

OPERATOR CONDITIONS

Introduction

Private Hire Operators are licensed to provide pre-booked journeys for passengers at an agreed fare. Legislation states that the journey must be pre-booked with the operator prior to commencing, where a fare is undertaken without being pre-booked it is against the law and the driver's insurance will almost certainly be invalid.

The council has a responsibility to regulate Private Hire Operators in accordance with legislation, when receiving an application as well as considering any legislative requirements local authorities also have the ability to take into consideration local factors or issues that may be relevant when granting a licence.

When considering a new application for an operator's licence we will consider the location of the premises, parking arrangements for vehicles and what the effect of granting the licence is likely to have on anyone in the vicinity, this includes residents, the public and other businesses.

Some locations such as the city centre and other densely populated areas do not easily accommodate businesses such as the private hire trade due to the space required for vehicles etc. Due to this we would not grant a licence unless the applicant can demonstrate such measures to ensure that there will not be a detrimental effect on anyone in the vicinity, this will also include any parking infringements by drivers visiting the office that are encouraged due to the location.

In granting a licence the council will attach conditions to the licence, and as part of the council's role within regulation it will ensure compliance by the operator to these conditions. Some conditions are prescribed by legislation and are mandatory; others are adopted locally where deemed appropriate or necessary.

It should be remembered that where conditions are set by legislation then these cannot be amended or removed and therefore will continue to be attached to all operator licences.

These conditions are in addition to the requirements imposed upon operators by the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847. Breach of any of these conditions may lead to enforcement action which could lead to suspension or revocation of the licence and/or prosecution.

Planning Requirements

(a) There shall (where planning legislation and practice requires it) be in force for the premises from which the business is to be conducted a valid planning consent. Operators must comply fully with any condition attached to such consent.

(b) Where planning consent is not required written confirmation from the council's planning department will be required.

(c) In the case of an operator with only one vehicle operating from a residential address and the council's planning department has confirmed that planning permission is not required the following conditions must be adhered to:

(i) only one vehicle can operate from the premises

(ii) customers must not visit the premises

(iii) customers must be picked up away from the premises

(iv) any advertising from the premises must have prior approval from the council's planning department.

Records

Records of vehicles and drivers

(a) The operator shall be responsible for maintaining at his premises **(AND AT EACH SUCH PREMISES IF OPERATING FROM TWO OR MORE PREMISES)** particulars of all vehicles operated by him, which shall include the following:-

- (i) the call sign or other identifying mark used on booking records;
- (ii) the licence plate number;
- (iii) the vehicle registration number;
- (iv) the name and address of vehicle proprietor;
- (v) a valid current certificate of motor insurance for the vehicle together with, where appropriate, a Ministry of Transport certificate and or certificate of compliance, and ensure both the driver and vehicle hold a current licence issued by the same authority;
- (vi) the names and addresses of drivers and the badge numbers of drivers.

(b) The above records to be produced on request to an authorised officer of the Council or to a Police Officer.

(c) Operators must provide due diligence in the form of written records to demonstrate that staff and drivers are fully trained and aware of their responsibilities. Operators may demonstrate this with training records to include safeguarding and disability awareness, other checks performed by the operator, company policies etc. The due diligence records must be made available to an authorised officer upon request.

(d) Operators who provide wheelchair accessible vehicles (WAV) must ensure that the driver is appropriately trained and has carried out a wheelchair assessment approved by the council. This assessment must be documented and refreshed at renewal of the drivers licence. These training records must be available for inspection by an authorised officer.

Records of bookings

(a) Before the commencement of each journey of every private hire booking the operator shall enter in a suitably bound book or onto an appropriate computer software package with a backup system, **TO BE HELD AT THE PREMISES FROM WHICH THE BOOKING IS MADE**, the following details:-

- (i) the time and date of each booking;
- (ii) by what method the booking was received, i.e. telephone or personal call;
- (iii) journey from/ to ;
- (iiii)The time of pickup
- (v) the name of the hirer; and
- (vi) cost of fare quoted for journey.

If the above data is to be retained electronically, the operator must make appropriate provision to ensure it is backed up to maintain data integrity and retention period.

(Note: If a licence plate number or call sign is used, a record showing the vehicle registration number and the plate number or call sign allocated shall be displayed and kept on the licensed premises).

(b) If an operator subcontracts a booking to another licensed operator, both operators must keep a record of bookings. The initial operator who accepted the booking must provide due diligence of checks made to ensure the operator they passed the booking onto is correctly licensed. This due diligence must be documented and made available to an authorised officer.

(c) The records shall be kept for a period of not less than six months from the date of the last entry, or such longer period as required by an authorised officer of the Council and must be produced on reasonable request to any such officer or to a Police Officer.

Information as to Charges

No operator of a private hire vehicle which is licensed by the Authority under this Act shall invite or accept a booking for such vehicle, or control or arrange a journey to be undertaken by such vehicle, without first drawing the attention either orally or in writing to the person making the booking, information as to the basis of charge for the hire of the vehicle. The Operator shall ensure that such information is passed to the driver.

The operator may charge whatever fee has been agreed between him/herself and the hirer before the commencement of the journey. However, the operator shall inform the council of the basic scale of fares intended to be charged and give the council one calendar months' notice of any changes proposed.

