

Code of Conduct for Licensed Drivers :

Preliminary Matters :

- A. In order to promote the Council's Licensing Objectives as set out in Council's Statement of Private Hire and Hackney Carriage Licensing Policy, ("the Policy"), the Council has adopted this Code of Conduct for Licensed Drivers, ("the Code").
- B. The Code has application to all persons licensed by the Council to drive Hackney Carriage and / or Private Hire Vehicles. This Code must be read in conjunction with the statutory provisions and other requirements that are set out in the Policy.
- C. For the avoidance of any doubt, :-
 - (i) Any failure to comply with the Code may be taken into account by the Council when assessing whether a Licensed Driver remains a "*fit and proper person*" to continue to hold their respective Licence and in deciding what disciplinary action, if any, should be taken in relation to them; and
 - (ii) Any reference to a passenger includes a prospective passenger and a former passenger.
- D. At all times Licensed Drivers must display in the Licensed Vehicle being used by them as a Licensed Vehicle the Council's Complaints Procedure about how to make a complaint to the Council about Hackney Carriage and Private Hire matters.
- E. For the avoidance of any doubt, this Code has application as from and including 1st January, 2023. Licensed Drivers are required to comply with the matters set out in this Code as from and including 1st January, 2023.

General Level of Conduct Expected by Licensed Drivers :

1. At all times Licensed Drivers are expected to demonstrate appropriate professional conduct, ie. whilst undertaking their role as a Licensed Driver and when not. They are required to be courteous, avoid confrontation, not be abusive, or exhibit prejudice in any way. Licensed Drivers are expected to act with integrity and demonstrate conduct befitting of the trust placed in them as a Licensed Driver. They are expected to behave in a calm manner at all times, including when dealing with challenging passengers. Licensed Drivers must not engage in any conduct that threatens or puts the personal safety of passengers and members of the public at risk. In particular, they must not take advantage of passengers, especially children and vulnerable adults.
2. Licensed Drivers are regarded as "ambassadors of the City of Sunderland". How they conduct themselves is very important. They may give a passenger their first impression of the City of Sunderland and the North East. This should be kept in mind when Licensed Drivers interact and provide services to passengers.

3. At all times Licensed Drivers must treat passengers with courtesy and respect. They must not discriminate against any person because of the following : age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion, or belief; sex; and sexual orientation.

Responsibility of Licensees Towards the Hackney Carriage and Private Hire Trade :

4. All Licenced Drivers have a responsibility to promote the image of the Hackney Carriage and Private Hire trade by, :-
 - (a) Complying with the provisions of this Code;
 - (b) Complying with all applicable legislation, the Conditions of their respective Licence, as appropriate, and the Policy; and
 - (c) By acting in a professional manner at all times.

Responsibility of Licensees Towards to Passengers :

5. All Licensed Drivers are required to, :-
 - (a) Take the shortest available route when transporting passengers. In those circumstances where a diversion is required to be taken, (such as due to roadworks, or because of an accident), this must be clearly explained to the passenger prior to the diversion being undertaken;
 - (b) Take all reasonable steps to ensure the safety of passengers while they are entering, being transported in, or when exiting their Licensed Vehicle;
 - (c) Treat their passengers with courtesy and respect at all times;
 - (d) Refrain from engaging in any dialogue, conversation, or any activities with a passenger that may be considered by a reasonable person to be offensive, in any way inappropriate, constitutes conduct not befitting of the trust placed in them as a Licensed Driver, or which in any way takes advantage, (financially, or otherwise), of such passengers;
 - (e) Maintain their Licensed Vehicle in a safe and satisfactory condition at all times;
 - (f) Keep their Licensed Vehicle clean and suitable for hire at all times;
 - (g) When undertaking a pre-booked hiring they attend their booking on time;
 - (h) Where necessary and reasonable to do so, :-
 - i) Assist passengers into and out of their Licensed Vehicle;
 - ii) Offer passengers reasonable assistance to load their luggage into, or out of their Licensed Vehicle and / or other bags, such as shopping bags; and
 - iii) Offer assistance to elderly, infirm, or disabled passengers;
 - (i) Not smoke tobacco products, e-cigarettes, or other similar nicotine delivery devices when inside their Licensed Vehicle at any time, or permit passengers to do so;
 - (j) If the Licensed Driver drives a wheelchair accessible vehicle which is contained on the list maintained by the Council under Section 167 of the Equality Act 2010, (“the Act”), then unless the Licensed Driver has been

issued with an Exemption Certificate under Section 166 of the Act they are required to comply with the duties under Section 165 when their Licensed Vehicle has been hired by, or for a disabled person who is in a wheelchair, or by another person who wishes to be accompanied by a disabled person who is in a wheelchair. The following duties apply, :-

