

Driver's Licence - Pre-Licensing Conditions

1.0 In order that licensed drivers are reliable and of a satisfactory standard, a person being considered for a driver's licence shall:

- 1.1 - have attained the age of 21 years;
- 1.2 - have held a full DVLA licence granted under the Road Traffic Acts to drive a motor car with a manual gear box, for not less than THREE years. (See Note 5);
- 1.3 - not have been disqualified from driving at any time within the immediately preceding TWO year period; A driver who has obtained a pass certificate from the Driving Standards Agency in respect of the Taxi/Private Hire Test Assessment is considered to be of a satisfactory standard regardless of the period which has been elapsed since disqualification;
- 1.4 - not have accumulated more than EIGHT penalty points endorsed upon his driving licence within the immediately preceding TWO year period;
- 1.5 - not have been cautioned for or convicted of a criminal offence involving the threat and/or use of violence and/or any offence of a sexual nature, unless that conviction is deemed spent by virtue of the Rehabilitation of Offenders Act 1974;
- 1.6 - not have been cautioned for or convicted of a criminal offence involving the element of dishonesty within the immediately preceding THREE year period, unless that conviction is deemed spent by /virtue of the Rehabilitation of Offenders Act 1974;

2.0 The applicant shall produce:

- 2.1 - his current valid DVLA driving licence on which is shown the applicant's home address;
- 2.2 - in the case of first application under these conditions only, either his birth certificate or current passport and, where there is a change of surname, either marriage certificate or deed poll, as appropriate;
- 2.3 - in the case of first application only, two satisfactory written references as to character from persons to whom the applicant shall have been recently known for a minimum period of TWO years. (See Note 1);
- 2.4 - a Medical Report in the form prescribed by the Council before the application shall be determined, unless a current Medical Report is held by the Council. In certain cases the Medical Report may be referred for further medical consultation or assessment;

3.0 Form of application

- 3.1 - The applicant shall satisfactorily complete an application form on which must be shown all cautions and convictions which by virtue of the Rehabilitation of Offenders Act 1974 are deemed not to be spent. (See Note 2).
- 3.2 - The application form, together with all relevant documents, two passport size recent colour photographs of the applicant and the fee shall be presented in person by the applicant for the purpose of an interview with an authorised officer.

4.0 In the case of first application only, the applicant shall pass the Council's knowledge test on the first or subsequent occasions.

5.0 A person being considered for a Combined Hackney Carriage & Private Hire Vehicle Driver's Licence who has surrendered such a licence previously or who has not held one during the previous TWELVE months shall be treated as a person being considered for a licence on the first occasion.

Note 1

References from relations of the applicant will not be accepted as suitable.

Note 2

Applicants should be aware that the Council will make enquiries with regard to this application to the Criminal Records Bureau.

Note 3

All relevant information will be taken into account when consideration is given to an application for a Combined Hackney Carriage & Private Hire Vehicle Driver's Licence and it may be that the standards and conditions are waived or varied or added to at the discretion of the Council.

Note 4

The Council reserves the right to alter the number of penalty points specified in 1.4 hereto, to accord with any alteration made by Statute or Order by the Secretary of State.

Note 5

The Deregulation (Taxis & Private Hire Vehicles) Order 1998 amends the Local Government (Miscellaneous Provisions) Act 1976 to include Northern Ireland Driver Licences.

The Driving Licences (Community Driving Licence) Regulations 1996 also permits full driver licences issued by EC Member States to count towards the qualification requirement.

Schedule 1 - Interpretation

In these Conditions

"Licensed Driver" means "the holder of a combined hackney carriage & private hire vehicle driver's licence".

"Council" means "Brentwood Borough Council".

BYELAWS

Made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 by the Brentwood District Council with respect to hackney carriages in the District of Brentwood.

Interpretation

1. Throughout these byelaws "the Council" means Brentwood District Council and "the district" means the District of Brentwood.

Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence shall be displayed

2. (a) The proprietor of a hackney carriage shall cause the number of the Licence granted to him in respect of the carriage to be legibly marked on the outside and inside of the carriage on plates affixed thereto, such plates to be of the colour, size and shape as determined by the Council, but such plate or plates must be surrendered to the Council on the expiry, suspension or revocation of the licence.
- (b) A proprietor of a hackney carriage shall:-
 - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
 - (ii) 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.

Provisions regulating how hackney carriages are to be furnished or provided

3. The proprietor of a hackney carriage shall at all times keep and maintain the carriage in accordance with the standards set out in the Council's Licensing Conditions current at the time and in particular shall comply with the following requirements to:-
 - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
 - (b) cause the roof or covering to be kept watertight;
 - (c) provide any necessary windows and provide a means of opening and closing not less than one of the said windows on each side;
 - (d) cause the seats to be properly cushioned or covered;
 - (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
 - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
 - (g) the carriage to be so constructed as to carry luggage for passengers and to provide means for securing luggage;
 - (h) provide an efficient fire extinguisher which shall be carried in such a position to be readily available for use;
 - (i) provide at least one door in the front of the carriage and two doors in the rear for use of persons conveyed in such carriage and a separate means of ingress and egress for the driver;
 - (j) have fitted in the carriage in a position approved by the Council an electric light for the use of any person being driven therein and sufficient to illuminate the interior thereof;
 - (k) provide for such access for disabled passengers to the carriage as set out in the Council's said Licensing Condition.
4. The proprietor of a hackney carriage shall cause the carriage to be provided with a taximeter which shall be so constructed, attached and maintained as to comply with the following requirements, that is to say:-
 - (a) the taximeter shall be fitted with a key, flag, switch or other device the operating of which will bring the machinery of the taximeter into action and cause the work "HIRED" to appear on the face of the taximeter;
 - (b) such key, flag, switch or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
 - (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity the fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf;
 - (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;

