

**CROSS PARTY WORKING GROUP RECOMMENDATIONS  
PRIVATE HIRE DRIVERS' LICENCE CONDITIONS**

**Condition 2 - Driver's Knowledge**

All applicants for a private hire driver's licence, except those renewing a licence which has not elapsed or been revoked, must satisfy the Council that they have a high standard of local knowledge in order to discharge their duties.

Trade Comments:

Rarely pickup in the city, don't do point to point in the city, mainly airport runs. His drivers are upset. Doing a knowledge test is irrelevant.

His has drivers who have worked 15/20 years. Possible concession could be 'grandfather' rights for existing drivers not to have to do a knowledge test.

Some have been driving for years when they start taxi work i.e. pizza delivery, why should they have to take a test?

Example of Arterial Motors only did school runs, but they needed a test to get a licence.

How about a third type of test for Executive drivers?

If had a licence from approx 20 years ago, didn't need a test.

If a concession, there is no harm to existing businesses.

Executive service, why is a knowledge test relevant?

What about those who don't work in the city area – therefore totally irrelevant?

Officer Comment & Recommendation:

Drivers who have taken and passed a knowledge test help to ensure quality of service for visitors and residents of the city. Existing drivers some years ago benefited from not having to take a knowledge test when the Council introduced it. They were afforded 'grandfather rights' and were issued with a badge without having to take a test.

The majority of work for existing chauffeur/executive drivers does not involve driving around Derby. To avoid excessive hardship for these existing businesses a similar concession could be given to those drivers currently employed by the chauffeur/executive companies.

Allow all existing drivers 'grandfather rights' and issue badges without the usual knowledge test, subject to satisfactory CRB disclosures. All potential drivers

should apply before a pre-determined cut-off date, providing proof of employment as a chauffeur driver at the pre-determined cut-off date, with all new applications after that date having to complete the full application process.

Working Party Recommendation:

Agreed to grant a concession for those drivers who were employed in the chauffeur/executive trade in Derby for at least 12 months before 28 January 2008.

Members agreed to a cut-off date of 56 days from the date of the committee meeting for the receipt of application from those wishing to claim 'grandfather' rights, subject to providing the appropriate proof of entitlement i.e. in the case of a self-employed person, a letter from an Accountant; in the case of an employed person, a letter from their employer; or in either case, a copy of a current P60.

Media coverage should be employed to raise awareness of the requirement of the chauffeur/executive trade to obtain a vehicle or driver licence. This should help to attain full compliance, and to aid identification of any possible non-compliance.

**Condition 3 - Conduct of Driver**

The driver shall:

- a) Behave in a civil and orderly manner;
- b) Be clean and respectable in their dress and person;
- c) Take all reasonable steps to ensure the safety of passengers conveyed in, entering into or getting out of the vehicle driven by them;
- d) Not drink or eat in the vehicle whilst it is being let for hire without the express consent of the hirer;
- e) Not, without the express consent of the hirer, play any radio or any sound reproducing equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle; and
- f) At no time cause or permit the noise from any radio or similar 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.
- g) Not importune any person to hire such a vehicle and shall not make use of any other person for the purpose.
- h) Not ply for hire.

Trade Comments:

Add smoking, drinking and drugs to the conduct list.

Officer Comment & Recommendation:

These issues are covered by primary legislation; therefore the recommendation is not to include these in the list.

Working Party Recommendation:

Agreed – condition to be unaltered.

**Condition 6 - Passengers**

The driver shall not:

- a) Convey, or permit to be conveyed in a vehicle, a greater number of passengers than that specified in the licence for the vehicle;
- b) Allow any child under the age of 14 years to be conveyed in the front of the vehicle;
- c) Allow more than one passenger to be conveyed in the front of the vehicle, unless the vehicle licence specially states otherwise;
- d) Without the consent of the hirer of the vehicle, convey or permit to be conveyed any other person in that vehicle.

Trade Comments:

Check age /height requirements.

Officer Comment & Recommendation:

In light of changes in the legislation in 2006, the recommendation is to amend the wording in b) to read:

‘Allow any child under the age of 12 or under the height of 135 cms (4 feet 5 inches) to be conveyed in the front of the vehicle. For the avoidance of doubt, a child under the age of 12 who has attained the height of 135 cms may be conveyed in the front of the vehicle.’

Working Party Recommendation:

Agreed to amend wording as suggested.

