

DRIVER LICENCES

(Hackney Carriage and Private Hire)

Town Police Clauses Act 1847

Local Government (Miscellaneous Provisions) Act 1976

The Council issues dual driver's licences. That means that once you hold a driver's licence, you can drive any Council licensed Hackney Carriage or private hire vehicle.

This reduces the burden on drivers who may wish to drive either type of vehicle, reduces the costs to the drivers and the Council, and as the criteria for issue and retention of both Hackney Carriage and private hire drivers' licences are identical, there is no practical or legal reason not to do so.

This document contains the policy, Code of Conduct, legislation and Byelaws relating to your licence.

The Council has the power to make byelaws relating to Hackney Carriage drivers under the legislation, and it has done so. The byelaws only apply when you are using your licence to drive a Hackney Carriage.

There is also a power to attach conditions to private hire drivers' licences, but the Council has decided not to attach standard conditions to these licences.

As it issues dual licences, it has a Code of Conduct for Taxi Drivers which applies to both Hackney Carriage and private hire activity. This Code is not a condition: it is a standard of behaviour which the Council expects drivers to maintain. Any failure to comply with the Code will lead to the Council questioning whether you remain a safe and suitable person to drive a Hackney Carriage or private hire vehicle.

A dual driver's licence is referred to as a "taxi drivers licence" and drivers are referred to as "taxi drivers" within the Council and for the remainder of this document.

INTRODUCTION

- 4.1 The purpose of licensing taxi drivers is to protect the public, including passengers and others who may otherwise be placed at risk from unlicensed and potentially dangerous drivers.
- 4.2 It is a privilege to hold a taxi driver's licence and licensees have responsibilities to their passengers and customers, other road users and the public generally. The Council has been satisfied that when you applied for your licence you were a safe and suitable person to have that licence granted. In assessing that, the Council took into account your entire character and behaviour. This not only includes times when you are working as a taxi driver, but it all other times as well. This can include your use of social media as well as other forms of communication. The requirement to satisfy the Council that you are a safe and suitable person continues throughout the duration of the licence. If at any time you as a licensee fall below the standards expected of a new applicant, the Council will consider taking action against that licence. This could be suspension, revocation or refusal to renew that licence. It is no defence to argue that your actions took place when you are not working as a taxi driver. You should appreciate that under the previous convictions policy (available at section 3), if the unacceptable or criminal behaviour took place whilst you were driving as a taxi driver that will be viewed as an aggravating feature by the Council.
- 4.3 In many cases a taxi driver is the first person that a visitor to the District will encounter following arrival at an airport, railway station or bus station. Taxi drivers are ambassadors for the District and that first impression can affect a person for their entire visit. Taxi drivers should be aware of this and act accordingly at all times.
- 4.4 Taxi drivers can also be the eyes ears of their communities. In addition to travelling far and wide around the area they also have close contact with people from every part of society. This means they can quickly establish when situations are not normal. That could be that a person has not made a booking that is expected which may be as a result of them falling ill. If they live alone the taxi driver may be the only person to have realised that there is a problem. Taxi drivers are also very aware of the movements of people. They are in a position to recognise where children may be being used for criminal purposes (for example County lines drug trafficking) or being moved for the purposes of abuse or exploitation. They may also recognise similar movements of adults in relation to modern slavery and other forms of abuse.

- 4.5 By working closely with the Council and other agencies the role of the taxi driver can be vital in protecting vulnerable people within the community.
- 4.6 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.
- 4.7 You must understand and comply with the legal requirements relating to your taxi Driver Licence and the legal requirements and conditions attached to the Hackney Carriage or Private Hire Vehicle Licence of the vehicle you drive. Failure to comply with the requirements may result in your taxi Driver Licence being suspended or revoked.

4.8 The Council office for Hackney Carriage and private hire licensing purposes is
... Council, **Insert Address**
Telephone: Insert Telephone Number
Email: Insert Email Address

Power to take action against a taxi driver's licence

- 4.9 Under section 61 Local Government (Miscellaneous Provisions) Act 1976, the Council may suspend or revoke or refuse to renew a Taxi Drivers' 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 Act of 1847 or of this Part of this Act;
(aa) been convicted of an immigration offence or required to pay an immigration penalty; or
 - b) any other reasonable cause.
- 4.10 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 under section 61(2A) Local Government (Miscellaneous Provisions) Act 1976. That power is delegated to an officer. As this is likely to be an urgent situation, you will be contacted by telephone, text or email where practicable and notified of the time the

decision will be made and you will be given opportunity to make representations. If you do not avail yourself of that opportunity, the decision will be taken in your absence.

- 4.11 Failure to comply with any Hackney Carriage or private hire legislation, or other road traffic legislation is an offence, and you may be liable to prosecution. In addition (irrespective of whether you were prosecuted or convicted of the offence(s)), the Council may take action against your licence which may also result in your taxi drivers' licence being suspended or revoked.
- 4.12 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, and you may be prosecuted under s57(3) Local Government (Miscellaneous Provisions) Act 1976.
- 4.13 The Taxi Drivers Licence and badge remain the property of the Council.
- 4.14 In the event that you lose your licence or badge, or they are damaged or defaced, you must get a replacement on payment of a fee determined by the Council, and you cannot drive a Hackney Carriage or private hire vehicle until such a replacement is obtained.

Duration

- 4.15 The drivers' licence expires 3 years (36 months) from the date of issue, unless an application was made for a licence for a year.