Statement of Fares

Operator's who provide private hire vehicles that are fitted with a taximeter must ensure that the vehicle displays a current statement of maximum fares as set by the council.

Operator's must make customers fully aware of any additional charges which may be applied, e.g.

- (a) the minimum charge of each hiring (if any);
- (b) the fare tariff;
- (c) any additional charges (eg. cleaning a soiled vehicle)

These additional charges must be clearly displayed in the operator's office and website where available.

Term of Licence

A Private Hire Vehicle Operator's Licence is usually granted for a five year duration, but may be granted for a lesser duration if requested to do so in writing, or the applicant's immigration status limits it to a shorter duration.

Ofcom licence

Operators who utilise a radio system will be required to provide proof of their current licence from Ofcom.

Standard of Service

The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:-

- (a) Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place the vehicle shall, unless delayed or prevented by reasonable cause, punctually attend at that appointed time and place.
- (b) Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
- (c) Ensure that any waiting area provided by the operator has adequate seating facilities and has valid public liability insurance in place for this area.
- (d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- (f) Ensure that no additional charges or costs are levied or applied by them or their drivers for the conveying of assistance dogs.
- (g) Where the operator has a wheelchair accessible vehicle within their fleet, ensure that no additional costs are levied by them or their drivers for conveying disabled passengers.

Disorder

The holder of an operator's licence shall not permit any person who is drunk, or is behaving in a disorderly manner, to remain upon the premises in respect of which the licence is in force.

Change of Address

(a) The operator shall notify the Council in writing of any change of his address (including any address from which he operates or otherwise conducts his business as an operator) during the period of the licence within seven days of such change taking place.

(b) Where there is a change of address from which the business is conducted, the operator must ensure that all necessary requirements including any planning permissions are in place prior to the business operating from the new location.

Convictions/Cautions

(a) The operator shall within seven days disclose to the Council in writing details of any conviction/cautions imposed on him or arrests (or if the operator is a company or partnership, on any of the directors or partners) during the period of the licence.

(b) The operator must notify the council within seven days of any changes to their immigration status or, if since the grant of their licence there has been a conviction of an immigration offence or a requirement to pay an immigration penalty.

(c) An operator's licence ceases to be in effect if the person to whom it was granted becomes disqualified by reason of their immigration status. Where this applies the person must cease to operate and return their operator's licence to the council within 7 days.

Facilities for Passengers

(a) The operator shall ensure that where any passenger waiting area or room is provided it is kept physically separate from any driver rest area and operations room.

(b) The operator shall ensure that his/her staff, driver's, vehicle proprietors, passengers or prospective passengers are not allowed to congregate on a public road, footpath or any other public place adjacent to his/her licensed premises whilst waiting for the arrival of vehicles.

(c) The operator shall ensure that the internal and exterior of **EACH of HIS/HER** premises ARE kept in good repair.

Taximeters

(a) The operator shall ensure that vehicles operated by him which are fitted with a sealed taximeter, charge a fare or charge calculated from the point in the district at which the hirer commences his journey and shall not exceed that displayed on the taximeter at the completion of the journey. The taximeter being brought into operation at the commencement of the journey.

(b) The operator must ensure that all vehicles operated by his base station fitted with meters have been approved and sealed.

Acceptance of Bookings

(a) The operator must advise all drivers **OF VEHICLES IN RESPECT OF WHICH HE ACCEPTS A BOOKING THAT**, whilst on duty, being in charge of a licensed private hire vehicle HE shall not ply for hire or otherwise:-

(i) tout or solicit on a road or other public place any person to hire or be carried in any private hire vehicle;

- (ii) cause or procure any other person to tout or solicit on any road or other PUBLIC place any person to hire or be carried for hire in any private hire vehicle; or
 - (iii) offer the vehicle for immediate hire whilst the driver is on a road or public place or private property.
- (b) The Operator/Proprietor shall not permit any person not being the holder of a valid licence issued by the Council to drive a licensed private hire vehicle.

Satellite Offices

Where a satellite office is in operation the following conditions will apply in addition to those previously mentioned:

- (a) Private hire vehicles must not park illegally on the public highway in the vicinity of the satellite office, breach road traffic legislation or breach parking restrictions or cause obstruction or annoyance to the public, other road users or other businesses.
- (b) Vehicles must not be allowed to congregate in the vicinity of the satellite office unless there is adequate off street parking to accommodate all vehicles.
- (c) Private hire vehicles must only attend the satellite office to undertake pre-booked fares and should depart immediately on the collection of their passenger
- (d) Vehicles should not be dispatched to the satellite office unless the passenger is ready for collection.
- (e) Booking records must be kept in accordance with this document.
- (f) Driver's must not take bookings direct from customers.

Complaints

Where any complaint is made against a private hire driver then the complainant shall be requested to out that complaint in writing and submit it to the council or the proprietor who shall in turn within 48 hours of its receipt, respond or notify the council.

If an operator is made aware of a safeguarding or serious complaint relating to the 'fit and proper' status of a driver, they must notify the council immediately and provide details of the actions taken by the operator.