

# PRIVATE HIRE OPERATOR'S LICENCE CONDITIONS

Licensing

### Version Control

Version	Description of version	Effective Date
1.0	Final	05/01/2021
2.0	Review after Best Practice Update	18/11/2024

### Approvals

Approved by	Date
Environment and Development Services Committee	12/11/2020
Environment and Development Services Committee	07/11/2024

### Associated Documentation

Description of Documentation	
Private Hire Licensing Policy 2021-2026	

## PRIVATE HIRE OPERATOR'S LICENCE CONDITIONS

### LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 ("the Act")

The following conditions are made by South Derbyshire District Council ("the Council") in pursuance of the powers conferred by Part II of the Act to ensure efficient and effective regulation of private hire vehicle use and to ensure that proper vehicular and driver standards are maintained in the interests of public safety.

#### 1 GENERAL

- 1.1 The licence holder must ensure that they comply in all respects with the requirements of any Act and Regulations affecting the operation of private hire vehicles and motor vehicles and private hire drivers, these conditions and any Code of Practice implemented by the Council.

#### 2 CONDITION OF VEHICLE

- 2.1 The operator must ensure that any private hire vehicle operated by him (regardless of who owns the vehicle) is maintained in the condition required by the private hire vehicle licence requirements.

#### 3 STANDARDS OF SERVICE

- 3.1 The operator must provide a prompt, efficient and reliable service to members of the public always, and for this purpose must:
- (i) Ensure that when a private hire vehicle has been hired to attend an appointed time and place, the vehicle must, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.
  - (ii) 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.
  - (iii) Ensure that any waiting area provided by the operator has adequate seating facilities.
  - (iv) Ensure all employees act in a civil and courteous manner.
  - (v) Ensure that any telephone facilities and radio equipment provided are maintained in a safe working condition and that any defects are repaired promptly.
  - (vi) Not tout or solicit any person to hire or be carried in any vehicle and not cause or permit any other person to tout or solicit any person to hire or be carried for hire in any vehicle.

#### 4 COMPLAINTS

- 4.1 In any part of the premises to which the public have access, the operator must prominently display a notice stating that "All complaints, compliments and comments are welcomed and should be directed in the first instance to: (Name of the Nominated Person)".
- 4.2 On receipt of a complaint, the operator must record the following information:
- (i) date and time of complaint.

- (ii) contact details of the complainant.
- (iii) name of driver(s) against whom the complaint has been made.
- (iv) badge number of driver.
- (v) vehicle registration number and plate number.
- (vi) details of the complaint.
- (vii) date investigation was completed.
- (viii) action taken.

4.3 The complaint records referred to above must be held and secured at the operator's business address and must be immediately available at the request of an Authorised Officer or Police Officer at all reasonable times. Records must be kept for a period of three years.

4.4 The operator must, within 7 days from the date of receipt of any complaint, notify the Council in writing of any unresolved complaint received by the operator.

## 5 NOMINATED PERSON

5.1 If the operator is a limited company then a person(s) should be nominated who oversees the day to day running of the operator's business. This nomination should be notified to the Council.

5.2 Any changes to the nominated person(s) should be notified in writing to the Council within 7 days.

## 6 CONVICTIONS AND CAUTIONS

6.1 The Council requires all licence holders who are interviewed, arrested, receive a Court summons, a notice of intended prosecution or have their vehicle seized by the Police to report this fact to the Council within 48 hours. A representative may fulfil this requirement if the licence holder is unable to.

6.2 The licence holder must, within 48 hours, notify the Council in writing of any charge or conviction of any sexual offence, of any offence involving dishonesty or violence and any motoring offence. The licence holder must, within 7 days, notify the Council in writing of any other caution or conviction received during the term of their licence.

6.3 Fixed Penalty Notices (FPN) for driving offences must be reported to the Council in writing within 7 days upon acceptance of the notice as opposed to when the driving licence has been updated. Any other FPN must be reported to the Council in writing upon acceptance.

6.4 If the operator is a company or partnership, this requirement must equally apply if any of the directors or partners are arrested, cautioned, or convicted of an offence.

6.5 The Council must be notified in writing of any change of director and/or partner within a company within 7 days and a basic disclosure certificate must be submitted to the Council within 28 days of the change of individual.

6.6 If the operator employs any ancillary staff to take bookings in person or over the telephone or to dispatch any bookings, a register of all staff that will take bookings or dispatch vehicles must be kept. A basic disclosure certificate will be required from all members of staff who take bookings or dispatch vehicles. The register of members of staff must be updated by the operator when someone joins or leaves the operator's employment. A basic disclosure certificate should be obtained and submitted to the Council.