Renewal

- 4.16 Any application for renewal must be made at least one month before the licence expires. If you do not apply to renew your licence in time there may be a period when you will be unable to drive a Hackney Carriage or private hire vehicle. If the renewal application is not received before the expiry of your current licence, it will be treated as a new application rather than a renewal and you will have to provide all the information that is required for renewal application (e.g. a new DBS check, up-to-date medical etc).
- 4.17 Renewals are generally dealt with by Council officers under delegated powers, and can be processed quite quickly. However, if there have been any changes since the last grant of the licence (for example if you

have been convicted or cautioned for any offence, received a fixed penalty notice, Community Protection Notice (CPN), Criminal Behaviour Order (CBO), been required to attend a speed awareness course or there have been a complaint or concerns about your behaviour, but this is not an exhaustive list) the renewal application may need to be considered by the regulatory sub-committee.

4.18 The renewal of the licence will be at the Council's discretion.

Applications

4.19 All applications must be made on the Council's application form which is available to download from the Council's website.

4.20 An application will not be processed unless it is complete.

Photographs

4.21 All applications must be accompanied by 2 passport standard and sized photographs of the applicant with the applicant's full name written in block capitals on the reverse.

Driving Licence

4.22 Applicants must have held a full DVLA driving licence for a Category B vehicle for a period of at least 3 years. Where an applicant (or an existing licensed driver) has been disqualified from driving for any period, as a result of a conviction, a Taxi Drivers' Licence will not be granted to that applicant until at least 3 years have elapsed following the end of the period of disqualification.

4.23 If an applicant does not hold a UK driving licence, an application can be made provided the applicant holds a Northern Ireland, European Economic Areas or a driving licence issued by a country which is defined as an "Exchangeable" driving licence, and has held that licence for at least 1 year at the date of application. Countries which issue licences recognised as exchangeable are currently Gibraltar, Jersey, Guernsey, Isle of Man, Australia, Barbados, British Virgin Islands, Canada, Falkland Islands, Faroe Islands, Hong Kong, Japan, Monaco, New Zealand, Republic of Korea, Singapore, South Africa, Switzerland, Zimbabwe (This list may alter as a result of changes to the legislation.).

4.24 The driving licence must be produced at the assessment interview and consent to access DVLA records must be given. A copy will be taken of

the licence together with the application form and all other supporting documents.

Immigration requirements

- 4.25 An applicant for a driver's licence must have the right to remain and work in the UK. This will be evidenced on application by the driver providing documentation which complies with the Home Office guidelines. At the time this policy was adopted those are detailed in Appendix 1 to the Home Office document *"Guidance for Licensing Authorities to prevent Illegal Working in the Taxi and Private Hire Sector in England and Wales"*. The list of acceptable documents is also detailed on the Council's website.
- 4.26 The original documents must be provided and brought to the Council offices by the applicant in person. They will then be inspected, verified and copied.
- 4.27 Where an applicant has a right to remain and work, that will be noted and this process will not be repeated on renewal.
- 4.28 However where there is a restriction to either of the rights, the required documentation must be provided each time the licence is renewed. In those cases a licence for a shorter period than the usual 3 years may be granted.
- 4.29 If at any time during the currency of a licence, the right to remain all work is lost, that licence will cease to have effect and the licensee must immediately notify the Council and return the licence and badge.

Tax Conditionality

- 4.30 Existing licensees applying for the renewal of a licence must obtain their unique 9 character code from His Majesty's Revenue and Customs (HMRC) and provide this to the council. If this cannot be provided the application cannot proceed.
- 4.31 The council will advise new applicants of the need to register with HMRC for tax and must sign an acknowledgement that they have received this information.

Criminal Record Checks

- 4.32 All applicants (new and on renewal) will be required to provide an enhanced Disclosure and Barring Service check with a check of both the

Adult and Children Barred Lists, at their own expense, as part of the application process. This is conducted via the Council, but the DBS Certificate is sent to the applicant's home address. Once a licence has been granted, all licensees will be required to subscribe to the DBS Update Service.

- 4.33 A DBS for a taxi driver must:
- Be enhanced;
 - Have the adults barred list checked;
 - Have the children's barred list checked;
 - Have the position stated as "taxi driver";
 - Have the workforce listed as "other workforce"; and
 - Must be less than 1 month old when submitted to the Council.
- 4.34 The application will then be considered in the light of the Council's previous convictions policy (see section 3)
- 4.35 Applicants who are non UK residents and who have not been continuously resident in the UK for more than 5 years since the age of 18 must obtain and produce (at their expense) a certificate of good conduct authenticated by the relevant embassy for each and every country in which they have resided for more than 3 months from the age of 18 until arrival in the UK. Such certificates must be less than 3 months old, and the Council will verify the authenticity of any documentation that is provided.
- 4.36 UK citizens who have lived outside the UK for more than 3 months at a time since the age of 18 must obtain and produce (at their expense) a certificate of good conduct authenticated by the relevant embassy for each and every country in which they have resided for more than 3 months from the age of 18 until arrival in the UK. Such certificates must be less than 3 months old, and the Council will verify the authenticity of any documentation that is provided.

Driving Standards

- 4.37 In order to establish that an applicant reaches an acceptable driving standard, all applicants (both new and renewal) will be required to successfully undertake and pass an approved Driver Skills Assessment before a licence will be granted (unless the course has been passed in the last 3 years. Applicants must arrange and pay for this test themselves.

- 4.38 Any existing driver that cannot prove that they have completed a test to the same standard within the last 3 years must also successfully undertake such a test at their own expense before a licence will be renewed.

