

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

Agenda Item No. 8

meeting date: 4 APRIL 2017
 title: IMPLEMENTATION OF EQUALITY ACT 2010 (list of accessible vehicles)
 submitted by: CHIEF EXECUTIVE
 principal author: MAIR HILL

1 PURPOSE

1.1 To seek Committee's approval of the Implementation of Sections 165-167 of the Equality Act 2010 and the consequent amendments to the Council's licensing procedures.

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives - }
- Corporate Priorities - } Consideration of these issues will promote the Council's aim to be a well-managed Council.
- Other Considerations - }

2 BACKGROUND

2.1 The Equality Act 2010 (Commencement No.12) Order 2017 was made on 7 February 2017, and brings into effect on 6 April 2017 Sections 165 (passengers in wheelchairs) & 167 (lists of wheelchair- accessible vehicles) - of the Equality 2010 ("**Act**") to the extent that they were not already in force.

2.2 Section 167 of the Act provides that for the purposes of Section 165 of the Act, a licensing authority may maintain a list of vehicles which are either licensed private hire or hackney carriages and which conform to such accessibility requirements as the licensing authority thinks fit.

2.3 Section 165 of the Act imposes duties upon the drivers of vehicles designated pursuant to Section 167 of the Act when dealing with disabled persons in wheelchairs or a person who wishes to be accompanied by a disabled person in a wheelchair. Those duties are set out in Section 165(4) as follows:

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

- 2.4 Section 165(7) of the Act creates an offence where the driver of a designated taxi or private hire vehicle fails to comply with a duty imposed upon them under the section. This is punishable on summary conviction by a fine not exceeding scale 3 on the standard scale (currently £1,000)
- 2.5 Section 166 of the Act makes provision for licensing authorities to issue exemptions to drivers where they are satisfied it is appropriate to do so:
- On medical grounds; or
 - On the ground that the person's physical conditions makes it impossible or unreasonably difficult for the person to comply with those duties.
- 2.6 A driver will be exempt therefore if an exemption certificate has been issued and the prescribed notice of exemption is exhibited on the vehicle in the prescribed manner. The Equality Act 2010 (Taxis and Private Hire vehicles) (Passengers in Wheelchairs – Notices of Exemption) Regulations 2017 come into force on 6 April 2017 and prescribe the form of the notice and where and how it should be exhibited.

3 ISSUES

- 3.1 The provisions contained within Section 167 of the Act are discretionary. The Council must therefore determine whether it intends to designate vehicles. Without such a list however, Section 165 and the duties imposed on drivers will have no effect as it only relates to those private hire and hackney carriages designated pursuant to Section 167. It is strongly recommended by Government that authorities exercise this power and it is recommended that Committee follow this advice which would assist the independence and mobility of disabled persons in wheelchairs.
- 3.2 Should Committee decide that the Council should exercise its powers under Section 167 Act the following issues would need to be addressed:

Delegation Scheme

- It is proposed that the power to designate vehicles under Section 167 and the power to consider applications for and to issue exemption certificates under Section 166 should be delegated to Officers. A draft copy of the Licensing Delegation Scheme amended to include these issues is enclosed as **Appendix 1**.

Standard Conditions of Licence

- The standard conditions of licence for both hackney carriage and private hire drivers and the Council's Infringement Scheme would need to be amended to reflect the duties imposed under Section 165 of the Act. Draft copies of these documents amended to reflect this are enclosed as **Appendix 2**.

Procedure and applications forms for exemption pursuant to Section 166

- The Council is required to have a procedure by which it assesses applications for exemptions. It is recommended that the Head of Legal and Democratic Services be authorised to produce and implement such a procedure.

4. RISK ASSESSMENT

4.1 The approval of this report may have the following implications

- Resources – Resources will be expended in implementing the requirements of maintain a list.
- Technical, Environmental and Legal – No implications identified.
- Political – No implications identified.
- Reputation – The Council's reputation will be enhanced through the introduction of the provisions.
- Equality & Diversity –The implementation of the provision will enhance Equality.

