

APPENDIX ONE

HACKNEY CARRIAGE & PRIVATE HIRE (DUAL) DRIVER LICENCE: CONDITIONS

1. The Driver shall behave in a civil and orderly manner at all times when carrying out his or her duties, and not act in a manner to a passenger, member of the public or other licence holder that may:
 - Cause any person to take offence at their actions;
 - Cause any person to believe their actions are inappropriate;
 - Cause any person to fear for their physical safety;
 - Cause any person to doubt their integrity; and
 - Bring in to disrepute the integrity of the Council for having issued a licence to such person.
2. The Driver shall be clean and presentable in appearance, and if one is supplied wear the uniform provided by the employer.
3. The Driver shall wear on his or her person, the badge issued by the Council for that purpose in a position clearly visible to passengers, and if requested produce it on demand to the passenger or Authorised Officer.
4. The Driver shall not at any time lend or give his or her badge or licence to any other person, save for the copy of the licence that is required by these conditions to be given to the Private Hire Operator.
5. The Driver shall report the loss of the licence and/or badge to the Council as soon as such loss becomes known, and arrange an appointment with the Licensing Officer for the issue of any replacement and make payment for any appropriate fee.
6. The Driver shall not at any time drive a vehicle if he or she no longer holds, has had suspended or is disqualified from holding a DVLA driving licence for that type of vehicle.
7. The Driver shall, before commencing to drive the vehicle, deposit a copy of his Hackney Carriage & Private Hire (Dual) Driver licence with his/her Private Hire Operator for retention by the Operator until such time as he/she ceases to be permitted or employed to drive the vehicle or any other vehicle used by the same Operator.
8. The Driver shall only drive vehicles licensed by Ashfield District Council, unless he or she is appropriately licensed to use a vehicle licensed by another Authority.
9. The Driver shall not drive a licensed vehicle if he or she is not insured to do so.
10. The Driver shall not drive a licensed vehicle without the licence plate securely attached to the rear bumper or rear bodywork of the vehicle (save for those Private Hire Vehicles that have been granted an Exemption Notice).
11. The Driver shall when driving or in charge of a vehicle, wear a seat belt at all times and understand that the Driver is only exempt from wearing a seatbelt when actually carrying passengers for hire or reward.

12. The Driver shall ensure that the all passengers aged 12 years or more or whose height is 135cm or more, wear a seat belt throughout the duration of the journey.
13. The Driver shall, when carrying passengers who are children aged under 12 years of age or whose height is less than 135cm, ensure that:
 - Children under 3 years of age, if carried in the front seat, are seated in the appropriate child car seat;
 - Children under 3 years of age, if carried in the rear seats, are secured by way of the appropriate child restraint;
 - Children under 3 years of age, if no child car seat is available, may travel unrestrained on the rear seats;
 - Children aged 3 years or more but under 12 years of age or up to 135cm tall, if carried in the front seat, are secured by way of the appropriate child restraint or seatbelt;
 - Children aged 3 years or more but under 12 years of age or up to 135cm tall, if carried in the rear seats, are secured by way of the appropriate restraints or seatbelts.
14. The Driver shall when driving the vehicle take all reasonable precautions to ensure the safety of passengers and other road users.
15. The Driver shall drive the vehicle with full regard to the speed restrictions in force on any roads travelled.
16. The Driver shall drive the vehicle with full regard to the conditions of the road and all climate hazards.
17. The Driver shall ensure that before the vehicle is used, that copies of the Certificate of Insurance, Certificate of Compliance and M.O.T. Certificate are available within the vehicle, so as to be available to an Authorised Officer upon request.
18. The Driver shall if it has been agreed, or whose employer has agreed, to attend a certain time and place, (unless delayed or prevented by some reasonable cause) attend with the vehicle as agreed.
19. The Driver shall not carry more people in the vehicle than the number of persons permitted by the vehicle licence (or as stated on the vehicle licence plate).
20. The Driver shall not carry any other person in the vehicle without the permission of the hirer.
21. The Driver shall when collecting any passenger proceed to the requested destination by the shortest available route, and if asked by the passenger, indicate the route they are going to take, subject to any directions given by the hirer.
22. The Driver shall deliver the passenger to their chosen destination as agreed when the booking was made, unless he or she has exceptional cause to do so, or is otherwise directed by the hirer.