- 6.7 An operator must produce and maintain a policy on employing ex-offenders in roles that are required to be on the register at 5.6 above.

## 7 RECORD OF BOOKINGS

- 7.1 The record required to be kept by the operator under section 56(2) of the Act must be kept on a prescribed booking pad, spreadsheet, or on a trade specific computer system. This software must be capable of providing the information listed below and capable of showing when entries are entered, amended and/or cancelled. The entries must be numbered consecutively, and no pages should be removed. The operator must enter the required information for each booking invited or accepted by him before the commencement of each journey.

- (i) The time and date of the booking.
- (ii) The full name of the hirer.
- (iii) How the booking was made (i.e., by telephone, personal call etc.).
- (iv) The time of pick-up.
- (v) The point of pick-up.
- (vi) The destination.
- (vii) Fare or indication that the meter was used.
- (viii) The time at which a driver was allocated to the booking.
- (ix) The driver and the registration number of the vehicle allocated to the booking.
- (x) Remarks (including details of any sub-contract)
- (xi) Name of person who dispatched the vehicle.
- (xii) Name of person who responded to the booking.

- 7.2 All records kept by the operator must be preserved for a period of not less than 18 months, following the date of the last entry. In the case of computer records the entries must be capable of being printed on demand at the request of an Authorised Officer or Police Officer.

- 7.3 All records must be available for inspection and copying if required by an Authorised Officer or Police officer.

- 7.4 The operator must have policies and procedures in place detailing how they will handle the sub-contracting of bookings and how they will ensure consumer protection of any sub-contracted bookings.

- 7.5 Any digital booking platforms provided by the operator must comply with the WCAG 2.1 accessibility standard to Level AA and with the principles of the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018 as a minimum.

## 8 RECORD OF VEHICLES

- 8.1 In accordance with the provisions of section 56(3) of the Act, the operator must keep a record of all private hire vehicles operated by them and such record must include the following particulars:

- (i) The registration mark and licence number of each vehicle.
- (ii) The make, model, colour of the vehicle.
- (iii) The name and address of the vehicle proprietor.
- (iv) The name, address and licence number of the driver driving the vehicles.
- (v) Details of any radio call sign used.
- (vi) Expiry date of the vehicle plate, MOT, certificate of insurance, road tax and 6-month depot test.

- 8.2 Such records must be retained at all times the vehicle is used to fulfill bookings for the operator.
- 8.3 All vehicles used by the operator to fulfill any bookings must be licensed with South Derbyshire District Council only.
- 8.4 The operator must be able to demonstrate that they are taking steps to ensure that all private hire vehicles operated by the operator remain fit for purpose to continue to hold a private hire vehicle licence.

## **9 RECORD OF DRIVERS**

- 9.1 In accordance with the provisions of section 56(3) of the Act, the operator must keep an up-to-date record of all drivers operated by them and such record must include the following particulars:
- (i) The drivers of the vehicles, their call signs and their licence number.
  - (ii) When any new driver begins service.
  - (iii) When any drivers service ceases.
  - (iv) Any change of address, email, and telephone number of any driver in service.
  - (v) The details of the vehicle driven by each driver.
  - (vi) Any illness, disability or condition which may affect the driver's ability to safely carry out his duties (if the operator becomes aware of any such condition).
  - (vii) Expiry dates of the driver's badge.
- 9.2 Such records must be retained at all times the driver is used to fulfill bookings for the operator.
- 9.3 All drivers used by the operator to fulfill any bookings must be licensed with South Derbyshire District Council only.
- 9.4 The operator must be able to demonstrate that they are taking steps to ensure that all private hire drivers who receive bookings from the operator remain fit and proper to continue to hold a private hire driver's licence.

## **10 LOST PROPERTY**

- 10.1 Any property left in a licensed vehicle and handed in by the driver must be retained by the operator for a period of not less than three months, unless sooner claimed by or on behalf of its owner, and during that period the operator must take all reasonable steps to return the item to its owner.
- 10.2 The operator must keep a record of all lost property retained by him at 9.1 above.

## **11 RADIO EQUIPMENT**

- 11.1 The operator must ensure that any radio equipment at his premises used in connection with his business must be kept in a safe condition, in proper working order and not interfere with any radio or telecommunication equipment.

## **12 FARES AND FARE TABLE**

- 12.1 The operator must agree and confirm the fare for a journey booked or explain that the journey will be metered. When a meter is to be used, an estimate of the fare should be given.
- 12.2 Should the operator dispatch a vehicle with a taximeter, they must ensure that the vehicle is displaying the correct tariff, and the meter is calibrated to this tariff.
- 12.3 Where a meter is used, the operator must ensure that the fare for such bookings does not exceed the rate on the meter.
- 12.4 The operator must provide a copy of their fare table to the Council. A new copy must be provided to the Council within 7 days if any changes are made to the fare table.