5. **RECOMMENDED THAT COMMITTEE**

- 5.1 Confirm that the Council should designate and maintain a list of wheelchair accessible Hackney Carriage and Private Hire Vehicles pursuant to Section 167 of the Equality Act 2010;
- 5.2 Approve the amendments to the licensing delegation scheme relevant to this issue, which is enclosed as Appendix 1;
- 5.3 Approve the amendments to the Hackney Carriage and Private Hire Driver's standard conditions of licence as enclosed at Appendix 2 and authorise the Head of Legal and Democratic Services to make any consequential amendments to the Council's Infringement Scheme;
- 5.4 Authorise the Head of Legal and democratic Services to produce and implement a procedure to assess applications for and to grant exemptions pursuant to Section 166 of the Equality Act.

MAIR HILL
SOLICITOR

MARSHAL SCOTT
CHIEF EXECUTIVE

BACKGROUND PAPERS

None

For further information please ask for Mair Hill, extension 3216

REF: MJH/Licensing Committee/4 April 2017

APPENDIX 1

DELEGATION OF FUNCTIONS - LICENSING

Matter to be dealt with	Full Committee	Sub-Committee	Officers
Licensing Act 2003			
Application for personal licence		If an objection made	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a representation made	If no representation made
Application for provisional statement		If a representation made	If no representation made
Application to vary premises licence/club premises certificate		If a representation made	If no representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases
Decision to objection when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	
Revocation/Suspension of personal licence			All cases
Private Hire and Hackney Carriages			
Application for private hire vehicles, drivers or operator's licence			All cases
Application for hackney carriage vehicle or drivers licence			All cases
Application for any of the licenses referred to at 1 or 2 where refusal is contemplated		If requested by or on behalf of the applicant	If no representations made in consultation with Chairman
Variation of conditions/review of bye laws	All cases		
Formulation and implementation of policy	All cases		
Suspension/revocation of any licence			All cases
Investigation of complaints/infringements			All cases

Matter to be dealt with	Full Committee	Sub-Committee	Officers
Enforcement action to include court proceedings and acting jointly with other enforcement bodies			All cases
Designation of vehicles pursuant to Section 167 of Equality Act 2010			All cases
Determination of applications for exemption and issue of certificate of exemption pursuant to Section 166 of Equality Act 2010			
Setting of fares and fees	All cases		
Gambling Act 2005			
Final approval of three years licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)		X	
Application for premises licences (gambling)		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence (gambling)		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence (gambling)		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence (gambling)		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club/gaming/club machine permits		X	
Application for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Revocation of licence		All Cases	
Cancellation of licence			All cases
Make/amend regulations prescribing standard conditions, terms and restrictions	All cases		
Setting of fees	All cases		
Waiver			All cases

Matter to be dealt with	Full Committee	Sub-Committee	Officers
Sex Establishments			
To undertake the functions relating to the licensing of sex establishments under the provisions of Part II and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982	All cases		
To make and amend policy relating to the licensing of sex establishments	All cases		
To enforce the provisions of Part II and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982	All cases		All cases
Revocation of licence		All Cases	
Cancellation of licence			All cases
Setting of fees	All cases		
Scrap Metal Dealers Act 2014			
Application for grant, renewal or variation of application.		Where the Applicant/Licence Holder wishes to make oral representations pursuant to Schedule 1 paragraph 7 of the Scrap Metal Dealers Act 2013 or where Officers elect to refer the decision to the Sub-Committee.	All cases save where the Applicant or Licence Holder wishes to make oral representations pursuant to Schedule 1 paragraph 7 of the Scrap Metal Dealers Act 2013 or where Officers elect to refer the decision to the Sub-Committee.
Revocation of licence		Where the Applicant/Licence Holder wishes to make oral representations pursuant to Schedule 1 paragraph 7 of the Scrap Metal Dealers Act 2013 or where Officers elect to refer the decision to the Sub-Committee.	All cases save where the Applicant or Licence Holder wishes to make oral representations pursuant to Schedule 1 paragraph 7 of the Scrap Metal Dealers Act 2013 or where Officers elect to refer the decision to the Sub-Committee.
Cancellation of licence			All cases
Setting of fees	All cases		
To undertake the functions	All cases		