- 23.** The Driver shall:
- Take a reasonable amount of luggage including wheelchairs and children's pushchairs (the pushchair shall be folded and secured in the luggage area of the vehicle);
 - Give reasonable assistance in loading and unloading luggage;
 - Give reasonable assistance in removing luggage to or from the entrance of any building, station or place at which he or she takes up or sets down passengers.
 - Give reasonable assistance to elderly, vulnerable or disabled persons with entering or alighting from the vehicle, and any other reasonable assistance during the course of the journey.
- 24.** The Driver shall when in charge of a designated Wheelchair Accessible Hackney Carriage or Private Hire Vehicle make the vehicle available for hire to any person requiring "wheelchair mobility assistance", and provide any necessary assistance to assist the wheelchair user with entering or alighting from the vehicle, and any other reasonable assistance during the course of the journey. If the Licensing Authority is satisfied that it is appropriate on medical grounds to exempt the person from the above requirement it shall issue a certificate of exemption.
- 25.** The Driver shall not charge a higher price for any journey, for a person requiring "mobility assistance" than would otherwise be charged for a person without a need for the provision of "mobility assistance" for the same journey.
- 26.** The Driver of a vehicle which has been hired, by or on behalf of a blind or partially sighted person, or a disabled person who is accompanied by his / her assistance dog, or by a person who wishes such a blind or partially sighted person, or a disabled person to accompany him / her in the vehicle shall, carry the passenger and his dog, allow it to remain with the passenger and not make any additional charge for doing so. If the Licensing Authority is satisfied that it is appropriate on medical grounds to exempt the person from the above requirement it shall issue a certificate of exemption. The driver is not compelled to convey any other type of animal.
- 27.** The Driver shall if the hirer of a vehicle is accompanied by any animal(s) make sure that it is securely contained to the satisfaction of the driver, if he deems fit, carry the passenger and his animal(s) and not make any additional charge for doing so. If the Licensing Authority is satisfied that it is appropriate on medical grounds to exempt the person from the above requirement it shall issue a certificate of exemption.
- 28.** The Driver shall ensure that any animal(s) transported in the licensed vehicle are placed in the rear seating compartment of the vehicle.
- 29.** The Driver shall, if asked to transport an unaccompanied child or if a passenger requests that the Driver wait until they are safely inside the house, agree to such requests.
- 30.** The Driver shall not, without reasonable cause, unnecessarily prolong in distance or time, the journey for which the vehicle was hired.
- 31.** The Driver shall provide a written receipt to the hirer if requested to do so.

- 32.** The Driver shall immediately after the termination of any hiring of the vehicle or as soon after as practicable carefully search the vehicle for any property which may have been accidentally left there.
- 33.** The Driver shall deliver any property which is left in the vehicle as soon as possible and in any event within 24 hours to a Police Station in the Council's district, and if required to do so, leave it in the custody of a Police Officer having obtained a receipt for it. The Driver shall notify his/her Operator of such an action having been undertaken.
- 34.** The Driver shall not sound the vehicle horn when arriving at an address to pick up passengers.
- 35.** The Driver shall respect the request of a passenger should that passenger choose not to engage in conversation.
- 36.** The Driver shall not play any radio or other sound reproducing equipment in the vehicle, except for the purpose of sending or receiving messages, without the express consent of the hirer.
- 37.** The Driver shall not drink or eat in the vehicle whilst a passenger or passengers are on-board.
- 38.** The Driver shall not whilst driving (including whilst stationary with the vehicle engine running and the handbrake not engaged) use a handheld mobile phone or any other handheld electronic mobile device, other than a two- way radio, which performs an interactive communication function by transmitting and receiving data.
- 39.** The Driver shall comply at all times to the Health Act 2006 and shall not at any time smoke (including electronic cigarettes) or permit any passenger to smoke (including electronic cigarettes) in any licensed Hackney Carriage or Private Hire vehicle.
- 40.** The Driver shall not at any time when driving the vehicle cause or permit the vehicle to stand at any bus stop or in any bus lay-by.
- 41.** The Driver shall not at any time when driving the vehicle permit the vehicle to be driven in any bus lane, with the exception of bus lanes that specifically permit such use.
- 42.** The Driver shall not at any time when driving the vehicle cause or permit the vehicle to stand in a disabled bay without displaying the appropriate badge or other lawful authority.
- 43.** The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be parked in such a position so as to cause an unnecessary obstruction or be in a dangerous position (e.g. double parked, parked at or close to a road junction).
- 44.** The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be driven on or become stationary on a footway.

45. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be stationary on double yellow lines, other than to allow passengers to board or alight from the vehicle.
46. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be stationary on a single yellow line, in contravention of the notices displayed, other than to allow passengers to board or alight from the vehicle.
47. The Driver shall not travel on any restricted road within the Ashfield District boundary, unless he or she is either carrying a passenger, or travelling to collect a passenger, and such a restriction does not apply to the road when the Driver is carrying or travelling to collect a passenger.
48. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to make any illegal manoeuvre, and/or cause any hazard, obstruction or inconvenience so as to contravene any traffic laws, regulations, orders or guidance outlined in the current Highway Code.
49. The Driver shall not drive a vehicle while having use of illegal drugs or misused legal drugs (including alcohol).
50. The Driver shall notify the Licensing Officer in writing, within 14 days, of any change in his or her details that have occurred since the most recent application made to the Licensing Officer (i.e. home address, telephone number, etc), and pay the appropriate fee for his/her record to be amended accordingly.
51. The Driver shall notify the Council in writing as soon as possible and in any event within 14 days of any illness or injury affecting his fitness to act as a driver, and if requested by an Authorised Officer must agree to a Medical Examination being carried out to ensure such illness / injury would not give rise to concerns for public safety.
52. The Driver shall notify the Council in advance, in writing, if he or she is to be away from the address shown on the licence (and recorded as the home address on the records of the Licensing Authority) for a period of more than 28 days.
53. The Driver shall declare all relevant motoring endorsements, and all offences, cautions and convictions on any application to renew the licence. No caution or conviction should be omitted from any application.
54. The Driver shall, if subject of any formal Police action including if arrested, released on Police Bail, charged with an offence, convicted of an offence, summonsed for an offence, reported for an offence or received a fixed penalty notice for an offence (including motoring endorsements) or accepts a caution, he or she must (within 14 days of the action) give full details of it to the Council in writing.
55. The Driver shall not willfully obstruct any Authorised Officer, or fail to comply with any requirement made by such a person without reasonable cause, or fail to give any such person any other assistance or information such person may reasonably require in the performance of his or her duties.

