

**Rhondda Cynon Táf County Borough Council**  
**Joint Hackney Carriage & Private Hire Vehicle Drivers Licence**

**CONDITION OF APPLICATION AND SCHEDULE OF CONDITIONS**

**1. Conditions of Applications**

**NB. These conditions are operated in conjunction with Byelaws relating to Hackney Carriage and Private Hire Vehicle Drivers.**

(1) Before a drivers licence is granted, the applicant must;

(i) complete and submit to the Council an application on the form prescribed by the Council and submit two copies of a recent passport style photograph of themselves.

(ii) submit with the application such fee\* as may be demanded by the Council for the issue of the licence. The Council will also require ancillary charges in respect of DVLA/Disclosure and Barring Service; (DBS formerly CRB) to be paid at the same time as the licence fee. If payment has been made by cheque, which is subsequently dishonoured, the licence automatically becomes invalid for failure to comply with this condition.

*\*The application fee and ancillary charges are non refundable, and should the applicant fail to take up the licence once granted, or the licence be refused at a Licensing Committee Hearing, no part of the fee will be refundable to the applicant.*

(iii) satisfy the Council that they are a fit and proper person to hold a Joint Hackney Carriage/Private Hire Vehicle Drivers licence.

(iv) be a person who has for the 12 months immediately prior to the date of the application, been the holder of a full driving licence issued Section 5 of the Motor Vehicles (Driving Licences) Regulations 1999, authorising them to drive that class of vehicle. Under The Driving Licences (Community Driving Licence) Regulations 1996, a full driving licence issued by another EEA state will count toward the grant of a licence if the holder has held such a licence for the previous 12 months.

(v) produce a certificate signed by a Registered Medical Practitioner to the effect that they are fit to be the driver of a Hackney Carriage/Private Hire Vehicle under the following circumstances:-



- (vi) If any applicant is under 45 years of age one medical is required until the person reaches 45 years of age. If the applicant is over 45 years, but less than 65 years a medical is required every 5 years. If any applicant is over 65 years of age a medical is required annually.

The certificate will be valid for the period stipulated by the Medical Practitioner.

Regardless of whether such a certificate has been produced, the Council may require the applicant to undergo a medical examination by a Registered Medical Practitioner selected by the Council as to their fitness to be the driver of a Hackney Carriage or Private Hire Vehicle. In any such cases the Council will be responsible for the payment of any such fees for the medical examination.

- (vii) applicants are required to attain a 'Knowledge and Numeracy' test and a 'SQA' Level 2 Certificate in 'Introduction to the Role of the Professional Taxi and Private Hire Driver' (or equivalent) as a pre requisite to licence. Applicants will be required to produce a certificate confirming the qualification to accompany their application. A failure to produce documentary evidence in this respect will result in the application being deemed invalid.
- (viii) produce for examination a current driving licence issued to the applicant under the Road Traffic Act, 1988, a relevant licence issued by the DVLA, DVLNI or EEA Member State.
- (ix) all applicants will be required to complete a Disclosure & Barring Service Application form\*, together with a DVLA Mandate for Release of Information form, allowing the Council access to records held on the applicant by these bodies.
- (x) provide such other information as may be required by the Council and comply with such other condition as the Council may consider reasonably necessary.

\*In the event that the applicant has already furnished such information to the Council in respect of another licence within the three months immediately preceding their application, this condition shall not apply, providing that the disclosure from the DBS is Enhanced and the enquiry has requested details under the Education Act, 2002, Protection of Children and Vulnerable Adults and other relevant information.

- a. Licences to drive Hackney Carriages & Private Hire Vehicles will normally be issued only to persons who are employed full time for that purpose. However, such licences may be issued to persons acting in a part time capacity, providing the applicant is not in full time employment as a driver in some other sphere of activity such as a bus or transport driver. Any licensed Hackney Carriage or Private Hire Vehicle Driver must not accept employment in both capacities on the same day. (Any hours spent in employment, as a Hackney Carriage or Private Hire Vehicle Driver must not conflict with any statutory rest periods required by other transport legislation).

## **2. CONDITIONS OF LICENCE – PRIVATE HIRE VEHICLE DRIVERS**

- (1) In these conditions “Authorised Officer” means any officer of the Council authorised in writing by the Divisional Director Public Health and Protection for the purposes of these conditions.

