

## **Conditions relating to Private Hire Operators**

### **Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”)**

#### **1. General**

An operator makes provision for the invitation or acceptance of bookings for a private hire vehicle.

Any legislative requirement shall be regarded as if they are conditions of the Private Hire Operator's Licence. In determining what matters should be considered for a person to be a Fit and Proper Person to be an operator the following applies

#### **2. Fit and proper person**

Private hire operators must be fit and proper persons. A fit and proper person is defined in the hackney carriage and private hire policy.

#### **3. Details of current drivers**

A list of all current drivers and vehicles representing your company must be submitted as part of the renewal.

#### **4. Duration of private hire operator's licence**

The standard period that a licence shall remain in force is for a period of five years from the date of issue.

No licence will be issued for a period longer than the standard five-year period, but if an applicant wishes to be considered for a licence with a shorter duration, this request must be put in writing at the time of application. These requests will be considered on a case by case basis.

An operator's licence on renewal may be issued for a probationary period determined by the Council less than the standard five years, dependant on the applicant's ability to demonstrate being a fit and proper person. Items that could be considered would include, criminal record, references, past allegations, record of compliance with the conditions, outstanding fees and any other reasonable cause.

#### **5. Basic disclosure check**

The authorised officer can make random checks. This will require a basic disclosure application form to have been submitted online or an enhanced disclosure certificate ([GBG](#)), or if the driver has signed up to the 'update service'.

#### **6. Convictions and cautions**

Convictions and cautions will be considered in accordance with the hackney carriage and Private Hire Policy.

In order to ensure protection of the public an operator must ensure disclosure to a relevant officer within 72 hours in writing if they are arrested, cautioned, convicted or have any involvement with the Police regarding any offence during the period of their licence. Should knowledge of any offences be withheld, this could reflect on a person's fitness to be a Private Hire Operator and may lead to a licence being suspended. If the operator licence is held by a company or partnership, the requirements of this section apply equally to all directors and partners.

#### **7. Record of bookings**

The record 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 written or electronic form approved by the Council, provided at nominal cost by the Council, or on a spreadsheet provided by the Council, or on a nationally recognised piece of computer software. This software must be capable of providing the information listed below. The entries must be numbered consecutively, and no pages should be removed. The operator shall enter the required information for each booking invited or accepted by him, before the commencement of each journey.

- The time and date of the booking
- The name and address of the hirer
- How the booking was made (i.e. by telephone, personal call etc.)
- The time of pick-up

- The point of pick-up
- The destination
- The time at which a driver was allocated to the booking
- The name of the driver and the registration number of the vehicle allocated for the booking.
- Remarks (including details of any sub-contract).

All records kept by the operator shall 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 a Police officer or the licensing officer. All records must be available for inspection and copying if required by licensing officer or Police officer.

### **8. 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:

- 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 sufficient cause, punctually attend at that appointed time and place;
- 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;
- Ensure that any waiting area provided by the operator has adequate seating facilities;
- Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

**NB: Planning approval, where required, must be obtained for any premises used for operating Private Hire business**

### **9. Complaints**

The operator shall notify the Council in writing within 72 hours of any complaints concerning a contract for hire or purported contract for hire relating to or arising from his business and of the action (if any) which the operator has taken or proposes to take in respect thereof.

### **10. Address**

The operator must live or maintain an office within the Three Rivers District Council area for the period of the licence. The operator shall within 7 days, notify the Council in writing of any change of address during the period of the licence. A further application will be required for the new premises. Any premises used solely for work purposes are required to be smoke-free.

### **12. Conduct**

The operator of a private hire vehicle shall not by calling out or otherwise importune any person to hire such vehicle and shall not make use of the services of any other person for that purpose.

### **13. Record of vehicles etc.**

In accordance with the provisions of Section 56(3) of the 1976 Act the operator shall keep a record in a bound volume of all private hire vehicles operated by him and such record shall include the following particulars:

- The registration mark of each vehicle
- The make of the vehicle
- The name and address of the registered keeper
- The names, addresses and driver's licence numbers of drivers driving the vehicles
- Details of any radio call sign used

Such records shall be retained for a period of 18 months, and shall not be destroyed or otherwise disposed of before the expiry of such period without the previous written consent of the Council.

### **14. Fares and fare table**

The operator upon request shall agree the fare for a journey booked, or provide an estimate of the fare, or explain that the journey will be metered.

Should the operator dispatch a vehicle with a taximeter, they shall ensure that the meter is calibrated to the tariff of fares published by Three Rivers District Council, and that the published table of fares is clearly displayed in the vehicle. The operator shall ensure that the fare for such bookings does not exceed the rate on the meter.

#### **15. CCTV in vehicles**

The operator shall ensure that they retain a copy of the CCTV authorisation certificate from Three Rivers District Council for any vehicle containing a CCTV system. No vehicle is to contain facilities to record visual or audio sources without the vehicle licence-holder holding a certificate of authorisation from the Council.

#### **16. Operator to hold driver's licences**

Before the operator permits or employs another person to drive a licensed private hire vehicle, he shall have retained a copy of the driver's private hire driver's licence. This shall be retained until such time as the driver ceases to be permitted or employed to drive the vehicle. On cessation of service or employment the licensee shall return the private hire driver's licence to the driver.

The licensee/proprietor must also ensure the driver holds a current driver's licence in respect of the number of passengers authorised on the vehicle licence/plate.

The operator shall notify the Council within 7 days of the details of any driver no longer working for them.

#### **17. Disposal and acquisition of vehicles**

When an operator ceases to operate a particular vehicle or begins to operate a new vehicle, they shall inform the Council in writing as soon as possible but not later than within 7 days of such fact.

#### **18. Condition of vehicle**

The operator shall ensure that any private hire vehicle operated by him (regardless of who owns the vehicle or holds the vehicle licence) is maintained in the condition required by the private hire vehicle licensing conditions or hackney carriage vehicle licensing conditions. The operator will ensure the vehicle is maintained in a suitable mechanical condition, safe, comfortable, clean and presentable and that the external licence plate and internal licence disc provided by the Council is affixed to the vehicle in such a manner and position as shall be prescribed by the Council.

#### **19. Compliance with legislation**

Operators, where applicable, must comply with the provisions of the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, the byelaws made in respect of hackney carriages and conditions relating to the private hire driver's licence. They shall also ensure compliance with Section 37 of the Disability Discrimination Act 1995 and the Equality Act (2010) in respect of assistance dogs.

#### **20. Smoking**

Operators must ensure that all vehicles dispatched by them display appropriate signage inside the vehicle in accordance with the Health Act 2006.

The Council requires that an international no-smoking symbol at least 70mm in diameter must be displayed in the front passenger window or on the dashboard, and in the rear passenger window. The signs must be clearly visible from inside and outside of the vehicle.

#### **21. Insurance**

The licensee shall ensure that any vehicle they dispatch is covered by valid insurance for the purposes of private hire, and shall ensure that they do not act in any way which might invalidate the insurance.

The licensee shall where applicable maintain and provide evidence of Employer's Liability Insurance upon request in accordance with the Employer's Liability Compulsory Insurance Act 1969.

In the case where members of the public have access to the operating centre, the licensee shall maintain at all times and provide evidence of Public Liability Insurance upon request.

**22. Appeals procedure**

Any person aggrieved by any conditions specified in this licence may appeal to the Magistrates' Court within 21 days of a decision being made.