

DRIVER LICENCE CONDITIONS – Taken from Section 2 of the 4th Amendment of the Council’s Policy on the Administration and Regulation of Hackney Carriage and Private Hire Licences (effective 1st November 2021)

Drivers of licensed vehicles shall, at all times as appropriate:

- 1) not assign or in any way part with the benefit of the licence, which is personal to the licence holder.
- 2) observe all legislation governing the use of vehicles on roads. This includes the use or misuse of the audible warning instrument (horn), which may only be used for emergencies as specified in the Highway Code, and must not be used as a means of alerting hirers of their presence.
- 3) comply with all reasonable requests made by authorised officers of the Council.
- 4) when outside of the borough of Torfaen, comply with all reasonable requests made by authorised officers of the Council for the district in which the driver is working.
- 5) comply with any conditions or requirements which are approved by the Council.
- 6) subscribe to the Disclosure and Barring Service (DBS) online update service at their own cost, maintain the subscription throughout the lifetime of the licence and give permission for the Council to undertake checks of their DBS status when the Council considers it necessary to do so throughout the lifetime of the licence. Alternatively, drivers who do not subscribe to the DBS update service or where a check of the update service reveals that there have been changes to the original DBS certificate submitted with the application for the licence, the driver shall submit an application for an enhanced DBS certificate to the Council with the necessary documentation to verify their identity and appropriate fee, at intervals of no less than 6 months, as may be directed by the Council.
- 7) attend required training as directed by the Council within a reasonable period that will be stated in the requirement.
- 8) act in a professional manner towards every person and not behave in a manner that would bring the private hire or hackney carriage trade into disrepute.
- 9) not drive when their ability to do so is impaired by tiredness or having worked excessive hours. The maximum daily driving time shall be 10 hours. Drivers must have a break lasting at least 30 minutes after driving for 5.5 hours and within any period of 8.5 hours, drivers must take at least 45 minutes in breaks. Drivers must also have a break of at least 30 minutes at the end this 8.5 hour period unless it’s the end of the working day.
- 10) when the vehicle is available or being driven for hire, be clean and respectable in his/her dress (smart / casual, adhering to the Council’s hackney carriage and private hire driver’s dress code - see Appendix G of the Policy on the Administration and Regulation of Hackney Carriage and Private Hire Licences.) and person.
- 11) behave in an orderly manner and conduct himself with civility and propriety towards members of the public, enforcement officers (Police or Local Authority) and every person seeking to hire, or hiring or being conveyed in the vehicle, and shall comply with the Council’s Hackney Carriage and Private Hire Driver’s Code of Conduct (see Appendix H of the Policy on the Administration and Regulation of Hackney Carriage and Private Hire Licences). The driver shall take all reasonable steps to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- 12) communicate effectively with the customers to ensure that their requirements are fully understood.
- 13) ensure that any reasonable request for service made by the customer is provided.

- 14) ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to those that will use it for the purpose for which it has been collected. Personal information must not be used for any purpose other than that for which it was collected without the express permission of the individual to which the information relates. For example, telephone numbers provided by customers so that they can be alerted / updated by SMS text message with regard to a booking they have made must only be used for that purpose. The information must not be retained by the driver after the text message has been sent, and / or used for any other purpose (such as unsolicited marketing or other calls).
- 15) not engage in any sexual activity with customers, or make any advance or comment that could be construed to be an attempt to procure any special relationship, sexual or otherwise with the customer.
- 16) ensure that the hirer/passenger is cared for and must not knowingly put them any position that could put them in any physical or moral danger. Any suspicious behaviour or circumstances must be reported to a relevant authority, e.g. police, children's services or licensing officers.
- 17) comply with the Public Health (Wales) Act 2017, which prohibits smoking in any licensed vehicle and, in addition, will not use any electronic or other cigarette substitute whilst in any licenced vehicle.
- 18) keep the licensed vehicle to a high degree of cleanliness and shall carry out on a daily basis an inspection of the interior and exterior of the vehicle to ensure that the vehicle is suitable and safe for use as a licensed vehicle. The inspection should take place at the start of the working day prior to accepting any passengers. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors, access ramps (where applicable) and seat belts. A written record must be made of each safety check and details of faults and remedial action taken recorded. The record must be signed by the person undertaking the safety checks and kept in the vehicle for a minimum of 30 days and then for a further six months by the vehicle proprietor. The record must be available for inspection by an authorised officer of the Council on reasonable request. Any defects must be rectified by the driver or proprietor prior to the vehicle being used for hire or reward.
- 19) except with the express consent of the hirer, not drink or eat in the vehicle;
- 20) except with the express consent of the hirer, not play any radio or sound reproducing instrument in the vehicle other than for communicating with the operator.
- 21) not cause or permit the sound emitted by any radio equipment or sound reproducing equipment installed in the vehicle to be a source of nuisance or annoyance to persons whether inside or outside the vehicle.
- 22) when hired to drive to any particular destination, subject to any directions given by the hirer, proceed to that destination by the shortest, most direct, practicable route.
- 23) except with the express consent of the hirer, not convey any person other than the hirer in the vehicle.
- 24) when they have agreed or have been hired to be in attendance with a vehicle at an appointed time and place, unless delayed or prevented by some sufficient cause, punctually attend with the licensed vehicle at such appointed time and place.
- 25) where requested by the hirer;
- a) convey a reasonable quantity of luggage.
 - b) afford reasonable assistance in loading and unloading.
 - c) afford reasonable assistance in removing luggage to or from the entrance of any building, station, house or place at which they may take up or set down such person.
- 26) not use a mobile phone whilst driving, unless they are able to do so by making use of a hands free kit. (There is an exemption in law for calls to 999 or 112 in a genuine emergency where it would be unsafe or impractical to stop).

