

SOUTH DERBYSHIRE DISTRICT COUNCIL

PRIVATE HIRE OPERATORS' LICENCE CONDITIONS

PART C

PRIVATE HIRE OPERATORS' LICENCES ARE ISSUED SUBJECT TO THE FOLLOWING CONDITIONS. YOU ARE ADVISED TO STUDY THESE CAREFULLY AS NON-COMPLIANCE WITH ANY CONDITION MAY RESULT IN A FINE AND/OR THE LICENCE BEING SUSPENDED OR REVOKED.

Conditions of Licence

1. General

On submission of an application for the grant of a Private Hire Operator's Licence, the following documents should be produced to the Council;

- **Operator's licence application form**
- **Fees**
- **Criminal Records Bureau document (CRB)**

(a) An operators Licence is required for any person operating private hire vehicles as provided by the Local Government (Miscellaneous Provisions) Act 1976.

(b) The Licence is not transferable, and shall remain in force for a period not exceeding 12 months, unless suspended or revoked within that period.

(c) The operator must apply to the Council in writing on the appropriate application form at least 21 days before the expiry of the current licence if s/he requires the licence to be renewed for a further period.

2. Disclosure of Information (To determine fit and proper person)

(a) All new operators have to submit via a recognised body a Basic Disclosure of Information Form to the Criminal Records Bureau (CRB). It should be noted that new operators would be issued with a licence prior to the Disclosure of Information Form being returned to the Council Offices. The time taken for this search to return is not in the Council's control. Operators who are also applying for a driver's licence will not need to supply separate Enhanced CRB checks but the drivers part of the licence will not be issued until the return of the CRB.

(b) Operators will not need to submit an additional CRB form, if they are already registered as a Driver of a Private Hire Vehicle, with South Derbyshire District Council or intending to operate as a private hire driver.

3. Details of Vehicles

The operator shall keep and maintain at his premises in a suitable book the following details of all vehicles currently operated by him:-

- (a) the name and address of the proprietor;
- (b) the vehicle licence holder;
- (c) the vehicle licence expiry date;
- (d) the vehicle registration number;
- (e) the vehicle make, model and colour;
- (f) the plate number;
- (g) a copy of the current Insurance Certificate and MOT Certificate; and
- (h) maintenance records;
- (i) copy of meter certificate, where appropriate;

all these details shall be produced on request to an authorised Officer or police constable.

4. Compliance with Private Hire Vehicle Licence Conditions

The operator shall take all reasonable steps to ensure that the vehicles operated by him conform to the private hire vehicle licence conditions and shall ensure that s/he only uses vehicles which are licensed under the Act by the Council.

5. Details of Drivers

The operator shall keep and maintain at his premises in a suitable book (or approved computerised system) the following details of all drivers currently employed, used or controlled by him:-

- (a) name and address;
- (b) badge numbers;
- (c) driving licence number; and
- (d) expiry date of the private hire driver's licence;

and these details shall be produced on request to an authorised Officer or police constable. The operator shall ensure that s/he only uses drivers who are licensed under the Act by the Council.

6. Control of Drivers

The operator shall take all reasonable steps to ensure that drivers of vehicles employed, used or controlled by him observe and conform to the conditions attached to their private hire driver's licence and all other relevant statutory requirements, including Road Traffic legislation and in particular do not:-

- (a) ply for hire; or
- (b) pick up or set down passengers at hackney carriage stands or at any place that may cause a risk of accident or obstruction.
- (c) **Drivers hours; there are no direct controls over the hours that a private hire driver can work. However, the Working Time (Amendment) Regulations 2003 apply to private hire drivers with effect from 1st August 2003 and limits a driver's working week to 48 hours, averaged over a 17-week period.**

7. Record of Bookings

(a) The operator shall, before the commencement of each journey, record in a suitable manner either written or electronically the following details of each booking:-

- (i) the time and date of the booking;
- (ii) by what method the booking was received (phone or personal call)
- (iii) the picking up and setting down points, by reference to street names;
- (iv) the date and time when the journey is to commence;
- (v) the name and address of the hirer;
- (vi) Licence number of vehicle given the booking
- (vii) The Private Hire Vehicle Driver Licence number of the driver given the booking

(b) That a central record of the procedure outlined above be kept in relation to regular contract bookings.

(c) All records shall be kept at the premises for a period of not less than 18 months from the date of the last entry or such longer period as may be, by written notice, required by the Council.

