



Private Hire Operator - Conditions of Licence

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1. LEGISLATION

- 1.1. Section 55(3) of the Local Government (Miscellaneous Provisions) Act 1976 states that: “a District Council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary”.
- 1.2. Consequently, Private Hire Operator licences are issued subject to the following conditions.

2. REQUIREMENTS AND OBLIGATIONS

- 2.1. As stated within the Hackney Carriage and Private Hire Licensing Policy, Operators have a number of requirements and obligations placed upon them. Please refer to Section 8 of the policy for further details.
- 2.2. Operators are advised to study these conditions carefully in conjunction with the policy, keeping their knowledge updated.
- 2.3. Operators are warned that non-compliance with any one condition may cause further enforcement action to be taken by the Council, which could include the Operator’s licence being suspended or revoked.

3. THE LICENCE

- 3.1. The Operator licence shall remain the property of the Council at all times during its issue.
- 3.2. The Operator licence will be valid for an initial period of 12 months (new applications). Renewal applications will be granted for a period of between 1 and 5 years at the request of the applicant.
- 3.3. The Operator cannot operate from any other address other than the address specified on the licence.
- 3.4. In the event of the expiry, suspension or revocation of the licence, the licence shall be returned to the Council within seven days of such expiry, suspension or revocation.
- 3.5. The Operator licence cannot be transferred to other persons. Should the ownership change, a new application would need to be made.
- 3.6. The Operator licence shall be displayed at the premises for the benefit of public viewing (where applicable).
- 3.7. A copy of these conditions shall be retained by the Operator, and specifically, a copy shall be kept at the operating premises and produced for inspection whenever required in accordance with the provisions of these conditions.

4. STANDARDS OF SERVICE

- 4.1. The Operator shall:

- a) Comply with the Council's Hackney Carriage and Private Hire Licensing Policy, Private Hire Operator Licence Conditions, Fit and Proper Person Policy, and Code of Good Conduct at all times, and will promote the aims of the Council's policy and conditions in relation to public safety and safeguarding.
 - b) Provide a prompt, efficient and reliable service to members of the public at all times, ensuring that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the driver attends punctually, unless delayed or prevented by sufficient cause. In such circumstances the customer must be notified as soon as possible of this delay.
 - c) Where the fee for the booking is agreed with a customer in advance, the Operator shall ensure that no more than the agreed fare is paid.
 - d) Ensure that any telephone and radio facilities used in connection with their business shall be kept and maintained in a safe and proper order and comply with any statutory requirements.
 - e) Keep clean and adequately heated, ventilated, lit and free from cigarette smoke, any premises which the Operator provides and to which the public have access, whether for the purpose of booking or waiting. Public waiting areas must also have adequate seating facilities.
 - f) The Operator must fulfil their responsibilities to ensure compliance with legislation regarding the length of working hours of drivers used by accurately recording shift details (logging on/off) to avoid excessive working hours of the driver and potential impact on public safety.
 - g) Ensure that any office staff and drivers employed or sub contracted by the Operator, act in a civil and orderly manner at all times whilst representing the company and/or carrying out private hire duties, and are fully trained to carry out these duties with training records recorded and updated.
- 4.2. As stated within Section 8 of the Hackney Carriage and Private Hire Licensing Policy, an Operator must be able to demonstrate what steps they are taking to ensure that any licensed driver or member of staff who they employ are, and remain, a Fit and Proper person.
- 4.3. The failure of an Operator to ensure that appropriate checks are carried out, may call into question the Operator's fitness and propriety. In addition, a failure to take appropriate action in relation to staff employed and licensed drivers that receive complaints or breach licence policy or conditions or are alleged to have committed offences or have been convicted for offences, may also be detrimental to the continued fitness and propriety of the Operator.
- 4.4. Furthermore, the Operator shall be able to demonstrate that they are taking steps to ensure that all licensed vehicles operated by the Operator remain fit for purpose to continue to hold a vehicle licence.

- 4.5. The Operator must notify the Council in writing within 7 calendar days of any other material change which may affecting the validity of the licence during its issue.
- 4.6. The Operator must inform the Council in writing if they are going to be absent from the day to day running of the business for a period of 1 month or more. In doing this, the Operator must give the name of the person that will be responsible for the running of the business on their behalf. The individual named must have relevant experience and understanding of private hire legislation and the Council's Hackney Carriage and Private Hire Licensing Policy to ensure effective running of the business.
- 4.7. The Operator shall ensure that any person left in charge of the business in the absence of the Operator is fully aware of these conditions, particularly those relating to the keeping and maintaining of records for drivers, vehicles, and bookings, and the need to comply with these conditions at all times.
- 4.8. The Operator shall ensure that every proprietor of a licensed vehicle, or licensed private hire or hackney carriage driver operating under their Operator's licence, understands and observes the conditions attached to their own licences.
- 4.9. Operators must conduct their business in accordance with all relevant statutory provisions. This includes health, safety and welfare legislation, environmental legislation, fire safety and equalities legislation.

