

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

Agenda Item No.

meeting date: 18 June 2013
title: Review of Council's standard conditions of licence and infringement scheme for Hackney Carriage drivers and vehicles.
submitted by: Chief Executive
principal author: Mair Hill

1 PURPOSE

- 1.1 To inform Committee of the review which has been carried out of the standard conditions of licence and infringement scheme for Hackney Carriage, drivers and vehicles and to seek committee's approval of the revised standard conditions and infringement scheme.
- 1.2 Relevance to the Council's ambitions and priorities
- Community Objectives – The revised conditions and penalty point scheme will promote the Council's aim of being a well managed Council.
 - Corporate Priorities - N/A
 - Other Considerations – N/A

2 BACKGROUND

- 2.1 On 20 March 2012, the Head of Legal and Democratic Services was authorised by committee to consult licence holders on various proposed changes to the standard conditions which had been discussed at committee. As a result of this consultation, a complete review of the standard conditions and the corresponding infringement scheme has been carried out and the revised versions of each are appended as **Appendix 1 and 2**.

3 ISSUES

- 3.1 The revised versions:
- 3.1.1 incorporate all changes which have previously been approved by committee;
- 3.1.2 update the legislation referred to within the conditions;
- 3.1.3 simplify and clarify the drafting; and
- 3.1.4 ensure that all the conditions are included in the infringement scheme and vice versa.

4 RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications
- Resources – Resources will be needed within the Legal and Democratic Services Department to inform hackney carriage drivers and vehicle proprietors of the revised standard conditions and to ensure that these have been replaced in their vehicles.
 - Technical, Environmental and Legal – None
 - Political - None
 - Reputation – Revising the conditions will enhance the Council's reputation as a well-managed Council.
 - Equality & Diversity – None

5 RECOMMENDED THAT COMMITTEE

- 5.1 Approve the revised standard conditions and infringement scheme for hackney carriage, drivers and vehicles.

MARSHAL SCOTT
CHIEF EXECUTIVE

MAIR HILL
SOLICITOR

BACKGROUND PAPERS

REF: MJH/Licensing Committee/18 June 2013

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RIBBLE VALLEY BOROUGH COUNCIL HACKNEY CARRIAGE DRIVER'S LICENCE
(the "Driver's Licence")

The Council has the power to suspend, revoke or refuse to renew any Driver's Licence if any of these standard conditions are not complied with.

The following standard conditions are attached to the issue of a Hackney Carriage Driver's Licence (the "Driver's Licence") in the Ribble Valley.

REQUIREMENTS FOR THE ISSUE OF A DRIVER'S LICENCE

Age and qualifications of Driver

1. An applicant for a Driver's Licence must have attained the age of 21 years and for the twelve months immediately prior to the application either:
 - a. have been the holder of a licence (not being a provisional licence) granted under Part III of the Road Traffic Act 1988 ("**RTA**") (as amended from time to time or under any successor legislation); or
 - b. be authorised by virtue of Section 99 A(1) or Section 109(1) of the RTA (as amended from time to time or under any successor legislation) to drive a motor car in Great Britain.

Health of a Driver

2. A mandatory Group 2 Medical Certificate (which is a requirement of "Fitness to Drive: A Guide for Health Professionals" published in 2006 by The Royal Society of Medicine Press Limited on behalf of the Department for Transport) signed by your own doctor must be produced at the time of the initial application.

3. Applicants over the age of 60 years may be asked to submit themselves for examination by a Medical Practitioner nominated by the Council. The applicant must pay the costs of such an examination.
4. Drivers who are 65 or over will be subject to an annual medical examination.
5. In the event of the onset or worsening of a health condition likely to cause a driver to be a source of danger to the public, when driving either now or in the future they must inform the Council immediately.

