



Brighton & Hove City Council

LICENCE CONDITIONS AFFECTING DRIVERS OF HACKNEY CARRIAGES AND PRIVATE HIRE CARS

The full conditions affecting hackney carriage and private hire licensing can be found in the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, the Byelaws and in conditions attached to hackney carriage and private hire vehicle licences and to private hire driver licences. Drivers will be supplied with a copy of the appropriate conditions when the licence is issued but the following is an extract from all the licence conditions, and applicants will be tested on this extract prior to the issue of a driver licence.

You must know the basic difference between hackney carriages (taxis) and private hire. Hackney carriages can wait for passengers by standing on taxi ranks within the Brighton & Hove Council area, they can pick up passengers if they are hailed in any street within the Brighton & Hove Council area and they can accept bookings passed to them by an operator. A hackney carriage driver licence issued by this Council allows the holder to drive any hackney carriage vehicle licensed by this Council.

Private hire vehicles cannot sit on ranks or pick up passengers who hail them in the streets. They can only accept bookings made in advance and these are usually through an operator who passes the booking on to the private hire vehicle by radio or data link. When not carrying passengers private hire vehicles and their drivers must wait in out of the way places and must not ply for hire by sitting in busy streets or in groups of vehicles which attract the general public to them. A private hire driver licence issued by this Council allows the holder to drive any private hire vehicle licensed by this Council.

The following licence conditions have been adopted by the Council and you will be tested on at your Hove knowledge test

1. Conduct.

- 1.1** The driver must behave in a civil and orderly manner at all times when carrying out his or her duties, and not act in a manner to a passenger, member of the public or other licence holder that may:
- Cause any person to take offence at their actions
 - Cause any person to believe their actions to be inappropriate
 - Cause any person to fear for their physical safety

- Cause any person to doubt their integrity
 - Bring in to disrepute the integrity of the Council for having issued a licence to such person
- 1.2 The Driver when asked by a passenger, indicate the route they are going to take and if requested take the preferred route of the customer.
 - 1.3 The driver must take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
 - 1.4 The driver shall not smoke tobacco or like substance in the vehicle at any time as provided by the Health Act 2006.
 - 1.5 The driver must not drive when their ability to do so is impaired by having worked excessive hours. Drivers must comply with any requirement stipulated by the Council in relation to the monitoring of working hours.

Note: Particular care must be taken with unaccompanied children and vulnerable adults (See Part A above). Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination.

In addition the driver of a hackney carriage vehicle must comply with the byelaws set by the Council. See Byelaws Section 182.

2. Assistance Dogs

No driver may refuse to carry a seeing, hearing or assistance (guide) dog that is in the charge of a fare paying passenger, and no charge shall be made for the carriage of such a dog whilst in the company of a disabled person or any person training such a dog. Any driver with a medical reason for not complying with this condition must obtain a medical certificate from a registered medical practitioner to exempt him/her from this condition, any payment for such certificate to be paid by the applicant. The Council may then issue an exemption certificate to be displayed in the vehicle whilst that person is driving that vehicle.

3. Appearance of Driver & Vehicle

- 3.1 The driver shall be clean and tidy in appearance.
- 3.2 The driver shall at all times be dressed in a manner not to cause embarrassment to members of the public.
- 3.3 Suitable footwear.
- 3.4 The driver shall at all times when driving a licensed vehicle ensure that such vehicle is maintained in a roadworthy and clean condition at all times.
- 3.5 The driver of a licensed vehicle shall ensure that none of the markings / signs / notices that are required to be displayed on the vehicle become concealed from public view or be so damaged or defaced that any figure or material particular is rendered illegible.

4. Deposit of Licence

If a driver is permitted or employed to drive a hackney carriage or private hire vehicle of which the operator is someone other than himself, he shall, before commencing to drive that vehicle, deposit his Hackney Carriage & Private Hire Driver's Licence with that operator for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle. The operator must return such licence to the driver when he ceases to drive any vehicle operated by that operator.

5. Badges.

- 5.1** The driver shall at all times when operating, wear the badge provided by the Council in such position as to be plainly visible and if requested produce it on demand to the passenger or Authorised Officer.
- 5.2** The Driver shall not lend or give his or her badge or licence to any other person, save for the copy of the licence that is required by these conditions to be given to the Hackney Carriage Vehicle Proprietor / Private Hire Operator.
- 5.3** The Driver shall report the loss of the licence and/or badge to the Council as soon as such loss becomes known.
- 5.4** The driver shall upon expiry (without immediate renewal), revocation or suspension of his licence, return to the Council the driver's badges issued to him by the Council. A second badge is issued and must be clearly displayed in the vehicle. The badges shall remain the property of the Council at all times.

6. Prompt Attendance

The driver 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 sufficient cause, punctually attend with the vehicle at such appointed time and place.

7. Number of Passengers

The driver shall not convey in the vehicle any greater number of persons than the number of persons specified on the plate affixed to the outside of the vehicle, (regardless of the age of any passenger carried). Shall not convey in the front seat any child below the age of twelve years or under 135cms unless wearing a suitable restraint and using a child/booster seat and not more than one person in any seat. Without the consent of the hirer permit any other person to be carried whilst hired.

8. Luggage

The driver of a vehicle so constructed as to carry luggage shall, when requested by a person hiring the vehicle;

- 8.1** convey a reasonable quantity of luggage.
- 8.2** afford reasonable assistance in loading and unloading.
- 8.3** afford reasonable assistance in removing it to or from the entrance gate

or door of any building, station or any place at which he may take up or set down such person.

