

# DOVER

DISTRICT COUNCIL



## **Hackney Carriage & Private Hire**

## **Vehicle, Operators & Drivers Handbook**

This handbook is produced to assist Operators and Drivers of Hackney Carriages and Private Hire Vehicles to understand and comply with the legislation, conditions and policy that affect the trade.

The guidance issued does not in any way replace or supersede any statutes, byelaws or Dover District Council policy.

In the event of any ambiguity or breach of conditions the legislation and policy will take precedence.

**Dover District Council** licenses the following:

- **Hackney Carriage Vehicles**
- **Private Hire Vehicles**
- **Private Hire Operators**
- **Hackney Carriage & Private Hire Vehicle Drivers**

The authority for doing so was the adoption of:

- Part II, Section 45, Local Government (Miscellaneous Provisions) Act 1976,
- Section 68, The Town Police Clauses Act 1847, and
- Section 171, The Public Health Act 1875

Dover District Council has set the following licensing objectives in order to ensure compliance with the above legislation whilst seeking to promote the hackney carriage and private hire trades throughout the Dover District Council area:

1. To ensure that, before any licence is issued, the driver of any hackney carriage or private hire vehicle is a fit and proper person to hold such a licence.
2. To ensure public safety and confidence in the condition and operation of any hackney carriage or private hire vehicles licensed by Dover District Council.
3. To ensure and promote a high quality, professional service to the residents of and visitors to the Dover District.

The Council will seek to achieve these objectives with the co-operation of the trade by:

- Ensuring that all hackney carriages and private hire vehicles are mechanically maintained to a high standard and are regularly inspected.
- Ensuring that the interior and exterior of all hackney carriage and private hire vehicles are presented for service in a clean, well-maintained and serviceable condition.
- Ensuring that all hackney carriage and private hire vehicle drivers are fit and proper persons to act as such.
- Ensuring that all hackney carriage and private hire vehicle drivers are smart and presentable at all times.
- Ensuring that all hackney carriage/private hire vehicle drivers are at all times courteous to passengers, other drivers and the public at large.

The following licence conditions have been adopted and are designed to ensure that these objectives are met. The conditions will be applied fairly and uniformly throughout the trade. The Council expects proprietors and drivers to co-operate fully to ensure the highest standards are maintained, and whilst any complaint of excessive requirements will be investigated, the safety of the public and the image presented by the hackney carriage and private hire trade will always remain the primary consideration for the Council.

Any requirements of legislation that affect the operations being carried out under the terms of any licence granted should be regarded as if they are conditions of that licence.

The policy encompasses areas such as service delivery and customer care as well as working with partners, contractors and other external organisations. Details held of drivers, vehicles or operators might be passed to those Authorised Agencies within the Data Protection Act 1995, Crime and Disorder Act 1998, or other relevant legislation that has or may be enacted by central government.

## **Interpretation**

For the purposes of this policy the following definitions will apply:

### **Hackney Carriage**

*TPCA 1847* Every wheeled carriage, whatever be its form or construction, used in standing or plying for hire in the street.

Section 38, Town Police Clauses Act 1847 as amended

### **Private Hire Vehicle**

*LP(MP)Act 1976* A private hire vehicle is a motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage, public service vehicle or a London cab, which is provided for hire with the services of a driver for the purpose of carrying passengers

Section 80, Local Government (Miscellaneous Provisions) Act 1976

### **Private Hire Operator**

*LP(MP)Act 1976* A person who in the course of business to makes provision for the invitation or acceptance of bookings for a private hire vehicle

Sections 55 and 80, Local Government (Miscellaneous Provisions) Act 1976

## Licensed Vehicles

*TPCA 1847* A licensed vehicle shall mean any hackney carriage or private hire vehicle licensed by the Dover District Council under the provisions of the Town Police Clauses Act 1847, or Local Government (Miscellaneous Provisions) Act 1976

### Date of First Registration

For the purposes of this policy where age of vehicle is given this shall refer either to the date of first registration as shown on the registration document or, in the case of a vehicle first used outside of the UK, when first used on a road of any description.