- i) To carry the passenger while in their wheelchair;
 - ii) Not to make any additional charge for doing so;
 - iii) If the passenger chooses to sit in a passenger seat, to carry the wheelchair;
 - iv) To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
 - v) To give the passenger such mobility assistance as is reasonably required; and
 - vi) The provision of mobility assistance covers the following matters :
enabling the passenger to get into, or out of their Licensed Vehicle;
should the passenger wish to remain in their wheelchair, to enable the passenger to get into and out of their Licensed Vehicle while in the wheelchair; to load the passenger's luggage into, or out of their Licensed Vehicle; and if the passenger does not wish to remain in their wheelchair, to load the wheelchair into, or out of the Licensed Vehicle;
- (k) Unless the Licensed Driver has been issued with an Exemption Certificate under Section 169, (Hackney Carriage Vehicles), or Section 171, (Private Hire Vehicles), of the Act they are required to comply with the duties under Section 168, or Section 170 when their Licensed Vehicle has been hired by, or for a disabled person who is accompanied by an Assistance Dog, or by another person who wishes to be accompanied by a disabled person with an Assistance Dog. The Licensed Driver must carry the disabled person's Assistance Dog and allow the Assistance Dog to remain with them and must not make any additional charge for doing so. For the avoidance of any doubt, Assistance Dogs are not restricted to the rear of Licensed Vehicles;
- (l) With the exception of Assistance Dogs who are not restricted to the rear of a Licensed Vehicle, any animal belonging to, or in the care of any passenger should only be carried in the rear of the Licensed Vehicle and
- (m) The Licensed Driver must, if requested by their passenger, provide a written receipt for the fare paid by them.

Responsibility of Licensees to Residents :

6. All Licensed Drivers are required to avoid causing a nuisance to residents when picking up or waiting for a fare. Examples of how this can be met includes, but is not limited to, the following, :-
- (a) Save to comply with the requirements of the Highway Code, not to sound their Licensed Vehicle's horn, such as to notify a passenger of their arrival;
 - (b) To keep the volume of any cassette, CD player, any radio, DVD player, Bluetooth device, any satellite navigation system, any radio-controlled communications system, or any other electrical device which omits noise to a minimum;

- (c) Switch off the Licensed Vehicle's engine if required to wait for a passenger to approach their vehicle;
- (d) Take whatever other additional action that may be reasonably required to avoid causing a disturbance to residents in the neighbourhood;
- (e) Not to deposit any litter, save for placing it into a bin; and.
- (f) Not to engage in any form of anti-social behaviour.

Responsibility of Licensees When Plying for Hire :

7. When at a Hackney Carriage Rank and when at other places where hackney carriages ply for hire by way of forming queues, licensed Hackney Carriage Drivers are also required to comply with the following requirements, :-
- (a) To rank in an orderly manner and to proceed along the rank in order and in a prompt manner; and
 - (b) Unless there is a reasonable excuse for not doing so, to remain seated in their Licensed Vehicle.

General Requirements of Licensed Drivers :

8. All Licensed Drivers are required to, :-
- (a) Drive with due care and attention and to have due consideration for other road users and pedestrians;
 - (b) Obey all Traffic Regulation Orders and directions at all times, including compliance with the relevant speed limits that apply, ie. both permanent and temporary, including average speed limits. In order to monitor their speed when driving and to ensure compliance with the relevant speed limits, it is imperative that Licensed Drivers do not place undue reliance on electronic devices, including such things as satellite navigation systems and "Road Angels". A Licensed Driver should monitor their speed by reference to their vehicle's speedometer;
 - (c) Ensure that their Licensed Vehicle must not convey a greater number of passengers than the number prescribed for the Licensed Vehicle;
 - (d) Comply with the rules and spirit of the Highway Code;
 - (e) Ensure they do not smell of alcohol;
 - (f) Ensure that they do not drive whilst under the influence of alcohol and / or drugs. Any amount of alcohol, or drugs can significantly impact upon a Driver's judgement. The Council will take a very serious view of any Licensed Driver who has been found to have consumed alcohol, or drugs prior to, or whilst in charge of a Licensed Vehicle;
 - (g) Pay attention to their personal hygiene;
 - (h) Dress in accordance with the Dress Code for Licensed Drivers detailed within the Code of Conduct;
 - (i) Behave in a civil and orderly manner at all times;
 - (j) Ensure, having due regard to the transportation of young children, that all passenger doors are unlocked immediately upon arrival at the destination, or on any other occasion when their Licensed Vehicle is stationary and the passenger asks to leave the vehicle;

