of 10 years.

The Council is willing to relax Condition 2 where a baby/toddler is to be conveyed in a safety seat certified to British Safety Standards (BSAU202) to be restrained in accordance with the manufacturer's instructions on the front passenger seat of the vehicle.

9.3.6 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.

## **10. Badge**

The driver shall at all times wear in a prominent position the badge provided by the Council.

## **11. Notification to the Council**

The Council shall be notified in writing within seven days of the event in the case of any of the following occurrences:

- 11.1 the driver being convicted of any offence, with the notification to include details of the date and venue of the conviction, the penalty imposed, and the offence for which the driver has been convicted;
- 11.2 the interest in the vehicle being transferred, with the notification to include full details of the name and address of the person to whom the interest in the vehicle has been transferred (owner drivers).
- 11.3 the driver changing his/her address, with the notification to include full details of the driver's new address;
- 11.4 any change in the identity or address of the private hire operator for the driver.

## **12. Lost badge**

The Council shall be notified immediately in the event of the loss of the driver's badge.

## **13. Documents**

The following documents shall be carried in the vehicle at all times, and shall be produced on demand for inspection of any authorised officer of the Council:

- 13.1 original policy of comprehensive insurance (or copy of any block insurance document) for the vehicle including legal liability for passengers and luggage;
- 13.2 Vehicle Licence.

## **14. Plying for Hire**

When using the vehicle for private hire purposes, the driver shall do nothing which may give the impression that he/she is plying for hire.

## **15. Fares**

The driver shall if requested by the hirer of a private hire vehicle provide a written receipt for the fare paid and shall not charge more than that agreed between the hirer and operator in respect of the journey or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.

## **16. Taximeter in Private Hire Vehicle**

If a private hire vehicle being driven by the driver is fitted with a taximeter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless credit is to be given).

## **17. Animals**

The driver shall not convey in the vehicle any animal belonging to or in the custody of the driver or the operator or the proprietor of the vehicle and any animal belonging to or in the custody of any passenger which at the driver's discretion may be conveyed in the vehicle, shall be conveyed in the rear of the vehicle only.

### **Guide Dogs**

The driver shall be obliged to convey in the vehicle a guide dog belonging to a passenger if requested unless she/he has a medical certificate recommending no contact with dogs.

## **18. Lost Property**

- 18.1 The driver shall immediately after the termination of any hiring of a vehicle or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left there.
- 18.2 If any property accidentally left in the vehicle by any person who may have been conveyed therein is found by or handed to the driver, the driver shall carry it as soon as possible, and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the Council Offices, Narborough and leave it in the custody of a representative of the Licensing Division on being given a receipt for it. Alternatively, a driver may hand the property to a police officer within 24 hours and shall notify the licensing officer of the same.

## **19. Prompt Attendance**

The driver of a vehicle shall, if being aware that the vehicle has been hired to be in attendance at an appointed time and place or has otherwise been instructed by the operator of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place, unless delayed or prevented by sufficient cause.

**20. Copy of Conditions of License**

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

**21. Hackney Carriage Byelaws**

The holder of a hackney carriage driver's license should study the Council's Byelaws relating to hackney carriages.

**22. Deposit of License (not badge)**

If the driver is permitted or employed to drive a private hire operator's private hire vehicle, the driver shall before commencing to drive that vehicle deposit this license with that operator for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of that operator.

**23. Return of Badge**

The driver shall upon the expiry (without immediate renewal), revocation or suspension of this license, forthwith return to the Council the driver's badge issued to him/her by the Council when granting this license.

**24. Rights of Appeal**

Any applicant who is aggrieved by the refusal of the Council to grant a driver's license or to grant such license subject to the imposition of conditions may appeal to a magistrate's court within 21 days pursuant to Section 52 of the Local Government (Miscellaneous Provisions) Act, 1976.