



SOUTH
KESTEVEN
DISTRICT
COUNCIL

GUIDE FOR PRIVATE HIRE OPERATORS AND DRIVERS AND FRQUENTLY ASKED QUESTIONS

The information contained in this leaflet is by no means exhaustive but is meant as a basic guide for those who are already involved in the private hire trade and those who are entering it for the first time. The Council's Licensing Section is on hand to help you if you have any queries or problems and can be contacted at the following address:

Licensing
South Kesteven District Council
St Peter's Hill
Grantham
Lincs, NG31 6PZ
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E mail - licensing@southkesteven.gov.uk

LICENSING SECTION - PUBLIC PROTECTION

Introduction

Private hire vehicles must be pre booked and operate from a base. They cannot ply for hire or stand on taxi ranks as hackney carriages do.

Certain vehicles are exempt for licensing purposes:

- ◆ wedding and funeral cars
- ◆ vehicles carrying passengers for hire and reward under an exclusive contract for a period of not less than seven days

Licences are issued under the Local Government (Miscellaneous Provisions) Act 1976.

In addition SKDC, as the licensing authority, can attach certain conditions to the issue of licences and these are displayed at the bottom or on the reverse of a licence.

Failure to comply with the above can result in prosecution and may affect one's fitness to hold a licence. A list of offences is attached and, although the list is long, we advise you to read it!

The Council's Licensing Committee deals with cases where decisions have to be made with regard to the issue, withdrawal, suspension or revocation of a licence. Applicants/licence holders are invited to attend the meeting and, if aggrieved by the Committee's decision, have the right of appeal to a Magistrates' Court within 21 days.

A separate guide for the hackney carriage (taxi) trade is available.

STANDARDS

The private hire trade provides an important service for the public. It rests with the trade and the Council to ensure, between them, that vehicles and drivers meet the standards required.

Drivers

- ◆ are expected to be polite and courteous
- ◆ behave in a civil and orderly manner
- ◆ ensure the safety of their passengers
- ◆ assist with baggage

- ◆ be clean, neat and tidy and adhere to the required dress code

Drivers are not only put in positions of trust by the very nature of their work but are also ambassadors for this area, often being the first point of contact for visitors and tourists.

Advice and details of how to apply for a private hire driver's licence are contained in the information pack issued to all applicants.

Operators

- ◆ must provide a prompt, efficient and reliable service at **all reasonable times**
- ◆ park all private hire vehicles off the public highway
- ◆ maintain records of all bookings as detailed in the conditions of their licence (records are regularly inspected by an authorised officer of the Council)

Vehicles

- ◆ are tested twice a year by the Council's appointed garages and may be the subject of a spot check at any time (examples of a test report can be supplied upon request). The twice-yearly tests are the equivalent of an MOT.
- ◆ in addition, a vehicle should have no untreated or unrepaired body defect. All rust spots and repairs more than 100 millimetres long or wide should have been prepared and repainted with matching colour up to insurance finishing standards.
- ◆ interiors should be clean and tidy
- ◆ the plate must be fixed to rear **exterior** of vehicle
- ◆ a fire extinguisher fitted
- ◆ although not essential a first aid kit is recommended
- ◆ unconventional vehicles - such as 'stretched limos', rickshaws, tricycles, horse drawn carriages etc. will only be licensed if the Licensing Committee is satisfied as to their suitability and safety.

Proprietors are expected to maintain their vehicles in a roadworthy condition and not wait until a test for faults to be revealed. **The public's safety is paramount.**

Proprietors set their own fares.

The onus is on a proprietor to ascertain whether or not planning permission is required before using premises as a private hire office.

DEALING WITH DISABLED CUSTOMERS

Drivers should always show consideration towards disabled customers. By law all Private Hire drivers are under a duty to carry, free of charge, guide, hearing and certain other assistance dogs in their vehicles.

FREQUENTLY ASKED QUESTIONS:

Can I advertise on my vehicle?

Advertising is allowed below roof level, but we would want to see standards maintained.

The word "taxi" is not permitted on a private hire vehicle.

Roof signs are not allowed.

How many passengers can I carry?

The number of passengers you may carry will be displayed on your plate and will be dependent upon the make/model of your vehicle (saloon cars are usually licensed to carry four passengers). For purpose-built vehicles and people carriers the maximum number of passengers can be eight (excluding the driver).

Can my spouse/partner drive my licensed vehicle for domestic or social purposes?

Legal decisions have confirmed that, regardless of the circumstances, licensed private hire (or hackney carriage) vehicles may only be driven by drivers holding the appropriate local authority licence, regardless of whether the journey is for non-business use.

Can I buy a vehicle that will be 5 years old the same month as I purchase it ?

If you are purchasing a vehicle, you must ensure that it is within 5 years of first registration by DVLA.

You must ensure that when you submit a vehicle (and it's relevant documentation, including a passed Compliance Certificate) to the Licensing Team that it is no older than 5 years old. For example, if you consider buying a vehicle that would be 5 years old on

the 20th of the month, you must ensure that there is sufficient time to enable you to purchase the vehicle, for it to pass a compliance test and submit the documentation to the Licensing Team before the 20th of the month, otherwise it would be older than 5 years at first registration.

Can I drive a Private Hire vehicle with a Hackney Carriage licence ?