The driver skills assessment will assess the following:

- a) driving skills;
- b) knowledge and navigational skills
- c) English communication skills;
- d) Hackney carriage and private hire law licence conditions knowledge;
- e) safeguarding awareness (including sexual exploitation)
- f) disability awareness and wheelchair assessment

Medical Requirements

- 4.39 Applicants are required to pass a medical examination (at their own expense) and provide a Council issued medical certificate completed by their own GP who must have full access to all of their medical records to meet PSV/HGV Group 2 (vocational licence) medical standards of fitness, as defined and updated by the Driver and Vehicle Licensing Agency.
- 4.40 An applicant can also provide a PSV/HGV Group II medical certificate which has been completed by their own GP or medical practitioner who must have full access to medical records within the previous four months.
- 4.41 Medical certificates are required at the initial application; thereafter every three years until the age of 65; and every year from the 65th birthday.
- 4.42 The Council reserves the right to seek a second opinion (at the expense of the applicant) in any case where it has any concerns about the medical fitness of an applicant, both on application and at any time during the duration of the licence. The Council may revoke or suspend a licence if the requested information is not submitted within 4 weeks of the request, and also where the information provided raises further concerns as to the applicant's fitness to carry out their duties as a licensed driver.

Test of Safety and Suitability/Fitness and Propriety

4.43 To enable the council to make a decision as to whether or not an applicant is safe and suitable to hold a drivers licence, the following test will be used:

“Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?”

Drivers Licence and Badges

4.44 Successful applicants will be issued with their licence and badge.

4.45 These must be worn and shown to the operator or Hackney Carriage proprietor (as applicable) in accordance with the code of conduct.

Equality Act Exemption Certificates

4.46 Taxi drivers must carry assistance dogs, carry disabled people and provide mobility assistance to them, and, when driving a listed wheelchair accessible vehicle, provide mobility assistance to wheelchair-bound passengers (detailed below).

4.47 Applications can be made to the Council for exemption from the assistance dogs requirements under sections 169 and 171 of the Equality Act 2010. Similar applications for exemptions from the requirement to provide mobility assistance can be made under section 166 of the Equality Act 2010.

4.48 Application forms are available on the Council’s website at **www.cumberland.gov.uk** together with details of the criteria that will be used to determine whether or not any such exemption certificate should be issued, and if so on what terms.

4.49 Exemption certificates will only last until the driver is required to provide their next general medical certificate. This means that an exemption certificate will last for a maximum of 5 years, but if it is being granted subsequent to the last medical, it will not run beyond the renewal date for the general medical certificate.

Seat belts

- 4.50 The law relating to seat belts as it applies to drivers and passengers in Hackney carriages and private hire vehicles is different from non-licensed passenger vehicles.
- 4.51 When driving a Hackney carriage, the driver does not need to wear a seatbelt when seeking hire (plying), answering a call for hire (travelling to a pre-booked hiring) or when a commercial or fare paying passenger is being carried (this does not apply to the vehicle is being used for private/domestic use). However Cumberland Council advised strongly that a seatbelt should be worn by drivers of Hackney carriages at all times.
- 4.52 When driving a private hire vehicle, the driver does not need to wear a seatbelt when a commercial or fare paying passenger is being carried (this does not apply to the vehicle is being used for private/domestic use). However Cumberland Council advised strongly that a seatbelt should be worn by drivers of private hire vehicles at all times.
- 4.53 In relation to commercial or fare paying passengers in Hackney carriages and private hire vehicles (the rules relating to seat belts can be found in the highway code).
- 4.54 Children can be carried lawfully in Hackney carriages and private hire vehicles without the correctly sized child restraints. In these circumstances, the driver must make the parent's, carer's or other responsible adult's accompanying the children aware of the potential dangers of carrying children who are not correctly restrained in motor vehicles. It will remain the parent's, carer's or other responsible adult's decision as to whether they are prepared to accept those risks.

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

- 4.55 Where a driver acquires 7 or more penalty points on their DVLA licence, or who breaches any Legislation, Byelaw or requirement of the Code of Conduct, they may be referred to the Regulatory Committee.
- 4.56 The Council also runs its own Penalty Points Scheme as a method of enforcing the requirements for taxi drivers (see section 3 for full details).

- 4.57 When a driver is brought before the Regulatory Sub-Committee for whatever reason, the Regulatory Sub-Committee will decide each case on its merits, after hearing the facts.
- 4.58 The Regulatory Sub-Committee may also suspend or revoke the driver's licence or impose further penalty points. Suspension or revocation of your licence can be with immediate effect where the Council is of the opinion that the interests of public safety require such a course of action. (Section 61(2A) Local Government (Miscellaneous Provisions) Act 1976).
- 4.59 It must be understood that a decision to grant you a licence was made on the basis that you were a safe and suitable person to drive a Hackney Carriage and private hire vehicle on the particular facts of the case on the day of the decision. That status can be lost at any time in the future and you must ensure that your behaviour remains of the highest standard to protect your drivers' licence and therefore your livelihood.

Byelaws

- 4.60 Insert the councils byelaws (if any)

Taxi Drivers' Code of Conduct

- 4.61 This Code of Conduct relates to you as a licensed taxi driver. It outlines the standards of behaviour which are expected of you whilst you hold a taxi driver's licence. Failure to comply with these requirements may lead to enforcement action being taken. This could be by way of penalty points attached to your taxi drivers licence, suspension, revocation or refusal to renew your licence.
- 4.62 You are a licensed taxi driver for the duration of the licence, and at all times you should ensure that your conduct and behaviour is that of a safe and suitable person. You must ensure that you do not act in any way, at any time, that might affect that. The Council will consider all your behaviour, and that is not limited to the times when you are driving a hackney carriage or private hire vehicle.
- 4.63 When you are driving a hackney carriage or private hire vehicle, that remains a Council licensed vehicle and you remain a Council licensed

taxi driver wherever you may be located, and for whatever purpose you are using the vehicle (this includes social and domestic use) . This Code of Conduct applies across the whole of the United Kingdom.