Matter to be dealt with	Full Committee	Sub-Committee	Officers
relating to the licensing of Scrap Metal Dealers under the Scrap Metal Dealers Act 2013			
To make and amend policy relating to the licensing of scrap metal dealers	All cases		
To enforce the provisions of the Scrap Metal Dealers Act 2013			All cases

The following officers shall be authorised for the purposes of carrying out licensing and enforcement functions on behalf of the Committee (vehicle, operator, driver, Licensing Act and Gambling Act).

Head of Legal and Democratic Services
Council Solicitors
Administration Assistant (Electoral and Licensing)
Administration and Licensing (Alcohol & Entertainment) Officer
Electoral and Licensing Officer
Licensing Enforcement Officer
Taxi Enforcement Officer
Legal Assistant
Corporate Property Officer and Legal Officer



RIBBLE VALLEY BOROUGH COUNCIL HACKNEY CARRIAGE DRIVER'S LICENCE **(the "Driver's Licence")**

The Council has the power to suspend, revoke or refuse to renew any Driver's Licence if any of these standard conditions are not complied with.

The following standard conditions are attached to the issue of a Hackney Carriage Driver's Licence (the "Driver's Licence") in the Ribble Valley.

REQUIREMENTS FOR THE ISSUE OF A DRIVER'S LICENCE

Age and qualifications of Driver

1. An applicant for a Driver's Licence must have attained the age of 21 years and for the twelve months immediately prior to the application either:
 - a. have been the holder of a licence (not being a provisional licence) granted under Part III of the Road Traffic Act 1988 ("**RTA**") (as amended from time to time or under any successor legislation); or
 - b. be authorised by virtue of Section 99 A(1) or Section 109(1) of the RTA (as amended from time to time or under any successor legislation) to drive a motor car in Great Britain.

Health of a Driver

2. A mandatory Group 2 Medical Certificate (which is a requirement of "Fitness to Drive: A Guide for Health Professionals" published in 2006 by The Royal Society of Medicine Press Limited on behalf of the Department for Transport) signed by your own doctor must be produced at the time of the initial application.
3. Applicants over the age of 60 years may be asked to submit themselves for examination by a Medical Practitioner nominated by the Council. The applicant must pay the costs of such an examination.

4. Drivers who are 65 or over will be subject to an annual medical examination.
5. In the event of the onset or worsening of a health condition likely to cause a driver to be a source of danger to the public, when driving either now or in the future they must inform the Council immediately.

Examples of health conditions, which must be reported, are:

- giddiness;
- fainting;
- black-outs;
- Epilepsy;
- Strokes;
- Multiple Sclerosis;
- Parkinson's Disease;
- heart disease;
- Angina;
- Coronaries;
- high blood pressure;
- Arthritis;
- disorder of vision;
- mental illness;
- alcoholism;
- drug taking and
- the loss of a limb or use of a limb.

THIS LIST DOES NOT INCLUDE ALL THE CONDITIONS THAT MUST BE REPORTED. THESE EXAMPLES ARE GIVEN ONLY TO INDICATE THE TYPES OF CONDITIONS.

Drivers, who are in doubt about whether or not their health condition is one, which should be reported, should consult their doctor.

Test of Fit and Proper Person

All applicants must satisfy the Council that they are a fit and proper person to hold a Driver's Licence. The following issues are considered when applying that test:

Disclosure and Barring Service check (“DBS check”)

6. All applicants must apply for an enhanced DBS check, the contents of which will form part of the process of assessing whether an applicant is a fit and proper person.

Knowledge Test

7. All applicants must pass the Council’s knowledge test before a Driver’s Licence will be issued. The knowledge test can be taken either as a written test or as a mobile test in the applicant’s vehicle. Applicants must contact the Council to make an appointment to take the knowledge test. An applicant will be allowed no more than four attempts to pass the knowledge test.

