

South Ribble Borough Council Licensing Unit Private Hire Operator Conditions

Standard Conditions attached to a Private Hire Operator licence

Local Government (Miscellaneous Provisions) Act 1976 - Part 2

1. OPERATOR LICENCES

Any person wishing to acquire a licence to operate a Private Hire vehicle shall be a 'fit and proper person' and produce such information as reasonably required by the Authority or undertake such appropriate training and testing as required to assist in establishing that assessment.

The application to the Council shall be solely in their name on the prescribed form, and they must pay such fee as prescribed by the Council. Such fee is not returnable and may be set to enable the Council to tier fees appropriately relative to the number of vehicles operated.

Every applicant for an Operator's licence shall be required to disclose on the application form details of:-

- a) Any conviction or finding of guilt (criminal or driving matter);
- b) Any caution (issued by the Police or any other agency);
- c) Issue of any Magistrate's Court summons against them;
- d) Issue of any fixed penalty notice for any matter (excepting fixed penalty notices for standard parking offences);
- e) Any harassment or other form of warning or order within the criminal law including Anti-Social Behaviour Orders or similar;
- f) Their arrest for any offence (whether or not charged)

Every applicant for an Operator licence shall be required to: -

- Complete the appropriate application form
- Complete a Disclosure and Barring Service (DBS) Basic Disclosure form at their own expense with the Council prior to the grant of the licence (unless already a licensed Hackney Carriage / Private Hire Driver within South Ribble Borough Council). The original document must be produced to the Licensing Unit prior to the grant of the Private Hire Operator licence.
- Attend any Private Hire Operator training and appropriate assessment, if deemed necessary by the Council.

Every applicant shall in addition to the information specified in the above two paragraphs, provide the name, date of birth, address and National Insurance number of any other person that the applicant proposes to operate the business in partnership with. Such other persons will be required to undertake the same 'fit and proper person' assessment, training and testing requirements.

The Licensed Operator shall require a Basic Criminal Records Disclosure Certificate for any employee who he/she employs to dispatch drivers and vehicles, who do not hold a South Ribble Driver's Licence.

Records indicating the full name, address, date of birth and National Insurance number of dispatch staff who are not also Licensed Driver's, shall be maintained and made available to an Authorised Officer of the Council immediately on request.

Each Operator licence issued by the Licensing Authority shall be issued only in the name of the applicant and that person shall be deemed solely responsible as the Operator upon the licence being granted. The licence is not transferable from the first mentioned person to another person.

A Disclosure and Barring Service (DBS) Basic Disclosure certificate must be renewed every 3 years or, on renewal of the licence for all partners within the company and dispatch staff, where an existing Enhanced Criminal Records disclosure, is not already in place.

2. DURATION OF LICENCE

Each Operator licence issued by the Licensing Authority shall be valid for a period of FIVE years or such a period as the Licensing Authority may decide, subject to any changes to primary legislation.

3. PLACE OF BUSINESS

A licensed Operator will only conduct the business from the booking office address specified on the licence;

- a) Each booking office address requires a separate licence. (NB: any licensed Operator wishing to conduct a business from an address other than that specified on the Operator licence shall make application to the Licensing Authority on the prescribed forms which will be regarded by the Licensing Authority as a new application for an operator licence, and the applicant shall satisfy the requirements of the Licensing Authority accordingly). An application on or within the grounds of liquor licensed premises will not ordinarily be accepted.
- b) The current Operator licence must be displayed at the business premises to which the licence relates in a prominent position at all times in view of the general public with the exception of such times as the licence is presented to the Licensing Authority for amendment, or it is required to be produced for inspection by an Authorised Officer of the Licensing Authority or a Police Constable.
- c) Where a Private Hire Operator provides facilities for members of the public to enter the premises specified on the operator licence, for the purpose of making a booking for the services of a licensed vehicle, or awaiting the arrival of a licensed vehicle subsequent to any booking, they must be maintained in a clean and tidy condition, be adequately lit, heated and ventilated and where a waiting area is provided have adequate seating facilities.
- d) If sanitary and washing facilities are provided for customers and/or staff they should be clean, easily accessible and have a supply of hot and cold running water, soap and a suitable means to dry hands.
- e) If separate male and female facilities are not provided, any WC must be self-contained and in a room that is capable of being locked from the inside to prevent access by more than one person at a time.
- f) No operator shall cause or permit any such area referred to in c) above to be used for any other purpose than that outlined above.
- g) All licensed Operators shall have in force a Public Liability Insurance policy providing a minimum of £2,000,000 indemnity in respect of any one incident where there is public access to a booking office.
- h) All licensed Operators shall have in force an Employers Liability Insurance policy complying with the Employers Liability (Compulsory Insurance) Act 1969 covering death or personal injury arising out of any incident during the course of a person's employment.

