

HC and PH Trade Meeting

Medicals- Own GP v's Specified GP

ECDC 20th March 2013

Medicals

Own GP

Pros

- Has driver medical history
- Local
- Appointments flexible
- Costs- assessment and travel

Cons

- Risk of being inconsistent

Centralised GP

Pros

- Consistent
- Standard service

Cons

- Doesn't have driver medical history / left to driver to disclose
- Often a drive away
- Appointments not so flexible e.g-Wednesday & Thursday, 0900 – 1430
- Costs £75 + travel (Stansted)

HC and PH Trade Meeting

Common Licensing Issues

ECDC 20th March 2013

Plate Return

- **Condition 7 HC and PH Vehicle Licence Conditions**
- **S58 LG (MP)Act 1976**
- Within 7 days of expiry date or upon revocation or suspension.

section 58 Local Government (Miscellaneous Provisions) Act 1976

Driver Badge Display

- **Condition 12 Driver Licence Conditions**
- **S54 LG (MP)Act 1976**
- The driver shall at all times when acting in accordance with his/her licence wear the badge issued by East Cambridgeshire DC in a conspicuous position. Any change of appearance of the licence holder must be notified to the Council in order that a new badge will be issued. No fee will be charged.



Smoking inside vehicle.

Condition 21 HC and PH Drivers Licence

Health Act 2006

Sections 6,7,8

HC and PH vehicles are to be smoke free at all times.

Offence to smoke in a smoke free place.



Mobile Phones

- **Condition 22 HC and PH Drivers Licence**
- The driver of a PH/HC vehicle if using a mobile telephone shall use that equipment only by means of a hands free device whilst driving the vehicle.



Accident Notification

- **Condition 11 HC and PH Drivers Licence**
- **S50(3) LG(MP) Act 1976**
- The driver shall notify the Head of Environmental Services in writing of any vehicle accident in which the driver is involved whilst driving a PH/HC vehicle. The notification must be received within 72 hours of such an accident.



Physical and mental fitness

- **Condition 18 HC and PH Driver Licence Conditions.**
- The driver shall during the period of the licence report to the Council as soon as practicable any disability, physical or mental medical condition which develops or worsens which may affect his/her ability to drive safely. Examples of such conditions could include the following:-

Heart attack, fainting, epilepsy, strokes, parkinson's disease.

This list is not exhaustive, however drivers are reminded that they are legally required to inform the DVLA at Swansea of any developing conditions which may affect their ability to drive.



Change of Address

- **Condition 9 HC and PH Drivers Licence Conditions**
- The driver shall notify the head of environmental services in writing of any change of his/her name or address during the period of the licence. This notification and the A4 size driving licence must be received within 7 days of such change taking place, together with the appropriate fee.



Certificate of Compliance

- No crossings out or corrections please (including tippex)
- Corrections/mistakes will not be accepted.
- A replacement certificate will be required from the garage.



Insurance Documents

Condition 20 HC and PH Drivers Licence S50 (4) LG (MP) Act 1976

Driver is responsible for ensuring vehicle is insured for use as a HC/PH

Photocopies **not** accepted.

Need to forward new certificate during licence period.

Items raised by the Trade

- Garages outside ECDC area- Long Ramp for Stretch Limos. Garage list- historical.
- Consecutive use of garage- query. Advice contained within blue book. Agree this can be amended.

Seat belts- Legislation

Exemptions

The Motor Vehicles (Wearing of Seatbelt) Regulations 1993 (as amended)

Exemptions

Regulation 6(1) The requirements of regulation 5 do not apply to

The driver of-

(i) a licensed taxi while it is being used for seeking hire, or answering a call for hire, or carrying a passenger for hire, or

(ii) a private hire vehicle while it is being used to carry a passenger for hire;



Touting for hire- Legal Position

- The Criminal Justice and Public Order Act 1994 s167 makes it an offence ‘in a public place to **solicit** persons to hire vehicles to carry them as passengers’
- No definition of ‘solicit’
- Journeys are uninsured.
- Byelaw 8 ECDC Hackney Carriages
- In practice- cannot for example, go and ask or shout to someone if they want a lift or approach a member of the public.

Plying or standing for Hire- Legal Position

- Only HC can stand or ply for hire.
- Nothing in the legislation or case law prevents a PH vehicle parking lawfully to await a booking made via the operator, provided that the vehicle is not standing or plying for hire. (the test of plying or standing for hire is that the vehicle is exhibited and available for immediate hire without a pre booking being made)
- The length of time a PH is lawfully parked is irrelevant.
- The test of whether or not the vehicle is available for hire (ie plying for hire) is based on the intentions of the driver, as evidenced by his actions if approached by a prospective passenger.

Plying or standing for Hire-Legal Position

- PH vehicles do not have to 'hide' and a PH can park lawfully anywhere to await the next booking received from the operator (obviously excluding HC ranks- but does not prevent a PH vehicle parking adjacent or otherwise proximate to a HC rank)
- A prospective passenger can make a booking with the operator by telephone having read the details displayed on the PH vehicle and can be directed to the vehicle by the operator to the vehicle, which has been lawfully parked and exhibited, because the driver had no involvement in the booking process.
- If the driver is approached by the prospective passenger and asked if he is free, provided he replies that a booking must be made, he can direct the passenger to the operator by providing his firms telephone number and the passenger is then to follow the paragraph above.

Plying or standing for Hire-Legal Position

- If however, the driver takes an active part in facilitating the booking via the operator, for example by making the booking via his radio or by providing a mobile telephone directly connected to the operator, that evidences the fact that his purpose in parking the vehicle was to be available for immediate hire and the offence will have been made out.
- The booking does not have to be made by the passenger personally as a third party can act as an intermediary or agent (eg a receptionist at a hotel, a work colleague, a pub landlord etc) but as noted above the driver cannot fulfil the role of an agent.

Plying or standing for Hire-Legal Position

‘False ‘pre bookings’ (PH)

- Offence committed in line with Private Hire Operators Licence s56 LG (MP) Act 1976

‘shall keep a record in such a form as the council may, by condition to the grant of the licence, prescribe and shall enter therein, **before the commencement of each journey, such particulars of every booking of a private hire vehicle invited or accepted by him....**’



Operator Records

Before the commencement of each journey

Time and date of each booking

Name of hirer

Point of pick up

Destination

Costs of fare quoted (where appropriate)

Call sign/badge number of driver allocated

Time at which a driver was allocated to the booking

Any remarks eg- sub contracted or contract

To be maintained correctly and up to date at all times.



Railway Station

- To convene a meeting with railway station personnel to discuss issues at railway station, railway station permit conditions and their enforcement of permit conditions.



Taxi rank provision

- Concerns that there is a shortage of taxi rank provision in the City Centre.
- Legislation available to create ranks- legal processes to follow.
- To arrange a specific meeting to look at this.
- To liaise and invite County Highways to look at how to progress this.