

DRAFT: Local Government (Miscellaneous Provisions) Act 1976 Standard Conditions applying to Private Hire Operator Licences

The following conditions be attached, pursuant to section 55(3) of the Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”), to all Private Hire Operator’s Licences issued by Three Rivers Council, unless a specific exemption has been granted by the authority. The attachment of these conditions does not affect the Council’s entitlement to attach any other condition to a licence in response to a specific issue arising from a particular application.

1. Introduction

- 1.1. In these conditions: “the Council” means Three Rivers Council; “the Operator” means the holder(s) of the Private Hire Operator’s Licence issued by the Council; “vehicle” means any licensed private hire vehicle (and Hackney Carriages, if bookings are also invited and accepted for fulfilment by these vehicles) operated by the Operator and “driver” means the holder of a private hire drivers licence or a Hackney Carriage drivers licence.
- 1.2. Terms defined under section 80 of the 1976 Act shall bear the meanings set out therein.
- 1.3. The licence is issued in respect of the person(s) whose details on the licence are not transferable. If at any time during the period of the licence the operator for any reason does not wish to retain the licence, the licence shall be surrendered to the Licensing Officer at the Council. There would be no full or part refund of the licence fee in such circumstances.
- 1.4. The licence holder shall produce all or any of the documents / records specified in the conditions and on request to any authorised officer of the Council or to any Constable for inspection.

- 1.5. The licence holder must inform the Planning Department of the Local Authority, in whose area the premises where he/she intends to operate from, are situated. Any recommendations made by that Authority, or permissions required by them must be adhered to or obtained. It is recommended that the licence holder does this before making an application for a Private Hire Operator's Licence.

2. Records of bookings

- 2.1. The records required to be held by the Operator under section 56(2) of the 1976 Act shall be kept in a suitable written or electronic form approved by the Council, and the Operator shall enter therein before the commencement of each journey the following particulars of every booking of a vehicle invited or accepted by the Operator, whether by accepting the same from the hirer or by undertaking it at the request of another operator, and such record must be maintained for at least one year from the date of the journey:
 - a) The date and time at which the booking was received
 - b) The date and time of commencement of the proposed journey
 - c) The name of the hirer
 - d) The starting point of the journey
 - e) The destination of the journey
 - f) A unique identifying reference for the vehicle provided to fulfil the booking, with sufficient detail to enable immediate identification of the vehicle from the records
 - g) A unique identifying reference for the driver of the vehicle provided to fulfil the booking, with sufficient detail to enable immediate identification of the driver from the records
 - h) If the booking was undertaken at the request of another operator, the name of that operator
 - i) The booking was passed to another operator to fulfil, the name of that operator.

3. Records of Vehicles

3.1. The Operator shall keep a record of the following particulars of any vehicle operated by him, and such record must be maintained for at least one year from the cessation of operation of the vehicle:

- a) The registration number of the vehicle
- b) The number of the identification plate provided by the Council pursuant to s.48(5) of the 1976 Act
- c) The make and model of the vehicle
- d) The name and address of the proprietor(s) of the vehicle
- e) The number of passengers permitted to be carried in the vehicle, as shown on the licence
- f) The date vehicle was first registered with the DVLA.
- g) The start and expiry dates of the vehicle's licence issued by the Council and a copy of such licence must be kept on file.
- h) The date on which the vehicle was added to the operator's fleet
- i) The date on which the vehicle was withdrawn from the operator's fleet.
- j) A copy of the vehicles MOT
- k) A copy of the Insurance certificate(s) / Cover notes – (copies of these documents should demonstrate continuing insurance cover) Schedules are not acceptable.

3.2. A monthly inspection of the general condition of all the licensed vehicles used by the Operator must be recorded either electronically or by any other method and be available for inspection by an authorised officer or police officer. The details to be recorded are:

- a) Vehicle cleanliness and tidiness;
- b) Condition of bodywork / bumpers;
- c) Tread on tyres;
- d) Seatbelts;
- e) Windscreen washers and wipers;

- f) All lights;
- g) Brakes / handbrake;
- h) Horn;
- i) Mirrors;
- j) Oil and brake fluid levels;
- k) Fire extinguisher / first aid kit;
- l) and any other items the Operator feels relevant

3.3. It is for the Operator to develop their own standard format for the vehicle inspection log, so long as the above items are specifically covered.

4. Records of Drivers

4.1. The Operator shall keep a record of the following particulars of all licensed drivers engaged/employed to drive any vehicle operated by him, and such record must be maintained for at least one year from the cessation of the engagement:

- a) The full names of the driver
- b) The permanent address of the driver
- c) The Telephone number of the driver – both mobile and home if available
- d) The driver's date of birth
- e) The driver's licence (badge) number
- f) The start and expiry dates of the driver's licence issued by the Council and a copy of such licence must be kept on file.
- g) The dates the driver's engagement/employment was commenced and terminated.
- h) A copy of the licenced driver's DVLA driving licence.

