

PRIVATE HIRE OPERATOR'S LICENCE CONDITIONS

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

The following conditions are made by South Derbyshire District 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 CONDITION OF VEHICLE

- 1.1 The operator shall 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.

2 STANDARD OF SERVICE

- 2.1 The operator shall provide a prompt, efficient and reliable service to members of the public at all times, and for this purpose shall:
- (i) 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.
 - (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.

3 COMPLAINTS

- 3.1 In any part of the premises to which the public have access, the operator shall 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)".

3.2 On receipt of a complaint, the operator shall document in a suitably bound book or on any other approved system, 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;
- (vi) details of the complaint;
- (vii) date investigation was completed;
- (viii) action taken.

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

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

4 NOMINATED PERSON

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

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

5 CONVICTIONS AND CAUTIONS

5.1 The operator shall immediately, and in any event not later than 72 hours, disclose to the Authorised Officer in writing if they are arrested during the term of their licence. The operator's representative may fulfil this requirement if the operator is detained.

5.2 The operator shall, within 7 days, notify the Authorised Officer in writing of any caution or conviction (including motoring offences) received during the term of their licence.

5.3 Fixed Penalty Notices (FPN) shall be reported to the Authorised Officer in writing upon acceptance from the Police Officer, as opposed to when the driving licence has been updated.

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

6 RECORD OF BOOKINGS

6.1 The record required to be kept by the operator under section 56(2) of the Act shall 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. 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.

- (i) The time and date of the booking;
- (ii) The name and address 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) The time at which a driver was allocated to the booking;
- (viii) The driver and the registration number of the vehicle allocated to the booking;
- (ix) Fare (if agreed at the time of booking) or indication that the meter was used;
- (x) Remarks (including details of any sub-contract).

6.2 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 an Authorised Officer or Police Officer.

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

7 RECORD OF VEHICLES

7.1 In accordance with the provisions of section 56(3) of the Act, the operator shall keep a record of all private hire vehicles operated by him or her and such record shall include the following particulars:

- (i) The registration mark 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 and certificate of insurance.

7.2 Such records shall be retained at all times the vehicle is used to fulfill bookings for the operator.

7.3 All vehicles used by the operator to fulfill any bookings shall be licensed with South Derbyshire District Council only.

8 RECORD OF DRIVERS

8.1 In accordance with the provisions of section 56(3) of the Act, the operator shall keep an up to date record of all drivers of private hire vehicles operated by him or her and such record shall include the following particulars:

- (i) The drivers of the vehicles, and their call signs;
- (ii) When any new driver begins service;
- (iii) When any drivers service ceases;
- (iv) Any change of address 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.

8.2 Such records shall be retained at all times the driver is used to fulfill bookings for the operator.

- 8.3 All drivers used by the operator to fulfill any bookings shall be licensed with South Derbyshire District Council only.

9 LOST PROPERTY

- 9.1 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 relevant particulars concerning such property.
- 9.2 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 operator shall take all reasonable steps to return the item to its owner.
- 9.3 The operator shall keep a record of all lost property retained by him at 9.2 above.

10 RADIO EQUIPMENT

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

11 FARES AND FARE TABLE

- 11.1 The operator upon request shall agree 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.
- 11.2 Should the operator dispatch a vehicle with a taximeter, they shall ensure that the vehicle is displaying the correct tariff, and the meter is calibrated to this tariff.
- 11.3 Where a meter is used, the operator shall ensure that the fare for such bookings does not exceed the rate on the meter.
- 11.4 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.

12 SMOKING

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

13 INSURANCE AND MOT

- 13.1 The operator shall retain a copy of the insurance and MOT certificate for any vehicle they use to fulfill private hire bookings.

13.2 Where the operator maintains a bookings office open to members of the public, they shall ensure that the premises is covered by a suitable level of public liability insurance of at least £1million during the term of the licence.

13.3 Insurance cover for employee's liability shall be in force for the full term of the licence.

14 COPY OF LICENCES

14.1 Before the operator permits or employs any person, he or she shall have retained a copy of their private hire driver's licence and private hire vehicle licence. This shall be retained until such time as the driver ceases to be employed by the operator. On cessation of service or employment, the operator shall return the copy of the licence to the driver.

14.2 The operator shall notify the Authorised Authority within 7 days of the details of any new driver commencing work with them, and any drivers who no longer work for them.

15 CHANGE OF PERSONAL DETAILS

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

16 COPY OF LICENCE AND CONDITIONS

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

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

17 WHEELCHAIR ACCESSIBLE VEHICLES

17.1 The operator shall 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 SIGNS AND ADVERTISING

18.1 The operator shall not use the word, "Taxi", "Cab", or any combination of these words on any sign, notice, website, e-mail, flyer, or advertisement displayed on or outside his/her premises, or on any stationary or business cards.

18.2 The operator shall ensure that all vehicles used to fulfill any bookings have the required signs on the vehicles with the correct wording.

19 BOOKING OFFICE ADDRESS

19.1 All bookings must be accepted at the address detailed on the licence.

- 19.2 The operator must maintain an office within the Council's area with a land line phone number at all times during the term of the licence.

20 ACCESS

- 20.1 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.

21 SPECIFIC CONDITIONS FOR OPERATORS BASED IN DOMESTIC HOMES

- 21.1 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.
- 21.2 No restroom, or refreshment facilities shall be provided at the property for any drivers employed by the operator.
- 21.3 No employed or self-employed drivers shall visit the premises during their hours of work other than to drop off takings, or pick up wages.
- 21.4 No radio mast must be used, unless relevant planning permission has been obtained.

22 VARIATION OF CONDITIONS

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

DOCUMENT HISTORY

Issue No	Issue Date	Approved by
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1	January 2009	Council
2	April 2012	Council
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