

# Annex 1 - Driver Licensing Standards and Conditions

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The Council issues a dual 3 year hackney carriage/private hire driver's licence; on occasions a licence may be issued for a shorter period where it is appropriate to do so.

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

Where there appears in the licence conditions a summary of any statutory provision you are advised that such summary is not exhaustive.

These conditions should be read in conjunction with the Council's Policy documents and in particular regard should be given to the Penalty Points Scheme and Convictions Policy.

Applications for the grant or renewal of a licence must be made, and will be determined, in accordance with the Policy, its annexes and appendices. There is a right of appeal against the Council's decisions, details of which are set out at the end of this document.

**If you fail to comply with any of these conditions enforcement action will be taken which may result in points being awarded on your hackney carriage/private hire driver's licence and in certain circumstances this may result in the suspension or revocation of your licence.**

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## Pre-Licensing Standards

In order to be licensed as a hackney carriage/private hire driver you must –

1. Be over 21 years of age and have held a full UK Driving and Vehicle Licence Agency (DVLA) (or equivalent) driving licence for at least three years. You must supply your licence with the application.

**Please note** – If you hold an EU Country driving licence you must obtain a UK counterpart/ghost licence from the DVLA before you can be considered for a hackney carriage/private hire driver's licence and the details must be shared with the Council. Applicants from non-EU countries must apply for a full UK driving licence before being considered for a hackney carriage/private hire driver's licence.

2. Complete the application form and supply the required fee and documentation to support your application including evidence that you may legally work in the UK.

**Please note** - If circumstances come to light during the lifetime of the licence that you no longer have a right to work in the UK, the licence will be revoked.

3. Obtain an Enhanced Disclosure from the Disclosure and Barring Service (DBS) as

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part of the application process. This must be less than three months old when the application is made.

**Please note** – Applicants for hackney carriage/private hire drivers' licences are exempt from the provisions of the Rehabilitation of Offenders Act 1974. Therefore, you must disclose all previous cautions and convictions whether they are “spent” or not. You should have regard to the Council's Convictions' Policy. Any conviction or caution that is relevant to the determination of whether you are a fit and proper person to hold a licence will be taken into consideration when determining the application.

4. If you have spent six continuous months or more living outside the UK, provide a criminal record check, or equivalent documentation, **or a Certificate of Good Character** from the country/countries involved covering the relevant period.

5. Have completed and passed, at your own expense, an independent medical examination to determine whether you meet the criteria set out in the 'Medical Aspects of Fitness to Drive' Group 2 standard and been found to be medically fit to hold a licence. Exceptional arrangements may be made if you have insulin treated diabetes and are able to meet a series of medical criteria. The medical must be supplied to the Council before a licence can be granted and is required on initial application for a licence and then every 3 years to the age of 65 when a medical will then be required annually irrespective of your renewal date.

6. Be found to be a fit and proper person to hold a hackney carriage /private hire driver's licence by the Council having regard to its Hackney Carriage/Private Hire Licensing Policy, its relevant annexes and appendices.

**Please note - behaving in an inappropriate manner to Council staff or others involved in the licensing process may result in you being found not fit and proper to hold a licence.**

7. Have passed the following competency tests and supplied proof of having done so to the Council; these tests to be completed at your own expense. The tests comprise –

- a. a hackney carriage/private hire driver assessment test with a Council approved driving assessor.
- b. Passenger Assisted Transport Training, if you will be driving a fully adapted disabled assess vehicle, either private hire or hackney carriage (plate numbers 200 onwards),
- c. the English language test
- d. the Council's knowledge test

**Please note** – The knowledge test comprises questions picked at random from the Council's licensing policy, safeguarding training, topographical and tourism questions,

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the Highway Code and basic arithmetic. The decision of the adjudicator is final and no discussion of individual questions will be entered into. If you don't pass the test you will be permitted two further attempts at a minimum of fortnightly intervals when a further fee per test will be payable; these re-tests must be completed within three months of the first test being taken. A different question paper will be selected for each test re-sit. Failure to pass the knowledge tests after 3 attempts will deem the applicant unsuccessful. You will be required to wait for 12 months, from the date of the final test, before you can book a further knowledge test.