- (e) the taximeter shall be so placed that all letters and figures on the face thereof shall be at all times plainly visible to any person being conveyed in the carriage and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring and the switch for operating the light providing the said illumination shall be incorporated in and operated in conjunction with the key, flag, switch or other device which brings the machinery of the taximeter into action and no other method of operating the said light shall be employed;
 - (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.
5. The proprietor or a driver of a hackney carriage shall not place any advertisement sign, light, either inside or outside the carriage, which is not required by law to be displayed or fitted, except:-
- (a) as required by other byelaws hereto;
 - (b) a "TAXI" sign which has a minimum width of twenty inches and six inches in height and is not illuminated when the carriage is not available for hire, save for a London style cab which is fitted as standard with a roof mounted "TAXI" sign;
 - (c) a inscription not exceeding thirty six inches in size identifying the proprietor of such carriage or the association of proprietors to which he belongs on the panels of the rear doors;
 - (d) a panel not exceeding ten inches by six inches inside such carriage for advertisement purposes provided that such panel is not illuminated and is not readily visible from the outside of the carriage.

Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district of their several employments

6. The driver of a hackney carriage provided with a taximeter shall:-
- (a) when standing or plying for hire keep the key, flag, switch or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
 - (b) 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, switch 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;
 - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness, being the hours between half and hour after sunset and half an hour before sunrise, and also at any time at the request of the hirer;
 - (d) report immediately to the Council any failure of the taximeter.
7. A proprietor or 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 fittings thereof or with the seals affixed hereto.
8. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:-
- (a) proceed with reasonable speed to one of the stands fixed in that behalf and specified in the First Schedule hereto or other approved place;
 - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it as specified in the First Schedule hereto and, if more than one stand is fixed as specified in the First Schedule hereto, proceed to another stand;
 - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, and where the physical layout of the stand allows, station the carriage immediately behind (or where the stand does not allow this, to the side of) the carriage or carriages on the stand and so as to face in the same direction;
 - (d) where the physical layout of the stand allows, from time to time, when any other carriage immediately in front is driven off or moved forward
 - (e) remain with the carriage and be ready to be hired at once by any person when his carriage has remained on the stand for a longer period of time than any other carriage waiting to be hired on the said stand.
9. A proprietor or 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 service of any other person for the purpose.
10. A proprietor or driver of a hackney carriage who shall have agreed or shall have been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

11. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the carriage.
12. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
13. The proprietor or driver of a hackney carriage shall not there allow to be conveyed in the front of the carriage:-
 - (a) any child below the age of ten years; or
 - (b) more than one person above that age.
14. The driver of a hackney carriage shall not convey in the hackney carriage any animal belonging to, or in the custody of, himself or the proprietor of the vehicle. Any animal belonging to or in the custody of any passenger which, in the driver's discretion, may be conveyed in that carriage, shall only be conveyed in the rear of the carriage.
15. If an identity card has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire and when hired, display the identity card in such a position and manner as to be plainly visible.
16. The driver of a hackney carriage shall, when requested by any person hiring or seeking to hire the carriage:-
 - (a) convey a reasonable quantity of luggage;
 - (b) afford reasonable assistance in removing such luggage to and from the entrance of any building, station or place at which he may take up or set down such person.
17. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed in the following table contained in the Second Schedule hereto, the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance, the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the following table which it may not be possible to record on the face of the taximeter.
18. The proprietor or driver of a hackney carriage shall, if requested by the hirer of the hackney carriage, provide him with a written receipt for the fare paid.
19.
 - (a) The proprietor of a hackney carriage shall cause a current statement of fares issued by the Council and prescribed in the Second Schedule hereto to be exhibited inside the carriage, in clearly distinguishable letters and figures.
 - (b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this Byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

Provisions securing the safe custody and re-delivery of any property accidentally left in Hackney Carriages

20. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property.
21. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found or handed to him:-
 - (a) carry it as soon as possible and in any event within 72 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council's Environmental Services and leave it in the custody of the officer in charge of the office;
 - (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Environmental Services, whichever is the greater) but not more than five pounds (£5.00).

Penalties

22. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the Standard Scale and in the case of a continuing offence to a further fine not exceeding two pounds (£2.00) for each day during which the offence continues after conviction therefore.

Repeal of Byelaws

23. The byelaws relating to hackney carriages which were made by the Brentwood District Council and which were confirmed by one of Her Majesty's Principal Secretaries as coming into operation on the first day of April 1986 are hereby repealed.

THE COMMON SEAL OF BRENTWOOD DISTRICT COUNCIL
was hereunto affixed pursuant to a Resolution passed at a
meeting of the Council held on the Third day of March
One Thousand, Nine Hundred and Ninety Two in the presence of:-

(Signed) J SHAWCROSS
CHAIRMAN OF THE COUNCIL

(Signed) KENNETH A BAKER
ASSISTANT CLERK OF THE COUNCIL

L.S.

The foregoing byelaw is hereby confirmed by the Secretary of State and shall come into operation on the 11th day of November 1992.

(Signed) P R PICKERING
An Assistant Secretary in the Department of Transport
on behalf of the Secretary for Transport

Home Office
London SW1