DVSA Taxi driver’s test

8. All applicants must produce evidence of having passed the DVSA Taxi drivers test.

NVQ Road Passenger Vehicle Driving (Taxi and Private Hire)

9. All applicants must be enrolled upon an NVQ Road Passenger Vehicle Driving (Taxi and Private Hire) course upon application and must have completed this within

Address on driving licence

10. Applicants must ensure that their VOSA driving licence shows their current address.

THE LICENCE

Duration of Driver’s Licence

11. Save as set out at condition 11 below, and subject to suspension and/or revocation a Driver’s Licence will be valid for 12 months from the date of issue.

Suspension/Revocation/Refusal to renew

12. A Driver's Licence may be suspended, revoked and/or not renewed by the Council if:
- a. a driver fails to comply with these standard conditions;
 - b. a driver is convicted of an offence involving dishonesty, indecency or violence; or
 - c. on any other reasonable grounds.

DRIVER'S RESPONSIBILITIES

Driver's Badge/Licence

13. The driver of a Hackney Carriage **MUST** wear their Hackney Carriage Driver's Badge in such a position and manner as to be visible at all times whilst in the course of their duty.
14. The badge will serve as evidence of the driver's licence and they shall, if requested, show the badge to the hirer of the vehicle, a police officer or any authorised officer of the Council.
15. A badge relates only to the driver it was issued to, it **cannot** be transferred.
16. Upon expiry, revocation or suspension of a Driver's Licence, the driver shall return their badge to the Council within 7 days.
17. Section 48 of the Town and Police Clauses Act 1847 requires Hackney Carriage Proprietors to obtain and retain custody of the Hackney Carriage Licences of the drivers they employ.
18. If carrying out private hire work a driver must show their Driver's Licence to the operator/proprietor at the beginning of their employment as a private hire driver.
19. A Hackney Carriage driver must only carry out private hire work through a private hire operator licensed by Ribble Valley Borough Council.

Conduct of Driver

20. The Driver shall:
- a. at all times be clean and respectable in their dress and person and behave in a civil and orderly manner;
 - b. ensure that the vehicle driven by them is kept in a clean and tidy condition;
 - c. take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by them;

- d. not without the express consent of the hirer, eat or drink in the vehicle;
- e. not smoke in the vehicle or permit any passenger to smoke in the vehicle (which for the avoidance of doubt shall include smoking or using an electronic cigarette or any other vapour producing smoking device);
- f. not use any mobile phone (including a hands free mobile phone) whilst driving;
- g. not without the express consent of the hirer, play any radio or other sound reproducing instrument or equipment in the vehicle, other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
- h. not cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which they are driving, to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle;
- i. convey a reasonable quantity of luggage on behalf of the hirer and/or passengers;
- j. afford reasonable assistance with loading or unloading luggage;
- k. afford reasonable assistance in removing luggage to or from the entrance of any building, station or place at which they may take up or set down the hirer and/or passenger(s);
- l. if they are aware that the vehicle has been hired, to be in attendance at an appointed time and place, or they have otherwise been instructed by the Operator or proprietor of the vehicle to be in attendance at an appointed time and place, attend at that appointed time and place unless delayed or prevented by sufficient cause;
- m. If carrying out private hire work not operate the horn of the vehicle as a means of signalling that the vehicle has arrived; and
- n. Provide a written receipt for the fare paid if requested by the hirer.

Lost Property

21. A driver of a Hackney Carriage shall, immediately after the termination of any hiring or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left therein.

22. A driver of a Hackney Carriage shall, on finding such lost property, take it as soon as possible and in any event within 48 hours if not claimed by its owner, to a Police Station within the district where they should report it to the officer in charge of the station.

Passengers

23. Section 51 and 52 of the Town Police Clauses Act 1847 and this Council's Byelaws provide that the permitted maximum number of passengers is marked on plates both inside and outside a Hackney Carriage. A driver must not carry more passengers than the stated maximum number.

24. A driver shall not convey or allow there to be conveyed in the front seat of a Hackney Carriage:

- a. any child below the age of 10 years; or
- b. more than one person above that age.

