



## **HACKNEY CARRIAGE DRIVER LICENCES**

### **Local Government (Miscellaneous Provisions) Act 1976**

This document contains legislation, policy and code of conduct (in accordance with relevant Byelaws) relating to your licence.

### **LEGISLATION AND POLICY**

**Please note, this section reminds you of some of the important legal requirements with which you must comply. This is not a comprehensive list. You should familiarise yourself with the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and all other relevant legislation.**

If you are aggrieved by any of these conditions you may appeal to the Magistrates' Court. Such appeal must be made within 21 days of receipt of licence.

Failure to comply with any legislation is an offence, and you may be liable to prosecution.

You must understand and observe the Hackney Carriage Driver code of conduct and the conditions attached to the Hackney Carriage Licence of the vehicle you drive. Failure to comply may result in your Hackney Carriage Driver Licence being suspended or revoked.

The Principal Office for the purpose of the Local Government (Miscellaneous Provisions) Act 1976 is The Licensing Section, Communities & Environment, Civic Centre, Regent Street, Gateshead.

Please note that the code of conduct not exhaustive and copies of the Hackney Carriage Byelaws are available from the Licensing Section for you to read at your request.

The Council may suspend or revoke your licence with immediate effect where it is of the opinion that the interests of public safety require such a course of action. (Section 61 of the Local Government (Miscellaneous Provisions) Act 1976).

### **PRE-REQUISITES TO MAKING AN APPLICATION**

It is the policy of Gateshead Council that every application for a licence to drive a Hackney Carriage must be accompanied by satisfactory evidence of the following matters (and that

applications that are incomplete will not be deemed to have been made until such time as they are completed) –

- That the applicant has the right to live and work in the country
- An enhanced criminal record check and evidence that they are not on a child and/or vulnerable adult barring list
- A certificate of their current medical fitness to Group 2 standards
- That the applicant is authorised to drive a vehicle of the same classification as that which the licence will allow them to drive
- That the applicant has successfully completed the Council's 'knowledge' test as prescribed from time to time; and
- That the applicant has completed safeguarding awareness training specific to the service that they wish to be licensed to provide (including but not limited to sexual exploitation and disability).

If an applicant has spent six continuous months or more living outside the United Kingdom, Gateshead Council may seek evidence of a criminal record check from the country / countries covering the period before a licence application can be made.

#### GENERAL

Normally the licence expires three calendar years from the date of issue. . Licences may be issued for shorter durations of one or two years where the applicant requests this, or where this is justified by the individual circumstances. The expiry date is shown on the licence. Applicants who do not subscribe to the DBS update service (which is referred to further below) will not be issued with a licence for a duration of longer than 12 months.

If a current licensee wishes to renew their licence they must submit their application at least 14 days before the current licence expires. This is to allow sufficient time for the application to be processed. If the renewal application is made less than 14 days prior to the expiry of the current licence it is likely that the renewal (if granted) will not be until after the expiry of the current licence, during which time the person will not be authorised to work.

The licence is issued to you and it cannot be transferred. The renewal of the licence will be at the Council's discretion.

If any information given by you on the application form for this licence proves to be false, or you fail to disclose any relevant information on your application form, the licence may be revoked.

A separate licence is required to drive a Private Hire Vehicle.

The Hackney Carriage Driver Licence remains the property of the Council.

In the event that you lose your licence or badge, you shall get a replacement licence or badge on payment of a fee determined by the Council.

## AGE RESTRICTIONS

Licences will only be granted to persons over the age of 21, and who have held a full driving licence for that type of vehicle for a period of at least 12 months.

## MEDICAL REQUIREMENTS

All medicals are required to Group 2 (vocational licence) medical standard of fitness, as defined and updated by the Driver and Vehicle Licensing Agency.

Medical certificates must be produced by –

- Your own General Practitioner,
- Another General Practitioner in the same practice, or
- A Consultant

with full access to all of your medical records.

Medical certificates are required at the initial application; thereafter every five years until the age of 50; every two years between the ages of 50 and 60; and every year from the age of 60.

## CRIMINAL RECORD CHECKS

All new applicants will be required to undertake an enhanced criminal record check, at their own expense, as part of the application process. Successful applicants are expected to subscribe to the Disclosure & Barring Service's update service to enable the Council to check if there have been any changes to their criminal record on an ad hoc basis throughout the duration of their licence.

Licensees who wish to renew their licence and who continue to subscribe to the DBS update service will not be required to provide a further certificate.

In order that the Council can be satisfied that a licensee remains fit and proper to continue to hold their licence, the Council must be able to check a person's criminal record at any time throughout the duration of their licence. If a licensee cancels their DBS update subscription or removes the Council's entitlement to access that service in respect of their criminal record, their licence will be suspended with immediate effect until such time as they provide a new enhanced criminal record check.

