

# **LEGISLATION RELATING TO EXECUTIVE HIRE DRIVERS AND VEHICLES**

The following information is intended to provide a guide to the main provisions of the legislation relating to Executive Hire. This should not be taken as a comprehensive and authoritative statement of the law for which reference should be made to the appropriate legislation.

## **LEGISLATION APPLICABLE TO DRIVERS**

### **Licensed Hire Car Drivers**

Local Government (Miscellaneous Provisions) Act 1976  
Licence Conditions  
Greater Manchester Act 1981 Section 166-167  
Health Act 2006  
Equality Act 2010

## **REQUIREMENTS TO DRIVE A LICENSED VEHICLE**

Before a person can drive an Executive Hire Vehicle, they must obtain a Licence to drive a licensed vehicle from the Council. A Licence will be issued provided the applicant fulfill all of the Councils requirements.

## **SUSPENSION OR REVOCATION OF DRIVER'S LICENCE**

The Council has the power to suspend, revoke or refuse to renew a driver's Licence if the driver has been convicted of an offence under the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976, or for any other reasonable cause.

## **DRIVER'S BADGE**

When a Licence is issued the driver will be provided with a Badge which must be worn at all times whilst engaged in licensed hire work, in a position where it can be clearly visible when driving for hire. It is a criminal offence for drivers not to wear their badge whilst working.

## **PROLONGATION OF JOURNEYS**

It is an offence for any driver of a licensed hire vehicle without reasonable cause to unnecessarily prolong in time or distance a journey for which the vehicle has been hired.

## **SMOKING IN A LICENSED VEHICLE**

It is a criminal offence to smoke in a smoke free place, this includes smoke free premises and smoke free vehicles. Executive Hire vehicles are classed as smoke free vehicles.

The penalties and fines for the smoke free offences set out in the Health Act 2006 are:

Smoking in a smoke free premises or vehicle: a fixed penalty notice of £50 (discounted to £30 if paid within 15 days from the issue of a notice) or a fine by a court not exceeding level 1 on the standard scale (up to £200)

Failure to display no smoking signs in smoke free premises and vehicles as required by the new law: a fixed penalty notice of £200 (discounted to £150 if paid within 15 days from the issue of a notice) or a fine by a court not exceeding level 3 on the standard scale (up to £1000)

Failing to prevent smoking in a smoke free premises or vehicle: a fine by a court not exceeding level 4 on the standard scale (up to £2500)

#### TAXIMETERS

Applicants are advised that it is an offence to tamper with any seal on a taximeter or alter the taximeter with intent to mislead.

#### ILLEGAL PLYING FOR HIRE

It is a criminal offence for any Executive Hire driver to take any passengers for hire or reward without the journey first being booked through a Licensed Private Hire Operator. This also renders the vehicle insurance invalid.

#### OBSTRUCTION OF AUTHORISED OFFICERS AND CONSTABLES

It is an offence for any person to willfully obstruct any authorised Officer of the Council. This includes the failure to comply with any requirement of the Officer or failing to give them any assistance or information they may reasonably require.

## **Private Hire Driver and Vehicle Conditions (inc. Executive Hire drivers and vehicles)**

### **CONDITIONS FOR LICENSED HIRE CAR DRIVERS**

1. 'authorised officer' has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

'the Council' means the Council of the Metropolitan Borough of Stockport.

'the identification plate' means the plate issued by the Council for the purpose of identifying the vehicle as a licensed hire car.

'the operator' means a person holding a licence to operate hire cars issued pursuant to Section 55 of the Local Government (Miscellaneous Provisions) Act 1976.

'licensed hire car' has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

'taximeter' has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

'the proprietor' has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

2. The driver shall notify the Council in writing of any conviction or police caution recorded against him immediately after the conviction or caution has been imposed.
3. The driver shall not permit any other person to drive a vehicle let for hire except with the consent of the proprietor.
4. The driver shall at all times when the vehicle is available or being driven for hire, be clean and respectful in his dress and person, shall behave in an orderly manner and conduct himself with civility and propriety towards every person seeking to hire or hiring or being conveyed, and shall comply with every reasonable requirement of every person hiring or being conveyed in the vehicle.
5. The driver shall not, except with the express consent of the hirer, smoke, drink or eat in the vehicle whilst the vehicle is being let for hire.
6. Whilst the vehicle is being let for hire the driver shall not, except with the express consent of the hirer, play any radio or sound producing instrument or equipment other than for communicating with the operator.