25. The driver of a Hackney Carriage shall not permit any person to be conveyed in the vehicle without the consent of the hirer.

Unauthorised/Uninsured/unlicensed Drivers

26. No person being unauthorised, uninsured or unlicensed shall drive a Hackney Carriage.

27. The holder of a Driver's Licence shall not permit an unauthorised, uninsured or unlicensed person to drive a Hackney Carriage.

Advertisement

28. Save with the consent of the Council, a driver of a Hackney Carriage shall not place or allow to be placed any printed, written or other matter by way of advertisement on any part of the vehicle.

Shortest Route

29. Subject to any directions given by the hirer, a driver of a Hackney Carriage, when hired, shall drive to the hirer's required destination, by the shortest available route.

Licence Plate

30. The Hackney Carriage Licence plate provided by the Council, which identifies the vehicle as a Hackney Carriage, must remain attached to the vehicle using the Council's approved bracket, by the method and in the position specified by the Council, **AT ALL TIMES** (including when the vehicle is not in use) and should not be removed unless required to do so by an authorised officer of the Council or by the police.
31. The driver of a Hackney Carriage shall not wilfully or negligently cause or suffer any licence plate to be concealed from public view at any time or to be defaced.

Licence Conditions/Bye Laws

32. A driver shall at all times when driving a Hackney Carriage keep a copy of these Conditions and the Hackney Carriage Bye Laws within the vehicle and shall make them available for inspection by the hirer or any other passenger on request.

Fares

33. A driver shall ensure that a statement of fares, in the form issued by the Council is exhibited at all times inside the Hackney Carriage and is fitted and maintained in such a position so as to be clearly visible at all times to the hirer.

Use of Taximeter

34. A driver of a Hackney Carriage shall:
- a. ensure that the taximeter is started as soon as the hirer commences their journey;
 - b. ensure that the dial/display of the taximeter is kept properly illuminated throughout any part of the hiring which is during the hours of darkness and/or at any other time at the request of the hirer.
 - c. ensure that the fare recorded on the taximeter is not cancelled or concealed until the hirer has had reasonable opportunity of examining it and has paid the fare (unless credit is to be given).

- d. not tamper with or permit any person to tamper with, the taximeter, its fittings or seals attached to it and/or with any other equipment attached to or forming part of the vehicle.

Equality Act 2010

Assistance Dogs

35. The Equality Act 2010, imposes duties on a driver of a Hackney Carriage which has been hired by:
 - a. a disabled person or a person who is accompanied by an assistance dog; or
 - b. by another person who wished to be accompanied by a disabled person with an assistance dog.
36. The driver must:
 - a. carry the disabled person's dog and allow it to remain with that person; and
 - b. not make any additional charge for doing so.
37. An exemption to this obligation can only be given on medical grounds.
38. Failure to comply with this obligation will lead on summary conviction to a fine not exceeding level 3 on the standard scale, currently **£1,000**.
39. A driver shall not convey in a Hackney Carriage any animal belonging to or in the custody of himself or the proprietor of the vehicle.
40. A driver shall ensure that any animal carried in the Hackney Carriage at the request of the hirer/passenger is properly secured before the journey commences.

Wheel chair accessible vehicles

41. Section 65 of the Equality Act 2010 imposes duties upon drivers of designated hackney carriage which has been hired:
 - a. By or for a disabled person who is in a wheelchair, or
 - b. By another person who wishes to be accompanied by a disabled person who is in a wheelchair.
42. 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.

43. Failure to comply with these obligations will lead on summary conviction to a fine not exceeding level 3 on the standard scale, currently £1,000.

44. An exemption to this obligation can only be given on medical grounds.

Accident to Vehicle

45. If a driver of a Hackney Carriage is involved in an accident or incident the driver **MUST** report this to the Council as soon as reasonably practicable, but in any case within 72 hours of the accident or incident. Compliance with this condition does not exempt the driver from his statutory liability to report all accidents to the police.

