

PRIVATE HIRE CAR DRIVER'S LICENCE

CONDITIONS

1. The driver of a private hire car must hold a current driving licence for the relevant class of vehicle. A private hire car driver shall at all times while he/she is in charge of a private hire car being used as such, have with him/her the private hire car driver's licence or such other means of identification issued by the licensing authority and he/she shall exhibit such licence or identification, on demand, to any passenger, constable or authorised officer of the licensing authority. The identity badge issued by the Council shall include the driver's name, a recent photograph, the licence number and the date of expiry of the licence and shall be worn in a clearly visible position at all times whilst on duty.
2. Unless prevented by sufficient cause the driver of the private hire car shall be bound to fulfil, or cause to be fulfilled, at the time and location specified, an engagement to the hire of their private hire car, which they accepted.
3. A private hire car driver which is hired shall not permit any additional person to be carried in such hire car during such hire without the express consent of the hirer.
4. A private hire car driver shall ensure that all passengers are properly seated and wear seat belts at all times in accordance with Road Traffic Act 1988.
5. The driver of a private hire car which has been hired on exclusive hire shall drive to the destination by the shortest practicable route unless otherwise instructed by the hirer. The driver of a private hire car which has been hired on shared hire shall take the shortest practicable route which will serve the destinations of all the passengers whom they are carrying at any one time.
6. The driver of a private hire car shall, unless the cost of a journey is regulated by an authorised fare, inform the hirer or passenger before the journey commences (a) that the fare is not regulated and (b) the method of calculating the cost of the proposed journey.
7. The driver of a private hire car in which a taximeter has been fitted shall not charge any fare in respect of any journey by the private hire car from the place at which it is discharged by the hirer.
8. The driver of a private hire car in which a taximeter has been fitted shall ensure that the taximeter shall operate at all times in accordance with the Council's fare structure.
9. The driver of a private hire car in which a taximeter has been fitted, as soon as they are hired, but no sooner, set the taximeter in motion. Whilst they are engaged the words "HIRED" shall be illuminated on the face of the taximeter so that it is readily visible at all times.
10. Immediately on the termination of a hire the driver of a private hire car shall stop the time mechanism within the taximeter but they shall not remove the fare record from the taximeter until the hirer has examined or has had a reasonable opportunity of examining it.

11. During the hours of darkness the driver of a private hire car shall keep the fare dial display illuminated, for the whole period that the private hire car in their charge is occupied by a hirer and until the hirer has examined or has had a reasonable opportunity of examining it.
12. The driver of a private hire car shall not refuse to convey a hirer or passenger to any place within the licensed area unless:
 - (a) any hirer or passenger is not prepared to give the precise destination; or
 - (b) is drunk or otherwise not in a fit state to be carried; or
 - (c) whose condition or clothing is offensive or likely to cause damage to the interior of the private hire car; or
 - (d) refuse to cease smoking in the private hire car when requested by the driver; or
 - (e) is accompanied by any animal which is likely to damage or soil the interior of the private hire car except a guide dog, hearing dog, assistance dog; or
 - (f) for any other reasonable cause.
13. The driver of a private hire car, shall not canvass or importune in any public place or street for employment, or otherwise ply for hire.
14. The driver of a private hire car shall not refuse to carry luggage in their private hire car providing that the said luggage can be accommodated safely within the luggage compartment of the private hire car.
15. If any person suffering from any infectious or contagious disease is carried in a private hire car, the holder of the operator's licence thereof shall, as soon as it comes to their knowledge, give notice to the Chief Administration Officer of NHS Ayrshire and Arran. They shall not cause or permit the private hire car to stand or ply for hire or carry passengers for hire until the Chief Administrative Officer of NHS Ayrshire and Arran certifies that the private hire car has been adequately disinfected.
16. The driver of a private hire car shall not carry, or cause or permit to be carried, in their private hire car any articles of a dirty, filthy or obnoxious nature or of an explosive or dangerous nature.
17. The driver of a private hire car shall not knowingly carry, or cause or permit to be carried in their private hire car any passenger who has vermin on their person or whose clothing is in a foul or filthy condition.
18. The driver of a private hire car shall not knowingly cause or permit such private hire car to be used for any illegal or immoral purpose nor shall they act in any manner whatsoever as an agent for a prostitute or brothel keeper for the purpose of securing business.
19. The driver of a private hire car shall not knowingly use the vehicle as a private hire car while the private hire car operator's licence is suspended.
20. Immediately after the completion of their shift the driver of a private hire car shall search the private hire car for any property which may have been left therein.