- (k) Cooperate fully with any investigation that may be undertaken by Officers from the Council's Licensing Section, or Police Officers regarding themselves and / or a third party concerning the licensing and regulation of Hackney Carriage and Private Hire matters, as appropriate;
- (l) Bring to the attention of the Council's Licensing Section any concerns that they may reasonably have about the alleged conduct of a Licensed Driver who is licensed by the Council, or by another council, or the alleged conduct of any unlicensed driver who may be operating within the City of Sunderland; Comply with any guidance that may be issued from time to time by the Department for Transport concerning Hackney Carriage and Private Hire Vehicles and associated issues as they apply to Licensed Drivers; and
- (m) Notify the Council in writing of any change of their home address and their contact details during the period of the Licence within one calendar month of any such changes taking place. Contact details includes their e-mail address and their telephone number, ie. landline and mobile. Changes in home address and contact details are required to be notified via the Council's website portal : <https://www.sunderland.gov.uk/Taxi-Licensing-change-of-details>

9. Licensed Drivers must not, :-

- (a) Drive after having taken illegal drugs, whilst under the influence of alcohol and / or drugs, or after having taken medication that may have an impact on their ability to safely drive their Licensed Vehicle;
- (b) Engage in any dialogue, conversation, or activities of a sexual nature, whether initiated by the Licensed Driver, or not, with a passenger whilst acting as a Driver of a vehicle licensed by the Council;
- (c) Drink, or consume food in their Licensed Vehicle at any time while transporting passengers. Best practice is for Licensed Drivers to take rest periods away from their vehicle;
- (d) Play any radio, sound reproducing instrument, or equipment in their Licensed Vehicle other than for the purpose of sending, or receiving messages in connection with the operation of the vehicle without the consent of the passenger;
- (e) Licensed Drivers are in a position of trust and passengers can reasonably expect complete privacy and discretion when hiring their Licensed Vehicle; and
- (f) Video, or record passengers other than through a CCTV system that has been installed specifically for the purposes of deterring or detecting crime and which complies with the requirements of the Data Protection Act 2018. Any footage obtained of passengers must not be made publicly available. No still, moving images, or audio recordings, or transcripts of audio recordings are permitted to be made available, shown, or shared on social media, or by other means. It must only be processed in accordance with the requirements of the CCTV Operating Procedure.

Property :

10. All Licensed Drivers are required to comply with the following, :-

- (a) When passengers have been dropped off by the Licensed Driver at their destination the Licensed Driver must check their Licensed Vehicle for any misplaced, or lost property, (“Passenger Property”);
- (b) If any such Passenger Property is found by the Licensed Driver they must undertake reasonable efforts to return the Passenger Property to the passenger(s);
- (c) Should the return of the Passenger Property not be possible, then within 24 hours of discovery of the Passenger Property it must be taken to the Lost Property Office of Northumbria Police at Southwick Police Station, Church Bank, Sunderland, Tyne and Wear, SR5 2DU, with an appropriate receipt obtained. Northumbria Police will not accept any Passenger Property unless it constitutes the following, :-
 - (i) An item that is illegal to possess, such as drugs, or firearms;
 - (ii) An identifiable item, such as a passport, or Driving Licence;
 - (iii) An item that has assumed high value, or significant sentimental value;
 - (iv) Items that store electronic data, such as mobile telephones, laptops and data sticks etc; or
 - (v) Large quantities of cash, ie. cash of £250.00, or more.

In the case of a Private Hire Vehicle, all other Passenger Property should be returned by the Licensed Driver to the registered office of the Private Hire Operator responsible for dispatching the fare, as licensed by the Council, with an appropriate receipt obtained. Alternatively, in the case of Hackney Carriage Vehicles, all other Passenger Property should be returned by the Licensed Driver to the Licensing Section at City Hall, with an appropriate receipt obtained;

- (d) Depending upon the Passenger Property in issue, the Licensed Driver should apply a common-sense approach in deciding whether efforts are made to return the Passenger Property to the passenger(s), or whether it is taken to Northumbria Police’s Lost Property Office; and
- (e) Where the Police are unable to accept the item(s), the Passenger Property can be returned to the Licensing Section at City Hall.

Self-Reporting Obligations on the Part of Licensed Drivers :

11. All Licensed Drivers are required to notify the Council in writing within 48 hours of the following matters, :-

- (a) Their arrest and release, with the Council being advised as to : the reason for their arrest; the name of the arresting Police force; the date of their arrest; the date of their release; and whether they have been released under investigation;
- (b) The date they were charged and / or convicted of a criminal offence, including details of the criminal charge, the date of their first Court Hearing, (if any), the date of their sentencing and details of the sentenced imposed, as appropriate. For the avoidance of any doubt, if a Licensed Driver is convicted of a criminal

offence and then pursues an Appeal against conviction, or sentence, the notification provisions still apply;

- (c) The date that they have accepted a caution and confirmation of what criminal offence the caution related to; and
- (d) The acceptance of a Fixed Penalty Notice, which may, or may not result in penalty points being endorsed on their DVLA Driver's Licence.