### Vehicle Condition

Each application for the licensing of a vehicle will be treated on individual merit however conditions have been placed on the licensing of vehicles as part of Council policy. Applicants wishing to licence vehicles outside of this policy should show sufficient reason for the Council to deviate from agreed policy.

In addition to the statutory requirements, a District Council may attach to the grant of a licence such conditions as the Council consider reasonably necessary. However, the Act specifically states that the Council shall not refuse a licence for the purpose of limiting the number of vehicles in respect of which the Council grants such licences. In the case of hackney carriages however the numbers may be limited only if the Council can show there to be no significant unmet demand for this type of vehicle licence.

The Acts require that the Council must be satisfied that the vehicle is suitable in type, size and design for use as a hackney carriage or private hire vehicle and it is in a suitable mechanical condition, safe and comfortable.

*TPCA 1847*  
*LG(MP)Act 1976* In the case of a private hire vehicle it is further required to be satisfied that they are not of such design or appearance as to lead any person to believe that the vehicle is a hackney carriage.

Any vehicle used as a hackney carriage or private hire vehicle must have in force a policy of insurance in relation to that use of that vehicle.

### Age of Vehicles

1. No application for a hackney carriage or private hire vehicle licence will be granted if the vehicle, when initial application is made, exceeds 3 years of age. Vehicles may be granted a licence if the age exceeds 3 years but does not exceed 4 years, only if the mileage at time of grant does not exceed 60,000 miles.
2. No application for the renewal of a hackney carriage or private hire vehicle licence will be granted if the vehicle, when application is made, exceeds 6 years of age, or the total mileage travelled by the vehicle exceeds 300,000 miles.

3. No application for the renewal of a hackney carriage or private hire vehicle licence purpose built for the carrying of wheelchair dependant passengers, or a type licensed by the Public Carriage Office as a London Cab will be granted if the vehicle, when application is made, exceeds 10 years of age.
4. No application for the renewal of a hackney carriage or private hire vehicle licence which meets the definition of a prestige vehicle will be granted if the vehicle exceeds 6 years of age and the total mileage travelled by the vehicle does not exceed 300,000 miles other than at the discretion of the Licensing Manager when such a renewal may be granted up to 10 years of age.

A prestige vehicle is defined as any vehicle currently licensed with the Dover District Council as a Hackney Carriage or Private Hire Vehicle the residual value of which if sold privately exceeds £5,000 six years after the date of its first registration.

### **Type of Vehicles**

Any vehicle licensed for use as a hackney carriage or private hire vehicle must:

1. Have an engine capacity of not less than 1500 cc.
2. Have at least four doors and be of sufficient size to accommodate at least four and up to eight passengers. The minimum dimensions for any single seat shall be 18 inches (46 cm) wide measured from side to side and 12 inches (30 cm) from front to back. There shall be a minimum of 12 inches (30 cm) legroom.
3. Be fitted with sufficient seatbelts for the number of persons it will be licensed to carry.
4. Have adequate storage for the luggage for the number of persons it will be licensed to carry.

### **Licence Applications**

If the vehicle meets the standards required by the initial inspection a Hackney Carriage Vehicle or private hire vehicle licence application form must be completed and submitted to the Licensing Manager with the appropriate fee and the following documents:

- (i) The current vehicle insurance certificate or cover note.
- (ii) The Registration Document.
- (iii) A current MOT certificate (dated no more than 30 days before the date of application).
- (iv) A current Vehicles Excise Licence.

No application will be processed unless all the necessary documentation and fee is submitted. Any incomplete application will be returned to the applicant.

Copies of the Insurance, registration and MoT Certificates will be retained for the Council's records.

### **Visual Inspection**

An Officer of the Council will carry out a visual inspection of the vehicle to check it is suitable and complies with all relevant regulations.