5. Use of licensed vehicles and drivers

5.1. The Operator shall not invite or accept bookings for private hire work for any vehicle which is not currently licensed by the Council for such work.

- 5.2. The Operator shall not employ or engage, whether directly or indirectly, any driver to drive any vehicle operated by him unless the driver holds a valid private hire or hackney carriage driver's licence (as applicable) issued by the Council.
- 5.3. The Operator shall notify the Council upon the commencement or cessation of operation of a vehicle, or the employment/engagement or termination of a driver, within 7 days of such an event
- 5.4. Section 55A of the 1976 Act, inserted by the Deregulation Act 2015 permits operators licensed by the Council to sub-contract a private hire booking to another operator licensed by the Council or to any other licensed operator holding a private hire operator licence granted by another local authority. The booking must not be sub-contracted directly to a licensed driver.
- 5.5. If the booking is subcontracted the Operator must advise the customer that the booking will be sub-contracted to another licensed operator and give the details of that licensed operator.
- 5.6. The Operator shall not permit or encourage drivers to wait in their vehicles at such 'public' locations or positions whereby the vehicle's appearance makes it look like it is available for immediate hire and / or its location may encourage an approach from a member of the public to enquire as to the vehicle's availability for hire (which may or may not result in an actual hiring) which, had the driver / vehicle not been at that location, might not otherwise have been requested.
- 5.7. Such activity may constitute illegal plying for hire, whether or not actual hirings are obtained for which the driver can be prosecuted and have their licenses suspended and or revoked.

6. Vehicles

- 6.1. The Operator shall ensure that any vehicle he operates is in a suitable mechanical condition, safe, comfortable, clean and presentable, and that the licence plates provided by the Council are affixed to the vehicle in the manner and position stipulated in the conditions applied to the vehicle's licence.
- 6.2. The Operator shall ensure that any vehicle he operates where fitted with a taximeter that a tariff card be displayed in the vehicle so it is visible to the customer. A copy of the tariff card shall be passed to the Council for the operator records.

- 6.3. The Operator shall immediately notify the Council of any damage sustained by a vehicle operated by him.

7. Passengers

- 7.1. The Operator shall ensure that bookings are fulfilled by licensed vehicles with sufficient capacity to carry all members of the hirer's group, as advised at the time of booking.

8. Standard of Service

- 8.1. The Operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times, and in particular shall:
- a) Ensure that when a vehicle has been hired to be in attendance at the agreed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place;
 - b) Publish a complaints handling procedure, detailing how members of the public may make complaints to the Operator, in respect of any aspect of the service provided, and investigate any complaints received in a timely manner, making details of such complaints and investigations available to authorised Council officers upon request;
 - c) The Operator, controller(s), driver(s) or anyone else connected with the business must not refuse a booking or otherwise discriminate against a customer or other member of the public either directly or indirectly on the grounds of gender, age, marital status, social class, race colour, ethnic or national origin, religion, disability (including the carrying of assistance animals) or sexual orientation.
 - d) The Licensee will ensure that adequate vehicles are available to carry passengers in wheelchairs for no extra charge over any other vehicle type where to charge more would amount to discrimination.

9. Operating base

- 9.1. The operating premises for the purposes of the Private Hire Operator's licence must be situated within the Three Rivers District.
- 9.2. The Operator shall:

- a) Keep any facilities provided to the public for the purpose of making bookings or waiting, clean, adequately heated, ventilated and lit;
- b) Ensure that any waiting area provided by the operator has adequate seating facilities;
- c) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- d) Keep the operator premise smoke free at all times. 'No Smoking' signage is required and must be displayed in accordance with the Health Act 2006;
- e) If there is a waiting area for members of the public and/or drivers there must not be available any gaming machines. This is an offence under the Gambling Act 2005.

10. Lost Property

- 10.1. Any items of lost property found within the vehicles / operating premises shall be kept at the operating base for a period of 3 months (with the exception of perishable items) pending it being claimed by or on behalf of the hirer. After this period of time, the lost property should then be passed to the Licensing Officer at the Council for further record keeping and storage / disposal as the Licensing Officer sees fit.
- 10.2. If the lost property has significant value, i.e. money, passport, phone, DVLA licence etc. or it would be unlawful for a 'normal person' to possess it, i.e. it could be stolen, drug related, firearms, knives etc., then the item(s) must be handed in to the nearest police station. A record of the reference number given by the police must be recorded against the lost property.
- 10.3. All lost property, whether handed into the police station or not, must be recorded either electronically or by any other method and be available for inspection by an authorised officer or police officer.

11. Advertisements

- 11.1. The Operator shall not cause any advertisement in respect of his / her business or the vehicles used for that purpose to include the words 'taxi' or 'cab', whether in the singular or plural, or any such other words that may be similar in meaning

or appearance to either of those words, whether alone or as part of another word(s).