4. OFF STREET PARKING

- a) During the currency of the licence, the Operator shall ensure there is sufficient, designated off-street parking provision at all times for the number of vehicles being operated.
- b) No licensed Operator shall use any land or premises for the said purpose where that Operator does not have lawful right of use of that land or premises. The Operator, if required to do so by an Authorised Officer of the Licensing Authority or Police Constable, shall produce such documentary evidence as may be reasonably required to establish the Operator's lawful right to use such land or premises for the purposes of providing off-street parking provision for private hire vehicles.

5. ADVERTISING

- a) No Operator may use or include in any sign, advertisement, printed material (including for the avoidance of doubt any telephone directory, photography or film) or broadcast whether by way of radio, cinema or television, the words **TAXI, CAB, HACKNEY or CARRIAGE**, whether in the singular, plural or combination of words which would suggest that the vehicle is a Hackney Carriage

(Taxi).

- b) Where any Operator in the course of their business, uses the trading name or business address specified on the Operator licence to offer the services of a Hackney Carriage to the general public, the Operator shall not use the words **TAXI, CAB, HACKNEY or CARRIAGE** or any combination or derivation thereof in any advertising manner, unless the number of Hackney Carriages that the Operator can offer (without engaging the services of any other company or trading concern) is not less than 49% of the number of licensed private hire vehicles specified on the form OPDVS.

6. NOTIFIABLE ALTERATIONS

- a) *Place of Residence* - During the currency of the licence, the Operator shall notify the Licensing Authority in writing of any temporary change of residence which is for a period in excess of 21 days. In either case, the Licensing Authority shall be notified in writing within 7 days of such change taking place.
- b) *Radio Equipment* - Where any licensed Operator is granted a licence by the DTI to use radio equipment, and where that equipment is to be used for the purposes of conducting the business specified on the Operator licence, the Operator shall within 7 days of the grant of a licence issued by the DTI (or agencies) notify the Licensing Authority in writing stating the serial number and letters of the licence and any transmission frequencies authorised for use. The Operator shall also notify the Licensing Authority in writing of any authorised change in transmission frequencies or of any additional frequencies within 7 days of such changes taking place.
- c) *Disposal of Business* - Each Private Hire Operator, when disposing of any business interest, shall within 14 days give notice in writing to the Licensing Authority that the business registered in his/her name has terminated.

7. ABSENCE FROM BUSINESS AND COMMUNICATION WITH PRIVATE HIRE OPERATORS

- a) Private Hire Operators must notify the Council and nominate a responsible person to take responsibility on an interim basis if they are absent for 15 days or more and supply contact detail of the manager to the Local Authority.
- b) At all times the Private Hire Operator will ensure that the Local Authority has his / her most up to date contact detail including a mobile telephone number and email address. There should be a generic email address for the company and a confidential email address for the Operator so that sensitive information can be properly handled and held confidentially by the Operator.

8. PUBLIC COMPLAINTS ABOUT A PRIVATE HIRE OPERATOR SERVICE

- a) Private Hire Operators must maintain a register of complaints by the public in a format approved by the Council (computerised or hard copy). The format of the complaints register must be maintained in the manner prescribed by the Council and include as a minimum:
- Date/Time of complaint made
 - Name/address of person making complaint
 - Contact details of complainant (phone/email)
 - Nature of complaint
 - Full details of journey (including date/time/name of customer)
 - Driver/vehicle involved
 - Complaint assigned to (if dealt within due to 'Low level' then Private Hire Operator(s) and/or appointed manager only)
- b) Upon receiving a 'specified complaint' or allegation listed in c) below, regarding any person licensed by this Authority, or otherwise engaged in fulfilling Private Hire bookings on behalf of the licensed Operator, the Operator must notify the Licensing Authority immediately via email to licensing@southribble.gov.uk or by telephone and forward full details of the complaint to the Licensing Unit in any event within 72 hours.
- c) The specified complaints or allegations are:
- Of sexual misconduct, sexual harassment or inappropriate sexual attention
 - Racist behaviour
 - Violence
 - Dishonesty
 - Breaches of equality

In straight forward terms, allegations of criminal behaviour whilst acting as a Private Hire Driver.

