

CHESHIRE EAST COUNCIL

LICENSING COMMITTEE

Date of meeting: 13 March 2009

Report of: Sheela Dutton. Principal Solicitor Congleton Borough Council

Title: Hackney Carriage and Private Hire Drivers' Licence Conditions

1.0 Purpose of Report

- 1.1 To ask the Sub Committee to adopt the conditions in relation to Hackney Carriage and Private Hire drivers licences as attached to this report

2.0 Decision Required

- 2.1 To adopt the conditions in relation to Hackney Carriage and Private Hire drivers licences as attached to this report

3.0 Financial Implications for Transition Costs

- 3.1 Nil

4.0 Financial Implications 2009/10 and beyond

- 4.1 None

5.0 Legal Implications

- 5.1 If the conditions for licensing hackney carriage and private hire drivers are not in place by 1st April 2009 Cheshire East will rely on the provisions of the Transitional Regulations¹ in order to perform its statutory function as the licensing authority from Day One.

6.0 Risk Assessment

- 6.1 See 5.1 above

7.0 Background and Options

- 7.1 A hackney carriage/private hire driver's licence issued by the local authority required to work as a hackney carriage and/or private hire driver in the area of that authority

- 7.2 The proposed conditions were drawn from those currently in force in the three constituent authorities of Cheshire East. They have been chosen to reflect the best of the current practices from those authorities.
- 7.3 At the meeting of this Sub Committee on 14 January 2009 it was decided that the attached proposed conditions be put out for consultation for a 6 week period.
- 7.4 The consultation period ended on 27 February 2009 and no representations were received
- 7.5 The Sub Committee is therefore asked to adopt the proposed conditions without amendment

8.0 Overview of Day One, Year One and Term One Issues

- 8.1 The requirement to have Hackney Carriage and Private Hire Drivers licence conditions in place is a Year One requirement.

9.0 Reasons for Recommendation

- 9.1 The recommendation is made with a view to ensuring that Cheshire East is in position to carry out the licensing function from Day One.

1 Local Government (Structure Changes)(Transitional Arrangements)(No.2) Regulations 2008

For further information:

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Background Documents:

Current hackney carriage and private hire drivers' conditions of the 3 districts

**HACKNEY CARRIAGE/PRIVATE HIRE
DRIVER'S LICENCE CONDITIONS**

These conditions must be read in conjunction with all relevant provisions of

- Local Government (Miscellaneous Provisions) Act 1976
- Town Police Clauses Act 1847
- Transport Act 1980

NB. Drivers of Hackney Carriages must also comply with the provision of any Bye-Law in force in the area in which they operate.

The terms 'Operator', 'Private Hire Vehicle', 'Hackney Carriage', 'Proprietor' and 'Taximeter' are defined as by the above legislation.

1) GENERAL

- i. The driver shall within 7 days, notify the Council of any change of their name or home address
- ii. The driver must deposit their Private Hire/Hackney carriage driver's licence with the operator/proprietor of the vehicle at all times that they are employed/permitted to drive by the operator/proprietor

2) CONDUCT

The driver shall at all time whilst the vehicle is available or being driven for hire:

- i. attend punctually at the time and place appointed for hire unless delayed or prevented by sufficient cause
- ii. behave in a civil and orderly manner
- iii. be clean and respectable in dress
- iv. take all reasonable steps to ensure the safety of passengers conveyed in or entering or alighting from the vehicle
- v. afford all reasonable assistance with the hirer's and other passengers' luggage

- vi. not eat or drink in the vehicle whilst it is let for hire unless with the express consent of the hirer and shall not at any time smoke in the vehicle
- vii. not play any sound reproducing equipment, other than for communicating with the operator/proprietor without the express consent of the hirer
- viii. not cause or permit any sound producing equipment so as to cause a nuisance or annoyance to any person in or outside of the vehicle
- ix. keep in a clean condition and not conceal or deface all or any part any internal or external vehicle identification or licence plates.

3) DRIVER'S IDENTIFICATION BADGE

- i. The driver shall, at all times when in or with the vehicle wear the driver's Identification badge supplied by the Council so as to be plainly visible at all times.

4) MEDICAL FITNESS

- i. The driver must produce a medical certificate in the form prescribed by the Council:-
 - On first application
 - on *every other* renewal thereafter until the driver's 60th birthday
 - on *every* renewal after the driver's 60th birthday
 - at any time reasonably required by the Council
- ii. Whether a certificate has been produced or not applicants may be required to submit themselves for examination by a registered practitioner of the Council's choice as to their fitness to be a driver, the Council to bear the cost.
- iii. The driver is must cease driving vehicles for hire and contact the Council immediately if they know/become aware of any medical condition which may affect their ability to drive safely or the health and safety of themselves or their passengers

5) FARES / TAXIMETERS

- i. The driver shall not demand from any hirer any fare in excess of that previously agreed for that hiring between the hirer and the operator or if the vehicle is fitted with a taximeter the fare shown on that meter, whichever is the lesser amount

- ii. The driver shall not cause the fare recorded on the taximeter be concealed or cancelled until the hirer has had sufficient time and opportunity of examining it and has paid the fare
- iii. The driver shall, when requested, provide the hirer with a written receipt for the fare paid.
- iv. The driver shall, subject to any express directions given by the hirer, proceed to the destination by the shortest possible route.

6) PASSENGERS

- i. The driver shall not convey in the vehicle a greater number of passengers than prescribed on the Vehicle Licence and Licence Plate
- ii. The driver shall not, without the express consent of the hirer convey any person other than the hirer in the vehicle.

7) ANIMALS

The driver must **not carry any** animal in the vehicle, including his/her own or the operator's/proprietors animal **except that**

- The driver **may** at his/her discretion carry the animal of a fare paying passenger but the animal must be carried in the rear of the vehicle
- Assistance dogs **MUST** be carried unless the driver has applied for and been granted an exemption certificate.

7) WHEELCHAIR ACCESSIBLE VEHICLES

Drivers of wheelchair accessible vehicles must:

- i. Be fully conversant with the correct method of operation of all ramps, lifts and wheelchair restraints fitted to the vehicle
- ii. Before the commencement of any journey ensure that all wheelchairs are firmly secured and that the brakes of the wheelchair have been applied

8) LOST PROPERTY

- i. The driver shall immediately after the termination of each hiring, or as soon as practicable thereafter, search the vehicle for any property that may have been left there
- ii. The driver must take any property left in the vehicle to a police station within 24 hours and obtain a receipt for the property.

- iii. The driver shall notify the Council of the whereabouts of the property, and whenever possible of the details of the hirer, the journey and the date found

9) CRIMINAL CONVICTIONS

- i. The driver shall inform the Council in writing and within 7 days of any conviction, caution, warning or Fixed Penalty Notice imposed on them during the period of the licence.