8. Have undertaken the Council's Mandatory Safeguarding Training and supplied proof of having done so to the Council.

9. Declare if you have previously held a hackney carriage and/or private hire drivers' licence whether with this authority or another local authority and whether you have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.

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## Driver Conditions

As the holder of a hackney carriage/private hire driver's licence you must comply with the following conditions:

### 1. Conditions of licence

- 1.1 The combined hackney carriage/private hire driver's licence (hereinafter referred to as 'driver's licence') is valid for three years from the date of its grant On occasions a licence may be issued for less than the current standard length of 3 years where it is appropriate to do so having regard to the merits of the case, for example, where you have a limited right to remain in the UK.
- 1.2 You must present your driver's licence or a copy thereof to the proprietor/operator at the beginning of your employment and immediately after any renewal of the licence.
- 1.3 On the request of an authorised officer of the Council or a Police officer, you must produce your licence for inspection.
- 1.4 You must keep a copy of these driver conditions in the licensed vehicle you are using.
- 1.5 You must not act as a driver without the consent of the licensed proprietor of the vehicle.

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- 1.6 You must notify the Council in writing, within 7 days, of any change of name, or address.
- 1.7 At all times when your vehicle is available for hire, you must wear your driver's badge in a position where it can be seen and it should be produced if requested by the public. You must not wear your badge other than when carrying out work in connection with your business.
- 1.8 You must not allow your driver's badge to be used by any other person or cause or permit any other person to wear it. Nor permit any person to damage, deface, mutilate or obscure a driver's badge or any part of it.
- 1.9 Your licence and badge remains the property of the Authority at all times. They must be returned forthwith if your employment as a licensed driver ceases, or if the licence expires and is not renewed, or where the licence is suspended or revoked.
- 1.10 If your immigration status changes, for example your permission to stay in the UK has been curtailed, you have been served a deportation notice or have been convicted of an immigration offence, you must return your licence and badge to the Council within 7 days.
- 1.11 You must complete mandatory or any other training that the Council deems necessary and appropriate; this may include training required because of convictions or penalty points awarded against you or as a result of a complaint.
- 1.12 You must submit an Enhanced DBS every six months. Failure to do so will result in the Council suspending your licence as a current DBS check is a key element in the Council's determination of whether you are a fit and proper person to hold a licence.
- 1.13 You must sign up to the DBS Update Service. This is a mandatory requirement which will require you to register with the Disclosure and Barring Service online within 30 days from the issue of your DBS certificates (provided by the DBS). To register for the DBS Update Service, you will be required to pay the registration fee (which may be subject to change), which is payable direct to the DBS Service. Payment is taken initially by card, there is no option for direct debit payments. By selecting the option to automatically renew a subscription, the DBS will store your card details to take the subscription on an annual basis. It will be your responsibility to ensure that those payment details remain current and valid i.e., if you change your payment card over the course of the year, the DBS will not be able to take your annual subscription.

## 2. Driver Conduct

### You must -

- 2.1 Behave in a civil, polite and orderly manner at all times in the course of carrying

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out your duties as a licensed driver, **this includes in your dealing with members of Council staff.** You must not behave in a way that will-

- Cause any person to take offence at your actions.
  - Cause any person to believe your actions are inappropriate.
  - Cause any person to fear for their physical safety.
  - Cause any person to doubt your integrity.
  - Bring into disrepute the integrity of the Council for having issued a licence to you.
- 2.2 Take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- 2.3 Drive with the utmost care and consideration to other road users and pedestrians.
- 2.4 Convey a reasonable amount of luggage, including wheelchairs and children's pushchairs (provided they can be carried in a safe manner) and provide reasonable assistance in loading and unloading such luggage.
- 2.5 Give reasonable assistance to elderly, vulnerable or disabled persons entering or alighting from the vehicle, and any other reasonable assistance during the course of the journey
- 2.6 Not drink or eat in the vehicle nor play any radio or sound equipment, which is not connected with the operation of the business, without the hirer's consent.
- 2.7 Ensure that the vehicle licence plates are not willfully or negligently concealed from public view.
- 2.8 If you have agreed or have been hired to be in attendance with the vehicle at an appointed time and place you must, unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at the appointed time and place.
- 2.9 Not smoke tobacco or any other like substance in a licensed vehicle nor use an electronic cigarette or similar device.
- 2.10 Not drive if you are unfit to do so because you are on legal or illegal drugs and/or you have certain levels of illegal drugs in your blood.
- 2.11 Not drive whilst under the influence of alcohol.
- 2.12 Whilst driving you must not use a handheld mobile phone nor any other handheld mobile device which performs an interactive communication function by transmitting and receiving data.
- 2.13 Not drive a vehicle if you no longer hold, have had suspended, or are disqualified from holding a DVLA licence for that type of vehicle.