Your taxi drivers Licence and Badge

- 4.64 You have been issued with a drivers badge. You must wear the drivers badge provided at all times when you are driving or working with a private hire vehicle or Hackney carriage and failure to do so is a criminal offence [under s54 of the 1976 Act when using a private hire vehicle and byelaw No ?? when using a Hackney Carriage].
- 4.65 You must return your licence and badge to the Licensing Section of the Council **within 72 hours** if
- a) You change your home or business address
 - b) the licence expires, is suspended, revoked
 - c) you lose the right to work in the UK, or the right to remain in the UK
 - d) You wish to surrender your Taxi Driver Licence
 - e) required to do so by an “Authorised Officer of the Council”.
- 4.66 In the event of the loss of your licence or badge you must report the loss to the Council’s Licensing Section immediately, in writing.

Production of Documents

- 4.67 If an Authorised Officer of the Council, an Authorised Officer of another Council with which the Council has a reciprocal arrangement or a police constable or PCSO asks you, you must produce:
- a) Your DVLA driving licence
 - b) Your Taxi Driver Licence
 - c) The vehicle registration document
 - d) A valid certificate of insurance

within **five days** of the request being made at the location that they specify.

Medical condition

- 4.68 You must notify the Council, in writing within 14 days of any change in your medical condition that may adversely affect your ability to drive private hire or Hackney Carriage vehicles.
- 4.69 You must ensure that when you are working you are sober and not under the influence of any illegal drugs. If you are taking any prescription medication, you must ensure that it does not impair your driving ability.
- 4.70 If at any time you feel unwell you must discontinue work until such time as you feel better and able to return to work.

Declaration of conviction / caution / penalty

- 4.71 You must declare all convictions, cautions, fixed penalty notices, CBO's (Criminal Behaviour Orders) CPNs (Community Protection Notices), requirements to attend a speed awareness course, injunctions, restraining orders or any other form of sanction or restriction to the Council on your initial application form.
- 4.72 If you are convicted of any offence, or accept a formal caution for an offence, or receive a fixed penalty notice for any offence or receive and accept an endorsable fixed penalty notice, or are made the subject of an CBO or CPN, are required to attend a speed awareness course, are made the subject of any injunction or restraining order, or you are arrested for any matter, or you are subject to any other form of sanction or restriction you must give the Council details, in writing and within **72 hours** of the event.

Driving

- 4.73 You must comply with all road traffic regulations at all times.
- 4.74 You must comply with all legislation and conditions relating to the Hackney Carriage or private hire vehicle that you are driving at all times. Those conditions are available on the Council's website.
- 4.75 You must not use a hand-held mobile telephone or any other handheld device (apart from a two-way radio) whilst driving. In addition, you must not use any non-handheld device unless it is entirely voice activated.
- 4.76 You must not sound your vehicle horn –

- a) unnecessarily, i.e. unless in an emergency or to let other road users or pedestrians know you are there
 - b) 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
 - c) on any road in a built up area between 11.30 p.m. and 7.00 am.
- 4.77 Your vehicle horn must not be used to signal your arrival to collect any pre-booked passenger.
- 4.78 You must not drive any Hackney Carriage or private hire vehicle in a dangerous or inconsiderate manner and in addition to complying with all road traffic regulations you must ensure that your driving and behaviour on the road is of the highest standard.
- 4.79 When parking, or otherwise waiting for either a hiring (Hackney Carriage), a booking to be communicated to you (private hire and Hackney Carriage) or attending for a pre-booked hiring (private hire and Hackney Carriage) you must ensure that you do not obstruct other road users including pedestrians on pavements and in pedestrianised streets. You must also ensure that you do not block vehicle entrances or any emergency exits for buildings. You must also comply with parking and waiting restrictions (if any).
- 4.80 When stopping to set passengers down you must do so in a manner which minimises the risk to those passengers as they alight from the vehicle. You must warn passengers clearly of any unusual or unexpected dangers within the vicinity. Ideally passengers should alight on the curb side.
- 4.81 When driving a Hackney Carriage, you must not demand a fare greater than that shown on the meter for a journey within the Council's area. Where a journey ends outside the Council's area, you must not demand a fare greater than that shown on the meter unless an agreement was made between yourself and the hirer before the hiring commenced.
- 4.82 When driving a private hire vehicle you must not demand a fare greater than that shown on the taxi meter (if that is how your operator calculates fares) or as agreed between the hirer and the operator.
- 4.83 You must stop the engine of the vehicle at all times when the vehicle is stationary otherwise than through the necessities of traffic.

- 4.84 It is a criminal offence to hold and use a mobile phone or other handheld device whilst driving. In addition this will be regarded as a serious breach of the Code of Conduct.

Data protection

- 4.85 You must ensure that you have the correct safeguards for storing personal data that comply with the Data Protection Act 2018 and the General Data Protection Regulations (GDPR). This will include details of hirers (pre-booked Hackney Carriages) and also any dash cam footage (the use of dash cams is considered in relation to vehicle licences).

Conduct and Behaviour

- 4.86 You must be honest and trustworthy at all times.
- 4.87 You must be polite and courteous to your passengers, other road users and the public generally.
- 4.88 You must not use abusive or foul language, spit or smoke (including the use of vapes) in or near the vicinity of your vehicle.
- 4.89 You must not use aggressive language or behaviour, or engage in any violent conduct.
- 4.90 You must not carry any form of weapon on your person or in your vehicle at any time and under no circumstances must you ever take the law into your own hands.
- 4.91 If the hirer requests, you must provide a written receipt for the fare paid for the hiring, including the amount of VAT (if applicable) shown separately if so requested. That receipt must also contain details of the journey including the date, pick up point and destination, vehicle licence number, operators name and driver name or licence number. You must then sign the receipt.
- 4.92 You must 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.
- 4.93 If a passenger objects, you must not play any radio or sound reproducing instrument or equipment in the vehicle.