- 27) not permit to be carried in a licensed vehicle, a greater number of passengers than the number prescribed in the licence. Passengers may not be carried unless they are seated in one of the seats approved on the licence, or a correctly fitted child seat if provided. A baby in arms counts as a passenger.
- 28) comply with the seat belt regulations of 1993 and 2006 and ensure that all passengers comply with the regulations. See Appendix A of the Policy on the Administration and Regulation of Hackney Carriage and Private Hire Licences.
- 29) comply with all additional conditions for CCTV and Video Point of Impact systems (VPIS) that may be specified by the Council, when driving a vehicle fitted with a CCTV system or VPIS. See Appendix J of the Policy on the Administration and Regulation of Hackney Carriage and Private Hire Licences.
- 30) notify immediately the operator or proprietor of any vehicle that they are driving, if the operator or proprietor has provided them with a fire extinguisher and the extinguisher is defective or has been discharged
- 31) notify the Council as soon as possible but in any event within one working day, if any licensed vehicle that they are driving is involved in an accident
- 32) only carry the same number of passengers as there are working seat belts. If necessary, additional cars or additional journeys should be used for the trip.
- 33) ensure that the Council's licence plates and doorsigns are permanently attached to the vehicle and shall not conceal from public view either the exterior identification plate or door signs of the vehicle or the details painted or marked thereon. The driver shall ensure that the identification plate and door signs are kept in a clean condition.
- 34) when driving a licensed vehicle, wear or display in a conspicuous position the drivers badge issued to the licence holder by the Council. Where a second badge or similar is issued by the Council, it shall be displayed within the vehicle as may be directed by the Council whilst working so that it is clearly visible to passengers.
- 35) request a duplicate badge immediately from the Council where the original is lost or stolen. If the original badge is later found, it shall be returned the Council immediately.
- 36) request a replacement badge from the Council at the earliest opportunity if they alter their appearance significantly (for example by growing / removing a beard or moustache, changing hair colour etc.) and shall provide an up to date photograph that is an accurate portrayal of their current appearance when making their request.
- 37) return the badge to the Council following receipt of a notice requesting its return due to the licence being suspended or revoked. The driver badge shall remain the property of the Council. any licence that has been suspended must be returned to the Council immediately at the start of the suspension period. Any licence that has expired shall be returned to the Council within 5 working days of its expiry or such other time as may be specified by the Council.
- 38) notify the Council in writing of any change of his/her name and/or address or operator within 5 working days of such change taking place.
- 39) notify the DVLA of any change in their name/address within 5 working days of such change taking place and request a replacement DVLA driving licence which the driver shall produce to the Council within 5 working days of receipt of it from the issuing body.
- 40) notify the Council and provide within 48 hours, full details of any arrest and release (whether or not charged), and any subsequent conviction, binding over, caution, warning or reprimand for any criminal or motoring matter imposed on him / her during the period of the licence. The following matters shall be reported:
 - a) any conviction (criminal or motoring matter);
 - b) any caution (issued by the Police or any other agency);
 - c) issue of any Magistrate's Court summonses;
 - d) issue of any fixed penalty notice for any matter;