DISCLOSURE OF INFORMATION

Convictions

46. Any person who holds a Driver's Licence **MUST** disclose to the Council, within **seven days**, in writing full details of any conviction and/or police caution received or imposed on them.

Change of Address

47. Any person holding a Driver's Licence **MUST** notify the Council in writing of a change to their address within seven days.

Change of Employment

48. Any person holding a Driver's Licence **MUST** notify the Council within seven days of the commencement or termination of employment of the name and address of the Operator or proprietor and the date when the employment either started or ended.



APPENDIX 2

RIBBLE VALLEY BOROUGH COUNCIL PRIVATE HIRE DRIVER'S LICENCE (the "Driver's Licence")

The Council has the power to suspend, revoke or refuse to renew any Driver's licence if any of these standard conditions are not complied with.

The following standard conditions are attached to the issue of a Private Hire Driver's Licence (the "Driver's Licence") in the Ribble Valley.

REQUIREMENTS FOR THE ISSUE OF A DRIVER'S LICENCE

Age and qualifications of Driver

1. An applicant for a Driver's Licence must have attained the age of 21 years and for the twelve months immediately prior to the application either:
 - a. have been the holder of a licence (not being a provisional licence) granted under Part III of the Road Traffic Act 1988 ("**RTA**") (as amended from time to time or under any successor legislation); or
 - b. be authorised by virtue of Section 99 A(1) or Section 109(1) of the RTA (as amended from time to time or under any successor legislation) to drive a motor car in Great Britain.

Health of a Driver

2. A mandatory Group 2 Medical Certificate (which is a requirement of "Fitness to Drive: A Guide for Health Professionals" published in 2006 by The Royal Society of Medicine Press Limited on behalf of the Department for Transport) signed by your own doctor must be produced at the time of the initial application.
3. Applicants over the age of 60 years may be asked to submit themselves for examination by a Medical Practitioner nominated by the Council. The applicant must pay the costs of such an examination.
4. Drivers who are 65 or over will be subject to an annual medical examination.

5. In the event of the onset or worsening of a health condition likely to cause a driver to be a source of danger to the public, when driving either now or in the future they must inform the Council immediately.

Examples of health conditions, which must be reported, are:

- giddiness;
- fainting;
- black-outs;
- Epilepsy;
- Strokes;
- Multiple Sclerosis;
- Parkinson's Disease;
- heart disease;
- Angina;
- Coronaries;
- high blood pressure;
- Arthritis;
- disorder of vision;
- mental illness;
- alcoholism;
- drug taking and
- the loss of a limb or use of a limb.

THIS LIST DOES NOT INCLUDE ALL THE CONDITIONS THAT MUST BE REPORTED. THESE EXAMPLES ARE GIVEN ONLY TO INDICATE THE TYPES OF CONDITIONS.

Drivers, who are in doubt about whether or not their health condition is one, which should be reported, should consult their doctor.

Test of Fit and Proper Person

All applicants must satisfy the Council that they are a fit and proper person to hold a Driver's Licence. The following issues are considered when applying that test:

Disclosure and Barring Service check ("DBS check")

6. All applicants must apply for an enhanced DBS check, the contents of which will form part of the process of assessing whether an applicant is a fit and proper person.

Knowledge Test

7. Save as set out in condition 10 below all applicants must pass the Council's knowledge test before a Driver's Licence will be issued. The knowledge test can be taken either as a written test or as a mobile test in the applicant's vehicle. Applicants must contact the Council to make an appointment to take the knowledge test. An applicant will be allowed no more than four attempts to pass the knowledge test (see also condition 12 below).

DVSA Taxi Driver's test

8. All applicants must produce evidence of having passed the DVSA Taxi drivers test.

NVQ Road Passenger Vehicle Driving (Taxi and Private Hire)

9. All applicants must be enrolled upon an NVQ Road Passenger Vehicle Driving (Taxi and Private Hire) course upon application and must have completed this within

Address on driving licence

10. Applicants must ensure that their VOSA driving licence shows their current address.

THE LICENCE

Duration of Driver's Licence

11. Save as set out at condition 11 below, and subject to suspension and/or revocation a Driver's Licence will be valid for 12 months from the date of issue.