- 4.94 You must treat everybody decently, equally and fairly.
- 4.95 You must at all times treat passengers, any potential passenger, members of the public, Police Officers and PCSOs, Council officers and all other public servants (NHS staff, fire fighters, HMRC staff etc) with courtesy and respect.
- 4.96 You must not discriminate against any person because of their race, colour, creed, age, gender, sexuality, or disability.
- 4.97 You must not use abusive, racist, sexist, or any other offensive language or terms with passengers or other members of the public (remember that not everybody shares your sense of humour, or views).
- 4.98 You must protect passengers and yourself. Be wary about entering any premises, especially domestic premises unless you know the person as an established customer. Even then make sure that you take all steps to minimise any risk to yourself or your reputation.
- 4.99 You must not obtain the telephone numbers of, or engage on any form of social media with anybody under the age of 18.
- 4.100 You must not engage in any kind of sexual activity within or in the vicinity of your licensed vehicle. No sexual contact with passengers at any time or place.
- 4.101 You must behave in a civil and reasonable manner at all times and must comply with any reasonable request made by the hirer.
- 4.102 You must always pick up your passengers on time unless unavoidably delayed.
- 4.103 You must always assist your passengers with their luggage. If they do not request this, you must ask whether they need help. This includes picking it up from the point of booking, removing it from your vehicle at the end of the journey and setting it down.
- 4.104 You must maintain a logbook in which to record any incidents that you feel are of concern (including but not limited to concerns about child abuse, abuse of any other person, people trafficking, drug carrying, violence or criminal behaviour) or which may result in a complaint being made about you. Such incidents must be recorded promptly with as much detail as possible (date, time, location, nature of the incident,

names of the parties (if known) and identifying features). This logbook must be kept securely in the vehicle and the details must be transferred to a storage medium which is not contained within the vehicle (i.e. a copy of the pages stored on a computer) as soon as possible. When you are driving a private hire vehicle all such incidents must be reported to your operator as soon as possible. If you are driving a Hackney Carriage that has been booked via a booking agent, all such incidents must be reported to that agent as soon as possible. Where you suspect that the incident involves criminal behaviour you must report this to the police and Council immediately.

4.105 You must maintain a logbook of any complaints that are made to you as a driver. All complaints must be recorded promptly with as much detail as possible (date, time, location, nature of the complaint, names of the parties (if known) and identifying features). This logbook must be kept securely in the vehicle and the details must be transferred to a storage medium which is not contained within the vehicle (i.e. a copy of the pages stored on a computer) as soon as possible. When you are driving a private hire vehicle all such complaints must be reported to your operator as soon as possible. If you are driving a Hackney Carriage that has been booked via a booking agent, all such complaints must be reported to that agent as soon as possible.

Personal Appearance and dress code

4.106 You must maintain good standards of personal hygiene at all times.

4.107 You must always be clean and respectable in your dress and present a professional image. To achieve this you must comply with the following dress code which will also ensure that public and driver safety is not compromised

Acceptable standards of dress

- Collared shirts, blouses, polo shirts, or sweatshirts must cover the shoulders and be capable of being worn tucked inside trousers, shorts or skirts.
- Shirts or blouses may be worn with a tie or open necked.
- All clothing must be clean, of smart appearance and in good condition.

Trousers, shorts and skirts

- Trousers can be either full length or shorts.

- Skirts must be no shorter than 5 cm above the knee (when standing) and can be of any longer length, but must not impede the safe operation of the pedals
- Trousers, shorts or skirts must be tailored and made of one colour of material.

Footwear

- Footwear for all drivers must fit around the heel of the foot. Wooden soled footwear is not permitted.

Unacceptable standards of dress

- Anything not conforming to the above, including
- Clothing not being kept in a clean and fresh condition or any items which have holes or rips.
- Words or graphics on any clothing that is of an offensive or suggestive nature.
- Sportswear e.g. football or rugby kits, track suits, beach wear, etc.
- Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel.
- Not having either the top or bottom half of their bodies suitably clothed.
- No baseball caps or hoods worn up whilst in the vehicle.

Use of the Vehicle

4.108 Private hire vehicles and Hackney Carriages are smoke free vehicles at all times under the Health Act 2006. It is a criminal offence to smoke in a private hire vehicle at any time (section 7) or to allow a person to smoke in a private hire vehicle (section 8) and you can be prosecuted for either or both offences. In addition this will be regarded as a serious breach of the Code of Conduct

4.109 You must not eat in the vehicle at any time, or allow passengers to eat in the vehicle at anytime.

4.110 Animals must not be carried in private hire vehicles or 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 must be kept under the hirer's control, and must be carried in the rear of the vehicle (except assistance dogs). No animals can be carried in the luggage compartment of a vehicle.

- 4.111 You must not carry more passengers than the maximum number prescribed by the conditions attached to the Hackney Carriage or private hire vehicle licence and displayed on the vehicle plate.
- 4.112 You must carry a reasonable amount of luggage and assist them in loading it and unloading it from the vehicle.
- 4.113 You must not carry any additional passengers not already accompanying the hirer in the vehicle without the hirer's permission.
- 4.114 You must 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.
- 4.115 You must not carry any child below the age of eleven years in the front of the vehicle.
- 4.116 Hackney Carriages and private hire vehicles are not expected to carry a range of child seats. If you are carrying children under the age of 14 you must make any adult with responsibility for the child aware that the correct restraints may not be available and the carriage of the child in those circumstances is at the adults own risk. Children under 3 years of age can travel unrestrained in a Hackney Carriage or private hire vehicle if the appropriate restraint is not available. Children over 3 years of age and below 11 years of age or shorter than 135cms (approx. 4ft 6in) can use adult seat belts if the appropriate restraint is not available. Children over 11 years of age or taller than 135cm (approx. 4ft 6in) must use adult seat belts.