- 11.2. The Operator shall ensure that any vehicle he operates displays door signs of a design approved by the Council bearing the name and contact details of the Operator, in the position stipulated in the conditions applied to the vehicle's licence.
- 11.3. The Operator shall ensure that Private Hire Vehicles that he/she operates does not display any roof sign. This is due to the fact that a Private Hire Vehicle must not be of a design or appearance of a Hackney Carriage.
- 11.4. Only licensed vehicles may carry advertisements in relation to the private hire operator and any such advertisements must be submitted to and approved by the Licensing Officer at the Council prior to being used. Only the private hire operator business name and telephone number will be allowed. In addition to this requirement, it is recommended that an advertisement bear the words 'Advanced Booking Only' or 'Must be Pre-Booked'.

12. Display and availability of licence

- 12.1. A copy of the private hire operator's licence issued by the Council shall be displayed in a prominent position where visible by the public, at every booking office maintained by the Operator which is accessible by members of the public. The licence, or a copy thereof, shall be produced for inspection on request to an authorised Council officer or a constable.
- 12.2. A copy of the private hire operator's licence issued by the Council shall be kept securely at any location at which, by virtue of the licence, bookings may be accepted or invited but to which members of the public do not have access, and shall produce the licence, or a copy thereof, for inspection on request to an authorised Council officer or a constable.

13. Notifications

13.1. Change of Name or identity of the licence holder -

The driver shall notify the Licensing Team in writing of any change of name / identity during the period of the licence. This notification should be made as soon as possible and in any event within 5 working days of the change. Proof of

change of name / identity will require proof of name change i.e. marriage certificate or deed poll.

13.2. Change of licence holders home address –

The Operator shall notify the Council in writing, within 5 days, of any change to his home address.

13.3. Change of business details –

The Operator shall notify the Council in writing, giving 28 days' notice of the intention to change the:

- a) Operating or trading name
- b) Name or identity of the licence holder
- c) The operating or business address. The operating premises for the purposes of the Private Hire Operator's licence must be situated within the Three Rivers District.

[N.B it is not possible to transfer an operator licence, and in some cases it may be necessary to apply for a new licence]

13.4. Notification of Conviction(s), caution(s) and disqualification –

The Operator shall notify the Council in writing within five working days of receiving a driving licence endorsement, fixed penalty notice, warning, reprimand, police caution, criminal conviction or other criminal proceedings (including their acquittal as part of a criminal case).

13.5. Notification of Arrest –

Licence holders must inform the Council in writing, or by email within 3 working days of their arrest for any matter (whether subsequently charged or not). To fail to do so, will raise serious questions for the Council as to the honesty of the licence holder and will be taken into account as part of any subsequent renewal applications.

13.6. Notification of Insolvency –

The Operator shall notify the Council in writing, within five working days, if he is declared insolvent, or if he is disqualified as a company director (or if the operator

is a company or partnership, on conviction, caution, insolvency or disqualification of any of the directors or partners) during the period of the licence.

13.7. Change of Limited company directors – The Operator shall notify the council within 21 days in the event of:

- a) The termination of appointment of a director of the limited company;
- b) The appointment of a new director of the limited company;
- c) The liquidation or dissolution of the company, or the appointment of administrators.

[Where the Operator notifies the Council under sub-paragraph b, a basic disclosure issued in the name of the new director is required]

14. Basic Disclosure and Training

- 14.1. In line with Council policy an operator licence is normally granted for a period of 5 years. The Operator is however subject to an initial and annual Basic Criminal Disclosure available from the Disclosure and Barring Service.
- 14.2. The Licensee will provide proof of their attendance at disability awareness training to include specific training on the Equality Act 2010 and the relevance and impact of this to service providers.
- 14.3. The Licensee to provide proof of their attendance at a recognised course or courses on current and emerging safe-guarding risks to include at least: Recognising and reporting the signs of Child Sexual Exploitation, Modern Slavery and Extremism.

15. Surrender of licence

- 15.1. If the licence holder cease to operate for the purpose for which it was licensed they shall surrender the licence. There would be no full or part refund of the Licence fee in such circumstances.

16. Expiry of Licence

- 16.1. The licence holder shall upon expiry, revocation or suspension of his/her licence forthwith return to the Council the licence. There would be no full or part refund of the Licence fee in such circumstances.

17. Conditions

- 17.1. The Council reserves the right to vary, delete or waive any of the foregoing Conditions.
- 17.2. A Private Hire Operator's Licence issued by this Council will normally be valid for five years from the date of issue, unless suspended or revoked. Reminders will be sent out to operators, in advance of the expiry date reminding you to renew your licence; however the onus is on the operator to ensure that he/she applies to renew the licence before it expires.

18. Appeals

- 18.1. Applicants aggrieved by any of the Conditions attached to this licence, including both these standard conditions and any further conditions imposed in response to specific issues, may appeal to a Magistrates' Court within 21 days of the service of the licence, in accordance with sections 55 and 77 of the 1976 Act, and sections 300 to 302 of the Public Health Act 1936.