

**MERTHYR TYDFIL COUNTY BOROUGH COUNCIL**

**PRIVATE HIRE DRIVER'S LICENCE**

**SCHEDULE OF CONDITIONS**

**1. Private Hire Drivers: Conditions of Licence:**

**The Licensee shall observe and/or perform the following conditions:**

- (1)
  - (i) The Licensee shall not assign or in any way part with the benefit of the licence, which is personal and specific to the licensee, other than the licence must be delivered to the Private Hire Vehicle Operator employing the driver and a copy shall be retained by the operator whilst such driver remains in his/her employ.
  - (ii) The Licensee is advised that any Private Hire Vehicle he may drive be operated by a Private Hire Vehicle Operator licensed with this Council.
  - (iii) Two badges will be issued to the Licensee by the Council. The Licensee shall, when driving a Private Hire Vehicle, wear one such badge in a conspicuous position so as to be plainly and distinctly visible and the Licensee will also display conspicuously upon the dashboard within the vehicle one such badge which is clearly visible to passengers and such badges shall bear the number corresponding with the number assigned to the Licensee as recorded in the register kept by the Council for that purpose. The badges must be returned to the Council immediately the driver ceases to be licensed by the Council.
  - (iv) The driver must within 7 days report in writing any offence or conviction or any fixed penalty notices imposed on him/her to the Director of Customer Services.
- (2) The driver's badges shall remain the property of the Council and if the driver's licence is suspended or revoked or the Council refuse to renew a driver's licence such badge shall be returned by the Licensee to the Council within seven days of a notice by the Corporate Director Transformation and Place requesting the Licensee to do so.
- (3) The licensee must throughout the period of his licence hold a valid driver's licence under the Road Traffic Act 1988. If he/she is disqualified from holding a driving licence for whatever reason, he/she must notify the Council immediately and return the badge and licence.

- (4) It is a condition of licence that a driver will inform the Licensing Officer of the Council of any medical change or development which may have an effect upon his/her performing his/her duties as a driver licensed by the Council immediately or within 14 days of becoming so aware. The Council reserves the right to require an existing licensee to produce medical evidence of continuing fitness to drive during the period of the licence. Such medical evidence shall be produced by the licensee to the Council within seven days of a request by the Licensing Authority.
- (5) The Licensee shall notify the Council, in writing, of any change of address (including postcode) during the period of the licence, within seven days of such change taking place.
- (6) The Licensee shall at the request of any Authorised Officer of the Council or any Constable, produce for inspection his driver's licence and/or badges, either forthwith or before the expiration of five days beginning with the day following the date of request:-
  - (i) In the case of a request of an Authorised Officer to the Corporate Director Transformation and Place, Civic Centre, Castle Street, Merthyr Tydfil CF47 8AN.
  - (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.
- (7) The Licensee shall not cause or suffer or permit to be conveyed in a Private Hire Vehicle a greater number of persons than the number of persons specified in the licence issued and displayed on the Private Hire Vehicle licence plate issued by the Council in respect of that vehicle.
- (8) The driver of a licensed vehicle shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- (9) The driver of a licensed vehicle when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
- (10) The driver of a licensed vehicle which has been hired to be in attendance at an appropriate time and place, shall, unless delayed or prevented by some sufficient cause:
  - (i) punctually attend at the appointed time and place;
  - (ii) when requested by the hirer:-
    - (a) convey a reasonable quantity of luggage;

