

**PRIVATE HIRE VEHICLE DRIVERS LICENCE  
POLICY AND CONDITIONS  
From 01 JANUARY 2022**



**PRIVATE HIRE VEHICLE DRIVER POLICY**

1. Before a Private Hire Vehicle Driver's Licence is granted or renewed the applicant must:
  - 1.1 Complete and submit to Eastleigh Borough Council an application in the form prescribed by the Council.
  - 1.2 Satisfy Eastleigh Borough Council that: -
    - 1.2.1 he/she is a fit and proper person to hold such a licence including the right to work in the UK, adhering to relevant legislation and the council's code of conduct for drivers.
    - 1.2.2 he/she is medically fit to drive a private hire vehicle. For this purpose the applicant shall, produce a medical report in the manner approved by Eastleigh Borough Council and to be no older than 3 months. Thereafter medical certificates in the approved manner shall be produced by applicants every 5 years until reaching the age of 65 years when an annual medical is required. The licensing authority may submit completed certificates to an independent practice for confirmation of meeting the required standards.
    - 1.2.3 he/she has attained the age of 19 years.
    - 1.2.4 he/she has, for at least two years prior to the date of the application, held a driver's licence (not being a provisional licence) granted to the applicant under Part III of the Road Traffic Act 1972 authorising him to drive a motor car.
    - 1.2.5 Except those applicants within 13 below he/she has a sound knowledge of the legislation and conditions that apply to both hackney carriages and private hire vehicles.
  - 1.3 Produce annually for examination a current driving licence issued to the applicant under the Road Traffic Acts 1960-1972 (as amended) and appropriate authorisation to carry out a check with DVLA.
  - 1.4 Be the subject of a 6 monthly enhanced disclosure of criminal convictions including a check on the children and adults barring lists made to Eastleigh Borough Council as licensing authority and to maintain a current subscription to the update service.
  - 1.5 Be the subject of a check with the National Anti Fraud Network database on refusals and revocations of hackney carriages and private hire licences.
  - 1.6 Be the subject of a recent (no older than six months) licence check with the Driver and Vehicle Licensing Agency made by Eastleigh Borough Council as licensing authority.
  - 1.7 Undergo and pass an approved basic skills assessment in oral and written English and arithmetic to the satisfaction of Eastleigh Borough Council.
  - 1.8 Undergo and pass a driving skills assessment to the satisfaction of Eastleigh Borough Council.
  - 1.9 With effect from 1st January 2022 all applicants for private hire driver licences will have successfully completed safeguarding training approved by Eastleigh Borough Council within the 3 years preceding the application.

# PRIVATE HIRE VEHICLE DRIVERS' LICENCE CONDITIONS

## General

The holder of a Private Hire Vehicle Driver's licence must observe and carry out the requirements of Part II of the Local Government (Miscellaneous Provisions) Act 1976, and any order or regulation made thereunder, and the requirements of any other Act of Parliament or orders, regulations or byelaws made thereunder relating to the driving of motor vehicles.

## Interpretation

In this licence and in these Conditions, unless the subject or context otherwise requires: -

"authorised officer" means any officer of the Council authorised in writing by the Head of Legal Services of the Council for the purposes of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

"the Council" means Eastleigh Borough Council.

"licence plate" means the plate issued by the Council for the purpose of identifying the vehicle as a private hire vehicle duly licensed by the Council.

## 1. APPEARANCE OF DRIVER

1.1 This policy is not intended to discriminate or control people, rather to provide a standard policy where no member of the public travelling is made to feel uncomfortable by a driver whose choice of clothing may be inappropriate. The dress code is there to convey a professional appearance, thereby improving people's confidence of choosing licenced vehicles as a preferred mode of transportation and principally to protect the public and driver. This policy is not gender specific and is subjective. The driver of a Private Hire Vehicle shall be clean and tidy in appearance and shall be attired to a standard acceptable to the Council.