New Applicants for Driver's Licence

12. New applicants for a Driver's Licence may be issued with a temporary driver's licence, which will be valid for 6 months from the date of issue. Only 1 temporary licence will be issued to each driver.
13. Proof that an applicant is enrolled on the Steering to Success course will be required before a temporary licence is issued.
14. In order to obtain a Driver's Licence once the temporary licence expires an applicant must pass the knowledge test and the Steering to Success course at Accrington and Rossendale College **before** the end of the 6-month period.

Suspension/Revocation/Refusal to renew

15. A Driver's Licence may be suspended, revoked and/or not renewed by the Council if:
 - a. a driver fails to comply with these standard conditions;
 - b. a driver is convicted of an offence involving dishonesty, indecency or violence; or
 - c. on any other reasonable grounds.

DRIVER'S RESPONSIBILITIES

Driver's Badge/Licence

16. The driver of a Private Hire Vehicle **MUST** wear their Private Hire Vehicle Driver's Badge in a prominent position at all times whilst in the course of their duty.
17. The badge will serve as evidence of the driver's licence and they shall, if requested, show the badge to the hirer of the vehicle, a police officer or any authorised officer of the Council.
18. A badge relates only to the driver it was issued to, it **cannot** be transferred.
19. Upon expiry, revocation or suspension of a Driver's Licence, the driver shall return their badge to the Council within 7 days.
20. A driver must show their Driver's Licence to the operator/proprietor at the beginning of their employment as a private hire driver.

Conduct of Driver

21. The Driver shall:

- d. at all times be clean and respectable in their dress and person and behave in a civil and orderly manner;
- e. ensure that the vehicle driven by them is kept in a clean and tidy condition;
- f. take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by them;
- g. not without the express consent of the hirer, eat or drink in the vehicle;
- h. not smoke in the vehicle or permit any passenger to smoke in the vehicle (which for the avoidance of doubt shall include smoking or using an electronic cigarette or any other vapour producing smoking device);
- i. not use a non-hands free mobile phone whilst driving;
- j. not without the express consent of the hirer, play any radio or other sound reproducing instrument or equipment in the vehicle, other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
- k. not cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which they are driving, to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle;
- l. convey a reasonable quantity of luggage on behalf of the hirer and/or passengers;
- m. afford reasonable assistance with loading or unloading luggage;
- n. afford reasonable assistance in removing luggage to or from the entrance of any building, station or place at which they may take up or set down the hirer and/or passenger(s).
- o. if they are aware that the vehicle has been hired, to be in attendance at an appointed time and place, or they have otherwise been instructed by the Operator or proprietor of the vehicle to be in attendance at an appointed time and place, attend at that appointed time and place unless delayed or prevented by sufficient cause.
- p. Not operate the horn of the vehicle as a means of signalling that the vehicle has arrived.

Plying for hire

22. A driver shall not whilst driving or in charge of a Private Hire Vehicle, tout or solicit on a road or other public place any person to hire or to be carried for hire in a Private Hire Vehicle.
23. The driver must not allow the vehicle to stand in such a position as to suggest it is plying for hire, or use a hackney carriage stand.

Lost Property

24. A driver of a Private Hire Vehicle shall, immediately after the termination of any hiring or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left therein.
25. A driver of a Private Hire Vehicle shall, on finding such lost property, take it as soon as possible and in any event within 48 hours if not claimed by its owner, to a Police Station within the district where they should report it to the officer in charge of the station.

Passengers

26. A driver shall not convey or permit to be conveyed in a Private Hire Vehicle, a greater number of persons than that prescribed in the Private Hire Vehicle Licence.
27. A driver shall not convey or allow there to be conveyed in the front seat of a Private Hire Vehicle:
- q. any child below the age of 10 years; or
 - r. more than one person above that age.

28. The driver of a Private Hire Vehicle shall not permit any person to be conveyed in the vehicle without the consent of the hirer.