- 56.** The Driver shall when driving or in charge of a Private Hire Vehicle record in a suitable book, with bound consecutively numbered pages, or by electronic means, the following particulars at the start of each shift:
- her/his name and badge number prior to the commencement of each hiring;
 - the date and time the hiring was allocated to that vehicle;
 - the name of the hirer;
 - the time and place of pick-up;
 - the destination; and
 - upon completion of each hiring, the fare charged.
- The Driver shall make such book available for inspection on request by an authorised officer of the Council or a Police Officer and shall keep such records for a minimum period of 12 months.
- 57.** The Driver shall when driving or in charge of a Hackney Carriage Vehicle and in the employ of a Private Hire Operator record in a suitable book, with bound consecutively numbered pages, or by electronic means, the following particulars at the start of each shift:
- her/his name and badge number prior to the commencement of each hiring;
 - the date and time the hiring was allocated to that vehicle;
 - the name of the hirer;
 - the time and place of pick-up;
 - the destination; and
 - upon completion of each hiring, the fare charged.
- The Driver shall make such book available for inspection on request by an authorised officer of the Council or a Police Officer and shall keep such records for a minimum period of 12 months.
- 58.** The Driver shall not whilst driving or in charge of a Private Hire Vehicle ply for hire or otherwise tout or solicit on a road or other public place any person to hire or be carried in any Private Hire vehicle; or permit any other person to do so.
- 59.** The Driver shall not whilst driving or in charge of a Hackney Carriage Vehicle when outside of the Ashfield District Council area ply for hire or otherwise tout or solicit on a road or other public place any person to hire or be carried in any Hackney Carriage Vehicle; or permit any other person to do so.
- 60.** The Driver shall not whilst driving or in charge of a Private Hire Vehicle offer the vehicle for immediate hire whilst the driver is on a road or other public place except where such an offer is first communicated from the Private Hire Operator to the driver by telephone, radio, or other such apparatus fitted to the vehicle.
- 61.** The Driver shall not whilst driving or in charge of a Hackney Carriage Vehicle when outside of the Ashfield District Council area offer the vehicle for immediate hire whilst the driver is on a road or other public place except where such an offer is first communicated from the Private Hire Operator to the driver by telephone, radio, or other such apparatus fitted to the vehicle.
- 62.** The Driver shall not whilst driving or in charge of a Private Hire Vehicle park in a “prominent position” (i.e. where people are likely to congregate, locations with a high level of footfall, near a taxi rank), and be in attendance of the vehicle without a booking having been made for him or her to be at such a location, that may encourage any person to approach the vehicle in the belief that the driver and the vehicle are available for immediate public hire.

- 63.** The Driver shall when driving a Hackney Carriage or Private Hire Vehicle outside of the Ashfield District Council area not park on any rank in any other Council area, nor park in a “prominent position” (i.e. where people are likely to congregate, locations with a high level of footfall, near a taxi rank), and be in attendance of the vehicle without a booking having been made for him or her to be at such a location, that may encourage any person to approach the vehicle in the belief that the driver and the vehicle are available for immediate public hire.
- 64.** The Driver shall not whilst driving or in charge of a Private Hire Vehicle, contact the Private Hire Operator to request a booking be made on behalf of any person.
- 65.** The Driver shall not whilst driving or in charge of a Hackney Carriage Vehicle whilst travelling outside of the Ashfield District Council area, contact the Private Hire Operator to request a booking be made on behalf of any person.
- 66.** The Driver shall not whilst driving or in charge of a Private Hire Vehicle park on a taxi rank.
- 67.** The Driver of a vehicle equipped with a taximeter shall ensure that the table of fares is displayed in a clearly visible position in the vehicle, and provide an explanation of the table of fares if so requested by the passenger.
- 68.** The Driver shall when driving a vehicle equipped with a taxi-meter ensure that during any hiring the face of the taxi-meter is at all times plainly visible to the passengers.
- 69.** The Driver shall when driving a vehicle equipped with a taxi-meter set the meter into operation when the hirer starts her or his journey unless the hirer asks the hiring to engage the vehicle by time, or at the time pre-arranged for the journey to start as requested by the hirer.
- 70.** The Driver shall when driving a Hackney Carriage Vehicle ensure that the Hackney Carriage Statement of Fares & Charges as issued by the Ashfield District Council is kept within the vehicle in such a position as to be clearly visible to any passenger, and made available to any passenger or Authorised Officer who so requests
- 71.** The Driver shall when driving a Private Hire Vehicle, equipped with a taxi-meter, ensure that a Table of Fares as issued by the Private Hire Operator is kept within the vehicle and made available to any passenger or Authorised Officer who so requests.
- 72.** The Driver shall if the vehicle is involved in an accident, inform the vehicle proprietor immediately, in order that the vehicle proprietor may contact the Licensing Officer within 72 hours of the incident occurring.
- 73.** The Driver shall if the vehicle is involved in an accident, and is requested to do so, give his or her name and address and any other reasonable details, and the vehicle proprietors name and address and the number of the vehicle to any injured party or Authorised Officer.

