

CONDITIONS ATTACHED TO THE GRANT OF A PRIVATE HIRE OPERATOR'S LICENCE

IMPORTANT: The following sets out the requirements on private hire operators in relation to their licence and the licensing policy. Operators **MUST** take full responsibility to read this information and ensure that they comply with it at all times. Failure to comply may lead to enforcement action being taken against the Operator.

Operators must comply with all parts of the licensing policy a copy is available on the Councils website on www.eastriding.gov.uk

The address of the Operator's base on the application made and the licence issued is a condition of the PHO licence and the licence cannot be transferred to another individual/company or another premises address (including residential address). A new PHO application MUST be made in these circumstances.

HI. STANDARDS OF SERVICE

The private hire operator shall:

- HI.1 Comply with the Council's hackney carriage and private hire licensing policy at all times, including compliance with the Code of Conduct and promote the aims of the licensing policy in relation to public safety and safeguarding.
- HI.2 Provide a prompt, efficient and reliable service to members of the public at all reasonable times ensuring customers are picked up and reach their destination journey in line with the booking made.
- HI.3 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 or pre booked (hackney carriage) duties and are fully trained to carry out these duties with training records recorded and updated.
- HI.4 Ensure, that when a private hire vehicle has been hired, that it arrives punctually at the appointed time and place, unless delayed or prevented by unforeseen circumstances, in such circumstances the customer **MUST** be notified as soon as possible of this delay. It is therefore essential that full customer contact details are taken to enable this contact to be made. A text back system is recommended as good practice.
- HI.5 Ensure that premises provided for the purpose of booking or waiting for a vehicle are supervised at all times, kept clean and are adequately lit, heated and ventilated.
- HI.6 Ensure that any waiting area provided has adequate seating facilities and telephone facilities and that radio equipment is in good working order and that

the whole premises is 'smoke free' at all times if office/premises is used by members of the public, employees or drivers. Signs should be prominently displayed informing of this legal requirement.

- H1.7 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.
- H1.8 **Important:** The Operator is overall responsible for all persons that they employ, contract or use in the course of delivering their private hire operator's business. To that end, the Operator must undertake sufficient checks to satisfy themselves that only suitable drivers are used (and continue to be used) in the course of their business. 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 telephonists employed (subject to complaints) and licensed drivers that breach licence conditions, licensing policy or who receive convictions may also be detrimental to the continued fitness and propriety of the operator.
- H1.9 Where the Operator is a limited company then the Operator must notify the Council in writing of any change in partnership, directorship, ownership, management or control of the business **within 5 working days of that change taking place.** All Directors and partners must be considered individually as being fit and proper to hold an operator's licence. **The licence cannot be transferred to another individual/company at any time. A new PHO application would be required including where there is a change of Directorship, which is considered a significant change to the licence.**
- H1.10 The Operator must notify the Council in writing **within 7 calendar days** of any other material change affecting the licence during its validity, including a change in financial circumstance which may impact on the future viability of the business.
- H1.11 The operator must not at any time operate more private hire vehicles than are specified on his/her licence without the prior consent of the council and by applying to increase the number of vehicles allowed to be operated on his/her licence. **Each licensed vehicle must be formally attached to the PHO licence before it commences work for that business.**
- H1.12 A licensed operator **must** inform the council in writing if they are going to be absent from the day to day running of the operator's 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 law and the Council's private hire licensing policy to ensure effective running of the business.

H1.13 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.

H1.14 The Operator must not conduct his business, nor employ or utilise any person to conduct his operator's business, in any licensed premises, the use of which have not been approved in advance by the Council.

H2. RECORDS OF BOOKINGS: General

H2.1 Records, which must be kept by private hire operators, under the Local Government (Miscellaneous Provisions) Act 1976 should be kept in:

- (i) a permanent, legible, non-erasable form in a suitable log or book, the pages of which are numbered consecutively. **Loose leaf registers are not acceptable.** These are suitable for Operators who have a small number of licensed vehicles to despatch (up to 10 vehicles).
- (ii) If 11 or more licensed vehicles are despatched an electronic booking system must be used and the system **must be approved in writing and in advance by the Licensing Authority**, and have an audit log which details any amendments made to the bookings. Records must be on continuous stationery which has been generated in the form of an instantaneous print out by a computerised system. The Operator must ensure that adequate supplies of continuous stationery and ink cartridges are maintained and that the printer is appropriately replenished to ensure that at all time **full and legible** booking details are printed, or a computerised recording system which automatically generates 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. Any change to the recording system must only be by way of prior written agreement from the Council. The removable CD/DVD must be changed on the first day of every month and kept in a secure place at the premises for production on demand by the Police or an Authorised Officer of the Council.