Examples of health conditions, which must be reported, are:

- giddiness;
- fainting;
- black-outs;
- Epilepsy;
- Strokes;
- Multiple Sclerosis;
- Parkinson's Disease;
- heart disease;
- Angina;
- Coronaries;
- high blood pressure;
- Arthritis;
- disorder of vision;
- mental illness;
- alcoholism;
- drug taking and
- the loss of a limb or use of a limb.

THIS LIST DOES NOT INCLUDE ALL THE CONDITIONS THAT MUST BE REPORTED. THESE EXAMPLES ARE GIVEN ONLY TO INDICATE THE TYPES OF CONDITIONS.

Drivers, who are in doubt about whether or not their health condition is one, which should be reported, should consult their doctor.

Test of Fit and Proper Person

All applicants must satisfy the Council that they are a fit and proper person to hold a Driver's Licence. The following issues are considered when applying that test:

Disclosure and Barring Service check ("DBS check")

6. All applicants must apply for an enhanced DBS check, the contents of which will form part of the process of assessing whether an applicant is a fit and proper person.

Knowledge Test

7. All applicants must pass the Council's knowledge test before a Driver's Licence will be issued. The knowledge test can be taken either as a written test or as a mobile test in the applicant's vehicle. Applicants must contact the Council to make an appointment to take the knowledge test. An applicant will be allowed no more than four attempts to pass the knowledge test.

Steering to Success Course

8. All applicants must produce evidence of having passed the steering to success course at Rossendale College.

Address on driving licence

9. Applicants must ensure that their VOSA driving licence shows their current address.

THE LICENCE

Duration of Driver's Licence

10. Save as set out at condition 11 below, and subject to suspension and/or revocation a Driver's Licence will be valid for 12 months from the date of issue.

Suspension/Revocation/Refusal to renew

11. A Driver's Licence may be suspended, revoked and/or not renewed by the Council if:
 - a. a driver fails to comply with these standard conditions;
 - b. a driver is convicted of an offence involving dishonesty, indecency or violence; or
 - c. on any other reasonable grounds.

DRIVER'S RESPONSIBILITIES

Driver's Badge/Licence

12. The driver of a Hackney Carriage **MUST** wear their Hackney Carriage Driver's Badge in such a position and manner as to be visible at all times whilst in the course of their duty.
13. The badge will serve as evidence of the driver's licence and they shall, if requested, show the badge to the hirer of the vehicle, a police officer or any authorised officer of the Council.
14. A badge relates only to the driver it was issued to, it **cannot** be transferred.
15. Upon expiry, revocation or suspension of a Driver's Licence, the driver shall return their badge to the Council within 7 days.
16. Section 48 of the Town and Police Clauses Act 1847 requires Hackney Carriage Proprietors to obtain and retain custody of the Hackney Carriage Licences of the drivers they employ.

17. If carrying out private hire work a driver must show their Driver's Licence to the operator/proprietor at the beginning of their employment as a private hire driver.
18. A Hackney Carriage driver must only carry out private hire work through a private hire operator licensed by Ribble Valley Borough Council.

Conduct of Driver

19. The Driver shall:

- a. at all times be clean and respectable in their dress and person and behave in a civil and orderly manner;
- b. ensure that the vehicle driven by them is kept in a clean and tidy condition;
- c. take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by them;
- d. not without the express consent of the hirer, eat or drink in the vehicle;
- e. not smoke in the vehicle or permit any passenger to smoke in the vehicle;
- f. not use any mobile phone (including a hands free mobile phone) whilst driving;
- g. not without the express consent of the hirer, play any radio or other sound reproducing instrument or equipment in the vehicle, other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
- h. not cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which they are driving, to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle;
- i. convey a reasonable quantity of luggage on behalf of the hirer and/or passengers;
- j. afford reasonable assistance with loading or unloading luggage;

- k. afford reasonable assistance in removing luggage to or from the entrance of any building, station or place at which they may take up or set down the hirer and/or passenger(s);
- l. if they are aware that the vehicle has been hired, to be in attendance at an appointed time and place, or they have otherwise been instructed by the Operator or proprietor of the vehicle to be in attendance at an appointed time and place, attend at that appointed time and place unless delayed or prevented by sufficient cause;
- m. If carrying out private hire work not operate the horn of the vehicle as a means of signalling that the vehicle has arrived; and
- n. Provide a written receipt for the fare paid if requested by the hirer.