Unauthorised/Uninsured/unlicensed Drivers

29. No person being unauthorised, uninsured or unlicensed shall drive a private hire vehicle.

30. The holder of a Driver's Licence shall not permit an unauthorised, uninsured or unlicensed person to drive a private hire vehicle.

Advertisement

31. Save with the consent of the Council, a driver of a Private Hire Vehicle shall not place or allow to be placed any printed, written or other matter by way of advertisement on any part of the vehicle.

Shortest Route

32. Subject to any directions given by the hirer, a driver of a Private Hire Vehicle, when hired, shall drive to the hirer's required destination, by the shortest available route.

Licence Plate

33. The Private Hire Vehicle Licence plate provided by the Council, which identifies the vehicle as a Private Hire vehicle, must remain attached to the vehicle by the method and in the position specified in the Private Hire Vehicle **AT ALL TIMES** (including when the vehicle is not in use) and should not be removed unless required to do so by an authorised officer of the Council or by the police.

34. The driver of a Private Hire Vehicle shall not wilfully or negligently cause or suffer any licence plate to be concealed from public view at any time or to be defaced.

Licence Conditions

35. A driver shall at all times when driving a private hire vehicle keep a copy of these Conditions within the vehicle and shall make them available for inspection by the hirer or any other passenger on request.

Fare to be demanded

36. A driver shall not demand from a hirer a fare in excess of any fare previously agreed for that hiring between the hirer and the Operator.

37. A driver shall, if requested by the hirer of a private hire vehicle, provide them with a written receipt for the fare paid.

Equality Act 2010

Assistance Dogs

38. Under the Equality Act 2010, a driver of a private hire vehicle must not fail or refuse to carry out a booking accepted by the operator:

- s. if the booking is made by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and
- t. the reason for the failure or refusal is that the disabled person is accompanied by an assistance dog¹.

39. An exemption to this obligation can only be given on medical grounds.

40. Failure to comply with this obligation will lead on summary conviction to a fine not exceeding level 3 on the standard scale, currently **£1,000**.

41. A driver shall not convey in a private hire vehicle any animal belonging to or in the custody of himself or the proprietor of the vehicle.

42. A driver shall ensure that any animal carried in the private hire vehicle at the request of the hirer/passenger is properly secured before the journey commences.

Wheelchair accessible vehicles

43. Section 65 of the Equality Act 2010 imposes duties upon drivers of designated private hire vehicles where:

- a. a disabled person who is in a wheelchair, or
- b. another person who wishes to be accompanied by a disabled person who is in a wheelchair, have indicated to the driver that they wish to travel in the vehicle.

44. 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;

¹ assistance dog" means—

(a) a dog which has been trained to guide a blind person;

(b) a dog which has been trained to assist a deaf person;

(c) a dog which has been trained by a prescribed charity to assist a disabled person who has a disability that consists of epilepsy or otherwise affects the person's mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects;

(d) a dog of a prescribed category which has been trained to assist a disabled person who has a disability (other than one falling within paragraph (c)) of a prescribed kind

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.

45. Failure to comply with these obligations will lead on summary conviction to a fine not exceeding level 3 on the standard scale, currently £1,000.

46. An exemption to this obligation can only be given on medical grounds.

Accident to Vehicle

47. If a driver of a private hire vehicle is involved in an accident or incident the driver **MUST** report this to the Council as soon as reasonably practicable, but in any case within 72 hours of the accident or incident. Compliance with this condition does not exempt the driver from his statutory liability to report all accidents to the police.

DISCLOSURE OF INFORMATION

Convictions

48. Any person who holds a Driver's Licence **MUST** disclose to the Council, within **seven days**, in writing full details of any conviction and/or police caution received or imposed on them.

Change of Address

49. Any person holding a Driver's Licence **MUST** notify the Council in writing of a change to their address within seven days.

Change of Employment

50. Any person holding a Driver's Licence **MUST** notify the Council within seven days of the commencement or termination of employment of the name and address of the Operator or proprietor and the date when the employment either started or ended.