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- 2.14 When hired to drive to a particular destination, subject to any directions given by the hirer, proceed to that destination by the shortest route.
- 2.15 Not, without reasonable cause, unnecessarily prolong in distance or time, the journey for which the vehicle was hired.
- 2.16 Not solicit, by calling out, or otherwise importuning any person to hire or be carried for hire. Neither is it permitted to accept an offer for the hire of the vehicle except where it is first communicated to you by the Operator.
- 2.17 Not permit a private hire vehicle to be parked or ply for hire on a taxi rank.
- 2.18 Present the vehicle in a clean and tidy condition for each journey.
- 2.19 Not carry out food deliveries whilst carrying a fare without the express permission of the hirer. Vehicles can be used for the delivery of food (subject to the above condition) but drivers should ensure that the vehicle is clean and odour free before carrying a fare or that the hirer has given their express permission for food to be carried at the same time.
- 2.20 Not use the horn as a means of signaling that the vehicle has arrived for a hire.
- 2.21 Not convey, nor permit to be conveyed, in the vehicle more than the number of persons specified in the licence and referred to on the vehicle licence plate.
- 2.22 Not carry other persons in the vehicle when hired, without the express consent of the person hiring the vehicle.
- 2.23 Ensure compliance with any legislation relating to the length of working hours.

## 3. Dress Code

- 3.1 You are required to be respectably dressed, clean and tidy in appearance and must adhere to the Council's dress code as set out below:

### Permitted clothing-

- Tops, shirts, blouses, t-shirts, polo shirts or sweat tops – These should cover the shoulders and be capable of being worn inside trousers/skirts and shorts. Shirts or blouses can be worn with a tie or open necked.
- Trousers, skirts, shorts - Trousers may either be full length or shorts, if tailored. Clothing should be of sufficient length when the driver is seated as to not offend against decency.
- Footwear – This should be smart and appropriate for driving; and must fit

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around the heel of the foot.

- Cultural dress – This is acceptable providing it meets similar standards of decency and smartness.

Clothing not permitted – unclean or damaged clothing, clothing bearing offensive or suggestive words, graphics or logos; vests or singlets; track suit or jogging bottoms; ripped jeans; sports shirts (e.g. football, rugby or cricket tops); clothing with studs or similar adornments; beach type footwear such as mules and flip flops; baseball caps; and any clothing that obscures the face.

This list is not exhaustive and where you are unsure please contact the Licensing Team for further advice.

## 4. Fares and Journeys

### You must

- 4.1 If requested by the hirer, provide a written receipt for the fare paid, this may be by email. Each receipt should show the date and destination of journey, driver badge number and amount paid.
- 4.2 At the start of a hired journey, where a meter is fitted, ensure the meter is turned to the correct tariff and running and that it remains in operation until the termination of the hiring. This applies to all bookings.
- 4.3 Not cause the fare recorded thereon to be cancelled or concealed until the hirer has had reasonable opportunity of examining it and has paid the fare.
- 4.4 Ensure the dial of the taximeter is kept properly illuminated throughout any part of a hiring which is during the hours of darkness and at any other time at the request of the hirer.
- 4.5 Not demand a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a meter, the fare shown on the face of the meter.
- 4.6 When driving a private hire vehicle, equipped with a meter, ensure that a table of fares as issued by the Private Hire Operator/Proprietor is kept within the vehicle, displayed in a clearly visible position, and made available to any passenger or authorised officer on request.
- 4.7 Not demand a fee for carrying a wheelchair or other mobility aids.
- 4.8 You may charge a customer if, during the duration of their journey, the vehicle is soiled in any way i.e. through vomiting in the vehicle.