5. RECORDS

- 5.1. The records required to be kept by the Operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book or ledger which has consecutively numbered pages or on a computer system where a print out of the details of every booking can be provided when requested by an Authorised Officer.
- 5.2. If an Operator chooses to use an electronic booking system, the system must have an audit log which details any amendments made to the bookings.
- 5.3. The Operator must also ensure that the electronic system is capable of generating a permanent entry onto a recordable CD or DVD at the same time the booking is entered onto the system. Satisfactory certification from the program supplier/installers must be produced to the Council before using any such system for the recording of bookings required by law to be maintained. Such certification must confirm that the system stored or recorded is tamper-proof; and once, inputted cannot be altered, amended, deleted or added to in any way unless evidence of those changes can be identified and recorded.
- 5.4. The Operator must ensure that any staff involved in the booking of a private hire journey is fully trained and competent in the recording of bookings and operating any electronic system used. Training records confirming this and dates must be kept on file.

Bookings

5.5. The Operator shall enter in the record book, before the commencement of each journey, the following particulars of every booking of a private hire vehicle pursuant to section 56 (2) of the Local Government (Miscellaneous Provisions) Act 1976, namely:

- a) the signature or identity of the person taking and recording the booking;
- b) the day, time and date that the booking was made;
- c) the details (i.e. name, address and telephone number) of the hirer;
- d) the day, time, date and location(s) of the pick-up points of the hirer;
- e) the location of the destination;
- f) the registration number, plate number or call sign of the vehicle and the name of the driver allocated for the booking;
- g) the time at which a driver was allocated to the booking;
- h) any specific request made by the customer for the booking not to be sub-contracted to another Operator and the response given;
- i) details of whether the booking is a sub-contract from another Operator or is to be sub-contracted by the Operator;
- j) the fare quoted for the journey;
- k) the number of persons to be carried on each journey;
- l) how the booking was made: by telephone call / personal visit / email / website / app;
- m) hackney carriages: details of any bookings subcontracted to hackney carriages as pre-booked work, details to be recorded as above;
- n) the date/time the booking was completed or cancelled

5.6. The Operator shall keep all records of private hire bookings for a period of at least 12 months following the date of the last entry. All records must be made available for inspection when requested to do so by an Authorised Officer.

Vehicles

5.7. The Operator must keep a record of the particulars of all private hire vehicles operated by him/her, pursuant to section 56 (3) of the Act such details to include the following:

- a) make of the vehicle;
- b) model of the vehicle;
- c) manufacturer of the vehicle;
- d) colour of vehicle;
- e) registration number of the vehicle;
- f) the number of seats for passengers;
- g) proprietor and driver(s) of the vehicle;
- h) any radio call sign of the vehicle;
- i) private hire vehicle licence/plate number;
- j) the date of the expiry of the private hire vehicle licence;
- k) details of insurance to include date of expiry and the insurance provider and named drivers on the insurance policy;
- l) whether a meter is fitted in the vehicle

- 5.8. **IMPORTANT - Hackney Carriages:** a copy of all hackney carriage vehicle licences and insurance certificates, including hackney carriages licensed by other Local Authorities, should be kept by the Operator for any pre-booked work undertaken.
- 5.9. The Operator shall keep all records of all vehicles used in the operation of their business for a period of at least 12 months. All records must be made available for inspection when requested to do so by an Authorised Officer.

Drivers

- 5.10. The Operator shall keep an up to date record of all licensed drivers working on behalf of the Operator, and shall record the following information:
- a) name of driver;
 - b) address of driver;
 - c) contact details (telephone number, mobile number, email address);
 - d) Radio call sign of the driver;
 - e) date of expiry of his/her private hire drivers licence;
 - f) date of expiry of his/her DVLA driving licence;
 - g) date of expiry of his/her medical;
 - h) date of expiry of his/her Disclosure and Barring Service certificate;
 - i) date when any new driver begins employment/service with the Operator;
 - j) date when any driver's service ceases with the Operator;
- 5.11. **IMPORTANT - Hackney Carriage drivers:** a copy of all hackney carriage driver licences, including licences relating to hackney carriage drivers licensed by other Local Authorities, should be kept by the Operator for any pre-booked work undertaken.
- 5.12. The Operator shall keep all records of all drivers used in the operation of their business for a period of at least 12 months. All records must be made available for inspection when requested to do so by an Authorised Officer.

