

## PRIVATE HIRE DRIVERS' LICENCE CONDITIONS & HACKNEY CARRIAGE DRIVERS' CODE OF CONDUCT

These conditions should be read in conjunction with the provisions of the Town Police Clauses Acts 1847 & 1889, the Byelaws made thereunder, and the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 in relation to hackney carriages and private hire.

**Failure to comply with the following conditions may result in the suspension or revocation of your licence. Driver licence duration three years. It is an offence for a person to drive a Private Hire Vehicle until a Driver's Licence is granted. It is an offence for the Operator to employ any person to drive such a vehicle who is not the holder of a current Private Hire Driver Licence. All journeys undertaken by a Private Hire Driver MUST be pre-booked through an Operator.**

### 1. Conduct of Driver

The driver shall:

- 1.1. Afford all reasonable assistance with passengers' luggage.
- 1.2. At all times be clean and respectable in his dress and person, behave in a civil and orderly manner and comply with all reasonable requirements of any person hiring or being conveyed in the vehicle.
- 1.3. Take all reasonable steps to ensure the safety of passengers conveyed in, or entering or alighting from, the vehicle driven by him.
- 1.4. Not without the express consent of the hirer, drink or eat in the vehicle.
- 1.5. Not without the express consent of the hirer, play any radio or sound reproducing instruments or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
- 1.6. At no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
- 1.7. Display the driver's badge provided to him by the Council in a conspicuous position on the outer part of his clothing at all times whilst driving a private hire vehicle.
- 1.8. Irrespective of the hour of the day, proprietors or drivers shall not sound horns outside any premises where they are picking up passengers, except in emergencies.
- 1.9. Drivers of licensed vehicles must not use a mobile handheld telecommunications device whilst driving.
- 1.10. Drivers or proprietors shall not smoke or allow a passenger to smoke in the vehicle.
- 1.11. Under the Equality Act 2010 (Amended by the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022, drivers of licensed vehicles are required to:
  - Accept the carriage of **any** disabled person
  - Provide **any** disabled person with reasonable mobility assistance including carrying mobility aids
  - Provide **any** disabled passenger with assistance to identify the vehicle, when requested

- 1.12. Disabled persons cannot be charged any more than would be charged for a non-disabled person.

## **2. Passengers**

- 2.1. The driver shall not convey or permit to be conveyed in the vehicle a greater number of persons (exclusive of the driver) than the number of persons authorised by the private hire vehicle licence to be carried therein.
- 2.2. Except where otherwise necessary in the interest of safety, children under 10 years of age shall not be conveyed in a front seat of the vehicle.
- 2.3. Except where otherwise necessary in the interests of safety, the driver shall not allow there to be conveyed in the front of a private hire vehicle more than one person.
- 2.4. The driver shall not, without the consent of the hirer of the vehicle, convey or permit to be conveyed any other person in that vehicle.

## **3. Lost Property**

- 3.1. The driver 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.
- 3.2. If any property, accidentally left in a private hire vehicle, is found or handed to the driver, he shall take it as soon as possible and in any event within 48 hours, to the Licensing Unit, Battinson Road, Halifax and leave the same in the custody of a member of the staff.

## **4. Written Receipts**

- 4.1. The driver shall, if requested, by the hirer of a private hire vehicle, provide him with a written receipt for the fare paid. All receipts shall bear the name and address of the proprietor of the vehicle.

## **5. Animals**

- 5.1. The driver shall not refuse to carry a guide, hearing or other assistance dog accompanying a passenger.
- 5.2. The driver shall carry free of charge that guide, hearing or other assistance dog accompanying a passenger.

## **6. Prompt Attendance**

- 6.1. The driver of a private hire vehicle shall, if he is aware that the vehicle has been hired to be in attendance at an appointed time and place or he has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place, unless delayed or prevented by sufficient cause.

## **7. Taxi Meter**

- 7.1. If a private hire vehicle is fitted with a taxi meter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless credit is to be given).

## **8. Change of Address**

- 8.1. The driver shall notify the Council in writing of any change of his address during the period of the licence within seven days of such change taking place.

## **9. Convictions**

- 9.1. The driver shall within seven days, excluding a Saturday or a Sunday, Christmas Eve, Christmas Day, Good Friday, Bank Holidays or any other day on which the Licensing Unit is closed, disclose to the Council, in writing, if the following has been imposed upon the driver during the period of the licence:

- convicted of any offence
- received a summons to court
- on police bail
- charged with any offence but not yet convicted
- received any caution (criminal or driving matter)
- issue of any fixed penalty notice for any matter
- any harassment or other form of warning or order within the criminal law including Anti-Social behaviour orders or similar.

The driver shall, within 48 hours, notify the council in writing of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest of any of the offences within this scope will result in a review of their licence.