H2.2 All records maintained by the operator shall be kept **for at least 24 months** after entry (date booking completed) and shall be easily accessible and produced for inspection, on reasonable request of a licensing officer or at any other time without notice by an authorised officer of the Council or by a police constable. The record books must always be kept up to date and easily accessible for inspections to be carried out at any reasonable time. It is an offence under the legislation to refuse access to records to an authorised officer of the Licensing Authority. Such Officers must be permitted to photograph and/or remove such records howsoever kept from the premises is so required.

H3. RECORD OF BOOKINGS

H3.1 Prior to the commencement of each journey, the operator must enter the following particulars of every booking of a private hire vehicle accepted, pursuant to **section 56 (2)** of the Local Government (Miscellaneous Provisions) Act 1976, containing the following particulars, namely:

- The signature or identity (computer) of the person taking and recording the booking
- The date and time of the booking made and date and time of actual journey - 24 hour clock used
- The **full name** of the hirer ie Sarah Jones
- The **number of persons** to be carried on each journey. The Operator must not accept any booking for a particular private hire vehicle/hackney carriage which would require that vehicle to carry more passengers that is licensed to carry.
- The contact telephone number of the customer (for contact/text back if a problem occurs with the booking)
- How the booking was made: by telephone call/personal visit/email/website
- The fare agreed with the hirer and recorded and the driver informed (where relevant)
- The time of the pick-up
- The full address of the point of pick-up- detailed not just 'Buck lane '
- The address of destination-detailed – not just 'Town'

Sub-contracting

- Whether the customer booking was **sub-contracted** to another PHO or Hackney Carriage Proprietor if so the details recorded of which operator/HC proprietor, date/time, a confirmation email sent from the operator/HC proprietor accepting the booking.
- Any specific request made by the customer for the booking not to be sub-contracted to another operator and response given recorded.
- Details of any bookings subcontracted and confirmation of how this information was shared with the customer and at what point of the booking
- The time at which a driver was allocated to the booking
- The plate number of the vehicle allocated for the booking and driver's full name and badge number
- Hackney carriages: Details of any bookings subcontracted to hackney carriages as pre-booked work, details to be recorded as above.
- The date/time the booking was completed or cancelled.

The Operator must ensure that any booking clerk/telephonist involved is fully trained and competent in the recording of bookings and operating the system used. Training records confirming this and dates must be kept on file.

H3.2 Vehicles

H3.2.1 The operator must keep records 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 particulars, namely:

- Type, make, model, colour of vehicles
- Vehicle registration numbers
- Private hire vehicle plate numbers
- Expiry dates of vehicle licences
- The number of seats for passengers
- Owner of the vehicle
- Insurance details of vehicles (fully comprehensive) including expiry date and named drivers on the insurance policy.
- Whether a meter is fitted in the vehicle
- A copy of the vehicle licence granted and up to date compliance certificate.

Hackney Carriages: A copy of all hackney carriage vehicle and driver licences and relevant insurance should be kept by the operator if the vehicles are used by the operator for any pre -booked work for the company and should be available for inspection. **Records should be kept of these bookings and how they were carried out.**

Important: All licensed vehicles MUST be attached to the private hire operator's licence by the operator prior to the vehicle being available for hire. This must be in writing from the Operator to the Taxi Hub, with the appropriate fee paid. The on line electronic form can be used for this purpose.

H3.3 Drivers

H3.3.1 The operator must keep records of the particulars of all drivers of private hire vehicles operated by him/her, pursuant to section 56 (3) of the Act such details to include the following particulars, namely:

- Details as to the full names of drivers of the vehicles and their radio call signs
- Expiry dates of driver's badges and vehicle licences (copy held on file of licences).
- Details of date when any new driver begins service with the PHO
- Details of when any driver's service ceases with PHO and reason including when driver leaves the business to go abroad for 3 months or more.
- If the PHO becomes aware that any driver is suffering from any illness, disability or condition which may affect the driver's ability to safely carry out his/her duties, record details of that information and inform the Licensing Authority of this immediately.
- Copy of existing private hire driver's licence or hackney carriage driver licence if carrying out pre-booked work for the Operator.