Lost Property

20. A driver of a Hackney Carriage 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.

21. A driver of a Hackney Carriage shall, on finding such lost property, take it as soon as possible and in any event within 48 hours if not claimed by its owner, to a Police Station within the district where they should report it to the officer in charge of the station.

Passengers

22. Section 51 and 52 of the Town Police Clauses Act 1847 and this Council's Byelaws provide that the permitted maximum number of passengers is marked on plates both inside and outside a Hackney Carriage. A driver must not carry more passengers than the stated maximum number.

23. A driver shall not convey or allow there to be conveyed in the front seat of a Hackney Carriage:

- a. any child below the age of 10 years; or
- b. more than one person above that age.

24. The driver of a Hackney Carriage shall not permit any person to be conveyed in the vehicle without the consent of the hirer.

Unauthorised/Uninsured/unlicensed Drivers

25. No person being unauthorised, uninsured or unlicensed shall drive a Hackney Carriage.

26. The holder of a Driver's Licence shall not permit an unauthorised, uninsured or unlicensed person to drive a Hackney Carriage.

Advertisement

27. Save with the consent of the Council, a driver of a Hackney Carriage shall not place or allow to be placed any printed, written or other matter by way of advertisement on any part of the vehicle.

Shortest Route

28. Subject to any directions given by the hirer, a driver of a Hackney Carriage, when hired, shall drive to the hirer's required destination, by the shortest available route.

Licence Plate

29. The Hackney Carriage Licence plate provided by the Council, which identifies the vehicle as a Hackney Carriage, must remain attached to the vehicle using the Council's approved bracket, by the method and in the position specified by the Council, **AT ALL TIMES** (including when the vehicle is not in use) and should not be removed unless required to do so by an authorised officer of the Council or by the police.

30. The driver of a Hackney Carriage shall not wilfully or negligently cause or suffer any licence plate to be concealed from public view at any time or to be defaced.

Licence Conditions/Bye Laws

31. A driver shall at all times when driving a Hackney Carriage keep a copy of these Conditions and the Hackney Carriage Bye Laws within the vehicle and shall make them available for inspection by the hirer or any other passenger on request.

Fares

32. A driver shall ensure that a statement of fares, in the form issued by the Council is exhibited at all times inside the Hackney Carriage and is fitted and maintained in such a position so as to be clearly visible at all times to the hirer.

Use of Taximeter

33. A driver of a Hackney Carriage shall:
 - a. ensure that the taximeter is started as soon as the hirer commences their journey;
 - b. ensure that the dial/display of the taximeter is kept properly illuminated throughout any part of the hiring which is during the hours of darkness and/or at any other time at the request of the hirer.
 - c. ensure that the fare recorded on the taximeter is not cancelled or concealed until the hirer has had reasonable opportunity of examining it and has paid the fare (unless credit is to be given).
 - d. not tamper with or permit any person to tamper with, the taximeter, its fittings or seals attached to it and/or with any other equipment attached to or forming part of the vehicle.

Animals

34. The Equality Act 2010, imposes duties on a driver of a Hackney Carriage which has been hired by:
- a. a disabled person or a person who is accompanied by an assistance dog;
or
 - b. by another person who wished to be accompanied by a disabled person with an assistance dog.
35. The driver must:
- a. carry the disabled person's dog and allow it to remain with that person;
and
 - b. not make any additional charge for doing so.
36. An exemption to this obligation can only be given on medical grounds.
37. Failure to comply with this obligation will lead on summary conviction to a fine not exceeding level 3 on the standard scale, currently **£1,000**.
38. A driver shall not convey in a Hackney Carriage any animal belonging to or in the custody of himself or the proprietor of the vehicle.
39. A driver shall ensure that any animal carried in the Hackney Carriage at the request of the hirer/passenger is properly secured before the journey commences.

