

**Local Government (Miscellaneous Provisions) Act 1976.  
Requirements for the issue of a Driver's Licence.**

Before a driver's licence is granted the applicant must:

- (i) satisfactorily complete the Council's knowledge test, and
- (ii) produce written evidence that they have either registered for a driver training course that is approved by the Council or have already passed such a course and are able to produce their course pass certificate.
- (iii) complete and submit to the Council an application and Statutory Declaration in the form prescribed by the Council
- (iv) pay the current fee to the Council
- (v) satisfy the Council that
  - (a) the applicant is not less than 21 years of age.
  - (b) the applicant is a fit and proper person to hold such a licence.
  - (c) the applicant is medically fit to drive a private hire vehicle. In this connection the applicant must produce a certificate signed by the applicants own GP or by a GP from the same practise who has access to the applicants medical records, to the effect that he/she is physically fit to be a driver of a private hire vehicle on any first application. Such medical certificate must also be produced at 3 yearly intervals until the applicant has reached the age of 65 years and thereafter annually unless otherwise requested by the authorised officer. In the event the applicants own GP or GP surgery is not offering this service, a medical certificate will be accepted from a GMC registered doctor qualified to carry out Group 2 medicals. In these circumstances, such medical certificate must be produced at annual intervals and will only allow for a 12 month licence to be issued.
  - (d) the applicant has, for at least twelve months prior to the date of the application, held a driver's licence (not being a provisional licence granted to the applicant under Part III of the Road Traffic Act, 1972 authorising him/her drive a motor car).
  - (e) submit a disclosure check to the Disclosure & Barring Service (DBS) and subscribe to the DBS Update Service.
  - (g) sign a mandate form that permits the Council to carry out DVLA checks in relation to the applicants driving licence history.

# CONDITIONS RELATING TO PRIVATE HIRE DRIVER'S LICENCES MADE UNDER LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

## Definitions

"the Council" means the Council of the Borough of Burnley.

"the identification plate" means the plate issued by the Council for the purpose of identifying the vehicle as a private hire vehicle.

"the operator" means a person holding a licence to operate private hire vehicles issued pursuant to Section 55 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.

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

1. The driver of a private hire vehicle shall at all times carry with him whilst in the course of his duty, his private hire driver's licence to which must be affixed a passport style photograph for identification purposes and this licence must be shown, if required, to the hirer of the vehicle and to any "authorised officer" or police constable for the purposes of the Local Government (Miscellaneous Provisions) Act 1976.
2. The driver of a private hire vehicle provided with a taximeter shall:
  - (a) as soon as the carriage is hired by distance and before beginning the journey, bring the machinery into action by moving the said key, flag or other device, so 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;
  - (b) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Transport Lighting Act 1957 and also at any other time at the request of the hirer.
3. The driver of a private hire vehicle 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 thereto.
4. The driver of a private hire vehicle shall not place or suffer to be placed any printed, written or other matter by way of advertisement on any part of the carriage except with the consent of the Council.
5. The driver of a private hire vehicle 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 vehicle.
6. The driver of a private hire vehicle shall not at any time smoke tobacco or like substance or permit any passenger to smoke tobacco or like substance.

7. The driver of a Private Hire Vehicle shall not, except with the express consent of the hirer, play any radio or sound reproducing equipment in the vehicle other than for communicating with the operator.
8. The driver of a private hire vehicle who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.
9. The driver of a 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.
10. The driver of a private hire vehicle 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.
11. The driver's badge provided by the Council shall be worn by the driver of a private hire vehicle in such position and manner as to be plainly and distinctly visible.
12. When picking up the hirer, the driver shall make his presence known in person and shall not attract the hirer's attention by sounding the car horn, shouting or making any other disturbing noise.
13. 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, or
  - b) cause or procure any other person to tout or solicit on a road or any other public place, any person to hire or be carried for hire in any private hire vehicle,

**or**

  - c) offer that vehicle for immediate hire while the licensee or 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 or that vehicle is on a road or other public place except where such offer is first communicated to the licensee by telephone, data system or by radio apparatus fitted to that vehicle.
14. The driver of a private hire vehicle so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the vehicle:
  - (a) convey a reasonable quantity of luggage;
  - (b) afford reasonable assistance in loading and unloading
  - (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such a person.
15. The driver will ensure that a copy of the fare table in a form approved by the Council is exhibited inside the vehicle at all times the vehicle is being used for hire. The card must not be concealed from view, allowed to become defaced or rendered illegible.
16. The driver shall not demand from any hirer of a private hire vehicle a fare in excess or

any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter

17. The driver shall if requested by the hirer of a private hire vehicle provide him with a written receipt for the fare paid.
18. The driver of a private hire vehicle shall, immediately after the termination of any hiring or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left therein.
19. The driver of a private hire vehicle shall, if any property accidentally left therein by any person who may have been conveyed in the vehicle be found by or handed to him carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to a Police Station within the district and leave it in the custody of the officer in charge of the station on his giving a receipt for it.
20. The driver of a private hire vehicle shall, when required to do so by an authorised officer of the Council, return the driver's badge and licence to the Principal Licensing Officer and obtain a receipt for it.
21. The driver of a private hire vehicle shall not permit any person to be conveyed in the vehicle without the consent of the hirer.
22. The driver of a private hire vehicle shall not wilfully or negligently cause or suffer any licence plate to be concealed from public view while the vehicle is being used for the purpose of hire.
23. A licensed driver must inform the licensing unit immediately in writing and in any case not more than 7 days after the event if he / she changes operator.
24. The driver of a private hire vehicle must, within 7 days, disclose to the Council in writing, details of any convictions for criminal or motoring offences and any pending prosecutions for such types of offences since the issue of his private hire driver's licence.
25. The driver of a private hire vehicle must, within 7 days, inform the Council of any change of his home address.
26. The driver of a private hire vehicle shall report to the Council as soon as reasonably practicable, and in any case within seventy-two hours of the occurrence thereof, any accident to such private hire vehicle causing damage materially affecting the safety, performance or appearance of the Hackney Carriage or the comfort or convenience of persons carried therein. Compliance with this condition does not exempt the proprietor from his statutory liability to report accidents to the Police.
27. The driver of a private hire vehicle must inform the Council without delay about the onset or worsening of any health condition likely to cause them to be a source of danger to the public when driving either now or in the future. Examples are giddiness, fainting, blackouts, epilepsy, strokes, multiple sclerosis, Parkinson's disease, angina, "coronaries", high blood pressure, arthritis, disorder of vision, mental illness, alcoholism, drug taking and loss of limb. THIS LIST DOES NOT INCLUDE ALL THE DISABILITIES THAT MUST BE REPORTED – THESE EXAMPLES ARE GIVEN ONLY TO INDICATE THE TYPES OF DISABILITIES.

Temporary conditions, other than recurrent ones, not expected to last more than three months, such as a sprained ankle or fractured arm, need not be reported. Drivers who are in doubt about whether or not their health condition is one which should be reported should consult their doctor.

28. Holders of 3 yearly private hire driver's licences shall, not more than 14 days prior to the anniversary of the grant of such a licence, sign and return a declaration provided by the Council in relation to any changes to their personal circumstances, and shall provide the Council with a passport style photograph which must be a true likeness of them at the time it is submitted.