- H3.3.2 It is the **sole responsibility** of the private hire operator to ensure that before despatching vehicles and drivers for a booking that every private hire vehicle on the private hire operator's licence is driven by a person who holds a private hire driver's licence issued by the same Licensing Authority and that their insurance is both relevant and valid. The Operator must personally examine driver, vehicle licences and insurance certificates to satisfy himself/herself as to their validity.
- H3.3.3 The operator is responsible for the general condition and roadworthiness of the licensed vehicles they despatch and for ensuring all drivers are familiar with conditions and legislation relating to the vehicle and licence. **The operator may also be subject to enforcement action if a driver has committed an offence.**
- H3.3.4 The Licensing Authority has the right to suspend or revoke an operator's licence under the legislation **for any reasonable cause** if it has concerns around the lawful operation of that business, that there have been material changes since the licence was granted or that the Operator named on the licence is not the person running that business, or the aims of the licensing policy are not being promoted or the operator is no longer considered to be fit and proper to hold that licence.
- H3.3.5 **Assistance Dogs:** The Operator must not fail or refuse to accept a booking by or on behalf of a disabled person accompanied by an 'assistance dog' when the reason for failure or refusal is that the disabled person will be accompanied by the 'assistance dog'.
- H3.3.6 The Operator must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to only those persons who will use it for the purpose for which it has been collected. Personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates. Where there is a public waiting area or driver waiting area the personal data must not be in sight of members of the public, customers or drivers. Measures must be in place to keep all personal audio and written data private and secure.
- H3.3.7 The booking records must be kept at all times at the PHO licensed business premises and not removed other than by an authorised officer of the Licensing Authority as required to assist with investigations and dealing with complaints.
- H3.3.8 Citizen Band /radio apparatus must not be used at any time in connection with any private hire booking at any operating address or in any private hire vehicle/hackney carriage available from such operating base **without the permission of the Licensing Authority in writing to use these systems. The use of scanner equipment is prohibited.**

Radio Equipment: Where this is authorised and any licensed Operator is granted a licence by OFCOM 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 OFCOM (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. Checks will be carried out by the Licensing Authority to ensure the security of any personal or sensitive data received.

H4. COMPLAINTS

H4.1 The private hire operator shall within 48 hours notify the Taxi Hub **in writing** of any complaints concerning a booking for private hire service arising from his/her business, such notification to include the action taken by the Operator or proposed to be taken as a result of the complaint received. The complaints received should be recorded in date order and kept available for inspection by officers of the Licensing Authority. Any incident relating to public safety or safeguarding **must immediately** be notified to the Taxi Hub and in some cases where it is a serious safeguarding issue also to the Police.

H4.2 The Operator must affix a properly printed notice in a prominent position inside the business premises, so as to be easily read by any person seeking to hire a private hire vehicle/hackney carriage, stating that any complaints regarding a hiring relating to his/her business should be addressed to: The Taxi Hub, East Riding of Yorkshire Council taxi.hub@eastriding.gov.uk

H4.3 The Operator must train all office staff and drivers on how to record complaints and what action is required once a complaint is received. A training log must be completed to confirm this training has been carried out and updated annually and as licensing policies change.

H5. CHANGE OF BASE OR OF HOME ADDRESS ETC

H5.1 The operator must notify the Authority by email or in writing of any change of his/her home address, during the period of the licence, **within 48 hours** of such a change, taking place*** see **H5.2**

H5.2 Where the operator's business is **based** at a **residential domestic property** the licence is normally restricted to the operation of **one or two household licensed vehicles only or one household licensed vehicle and one other licensed private hire vehicle (partnership/employment arrangement)** **as long as the other vehicle does not return to the PHO base after each booking**, unless planning permission is first obtained for use as a commercial private hire operator's office and in such cases the number of vehicles may increase.