No, you must hold either a dual licence or a private hire drivers licence to drive a Private Hire vehicle. However, hackney carriages can pick up pre-booked appointments.

What's the ruling on seat belts?

Regulations came into effect on 18 September 2006 concerning seatbelts in cars, vans and goods vehicles. The changes are summarised below, and more details are available at <https://www.think.gov.uk/>.

Front Seat

Children up to 135cm in height (approx 4'5") or 12th birthday (whichever they reach first) **must** use correct child restraint.

Anyone over 1.35cm (approx 4'5") or 12 or 13 years **must** use seat belt if available.

Rear Seat

Children up to 3 yrs may travel unrestrained in a licensed taxi/private hire vehicle if the correct child restraint is not available.

Children from 3rd birthday up to 135cm in height (approx 4'5") or 12th birthday (whichever they reach first) **must** use correct child restraint where seat belts are fitted. If the correct child restraint is not available they **must** use the adult belt. If seat belts are not available a child 3 and over may travel unrestrained.

Anyone over 1.35cm (approx 4'5") or 12 or 13 years **must** use seat belt if available.

In addition, the revised regulations also say that rear-facing baby seats **must not** be used in a seat protected by a frontal air-bag unless the air-bag has been deactivated manually or automatically.

To comply with the law taxi drivers are within their rights to insist upon their use and may refuse to commence a journey until the request is complied with.

Hackney carriage drivers may claim exemption from wearing a seat belt if plying for, or actually carrying passengers for hire, but this does not apply whilst driving to or from your home or office (base).

Do I need an MOT certificate?

When a vehicle passes its annual test at one of the Council's authorised garages a Certificate of Compliance is issued which exempts the vehicle from a Ministry of Transport certificate whilst the vehicle is licensed as a private hire vehicle. If the licence expires or is suspended or revoked the certificate of compliance is invalidated and an MOT certificate is required.

Can I have a part refund of my licence fee if I hand my plate in before the licence expires?

No. However, the licence can be transferred to another vehicle (fee as per current scale of charges) but this applies solely to an existing licence which is to remain in the original licence holder's name. It is not a means of renewing another existing licence at a lesser fee or an opportunity to change plate number.

If I decide to give up driving, can I have a part refund on my licence and badge?

No. The only exceptions are medical reasons which would have to be supported by a doctor's report or on reaching retirement age. In both cases the licence and badge would have to be surrendered.

Do I have to have a medical?

Yes. All drivers must meet Group 2 standards of fitness for occupational drivers. These are the standards applied to bus and lorry drivers.

Medicals are 3 yearly (at the driver's expense). Drivers aged 65 years and over and those with a medical condition are required to pass annual medicals.

Can I wear shorts in hot weather?

Yes, if they are tailored, ending on or near the knee and are of a sober pattern.

Sleeveless tee-shirts and vests are not acceptable.

MOBILE PHONES

It is illegal to use a hand-held mobile phone when driving, even when you are stopped at traffic lights or in a queue of traffic.

Avoid taking calls on a hands-free phone. If you do, say you are driving and keep conversation short.

You can also be prosecuted for using a hands-free mobile phone if you fail to have proper control of your vehicle.

Use a message service and take regular breaks.

Penalties for driving carelessly or dangerously when using any phone can include disqualification, a large fine, and up to two years imprisonment.

For further advice a Department of transport leaflet is available from the Licensing Section.

DISABLED CUSTOMERS

Drivers always show consideration towards disabled customers. By law all Private Hire drivers are under a duty to carry, free of charge, guide dogs, hearing dogs and certain other assistance dogs in their vehicles.

SUMMARY OF PRIVATE HIRE OFFENCES

Local Government (Miscellaneous Provisions)
Act 1976

- Section 46 Vehicle used as a private hire vehicle to have appropriate licence
- Driver of private hire vehicle to have appropriate licence
- Proprietor of private hire vehicle not to employ unlicensed driver
- Operating private hire vehicle without operator's licence
- Operator operating unlicensed private hire vehicle, unlicensed driver
-
- Section 49 Proprietor to notify District Council of change of ownership in private hire vehicle, in writing, within fourteen days
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- Section 50 Failure to present private hire vehicle for inspection when requested by District Council
- Failure to state where private hire vehicle is kept and failure to afford facilities to inspect and test there

Failure to report accident to private hire vehicle materially affecting safety, performance or appearance or comfort or convenience of persons carried, within seventy-two hours

Section 53 Failure to produce private hire driver's licence on request

Section 54 Failure to wear driver's badge

Section 56 Failure to keep statutory record of journeys etc

Section 57 Knowingly or recklessly making false statement etc in connection with licence application

Section 58 Failure to return vehicle plate upon notice by District Council

Section 61 Failure to return driver's badge

Section 71 Tampering with seals on taxi meter

Altering taxi meter with intent to mislead, or proprietor using private hire vehicle with untested taxi meter.

(This Act does not require private hire vehicles to be equipped with taxi meters but, if they are fitted, the above applies)

Section 73 Obstruction of police or authorised officer in execution of their duties.

Transport Act 1980

Section 64 Signs on vehicles other than a hackney carriage not to include the word Taxi, cab or hire nor any notice, mark, illumination or feature to suggest that the vehicle is a taxi.