The above matters are collectively referred to as the "Self-Reported Information". For the avoidance of any doubt, the self-reporting obligations apply seven days a week, ie. the 48-hour period does include weekends, bank holidays and public holidays.

12. If the Self-Reported Information relates to any sexual offence, any offence involving dishonesty, or violence, or any motoring offence then this could lead to the Council undertaking a review of whether the Licensed Driver remains a "*fit and proper person*" to hold their respective Licence, although this does not prevent such consideration in relation to any other criminal offences.
13. Self-Reported Information is required to be reported via the Council's website portal : <https://www.sunderland.gov.uk/Taxi-Licensing-Report-a-conviction>
14. If a Licensed Driver fails to disclose the Self-Reported Information to the Council and the Council subsequently learns of the same by other means, (such as via the Police Common Law Disclosure, under an Enhanced Disclosure and Barring Certificate, or in a Renewal Application), the failure to disclose may be considered to be behaviour that questions the honesty, and therefore the "fitness", of the Licensed Driver to hold their respective Licence.
15. The Council will take any failure to comply with the requirements to notify about Self-Report Information very seriously. Where there has been a failure to notify about cautions, or convictions within the stated 48 hours timescales the Council will consider that caution, or conviction as if it occurred on the date that it was disclosed to the Council by the Licensed Driver, or when the Council became aware of the same if the Licensed Driver had failed to notify the Council.
16. Should a Licensed Driver have any queries about how to report the Self-Reported Information then they should immediately contact the Council's Licensing Section for advice and assistance by e-mailing : licensing@sunderland.gov.uk

Dress Code for Licensed Drivers :

17. A Dress Code for Licensed Drivers, ("the Dress Code"), has been adopted to achieve a standard of dress that seeks to promote a positive image of the Hackney Carriage and Private Hire trade that operates within the City of Sunderland.
18. The Dress Code seeks to enhance and promote the professional image of Licensed Drivers. It seeks to promote the fact that Licensed Drivers are professional drivers. Having a Dress Code also seeks to ensure that public and Driver safety is not compromised in any way.

19. For the avoidance of any doubt, the Dress Code has application when a Licensed Driver is on duty and is working as a Licensed Driver.

20. The following requirements apply under the Dress Code, :-

- (a) In terms of minimum standards, Licensed Drivers must wear either long legged trousers, knee length shorts, skirt, or dress and T-shirts having a full body and short sleeves;
- (b) For executive or limousine hire, the Proprietor will ensure that the driver of the vehicle will be appropriately dressed in a chauffeur's uniform, or "business type" clothes when the vehicle is being hired.
- (c) The footwear worn by Licensed Drivers is required to be appropriate to enable the safe driving of their Licensed Vehicle. Sandals with no heel straps, flip flops, or any other form of footwear that is not secured around the heel is not considered to be appropriate footwear;
- (d) The following are deemed to be unacceptable forms of dress which must not be worn by Licensed Drivers, :-
 - (i) Words, or graphics on clothing that is offensive, is of a suggestive nature, or which might offend;
 - (ii) Sportswear which takes the form of replica sports shirts, (such as football and rugby shirts by way of examples), tracksuits, or beachwear. However, the wearing of replica sports shirts would be considered to be acceptable in the following circumstances, :-
 - (1) When international matches are being played, (such as during World Cups, other international tournaments, or when friendly matches are being played), or as part of organised events to celebrate tournament successes; and
 - (2) When domestic fixtures are being played, or as part of organised events to celebrate successes, such as "promotion parades", or "cup parades".
 - (iii) Wearing clothes which do not suitably cover the top, or bottom half of their bodies; and
 - (iv) With the exception of when a uniform is worn for a special occasion, or something that is worn for a religious purpose, no headwear, or other items that partially, or completely cover the head, face, or which conceals the identity of the Licensed Driver are permitted to be worn. For example, baseball caps and hoodies.

Medical Conditions :

21. All Licensed Drivers are required to immediately notify the Council in writing of any deterioration in their health, or medical condition that may affect their ability to drive. Such information is required to be reported via the Council's website portal : <https://www.sunderland.gov.uk/Taxi-Licensing-change-of-details>

Contact Details for the Council's Licensing Section :

22. The Council's Licensing Section can be contacted as follows, :-

- a) **By e-mail** : licensing@sunderland.gov.uk; and
- b) **Address** : Sunderland City Council, Licensing Section, City Hall, Plater Way, Sunderland, Tyne and Wear, SR1 3AA