### **13 SMOKING**

- 13.1 The operator must ensure that:
- (i) all licensed vehicles used to fulfill bookings display 'No Smoking' signs.
  - (ii) no person smokes or vapes in any building or any private hire vehicle at any time; and
  - (iii) all buildings display 'No Smoking' signs.

### **14 INSURANCE AND MOT**

- 14.1 The operator must retain a copy of the insurance and MOT certificate for any vehicle they use to fulfill private hire bookings.
- 14.2 Where the operator maintains a bookings office open to members of the public, they must ensure that the premises is covered by a suitable level of public liability insurance of at least £1million during the term of the licence.
- 14.3 Insurance cover for employee's liability must be in force for the full term of the licence.

### **15 COPY OF DRIVER AND VEHICLE LICENCES**

- 15.1 Before the operator permits or employs any person, the operator must have retained a copy of their private hire driver's licence and private hire vehicle licence. This must be retained until such time as the driver ceases to be employed by the operator. On cessation of service or employment, the operator must return the copy of the licence to the driver.
- 15.2 The operator must notify the Council within 7 days of the details of any new driver commencing work with them, and any drivers who no longer work for them.

### **16 CHANGE OF PERSONAL DETAILS**

- 16.1 Should any person named on the licence change their personal details they must within 7 days notify the Council in writing. Changes must include change of address (personal and trading), name (personal and trading), phone number, mobile number and e-mail address.

### **17 COPY OF OPERATOR LICENCE AND CONDITIONS**

- 17.1 A copy of the operator's licence and these conditions must be kept at the premises to which they relate and must be made available to any person upon request.

- 17.2 A replacement copy may be obtained from the Council by requesting one in writing. A fee will be payable.

## **18 WHEELCHAIR ACCESSIBLE VEHICLES**

- 18.1 The operator must ensure that no wheelchair accessible vehicle is used to fulfil bookings unless the driver, or a driver's assistant is trained, and fully conversant with the correct method of operation of all ramps, lifts and wheelchair restraints fitted to the vehicle.
- 18.2 All wheelchair accessible vehicles are placed on the Council's designated list under section 167 of the Equality Act 2010. The operator must ensure that the driver of the licensed vehicle complies with the duties and responsibilities placed on them as a driver of a wheelchair accessible vehicle unless the driver has been exempted in writing from them by the Council. The notice of exemption must be displayed in the licensed vehicle in accordance with Regulations.
- 18.3 The licence holder must comply with the mobility assistance duties placed on them by the Equality Act 2010 unless the licence holder has been exempted in writing from the mobility assistance duties by the Council. The notice of exemption must be displayed in the licensed vehicle in accordance with Regulations.

## **19 SIGNS AND ADVERTISING**

- 19.1 The operator must not use the word, "Taxi", "Cab", or any combination of these words on any sign, notice, website including web address, e-mail, flyer, or advertisement displayed on or outside the premises, or on any stationary or business cards.
- 19.2 The operator must ensure that all vehicles used to fulfill any bookings have the required signs on the vehicles with the correct wording.

## **20 BOOKING OFFICE ADDRESS**

- 20.1 All bookings must be accepted at the address detailed on the licence.
- 20.2 The operator must maintain an office within the Council's area during the term of the licence.
- 20.3 The operator must notify the Council if they obtain a private hire operator's licence from another Licensing Authority.

## **21 USE OF PASSENGER CARRYING VEHICLES (PCV) LICENSED DRIVERS**

- 21.1 The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire booking is not permitted without the informed consent of the customer. The customer should be made aware that a PCV licensed driver is not subject to an enhanced DBS check like private hire drivers.

## **22 ACCESS**

- 22.1 Access to the premises must be given to an Authorised Officer for the purpose of checking and obtaining copies of records that an operator is required to keep. The Council will endeavour to make all inspection visits at a reasonable time.

## **23 SPECIFIC CONDITIONS FOR OPERATORS BASED IN DOMESTIC HOMES**



- 23.1 No vehicles other than those directly owned by the registered occupier(s) of the property may be dispatched directly from the premises to fulfill a booking.
- 23.2 No restroom, or refreshment facilities must be provided at the property for any drivers employed by the operator.
- 23.3 No employed or self-employed drivers must visit the premises during their hours of work other than to drop off takings or pick up wages.
- 23.4 No radio mast must be used unless relevant planning permission has been obtained.

## **24 VARIATION OF CONDITIONS**

- 24.1 The Council reserves the right to vary, delete or waive any of these conditions.