21. Any property found in such private hire car by the driver shall forthwith be returned by the driver to the owner, if known. If not known, such property shall be handed in by the driver of the private hire car driver to any police station within twenty-four hours, along with
- (a) a note of their own name and address
 - (b) the name of the holder of the licence for such private hire car;
 - (c) the number of the private hire car; and
 - (d) the names and addresses of all the hirers of the private hire car during that day so far as known to the driver which may assist in determining ownership of the property.

22. The driver of a private hire car, while in charge of the vehicle :

Must be clean and tidy in their person

Shall conduct himself/herself in a proper and civil manner

Shall not smoke, which also includes the smoking of Electronic Cigarettes, Personal Vaporizers or Electronic Nicotine Delivery Systems (ENDS)

Shall not allow any passenger carried within the vehicle to smoke.

The driver of a private hire car is required to dress smartly and to maintain a clean and tidy appearance at all times.

It is not acceptable for a Licensed driver to wear –

Sleeveless or collarless shirts

Track suits or jogging suits

Football colours in any form,

Shorts (other than self coloured tailored shorts)

Baseball hats

Beanie hats

Hooded sweatshirts

Headbands or bandanas

Military-style clothing (including camouflage)

Any other clothing to which the public may take offence.

Departure from any of these requirements is permitted only where a particular type of clothing is required by the traditional and customary practices of the Licenceholder's particular religious, ethnic or other cultural group.

Where the Licence holder is informed by an officer of the Licensing Authority that, in the officers opinion, the Licence holder's clothing is not consistent with this Condition, the Licence holder shall cease operating under the Licence and shall not resume unless he/she has changed to clothing which meets the Licence Condition.

23. The driver of a private hire car, while in charge of the private hire car shall conduct her/himself in a civil and orderly manner. The driver of a private hire car shall ensure that the private hire car, including all bodywork, upholstery and fittings, is roadworthy, safe and serviceable and is in a clean condition subject to the prevailing road and weather conditions.
24. The driver of a private hire car shall not at any time convey in such a vehicle more passengers than that approved by Council who shall be properly seated in that part set aside for passengers.
25. When the private hire car licence is suspended by the Council or a police constable in accordance with Section 11 of the Act. An officer of the Council or a police constable will place a label bearing (a) the words "this private hire car is meantime certified unfit for public use" and (b) the date of withdrawal in a position within the passenger compartment of the private hire car so that it is readily visible to the intending passengers. Such a label has the effect of suspending the private hire car licence pertaining to the vehicle so labelled and only the officer approved by the Council is authorised to remove such label.
26. The driver of a private hire car shall not display in or on the private hire car (other than any taximeter fare dial) or on their person the word "cab", "taxi" or "for hire" or any other word or words which might give the impression that the vehicle is plying for hire.
27. The driver of a private hire car shall not permit any person to drive the private hire car of which they are in charge, while such private hire is on hire or is available for hire unless that person is the holder of a current private hire car driver's licence.
28. The driver of a private hire car shall not demand any fare from any person who has engaged a private hire car (and no fare shall be payable by such person): -
 - (a) if the private hire car driver does not on demand exhibit the means of identification issued by the Council;
 - (b) if the private hire car driver demands more than the fare agreed upon before the start of the hire;
 - (c) if the private hire car driver fails or refuses to complete an engagement except for any reasonable cause; or
 - (d) if a private hire car breaks down or if the private hire car becomes in any way unfit to convey the hirer to the destination for which they engaged such private hire car.
 - (e) if the external plates and door cards with the appropriate private hire car number are not displayed in accordance with the Council's conditions
29. The driver of a private hire car on changing their permanent place of residence shall notify forthwith such change and their new address to the approved officer of the Council

30. The driver of a private hire car shall not obstruct an authorised officer of the Council in the performance of any of their duties under these conditions.
31. If the driver of a private hire car ceases for any reason to be authorised by law to drive on the road the vehicle to which the driver's licence relates they shall forthwith notify the Council their disqualification or such other reason. They must return to the Council the driver's licence issued by the Council.
32. Where there is material change of circumstances affecting the holder of a private hire car driver's licence, he/she shall notify the licensing authority of the change as soon as reasonably practicable after such change has taken place. A 'material change' includes any material change in the particulars given or referred to in the application for grant or renewal of licence.
33. Where a private hire car has been has been hired –
 - (a) by or for a disabled person who is accompanied by a guide dog, a hearing dog or an assistance dog of that person; or
 - (b) by a person who wishes such a disabled person to accompany that person in the private hire car,

The driver of the private hire car shall carry the disabled person's dog and allow it to remain with the disabled person and shall not make any additional charge for doing so.

