

Bridgend County Borough Council

Hackney Carriage Driver/Private Hire Vehicle Driver

Conditions Of Licence And Explanatory Notes

1. The licence for drivers of hackney carriage vehicles is subject to the provisions of the Council's Byelaws under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 with respect to hackney carriages in the County Borough of Bridgend.(Copy attached)
2. The driver shall, when driving a hackney carriage, wear in a conspicuous position (on the upper part of the body NOT at the waist) the drivers badge issued to the licensee by the Council bearing the number corresponding with the number assigned to the licensee in the register kept by the Council for that purpose.
3. The driver shall at all times be dressed in a clean and presentable manner and shall behave in a civil and orderly fashion.
4. The licence may be suspended, revoked or not renewed by the Council:-
 - (a) If the driver commits an offence or otherwise fails to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; and the Town Police Clauses Act 1847;
 - (b) If the driver has been convicted of an offence involving dishonesty, indecency or violence;
 - (c) Where a licence has been obtained by giving false information, consideration will be given to using these powers as well as prosecuting for the offence committed;
 - (d) On any other reasonable grounds;
5. If the driver becomes disqualified for driving under any Road Traffic Act the licence shall be automatically suspended for the period of disqualification.
6. The driver's badge referred to in condition 3 shall remain the property of the Council and if the driver's licence is not renewed or is otherwise revoked or suspended such badge shall be returned by the licensee to the Council within seven days of Notice by the Corporate Director – Operational & Partnership Services of the Council requesting the licensee so to do.
7. The licensee shall at the request of any authorised officer of the Council or any constable produce for inspection a driver's licence either forthwith or before the expiration of five days beginning with the day following the date of request. In the case of a request of an authorised officer, at the Council's Offices Bridgend, but in the case of a request of a police constable at any police station within the Council's area and which is nominated by the driver when the request is made.
8. The licence is not transferrable and is valid for the period specified in the licence
9. The driver shall notify the Council in writing of any change of his/her address during the period of the licence within seven days of such change taking place.

10. Licences will not be issued until the appropriate fee is paid. Where payment is made by a cheque which is subsequently dishonoured, any licence issued shall be revoked as from the date on which the licensee is notified of such revocation.
11. Renewal of a licence should be made well in advance to ensure continuity. There is no automatic period of grace. **Unlicensed Driving Is An Offence.**
12. The driver shall not cause or suffer or permit to be conveyed in the vehicle a greater number of persons exclusive of the driver than the number of persons specified in the licence provided.
13. Every person who shall offend against the Council's Byelaws shall be liable on summary conviction to a fine.
14. Carrying of guide, hearing and other assistance dogs

This condition imposes duties on the driver of a private hire vehicle which has been hired;

- (1) by or for a disabled person who is accompanied by his/her guide, hearing or assistance dog
- (2) by a person who wishes such a disabled person to accompany him/her in the private hire vehicle
- (3) the duties are:
 - (a) to carry the passenger's dog and allow it to remain with the passenger and
 - (b) not to make any additional charge for doing so.

If the Licensing Authority is satisfied that it is appropriate on medical grounds to exempt a person from the above duties, it shall issue a certificate of exemption. In making the assessment the authority shall have regard to the criteria laid out in section 37 of the Disability Discrimination Act 1995. This condition of licence will be imposed on existing licensees from the date of renewal of licence.

15. The Disclosure and Barring Certificate is required every three years.
 - (a) Medical Certificates are produced on the grant of a licence, on the first renewal after the age of 45, then every five years between the ages of 45 and 65 and every year after the age of 65 years.
 - (b) An applicant for the renewal of a licence may be asked to provide such other information as may be required by the Council at the time the application is made.
16. The grant of a Hackney Carriage and Private Hire Driver Licence is conditional upon the passing of the Knowledge Test.
17. This condition is without prejudice to the other standard conditions of the Council as to the grant of a Hackney Carriage and Private Hire Driver Licence, and such other special conditions that may have been imposed by the Council in respect of any particular Hackney Carriage and Private Hire Driver Licence.

18. Upon the grant or renewal of a licence where a medical certificate expires during the period of the licence, the licensee shall submit the approved medical certificate to the Council no later than the due date specified in the written notice issued seeking production of the certificate.

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Conditions Of Licence And Explanatory Notes

The licensee shall observe and perform the following conditions:-

1. The licensee shall not assign or any way part with the benefit of the licence, which is personal to the licensee.
2. Where payment for the licence fee is made by a cheque which is subsequently dishonoured, any licence issued will be revoked as from the date on which the licensee is notified of such revocation.
3. The proprietor shall not cause or suffer or permit to be conveyed in the vehicle a greater number of persons exclusive of the driver than the number of persons specified in the licence provided.
4. (a) The driver of a private hire vehicle which has been hired to be in attendance at an appropriate time and place shall unless delayed or prevented by some sufficient cause, punctually attend at the appointed time and place

(b) The driver shall, when requested by the hirer:-
 - (i) Convey a reasonable quantity of luggage;
 - (ii) Afford reasonable assistance in loading and unloading, including assistance in removing it to and from the entrance of any house or other place where he collects or sets down his passengers;
- (c) The driver shall immediately after the termination of any hiring, carefully search the vehicle for any property that may have been accidentally left therein, and if such property is found:-
 - (i) Where the name and address of the owner is known return such property to the owner, within 24 hours; or
 - (ii) Take such property, within 24 hours, to any police station within the Borough;
 - (iii) The driver will be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of the office of the police or the owners address) whichever is the greater but not more than five pounds.
5. The driver shall at all times be dressed in a clean and presentable manner and shall behave in a civil and orderly fashion.