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## 5. Convictions, Cautions, Criminal Investigations and Penalty Points

### 5.1 You must

- a. Notify the Authority, in writing, within a period of 48 hours, of any conviction, caution or charge for a criminal offence, motoring offence, disqualification or fixed penalty notice imposed or being the subject of a criminal investigation whilst the licence is in force. An arrest for any of the offences within this scope will result in the Council reviewing whether you are fit and proper to continue to hold a licence. If you fail to disclose an arrest that subsequently comes to the attention of the Council, this might be seen as behaviour that brings into question your honesty and integrity and therefore your suitability as a licence holder regardless of the outcome of the initial allegation.
- b. Following conviction or the issue of a fixed penalty notice which results in points being given on your DVLA licence, produce your licence to the Council within 48 hours of its return from the DVLA, court of fixed penalty office following the endorsement of the offence.
- c. In the event that you are disqualified from driving, immediately inform the Council and surrender your driver's badge and where appropriate the vehicle plate.
- d. Make application and pay for a further DBS check, if required to do so by the Council in order that it may fully investigate any complaints or matters in which you are involved.

5.2 The Convictions Policy and Penalty Point Scheme will be applied as appropriate.

## 6. Fitness to Drive and Medical Evidence

- 6.1 You must inform the Authority, in writing, immediately, of any deterioration in health or injury that would affect your ability to drive a licensed vehicle. Where this affects your ability to assist disabled passengers and you drive a wheelchair accessible vehicle you may be issued with a temporary exemption certificate on production of a letter from your GP or the Council's medical examiner.
- 6.2 Up to the age of 65 you must undergo a medical examination to DVLA Group 2 standard every 3 years, to assess your fitness to drive. The certificate of examination must be submitted to the Council. This examination must be carried out at the Surgery with whom you are registered or at a Council approved medical examiner and will be at your expense.
- 6.3 If you are suffering from a known and notifiable medical disorder or are over the age of 65, you will be required to undergo a medical examination to Group 2



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standard annually. The certificate of examination must be submitted to the Council. This examination must be carried out at the Surgery with whom you are registered or at a Council approved medical examiner and will be at your expense.

- 6.4 The Council may refer you for a further medical, specifically where you suffer from a medical condition which is diagnosed between your last Group 2 medical assessment and your next medical assessment. The certificate of examination must be submitted to the Council. Note – This examination is at the expense of the driver and must be at a clinic or hospital as directed by the Council.

## 7. Found Property

- 7.1 A driver shall, after the termination of each hiring or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left therein.
- 7.2 ~~Items found in a licensed vehicle must be registered by the driver on Essex Police's website.~~ Items should be held for a minimum of 28 days.
- 7.3 The following found items must be surrendered to the Police and cannot be retained:
- Firearms / explosive material - These items are a threat to your safety. It is unlawful for you to retain them, please call 999 and Essex Police will arrange for collection.
  - Knives/offensive weapons/drugs/unidentified substances - This item is a threat to your safety. It is unlawful for you to retain this item, please call 101 and Essex Police will arrange for collection.
  - Offensive material/ items believed to be used in or in connection with a crime - It is unlawful for you to retain this item, please call 101 and Essex Police will arrange for collection.

Passports, driving licences or other government documents, for security reasons, must be sent back to the issuing authority as it is unlawful for you to retain these items.

## 8. The Carriage of Animals

- 8.1 You must not carry, in a licensed vehicle whilst being hired, any animal which belongs to or is being looked after by yourself, the proprietor or operator of the vehicle.
- 8.2 Animals in the custody of passengers may be carried, at your discretion, provided they are restrained in a safe manner.
- 8.3 You cannot charge a fee for carrying an assistance dog when it is acting in its

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capacity as an assistance dog.

- 8.4 You must carry guide, hearing and other assistance dogs accompanying disabled people and to do so without additional charge. The dog must be allowed to remain with the passenger. Passengers must be permitted to sit in the front seat so that the guide dog can sit in the front foot well.

