



# *Basingstoke and Deane*

## **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – PART II**

### **PRIVATE HIRE DRIVER'S LICENCE CONDITIONS S51(2) LG(MP)ACT 1976**

#### **Definitions**

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

“authorised officer” means an officer of the Council authorised in writing by the Council for the purpose of these conditions;

“the Council” means the Basingstoke and Deane Borough Council;

“wireless telegraphy” has the meaning assigned to it in Section 19 of the Wireless Telegraphy Act, 1949;

“road” means any highway and any other road to which the public has access, and includes bridges over which a road passes.

“assistance dog” means a dog which is trained by a specific charity to assist a disabled person with a physical impairment for the purpose of section 1 of the Disability Discrimination Act 1995. (*Charities include: Dogs for the Disabled, Support Dogs, Canine Partners for independence*)

#### **Licence conditions**

The licensee shall observe and comply with the following conditions:

- 1 the licensee shall not assign or in any way part with the benefit of the licence, which is personal to the licensee;
- 2 the licensee shall be in possession of Personal Public Liability Insurance with a cover of £2,000,000;
- 3 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 any Private Hire vehicle;
  - 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 any Private Hire vehicle;

- c. accept an offer for the immediate hire of that vehicle while the licensee or that vehicle is on a road or other public place.
- 4 the licensee shall accept "Basingstoke and Deane Borough Travel Tokens" as payment of a fare;
- 5 the licensee shall not have or use a Radio Scanner Receiver in a licensed vehicle. Pending an investigation into a complaint the private hire driver's licence shall be suspended;
- 6 the licensee shall not use Citizen Band Radio Receiver/Transmitter in a licensed vehicle.
- 7 the licensee shall not permit to be conveyed in a 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 the Private Hire vehicle. Provided that for the purpose of this condition two children under the age of 10 shall be regarded as one person.
- 8 the licensee shall, when driving a Private Hire vehicle, wear in a conspicuous position the driver's 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. The badge remains the property of the Council and must be returned to the Council immediately the driver ceases to be licensed by the Council. Any deposit for the driver's badge which may from time to time be determined by the Council shall be refunded upon the badge being returned in a satisfactory condition to the Head of Environmental Health and Licensing.
- 9 the licence may be suspended, revoked or not renewed by this Council:
- (a) if the driver has since the grant of the licence been convicted of an offence involving dishonesty, indecency or violence;
  - (b) if the driver commits an offence or otherwise fails to comply with the provisions of the Town Police Clauses Act, 1847 or Part II of the Local Government (Miscellaneous Provisions) Act, 1976 or any re-enactments thereof;
  - (c) if the driver becomes disqualified from driving under any of the Road Traffic Acts or re-enactments thereof, in which case the licence shall be automatically revoked;
  - (d) if the driver is suffering from, or has suffered, any illness or disability which in the opinion of the Council's medical advisor, renders him/her unfit to continue to act as a Private Hire driver;
  - (e) on any other reasonable grounds.
- 10 the licensee shall at the request of any authorised officer of the Council or any constable produce for inspection his/her driver's licence either forthwith or before the expiration of 5 days beginning with the day following the date of the request:
- (a) in the case of a request of any authorised officer, at the Civic Offices, London Road, Basingstoke.

- (b) in the case of a request of a police constable, at any police station within the Council's area and which is nominated when the request is made.
- 11 (i) the driver of a Private Hire vehicle which has been hired to be in attendance at an appropriate time and place shall, unless delayed or prevented by some sufficient cause, punctually attended at the appointed time and place;
- (ii) the driver shall, when requested by the hirer:
- (a) convey a reasonable quantity of luggage;
- (b) afford reasonable assistance in loading and unloading, including assistance in removing it to and from the entrance of any house or other place where passengers are collected or set down;
- (iii) the driver shall immediately after the termination of any hiring carefully search the vehicle for any property that may have accidentally been left therein and, if such property is found, take the same within 24 hours if the property is not claimed by or on behalf of its owner to any police station within the Council's district.
- 12 (i) the driver shall agree to carry passenger assistance dogs at no charge to the passenger unless he/she is in possession of an exemption certificate issued by the Council.
- (ii) any driver who is in possession of an exemption notice under para 12 (i) shall exhibit the exemption notice in a prominent position on the dashboard facing upwards or on the windscreen facing outwards.

#### **SPECIAL NOTE**

Any person aggrieved by the refusal of the Council to grant a Private Hire Driver licence, or by any of the written conditions as attached to the grant of such licence, may appeal to the magistrates Court within 21 days from the date on which notice of the councils requirement, refusal or other decision was served upon the person desiring to appeal.

#### **Public Health Act, 1936 – Section 300(3)**

#### **Local Government (Miscellaneous Provisions) Act 1976 – Part II**

#### **Section 77(1)**