“The Council” means the Rhondda Cynon Táf County Borough Council.

- (2) The Licensee shall observe and perform the following conditions:-
  - (i) the licensee shall not assign or in any way part with the benefit of the licence, which is personal to the licensee;
  - (ii) the licensee shall not while driving or in charge of a Private Hire Vehicle;
    - (a) tout or solicit on a road or other public place any person to hire or be carried for hire in a Private Hire Vehicle, or
    - (b) cause or procure any other person to tout or solicit on a road or other public place any person to hire or be carried for hire in a Private Hire Vehicle, or
    - (c) offer the vehicle for immediate hire while the licensee of that vehicle is on a road or other public place provided that merely parking that vehicle on a road or other public place shall not of itself be deemed to be a breach of this condition, or
    - (d) accept an offer for the immediate hire of that vehicle while the licensee of that vehicle is on a road or other public place except where such offer is first communicated to the licensee by telephone or by apparatus for wireless telegraphy fitted to that vehicle:

In this condition:

“Road “ means any highway and other road to which the public has access and include bridges over which a road passes.

- (iii) the Licensee shall keep a true and proper record of every booking of a Private Hire Vehicle during such time as the licensee is driving or in charge of the vehicle. The record shall be kept in a book in such form as approved and record before the journey commences, the appropriate particulars of;
  - (a) date and place of hiring
  - (b) destination
  - (c) name of hirer
  - (d) name of Private Hire Vehicle operator
  - (e) name of driver;
- (iv) the record book referred to in Condition (iii) shall be produced on demand by the licensee to any Police Officer or authorised officer who shall be afforded by the licensee the opportunity of taking copies of any entries therein;

**(vi) CONDITIONS OF LICENCE – HACKNEY CARRIAGE DRIVERS**

In these conditions “Authorised Officer” means any officer of the Council authorised in writing by the Divisional Director Public Health and Protection for the purposes of these conditions.

“The Council” means the Rhondda Cynon Táf County Borough Council.

The driver of a Hackney Carriage shall observe and perform the following conditions in respect of Hackney Carriages;

- (1) The driver of a Hackney Carriage provided with a taximeter shall;
  - (a) when standing or plying for hire, keep the appropriate device fitted in pursuance of the byelaw locked in position;
  - (b) as soon as the carriage is hired and before beginning the journey, bring the machinery of the taximeter into action by moving the said appropriate 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;

- (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act, 1988 and also at any other time at the request of the hirer;
- (2)
  - (a) the driver of a Hackney Carriage shall not tamper with, or permit any person to tamper with any taximeter with which the carriage is provided, with the fitting thereof, or the seals affixed thereto;
  - (b) the driver of a Hackney Carriage, when standing or plying for hire, shall not by calling out or otherwise importune any person to hire such carriage and shall not make use of the services of any other person for the purpose;
- (3)
  - (a) the driver of a Hackney Carriage shall at all times ensure that the roof-mounted dome is securely fitted to the roof of the vehicle and maintained in good and efficient working order.

### 3. CONDITIONS OF LICENCE – HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE DRIVERS

The driver of a Hackney Carriage or Private Hire Vehicle:

- (a) whilst driving a Hackney Carriage or Private Hire Vehicle with fare paying passengers shall not eat or drink  
Smoking in the vehicle is prohibited at any time under the Health Act 2006, Smoke Free Premises etc. (Wales) Regs 2007.
- (b) must be clean, reasonably dressed in suitable clean clothing.
- (c) must not use a mobile phone whilst driving, unless they are able to do so by making use of a hands free kit.
- (d) the driver of a Hackney Carriage or Private Hire Vehicle shall behave in a civil and orderly manner and shall take all reasonable steps to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- (e) **shall not** cause or suffer or permit to be conveyed in a Hackney Carriage or Private Hire Vehicle a greater number of persons exclusive of the driver than the number of persons specified in the licence issued in respect of that Hackney Carriage or Private Hire Vehicle.