- 9.2. Failure to declare within the time scales above together with the nature of the matter will be taken into account in deciding whether a licence holder is a fit and proper person to hold a licence. This may result in the suspension, revocation or refusal to renew the hackney carriage or private hire driver licence.

Note: A Bank Holiday means a day which is a Bank Holiday under The Banking and Financial Dealings Act 1971 in England and Wales.

## **10. Fit and Proper Person**

- 10.1. If at any time the conduct of the driver leads to concerns by the Council as to whether they remain a fit and proper to hold a licence, the Council will investigate the conduct and if satisfied that the driver is no longer a fit and proper person the driver licence may be suspended and subsequently revoked.
- 10.2. Failure to declare any conviction within the timescales above together with the nature of the conviction will be taken into account in deciding whether a licence holder is a fit and proper person to hold a driver licence. This may result in the suspension, revocation or refusal to renew the private hire driver licence.

## **11. Return of Badge**

- 11.1. The driver shall, upon expiry revocation or suspension of this licence, forthwith return to the Council the driver's badge issued to him by the Council when granting his licence.

## **12. Concealing of a Sign or Plate**

- 12.1. The driver of a private hire vehicle whilst on duty shall not cause or suffer (a) the licence number marked on the inside of the vehicle; or (b) on the licence plate affixed to the rear outside of the vehicle, to become concealed from public view, or to be so damaged or defaced that any figure or material particular is rendered illegible, except under such circumstances as are described in Section 75 of the Local Government (Miscellaneous Provisions) Act 1976, or except where the vehicle is not available for hire.

## **13. Licences not Transferable**

- 13.1. A private hire driver's licence is not transferable and the person to whom a licence is issued shall retain such licence in his control and possession during the currency of the licence, and deliver the same to the Council on its expiration, suspension or revocation.

## **14. Cleanliness of Vehicle**

- 14.1. The driver shall at all times when driving a private hire vehicle for hire or reward, ensure that such vehicle is maintained in a roadworthy and clean condition.

## **15. Fitness of Driver**

- 15.1. The driver shall at any time, or at such intervals as the Council may reasonably require, produce a Certificate in the form prescribed by the Council signed by their own Registered Medical Practitioner to the effect that he is or continues to be physically fit to be the driver of a Private Hire or Hackney Carriage Vehicle. Whether or not such Certificate is produced the person shall, if required by the Council, at any time undergo a medical examination by their own Registered Medical Practitioner to be selected by the Council.
- 15.2. If the surgery at which the driver is registered does not undertake medicals, the driver may attend an alternative GP to issue a medical certificate, subject to receiving written confirmation from the driver's surgery that it does not undertake such medicals and the driver obtains the approval of the Head of Customer Services.

## **16. Duration of Licence**

- 16.1. A private hire driver's licence shall remain in force for a period of three year unless the Council shall specify a lesser period on the face of the licence or if the licence is suspended or revoked prior to the expiration of such period.

## **17. Working Hours**

- 17.1. Licensed drivers will not drive when their ability to do so is impaired by having worked excessive hours or when under the influence of drink or drugs.

#### **18. Fare to be demanded**

- 18.1. 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 taxi meter and there has been no previous agreement as to the fare, the fare shown on the face of the taxi meter.
- 18.2. The Driver shall not charge disabled persons any more than would be charged for a non-disabled person.

#### **19. Operation of Vehicle**

- 19.1. The driver shall not whilst driving or in charge of a private hire vehicle:
- a) stand or ply for hire or solicit on a road or other public place, any person to hire, or be carried for hire in a private hire vehicle;
  - 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 for hire in a private hire vehicle;
  - c) accept an offer for the hire of that vehicle whilst the driver of that vehicle is on the road or other public place, except where such an offer is first communicated to the driver by telephone or by radio telephone installed in that vehicle.

## **BYELAWS – To Accompany the Hackney Carriage Code of Conduct**

Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the Borough Council of Calderdale

### **Interpretation**

1. Throughout these byelaws “the Council” means Calderdale Metropolitan Borough Council and “the district” means the former Urban District of Halifax, Ripponden & Hepton, Brighouse, Hebden Royd, Elland, Todmorden, Shelf and Sowerby Bridge.

### **Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence shall be displayed**

2. a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly marked on the outside of the carriage, on a plate affixed thereto, of a design approved by the Council.
2. b) A proprietor or driver of a hackney carriage shall:
  - i Not wilfully or negligently cause or suffer any number to be concealed from public view while the carriage is standing or plying for hire;
  - ii Not cause or permit the carriage to stand or ply for hire with any such plate so defaced that any figure or material particular is illegible;
  - iii Ensure any exterior plate shall be fixed at the rear of the vehicle in such manner that it is clearly visible and in accordance with the fitting instructions supplied by the council;
  - iv Ensure any interior plate is fixed to the dashboard in such a position as to be clearly visible to all passengers and in accordance with guidance issued by the council;
  - v Ensure that the drivers badge provided to him by the Council is displayed in a conspicuous position on the outer part of his clothing at all times whilst driving a hackney carriage;
  - vi Ensure that the self-adhesive door signs provided by the Council shall be directly affixed and maintained on both front doors of the vehicle.