1.2 Acceptable - will include long or short-sleeved shirts with collars, blouse, polo shirts, long trousers, skirts, tailored shorts, dresses, shoes. Smart black jeans that are not frayed, torn or with logos etc will be permitted.

1.3 Unacceptable - Jeans (excluding above), singlets, shorts or bathing costumes, jogging pants, flip flops, high heels, trainers, sandals, ripped or dirty clothes.

1.4 and 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 leaving the vehicle.

## 2. VEHICLE LICENCE PLATE

2.1 The driver shall not wilfully or negligently cause or suffer the number of the licence on the plate issued by the Council to be concealed from public view or to be so defaced as to be illegible.

## 3. PLYING FOR HIRE

3.1 The licensee shall not, whilst driving or in charge of a private hire vehicle,

- 3.1.1 tout or solicit any person to hire or be carried for hire in any private hire vehicle, or
- 3.1.2 cause or procure any other person to tout or solicit any person to hire or be carried for hire in any private hire vehicle, or
- 3.1.3 offer that vehicle for immediate hire while the licensee of that vehicle is on a road or other place to which the public have access, or
- 3.1.4 accept an offer for the immediate hire of that vehicle whilst the licensee of that vehicle is on a road or other place to which the public have access except where such offer is first communicated to by the operator the vehicle is aligned to. (In this Condition, "road" means any highway and any other road to which the public have access and includes bridges over which a road passes).

#### 4. **NUMBER OF PASSENGERS**

- 4.1 The licensee shall not convey, or cause or permit to be conveyed in the vehicle a greater number of persons, exclusive of the driver, than specified in the licence. In addition, children under three years will not be conveyed in the front seat of a vehicle whether restrained or unrestrained. For the avoidance of doubt children and babies in arms are included in the number of passengers.

#### 5. **DRIVER'S BADGE**

- 5.1 The licensee shall, when acting in accordance with the private hire vehicle driver's licence granted to him/her, wear the badge issued to him/her in such position and manner as to be plainly and distinctly visible and display the second badge in a prominent position in the vehicle.

#### 6. **RETURN OF DRIVER'S BADGE**

- 6.1 The driver's badges referred to in Condition 5 shall remain the property of the Council and if the driver's licence is not renewed or is revoked shall be returned by the licensee to the Council within seven days of the serving upon him/her of a notice by the Head of Legal Services requiring the return of such badge.

#### 7. **CHANGE OF ADDRESS**

- 7.1 The holder of a private hire vehicle driver's licence shall notify the licensing team in writing within seven days any change of his/her address. Using the prescribed form.

#### 8. **ADHERENCE TO BOOKING**

- 8.1 The driver of a private hire vehicle which has been hired to be in attendance at any appropriate time and place shall, unless delayed and prevented by some sufficient cause, punctually attend at the appointed time and place.
- 8.2 Once a hiring has been accepted the driver shall complete that hiring unless there is good cause not to. Any hiring that has been accepted but is not completed by the driver must be reported with the reasons to the operator immediately.

#### 9. **DRIVER'S OBLIGATIONS**

- 9.1 The driver shall, when requested by the hirer,
  - 9.1.1 convey a reasonable quantity of luggage,

- 9.1.2 afford reasonable assistance in loading and unloading, including assistance in removing luggage to and from the entrance of any house or other place where he collects or sets down his passengers,
- 9.1.3 Provide an accurate receipt with the date, time and cost of the journey, your name, badge number and operator contact details.
- 9.2 Provided always that the driver of a private hire vehicle shall not be obliged to convey:-
- 9.2.1 (a) any article or animal, except assistance dogs, which is of such bulk or amount or character that the carrying of such article or animal would be likely to cause damage to the vehicle or its fittings.
- 9.2.2 any petroleum spirit or explosive or dangerous substance.
- 9.2.3 any noxious, odorous, foul or offensive substance.
- 9.2.4 any person in a state of significant intoxication.