### **Accidents**

Any licensed vehicle damaged in an accident or otherwise must be presented for examination by an authorised officer of the Council and an accident report submitted as soon as possible after such accident and in any case within 72 hours. **Damaged vehicles may not continue to operate without the prior approval of the Council's authorised officer.** On completion of the necessary repairs the vehicle must be presented for inspection by an authorised officer of the Council prior to being returned into service.

### **Replacement Vehicles**

Any replacement vehicle must comply with the Council's policy on age and construction and the procedure must be completed and the appropriate fee paid prior to any such vehicle being used as a hackney carriage.

### **Change of Vehicle Ownership**

If a proprietor transfers an interest in a vehicle to another person or company they must immediately give notice of the transfer in writing to the Licensing Section, giving the name and address of the person or company to whom the interest is transferred. Under no circumstances may the vehicle be used as a hackney carriage by the new owner until the licence has been transferred to that person and all documentation completed and any necessary fees paid.

### **Displaying of Licence Plates**

Every licensed vehicle shall display the appropriate plate issued by the Council in a clear position on the front and rear of the vehicle under the number plates on the holders provided. Such licence plates shall not obstruct the ability to read the number plates. Licence plates shall be maintained in a good condition and clearly visible and readable at all times.

Dover District Council may charge for the provision or replacement of any damaged plate or holder.

### **Vehicles used exclusively for the provision of prestige chauffeur services**

Section 75(3) Local Government (Miscellaneous Provisions) Act 1976 allows the Council to exempt operations whose business is the provision of prestige chauffeur services from the requirement to display private hire plates and badges.

Powers to exempt such vehicles has been delegated to the Licensing Manager. Where such an exemption is granted a disc and notice of exemption will be issued in addition to the private hire plates. The exemption

disc must be displayed on the front windscreen adjacent to the vehicle excise licence. The notice and plates must be carried on the vehicles whilst being used for business purposes.

The driver of such vehicle must display the required driver's identification badge.

### **Interior Marking**

The yellow card issued by the Council indicating the number of the vehicle licence and the number of passengers prescribed in the licence shall be displayed in the vehicle in a position where it is visible at all times to persons conveyed therein.

A proprietor or driver of a hackney carriage shall:

*TPCA 1847  
HCB 2a*

- (a) Not wilfully or negligently cause or suffer any such number to be concealed from the public view while the carriage is standing or plying for hire.
- (b) Not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

### **Condition of vehicles**

Any licensed vehicle shall be maintained in good mechanical condition and repair. Any damage to the bodywork or interior of the vehicle must be rectified as soon as possible to ensure that the vehicle remains suitable for use.

Any damage must be reported to the Council within 72 hours and the vehicle presented for inspection prior to its continued use

Every vehicle not exceeding 3 years from date of first registration is required to pass an MOT test at least once in every 12 months period. In the case of vehicles over 3 years of age from date of first registration the vehicle shall be required to pass an MOT test not less than every 6 months.

No material alteration or change in the specification, design, condition, appearance or use of the vehicle is made without the approval of the Council at any time whilst the licence is in force. This includes the installation of safety screens or similar within the vehicle.

### **Cleanliness**

The interior and exterior of all licensed vehicles must be cleaned on a regular basis and kept clean in order to prevent soiling or damage to the clothing of passengers.

## **Passengers**

A vehicle must not:

- (a) Convey a greater number of persons than that prescribed in the license for that vehicle regardless of age or size.
- (b) Convey in a hackney carriage vehicle:
  - (i) any child below the age of fourteen years, other than in accordance with the Road Traffic Act 1988 and subsequent regulations; or
  - (ii) more than one person of that age in any seat.
- (c) without the consent of the hirer of the vehicle convey any other person in the vehicle at the same time.

*TPCA 1847*

## **Roof Signs**

*HCB 7*

A hackney carriage must display a roof sign fitted laterally with a minimum base of 60cm (24") and which is capable of being illuminated and showing the word "Taxi" forward facing. The rear face may be used to display the proprietor's name and/or telephone number.