Vehicle Checks

- 4.117 It is your responsibility to ensure that the correct policy of insurance is in force for any Hackney Carriage or private hire vehicle that you are driving.
- 4.118 Before using a Hackney Carriage or private hire vehicle for the first time each day, you must undertake a “walk around check”. This requires that you ensure that the vehicle is roadworthy and fit for use as a hackney carriage or private hire vehicle. The check must include the tyres (pressure and tread depth), checking the lights are functioning (so far as is possible with one person – all lights except brake lights), checking all

glass (lights and windows) is intact and ensuring there is no obvious damage to the vehicle. Any defects that are detected must be rectified before the vehicle is used to carry passengers. You must complete the Council's checklist which will be provided to you.

- 4.119 Every time you commence driving the vehicle you must ensure that the front and 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. You must also ensure that any other identifying information (whether supplied by the Council or not) is correctly and securely attached to the vehicle.
- 4.120 If you have been issued a certificate of exemption from carrying assistance dogs or providing wheelchair assistance you must ensure that that notice is correctly placed on the nearside of the front windscreen.
- 4.121 You must not offer or accept any hire of the vehicle except where the hiring has been pre-booked via your Private Hire Operator [does not apply to Hackney carriages].

Lost Property

- 4.122 After every hiring, you must search the vehicle for any misplaced or lost property.

If any property is found or handed to you, you must, [unless it is claimed, take it to a Police Station within 48 hours. Following agreement with the owner of any lost property (and you must take reasonable steps to ensure the person concerned is the rightful owner) you may agree to return the property personally to the owner, and charge the metered fare to an agreed meeting point, or £10.00, whichever shall be greater **[OR** make reasonable efforts to find the owner and make arrangements to return it to them. If you are a private hire driver you can take it your operators' office.

Taximeters in Private Hire Vehicles [taximeter use in hackney carriages is governed by the byelaws]

- 4.123 You may use a meter in the private hire vehicle only if it is constructed, attached and maintained in compliance with the Private Hire Vehicle Licence Conditions.

- 4.124 Unless the fare is agreed in advance, 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.
- 4.125 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).
- 4.126 You must ensure that the fare charged does not exceed the fare displayed on the meter at the end of the journey.
- 4.127 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.
- 4.128 You must ensure that the meter is sufficiently illuminated when in use and is visible to passengers.
- 4.129 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.

Plying for hire when driving a private hire vehicle [does not apply when driving a hackney carriage]

- 4.130 You must not pick up passengers who have not pre-booked with your operator.
- 4.131 You must not offer or accept an offer for the immediate hire of a vehicle while it is being used in a public place.
- 4.132 You must not park or wait on or near any Hackney Carriage Rank, or drop passengers off on a Hackney Carriage Rank.

Fares when a hackney carriage is used for pre-booked work

- 4.133 A Hackney Carriage can be used for pre-booked work both within the District of Cumberland and elsewhere. When the journey is wholly within the District, or commences or ends in Cumberland, the fare charged cannot be greater than that displayed on the meter or in accordance with the table of fares. Where a pre-booked journey commences and ends outside Cumberland the table of fares and the meter do not control the maximum fare that can be charged. In these circumstances the fare to

be charged must be negotiated between the hirer and the driver or booking agent.

LEGAL REQUIREMENTS when driving a Hackney carriage

Your taxi Driver Licence and Badge

4.134 When driving a Hackney Carriage you must wear your badge at all times whilst you are working as a Hackney Carriage Driver and you commit a criminal offence if you do not do so, for which you might be prosecuted (Hackney Carriage Byelaw 12)

Disability Discrimination

4.135 When driving a Hackney Carriage you must carry an assistance dog and allow it to remain with their owner unless you have a certificate of exemption issued by the Council. You must not make any additional charge for doing so. When you are carrying an assistance dog you must allow it to be carried wherever the owner requires i.e. you cannot insist on the dog being separated from the owner or the owner and dog sitting in a particular seat (Section 168 Equality Act 2010).

4.136 When you are driving a Hackney Carriage that has been designated as a wheelchair accessible vehicle in a list maintained by the Council under section 167 of the Equality Act 2010, you must comply with the duties and provide mobility assistance to any passenger in a wheelchair as detailed in section 165 of the Equality Act 2010.

4.136.1 The duties are—

- a) to carry the passenger while in the wheelchair;
- b) not to make any additional charge for doing so;
- c) if the passenger chooses to sit in a passenger seat, to carry the wheelchair;
- d) to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
- e) to give the passenger such mobility assistance as is reasonably required.

4.136.2 And mobility assistance is assistance—

- a) to enable the passenger to get into or out of the vehicle;

- b) if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
- c) to load the passenger's luggage into or out of the vehicle;
- d) if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

4.137 When you are driving any Hackney Carriage, you must comply with the duties to carry and provide mobility assistance to any disabled passenger as detailed in section 164A of the Equality Act 2010.

4.137.1 The duties are—

- (a) to carry the passenger;
- (b) if the passenger is in or has with them a wheelchair, to carry the wheelchair;
- (c) if the passenger has with them any mobility aids, to carry the mobility aids (any item the passenger uses to assist with their mobility);
- (d) to take such steps as are reasonable to ensure that the passenger is carried in safety and reasonable comfort;
- (e) to give the passenger such mobility assistance as is reasonably required;
- (f) not to make, or propose to make, any additional charge for complying with a duty mentioned in paragraphs (a) to (e).

4.137.2 And mobility assistance is assistance—

- (a) to enable the passenger to get into or out of the vehicle;
- (b) to load the passenger's luggage, wheelchair or mobility aids into or out of the vehicle.