(d) These records shall be produced on request to an authorised Officer of the Council or police constable. If the records are not on the premises at the time of this request, then the operator should inform the officer or constable as to their whereabouts and produce these records within 2 working days at an address indicated by the Authorised Officer or Police Officer. The Operator should provide copies of any entries on request, by an Authorised Officer.

8. Prompt Attendance
The operator shall ensure that when a 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 the appointed time and place.
9. Fares
Where a request for a hiring is received and the vehicle to be used for that hiring is not fitted with a meter, the operator **must** so inform the person making the booking and shall not accept the booking without first telling that person the basis of the hire charge (and if requested shall put that information in writing). **The operator will relay this information to the driver performing the booking.**
10. Lost Property
(a) The operator shall deliver any property left in the vehicle and handed to him by the driver to the local police station as soon as possible, and, in any event, within 48 hours if not sooner claimed by or on behalf of the owner and shall, so far as is reasonably possible, supply the police with all the relevant particulars concerning such property.

(b) Should the police not accept any article of lost property, that article 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 operators shall take all reasonable steps to return the item to its owner.

(c) The operator shall keep a record of all lost property retained by him under (b) above.
11. Radio Equipment
The operator shall ensure that any radio equipment at his premises used in connection with his business shall:-

(a) be kept in a safe condition and in proper working order;

(b) comply with the requirements issued by the Home Office or other Government Department, the Post Office or British Telecom; and

(c) not interfere with any radio or telecommunication equipment.
12. Waiting and Reception Room
The operator shall ensure that any rooms provided on the premises for the purpose of booking or waiting shall be kept clean, adequately lit, heated and ventilated at all times and be provided with adequate seating for customers. Where these facilities are provided then the operator must ensure they have suitable Public Liability Insurance
13. Drunk and Disorderly Persons
The operator shall not allow any person who is drunk, or is behaving in a disorderly manner, to remain on the premises.
14. Nuisance to Nearby Residents
The operator shall at all times carry out his business so as not to cause nuisance or annoyance to nearby residents.

15. Compliance with Other Legislation

The operator shall ensure that at all times his premises comply with the provisions of the Town and Country Planning Act 1971, the Health and Safety at Work etc. Act 1974 and all other relevant legislation.

16. Changes in Details

The operator shall notify the Council in writing within 7 days of any change in:-

- (a) his home address;
- (b) his premises address;
- (c) the name of his firm;
- (d) the licensed vehicles used or controlled by him; and
- (e) the name and address of any driver in his/her employment or under his/her control.

17. Convictions

(a) The operator shall within 14 days disclose to the Council in writing details of any convictions or pending convictions likely to be imposed on him during the period of the licence.

18. Loss of Licence

The operator shall report the loss of the licence to the Council in writing as soon as the loss becomes known. A duplicate licence may be issued on payment of a fee.

19. Return of Licence

The operator shall immediately return the licence to the Council in the event of the surrender, suspension or revocation of the licence.

20. Payment by Cheque

A licence in respect of which the fee has been paid by cheque shall be of no effect in the event of the cheque being subsequently dishonoured. The local Authority will in future invoice the operator for the appropriate fees.

21. Licence Renewal

The licence shall remain the property of the Council at all times and shall be renewed annually as required.

Failure to renew the licence by the renewal date will result in suspension of the licence until renewal is completed. If the renewal is not completed within 1 calendar month of the renewal date the licence will be revoked completely.

22. Private Hire Vehicle Meters

The operator shall ensure that if s/he wishes to use private hire vehicle meters in vehicles under his/her control, then all the vehicles must be fitted with private hire meters which are of the type approved and tested. Calibration certificates for all vehicles fitted with meters and in operation will be supplied annually to South Derbyshire District Council **or on request**.

23. Premises

The operator's premises must be within the District of South Derbyshire and the operator must have obtained planning permission from the Local Planning Authority (if necessary) prior to commencing business.

24. Access

Access to premises must be given at all times to authorised officers of the Council.

25. Complaints

The operator shall (immediately, upon receipt) notify the Council in writing of any complaints concerning a contract for hire or purported contract for hire relating to or arising from his/her business and of the action (if any) s/he has taken or proposes to take in respect of such a complaint.

26. Signs

The operator shall not use the word "Taxi" or "Cab" or any combination of words which may include these words on any sign, notice, website or advertisement displayed on or outside his/her premises, or on any stationery or business cards.