If the company's name is displayed on the front of the roof sign this may be the same size as the word 'Taxi' but never larger. For London type taxis the company's name may be displayed on either side of the roof sign pod.

The illumination should automatically be extinguished when the taximeter is engaged. Purpose built vehicles with signs forming an integral part of the roof are exempt. Any illumination must not contravene any statutory requirement.

Private Hire vehicles are not permitted to display roof signs.

## **Plying for Hire**

Hackney Carriage Vehicles are permitted to ply for hire. When plying for hire and not hired the driver must proceed to one of the taxi ranks. If that rank is full the driver must go to another rank.

It is unlawful for any other vehicles to park on a rank during any period it is in force.

## **Ranks**

There are designated permanent 'Taxi Ranks' in:

Market Square, Dover  
Pencester Road, Dover  
Biggin Street, Dover  
Worthington Street, Dover  
South Street, Deal  
Park Street, Deal  
New Street, Sandwich

In addition to the authorised taxi ranks described above certain other ranks may operate for limited hours as required.

### **Tyres**

*Con & Use Regs* All tyres fitted to any vehicle licensed by the Council shall comply with the appropriate road traffic legislation. Remould or retread tyres shall not be used on any licensed vehicle.

### **Touting**

*LG(MP)Act 1976* Private Hire Drivers are not permitted to tout or ply for hire under any circumstances.

*HCB 8* Hackney Carriage Drivers must not tout for business by calling out or otherwise and must not get any other person to do so on their behalf whilst standing or plying for hire.

*CJ&PO Act 1994* It is a criminal offence to tout or ply for hire under the Criminal Justice and Public Order Act 1994 Section 167.

### **Meters**

*HCB 4* All Hackney Carriage Vehicles must be fitted with a 'Taximeter', which must be tested and sealed by the Council prior to use of the vehicle. The meter must be positioned so that the display is clearly visible to the passengers. The meter must be started at the commencement of each hiring and left on until the hirer has paid the charge at the end of the journey.

Private Hire Vehicles do not have to be fitted with a 'Taximeter' but if one is fitted it must be checked and sealed by the Council prior to use.

The driver of a hackney carriage provided with a taximeter shall:

1. When standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw locked in the position in which no fare is recorded on the face of the meter.
2. Before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "Hired" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring
3. Cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness, this being the time between half an hour after sunset to half an hour before sunrise, and also at any other time at the request of the hirer

If the seals on any 'Taximeter' are broken the meter must be retested and resealed before use. It is an offence to tamper with any meter or the seals.

### **Tariff Cards**

Hackney Carriage Vehicles must display a Tariff Card in the form provided by the Council in a prominent position clearly visible to passengers.

Private Hire Vehicles must not display a Fare Card.

### **Advertising**

The Licensing Manager must approve any form of advertising on a licensed vehicle other than:

- (a) The roof sign permitted on Hackney Carriages.
- (b) The company name and telephone number that may be displayed on the front driver and passenger doors

### **Mobile Telephones**

Any mobile telephone used by the driver in a licensed vehicle must be capable of hands free operation. Drivers must not use a mobile telephone handset whilst the vehicle is in motion

### **Fire Extinguisher**

A fire extinguisher that is maintained in an effective working order must be carried in the vehicle in a position where it is readily available for use.

### **First Aid Kit**

A fully stocked first aid kit must be carried on the vehicle and be available for use.

### **Seat Belts**

The occupants of hackney carriages or private hire vehicles must wear seat belts.

All seat belts must be maintained in good and efficient working order and in a clean condition so as to encourage use and not soil or damage the clothing of passengers using the vehicle.

It is the driver's responsibility to ensure that any children under 14 years of age carried in the vehicle are properly restrained by appropriate child restraints, where fitted, or alternatively adults' seatbelts.