74. The Driver shall if the vehicle is involved in an accident and if any other party is injured and is requested to do so give the details of the vehicle insurance to any injured party or Authorised Officer.
75. The Driver shall when driving a Hackney Carriage to a taxi rank and finding that the taxi rank is occupied by the full number of Carriages authorised to do so, proceed to another stand, and not park on or near a taxi rank that is full.
76. The Driver shall when driving a Hackney Carriage on arriving at a rank that is not fully occupied station the vehicle immediately behind the last Hackney Carriage so as to face in the same direction. When the Hackney Carriage immediately in front of the vehicle being driven by the Driver moves forward, the Driver shall also move forward to allow more Hackney Carriages to join the rank.
77. The Driver shall when driving a Hackney Carriage not cause an obstruction when parked on a taxi rank and when the vehicle is the first vehicle on the rank be in constant attendance and be ready to be hired at once by any person.
78. The Driver shall when driving a Hackney Carriage not park on a rank in the Ashfield District for any purpose other than for standing for hire.
79. The Driver shall carry a copy of these conditions within the vehicle and make them available for inspection by the hirer or any passenger, or Authorised Officer upon request, and be familiar with the conditions of the Driver licence and of the Enforcement Procedures as detailed in the Councils Policy on the Relevance of Warnings, Offences, Cautions and Convictions.
80. The Driver shall enroll with the Disclosure and Barring Services (DBS) Update Service and maintain any necessary agreements and arrangements with that Service so as to ensure that the Licensing Authority (should it have a reasonable requirement to do so) may access the licence holders DBS record in order to promote the objectives of public safety and safeguarding, and to prevent delay in the determination of the renewal of the licence.

A licence holder has a right of appeal to a Magistrate's Court against the imposition of the Conditions attached to a licence, by virtue of Section 300 – 302 of the Public Health Act 1936.

APPENDIX TWO

CONDITIONS ATTACHED TO THE GRANT OF A HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE LICENCE

Hackney Carriage and Private Hire Vehicle Licences are issued subject to the following conditions. You are advised to study these carefully and you are warned that for non-compliance with any **one** condition, the licence may be revoked or suspended.

1. The vehicle licence shall be valid for a period of one year and shall be renewable on the anniversary of the original licence until the vehicle is either replaced or reaches the upper age limit.
2. a) The Proprietor of a licensed vehicle shall not cause or allow the vehicle to be used unless:
 - The Driver of the vehicle holds a Hackney Carriage & Private Hire (Dual) Driver Licence issued by Ashfield District Council, and is insured by the proprietor, to drive the vehicle.
 - The number of the vehicle licence is fixed and displayed on the vehicle at all times during which the vehicle is licensed, by means of the Licence Plate issued by the Council to the Proprietor.
 - The Licence Plate is fixed and displayed outside on the rear of the vehicle with the particulars thereon facing outwards, in such a position that the vehicle's registration mark is not obscured, and in such a way as the Plate can be easily removed. The Plate must not be fixed to the vehicle with any form of adhesive, nor within the rear windscreen area of the vehicle.
 - The Licence Plate is clearly visible in daylight from the road at the rear of the vehicle.
- b) The Licence Plate referred to in these Conditions shall remain the property of the Council and shall be returned forthwith to the Licensing Team, Ashfield District Council, Urban Road, Kirkby-in-Ashfield, Nottinghamshire, NG17 8DA, if the Proprietor no longer holds a vehicle licence issued by the Council which is in force in respect of the vehicle.
- c) The Proprietor of a licensed vehicle shall report the loss of any plate or licence to the Police and Licensing Team as soon as such loss becomes known. The Licensing Team must also be advised of the Crime Number issued by the Police.
- d) A replacement plate (and bracket) is obtainable on payment of a fee.
- e) A fee is charged for duplicate paper licences.
3. a) The Proprietor shall ensure that vehicles are maintained in a good mechanical and structural condition at all times and be capable of satisfying the Council's mechanical and structural inspection at any time whilst the vehicles are licensed with this Authority.
- b) The vehicle must be a single uniform colour.
- c) The interior and exterior of the vehicle shall be kept in a clean condition and maintained in a safe condition by the Proprietor.