7. The driver when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest practical route.
8. The driver shall not, except with the express consent of the hirer, convey any other person other than the hirer in the licensed hire car.
9. The driver shall not conceal either the exterior identification plate of the licensed hire car or the details painted or marked thereon, or the interior display of the licensed hire car licence numbers, from the public view and will keep the identification plate and the details in a clean condition.
10. The driver of a licensed hire car whose vehicle has been hired to be in attendance at an appointed time or place shall, unless delayed or prevented by some sufficient cause, punctually attend with the licensed hire car at such appointed time and place.
11. The driver shall afford all reasonable assistance with passenger's luggage.
12. The driver shall deposit his licensed hire car driver's licence with the proprietor of the vehicle before commencing to drive the licensed hire vehicle.
13. The driver shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the licensed hire car for any property which may have been accidentally left therein.
14. The driver of a licensed hire car shall, if any property is accidentally left therein by a person who may have been conveyed in the vehicle and be found by or handed to him, carry it as soon as possible and in any event within 24 hours if not sooner claimed by or on behalf of its owner, to a Police Station in the district in order to receive instructions from the Police regarding its custody.
15. The driver shall at all times when a vehicle is hired, take all reasonable steps to ensure the safety of the passengers whilst conveyed in, entering or alighting from the vehicle.
16. The driver shall give notice to the Council of any change of his address during the period of his licence within seven days of such change taking place.
17. The driver shall not permit a licensed hire car to carry a greater number of passengers than the number prescribed in the licence for the licensed hire car.
18. The driver shall not allow any child under the age of 10 years to be conveyed in the front of the vehicle.

19. The driver shall allow only one passenger to be carried in the front beside the driver, except where the hire car is licensed to carry more than six passengers and appropriate seat belts are fitted.
20. The driver shall at all times carry a copy of these conditions and the conditions attached to the vehicle licence in the licensed hire car for inspection by the hirer or other passengers.
21. The driver shall if requested by the hirer provide him with a written receipt of the fare paid.
22. If the vehicle being driven is fitted with a taximeter the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had reasonable opportunity of examining it and has paid the fare.
23. The driver of a licensed hire car shall not demand from any hirer a fare in excess of that previously agreed for that hiring between the hirer and the licensed hire car operator, or if it is a vehicle fitted with a taximeter the fare shown on the face of the taximeter.
24. The driver shall at no time cause or permit the noise emitted by any radio equipment or any sound reproducing equipment installed in the licensed hire car to be a source of nuisance or annoyance to any person whether inside or outside the vehicle.
25. The driver shall not while driving or in charge of a licensed hire car:-
  - (a) Tout or solicit on a road or other public place any person to hire or be carried for hire in any licensed hire car, 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 any licensed hire car, or
  - (c) Offer that vehicle for immediate hire while the driver of that vehicle is on a road or other public place, or
  - (d) Accept an offer for the immediate hire of that vehicle while the driver is on a road or other public place except where such offer is first communicated to the driver by telephone or by radio apparatus fitted to that vehicle.

In this condition:

'Road' means any highway and any other road to which the public has access including such roads at Manchester International Airport and bridges over which a road passes.

26. The licence holder will attend the Licensing, Environment and Safety Committee following any conviction or police caution in respect of a criminal offence.
27. A licence in respect of which the licence fee has been paid by cheque shall not be effective until the cheque has been cleared.

## **CONDITIONS FOR LICENSED HIRE CARS**

1. In this Licence 'authorised officer' has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

'the Council' means the Council of the Metropolitan Borough of Stockport.

'the identification plate' means the plate issued by the council for the purpose of identifying the vehicle as a licensed hire car.