- d) 'Low level' complaints can build up a business profile that can be indicative of a professional development need, or in the worst case the concealing of some potential significant offending or allegations of unsafe behaviour. These concerns are to be dealt with by a requirement to maintain a 'register of complaints' and outcomes, for inspection by the Authority for a set period, of 12 months.

9. SPECIFIED DRIVERS AND VEHICLES

- a) The Operator shall notify the Licensing Authority of each and every Private Hire Driver or Vehicle employed or used by the operator in his/ her Operator Driver & Vehicle Schedule (Form OPDVS). Where an Operator ceases to employ or use any licensed Private Hire driver or Vehicle, the Operator shall forthwith, and in any event within 72 hours, notify the Licensing Authority in writing and present the form OPDVS to the Licensing Authority for amendment by an Authorised Officer. The Private Hire driver licence must be returned to the driver.
- b) Each Operator will retain at the address from which the business is conducted, the Private Hire driver licence of every licensed Private Hire driver employed or used by that Operator.
- c) The Private Hire driver licences shall be available at all times for inspection by any Authorised Officer of the Licensing Authority or Police Constable who may take the licence(s) away from the premises, if so required.
- d) Every Private Hire driver licence retained by the Operator must display the trade name and Operator licence number relating to his licence.

10. RECORD OF BOOKINGS

- a) 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 bound book, the pages of which shall be consecutively numbered. Entries must only be made at the time the booking is received and there should be no blank pages or lines whatsoever in the booking records.
- b) All entries kept in the book must be in English, clearly legible and written in black or blue ink.
- c) A computer program can also be used by any licensed Private Hire operator instead of handwritten records.

The Operator shall enter or cause to be entered therein, before the commencement of each journey, the following particulars of every booking of a Private Hire vehicle invited or accepted by him/her:

- i. The time and date of the booking (24 hour clock shall be used)
 - ii. The time required (24 hour clock shall be used)
 - iii. The full name, address and contact number of the hirer.
 - iv. A detailed point of pick-up (not simply Hough Lane or Bamber Bridge etc.)
 - v. The specific destination address.
 - vi. The driver's identifying number/name
 - vii. Remarks (including details of any sub-contract).
- d) All records shall be maintained and kept up-to-date at all times, and shall be available for inspection at all reasonable times without notice by an Authorised Officer, the Police or DVSA.
For the purpose of further investigation, records may be removed from the premises if so required, or copied to disk, in the case of computer records. GPS information must be securely stored when so required by the Council.
The Private Hire Operator or responsible manager will certify them as a true and accurate record.
 - e) A copy of any document or recording shall be made available for collection by any duly Authorised Officer of the Council or Police Officer.
 - f) The operator shall also keep records of the particulars of all Private Hire vehicles operated by him, which particulars shall include details of the owners, registration numbers and drivers of such vehicles, together with any radio call sign used on the OPDVS form.
 - g) All records kept by the operator shall be securely retained and preserved for a period of not less than two years following the date of the last entry.

11. ACCEPTANCE OF BOOKINGS AND STANDARD OF SERVICE

- a) Every contract for the hire of a Private Hire vehicle shall be deemed to be made with the licensed Operator who accepted the booking, whether or not that licensed Operator subsequently provides the vehicle(s).
- b) The Operator shall provide a prompt, efficient and reliable service to members of the public at all times and shall ensure that when a Private Hire vehicle has been hired to be in attendance at an appropriate time and place, that vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that time and place.
- c) Operators are reminded that even upon the transfer of a booking to another licensed Private Hire Operator they remain accountable for that service delivery.

12. 'OUT OF TOWN' HACKNEY CARRIAGES ACTING AS PRIVATE HIRE VEHICLES FOR LICENSED OPERATORS WITHIN SOUTH RIBBLE

a) SCHEDULE OF DRIVERS / VEHICLES

- i. The Private Hire Operator shall notify the Licensing Authority in writing forthwith, and in any event within 72 hours, details of each and every Hackney Carriage driver employed, or used for Private Hire bookings via the Operator Driver/Vehicle Schedule (Form OPDVS); this includes Hackney Carriage drivers licensed by South Ribble Borough Council or other Local Authorities.
- ii. Where a Private Hire Operator ceases to employ or use any such licensed Hackney Carriage driver, the Operator shall forthwith, and in any event within 72 hours, notify the Licensing Authority in writing and present the corrected form OPDVS to the Licensing Authority for amendment by an Authorised Officer.
- iii. The Private Hire Operator must obtain copies of the following documentation, before dispatching the Hackney Carriage Vehicle:
 - A copy of the Hackney Carriage Driver/Vehicle licence granted by the appropriate Local Authority
 - A copy of the driver's DVLA licence
 - A copy of the Vehicle MOT certificate
 - A copy of the current Insurance certificate
 - A copy of the Vehicle registration document (logbook)