- d) The Proprietor of a licensed vehicle must not cause or permit the vehicle to be used unless it complies with the Council's vehicle specification and the conditions attached to the licence.
4. a) The Proprietor shall permit an Authorised Officer or any Police Constable to inspect the vehicle at all reasonable times.
- b) The Proprietor shall present the vehicle for inspection and testing, by an Authorised Officer, at any time and place within the District of Ashfield as specified in a notice, provided that the Council shall not under the provisions of this condition require the Proprietor to present the vehicle for inspection and testing on more than three separate occasions during any period of twelve months.
- c) If, upon completion of the inspection, the Authorised Officer or Police Constable is not satisfied as to the condition of the vehicle for use as a hire vehicle, the Proprietor shall be asked to remove and surrender the Licence Plate from the vehicle. This will be kept by the Authorised Officer or Police Constable until such time as the condition of the vehicle is satisfactory, when it will then be returned to the Proprietor.
5. All accidents must be reported to the Licensing Team, in writing, within 72 hours of the accident occurring. Such a responsibility is that of the Vehicle Licence Holder and the Driver of the vehicle at the time of the accident.
6. The proprietor of a Hackney Carriage or Private Hire Vehicle, in the event that following an accident, he or she does not believe that the vehicle requires taking out of service / replacing, and who wishes to continue to use the vehicle as a licensed Hackney Carriage or Private Hire Vehicle shall make the vehicle available to the Licensing Officer, who will inspect the vehicle and decide whether the vehicle is fit to continue in service.

If the Authorised Officer considers the damage to be such that the vehicle may continue in service until such time as a permanent repair is undertaken these must be undertaken within 28 days of the damage occurring and a letter authorising the use of the vehicle for a maximum period of 28 days will be issued by the Licensing Officer and shall be retained within the vehicle during the permitted period.

If any damage is considered by the Licensing Officer to be extensive enough to affect the safety or general appearance of the vehicle it must be immediately withdrawn from service and the plate removed. The vehicle must be repaired before the plate is re-affixed and the vehicle returned to service. In the case of any dispute as to fitness for service the vehicle will be taken to the Council nominated testing station where a qualified mechanic will give a binding decision, which will be final. The owner will pay the fee for such examination.

7. a) Hackney Carriage Vehicle must have an illuminated sign on the roof of the vehicle bearing the word "TAXI" on the front and Ashfield District Council on the rear, unless a sign is manufactured into the body work of the vehicle, in which case Ashfield District Council must be displayed on the rear of the vehicle.

- b) A Private Hire Vehicle must display signs on the front doors of the vehicle identifying the Private Hire Firm, giving the name and telephone number. There must also be a sign indicating that the vehicle must be pre-booked. (i.e. 'Advanced Booking Only')
- c) A Private Hire Vehicle must **not** display any sign or notice:
- which consists of or includes the words 'TAXI', 'TAX' or 'CAB' whether in the singular or plural or as part of another word; or
 - which consists of the words 'FOR HIRE'; or
 - Where the form of wording is in any such way as to suggest that the vehicle on which it is displayed is presently available to pick up any passengers wishing to hire it or would be so available if not already hired.
8. a) General advertising is permitted on the rear door panels and rear screen of all licensed vehicles. This is in addition to the advertising of the company name and telephone number that is permitted on the front door panels of the licensed vehicle.
- b) All proposed advertisements must be submitted to the Licensing Team for consideration.
- c) Each advertisement will be considered on its merit and the Licensing Team will make their decision known to the applicant in writing, within 14 days.
- d) All advertisements must be approved in writing **prior** to affixing it to the hire vehicle.
- e) Advertisements must comply with the guidelines issued by the Advertising Standards Agency.
- f) Advertisements of the following nature will not be permitted: Alcohol products, Tobacco products, Religious references, Political references, Controversial references.
- g) All advertisements must be in good taste.
- h) Advertisements must be in a material that cannot be easily soiled and that can be firmly attached to the interior or exterior of the vehicle, as appropriate.
- i) The material used in the rear screen of the hire vehicle must not inhibit in any way the view through the rear screen.
- j) All advertising mediums must be kept in a clean and good condition.
- k) Any advertising that has become damaged, is peeling or has been defaced in any way must be removed from the hire vehicle immediately.
- l) Where an advertisement has been refused there is a right of appeal to the Service Director and /or Licensing Committee.