Licensees who do not subscribe to the DBS update service will not be issued with a licence for longer than a 12 month duration.

Convictions relating to Hackney Carriage / Private Hire Drivers are never "spent" under the Rehabilitation of Offenders Act 1974. (See the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2003 for details).

## SANCTIONS AGAINST BREACHES OF THE CODE OF CONDUCT AND FOR ACQUIRING DRIVING LICENCE POINTS.

Where a driver acquires 6 or more points on their licence, or who breaches any Legislation, Byelaw or Condition, they may be referred to the Regulatory Committee.

The Committee will decide each case on its merits, after hearing the facts.

The Committee has the discretion, where appropriate, to order a driver to attend a Driver Correction Course (at the driver's own expense) before they may resume duties as a Hackney Carriage Driver.

The Committee may also suspend or revoke the licence of the driver or warn the driver regarding their future conduct.

### **Code of Conduct**

#### Section 61 Local Government (Miscellaneous Provisions) Act 1976

The Licensing Authority may suspend or revoke or refuse to renew a Hackney Carriage Driver Licence on the following grounds –

(a) that the licensee has, since the date of the grant of the licence –

(i) been convicted of an offence involving dishonesty, indecency or violence; or

(ii) been convicted of an offence under or has failed to comply with the provisions of the Town Police Clauses Act 1847 or Part 2 of the Local Government (Miscellaneous Provisions) Act 1976; or

(b) any other reasonable cause.

The following code of conduct is consistent with the requirements imposed on Private Hire drivers licensed by the Council insofar as they relate to matters where there is parity between both trades.

As such, the Council expects Licensees to comply with the code of conduct whether they hold a Hackney Carriage Driver Licence, Private Hire Driver Licence or Dual Licence.

Should Licensees fail to comply with the code, this may give rise to concern as to that person's fitness to hold their licence, and the Licensing Authority will consider whether the individual circumstances amount to "other reasonable cause" as above for the suspension or revocation of that licence, or refusal to renew the licence.

### **Your Hackney Carriage Driver Licence and Badge**

1. You should return your licence and badge to the Licensing Section of the Council immediately if

(a) You change your home or business address

(b) If the licence expires, is suspended, revoked

(c) You wish to surrender your Hackney Carriage Driver Licence

(d) When required to do so by an “Authorised Officer of the Council”.

2. You should inform the Licensing Section of the Council in writing, within **seven days** if you change your address.

3. In the event of the loss of your licence or badge you should report the loss to Regulatory Services immediately.

#### **Deposit of Hackney Carriage Driver Licence**

4. You should give your Hackney Carriage Driver Licence to the owner of the Private Hire Vehicle, which you will be driving. (S)He will keep your licence while you are employed by him/her.

#### **Production of Documents**

5. If an Authorised Officer of the Council asks you, you should produce:

(a) Your driving licence

(b) Your Hackney Carriage Driver Licence

within **five days** of the request being made.

6. You should not obstruct any Authorised Officer or Police Officer. You should provide any assistance or information he may reasonably require.

#### **Medical condition**

7. You should notify the Council, in writing within 28 days of any deterioration in your medical condition that may affect your ability to drive Hackney Carriages.

#### **Declaration of arrest / conviction / caution / penalty**

8. You should declare all convictions, cautions and fixed penalty notices to Gateshead Council on your initial application form.

9. If you are convicted of any offence, or accept a formal caution for an offence, or receive a fixed penalty notice for any offence other than an endorsable offence or receive and accept an endorsable fixed penalty notice you should give the Council details, in writing and within **seven days** of the conviction or acceptance of the fixed penalty.

10. If at any time while you hold the licence you are arrested for an offence, you must notify the arresting/investigating officer immediately upon arrest that you are licensed by Gateshead Council as a Hackney Carriage/Private Hire driver.

## Conduct

11. If the hirer requests, you should provide a written receipt for the fare paid for the hiring, including the amount of VAT (if applicable) shown separately if so requested. You should also provide details of the journey including the date, fare, vehicle, operator and driver. You should then sign the receipt.

12. You should not cause or allow noise emitted by any radio or sound equipment in the vehicle which you are driving to be a source of nuisance or annoyance to any person or persons, whether inside or outside the vehicle (windows should remain closed if you are engaged in this activity).

13. You should not play any radio or sound reproducing instrument or equipment in the vehicle without the consent of the passenger.

14. You should not sound your vehicle horn –

- unnecessarily, i.e. unless in an emergency or to let other road users or pedestrians know you are there
- when your vehicle is stationary on a road, at any time, other than at times of danger due to another moving vehicle on or near the road
- on any road in a built up area between 11.30 p.m. and 7.00 am.