6. Carrying of guide, hearing and other assistance dogs

This condition imposes duties on the driver of a private hire vehicle which has been hired;

- (1) by or for a disabled person who is accompanied by his/her guide, hearing or assistance dog
- (2) by a person who wishes such a disabled person to accompany him/her in the private hire vehicle
- (3) the duties are:
 - (a) to carry the passenger's dog and allow it to remain with the passenger and
 - (b) not to make any additional charge for doing so.

If the Licensing Authority is satisfied that it is appropriate on medical grounds to exempt a person from the above duties, it shall issue a certificate of exemption. In making the assessment the authority shall have regard to the criteria laid out in section 37 of the Disability Discrimination Act 1995.

This condition of licence will be imposed on existing licensees from the date of renewal of licence.

7. The Disclosure and Barring Certificate is required every three years.

- (a) Medical Certificates are produced on the grant of a licence, on the first renewal after the age of 45, then every five years between the ages of 45 and 65 and every year after the age of 65 years.
- (b) An applicant for the renewal of a licence may be asked to provide such other information as may be required by the Council at the time the application is made.

8. This condition is without prejudice to the other standard conditions of the Council as to the grant of a Hackney Carriage and Private Hire Licence, and such other special conditions that may have been imposed by the Council in respect of any particular Hackney Carriage and Private Hire Licence.

9. Upon the grant or renewal of a licence where a medical certificate expires during the period of the licence, the licensee shall submit the approved medical certificate to the Council no later than the due date specified in the written notice issued seeking production of the certificate.

10. The licensee shall not, while driving or in charge of a private hire vehicle:

tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle, or

cause or procure any other person to tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle, or

offer that vehicle for immediate hire while the licensee or that vehicle is on a road or other public place provided that merely parking that vehicle on a road or other public place shall not of itself be deemed to be a breach of this condition, or

accept an offer for the immediate hire of that vehicle while the licensee or that vehicle is on a road or other public place except where such offer is first communicated to the licensee by telephone or by apparatus for wireless telegraphy fitted to that vehicle.

In this condition:

“road” means any highway and any other road to which the public has access and includes bridges over which a road passes.

11. The licence may be suspended, revoked or not renewed by the Council:
 - (i) if the driver commits an offence or otherwise fails to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976;
 - (ii) if the driver has been convicted of an offence involving dishonesty, indecency or violence;
 - (iii) on any other reasonable grounds.
12. If the driver becomes disqualified for driving under any Road Traffic Act the licence shall be automatically suspended for the period of disqualification.
13. Any person who commits an offence against any of the provisions of these conditions or Part II of the Local Government (Miscellaneous Provisions) Act 1976 in respect of which no penalty is expressly provided, shall be liable on summary conviction to a fine not exceeding one hundred pounds.
14. Private hire drivers are reminded that they are only allowed to take passengers who have pre-booked their journey via a licensed operator. They are not allowed to ply for hire in the same way as hackney carriages and will be guilty of an offence if they do so. Private hire drivers may also commit an offence if they display signs etc. in or on the car which suggest the car is for hire.
15. The Council has the power to suspend, revoke or refuse to renew the licence on the appropriate grounds. Where a licence has been obtained by giving false or incomplete information, consideration will be given to using these powers as well as prosecuting the offence committed.
16. The renewal of a licence should be made in advance to ensure continuity. There is no automatic period of grace. Unlicensed driving is an offence.
17. The licensee shall, at the request of any authorised officer of the Council or any Constable, produce for inspection his driver's licence either forthwith or before the expiration of 5 days, beginning with the date of request:-
 - (i) in the case of a request of an authorised officer to the Head of Legal and Regulatory Services of the Council at the Council Offices;

- (ii) in the case of a request of a police constable at any police station within the Council's area and which is nominated by the constable when the request is made.

In this condition:

"authorised officer" means any officer of the Council authorised in writing by the Head of Legal and Regulatory Services or predecessor of the Council for the purposes of these conditions.

"the Council" means the Council of the County Borough of Bridgend.

- 18. The driver shall when driving a private hire vehicle, wear in a conspicuous position on the upper part of the body, not at the waist the driver's badge issued to the licensee by the Council bearing the number corresponding with the number assigned to the licensee in the register kept by the Council. Badges must be returned to the Council immediately the driver ceases to be licensed by the Council.
- 19.. The driver's badge referred to above shall remain the property of the Council and if the driver's licence is not renewed or is otherwise revoked or suspended, such badge shall be returned by the licensee to the Council within seven days of a Notice by the Head of Legal and Regulatory Services of the Council requesting the driver to do so.
- 20. The driver shall not cause a private hire vehicle to wait at a hackney carriage stand.
- 21. The driver shall notify the Council in writing of any change of their address during the period of the licence within seven days of such change taking place.

Dated: September 2019