9. a) The Hackney Carriage and Private Hire vehicle must not be used to carry a greater number of passengers than the number prescribed in the licence.
- b) When the Hackney Carriage or Private Hire vehicle is used to carry children, the following requirements shall be adhered to:
- All passengers aged 12 years or more, or whose height is 135cm or more, wear a seat belt throughout the duration of the journey; and
 - For children aged under 12 years of age, or whose height is less than 135cm, that:
 - Children under 3 years of age, if carried in the front seat, are seated in the appropriate child car seat;
 - Children under 3 years of age, if carried in the rear seats, are secured by way of the appropriate child restraint;
 - Children under 3 years of age, if no child car seat is available, may travel unrestrained on the rear seats;
 - Children aged 3 years or more but under 12 years of age or up to 135cm tall, if carried in the front seat, are secured by way of the appropriate child restraint or seatbelt;
 - Children aged 3 years or more but under 12 years of age or up to 135cm tall, if carried in the rear seats, are secured by way of the appropriate restraints or seatbelts.
- c) Wheelchair Access Vehicles have space(s) reserved for the carrying of wheelchairs. The restraining mechanisms are designed purposely for the restraint of wheelchairs only. Pushchairs **MUST** be folded and secured in the luggage compartment of the vehicle, infants should be safely restrained in a passenger seat in compliance with the seat belt regulations. Infants **MUST NOT** be transported in a pushchair.
- d) Only items belonging to passengers may be carried in the luggage space of the vehicle, except a fire extinguisher and first aid kit (i.e. no cleaning products, oils etc. belonging to the vehicle or driver may be carried).
- e) Animals belonging to the Proprietor or the driver must not be allowed to ride in the vehicle when the vehicle is working. Any animal of the hirer is to be conveyed in the rear of the vehicle **with the exception of** guide or assistance dogs which will remain with the hirer at all times (even if they are in the front) and which must be carried free of charge.
10. a) The Proprietor of a licensed Hackney Carriage or Private Hire Vehicle in which a taximeter is installed shall not cause or permit the vehicle to be used unless the taximeter is so constructed, attached to the vehicle and maintained as to comply with the following requirements:
- The taximeter is fitted with a key or other device, so that the taximeter can be switched on and the word "hired" will appear;
 - Such key or device shall be capable of being locked so that the taximeter can be switched off and no fare recorded;
 - When the taximeter is in operation, the fare shall be recorded in figures clearly legible and free from ambiguity.
 - The Hackney Carriage fare shall not exceed the rate of fares set by the Council;

- The taximeter shall be placed so that all letters and figures on its face can be seen by passengers in the vehicle and for that purpose, the letters and figures shall be capable of being suitably illuminated during any period of hiring.
- b) The Proprietor of a licensed **Hackney Carriage** must not allow the vehicle to be used unless the table of fares fixed by this Council is displayed clearly inside the vehicle. Where other fares are programmed into the meter there must also be a table of fares displayed for the additional fares.
- c) The Proprietor of a licensed **Private Hire Vehicle** in which a taximeter is installed must not allow the vehicle to be used unless there is on display the table of fares fixed by him which he proposes to charge.
11. a) If the proprietor wishes to surrender the licence at any time, he or she must do so by way of written confirmation to the Licensing Team, and the vehicle licence and licence plate be returned to the Licensing Team within 7 days of the notification of surrender.
- b) Should the vehicle be sold or transferred in any other way, to continue as a licensed vehicle within the period of the licence, the vehicle licence holder shall notify the Licensing Team in writing of such a matter within 7 days of the date that he or she sold or transferred the ownership of the vehicle.
- c) Should the vehicle be sold or transferred in any other way, to continue as a licensed vehicle within the period of the licence, the new proprietor shall also be provided with the following:
- A signed letter stating:
 - The make / model / colour / registration number / vehicle licence number
 - The date of sale
 - To whom the vehicle was sold
 - A bill of sale for the vehicle
 - A valid Certificate of Compliance
 - A valid M.O.T. Certificate
 - The current vehicle licence
- d) Should the vehicle be sold or transferred in any other way, to continue as a licensed vehicle, the new proprietor shall arrange for an appointment with the Licensing Team in order to carry out the “transfer of ownership” of the vehicle licence, and submit to the Licensing Team his / her application and the documents referred to at c) above.
- e) The Proprietor of a licensed vehicle shall produce the vehicle licence for inspection, at the request of any Police Constable.
- f) The Proprietor of a licensed vehicle shall ensure that copies of the following documents are kept in the vehicle at all times whilst it carries out licensable duties, and that all Drivers are aware of the documents are located, should they be asked to produce it to an Authorised Officer:
- Vehicle Log Book
 - Valid Certificate of Compliance
 - Valid M.O.T. Certificate
 - Valid Certificate of Insurance

And the Proprietor shall produce the following original documents at the request of an Authorised Officer of the Council (either forthwith or at the main Council Officers, within five days (including weekends) of the request being made):

- Current DVLA Driving Licence;
- Vehicle Log Book
- Valid Certificate of Compliance
- Valid M.O.T. Certificate
- Valid Certificate of Insurance