4.138 In vehicles equipped with a taxi meter, the meter must not be activated until the wheelchair bound passenger has been properly loaded and secured for the journey, all loading ramps or other equipment have been properly stowed and the vehicle is ready to commence the journey. The same applies for any disabled passenger, and the meter must not be activated until any mobility equipment has been properly stowed and the vehicle is ready to commence the journey. At the end of the journey the meter must be stopped before any unloading activity commences.

Conduct

- 4.139 You must not drive a Hackney Carriage at any time if you do not hold a taxi drivers licence, or if your licence has been suspended (section 47 Town Police Clauses Act 1847).
- 4.140 You must not lend your taxi drivers licence to anybody else (section 47 Town Police Clauses Act 1847).
- 4.141 When driving a Hackney Carriage you must accept a hiring from a Hackney Carriage Rank (taxi rank) or when you are stationary on the highway for a journey within the Council's area unless you have a "reasonable excuse" to refuse (section 53 Town Police Clauses Act 1847).
- 4.142 When driving a Hackney Carriage if you agree to charge a fare lower than that shown on the meter for a journey in a Hackney Carriage then you cannot charge more than that agreed fare (section 54 Town Police Clauses Act 1847).
- 4.143 When driving a Hackney Carriage you must not charge more than the fare shown on the meter of a Hackney Carriage for a journey wholly within the Council's area, irrespective of how the journey was arranged (s55 1847 Act).
- 4.144 When driving a Hackney Carriage if you have agreed to accept a fixed amount of money for a journey, you must ensure that the journey lasts until that amount is shown on the meter (section 56 Town Police Clauses Act 1847).
- 4.145 When driving a Hackney Carriage if you have been hired and are asked to wait, and either a deposit has been paid or the meter is running, you must wait until that hirer returns to your Hackney Carriage (section 57 Town Police Clauses Act 1847).
- 4.146 When driving a Hackney Carriage you must not charge more than the fare shown on the meter for a journey within the District (section 58 Town Police Clauses Act 1847).
- 4.147 When driving a Hackney Carriage you must not carry anyone apart from the hirer and their companions without the express consent of that hirer (section 59 Town Police Clauses Act 1847).

- 4.148 You must not drive any Hackney Carriage without the consent of the Hackney Carriage proprietor (if that is not yourself) (section 60 Town Police Clauses Act 1847).
- 4.149 You must not leave a Hackney Carriage unattended at a Hackney Carriage Rank (section 62 Town Police Clauses Act 1847).
- 4.150 You must not prevent any other driver of a Hackney Carriage from taking a fare, or obstruct them in picking up or sitting down passengers (section 62 Town Police Clauses Act 1847).
- 4.151 When driving a Hackney Carriage you must produce your taxi drivers licence if requested to do so by an Authorised Officer of the Council (or another council with whom a reciprocal arrangement exists) or any police constable (s53(3) Local Government (Miscellaneous Provisions) Act 1976).
- 4.152 You must return your drivers licence to the Council within 7 days if you lose the right to remain or work in the UK (s53A(9) Local Government (Miscellaneous Provisions) Act 1976).
- 4.153 You must not make any false statement or withhold any information when applying to renew your taxi drivers licence (s57(3) Local Government (Miscellaneous Provisions) Act 1976).
- 4.154 You must return your licence, drivers badge(s) and armband to the Council within 14 days of any suspension, revocation or refusal to renew your licence (s61(3) Local Government (Miscellaneous Provisions) Act 1976).
- 4.155 When driving a Hackney Carriage you must not charge more than the fare shown on the meter of a Hackney Carriage for a journey that ends outside the Council's area unless a different fare was agreed in advance (s66 Local Government (Miscellaneous Provisions) Act 1976)
- 4.156 When driving a Hackney Carriage you must not charge more than the metered fare for a pre-booked journey which is wholly within, or starts or finishes within the Council's area. (s66 Local Government (Miscellaneous Provisions) Act 1976).
- 4.157 You must use the shortest available reasonable route for all journeys by Hackney Carriage, subject to any directions given by the hirer. (Section 69 Local Government (Miscellaneous Provisions) Act 1976).

- 4.158 You must not tamper with any seal on a taximeter, or alter the taximeter with any intent to mislead (s71 Local Government (Miscellaneous Provisions) Act 1976 and Hackney Carriage Byelaw 6??).
- 4.159 You must not obstruct, fail to comply with any requirement made by, or fail to give any information to, an Authorised Officer of the Council, an Authorised Officer of another council with which there is a reciprocal enforcement arrangement, or a police constable (s73 Local Government (Miscellaneous Provisions) Act 1976).
- 4.160 When driving a Hackney Carriage you must not conceal or obscure the number of the Hackney Carriage whilst standing or plying for hire, or use any vehicle where any part of the plate is illegible (Hackney Carriage Byelaw 2
- 4.161 When driving a Hackney Carriage you must not activate the taximeter when standing or plying for hire, but you must activate the meter before the journey commences but not until passengers are properly seated and secured. At the end of the journey you must stop the meter. This should be before passengers alight from the vehicle. (Hackney Carriage Byelaw 5).
- 4.162 When driving a Hackney Carriage and you are plying for hire you must proceed to a Hackney Carriage Stand and if that Stand is full, proceed to another Stand. When you arrive at a Stand that is not full you must position the vehicle behind the rearmost vehicle on the Stand and move forward as space becomes available (Hackney Carriage Byelaw 7).
- 4.163 You must not use the services of any other person to importune (encourage forcefully) anyone to hire your Hackney Carriage (Hackney Carriage Byelaw 8).
- 4.164 When driving a Hackney Carriage you must behave in a civil and orderly manner and take all reasonable precautions to ensure the safety of persons entering, carried in or alighting from the Hackney Carriage (Hackney Carriage Byelaw 8).
- 4.165 When driving a Hackney Carriage if you have been pre-booked you must attend at the appointed time and place (Hackney Carriage Byelaw 10).