- (b) 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 passenger;
  - (iii) ensure that any luggage carried is secured and is not carried in such a manner as to obstruct any passenger doors,
  - (iv) 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, take the same within 48 hours, if not sooner claimed by, or on behalf of its owner, to the Corporate Director Transformation and Place, Civic Centre, Castle Street, Merthyr Tydfil, CF47 8AN or at such times as that office is closed to the nearest Police Station.
- (11) The driver of a licensed vehicle shall subject to the provisions of S.37 of the Disability Discrimination Act 1995 (DDA) and associated regulations (which impose a duty on Private Hire Vehicle drivers to carry disabled passengers' dogs such as guide dogs and assistance dogs at no additional charge):
- (a) Not refuse to carry a registered assistance dog accompanying a person who is disabled. The carriage of non-assistance dogs and of other pets and animals is at the driver's discretion.
  - (b) Provide medical evidence of any medical condition which renders him unable to convey any such guide or assistance dog to the Licensing Officer to enable the driver to claim an exemption to the requirements of clause 14 above.
- (12) The driver of a licensed vehicle who has been issued with an exemption certificate, must exhibit the notice of exemption in a vehicle by fixing it in the vehicle in a prominent position (for example, on the dashboard).
- (13) If the driver of a Private Hire Vehicle forges or makes a false statement in respect of an exemption certificate, he/she will be in breach of his/her licence conditions and may render his/her licence liable to suspension or revocation.
- (14) The Licensees of Private Hire Vehicles are reminded that they are only allowed to take passengers who have pre-booked their journey via a licensed operator and shall not, while driving or in charge of a Private Hire Vehicle:-
- (a) 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
  - (b) cause or procure any other person to tout or solicit on a road or other public place any person to hire or be carried in any Private Hire Vehicle: Drivers are not allowed to ply for hire in the same way as Hackney Carriage drivers and will be guilty of an offence if they do so.

- (c) offer that vehicle for immediate hire while the Licensee or that vehicle is on a road or other public place; or
- (d) accept an offer for the immediate hire of the vehicle while the Licensee or that vehicle is on the 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 without the Licensee in any way procuring the offer.

For the purposes of the above condition:

“Road” means any highway and any other road to which the public has access including bridges over which a road passes, and railway stations or railway premises.

- (15) It is a condition of licence that a driver will inform the Licensing Officer of the Council of any medical change or development which may have an effect upon his/her performing his/her duties as a driver licensed by the Council immediately or within 14 days of becoming so aware.
- (16) Any notice required to be served by the Council under this Licence or under any of the provisions of the Town Police Clauses Act 1847, Part II of the Local Government (Miscellaneous Provisions) Act 1976 and all other relevant legislation, shall be deemed to have been properly served if served personally or sent by pre-paid post to or left at the last known address of the holder of the Licence.
- (17) The driver shall be familiar with the Council’s requirements and conditions for Private Hire Drivers.
- (18) Suspension, Revocation or Refusal to Renew Licence
  - (1) The Licence may be suspended, revoked or not renewed by the Council if since the grant of the licence:-
    - (a) the driver is convicted of an offence under or otherwise fails to comply with any of the provisions of the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976;
    - (b) the driver has been convicted of an offence involving dishonesty, indecency or violence;
    - (c) any other reasonable cause exists which may justify such suspension or revocation.

(19) Offences, Breaches and Penalties

ANY LICENSED PRIVATE HIRE VEHICLE DRIVER WHO:

- (a) wilfully obstructs an Authorised Officer or Police constable acting in pursuance of Part II of the Local Government (Miscellaneous Provision) Act 1976, or the Town Police Clauses Act 1847; or who
- (b) without reasonable excuse fails to comply with any of the provisions of these conditions or with any of the requirements properly made to him by such officer or constable, in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976, or the Town Police Clauses Act 1847; or who
- (c) without reasonable cause fails to give such an officer or constable any other assistance or information which he may require for the performance of his functions in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976, or the Town Police Clauses Act 1847;

shall be guilty of an offence and may be prosecuted and liable to a fine.

These conditions shall apply to Private Hire drivers licensed by the Merthyr Tydfil County Borough Council.

The Council reserves the right to waive any of the requirements of these conditions at its absolute discretion.

The Council reserves the right to amend or add to any of the foregoing conditions and notice thereof will be served on all licensees.