

Hackney Carriage Driver's Licence Conditions

Definitions

'Authorised Officer' means any officer authorised in writing by the council for the purposes of these conditions, and any statutory requirements relating to taxi licensing.

'The Council' means Gedling Borough Council.

"Hackney Carriages" or "vehicle" has the same meaning as in the Town Police Clauses Act 1847.

'Proprietor' means the person or persons or body named in the licence as the Proprietor of the Hackney Carriage and includes part Proprietors and in relation to a vehicle subject to a hiring agreement or a hire purchase agreement, means the person in possession of the vehicle under that agreement.

1. Assignment of Licence

The Licensee shall not assign or in any way part with the benefit of the Licence. It is personal to the Licensee.

2. Deposit of Licence with Hackney Carriage Proprietor

The Licence shall be delivered to and deposited with the Proprietor of the Hackney Carriage or with the Operator, if applicable.

3. Drivers Badge

The driver shall;

- A at any time while the vehicle is plying for hire or being hired wear, in a conspicuous position so as to be clearly visible, one of two drivers badge issued by the Council.
- B mount the identity badge holder inside the vehicle in such a location that it can be seen from all seats within the vehicle. One of the two drivers badges issued by the Council is to be mounted in the holder at any time while the vehicle is plying for hire or being hired.
- C return his/her badges to the Council as soon as the Licence ceases to be in force.

4. Conduct of Driver

The driver shall;

- A afford all reasonable assistance with passengers luggage.
- B be clean and respectable in his/her dress and person and behave in a civil and orderly manner.
- C take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him/her.
- D not, without the express consent of the hirer, drink or eat in the vehicle whilst it is being hired.
- E at no time cause or permit the noise emitted by any device in the vehicle which he/she is driving, to be a source of nuisance or annoyance to any person whether inside or outside the vehicle.
- F not smoke or permit passengers to smoke in the vehicle at any time.
- G not use or permit passengers to use E-Cigarettes, Personal vaporizers or Electronic Nicotine Delivery Systems within the vehicle at any time

5. Prompt Attendance

The driver of a Hackney Carriage who has agreed, or has been hired to be in attendance with the Hackney Carriage at an appointed time and place shall, unless delayed or prevented by some reasonable cause, punctually attend.

6. Destination

The driver of a Hackney Carriage when hired to a particular destination shall not, without reasonable cause, unnecessarily prolong in distance, or in time, the journey for which the Hackney Carriage has been hired.

7. Passengers

- A the driver shall not convey or permit to be conveyed in a Hackney Carriage, a greater number of persons than that prescribed in the Licence for the vehicle.
- B The driver shall not allow more than one passenger to be conveyed in front of the Hackney Carriage.
- C The driver shall not, without the consent of the hirer of the Hackney Carriage, convey or permit to be conveyed any other person in the vehicle.
- D The driver may, at his/her discretion, convey animals or pets, provided that the driver shall not refuse to convey assistance dogs.

8. Licence renewals and declarations

For licences issued for more than one year but less than three years the licence holder will sign and submit a declaration to the Council in relation to their circumstances, at the end of each 12 month period. The licence holder will also undertake a DVLA check.

The licence holder will also undertake a Disclosure and Barring Services (DBS) check and submit the new DBS certificate, or provide the results from the online checking system, at the time of renewal in the case of a licence issued for 1 year, or at the time of the 12 or 24 month declarations in the case of a licence that has been granted for a period greater than 12 months.

If this condition is not complied with, the Director has delegated authority to suspend the licence, after giving a 7 day notice period, until the declaration has been fully completed.

9. Medicals

The licence holder shall notify the Council as soon as is reasonably practicable of any change to their medical circumstances which could affect them meeting the DVLA Group 2 Medical Standard.

The DVLA Group 2 Medical standard can be found at www.gedling.gov.uk

10. Statement of Fares

The driver of a Hackney Carriage shall ensure that a statement of fares or rates of fares currently in force in the district shall be displayed at all times and shall not be concealed or rendered illegible at any time while the Hackney Carriage is plying, or being used, for hire.

11. Taxi Meters and Data Systems

A When the Licensee is driving a vehicle equipped with a taximeter they shall:-

- (a) when the vehicle is not hired keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter.
- (b) at the commencement of the journey when the vehicle is being used as a Hackney Carriage and is hired by distance, bring the machinery of the taximeter into action so that the word "Hired" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring.
- (c) be entitled to demand and take for the hire of the vehicle, when used as a Hackney Carriage by distance the rate of fare indicated in the statement displayed inside the vehicle in accordance with Condition 7B of the Council's Conditions for a Hackney Carriage Vehicle, provided always that the Licensee shall not take or demand a fare greater than that shown on the face of the taximeter.