Assistance Dogs can be identified by their coloured harness which are as follows –

- Guide Dogs – Fluorescent strips around a white harness
  - Hearing Dogs – Burgundy
  - Support Dogs – Blue
  - Assistance Dogs – Purple, yellow or bright red
  - Medical detection dogs – Red
  - Buddy Dogs – Bright blue
  - Autism Dogs – Blue
  - Deaf Blind Guide Dogs – Red and White squared harness
- 8.5 If you have a medical condition, which may be exacerbated by such dogs, you may apply to the Authority for exemption from the condition 8.3 above. A certificate of exemption will be supplied on production of suitable medical evidence.
- 8.6 Where a notice of exemption has been issued to you on medical grounds, it must be exhibited in the vehicle by fixing it facing outwards either to the windscreen or in a prominent position on the dashboard. You must also at all time carry a tactile exemption certificate which must be made available in appropriate circumstances.
- 8.7 You must not forge or alter for use a Certificate or Notice of Exemption; lend a Certificate or Notice of Exemption to any other person; allow it to be used by any other person; or make or have in your possession any document which closely resembles a Certificate or Notice of Exemption.

## 9. Wheelchair Accessible Vehicles

- 9.1 If you drive a wheelchair accessible vehicle you must be appropriately trained to secure and carry such passengers:
- be fully conversant with the correct method to operate ramps, lifts and wheelchair restraints that can be fitted to the vehicle.
  - ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system and that the brakes of the wheelchair have been applied prior to the vehicle setting off.

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- ensure that any wheelchairs, equipment and passengers are carried in such a way that no danger is likely to be caused to any passenger, in accordance with the Road Vehicles (Construction & Use) Regulations 1986 and any subsequent amendment or re-enactment thereof.

## 10. Certificate of Motor Insurance

- 10.1 You must ensure that the vehicle driven by you is insured as a licensed vehicle and that you are personally covered to drive the vehicle.

## 11. Condition of the Vehicle

- 11.1 You are responsible for ensuring that the licensed vehicle you drive is in a roadworthy condition and complies with the relevant legislation and with the Council's licensing conditions for that vehicle.
- 11.2 You must report an accident or any damage to a private hire vehicle within 48 hours of the occurrence.

## 12. Seat Belts and Child Seats

(Please follow links in the paragraphs below)

- 12.1 You must wear your seat belt unless [exempt](#).
- 12.2 You have a responsibility to ensure that you are familiar and up to date with all relevant [legislation](#) and guidelines as issued or determined by central government in relation to the use of seatbelts, child seats, and any other relevant construction and use and safety legislation.

## 13. Rank Discipline

- 13.1 It is an offence to leave a Hackney Carriage unattended in a public place. Any parking, outside of agreed parameters, on the rear of a Hackney Carriage rank will therefore be dealt with by way of a fixed penalty notice or penalty points.
- 13.2 You are expected to obey rank discipline; vehicles should immediately move forward when the vehicle at the front of the rank leaves.

## 14. Trailers

- 14.1 You may tow a trailer on a licensed Hackney Carriage vehicle provided that you

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hold the appropriate category on your DVLA licence, which must be produced to the Council.

## ~~15. Probationary Licences~~

~~15.1 If you are granted a Probationary Licence you must comply with the following condition in addition to those attached to the grant of the driver's licence.~~

~~If during the period of this probationary licence you receive any criminal or motoring convictions or any fixed penalty notices or any another form of restorative justice or do not fully comply with the Council's Hackney Carriage and Private Hire Licensing Policy, Annexes and Appendices or where complaints or intelligence are received which following a full investigation leads the Council to consider that a licence should not have been granted then the process to revoke the licence will commence.~~

~~15.2 Any breach of the probationary condition will result in the Council taking action to revoke your licence.~~

~~15.3 The revocation process is as follows —~~

~~a. A member of the Licensing Team will investigate the facts of the breach which may include interviewing you under caution. The Council may also, as part of its investigation request a Police National Computer Check (PNC) from the Police to ensure it has all the evidence necessary to properly investigate the matter or a new DBS check. This may mean that matters that formed part of a previous decision are reconsidered in the light of new evidence and may result in a licence, previously granted, being revoked.~~