6. COMPLAINTS

- 6.1. On receipt of a complaint, the Operator shall document in a suitable book or other system the following information:
- a) Date and time of complaint;
 - b) Contact details of complainant;
 - c) Name of driver against who the complaint has been made;
 - d) Badge number of driver;
 - e) Vehicle registration number;
 - f) Full details of the complaint being made;
 - g) Date investigation commenced;
 - h) Action taken by the Operator;
 - i) Date investigation completed;
 - j) Date referred to Licensing Authority

- 6.2. The complaint records shall be held and secured at the Operators business address and shall be immediately available at the request of an Authorised Officer of the Licensing Authority or by a Police Officer at all reasonable times. Records shall be kept for a minimum period of 12 months.
- 6.3. The Operator is not required to inform the Council of all complaints received. However if a complaint is made that alleges a breach of Council policy or condition, or is likely to question/undermine the Operator's or a drivers Fit and Proper person status, the Operator shall within 24 hours from the date of receipt of any complaint, notify the Council in writing outlining the circumstances of the complaint.
- 6.4. The Operator must train all booking / office staff on how to record complaints and what action is required once a complaint is received. A training log must be completed to confirm that training has been carried out. It is expected that Operators undertake and record staff training on an annual basis, and at relevant times as a result of changes made by the Council to policy or conditions.
- 6.5. Should a complainant inform the Operator that they wish to also complain to the Council, the Operator should provide the complainant with the contact details for the Licensing department, namely telephone and email contact details.

7. LOST PROPERTY

- 7.1. The Operator shall deliver any property left in the vehicles operated by them, and/or handed to them by a driver to the local police station within 24 hours. The Operator shall keep a full record of all lost property retained by them and will include evidence in the record of any attempt to return the property to its owner before handing the property over to the Police.

8. PREMISES ADDRESS CHANGES

- 8.1. The Operator shall notify the Council in writing of any change of their personal or premises address within 48 hours of such change. A revised licence will be issued.

9. CONVICTIONS DURING ANY PERIOD OF LICENCE

- 9.1. As stated in the Hackney Carriage and Private Hire Licensing Policy, the Council requires all licence holders who are interviewed, arrested, receive a summons or a postal requisition notice to report this fact to the Council within 48 hours. A representative may fulfil this requirement if the licence holder is unable to.
- 9.2. The Council requires all licence holders who are interviewed, arrested, charged or convicted of a sexual offence, offence involving dishonesty, violence, or any motoring offence to report this information to the Council within 48 hours of being convicted or cautioned. The Council requires all licence holders who are subsequently convicted or cautioned for any other criminal offence during the period covered by their existing licence to report this information to the Council within seven days of being convicted, or cautioned, or receiving a fixed penalty notice.

9.3. In the case of a deferred sentence, the penalty must be disclosed to the Council within seven days of sentencing. Any fixed penalty notice should be reported to the Council upon acceptance of the notice as opposed to when the driving licence has been updated.

10. SAFEGUARDING

10.1. Operators and/or those persons responsible for the day to day management of the business must:

- a) provide a safe and suitable service to vulnerable passengers of all ages;
- b) recognise what makes a person vulnerable; and
- c) understand how to respond, including how to report safeguarding concerns and where to get advice.

10.2. The Council requires all Operators to undertake safeguarding awareness training. The training will be provided by the Council's approved training partner and will cover the topics of safeguarding and CSE awareness. The cost of the training is to be paid directly to the provider by the applicant.

10.3. For newly licensed Operators, training must be completed within 6 months of being licensed. Any operator who fails to meet this requirement may have their driver's licence suspended until the training is completed.

10.4. Every licence holder will have to complete safeguarding refresher training every three years. An application to renew an operator licence will not be determined until the refresher training has been completed. A copy of the certificate confirming that the training has been completed must be submitted with the renewal application.

11. COMPLIANCE

11.1. The Operator shall take all reasonable steps to ensure that all drivers, vehicle licensees, and staff observe and adhere to the conditions of their licences and do not commit any offences under the Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976, Equality Act 2010 and any general Road Traffic Laws.

11.2. FAILURE TO COMPLY WITH ANY OF THE CONDITIONS ATTACHED TO THE GRANT OF A LICENCE MAY RESULT IN THE SUSPENSION OR REVOCATION OF THE PRIVATE HIRE OPERATOR'S LICENCE.

12. APPEAL

12.1. The Local Government (Miscellaneous Provisions) Act 1976 details an applicant's right of appeal.

12.2. In general terms, where an applicant is aggrieved by the Council's decision to refuse to grant, or refuse to renew a licence, or the Council's decision to suspend or revoke a licence, the applicant has a right of appeal to the local Magistrates' Court.

12.3. Any appeal must be lodged at the Magistrates' Court within twenty-one days of the applicant receiving written notification of the Council's decision. The appeal must state the grounds upon which the appeal is based.

13. DECLARATION

I confirm that I have read and understood the above conditions. I will comply with the conditions at all times. I understand that any breach of these conditions may result in the suspension or revocation of my Private Hire Operators licence, and/or prosecution in the Magistrates court.

Signed.....

Print Name.....

Dated.....

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2	Licensing & Regulatory Committee	28.2.2022	1.4.2022