- g) At all times the proprietor of a licensed vehicle must keep in force in relation to the use of the vehicle, a Policy of Insurance complying with the requirements of Part VI of the Road Traffic Act 1988.
- h) Any change of vehicle on insurance must be notified to the Council on or before the change takes place.
- i) On changing address the Proprietor of a licensed vehicle shall return the licence, for amendment, to the Licensing Team within 14 days of the change, together with the appropriate fee.
- j) The licence shall be returned to the Licensing Team upon expiry, revocation or suspension, within 7 days.
- k) The Proprietor of a licensed vehicle shall maintain a list of names and addresses of all drivers of the vehicle, and maintain a record that provides information as to which driver has use of the vehicle at all times, and produce this information to the Licensing Team on request.
- l) Where the vehicle is licensed as a Private Hire Vehicle or Hackney Carriage with another Authority during the period of this licence, the Licensing Team must be notified and the licence with this Authority may be subject to revocation.
- 12.** a) The Proprietor of a licensed vehicle who has agreed, undertaken, or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless prevented because of some unavoidable reason, cause the vehicle to attend at such appointed time and place.
- b) Only Ashfield Licensed Hackney Carriages may stand on a Taxi Rank or ply for hire within Ashfield District.
- c) Private Hire Vehicles may not ply for hire or stand on a taxi rank for any reason which includes the picking up or dropping off passengers.
- d) All bookings for Private Hire Vehicles must be made in advance.
- e) All Private Hire Vehicles must display door signs that state all bookings must be made in advance, i.e. '**ADVANCE BOOKINGS ONLY**'.
- 13.** The Proprietor shall ensure that any radio equipment fitted to the licensed vehicle is at all times kept in a safe and sound condition and maintained in proper working order.

- 14.** The Proprietor of a licensed vehicle shall ensure that:
 - a) There is no smoking (including the smoking of electronic cigarettes) within the vehicle at all times. This applies to both drivers and passengers; and
 - b) No smoking signs are displayed within the vehicle.
- 15.** The Proprietor of a Hackney Carriage and Private Hire Vehicle shall, within fourteen days of any offence, caution or conviction, disclose to the Council, in writing, details of the offence, caution or conviction and any penalties imposed on him during the term of his licence.
- 16.** The proprietor of a licensed vehicle shall within 7 days of any request made by an Authorised Officer, make available any records or other information that would reasonably assist with an investigation.
- 17.** The proprietor of a licensed vehicle shall not wilfully obstruct an Authorised Officer, or without reasonable excuse fail to comply with any requirement made by such a person, or without reasonable cause, fail to give any such person any other assistance or information such person may reasonably require in the performance of his or her duties.
- 18.** The proprietor of a Hackney Carriage or Private Hire vehicle shall provide the Private Hire Operator to whom he or she supplies the vehicle to undertake journeys with a copy of his or her Vehicle Licence during the period that the vehicle is utilised so.
- 19.** The proprietor of a Private Hire vehicle shall notify the Council in advance, in writing, if he or she is to be away from the address shown of the licence, for a period of more than 28 days.
- 20.** The proprietor of a Private Hire vehicle shall ensure that a copy of these conditions are retained within the vehicle and made available for inspection by the hirer or any passenger, or Authorised Officer upon request.

A licence holder has a right of appeal to a Magistrate's Court against the imposition of the Conditions attached to a licence, by virtue of Section 300 – 302 of the Public Health Act 1936.

APPENDIX THREE

CONDITIONS ATTACHED TO A PRIVATE HIRE OPERATOR LICENCE

1. The Operator shall keep a record and maintain such a record at his/her premises detailing the particulars of all vehicles operated by him or her, which shall include the following:
 - the licence plate numbers;
 - the registration numbers;
 - the names and addresses of the proprietors;
 - the names and addresses of drivers;
 - the licence (badge) numbers of drivers;
 - copies of licences for all licensed vehicles and drivers; and
 - copies of insurance certificates for all licensed vehicles.

2. The Operator shall, before a hiring starts, record in a suitable book the pages of which are numbered consecutively, or by use of a suitable computer programme the following particulars:
 - a. the date and time of the booking;
 - b. the name and contact telephone number / email address (if either are available) of the hirer and, where the booking is received from another operator, the name of that operator;
 - c. the manner in which the booking was made (i.e. whether by telephone, in person, or by electronic means);
 - d. the time and place at which it is intended that the passenger shall be collected;
 - e. the destination (which may be recorded electronically at the conclusion of the journey using GPS tracking);
 - f. the time at which the driver was allocated the booking;
 - g. the registration number and licence plate number of the vehicle allocated to the booking;
 - h. the licence number of the driver who will attend the booking; and
 - i. where the booking is passed onto another operator by way of “sub-contracting”, the name and address of that operator.

3. The Operator shall keep the records referred to in the above conditions and make available for inspection on request by an authorised Officer of the Council or a Police Officer for a period of not less than 12 months. If the records are maintained by the use of a computer, the operator shall ensure that a print-out of any record kept can be provided at any time the business is in operation, on request by an authorised officer of the Council or a Police Officer for a period of not less than 12 months.

4. The Operator shall within 7 days of any request made by any Authorised Officer, make available any records or other information that would reasonably assist with an investigation. Any failure to comply with the reasonable request of the Licensing Officer will be considered relevant when assessing the suitability of the applicant to continue to hold a Private Hire Operator licence.