The use of seatbelts must conform to the requirements of the table overleaf:

|                               | Front Seat   | Rear Seat  | Who is Responsible |
|-------------------------------|--|--|--------------------|
| DRIVER (Private Hire Vehicle) | Seat belt must be worn except when the vehicle is carrying a fare paying passenger             |  | DRIVER             |
| CHILD UNDER 3 YEARS OF AGE    | Appropriate child restraint must be used   | Appropriate child restraint must be used if available  | DRIVER             |
| CHILD AGED 3 TO 14            | Appropriate child restraint must be worn if available, if not, an adult seat belt must be worn | Appropriate child restraint must be worn if available, if not, an adult seat belt must be worn | DRIVER             |
| ADULT PASSENGERS              | Seat belt must be worn if available  | Seat belt must be worn if available  | PASSENGER          |

## Drivers

*TPCA 1847  
LG(MP)Act 1976*

A person shall not drive a hackney carriage or private hire vehicle for hire or reward without a driving permit issued by Dover District Council for the purpose. The holder shall also produce that licence for examination by his proprietor, both at the commencement of his employment and immediately after its renewal.

*HRA 1998*

Each application for licence to drive any hackney carriage or private hire vehicle shall be dealt with on its merit.

*TPCA 1847  
LG(MP)Act 1976*

Dover District Council is responsible for ensuring that each of its licensed drivers is a "fit and proper" person as defined within the provisions of the Town Police Clauses Act 1847, and the Local Government (Miscellaneous) Provisions Act 1976.

The Council has power to revoke, suspend, or refuse to renew licences after conviction for various offences, or for failure to comply with the relevant provisions of the Town Police Clauses Act 1847 or Part II of the 1976 Act, or for any other reasonable cause (Section 61)

In deciding if an applicant for grant or renewal of a licence to drive hackney carriages or private hire vehicles is such a fit and proper person Dover District Council may require the following:

- (a) A completed application form.
- (b) A completed CRB Form
- (c) A current DVLA Driving Licence
- (d) A satisfactory medical certificate from a doctor in the form provided when submitting his first application (Section 57) and on subsequent applications at 5 yearly intervals, until the age of 55, thence at 3 yearly intervals until the age of 60, thence annually, and at any reasonable time at the request of the Dover District Council (any cost incurred to be met by the applicant.)
- (e) The appropriate fee, and any other documents as may be requested.
- (f) All new applicants must pass the Council's "Knowledge of the District" test.
- (g) All new applicants must pass a practical driving test of the manner and type as required by the Dover District Council.

### **Illness or Injury**

The driver shall notify the Council in writing as soon as possible and in any event, within 7 days of any illness or injury affecting his/her fitness to drive in any way.

## **Badges**

On the grant of a licence to drive licensed vehicles the driver will be issued with a Driver's badge in the prescribed form.

The Driver's badge must be worn, on the person, in a position where it may be seen at all times whilst the driver is engaged in driving for hire or reward. The driver shall, upon expiry (without immediate renewal), revocation or suspension of his/her licence, return the licence to the Council forthwith. The badge remains the property of the Council.

## **Change of Address**

The driver shall notify the Council in writing within 7 days of any change of his address during the period of the licence and shall submit the licence to the Council for amendment.

## **Deposit of Licence**

If the driver is permitted or employed to drive a private hire vehicle by an operator he/she shall, before commencing to drive that vehicle, deposit his/her private hire driver's licence with that operator for retention by him/her until such time as the driver ceases to be permitted or employed to drive for that operator when the private hire driver's licence must be returned to the driver.

All Drivers should ensure that they are covered by a current operator's licence.

Operators shall ensure that all drivers are in possession of a current Driver's licence issued by the DVLA and licensed by Dover District Council. They must ensure the driver complies with the conditions of the licence.

## **Conduct of Drivers**

The Driver shall at all times:

- (a) Be of smart clean appearance and shall not dress in a manner likely to embarrass or offend passengers.