Accident to Vehicle

40. If a driver of a Hackney Carriage is involved in an accident or incident the driver **MUST** report this to the Council as soon as reasonably practicable, but in any case within 72 hours of the accident or incident. Compliance with this condition does not exempt the driver from his statutory liability to report all accidents to the police.

DISCLOSURE OF INFORMATION

Convictions

41. Any person who holds a Driver's Licence **MUST** disclose to the Council, within **seven days**, in writing full details of any conviction and/or police caution received or imposed on them.

Change of Address

42. Any person holding a Driver's Licence **MUST** notify the Council in writing of a change to their address within seven days.

Change of Employment

43. Any person holding a Driver's Licence **MUST** notify the Council within seven days of the commencement or termination of employment of the name and address of the Operator or proprietor and the date when the employment either started or ended.

APPENDIX 2

INFRINGEMENTS POINTS SCHEME

RIBBLE VALLEY BOROUGH COUNCIL'S LICENSING DEPARTMENT

VEHICLES		
Hackney Carriage Standard Conditions		
Paragraph	Offence	Points
	Allowing a vehicle to be used for hire by a person who does not hold a current private hire or hackney driver's licence	8
	Permitting the vehicle to be used for any illegal or immoral purposes.	6
	No insurance or inappropriate insurance for the vehicle.	12
	Failure to ensure that a copy of the current motor insurance is kept in the vehicle for inspection.	3
	Failure to produce the Vehicle Licence and policy or motor insurance for inspection within 7 days of a request from an authorised officer of the Council or a police officer	3
	Operating a vehicle which does not comply with the Council's Vehicle Specification	5
	Alterations made to a vehicle without the consent of the Council.	2
	Failure to submit vehicle for inspection at the place authorised and on the dates notified by the Council	3
	Failure to carry a fire extinguisher authorised by the Council	3

	Failure to carry an appropriate first aid kit, dressings and appliances.	3
	Failure to ensure that the Safety Equipment is readily available to the driver, hirer/passengers and third parties or that it is available for immediate use.	3
	Radio equipment not fitted in accordance with Council requirements.	2
	Failure to comply with the Council's requirements as to signage.	5
	Failure to display a current vehicle excise licence (car tax disc) in the correct place on the vehicle windscreen	3
	Failure to report an accident/incident involving the vehicle to the Council within 72 hours of its occurrence.	3
	Failing to notify change or transfer of ownership of the vehicle within 7 days of its occurrence.	3

DRIVERS		
Breach of Hackney Carriage Driver's Standard Conditions		
Section	Offence	Points
	Failure to provide medical certificate or not notifying a medical condition	3
	Failure to wear a Hackney Carriage driver's badge in a prominent position at all times whilst in the course of their duty.	3
	Failure to show badge on request to authorised officer of the council or police officers.	2
	Failure to surrender a driver's licence, badge or plate to the Council on expiry, suspension or revocation.	3
	Failure to show driver's licence to the proprietor at the beginning of an employment when carrying out private hire work.	2
	Failure to be clean and respectable in their dress and person and behave in a civil and orderly manner	3
	Failure to ensure that the vehicle driven by them is kept in a	2