## 10. **LOST PROPERTY**

- 10.1 The driver shall, immediately after the termination of any hiring, or as soon as practicable afterwards, carefully search the vehicle for any property that may have been accidentally left therein and, if such property is found, or is handed to him, unless it be sooner claimed by or on behalf of its owner, take it within 24 hours to the operator of the vehicle.
- 10.2 Be entitled to receive from any person to whom the property shall be delivered an amount equivalent to the fare from the place of finding to the operator's office where deposited.

## 11. **DISABLED PERSONS**

- 11.1 No person shall refuse to carry a passenger in a private hire vehicle by reason of the fact that the passenger is disabled or requires to have with them a wheelchair or other facility of reasonable size for the disabled.

## 12. **ADVERTISEMENTS**

- 12.1 The driver of a private hire vehicle shall not place or suffer to be placed in any window or in any part of the vehicle any advertisement, sign, printed matter or distinguishing mark other than such has been approved or authorised by the Council.

## 13. **RESTRICTED DRIVER LICENCES**

- 13.1 At the discretion of the Head of Legal Services, a licence may be issued entitling the holder to drive private hire vehicles for private hire business purposes only when undertaking certain classification of contract work such as school or access to work contracts.

## 14. **CONVICTIONS, ARRESTS ETC.**

14.1 The holder of a private hire driver's licence shall notify the Head of Legal Services of their being convicted of any criminal or motoring conviction or being subject to any finding of guilt or caution or arrest for any offence immediately.

15. **SMOKING**

15.1 In addition to not allowing smoking in the vehicle you must not use or allow to be used an e-cigarette/vaping or similar smoking type object.

16. **HEALTH**

16.1 You need to be medically fit before we will grant a licence. When you are a licence holder, if you have a serious illness or injury, such as a heart attack, stroke, broken limbs, diabetes or sleep apnoea, you must tell us, in writing, as soon as possible and within five days of the start of the illness or injury. This also applies to anything that may affect your driving, or that has to be reported to the DVLA because it would affect your licence. We may ask you to have an additional medical examination or to produce written confirmation from your own GP or hospital consultant about your continued fitness to drive. The council may also seek an independent assessment of any such report or medical.

## ADDITIONAL INFORMATION

Please note that this information does not form part of Eastleigh Borough Council's licence policy or conditions

Drivers, proprietors and operators of licensed hackney carriages and private hire vehicles are reminded of the other statutory duties and restriction placed on them, amongst which are the following:

### Smoking

The Health Act 2006 prohibits the smoking of tobacco or any other substance by anyone in a licensed hackney carriage or private hire vehicle. The legislation applies at all times whilst the vehicle remains licensed.

The smoking of e-cigarettes/vaping in a licensed vehicle is also prohibited at any time.



Every licensed vehicle is required to carry appropriate signage under the Smoke-free (Signs) Regulations 2007. Guidance and signs are available from:

<http://www.smokefreeengland.co.uk/resources/guidance-and-signage.html>

### Assistance Dogs

The Disability Discrimination Act 1995 imposes a duty on licensed drivers and operators to convey any guide, hearing or other assistance dog in a licensed hackney carriage or private hire vehicle.

Drivers must:

- carry assistance dogs accompanying disabled people;
- do so without additional charge; and
- allow the dog to remain with the passenger

Operators must:

- accept bookings made by or on behalf of a disabled person who is accompanied by an assistance dog;
- accept bookings made by a person who will be accompanied in a PHV by such a disabled person; and
- not make an additional charge for carrying the assistance dog

If a driver has a medical condition, such as severe asthma, which is aggravated by contact with dogs, or is allergic or has an acute phobia to dogs, it may be possible for them to qualify for an exemption. Please discuss this with the licensing team in the first instance, to whom application for exemption must be made. The driver will be required to produce conclusive medical evidence in support of his application.

Please note that the law does not allow for an exemption to be granted on religious grounds.

Additional information is available from: <http://www.dft.gov.uk/transportforyou/access/taxis/>