Sleeveless T-shirts, vests, and tracksuits will not be regarded as suitable attire.

Shorts, if worn, must be of a tailored style and material such as those provided by the Post Office as part of the issue uniform. Sports shorts will not be worn whilst employed as a licensed driver.

- (b) Maintain a high standard of personal hygiene.
- (c) Take all reasonable steps to ensure the safety of passengers conveyed in or entering or alighting from the vehicle.

- (d) May not eat or drink whilst driving.
- (e) Drivers must not smoke whilst in the vehicle. Drivers must request passengers not to smoke in the vehicle.
- (f) If so requested offer reasonable assistance with the loading and unloading of passengers' luggage and in removing the luggage to or from the entrance of any building, station or other place at which he may take up or set down such person,
- (g) Behave in a civil and orderly manner.

### **Convictions**

The driver shall, within seven days, disclose to the Council in writing any motoring or criminal conviction imposed on him/her during the period of the licence, giving particulars of the date and place of conviction, the nature of the charge and the penalty imposed together with such further information concerning the offence as the Council may require. .

Should the holder of a hackney carriage/private hire vehicle driver's licence be convicted of:

- (a) Any motoring offence which causes the current total of penalty points to exceed six.
- (b) Any of the following categories of offence:
  - (i) manslaughter or culpable homicide whilst driving a vehicle;
  - (ii) causing death by reckless driving;
  - (iii) driving or attempting to drive with alcohol level above the prescribed limit;
  - (iv) driving or attempting to drive whilst unfit through drink or drugs;
  - (v) driving or attempting to drive then failing to supply a specimen for analysis;
  - (vi) motor racing on the highway;
  - (vii) driving without a policy of insurance.
- (c) Any motoring offence resulting in disqualification under Section 35 of the Road Traffic Offenders Act 1988. (or subsequent legislation).
- (d) Any criminal offence shall, at the discretion of the Licensing Manager, be reported to the relevant Committee to consider the driver's suitability to continue to hold the hackney carriage/private hire vehicle driver's licence.

Where a licensed driver is subject to a disqualification from driving vehicles on a road for any offence:

- (a) The driver's badge issued by Dover District Council shall be suspended immediately until such time as the matter may be considered by the appropriate committee
- (b) When the period of disqualification from driving motor vehicles on a road has been completed, the grant or renewal of any licence to drive hackney carriages or private hire vehicles will not be permitted for a period of three years from the date of restitution of the applicant's driving licence issued under Part 3 of the Road Traffic Act 1988 unless there are significant grounds for the appropriate Council Committee to deviate from this policy.

### **Prompt Attendance**

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

### **Fare to be Deemed?? Demanded?**

The driver shall not demand from any hirer of a vehicle a fare in excess of any previously agreed for the hiring between the hirer and the operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter

### **Directions by an officer of the Council**

*TPCA 1847  
LG(MP)Act 1976*

The driver of any Hackney Carriage or Private Hire vehicle must:

- (i) Stop the vehicle when instructed to do so by an authorised officer of the Council.
- (ii) Obey any instructions relating to the destination or route the vehicle may take.

### **Touting and Soliciting**

The driver shall not whilst driving or in charge of a private hire vehicle:

- (a) Tout or solicit any person to hire or be carried for hire in any vehicle (now a criminal offence).
- (b) Cause or procure any other person to tout or solicit any person to hire or be carried for hire in any vehicle.
- (c) Allow a private hire vehicle to stand on a road in such a manner as to suggest that it is standing or otherwise plying for hire or that it is a hackney carriage.
- (d) In particular under no circumstances allow a private hire vehicle to wait on or adjacent to any hackney carriage stand at any time.

- (e) Set down or pick up fares from a hackney carriage stand or adjacent to a stand.
- (f) Sound the vehicle's horn to attract a fare's attention or announce the arrival at a particular location.