	clean and tidy condition	
	Failure to take all reasonable steps to ensure the safety of the passengers conveyed in, entering or alighting from the vehicle.	4
	Drinking or eating in the vehicle without permission of passenger.	2
	Smoking in the vehicle or allowing any passenger to smoke in the vehicle.	4
	Using mobile phone whilst driving	3
	Playing a radio or other sound reproducing instrument or equipment in the vehicle, other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.	3
	Causing or permitting the noise emitted by any radio or other sound reproducing equipment to be a source of nuisance or annoyance to any person, whether inside or outside of the vehicle.	2
	Failure to convey a reasonable quantity of or give assistance with the hirer or passenger's luggage.	3
	Failure to attend on time for pre-arranged booking without sufficient cause.	2
	Operating the horn as a means of signalling that the vehicle has arrived.	3
	Soliciting to hire or accepting hire not pre-booked.	4
	Allowing the vehicle to stand in such a position as to suggest that it is plying for hire, or using a hackney carriage stand.	2
	Failure to search vehicle after journey or failure to take found property to a police station within the district within 48 hours of finding lost property.	2
	Conveying a greater number of passengers than prescribed in the Vehicle Licence.	6
	Conveying a child below the age of 10 or more than one person in the front seat of the vehicle	6
	Permitting a person to be conveyed without the consent of the hirer	6

	Driving a Hackney Carriage whilst unauthorised, unlicensed and/or uninsured.	5
	Allowing printed, written or other advertisements to appear on the vehicle without the consent of the Council	3
	Failure to proceed to destination by the shortest available route.	4
	Failure to ensure that the licence plate attached to the vehicle in the specified place at all times.	4
	Concealing or defacing a licence plate.	4
	Failure to keep a copy of the standard conditions within the vehicle and make them available for inspection by the hirer or passenger.	4
	Failure to provide a receipt when requested.	2
	Failure to carry assistance dog without exemption certificate.	5
	Carrying an animal other than one with passenger.	2
	Carrying an animal, which is not safely restrained.	3
	Failure to report an accident or incident within 72 hours.	3
	Failing to disclose a conviction or police caution within 7 days.	12
	Failing to notify of change of address within 7 days.	3
	Failure to notify within 7 days of starting or terminating employment, the name and address of the proprietor and the date when the employment either started or ended.	2

Bye-laws Hackney Carriages		
Bye-law	Offence	Points
2	Failure to display or maintain the external licence plates in the correct position or to conceal or deface the same	4

3	Failure to provide communications with the driver	2
3	Failure to meet standards in respect of vehicle furnishings	3
3	Operating a vehicle that is not clean and tidy	3
3	Failure to carry an efficient fire extinguisher.	3
4-5	Operating a vehicle with a taximeter which does not comply with bye-laws	5
4-5	Using a taximeter not in compliance with bye-laws including failure to bring the taximeter into operation and failure to keep the dial of the taximeter illuminated.	5
6	Tampering with a taximeter	10
7	Failure to observe rank discipline as per bye-law requirements (Failure to proceed etc).	2
8	Calling out or importuning persons to use the hackney carriage when standing or plying for hire.	3
9	Failure to behave in a civil and orderly manner.	3
9	Failure to ensure the safety of passengers	5
10	Failure to attend punctually for a hiring without good reason.	2
(see SC)	Failure to proceed to destination by the shortest available route	3
11	Conveying more persons than permitted	6
12	Failure to wear a badge	3
13	Failure to give assistance with passenger's luggage.	3
(see SC)	Failure to produce a copy of byelaws.	2
15	Failure to display a statement of fares or concealing or defacing the same	2
16	Failure to search vehicle after journey.	2
17	Failure to take found property to the Council Offices within 48 hours of finding.	2

Town Police Clauses Act 1847		
Section	Offence	Points
40	Giving false information on application for HC proprietor's licence.	5-10
44	Failure to notify change of address of HC proprietor.	2
45	Plying for hire without HC Proprietor's licence.	8-12
47	Driving a HC without HC driver's licence.	8-12
47	Lending or parting with HC driver's licence.	4
47	HC Proprietor employing unlicensed driver.	8
48	Failure by HC proprietor to hold HC driver's licence.	6
48	Failure by HC proprietor to produce HC driver's licence.	3
52	Failure to display HC plate.	4
53	Refusal to take a fare without reasonable excuse	4
54	Charging more than the agreed fare.	6
55	Obtaining more than the legal fare. (Failure to refund)	6