### **Provisions regulating how hackney carriages are to be furnished or provided**

3. The proprietor of a hackney carriage shall:
  - a Provide sufficient means by which any person in the carriage may communicate with the driver;
  - b Cause the roof or covering to be kept water-tight;
  - c Provide any necessary windows and a means of opening and closing not less than one window on each side;
  - d Cause the seats to be properly cushioned or covered;
  - e Cause the floor to be provided with proper carpet, mat or other suitable covering;

- f Cause the fittings and furniture to be kept in a clean condition, well maintained and in every way fit for public service;
- g Provide means of securing luggage;
- h Provide a fire extinguisher which complies with the current British and European standards (BS EN 3-10:2009) for fire extinguishers for vehicle use;
- i Ensure the hackney carriage has the facility for quickly replacing any punctured or damaged tyre;
- j Ensure no advertisement is displayed either internally or externally on the vehicle without the written consent of the Council;
- k Ensure no material alteration or change in the specification, design, condition, colour or appearance of the vehicle shall be made subsequent to the Councils' inspection of the vehicle, without the approval of the Council.
- l Ensure that a minimum light transmission value of 70% shall be maintained in all windows of the hackney carriage except for the windscreen which shall have a minimum light transmission of 75%.
- m Ensure that a roof sign, of a type and design approved by the Council, displaying the word "Taxi", be provided, maintained and permanently affixed to the roof of the vehicle at all times and to be illuminated when the vehicle is plying for hire.

**Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges**

4. The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say,
  - a The taximeter shall be fitted with a key, flag, or other device the operation of which will bring the machinery on the taximeter into action;
  - b Such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
  - c When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the fare which the proprietor or driver is entitled to demand and take for the hire of the carriage as set out in the current table of fares issued by the Council;
  - d The word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
  - e The taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
  - f The taximeter shall be fitted to the carriage in such a manner that it shall not be practicable for any person to tamper with it.
  - g The taximeter shall be properly sealed at all times.

5. The driver of a hackney carriage provided with a taximeter shall:
  - a When standing or plying for hire, make sure no fare is recorded on the face of the taximeter;
  - b At the point of hire of the carriage and before beginning the journey, bring the machinery of the taximeter into action and keep the machinery of the taximeter in action until the termination of the hiring;
  - c Cause the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purpose of the Road Traffic Act 1972, and also at any other time at the request of the hirer;
  - d When standing or plying for hire, cause any sign, approved by the Council and affixed to the roof of the hackney carriage, to be kept properly illuminated;
  - e When the carriage is hired (whether by distance or time) ensure the sign referred to in the immediately preceding sub-paragraph of the byelaw is not illuminated;
  - f Ensure that the fare recorded on the taximeter is not cancelled or concealed until such time as the hirer has had reasonable opportunity to examine it and has paid the fare, which shall not be in excess of that recorded on the meter.
  - f No person shall tamper with the taximeter with which the carriage is provided.
  - g Unless arrangements have been made with the proprietor of a vehicle to pay the fare on account no driver shall seek to have the fare paid in any way other than cash, cheque, credit card or debit card.
  - h. Not charge disabled persons any more than would be charged for a non-disabled person
  
6. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:
  - a Proceed with reasonable speed to one of the stands appointed by the Council;
  - b If a stand, at the time of his arrival is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
  - c On arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
  - d From time to time when any other carriage immediately on front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward;
  - e The drivers of the first two carriages on a stand shall remain with their vehicles.
  
7. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
  
8. A proprietor or driver of a hackney carriage shall not:



- a Convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage;
  - b Without the consent of the hirer of the vehicle, convey or permit to be conveyed any other person in that vehicle.
9. The driver of a hackney carriage shall behave in a civil and orderly manner at all times.
10. The driver of a hackney carriage shall take responsibility for ensuring the safety of persons conveyed, in or entering or alighting from the vehicle, including providing all necessary assistance, especially the needs of any passengers with a disability.
11. The driver of a hackney carriage shall, when requested by any person hiring or seeking to hire the carriage:
  - a Convey a reasonable quantity of luggage;
  - b Convey any mobility aids including wheelchairs;
  - c Afford reasonable assistance in loading and unloading;
  - d Afford reasonable assistance in removing it to or from the entrance of any building, station, hotel or place at where he may take up or set down such person(s);
  - e Carry, free of charge, a guide, hearing or other assistance animal accompanying a passenger.
12. The driver of a hackney carriage shall not at any time when driving on hire smoke tobacco or like substance.
13. The driver of a hackney carriage shall not at any time when driving on hire play a radio, a cassette tape, a cd player, or similar audio equipment except with the consent of the hirer.
14. The proprietor or driver of a hackney carriage shall not install a DVD player or similar equipment for showing moving pictures without the written consent of the Council.
15. The driver of a hackney carriage shall at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
16. The proprietor and driver of a hackney carriage adapted to carry disabled persons shall ensure that all necessary equipment is carried at all times and that all equipment and vehicle fittings are kept maintained and in working order at all times.

**Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages**

17. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
18. The proprietor or driver of a hackney carriage shall ensure that any property left therein by any passenger found by or handed to him:
  - a Be carried as soon as possible and in any event within 24 hours, if not sooner claimed by or on behalf of its owner, to the nearest available police station.

- b The proprietor or driver of a hackney carriage, shall not tamper with, make use of, copy, damage or otherwise interfere with any property so found.

### **General provisions regulating the hackney carriage licence**

1. Every driver of a hackney carriage shall at all times when standing, plying or driving for hire when required by an police constable, authorised officer, or any other person being conveyed in such a carriage, produce a copy of these Byelaws for the perusal and inspection of such constable or person.
2. The Proprietor of a hackney carriage shall ensure that the fare card issued by the Council shall be clearly exhibited inside the carriage so as to be plainly visible to any person being conveyed in the hackney carriage.
3. Every proprietor or driver shall report, in writing, to the Council any of the following processes against them:
  - any conviction (criminal or driving matter);
  - any caution (issued by the Police or any other agency);
  - issue of any summons against them;
  - issue of any fixed penalty notice for any matter;
  - any harassment or other form of warning or order within the criminal law including Anti-Social Behaviour Orders or similar;
  - their arrest for any offence (whether or not charged, summoned).

This information must be received within 7 days of the event.

The driver shall, within 48 hours, notify the council in writing of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest of any of the offences within this scope will result in a review of their licence.

4. The proprietor of a hackney carriage vehicle shall at all times during the currency of the vehicle licence ensure that there shall be in force for the vehicle a current Certificate of Compliance indicating that the vehicle has been tested and complies with the regulations made under Section 43 of the Road Traffic Act 1988 and the standards laid down by the Council.
5. The proprietor shall maintain in force for the duration of the licence an insurance policy for the vehicle providing cover sufficient to satisfy the requirements of Part VI of the Road Traffic Act 1988 and public hire use.
6. The driver shall at any time, or at such intervals as the Council may reasonably require, produce a certificate in the form prescribed by the Council signed by a Registered Medical Practitioner to the effect that he is or continues to be physically fit to be the driver of a hackney carriage vehicle. Whether or not such certificate is produced the person shall, if required by the Council, at any time undergo a medical examination by a Registered Medical Practitioner to be selected by the Council.
7. The driver shall comply with the Councils requirement to undertake and successfully pass the approved driving test carried out by the Driver Standards Agency in the following circumstances:
  - Their DVLA driving licence being endorsed with 9 or more penalty points, or
  - Following any period of disqualification from driving, or
  - Following an investigation and substantiation of a complaint concerning driver attitude, disposition and/or ability.

Failure to pass the driving test will result in immediate suspension of the drivers licence. The drivers' licence will remain suspended until such time as the driving test is successfully passed.

8. The driver of a hackney carriage shall comply with the Councils requirement in relation to minimum age and experience:

Held a full DVLA driving licence for at least two years and be at least 21 years of age at the date of application.

9. The proprietor of a hackney carriage vehicle shall ensure the vehicle is less than:

6 years old – saloon vehicles, or

8 years old – wheelchair accessible vehicles

The age is determined from the date of registration shown on the vehicle registration document and the vehicle can continue to be licensed until the vehicle is ten years old for all 4-passenger seated internal combustion engine saloon or hatchback vehicles and 14 years for multi seater (5-8 passenger seats), wheelchair accessible vehicles and Ultra Low Emission Vehicles (ULEVs) which includes Plugin Hybrid Electric Vehicles (PHEVs) and Electric Vehicles (EVs), after which they must be removed from the fleet.

#### **Penalties**

10. Every person who shall offend against any of these Byelaws shall be liable, upon summary conviction, to a fine not exceeding level 2 on the standard scale. In the case of a continuing offence, to a further fine not exceeding two pounds for each day during which the offence continues after conviction.

#### **Repeal of Byelaws**

11. The byelaws relating to hackney carriages which were made by Calderdale Metropolitan Borough Council on 31 August 1982 and which were confirmed by the Secretary of State of Home Office on 1 November 1982 are hereby repealed.