15. You should at all times treat passengers or any potential passenger with courtesy and respect. You should not discriminate against any person because of their race, colour, creed, and gender or disability.

16. You should always be clean and respectable in your dress (as a **minimum standard** long legged trousers, or knee length style shorts skirt or dress and tee shirts which have a full body and short sleeves).

17. You should always offer assistance to passengers.

18. You should not smoke, drink or eat in the vehicle at any time, or allow passengers to smoke, drink or eat in the vehicle at anytime.

19. Animals should not be carried in Hackney Carriages other than those belonging to or in the care of passengers. You may refuse to carry a hirer's animal at your discretion. However, you must not refuse to carry an assistance dog, unless you have a valid Exemption Certificate issued by the Council. Any animal should be kept under the hirer's control, and should be carried in the rear of the vehicle.

20. You should not carry any additional passenger in the vehicle except with the hirer's permission.

21. You should not carry any child below the age of ten years in the front of the vehicle.

22. You should not carry more than one person in the front seat unless the vehicle is furnished with manufacturer fitted seats for more than one passenger in the front of the vehicle and provided with seat belts for all front seat passengers. In this case no more than 2 passengers may be carried.

23. You should stop the engine of the vehicle at all times when the vehicle is stationary otherwise than through the necessities of traffic.

24. You should at all times conform to the Motor Vehicle (Wearing of Seat Belt) Regulations 1993, and any other legislation regarding the carriage of children, use of appropriate restraints/seatbelts for the age and weight of any child and where in the vehicle the child can be carried. This means that you have to wear a seatbelt AT ALL TIMES when driving a Hackney Carriage unless an exemption applies when a fare-paying passenger is in the vehicle.

25. It is a criminal offence to hold and use a mobile phone whilst driving. (Road Vehicles (Construction & Use) Amendment (no4) Regulations 2003, Statutory Instrument 2695)

### **Licence plate**

26. You shall ensure that the rear identification plate, supplied by the Council, is securely fixed to the outermost rear of the vehicle, so that it can be clearly read by pedestrians and other road users. The licence plate should not be displayed in any window of the vehicle.

### **Taximeters in Hackney Carriages**

27. You should use a meter in the vehicle that is constructed, attached and maintained in compliance with the Hackney Carriage Licence Conditions.

28. If the meter fails or does not comply with the conditions, you should not use the vehicle as a Hackney Carriage.

## **CONDITIONS (SEE BYELAWS)**

### **Your Hackney Carriage Driver Licence and Badge**

1. You must either wear or display your badge in a position which is plainly and clearly visible to your passengers at all times whilst you are working as a Hackney Carriage Driver.

### **Conduct**

2. You must behave in a civil and reasonable manner at all times and must comply with any reasonable request made by the hirer.

3. You must always assist your passengers with their luggage. This includes picking it up from the point of booking, removing it from your vehicle at the end of the journey and, if requested, setting it down at the passenger's request.

4. You must always take all reasonable steps to ensure the safety of your passengers while they are entering, travelling in or leaving the vehicle.
5. You must always pick up your passengers on time unless unavoidably delayed.
6. You must not carry more passengers in your vehicle than is permitted by your licence.
7. You must use the shortest available reasonable route for all journeys, subject to any directions given by the hirer.

### **Lost Property**

8. After a hiring, you must ensure the vehicle is checked for any misplaced or lost property.
9. If any property is found or handed to you, you must, unless it is claimed, take it to a Police Station within 48 hours. If you return lost property you may return the property personally to the owner, and charge the metered fare to an agreed meeting point, or £10.00, whichever shall be greater.

### **Taximeters in Hackney Carriages**

10. You must switch the meter on at the point the hirer's journey commences and keep the meter working until the termination of the hiring.
11. You must not cancel or conceal the fare recorded until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless a lesser fare has been agreed).
12. You must ensure that the fare charged does not exceed the fare displayed on the meter at the end of the journey.
13. You must ensure that when the vehicle is not hired the key is to be locked and the machinery kept inactive and the meter must show no fare at any time.
14. You must ensure that the meter is sufficiently illuminated when in use and is visible to passengers.
15. You must not (nor may you allow anyone else) to tamper with the meter or any seal on the meter without lawful excuse, or alter any meter with the intent to mislead.

### **Hackney Carriage stands**

16. When the vehicle is not hired, you must proceed to an authorised Hackney carriage stand. If the stand is fully occupied you must proceed to another stand.
17. When joining a stand, you must position the vehicle immediately behind the other Hackney Carriage(s) and face the same direction.
18. When the vehicle in front of you moves, you must move into the vacated space as soon as it is practicable to do so.