~~b. You be notified of the outcome of the investigation, and any resulting revocation, in writing.~~

~~c. There is a right of appeal to the Magistrates Court. Any such appeal must be made in writing, within 21 days from the date of the decision, to the Clerk of the Court, Essex Magistrates' Courts, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford, Essex, CM2 5PF.~~

## Appeal against the Conditions

If you are aggrieved by any of the conditions attached to the licence you may appeal to the Magistrates Court within 21 days of the service of the licence and the attached conditions on you. Any appeal must be made in writing to the Magistrates Court, Essex Magistrates Court, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford, CM2 5PF.

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## Application and Renewal Processes

### Application process for a new Driver's Licence

1. **Access the Council's web page for new drivers and read the Hackney Carriage & Private Hire Licensing Policy and Conditions and the information on how to apply and where to book the necessary tests.**
2. You will need to complete and pass the following –
  - The English Test.
  - Hackney Carriage/Private Hire Driver Assessment.
  - Knowledge Test.
  - Enhanced Disclosure and Barring Service Check (DBS) including a checked of the barred lists.
  - DVLA check.
  - Group 2 medical with a fitness to drive form.
  - **Mandatory safeguarding training.**
3. The following documentation must be supplied to the Council -
  - The completed application form.
  - The correct fee.
  - A Group 2 medical certificate.
  - A valid passport or birth certificate.
  - Your DVLA licence registered to your current address.
  - 2 x proof of address (letter from a doctor/utility bill etc.) these must be dated within the last three months.
  - If you have spent six continuous months or more living outside the UK a criminal record check or equivalent documentation is required from the country/countries involved covering the relevant period **or a Certificate of Good Character.**
  - If you have changed your name either by marriage or deed poll, the change of name document is required.
  - Proof that you have completed and passed a hackney carriage/private hire driver assessment test with a Council approved driving assessor.
  - A Passenger Assisted Transport training course certificate if you will be driving a fully adapted disabled access vehicle.
  - Proof that you have passed the Council's English test.
  - **Proof that you have passed the Council's Knowledge test.**
  - **Proof that you have completed the Mandatory Safeguarding training.**

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## Renewal process for a Driver's Licence

1. Access the Council's web page for information on how to renew and read the Hackney Carriage & Private Hire Licensing Policy and Conditions as they may have changed.
2. You will need to complete and pass the following –
  - Enhanced Disclosure and Barring Service Check (DBS) including a check of the barred lists
  - DVLA check
  - Group 2 medical with a fitness to drive form.
3. The following documentation must be supplied to the Council.
  - The completed application form.
  - The correct fee.
  - Your DVLA licence registered to your current address.
  - If you have spent six continuous months or more living outside the UK a criminal record check or equivalent documentation from the country/countries covering the relevant period **or a Certificate of Good Character**
  - If you have changed your name either by marriage or deed poll, the change of name document/marriage certificate.
  - A completed medical (please ensure you have both the medical and the covering declaration from the GP/medical examiner stating that you are fit to work).

**Please note –** As an existing driver, if you allow your licence to lapse you will be treated as a new driver and will be required to undertake all the tests and other requirements applicable to a new driver. It is your responsibility to ensure that you have booked the necessary appointments and have the necessary paperwork to enable you to complete the renewal process before the expiry date of your existing licence.

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## Determination of New and Renewal Applications and the Appeal Process

The Council will deal with applications as follows –

1. The application will be reviewed by a member of the Licensing Team and if any issues are identified you will be contacted and may be interviewed by a member of the team.
2. If no issues are identified or those identified are resolved, the application will be granted provided that the process has been complied with to the satisfaction of the Council.

If issues are identified the application will be processed in line with the procedures set out in the [Convictions Policy](#) and/or [Penalty Points Scheme](#) as appropriate.

**Implementation of the Policy** - The Policy will be monitored and reviewed on a regular basis. Any proposed significant changes will be subject to full consultation; minor amendments which do not affect the substance of the Policy may be made without consultation.