- 4.166 When driving a Hackney Carriage you must not carry more passengers in the Hackney Carriage than the conditions attached to the vehicle licence permit (Hackney Carriage Byelaw 11).
- 4.167 When driving a Hackney Carriage you must carry a reasonable quantity of luggage for the hirer and assist them in loading and unloading, including taking it from or to any building (Hackney Carriage Byelaw 13?).
- 4.168 When driving a Hackney Carriage you must search the vehicle for lost property after every hiring (Hackney Carriage Byelaw 16).
- 4.169 When driving a Hackney Carriage you must take any lost property which is not been claimed within 48 hours to the council offices (Hackney Carriage Byelaw 17).

LEGAL REQUIREMENTS when driving a private hire vehicle

Your taxi Driver Licence and Badge

- 4.170 When driving a private hire vehicle you must wear your badge at all times whilst you are working as a private hire driver and you commit a criminal offence if you do not do so, for which you might be prosecuted (s54 Local Government (Miscellaneous Provisions) Act 1976)

Disability Discrimination

- 4.171 When your operator has accepted a booking for a passenger with an assistance dog (whether or not the existence of the dog has been communicated to you), you must carry that assistance dog and allow it to remain with their owner unless you have a certificate of exemption issued by the Council. When you are carrying an assistance dog you must allow it to be carried wherever the owner requires i.e. you cannot insist on the dog being separated from the owner or the owner and dog sitting in a particular seat (Section 170 Equality Act 2010).
- 4.172 When you are driving a private hire vehicle that has been designated as a wheelchair accessible vehicle in a list maintained by the Council under section 167 of the Equality Act 2010, you must comply with the duties and provide mobility assistance to any passenger in a wheelchair as detailed in section 165 of the Equality Act 2010.

4.172.1 The duties are—

- a) to carry the passenger while in the wheelchair;
- b) not to make any additional charge for doing so;
- c) if the passenger chooses to sit in a passenger seat, to carry the wheelchair;
- d) to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
- e) to give the passenger such mobility assistance as is reasonably required.

4.172.2 And mobility assistance is assistance—

- a) to enable the passenger to get into or out of the vehicle;
- b) if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
- c) to load the passenger's luggage into or out of the vehicle;
- d) if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

4.173 When you are driving any private hire vehicle, you must comply with the duties to carry and provide mobility assistance to any disabled passenger as detailed in section 164A of the Equality Act 2010.

4.173.1 The duties are—

- a) to carry the passenger;
- b) if the passenger is in or has with them a wheelchair, to carry the wheelchair;
- c) if the passenger has with them any mobility aids, to carry the mobility aids (any item the passenger uses to assist with their mobility);
- d) to take such steps as are reasonable to ensure that the passenger is carried in safety and reasonable comfort;
- e) to give the passenger such mobility assistance as is reasonably required;
- f) not to make, or propose to make, any additional charge for complying with a duty mentioned in paragraphs (a) to (e).

4.173.2 And mobility assistance is assistance—

- (a) to enable the passenger to get into or out of the vehicle;
- (b) to load the passenger's luggage, wheelchair or mobility aids into or out of the vehicle.

- 4.174 In vehicles equipped with a taxi meter, the meter must not be activated until the wheelchair bound passenger has been properly loaded and secured for the journey, all loading ramps or other equipment have been properly stowed and the vehicle is ready to commence the journey. The same applies for any disabled passenger, and the meter must not be activated until any mobility equipment has been properly stowed and the vehicle is ready to commence the journey. At the end of the journey the meter must be stopped before any unloading activity commences.
- 4.175 You must not drive a private hire vehicle at any time when your taxi drivers' licence has been suspended (s46(1)(b) Local Government (Miscellaneous Provisions) Act 1976).
- 4.176 When driving a private hire vehicle you must produce your taxi drivers licence if requested to do so by an Authorised Officer of the Council (or another council with whom a reciprocal arrangement exists) or any police constable (s53(3) Local Government (Miscellaneous Provisions) Act 1976).
- 4.177 You must return your drivers licence to the Council within 7 days if you lose the right to remain or work in the UK (s53A(9) Local Government (Miscellaneous Provisions) Act 1976).
- 4.178 You must not make any false statement or withhold any information when applying to renew your taxi drivers licence (s57(3) Local Government (Miscellaneous Provisions) Act 1976).
- 4.179 You must return your licence and drivers badge to the Council within 14 days of any suspension, revocation or refusal to renew your licence (s61(3) Local Government (Miscellaneous Provisions) Act 1976).
- 4.180 When driving a private hire vehicle you must use the shortest available reasonable route for all journeys by private hire vehicle, subject to any directions given by the hirer. (Section 69 Local Government (Miscellaneous Provisions) Act 1976).
- 4.181 You must not tamper with any seal on a taximeter also the taximeter with any intent to mislead (s71 Local Government (Miscellaneous Provisions) Act 1976).
- 4.182 You must not obstruct, fail to comply with any requirement made by, or fail to give any information to, an authorised officer of the Council, an

authorised officer of another Council with which there is a reciprocal enforcement arrangement, or a police constable (s73 Local Government (Miscellaneous Provisions) Act 1976).

4.183 You must not drive any private hire vehicle with any roof sign or anything which would indicate the vehicle is a Hackney Carriage (section 64 Transport Act 1980).

Penalty Points Scheme

4.184 Details of the Drivers Penalty Points Scheme (section 2)