- (f) the licensee shall when driving a Hackney Carriage or Private Hire Vehicle, wear in a conspicuous position the Drivers badge issued to the licensee by the Council bearing the number corresponding with the number assigned to the licensee in the register kept by the Council for that purpose.
- (g) the drivers badge referred to in condition (f) shall remain the property of the Council and if the drivers licence is not renewed, or is otherwise revoked or suspended, such badge shall be returned by the licensee to the Council within seven days of a notice by the Head of Service for Public Health and Protection requiring the licensee so to do.
- (h) the licensee shall, at the request of a Police Officer or an authorised officer of the Council produce for inspection their Joint Hackney Carriage/Private Hire Vehicle Drivers Licence, DVLA Driving licence (or equivalent), Certificate of Insurance and if applicable Vehicle Test Certificate either forthwith or in any case before the expiration of 7 days beginning with the day following the date of the request.
  - (a) in the case of a request by an authorised officer, to The Divisional Director, Public Health & Protection at Ty Elai, Dinas Isaf East, Williamstown;
  - (b) in the case of a request by a Police Officer, at any Police Station within the Councils area and which is nominated by the Constable when the request is made.
- (i)
  - (a) the driver of a Hackney Carriage or Private Hire Vehicle which has been hired to be in attendance at any appropriate time and place shall, unless delayed or prevented by some sufficient cause, punctually attend at the appointed time and place.
  - (b) the driver of a Hackney Carriage or Private Hire Vehicle when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
- (j)
  - (a) the driver shall when requested by the hirer;
    - (i) convey a reasonable quantity of luggage.

- (ii) afford reasonable assistance in loading and unloading.
  - (iii) afford reasonable assistance in removing it to or from the entrance of any building, station, house or place at which they may take up or set down such person.
- (k) the licensee shall notify the Licensing Authority in writing within twenty-eight days of receiving a motoring conviction, Fixed Penalty Notice or criminal conviction, including cautions, and should a licence holder fail to disclose such a matter to the Licensing Authority and it subsequently come to the notice of the Licensing Authority the application will automatically be referred to the Licensing Committee for consideration. In the case of such undisclosed matters coming to the attention of the Licensing Department during the period of the licence, the matter will be referred to the Licensing Committee for review.
- (l) the licence shall remain in force for the period specified in the licence and is not transferable.
- (m) Hackney Carriage & Private Hire Vehicle Drivers are obliged to carry a guide dog or assistance dog belonging to a passenger, free of charge, unless the driver has a proven medical condition confirmed in writing by a Medical Practitioner that would preclude such action, and has been granted an exemption by the Council.
- (n) the driver of a Hackney Carriage or Private Hire Vehicle will upon the request of a Police Officer or authorised officer by the Council, produce for inspection his drivers badge and provide the following information if requested;
  - a. name
  - b. current address
  - c. date of birth
  - d. name and address of the vehicle operator, if different
- (o) the driver of Hackney Carriage or Private Hire Vehicle will when requested by a Police Officer or authorised officer of the Council remain at the scene for a sufficient period of time so as to allow the officer to obtain any details of

- their drivers licence and to carry out an inspection of the vehicle under the powers of the Local Government (Miscellaneous Provisions) Act 1976.
- (p) the driver of a Hackney Carriage or Private Hire Vehicles shall immediately after the termination of any hiring or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.
  - (q) the driver of a Hackney Carriage Private Hire Vehicle shall if the property accidentally left therein by any person who may have been conveyed in the carriage, be found by or handed to him, take the same, as soon as possible and in any event within 48 hours, if not sooner claimed by, or on behalf of its owner, to any police station in the councils district.
  - (r) the application for renewal of a licence should be made in advance to ensure continuity. There is no automatic period of grace.

## **TO DRIVE WHILST UNLICENSED IS AN OFFENCE**

### **Additional notes For Guidance**

1. Breach of any of these conditions may result in prosecution and the revocation/suspension of a licence.
2. The licence may be suspended/revoked or not renewed by the council if;
  - (a) the driver commits an offence or otherwise fails to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976
  - (b) the driver has been convicted of an offence involving dishonesty, indecency or violence or the misuse of a controlled substance;
  - (c) the driver becomes disqualified from driving for any offence under the Road Traffic Act; in which case the licence shall be automatically revoked;
  - (d) or any other reasonable grounds.
3. Any person aggrieved by a decision of the council to suspend, revoke or refuse to renew a Joint Hackney Carriage/Private Hire Vehicle Drivers licence may appeal to a Magistrates Court within 21 days of receipt of notification.