

Appendix 6 (A) – Private Hire Driver Conditions – Motor Tricycle

Local Government (Miscellaneous Provisions) Act 1976

1. General

The Licensee shall ensure that he/she complies in all respects with the requirements of any Act or Regulations affecting the operation of private hire drivers and these conditions.

2. Maintenance of the Vehicle

The licensee shall:

- 2.1. Ensure that the vehicle driven by him/her is in a roadworthy condition, thoroughly cleansed; all equipment, fittings and fixtures are present and serviceable and complies with conditions attached to the licence relating to the vehicle before commencement of any journey.
- 2.2. Report any defect discovered by the Licensee to the proprietor of the vehicle.

3. Conduct of Licensee

The licensee shall:

- 3.1. At all times be clean and respectable in his/her dress, behave in a civil and orderly manner, and not use foul or abusive language;
- 3.2. Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle;
- 3.3. Assist any passenger in gaining access to or from the vehicle;
- 3.4. Assist any passenger with the loading and unloading of luggage into and out of the vehicle;
- 3.5. Afford reasonable assistance in removing a passenger's luggage to or from the entrance of any house, station or place at which he/she may collect or set down a person;
- 3.6. Unless otherwise directed by the hirer shall proceed to the destination requested by the hirer by the agreed route;
- 3.7. Not drive the vehicle without the consent of the proprietor of the vehicle;
- 3.8. Not consume food or drink while the vehicle is being driven;
- 3.9. Not smoke at any time on the licensed vehicle, or allow other persons to do so, or adjacent to it;
- 3.10. Not play or allow to be played any radio or sound reproducing instrument or equipment on the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle which may only be by way of the Operators radio or data head linked to the Operators dispatch system;
- 3.11. Shall ensure that no annoyance or disturbance is caused to residents or other road users whilst driving the vehicle;
- 3.12. Not use the horn or lights of the vehicle or shout in order to signify to the Hirer or passengers that the licensee is waiting for the hirer or passengers;

- 3.13. Not drive a licensed vehicle in a manner that may intimidate or have the potential to intimidate another road user;
- 3.14. Take all reasonable steps to ensure the safety of luggage conveyed in, being loaded in or removed from the vehicle;
- 3.15. Not cause the vehicle to stand in such a manner as to suggest that it is standing or otherwise plying for hire or that it is a hackney carriage;
- 3.16. Not tout or solicit any person to hire or be carried in any private hire vehicle and not cause or procure any other person to tout or solicit any person to hire or be carried for hire in any private hire vehicle;
- 3.17. Not initiate or encourage any dialogue of a sexual nature with a hirer or passenger. The licensee is not permitted to become involved sexually or have sexual contact, even with consent whilst in a vehicle with the hirer or passenger.

4. Bookings

- 4.1. The driver shall only fulfil bookings for special events or tours only, which involve the exchange of a written formal contract and acceptance of booking prior to the commencement of a journey. The driver shall not engage in routine private hire style journeys.

5. Fare to be demanded and the taximeter

- 5.1. The driver shall not demand from any hirer of a private hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.
- 5.2. If a vehicle being driven by the licensee is fitted with a taximeter, the Licensee shall not cause the fare recorded to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it.
- 5.3. The licensee shall not tamper with or permit any person to tamper with any taximeter with which the vehicle is fitted, with the fittings thereof or with the seals affixed thereto. The Licensee shall ensure that when the vehicle is not in use the taximeter is switched off.
- 5.4. Taximeters must be calendar controlled.

6. Written Receipts

- 6.1. The driver shall if requested by the hirer of a private hire vehicle provide him/her with a written receipt for the fare paid.

7. Prompt Attendance

- 7.1. The licensee when it is agreed that the vehicle has been hired, shall be in attendance with the vehicle at the appointed time and place and shall, unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at such

appointed time and place. Prior to collecting the hirer the licensee shall ensure that he/she is aware of the destination and how to reach the destination.