'the proprietor' has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

'the taximeter' has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

'licensed hire car' has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

2. The identification plates when issued by the Council must be affixed to the front and rear of the licensed hire car, in accordance with the reasonable instructions of the authorised officer of the Council at the cost of the proprietor. (Not applicable to Executive Hire Vehicles).
3. The proprietor of the licensed hire car shall ensure the identification plates are maintained and kept in such a condition that the information contained on the identification plates are clearly visible to the public at all times.
4. The identification plates shall be securely fixed to the vehicle in accordance with the instructions of the authorised officer but in such a manner as to be easily removable by the authorised officer of the Council or a Constable.
5. The proprietor of the licensed hire car shall cause the number of the licensed hire car's licence granted by the Council in respect of the licensed hire car to be clearly marked and kept and maintained inside the vehicle in such a position as to be clearly visible at all times to persons being conveyed in the licensed hire car.
6. The proprietor shall ensure the licensed hire car shall be maintained in a sound mechanical and structural condition at all times and be capable of satisfying the

Council's mechanical and structural inspection at any time during the continuance of the vehicle's licence in respect of the vehicle.

7. The interior and exterior of the licensed hire car shall be kept in a clean condition and maintained in a safe condition by the proprietor.
8. The proprietor shall not allow the mechanical and structural specification of the licensed hire car and its external colour to be varied without the consent of the Council.
9. The proprietor of the licensed hire car shall:
  - (a) Provide sufficient means by which any person in the licensed hire car may communicate with the driver during the course of the hiring.
  - (b) Cause the interior of the vehicle to be kept wind and water tight.
  - (c) Provide any necessary windows and means of opening and closing with not less than one window on each side of the passenger compartment.
  - (d) Cause the seats in the passenger compartment to be properly cushioned and covered.
  - (e) Cause the floor in the passenger compartment to be provided with a proper carpet, mat or other suitable covering.
  - (f) Cause fittings and furniture of the licensed hire car to be kept in a clean condition and well maintained and in every way fit and safe for public use.
  - (g) Provide facilities for the conveyance of luggage safely and protected from inclement weather.
  - (h) Provide and maintain to the satisfaction of the authorised officer an efficient fire extinguisher.
  - (i) Provide at least two doors for use of persons conveyed in such licensed hire car and a separate means of ingress and egress for the driver.
  - (j) Provide and maintain a first-aid kit containing the following first aid dressing and appliances:-
    - 1 x First Aid Guidance Leaflet
    - 3 x Medium Size Sterile Wound Dressings No. 8
    - 1 x Large Size Sterile Wound Dressing No. 9
    - 1 x Extra Large Sterile Wound Dressing No. 3
    - 20 x Assorted Sterile Adhesive Dressings (plasters)
    - 2 x Triangular Bandages 95 cm X 134 cm
    - 6 x Safety Pins (Assorted)
    - 1 x Pair Scissors Blunt / Blunt Ends
    - 10 x Alcohol Free Moist Wipes
10. Any damage to a licensed hire car materially affecting the safety, performance or appearance of the vehicle shall be reported to the Council by the proprietor in accordance with Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976, and until such damage is repaired to the satisfaction of the authorised officer of the Council the vehicle shall not be used for hire.