- (d) ensure that during the time the vehicle is hired by distance the display of the taximeter is plainly visible to any person travelling in the vehicle and is properly illuminated.
 - (e) not wilfully or negligently cause or suffer the letters or figures in the statement displayed inside the vehicle, in accordance with Condition 7B of the Council's Conditions for a Hackney Carriage Vehicle Licence, to be concealed or rendered illegible at any time.
- B the driver of a Hackney Carriage shall not tamper with or permit any person other than an authorised officer to tamper with any taxi meter, fittings or seals provided in the Hackney Carriage, provided that any necessary repairs may be carried out subject to prior notification to the Council.
 - C vehicles must be presented for inspection by the Council as soon as is reasonably practicable following any adjustments or repairs to the taxi meter.
 - D the driver shall ensure that when the vehicle is not undertaking a hire journey, no fare is recorded on the face of the meter.
 - E on commencement of a journey the driver shall bring the meter into action and keep the meter in action until the termination of the hiring.
 - F the driver shall cause the meter to be properly illuminated throughout any part of the hiring which is during the hours of darkness and at any other time if requested to do so by the hirer of the Hackney Carriage.
 - G the meter switch must be independent of the roof sign illumination switch.
 - H the driver must not charge a fare higher than that displayed on the meter at the termination of the journey.

12. Proceeding to Ranks

The driver of a Hackney Carriage shall, when plying for hire in any street and not actually hired;

- A proceed with reasonable speed to one of the stands appointed by the Council.
- B if a stand, at the time of his arrival, is occupied by the full number of Hackney Carriages authorised to occupy it, proceed to another stand.
- C on arriving at a stand not already occupied by the full number of hackney carriages authorised to occupy it, park the carriage immediately behind the carriages already on the stand so as to face the same direction.
- D from time to time when any other hackney carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the hackney carriage driven off or moved forward.

13. Lost Property

Any property left in a Hackney Carriage shall, within twenty four hours, be taken by the driver, to the nearest police station.

14. Change of Address

The driver shall give notice to the Council of any change of his/her address, during the period of the licence, within seven days of such change taking place.

15. Convictions, Motoring Offences and Charges Pending

The driver shall, within seven days, disclose to the Council, in writing, details of any convictions, motoring offences or any charges pending incurred by him/her during the period of the Licence.

16. Accidents

The Proprietor shall within seventy two hours of any accident involving the vehicle, report in writing such occurrence to the Council.

PENALTIES

The Local Government (Miscellaneous Provisions) Act 1976 provides that any person who acts in contravention of the provisions of Part II of the Act, shall be guilty of an offence and may be liable on summary conviction to a fine not exceeding £1,000 where no other specific penalty is expressed. In addition, such action may lead to the suspension or revocation of an existing Licence or the non-renewal of such a Licence.

Your attention is drawn to the various provisions contained in the 1976 Act which you are advised to obtain and read carefully.

N.B. These conditions are additional to the statutory requirements relating to Hackney Carriages contained in the Town Police Clauses Act 1847 (and any byelaws made thereunder) and the Local Government (Miscellaneous Provisions) Act 1976.

APPEALS

Please see the attached guidance should you wish to appeal any of the conditions.

GUIDANCE NOTES ON APPEALING LICENCE CONDITIONS

Please read these notes carefully

If you are aggrieved by these licence conditions Section 300 of the Public Health Act 1936 governs how you should make your appeal to the Magistrates' Court.

Section 300(1) of the Act and Rule 34 of the Magistrates' Courts Rules mean that **your appeal must be made by way of Complaint for an Order**. This is a special form prescribed by the Magistrates' Courts (Forms) Rules 1981. You should contact the Magistrates' Court or your Solicitor immediately to obtain the correct documentation to ensure that your appeal is made correctly.

Unless you are exempt, **the Magistrates' Court will require you to pay a fee when you lodge your appeal**. You should contact the Magistrates' Court or your Solicitor immediately to find out how much you will have to pay.

Section 300(2) of the Act states that **you must lodge your appeal with the Court within 21 days of service of these conditions on you**. This means that the signed Complaint form and court fee should reach the Court within 21 days. The Court cannot accept appeals lodged once this appeal period has expired.

The Magistrates Court Office is at:

Nottingham Magistrates' Court

Carrington Street

Nottingham
NG2 1EE

Tel: (0115) 955 8111



Private Hire Driver's Licence Conditions

Definitions

"Authorised Officer" means any Officer authorised in writing by the Council for the purposes of these conditions.

"The Council" means Gedling Borough Council.

"Proprietor" means the person or persons or body named in the licence as the Proprietor of the Private Hire Vehicle and includes part Proprietors and in relation to a vehicle subject to a hiring agreement or a hire purchase agreement, means the person in possession of the vehicle under that agreement.