8. Driver's Identity Badge

- 8.1. Unless 7.2 applies, the licensee shall wear the driver's licence badge issued by the Council in a position where it may be seen at all times. The licensee shall return the licence badge immediately upon termination of the licence, whether such termination is through surrender, suspension, revocation or normal expiry.
- 8.2. Provided a notice in writing in respect of the vehicle, given under section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976 by the licensing authority to the Licensee, is in force and the conditions mentioned in that notice are being complied with, the requirement to wear the licence badge in 7.1 shall not apply. A copy of the notice shall be carried in the vehicle and be available on request by an authorised officer of the Council or Police Officer.

9. Passengers

- 9.1. Prior to the commencement of a journey the driver will conduct a full risk assessment and comprehensive safety briefing with the passengers. This safety assessment must continue throughout the course of the journey and the driver is responsible for ensuring there is no adverse behaviour by the passengers which places either themselves or other road users at risk.
- 9.2. The driver shall repeat the pre-booking requirement carried out by the Operator and check:-
 - a) The maximum/ minimum height and weight of individual passenger in line with vehicle manufacturer guidance and recommendations.
 - b) That suitable clothing is available for wearing throughout the journey.
 - c) Advise of the conditions that may be experienced throughout the duration of the journey and the exposure to varying weather conditions.
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In addition to personal clothing which may be worn by a passenger, the driver must ensure that each passenger wears the helmet provided by the Operator for the journey. Passengers may elect to wear their own helmet and safety clothing but these must have the same conformity as the condition applied to the Operator helmet. The passengers shall be instructed that the helmet must be worn for the duration of the journey.

- 9.3. The licensee shall not:
 - a) convey, or permit to be conveyed, in a private hire vehicle a greater number of persons than that prescribed in the licence;
 - b) without the consent of the hirer, convey, or permit to be conveyed, any other person in that vehicle;
 - c) allow any child below the age of 12 years, unless at least 135cms tall, to be conveyed in the vehicle. Children must be able to reach the foot rests.

10. Carriage of Animals

10.1. The licensee shall not convey on the vehicle any animals.

11. Private hire vehicle operator

11.1. The licensee shall not use the vehicle for private hire unless the bookings are invited and accepted by the operator. The licensee shall ensure the operator has a current private hire operator's licence issued by the Council.

12. Insurance

12.1. The licensee shall ensure that he/she is covered by a valid insurance for private hire before commencing to drive the vehicle and shall ensure that they do not act in any way which might invalidate the insurance. The licensee shall on being requested to do so produce the insurance certificate to a police officer or Authorised Officer.

13. Lost property

13.1. The licensee shall immediately after the termination of any hiring of a private hire vehicle or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left there. If any property accidentally left in a private hire vehicle by any person who may have been conveyed therein is found by or handed to the licensee, it must be handed into a Police Station within Aylesbury Vale within 48 hours, if not claimed during that time and a receipt must be obtained.

14. Inspections

14.1. The licensee shall not obstruct an Authorised Officer or any police officer from carrying out any inspection or test of the vehicle.

15. Medical Fitness

15.1. A Group 2 medical check is required for all new and renewal private hire and hackney carriage driver applicants. The medical checks are applied to all applicants irrespective of age. The Group 2 medical checks must be carried out by a General Practitioner (GP) who is on the "List of Registered Medical Practitioners". The requirement for Group 2 medical checks may be waived for drivers who, within 6 months of the date of application, have already obtained a Group 2 medical certificate.

16. Notification of convictions, cautions, warnings, fixed penalty notices and arrests

16.1. The licensee shall within seven days of conviction of any offence or having received a caution, warning, fixed penalty notice or having been arrested or if subject to any criminal investigation during the period of the licence, disclose to an Authorised Officer in writing details of the incident.

17. Change of Personal Details

- 17.1. The licensee shall immediately notify an Authorised Officer in writing of any change in his/her personal details. Changes shall include changes in address, name status, phone number and mobile number.

18. Applications for renewal of the licence

- 18.1. An application will only be considered after receipt of a full application. That is to say the completed application form and all specified accompanying documentation and the fee. All applications for the renewal of a licence must be made at least four weeks prior to the expiry of the existing current licence. The Council cannot guarantee that a renewal application will be processed if not made in time. The responsibility for making a timely application rests entirely with the licence holder.