8.4 afford reasonable assistance to elderly, vulnerable or disabled persons with entering or alighting from the vehicle, and any other reasonable assistance during the course of the journey.

9. Provision securing the safe custody and redelivery of any property accidentally left in a Hackney Carriage or Private Hire Vehicles, and fixing the charges to be in respect thereof

9.1 The proprietor or driver of a Hackney Carriage or Private Hire vehicle shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left therein.

9.2 The proprietor or driver of a Hackney Carriage or Private Hire Vehicle shall, if any property accidentally left therein by a person who may have been conveyed in the carriage be found by or handed in to him;

9.2.1 report the finding or handling to him of the property to a police station as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its owner.

9.2.2 be entitled to receive from any person to whom the property shall be re- delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the police station, whichever be the greater) but not more than five pounds.

10. Touting and Soliciting

The driver shall not, whilst driving or in charge of a licensed vehicle;

10.1 tout or solicit any person to hire, or be carried for hire in any licensed vehicle.

10.2 cause or procure any other person to tout or solicit any person to hire or be carried for hire in any licensed vehicle.

10.3 ply for hire, appear to be plying for hire, offer a vehicle for immediate hire in any private hire vehicle

10.4 park a private hire vehicle on any hackney carriage stand for any reason during the operational times of such a stand

10.5 accept for the immediate hire of a private hire vehicle while the driver or that vehicle is on a road or other public place, except where such offer is first communicated by the operator to the driver by telephone or by apparatus for wireless telegraphy fitted to that vehicle and the driver has no knowledge of such offer prior to such communication.

11. Taximeter

11.1 The driver shall not cause the fare recorded on the taximeter to be cancelled or concealed until the hirer has had reasonable opportunity of examining it and has paid the fare.

11.2 The driver shall not tamper with or permit any person to tamper with any taximeter, which the vehicle is provided, with the fittings thereof, or

with the seals affixed thereto.

12. Fare to be Deemed

- 12.1 The driver of hackney carriage must use the shortest route unless directed otherwise and shall not demand from any hirer of the hackney carriage vehicle more than the authorised metered maximum fare.
- 12.2 For journeys ending outside the district of Brighton & Hove the driver may not demand more than the authorised metered maximum fare unless a prior contract is made at the time of hiring.
- 12.3 Where a hirer does not agree to a fare higher than the metered maximum fare for journey ending outside Brighton & Hove the taximeter must be used to calculate the maximum metered fare for the journey.
- 12.4 The driver may take a deposit for the journey but must not hold more than the estimated maximum metered fare. If at the end of the journey the deposit was more than shown by the meter the excess must be returned to the hirer immediately.
- 12.5 The Driver shall not demand from any hirer of a private hire vehicle a fare in excess of any previously agreed for 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 on the taximeter.
- 12.6 The driver of a private hire must use the shortest or most direct route unless requested otherwise. Receipts for payments made must be given if requested to show company name, fare paid, and date and be signed by the driver.

13. Change of Address

The driver must notify the Council in writing of any change of address during the period of licence prior to such change taking place, and in any case within 7 days of such change.

14. Motoring Convictions

The driver must immediately and in any case within 7 days disclose to the Council in writing, details of any motoring conviction or fixed penalty imposed upon him during the period of his hackney carriage or private hire driver's licence.

15. Criminal Cautions / Convictions

In all cases the driver must within 3 days disclose to the Council if arrested, released on Police Bail and the details of any Criminal Convictions, Cautions, Conditional Cautions, Community Resolutions, Anti-Social Behaviour Orders, Criminal Behavioral Orders, Injunctions to prevent nuisance and annoyance, County Court and High Court injunctions or Fixed Penalty Notices (personally or business related), Motoring convictions and penalty notices imposed upon him / her. This covers the period they hold a licence of any kind.

Note: Failing to disclose cautions / convictions or any of the above will be regarded as a serious breach of the terms of the license and action will normally take place.

16. Operators

All private hire drivers are responsible for checking that the operator through whom they are working has a current operator's licence.

16.1 The licence holder must notify the Council in writing within 7 days of any change of operator through whom he / she works

17. Animals

17.1 Whilst plying for hire or whilst hired the driver shall not convey in any private hire vehicle any animals belonging to or in the custody of himself or the proprietor or operator of the vehicle.

17.2 Any animal belonging to or in the custody of any passenger, which in the driver's discretion may be conveyed in a private hire vehicle, shall only be conveyed in the rear seating area of the vehicle.

17.3 No driver of a hackney carriage or private hire vehicle may refuse to carry an assistance dog provided it is accompanied by a fare paying passenger, unless the driver can produce a medical certificate signed by a registered medical practitioner to the effect that the driver has an allergy to dogs as produced to the Council and an exemption certificate issued. No charge shall be made for the carriage of any assistance dog as defined in the Equality Act 2010.

18. Accidents

The driver must if the vehicle is involved in an accident immediately inform:

- the vehicle proprietor
- the Council

in order that the vehicle can be inspected at the earliest opportunity.

19. Illness or Injury

The driver shall notify the Council in writing as soon as possible and in any event within 14 days, of any illness or injury affecting his fitness to drive.

20. Note

Any requirements of legislation which effects the operations being carried out under the terms of this licence shall be regarded as if they are conditions of this licence.

21. General Licence Conditions

All drivers shall operate strictly within the terms of any licence issued, incorporating of all terms and conditions of The Local Government (Miscellaneous Provisions) Act 1976, and other conditions within this handbook but these may not necessarily be exhaustive.