**Condition 9 - Animals**

- a) The driver shall not convey in the vehicle any animal belonging to themselves, the operator of the vehicle, or animals in their custody.
- b) The driver may carry any animal belonging to a passenger at their own discretion but only in the rear seating area of the vehicle and they shall ensure where necessary that such animals are suitably contained so as

not to present a nuisance or hazard to the occupants of the vehicle.

- c) Notwithstanding anything in (b), a visually impaired or otherwise disabled passenger shall be entitled as of right to be accompanied by an assistance dog in the vehicle.

Trade Comments:

Guide dogs are allowed in the front seat.

Officer Comment & Recommendation:

Officers agree this is confusing. Recommend to amend b) to read –

‘the driver may carry any animal belonging to a passenger at their own discretion anywhere in the vehicle and they shall ensure, where necessary, that such animals are suitably restrained so as not to present a nuisance or hazards to the occupants of the vehicle’

Working Party Recommendation:

Agreed to amend wording to condition, with some alteration to read-

‘the driver may carry any animal belonging to a passenger at their own discretion anywhere in the vehicle and they shall ensure, where necessary, that such animals are suitably restrained/contained so as not to present a nuisance or hazards to the occupants of the vehicle’

**Condition 17 - Plate**

The driver shall ensure that the plate is at all times clearly visible to public view when the vehicle is being used.

Trade Comments:

Not happy at all. Other Council’s have a tax disc in the front. He drives nice cars. His contracts require a discreet car and discreet service.

Some LA’s allow fluorescent green signs in the rear window. Plates are unsightly. The signs in the rear window do the same job as the plates on the exterior. He doesn’t see any reason why executive cars need the plate on the exterior of the car.

Private hire won’t want to have plates on their car if executive cars are allowed this concession.

Why do they need an expiry date? Plates only have a benefit for Enforcement Officers.

Officer Comment & Recommendation:

Officers are mindful that a licensed vehicle, once licensed, is licensed for all

purposes i.e. there is no concept in law of a restricted licence. The purpose of the plate is to have a permanent means of identifying the vehicle as a Private Hire Vehicle (PHV). This is important, both in the interests of public safety, and for effective enforcement. The suggestion of having stickers in the windows is construed by the new PH trade as a suitable alternative; however, they can be easily removed by drivers and/or customers. Therefore, the recommendation is that condition 17, remains unaltered.

Working Party Recommendation:

Agreed – condition to be unaltered.

### **Condition 19 - Convictions**

The driver shall, within 14 days of the date of any conviction, disclose to the Council in writing details of any conviction/s imposed on them during the period of the licence.

Trade Comments:

Queried the powers of the Council.

This question was dealt with by officers at the meeting.

### **Condition 20 - Medical Fitness**

The driver shall:

- a) Upon application, be medically examined by a registered general practitioner where they are registered and be certified fit to perform the duties of a private hire driver.
- b) If aged under 65, be medically examined every 5 years by a registered general practitioner at the doctor's practice where they are registered and be certified fit to perform the duties of a private hire driver.
- c) If aged over 65, be medically examined annually by a registered general practitioner at the doctor's practice where they are registered and be certified fit to perform the duties of a private hire driver.
- d) Be required to undergo additional examinations at more frequent intervals, if recommended by a registered general practitioner or at the request of the Principal Licensing Officer, if a complaint is received.
- e) Notify the Council in writing of any medical condition which arises after the issue of the licence and may affect their ability to drive safely.

Trade Comments:

Take out 'where registered' as it is extremely difficult for a driver to get a medical as GP's don't like to do them.

Queried whether it was possible for the Council to provide a GP?

Officer Comment & Recommendation:

This change had already been approved by Committee. Remove in a) 'where they are registered' and to remove in b) and c) 'at the doctors practice where they are registered'

Working Party Recommendation:

Agreed to amend wording as suggested.

**Condition 25 - Criminal Record Checks**

Every new applicant for the grant of a licence shall be subject to an Enhanced Disclosure check by the Criminal Records Bureau (CRB). Existing licensed drivers shall be subject to these checks every 3 years, or as otherwise required by the Council.

Trade Comments:

Drivers without CRB's should not work as from Monday (23 June) as they have been allowed to trade for 6 months, when the legislation came in January 2008.

Officer Comment & Recommendation:

In the interests of public safety and to ensure drivers of PHV's are 'fit and proper' people, the recommendation is leave this condition unaltered.

Working Party Recommendation:

Agreed – condition to be unaltered.