This condition shall not apply where a notice of exemption has been issued to the private hire car driver, the notice of exemption is in force and the notice is clearly displayed on or in the private hire car.

The driver of the private hire car shall not levy additional charges in any respect in relation to the hire of a private hire car by a disabled person.

34. The driver of a taxi shall assist wheelchair users into the taxi using the ramps if necessary and shall ensure that they are properly secured by means of the fixed seatbelts before starting the journey.
35. The driver shall not use any taxi capable of being hired by wheelchair users for carriage of passengers in wheelchairs without having undergone training in the use of equipment carried by wheelchair accessible taxis to the satisfaction of the Council.
36. The driver of a private hire car shall undertake the Council's approved course of disability awareness training and shall thereafter comply with the provisions of section 165 of the Equality Act 2010 unless the driver is the holder of an Exemption Certificate in terms of section 166 of the Equality Act 2010.
37. As from 1 April 2019, the Council adopted a policy whereby all new applicants and existing licence holders will have to submit evidence that they meet the DVLA Group 2 medical standards in respect of the following:-
 - From the age of 18 and thereafter reassessed at age 45
 - From age 45 onwards - reassessed on a 5 year basis

- From the age of 65 - reassessed on an annual basis
 - In the event of a disability or medical condition which may affect the licence holder's ability to drive, whilst a licence is in force, being disclosed to the Council's Licensing Unit.
38. Any costs incurred in obtaining a medical certificate is to be met entirely by the applicant or licence holder and the certificate must be submitted at the time of application for grant or renewal of a licence.
39. Existing licence holders who are required to submit a medical certificate outwith their licence renewal date, by reason of the qualifying ages or disclosing a disability or medical condition, as referred to at Condition 37 above, will be allowed 3 months to submit this evidence. If a licence holder has not provided the required medical certificate within this timescale, the matter may be subject to a report to the Licensing Panel.
40. If a new applicant or existing licence holder is already in possession of a current DVLA Driving Licence entitling them to drive an HGV or PSV, there is no need to undertake a further Group 2 assessment to be able to drive a taxi or private hire car.

DRIVING A TAXI OR PRIVATE HIRE CAR

GUIDANCE NOTES

This section covers some of the key issues associated with driving a taxi or private hire car. It looks at some of the skills you require to drive a taxi or private hire car safely with passenger consideration.

SAFE DRIVING

Driving a taxi or private hire car demands a sense of responsibility. You are responsible for the lives of your passengers in your vehicle as well as other road users and pedestrians.

It means driving with responsibility, care, consideration and courtesy. Other people may make mistakes so you should be aware of other road users and pedestrians.

Safe driving involves:-

1. Being aware of what is happening around you and anticipating the actions of other road users.
2. Driving to take account of the unexpected.
3. Staying in full control at all times.

Driving safely relies on making effective observations and to do this you must look and assess your situation, decide on an appropriate course and act on that decision.

THE SAFETY GAP

Try to maintain a safety gap around your vehicle at all times.

In slow moving or stationary traffic you should never get so close to the vehicle ahead of you that if it stalled or broke down you would have to use reverse gear or more than a moderate amount of steering to pass the vehicle.

In faster moving traffic you should keep a safe distance from the vehicle in front. If the vehicle behind is too close do not speed up; increase the distance from the vehicle in front. This allows the following vehicle a better chance to overtake, or if the vehicle in front stops suddenly, it gives you and the following vehicle a better chance to stop gradually.

MIRRORS AND BLIND SPOTS

The mirrors must be clean and in the right position. You should use them frequently and always before signalling or changing speed or course.

All vehicles have blind spots and you should know where they are. You should never stay in another vehicle's blind spot for longer than is necessary.

REVERSING

If reversing is unavoidable then carry out the manoeuvre slowly.

Before reversing, you should always check that the way is clear and that the manoeuvre can be made safely.

Take care when reversing near children as nearly a quarter of all deaths involving children and vehicles occur while the vehicles are reversing.