- e) any harassment or other form of warning or order within the criminal law including anti-social behaviour orders or similar;
 - f) arrest for any offence (whether or not charged);
 - g) any acquittal following a criminal case heard by a court; a
 - h) any refusal of any type of licence by any other regulatory authority or where any such licence is suspended, revoked or not renewed.
- 41) notify the Council in writing immediately of any medical condition or illness that may affect their fitness to drive, and must not continue to drive their licensed vehicle until the matter has been considered by the Council, and the Council has confirmed in writing that the driver is permitted to continue to drive.
 - 42) at any time, or at such intervals as the Council may reasonably require, produce a medical certificate in the form prescribed by the Council that is signed by a medical practitioner who has knowledge of the applicant and with access to the applicant's medical records, e.g. by their own general practitioner, to the effect that the driver is or continues to be physically fit to be a driver of a licensed vehicle. This will include a medical each year on the anniversary of the grant of the licence after the licence holder has turned 65.
 - 43) return any temporary medical exemption certificate that they are issued with under the Equality Act 2010, to the Council within one working day of the expiry of the certificate.
 - 44) if requested by the hirer, provide him with a written receipt for the fare paid.
 - 45) not demand of the hirer a sum in excess of that agreed between the hirer and the operator or, if the vehicle is fitted with a taxi meter and there has been no such agreement, a fare greater than that shown on the taxi meter. If a taxi meter is used, then the driver shall give the hirer opportunity to examine the fare shown at the termination of the journey and shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of scrutinising it and has paid the fare
 - 46) where a credit/debit card payment device is fitted in the vehicle:
 - a) at the start of a shift prior to accepting fare paying passengers, check that the device is in full working order, including the ability to print receipts,
 - b) where a device is faulty, report the matter to the operator of the vehicle (if there is one) prior to accepting any bookings and also to the proprietor of the vehicle (if the driver is not also proprietor) within 24 hours.
 - c) ensure that where the device is faulty, remove any card payment window stickers or other approved advertisements until it is in full operational order.
 - d) where there is a widespread network outage affecting card payments, advise passengers of this prior to accepting the fare.
 - 47) upon the request of a police constable or authorised officer of the Council, provide the following information if requested;
 - a) name
 - b) current address
 - c) date of birth
 - d) name and address of the vehicle operator, if different
 - 48) produce for inspection their Hackney Carriage/Private Hire Vehicle Drivers Licence, DVLA Driving licence (or equivalent), Certificate of Insurance and if applicable Vehicle Test Certificate either forthwith or in any case before the expiration of 7 days beginning with the day following the date of the request
 - a) in the case of a request by a police constable, at any police station within the Councils area and which is nominated by the constable when the request is made.
 - b) in the case of a request by an authorised officer, to the Council's appointed office for the Licensing Team or other such location that may be agreed.
 - c) remain at the scene for a sufficient period of time so as to allow the officer to obtain any details of their drivers licence and to carry out an inspection of the vehicle under the powers of the Local Government (Miscellaneous Provisions) Act 1976.

- 49) when conveying at their discretion an animal other than an assistance dog that is in the custody of the hirer of the vehicle, convey the animal in the rear of the vehicle.
- 50) as required by the Equality Act 2010, carry a guide dog or assistance dog belonging to a passenger free of charge and allow the dog to remain with the passenger, unless the driver has a proven medical condition confirmed in writing by a Medical Practitioner that would preclude such action and has been granted an exemption by the Council. (See Appendix I of the Policy on the Administration and Regulation of Hackney Carriage and Private Hire Licences for the policy on Equality Act Medical Exemptions.)
- 51) when driving a wheelchair accessible vehicle, ensure that before they first use the vehicle for hire or reward, they are able to correctly deploy the vehicle ramps and they understand how to transport the passenger in the wheelchair into and out of the vehicle and secure the wheelchair correctly. As required by the Equality Act 2010, the driver of a wheelchair accessible vehicle shall provide assistance to a wheelchair user in accessing the vehicle and shall carry the wheelchair user in the vehicle, whilst remaining in their wheelchair if they so wish, in a safe and secure manner with the appropriate use of the vehicles straps and seatbelts, unless the driver has a proven medical condition confirmed in writing by a Medical Practitioner that would preclude them from providing such assistance and has been granted an exemption by the Council. (See Appendix I of the Policy on the Administration and Regulation of Hackney Carriage and Private Hire Licences for the policy on Equality Act Medical Exemptions.)
- 52) immediately after the termination of any hiring or as soon as practicable thereafter, carefully search the vehicle for any property left by passengers.
- 53) if any property is found in the vehicle, or be found by or handed to him, and not returned to the rightful owner, take it, as soon as possible and in any event within 24 hours, to a Police Station in the borough of Torfaen and leave it in the custody of the officer in charge. The driver must request a receipt for the property.

- 54) not, while driving or in charge of a private hire vehicle;
- a) tout for 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 for or solicit on a road or other public place any person to hire or be carried for hire in a Private Hire Vehicle; or
 - c) accept an offer for the immediate hire of that vehicle while the licence holder of that vehicle is on a road or other public place, except where such offer is first communicated to the licence holder via a licensed operator by telephone or by apparatus for wireless telegraphy fitted to that vehicle.

In this condition:

- i) "Road" means any highway and other road to which the public has access and includes bridges over which a road passes.
- ii) This includes private areas where the public have access which include privately owned car parks e.g. supermarkets, railway stations and bus terminals.

Notes

1. Applications for renewal of a licence should be made in advance to ensure continuity. There is no automatic period of grace. Those failing to renew their licence before the expiry of their existing licence will be required to complete a new application process before the licence is issued, unless there are exceptional circumstances.
2. Any change in circumstances, which include but is not limited to a medical condition or penalty points on a driving licence, breaches in legislation or policy, may result in the licence being reviewed. This may result in the licence being suspended or revoked. The policy and procedures are detailed in Determination of applications and Reviews of Existing Licences (See Appendix B of the Policy on the Administration and Regulation of Hackney Carriage and Private Hire Licences).