### **Animals**

- (a) The driver shall not convey in any licensed vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle.
- (b) Any animal belonging to or in the custody of any passenger, which in the driver's discretion may be conveyed therein, shall only be conveyed in such a way as to avoid any distraction to the driver.
- (c) No guide dog may be refused, unless the driver can produce medical evidence of an allergy to such dogs.

*Disability  
Discrimination  
Act*

### **Lost Property**

- (a) The driver shall immediately, after the termination of any hiring of a private hire vehicle or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left therein.
- (b) If any property accidentally left in a private hire vehicle by any person who may have been conveyed therein is found or handed to the driver it shall, unless it is claimed sooner, be taken to the nearest police station within 24 hours and left in the custody of the officer in charge after a receipt is obtained.

*TPCA 1847  
LG(MP)Act 1976  
HCB 17*

### **Passengers**

The driver shall not:

- (a) Convey or permit to be conveyed in any licensed vehicle a greater number of persons than that prescribed in the licence for that vehicle regardless of age or size.
- (b) Allow there to be conveyed in a private hire/hackney carriage vehicle:
  - (i) any child below the age of fourteen years, other than in accordance with the Road Traffic Act 1988 and subsequent regulations; or
  - (ii) more than one person of that age in any seat.
- (c) without the consent of the hirer of the vehicle convey or permit to be conveyed any other person in the vehicle at the same time.



## Operators

An Operator's Licence is required by any person who in the course of business makes provision for the invitation or acceptance of bookings for a private hire vehicle.

Operators must be licensed in the Dover District, have their office in the Dover District, and make use of drivers and vehicles that are also licensed in the same district for which they hold a licence.

These conditions are in addition to the provision of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

The requirements of this legislation, which affect the operations being carried out under the terms of this licence, shall be regarded as if they are conditions of this licence.

Each applicant must submit to the Council:

- (a) A completed application form.
- (b) A valid licence under the Wireless Telegraphy Acts (if appropriate).
- (c) The appropriate fee.

Where the application is for the grant of an operator's licence a Criminal Records Bureau check must also be submitted.

The Council has power to attach conditions to private hire operator's licences.

The Council will require to see that records are being properly kept before considering whether or not to grant a licence.

Licences are usually granted for 12 months or such period as decided by Dover District Council.

The Council has power to revoke or suspend an operator's licence for any offence under or non-compliance with Part II of the 1976 Act, for any conduct on the part of the operator which appears to the Council to render him unfit to hold an operator's licence, for any material change in any of the circumstances of the operator on the basis of which the licence was granted, or for any other reasonable cause.

### **Records**

#### Bookings

*LG(MP)Act 1976* The record required to be kept by the operator under Section 56(2) of the 1976 Act shall be kept in suitable form in order to facilitate inspection by any authorised officer of the Council or by any constable and the operator shall take in writing before the commencement of each journey and keep the following particulars of every booking of a vehicle invited or accepted by him for the purposes of private hire:

- (i) The date and time of booking.
- (ii) The method and source by which the booking was taken.
- (iii) The point of pick-up.
- (iv) The destination.
- (v) The time at which a driver was allocated the booking.
- (vi) Identification of the vehicle and driver allocated for the booking.
- (vii) The records of bookings (or duplicate) shall be kept at the premises where the booking was taken.

If an operator is unable to provide a vehicle at the pre-booked time, they shall, as soon as they are aware of this, contact the customer., If the vehicle is delayed they shall ring the customer to keep them up-dated, and log any action taken.

If an Operator is unable to supply a vehicle they should contact the customer as soon as this information comes to their notice. If a booking is transferred to another operator the original operator shall contact the customer and provide details of the new vehicle provider.