5. The Operator shall within 7 days of receipt, notify the Council in writing of any complaints concerning the cleanliness or condition of a vehicle, or of a complaint against a driver, in the employ of the Operator, made by any person or organisation.

6. The Operator shall not invite or accept a booking for a Licensed Vehicle, or control or arrange a journey to be undertaken by such vehicle, without first making available in writing, or giving orally, or by means of electronic communication to the person making the booking information as to the basis of charge for the hire of the vehicle.
7. The Operator shall not charge a higher price for any journey, for a person who requires “mobility assistance” than would otherwise be charged for a person without such a need for “mobility assistance” for the same journey.
8. The Operator shall not accept a booking for a vehicle to carry more passengers than the vehicle is licensed to carry.
9. The Operator shall not take any bookings requested directly by the driver of any licensed vehicle.
10. The Operator shall, when accepting a booking for a vehicle to attend at an appointed time and place, ensure that unless delayed or prevented by some sufficient cause, a suitable vehicle attends at that appointed time and place.
11. The Operator shall provide, and ensure that any vehicle in his employ that is fitted with a taxi-meter carries and displays upon request a list of the tariffs charged by the Operator.
12. The Operator shall take all necessary measures, including those requested by the Licensing Officer, Police Officer or other Authorised Officer to prevent vehicles in its employment, from parking or congregating in such a manner as to cause a nuisance to any reasonable person.
13. The Operator shall take all necessary measures, including those requested by the Licensing Officer, Police Officer or other Authorised Officer, so as to prevent drivers of Private Hire Vehicles in his or her employ from parking in a “prominent position” (i.e. where people are likely to congregate, locations with a high level of footfall, near or on taxi ranks) and being in attendance of the vehicle without a prior booking for that location having been provided to the driver, that may encourage any person to approach the vehicle in the belief that the driver and the vehicle are available for immediate hire.
14. The Operator shall take all necessary measures, including those requested by the Licensing Officer, Police Officer or other Authorised Officer, so as to prevent drivers of Hackney Carriage and / or Private Hire Vehicles in his or her employ when such vehicles are utilised outside of the Ashfield District Council area from parking in a “prominent position” (i.e. where people are likely to congregate, locations with a high level of footfall, near or on taxi ranks) and being in attendance of the vehicle without a prior booking for that location having been provided to the driver, that may encourage any person to approach the vehicle in the belief that the driver and the vehicle are available for immediate hire.
15. The Operator shall maintain an adequate supply of livery, and provide such livery upon request to the driver of a Licensed Vehicle in his or her employ should such livery be found to be absent, deteriorated or perished.

- 16.** The Operator shall not, knowingly or without the prior written consent of the Council, engage in partnership with, or allow or suffer any involvement in the management of the Operator hereby licensed by:

 - any person who has been convicted of an offence under the Local Government (Miscellaneous Provisions) Act 1976 or any other legislation relating to Private Hire and Hackney Carriage licensing; and
 - any person who, for the purposes of Part II of the said Act, has been found by any Licensing Authority not to be a fit and proper person to hold a Hackney Carriage & Private Hire (Dual) Driver Licence or Private Hire Operator Licence.

- 17.** The Operator shall inform the Council in writing, and within 14 days of him / her having been:

 - Arrested;
 - Released on Police Bail
 - Reported for an offence
 - Summoned for an offence
 - Charged with an offence
 - Convicted of an offence
 - Summoned for an offence
 - Cautioned by a Police Officer
 - Received a County Court judgment;
 - The subject of any bankruptcy proceedings, individual voluntary arrangements and composition agreements with creditors.

- 18.** The Operator shall be responsible for the actions of any manager, supervisor or any other person appointed to run the Private Hire Operator business on his / her behalf.

- 19.** If provision is made by the Operator on his or her premises for the reception of members of the public proposing to hire a vehicle, the Operator shall ensure that the premises are in a clean and tidy condition at all times, and that adequate arrangements are made for the seating of customers within the premises.

- 20.** The Operator shall not permit any person who is behaving in a manner likely to give rise to concerns regarding the safety of other members of the public, to remain upon the premises in respect of which this licence is in force.

- 21.** The Operator shall understand that Private Hire Operator licence is not transferable.

- 22.** The Operator shall notify the Council immediately (and in any case within 7 days) of any change in the Operator's business address, in the vehicles operated by the Operator or in the drivers employed to drive them; and make payment of any associated fee for the maintenance of the licence following such amendments being made.

- 23.** The Operator shall ensure that every driver employed to drive the vehicles operated by the Operator holds a Hackney Carriage & Private Hire (Dual) Driver Licence and is acquainted with the conditions attached to such a driver licence.

- 24.** The Operator shall ensure that the holder of any Hackney Carriage Vehicle Licence or Private Hire Vehicle Licence relating to a licensed vehicle operating under his / her Operator licence is acquainted with the conditions attached to such a vehicle licence.

A licence holder has a right of appeal to a Magistrate's Court against the imposition of the Conditions attached to a licence, by virtue of Section 300 – 302 of the Public Health Act 1936.