SIGNALS

Always give the signals illustrated in the Highway Code, and avoid giving confusing signals.

SPEED

Speed limits are a legal maximum and are not the same as safe driving speeds.

PASSENGER CONSIDERATION

Drivers should be considerate to their passengers. Passengers with disabilities require special consideration, not only embarking or disembarking but also during the journey. Harsh cornering, stopping or braking could cause pain and distress.

VEHICLE SYMPATHY

Vehicle sympathy involves being aware of your vehicle's capabilities and not trying to exceed them.

VEHICLE CHECKS

Before you start your shift you should check that:-

- There is no external damage to the bodywork.

- All doors and locks are operating correctly.

- All tyres are in an acceptable condition and at the correct pressure.

Oil, water, brake fluid and washer fluid levels are correct.
All lights and indicators are working and clean.
Windscreen wipers and washers are in working order.
Mirrors are intact correctly positioned and clean.
Windows are clean.
The horn is in working order.
All the seats are fixed and secure and the seat belts are working.
Check the wheelchair ramp (if applicable).

ACCIDENTS

If you are involved in an accident you are legally obliged to stop and exchange details with any other person involved in the accident. However, if the other person involved in the accident will not give you their details, note the registration number, make and model of the other vehicle. You should take the names and addresses of any witnesses.

If you are suspicious or feel vulnerable, offer to drive to the nearest police station. If the other driver does not agree, be cautious.

If someone is injured or if for any reason particulars cannot be exchanged, then you have a duty to report the accident to the Police as soon as possible but within 24 hours.

Remember that your passengers may panic and you may also experience some shock yourself. Remain calm, reassure your passengers and take control of the situation. When you have the situation as safe as possible, you should then concern yourself with collecting and exchanging the necessary details.

If the accident causes injury to any person or animal, or damage to any other vehicle or any property you should:

1. Stop! This may seem obvious, but it is a legal requirement.
2. Do not move the vehicle unless it would be dangerous to leave where it is.
3. Immobilise the vehicle by applying the handbrake, putting the vehicle into a high gear or in the parked mode if the vehicle is an automatic and switch off the engine. Turn off any electrical or fuel isolating switches that may be fitted.
4. Evacuate your passengers if there is a risk of fire or further accident.
5. Check carefully for any injuries amongst the passengers. If anyone is injured call the emergency services and administer first aid if you are a qualified first aider. Remember that shock symptoms may not be immediately obvious and shock can be life threatening.

IT IS ADVISABLE NOT TO:

1. Admit liability, even if you believe you are at fault. It may invalidate your insurance.
2. Discuss the accident with anyone at the scene except the police.
3. Visit other parties involved in the accident.
4. Talk to the media about the accident.

IF THE VEHICLE IS ON FIRE

In the event of a fire, the first priority is to evacuate the passengers, since a vehicle can burn out in 3 to 4 minutes. It is suggested that the following steps should be considered in the event of a fire:-

1. Take control of the situation.
2. Stop the vehicle immediately if it has not already come to a halt. Engage the handbrake and a high gear.
3. Switch off the engine.
4. Operate the fuel cut-off switch. (If fitted)
5. Assist the passengers to leave the vehicle.
6. Under no circumstances return to the vehicle or permit any passengers to return to the vehicle to collect personal belongings

BASIC FIRST AID

First aid training is widely available and inexpensive. Certificated courses are organised by St. John Ambulance, British Red Cross and St. Andrews Ambulance Association.

If you are the first person on the scene of a road traffic accident then you will find the following information useful:-

1. If possible, position your vehicle so as to protect the scene of the accident.
2. Engage the handbrake, switch off the engine and put on the hazard warning lights.
3. Stay calm and assess the situation before taking any action.
4. Call the emergency services using the 999 facility, or get someone else to do so.

ALCOHOL AND DRUGS

It is illegal to drive whilst under the influence of alcohol or drugs (this can include prescribed drugs). When you are taking prescribed medicines check with your doctor if it is safe to drive. If you are taking other medicines, a pharmacist can offer advice.

Drinking any amount of alcohol will impair your driving ability and may lead to a breach of the law. The effect of alcohol from the day before may impair your judgement and could still be detected by the Police.

ROADSIDE INSPECTION

The Police can stop a taxi or private hire car at any time. They have the right to inspect the vehicle for defects and can issue a prohibition on the vehicle.

Conditions formally approved by the Licensing Panel on 30.11.17 and subsequently amended on 24.1.19