****THERE IS NO TRANSFER OF A PRIVATE HIRE OPERATOR'S LICENCE SHOULD THE OPERATING BASE CHANGE ADDRESS or OWNERSHIP. A NEW APPLICATION WOULD HAVE TO BE MADE.**

H6. DISCLOSURE OF ARRESTS, CAUTIONS OR CONVICTIONS/ CRIMINAL RECORD CHECKS

- H6.1 The operator shall, **within 48 hours of being arrested, bound over, convicted or cautioned**, notify the Licensing Section **in writing of any arrest, conviction, caution or fixed penalty** imposed on him/her during the period of his/her operator's licence **or any allegations made against them which is being investigated by the police (whether charged or not)** . If the operator is a company or partnership, this requirement shall apply **to any of the directors or partners who is arrested, receives a conviction, caution or fixed penalty**.
- H6.2 All licence holders (who are also licensed drivers) must subscribe to the Disclosure and Barring Service Online Update Service. Any costs associated with maintaining this subscription must be met by the licence holder. The licence holder must give permission in writing for the council to undertake checks of their DBS status on renewal and when the council consider it necessary to do so. The council will use the update service to monitor the criminal record of its licence holders.
- H6.3 Any Operator **not currently licensed by the Council as a licensed driver** must submit to the Council a basic criminal records disclosure as to unspent convictions, such disclosure to be no more than 6 weeks old at the time of a valid application.

H7. INSURANCE

- H7.1 The private hire operator shall ensure that a certificate of motor insurance **covers every private hire or hackney carriage vehicle operated by him/her** and every driver used under the licence, which is compliant with the Road Traffic Act 1988 as regards the carriage of passengers for hire or reward.
- H7.2 If the operator has premises to which **any member of the public has access**, in connection with the hiring of vehicles or for other reasons, he/she shall ensure that there is **public liability to a minimum cover of £2million and/or employers liability insurance in force at all times**, which indemnifies the operator against any claim for loss, damage or personal injury by any person using or working on those premises. This insurance must be available for inspection upon request. 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.

H8. PRIVATE HIRE DRIVERS

- H8.1 The operator shall satisfy himself that every driver engaged by him to drive a private hire vehicle has acquired a **valid private hire driver's licence** and has a badge issued by the Licensing Team. A copy of the licence *must* be retained by the operator and checks made to ensure no restrictions/special conditions are on the private hire licence issued.

It is the responsibility of the private hire operator to bring to the attention of all drivers their legal obligations regarding the use of seatbelts both for adults and for children, smoke free legislation requirements (Health Act 2006) and to ensure that all their drivers are fully conversant with the conditions stated within this policy including the code of conduct and dress code.

The Operator must ensure that all licensed drivers who carry out work on behalf of their company act in a civil and orderly manner both towards customers, officers of the Licensing Authority and any other member of the public.

H9. DISPLAY OF TERMS AND CONDITIONS

The operator shall, at all times, keep a copy of these conditions at the premises used by him/her for a private hire business and shall make the same available for inspection by fare-paying passengers.

H10. INSPECTION OF LICENCE

The operator's licence should be prominently displayed on the premises and should be available for inspection on request by any authorised officer of the Council or any police officer.

H11. Fares

The private hire operator shall agree with the customer hiring the private hire vehicle the fare for the journey prior to the commencement of that journey if so requested by the customer unless a taximeter is fitted to the vehicle. This agreed fare should be made known to the driver allocated the fare.

Where fare scales are in place the Operator should display a notice to state that the Council does not control the fares for private hire vehicles and that, in the absence of any fare scale published by the Operator, the fare should be agreed before the journey commences. **Any fare scale in operation must be on prominent public display and be an accurate reflection of the charge,** including any specific additions i.e. Bank Holidays and after midnight loading (including any waiting times) which the customer may be expected to pay.

H12. ADVERTISING OF OPERATOR'S BUSINESS

A private hire operator may only use the words '**Licensed Private Hire**' when advertising his/her business. The words '**Taxi, Cab or Hackney Carriage**' or any combination thereof **must not be used**. Any advertising of the operator's business, no matter in what form, shall include the operator's name and/or their trade name as approved in advance by the Council in accordance with the name entered on the operator's licence issued by the Council. **No other forms of advertising of the private hire business can be used without the permission of the Licensing Authority. The Council will not authorise the use of a trading name of a previous licensed Operator.**

The Operator must not trade under any name for private hire purposes unless such trade name has been approved in advance by the Council and has accordingly been entered on the Private Hire Operator's Licence issued by the Council. Where a PHO licence has been revoked by the Authority the use of that Operator's name cannot be used as a trading name. This will ensure that customers are aware that the company is under new ownership.