These documents must be forwarded to the South Ribble Borough Council Licensing Unit forthwith, and in any event within 72 hours of registering that driver on the form (OPDVS).

b) ADVERTISING ON VEHICLES

- i. Where a Hackney Carriage vehicle is licensed by another Authority, the Hackney Carriage driver or Hackney Carriage vehicle is expressly prohibited from using any literature, documentation, and advertising or otherwise display any signage associated with South Ribble Borough Council which suggests or might lead to a misunderstanding that the vehicle is licensed by this Authority.
- ii. Where a Hackney Carriage is licensed by another Authority and operating as a Private Hire from a South Ribble Borough Council licensed Private Hire Operator base, such a Hackney Carriage Vehicle must display the following:
 - Nearside and offside front doors with South Ribble Borough Council Licensed Private Hire Operator company door stickers (permanently affixed and not magnetic)
 - A standard removable vinyl sticker in black writing with a white background stating '**This vehicle is NOT licensed by South Ribble Borough Council**' to be displayed on both nearside and offside rear entrance doors. The size of the sticker must be a minimum 250mm (length) x 110mm (height) in font size 12mm

c) TELEPHONE BOOKINGS

- i. The receipt of advance bookings by the licensed Operator for Hackney Carriage vehicles licensed by another Authority or which are subsequently allocated to a HCV licensed by another Authority

must be maintained in the same register of bookings or computerised booking system.

- ii. There must be a pre-recorded intercept message on the telephone booking line which clearly states to prospective customers the following:

“The driver and vehicle that fulfils your booking may not be licensed by South Ribble Borough Council. If you have any concerns about your driver or vehicle please contact South Ribble Borough Council’s Licensing Unit. Please be aware that they can only take enforcement action against drivers and vehicles with South Ribble Licences. If your driver or vehicle is licensed elsewhere your complaint will be forwarded to the relevant Council.

13. TRAINING TO BE EXPECTED AND STANDARDS OF SERVICE AND SAFETY DURING THE LIFETIME OF A LICENCE

During the lifetime of a Private Hire Operator licence, an Authorised Officer of the Council may require the licence holder and specified employees to undertake reasonable and appropriate training to meet these expectations and requirements. Such a requirement would be made in writing.

A reasonable time scale of up to 3 months will be set for the training to be successfully undertaken at a place designated by the Council.

If there is a refusal or failure to attend, or the licensed Operator does not meaningfully participate in the training or attain the training accreditation, the licence may be suspended or revoked.

The cost of such training will be borne by the licence holder.

14. REQUIREMENTS TO REPORT CONVICTIONS AND ASSOCIATED INCIDENTS

a) Any of the following events must be reported in writing to the Licensing Unit within 72 hours, during the currency of a licence, will full details of:

- i. Any conviction or finding of guilt (criminal or driving matter);
- ii. Any caution (issued by the Police or any other agency);
- iii. Issue of any Magistrate’s Court summons against them;
- iv. Issue of any fixed penalty notice for any matter;
- v. Any harassment or other form of warning or order within the criminal law including Anti-Social Behaviour Orders or similar;
- vi. Their arrest for any offence (whether or not charged)

b) When required, a licensed Private Hire Operator will undertake a Disclosure and Barring Service (DBS) vetting at his/her own expense and within a timescale set by the Council.

15. GUIDE DOGS

- a) Every Proprietor, Driver and Operator of a licensed Private Hire vehicle shall ensure that guide dogs are carried within the passenger compartment of the vehicle on request.
- b) Operators are reminded of their responsibilities under the Equality Act, 2010, and are advised that discrimination could seriously and adversely impact upon their operating licence.

16. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, PART 2

Every Private Hire Operator shall make themselves aware of the provisions of the 1976 Act and any other relevant legislation, including the Licensing Authority conditions attached to the grant of a Private Hire Operator, driver or vehicle licence.

South Ribble Borough Council reserves the right to add, amend or waive conditions attached to the grant of a licence as and when it deems necessary.