"Private Hire Vehicle" or "Vehicle" means the private hire vehicle licensed by the Council under the Local Government (Miscellaneous Provisions) Act 1976.

"The Operator" means a person holding a Licence to operate Private Hire Vehicles issued pursuant to Section 55 of the Local Government (Miscellaneous Provisions) Act 1976.

"1976 Act" means the Local Government (Miscellaneous Provisions) Act 1976.

1. Assignment of Licence

The Licensee shall not assign or in any way part with the benefit of the Licence. It is personal to the Licensee.

2. Deposit of Licence with Hackney Carriage Proprietor

The Licence shall be delivered to and deposited with the Proprietor of the Private Hire Vehicle or with the Operator, if applicable.

3. Drivers Badge

The driver shall;

A at any time while the vehicle is plying for hire or being hired wear, in a conspicuous position so as to be clearly visible, one of two drivers badge issued by the Council.

B mount the identity badge holder inside the vehicle in such a location that it can be seen from all seats within the vehicle. One of the two drivers badges issued by the Council is to be mounted in the holder at any time while the vehicle is plying for hire or being hired.

C return his/her badges to the Council as soon as the Licence ceases to be in force.

4. Conduct of Driver

The driver shall;

- A afford all reasonable assistance with passengers' luggage.
- B be clean and respectable in his/her dress and person and behave in a civil and orderly manner.
- C take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him/her.
- D not, without the express consent of the hirer, drink or eat in the vehicle whilst it is being hired.
- E at no time cause or permit the noise emitted by any device in the vehicle which he/she is driving, to be a source of nuisance or annoyance to any person whether inside or outside the vehicle.
- F not smoke or permit passengers to smoke in the vehicle at any time.
- G not use or permit passengers to use E-Cigarettes, Personal vaporizers or Electronic Nicotine Delivery Systems within the vehicle at any time

5. Prompt Attendance

The driver of a Private Hire vehicle who has agreed, or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some reasonable cause, punctually attend.

6. Destination

The driver of a Private Hire vehicle when hired to a particular destination shall not, without reasonable cause, unnecessarily prolong in distance, or in time, the journey for which the vehicle has been hired.

7. Passengers

- A The driver shall not convey or permit to be conveyed in a Private Hire vehicle a greater number of persons than that prescribed in the Licence the vehicle.
- B The driver shall not allow more than one passenger to be conveyed in the front seat of the Private Hire vehicle, unless more than one seat is provided for passengers.
- C The driver shall not, without the consent of the hirer of the Private Hire vehicle convey or permit to be conveyed any other person in the vehicle.
- D The driver may, at his/her discretion, convey animals or pets, provided that the driver shall not refuse to convey guide dogs for the blind.

8. Licence renewals and declarations

For licences issued for more than one year but less than three years the licence holder will sign and submit a declaration to the Council in relation to

their circumstances, at the end of each 12 month period. The licence holder will also undertake a DVLA check.

The licence holder will also undertake a Disclosure and Barring Services (DBS) check and submit the new DBS certificate, or provide the results from the online checking system, at the time of renewal in the case of a licence issued for 1 year, or at the time of the 12 or 24 month declarations in the case of a licence that has been granted for a period greater than 12 months.

If this condition is not complied with, the Director has delegated authority to suspend the licence, after giving a 7 day notice period, until the declaration has been fully completed.

9. Medicals

The licence holder shall notify the Council as soon as is reasonably practicable of any change to their medical circumstances which could affect them meeting the DVLA Group 2 Medical Standard.

The DVLA Group 2 Medical standard can be found at www.gedling.gov.uk

10. Lost Property

Any property left in a Private Hire Vehicle shall, within twenty four hours, be taken by the driver, to the nearest police station.

11. Change of Address

The driver shall give notice to the Council of any change of his/her address, during the period of the licence, within seven days of such change taking place.

12. Accidents

The Proprietor shall within seventy two hours of any accident involving the vehicle, report in writing such occurrence to the Council.

13. Convictions, Motoring Offences and Charges Pending

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PENALTIES

The Local Government (Miscellaneous Provisions) Act 1976 provides that any person who acts in contravention of the provisions of Part II of the Act, shall be guilty of an offence and may be liable on summary conviction to a fine not exceeding £1,000 where

no other specific penalty is expressed. In addition, such action may lead to the suspension or revocation of an existing Licence or the non-renewal of such a Licence.

Your attention is drawn to the various provisions contained in the 1976 Act which you are advised to obtain and read carefully.

N.B. These conditions are additional to the statutory requirements relating to Hackney Carriages contained in the Town Police Clauses Act 1847 (and any byelaws made thereunder) and the Local Government (Miscellaneous Provisions) Act 1976.

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