H13. DURATION OF LICENCE

The private hire operator's licence will be valid for an initial period of **12 months** or **five years** for all renewal applications granted (in exceptional cases a one year licence may be granted). The responsibility for renewing and submitting all paperwork before the expiry of the existing licence rests with the licence holder. If the date of renewal is missed then the licence will lapse and a new application will have to be made.

Fees: If annual payments are agreed over the 5 year period the fee must be paid each year on the anniversary of the grant of the licence **or the operator's licence will be suspended until the payment is received.**

N.B There is no right of transfer in respect of a private hire operator's licence to another individual or to transfer the licence to another premises base if the address of the base has been identified on the licence and is therefore a condition of the licence.

NOTE: PLANNING CONSENT

To operate a private hire business from home, planning permission, for such business use, may be required. Please seek advice from the planning authority.

The **Operator shall** take all of the necessary measures, including those requested by a **Licensing Officer, Police Officer, or Other Authorised Officer** to prevent vehicles in its employment, from parking or congregating in such a manner as to cause a nuisance to any reasonable person.

H14. MANDATORY PHO ACCREDITATION/RATING SCHEME

H14.1 All licensed operators are required to participate in the Operators Accreditation/Rating Scheme to raise standards in the industry and promote safeguarding. Operators practices will be assessed by licensing officers as part of inspecting the operating base and will have regard to matters such as mandatory training on private hire law and safeguarding, effective record keeping, compliance history, operator's conduct and the business will be accredited and rated accordingly from **3-5 *rating**. There will be standardisation in many areas to promote public safety. This will include controls in relation to external advertising and information displayed on licensed vehicles and in the oval door stickers. The Accreditation Scheme detail and expectations can be viewed at Appendix HA of the policy document.

H15. PUBLICATION OF SUSPENSIONS/REVOCATIONS/REFUSAL TO RENEW

H15.1 All suspensions, refusal to renew and revocations of private hire operator licences held will be published on the Councils website www.eastriding.gov.uk at the end of the 21 day Appeal deadline to promote public safety and safeguarding. These decisions will also be notified to neighbouring authorities and the information uploaded to the NAFN Database. Operators are licensed in this knowledge and accept this as part of their licence conditions.

H16. SAFEGUARDING TRAINING

H16.1 All private hire operators must participate in training on safeguarding and child sexual exploitation within 6 months of their licence being granted and once a licence is granted every 3 years participate in refresher training approved by East Riding of Yorkshire Council. If safeguarding training is not completed as required then the operator's licence will be suspended until the training is completed. If training has already been done as a licensed driver this will be taken into account.

GENERAL

H17. Lost Property: Where any property is left by a customer in the business premises, or in any vehicle used for any hiring and placed in the Operator's safekeeping by the driver thereof. The Operator must endeavour to arrange to return such property to its rightful owner. A record of all lost property must be kept by the Operator and be available for inspection.

H18. The operator must not, by him/herself, his agents, or any other person importune/tout, or cause or permit to be importuned any person by calling out or by any other means whatsoever to hire any of the licensed vehicles under his control.

H19. Assistance Dog: In the case of a passenger who is accompanied by a guide or hearing dog, the **Operator shall** not refuse to accept the hiring merely because the guide or hearing dog is accompanying the passenger and **shall** ensure that no additional charge is made for carrying the dog.

H20. The **Operator shall** ensure that every proprietor of a Private Hire vehicle, or driver of a Private Hire vehicle operating under their Operator's licence and is acquainted with, understands, and observes the conditions attached to that licence.

H21. The **Operator shall** ensure that any person left in charge of the premises in the absence of the **Operator** is fully aware of these conditions of licence, particularly those relating to the keeping and maintaining of records for drivers, vehicles, and bookings, and the need to comply with those conditions **at all times** and has knowledge of private hire law requirements.

NOTES:

These conditions should be read in conjunction with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

Any person who commits an offence against any of the provisions of the Act pursuant to Section 76 may be liable on summary conviction to a fine not exceeding Level 3 on the standard scale.