#### Vehicle Details

The records kept by the operator under Section 56(3) of the 1976 Act shall be kept in a suitable form in order to facilitate inspection by any authorised officer of the Council or by any constable and shall show the following particulars with respect to each private hire vehicle operated by him:

- (i) The registration number of the vehicle.
- (ii) The number of the identification plate provided by the Council pursuant to Section 48(5) of the 1976 Act.
- (iii) The name and addresses of all proprietors of the vehicle.
- (iv) The names and addresses of all the drivers of the vehicle.
- (v) The number of passengers permitted to be carried in the vehicle.
- (vi) Any radio call sign used in connection with the vehicle.
- (vii) The date on which he commenced operating the vehicle and, if appropriate, the date on which he ceased operating the vehicle.
- (viii) Remarks.

All records kept by the operator shall be preserved for a period not less than six months following the date of the last entry.

Private Hire Operators shall maintain a written or computer record for each vehicle operating under their auspice and enter into this record information,

which will include such information as: renewal dates for Insurance, MOTs, DVLA car tax, also details of accidents etc. The vehicle will be inspected at least once a week by the operator or a member of their staff and any defects or damage noted on the record, the remedial action required, date Dover District Council was informed and date the action was completed.

### **Standard of Service**

The operator shall provide a prompt, efficient and reliable service to members of the public at all times and for this purpose shall in particular:

- (a) Ensure that when a vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.
- (b) Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
- (c) Ensure that any waiting area provided by the operator has seating facilities of a number and type to be approved by the Council.
- (d) All private hire operators shall ensure that a named member of their staff is in charge of the operation of the business when the operator themselves are not able to be in day to day control (eg on holiday, ill, night shift, days off, etc).
- (e) All operators shall have suitable insurances in place to allow them to carry out their business legally.

### **Change of Address**

The operator shall notify the Council in writing of any change of their address (including any address from which they operate or otherwise conduct their business as an operator) during the period of the licence, prior to such taking place.

### **Convictions**

*LG(MP)Act 1976*

The operator shall within seven (7) days notify the Council in writing of convictions of any kind imposed on him/her (or if the operator is a company, any convictions imposed on the company) during the period of the licence, giving particulars of the date and place of conviction, the nature of the charge and penalty imposed together with such further information concerning the offence as the Council may require.

### **Drivers and Other Staff**

If a driver is permitted or employed to drive a hackney carriage or private hire vehicle by an operator he shall, before commencing to drive that vehicle, deposit his private hire driver's licence with that operator for retention by him until such time as the driver ceases to be permitted or employed to drive for that operator, when the private hire driver's licence must be returned to the driver.

Operators shall ensure that all drivers are licensed and comply with the conditions of the licence

Proprietors must ensure that all drivers are in possession of a current Driver's licence issued by the DVLA .The DVLA Licence must show the driver's current home address

The operator shall ensure that any hackney carriage or private hire vehicle parked on a public highway at or in the vicinity of the operator's premises shall do so in a legal manner. Vehicles shall not be left unattended on yellow lines or other restrictive road markings when those restrictions are in force. Vehicles shall not cause an obstruction or cause a nuisance in the vicinity of the operating base. Operators without off road parking or unrestricted parking outside their office shall discourage drivers from returning to the premises between fares.

Private hire operators shall carry out sufficient checks on the background of their control room staff to ensure they are a fit and proper person to carry out their tasks and duties in a professional and confidential manner

Alcohol shall not be consumed by ANY person who is on the operator's premises.

If it comes to the notice of an operator or his staff that a driver of one of the operator's vehicles or any control room staff may be under the influence of alcohol, illegal substances or abusing prescription drugs, they shall not allow the driver to continue on duty and shall inform the driver accordingly. The operator must inform the Council's licensing department with 72 hours of the incident.

The operator shall ensure that they comply with all legislation regarding the employment of staff, Health & Safety etc, and provide adequate staff facilities.

### **Vehicles**

Operators shall ensure that all vehicles comply with the conditions of licence are properly insured and will notify the Council of any damage to vehicles howsoever occurring.

### **Advertising**

No advertising material, letter headings or other stationary, or any business name used by the operator, shall include the words "taxi" or "cab" whether in the singular or plural and whether they form part of another word or not, unless the vehicle used is a licensed Hackney Carriage.