

# Guidance for Private Hire Drivers and Vehicle Owners

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This guidance has been produced to assist you to comply with the legal requirements of owning and driving a private hire vehicle. It does not contain all of the legal requirements but focusses on the main non-compliance found with in Birmingham.

Should you require further detailed information then you should seek your own legal advice.

The main legislation affecting Hackney Carriages and Private Hire vehicles is The Town Police Clauses Act 1847 (TPCA) and the Local Government (Miscellaneous Provisions) Act 1976 (LGMP) although various other pieces of legislation do have an impact on what you can and cannot do as a PHD/Owner.

## Common Offences

- You must not **PLY FOR HIRE** or accept any booking, which is not made via your operator. This is an offence under s45 TPCA and may also invalidate your vehicle insurance and by doing so commit a further offence under the Road Traffic Act 1988.
- You must not tout or solicit any person to hire or be carried for hire in any private hire vehicle or cause or procure any other person to tout or solicit any person to hire or be carried for hire in any private hire vehicle. This is an offence under the Criminal Justice and Public Order Act 1994.
- If your vehicle is involved in an accident that materially affects the safety, performance or appearance of the vehicle or affects the comfort or convenience of the passengers being carried, you must report this to the Licensing Office within **72 hours** of the accident occurring. It is advisable that this notification is in writing and a copy of the same is retained by you. LGMP S50(3)
- If you sell your vehicle you must inform the Licensing Office, in writing, within **14 days** of the sale, detailing the name and address of who it has now been sold to. LGMP S49
- You **must** wear your Badge in a position and manner as to be plainly and distinctly visible whilst you are working as a licensed driver. LGMP S54(2)
- You must display your vehicle licence plate in the manner prescribed by the Council, as detailed in the City Council vehicle signage Policy, **at all times** whether working or not. LGMP S48(6)
  - The **front vehicle licence plate** must be fixed in the front windscreen of the vehicle in such a position that it is clear from obstruction and that all the information is visible both internally and externally.
  - The **rear vehicle licence plate** must be fitted externally to the rear of the vehicle, adjacent to the number plate. It must be kept clean and free from obstruction and clearly visible at all times. It must be fitted to the vehicle so that it cannot be removed without the use of tools. **If a securing bracket is not used it must be fixed**

**to the vehicle using bolts rivets or screws and must not be attached by string or any other similar material.**

### **Smoke Free Legislation**

- Private Hire Vehicles and 'Taxis' are smoke free vehicles and nobody may smoke within these vehicles. Appropriate 'No Smoking' signage must be displayed in the vehicle. Failure to display appropriate signage is an offence under the Health Act 2006 and you could receive a fixed penalty for £200.
- Furthermore, any enclosed premise that is used as a workplace or is used by the public, for example, making bookings, must be smoke-free. Failing to prevent smoking in a smoke free place can lead to prosecution and a maximum fine of £2,500 being imposed on whoever manages or controls the smoke-free premises or vehicle. For further advice and guidance on this matter please go to [www.smokefreengland.co.uk](http://www.smokefreengland.co.uk)

**The Equality Act 2010** (EQ10) brings together a number of existing laws into one place so that it is easier to use. It sets out the personal characteristics that are protected by the law and the behaviour that is unlawful.

Under the Act people are not allowed to discriminate, harass or victimise another person because they have any of the protected characteristics including disability. The act gives examples of unacceptable behaviour whilst the Equality Commission web site ([www.equalityhumanrights.com](http://www.equalityhumanrights.com)) gives examples of best practice.

- You must not refuse to accept the hiring of a vehicle merely because the passenger is accompanied by a guide dog or assistance dog. If you have a medical exemption from carrying dogs, then this must be obtained in writing from the Licensing Office and be maintained in the vehicle at all times for production to passengers or inspection by an authorised officer. EQ10 s170
- You must not make any additional charge for the carriage of a guide or assistance dog, the conveyance of a wheelchair, or other equipment required by a person suffering from a disability. EQ10 s170