11. The proprietor shall not cause or permit any sign, notice or advertisement to be displayed in, on or from the licensed hire car unless such sign, notice or advertisement is approved in writing by the Council.
12. The proprietor shall cause to be affixed and maintained in a conspicuous position in accordance with the directions of the Council any signs or notices required from time to time by the Council.
13. The proprietor shall not permit the licensed hire car to be used to carry a greater number of passengers than the number prescribed in the licence.
14. The proprietor shall not allow any child under the age of 10 years to be conveyed in the front of the vehicle.
15. The proprietor shall allow only one passenger to be conveyed in the front of the vehicle beside the driver, except where the hire car is licensed to carry more than six passengers and the appropriate seat belts are fitted.
16. The proprietor shall not permit any animal belonging to the proprietor or the driver to ride in the vehicle and any animal of the hirer is to be conveyed in the rear of the vehicle.
17. If the vehicle is fitted with a taximeter;
  - (a) The proprietor shall cause the taximeter to be of a type approved by the Council and to be maintained in a sound mechanical condition at all times and for it to be located within the vehicle in accordance with the reasonable instructions of the authorised officer.
  - (b) The proprietor shall cause the taximeter to be set to display the proprietor's fare table approved by the Council from time to time.
  - (c) The proprietor shall not use or permit to be used a taximeter that the council has not sealed.
  - (d) The proprietor shall not permit the taximeter to be fitted with a second tariff unless second tariff is brought into force without driver operation.
  - (e) The proprietor shall cause the taximeter to be fitted with key to bring the machinery into action and cause the word 'HIRED' to appear on the face of the meter as soon as the vehicle is on hire.
  - (f) The proprietor shall ensure that when the vehicle is not hired the key is to be locked and the machinery kept inactive and the meter must show no fare at the time.

- (g) The proprietor shall ensure that the meter shall not display a 'FOR HIRE' sign at any time.
  - (h) The proprietor shall ensure that when the taximeter is brought into action the fare and permitted extras will be shown legibly on the face of the meter and shall be no more than permitted by the approved tariff.
  - (i) The proprietor shall ensure the 'FARE' shall be printed on the face of the meter in clear letters so as to apply the fare recorded thereon.
  - (j) The proprietor shall ensure that the taximeter is in such a position in the licensed hire car that the figures thereon are clearly visible to any passenger being carried therein.
  - (k) The proprietor shall ensure that the taximeter is sufficiently illuminated that when in use it is visible to all passengers.
  - (l) The proprietor shall ensure that the taximeter and all its fittings are affixed to the licensed hire car with seals or by other means so that it shall not be practicable for any person to tamper with the meter except by breaking or damaging or permanently displacing the seals and other fittings.
  - (m) The proprietor undertakes to ensure that the taximeter will not be replaced without prior permission of the Council.
18. The proprietor shall ensure that a copy of the fare table, in a form approved by the council from time to time, is exhibited inside the licensed hire car at all times.
  19. The proprietor shall ensure that the fare table is not concealed from view or rendered illegible while the vehicle is being used for hire.
  20. The proprietor shall retain the licence of all drivers driving his vehicle and produce the same to an authorised officer or constable on request.
  21. Section 49(1) of the Local Government (Miscellaneous Provisions) Act 1976 accommodates a transfer of a licensed hire car licence provided that notice is given to the Council within 14 days. This Council requires that any such transfer is completed at the Taxi Licensing Office, where both parties must be present to sign the transfer form. The Licensing staff will witness the transaction and supply copies of the transfer documents to both parties.
  22. The proprietor shall ensure that no radio equipment is fitted to any of his licensed hire cars without prior written consent of the Council except where that radio equipment will allow the driver to communicate with an operator.

23. The proprietor shall ensure that any radio equipment fitted to the licensed hire car is at all times kept in a safe and sound condition and maintained in proper working order.
24. The proprietor of a licensed hire car shall immediately disclose to the Council in writing details of any conviction and details of any adult caution recorded against him by the police during the currency of his licensed hire car licence.
25. The proprietor of the licensed hire car shall keep in force in relation to the user of that vehicle a Policy of Insurance issued by an approved Insurance Company on a Comprehensive Basis and comply with the requirements of Part IV of the Road Traffic Act 1972.

On being so required by an authorised officer the proprietor shall produce to that officer for examination a Certificate of Insurance issued by an approved Insurance Company in respect of the vehicle for the purposes of Part IV of the Road Traffic Act 1972, provided that if the proprietor fails to produce such a certificate to the officer on request the proprietor shall within five days of such request produce it to that officer or to any other authorised officer at the office of the Council.

26. A licence in respect of which the licence fee has been paid by cheque shall not be effective until the cheque has been cleared.
27. The licence holder will attend the Licensing Environment and Safety Committee following any conviction in respect of a criminal offence.