

Policy in respect of Private Hire Operator Licences and Conditions – standard passenger vehicle

Background

The Local Government (Miscellaneous Provisions) Act, 1976 (LGMP), was created to enable Conditions of safety to be placed upon drivers, vehicles and Operators making private contracts for vehicle with driver hire services. Private Hire at that time was concentrated on saloon vehicles offering, in the main, local journeys.

The Private Hire sector has grown and extended significantly and there are now a much wider range of vehicles, services and availability of technology to assist in booking a service.

The Road Safety Act, 2006, along with best practice guidance issued by the Department for Transport (DfT) has caused Leeds City Council to consider licensing a wide range of vehicles and services. This policy applies to the more standard types of saloon or wheelchair accessible vehicles.

Policy Statement

The issues around the operating of a business involving Private Hire vehicles has the same business, legal and public safety principles as other areas of licensed activity by the Local Authority.

Public safety is paramount. It is very important to Leeds City Council that Operators also fit comfortably into their environment and are not the cause of residential nuisance and contribute positively to the image of the City and take ownership of a civic responsibility.

Operators are a major factor in contributing to public safety by ensuring that they and their drivers adhere to this policy and the conditions upon the various licences.

The aim of the policy is to increase the professionalism of the trade through business improvements and best practice; increasing both the level of customer service offered and that of public safety.

Elected Members of the Council approved the policy and conditions and were emphatic in insisting that licensed Operators carry a significant responsibility in meeting the expectations of the public and contributing positively to public safety. Members asked that the licensing responsibilities and expectations of the Council were impressed upon Operators.

Some of the issues associated to particular conditions are illustrated as footnotes to assist those who are the subject of the conditions, or those who apply them, to do so consistently.

Customer focus, business improvements and best practice – none policy issues

In preparing this policy and conditions there was consultation with both the licensed trade and the general public.

Some suggestions raised during consultation have been grouped under this heading, but they do not form part of the approved policy. The controlling legislation, or liability for certain acts, or failures to act, might lie within other specific legislation. The Council feels that those areas should remain outside of conditions attached to a Private Hire Operator licence, but nevertheless are worthy of highlighting as good practice. Significant breaches of other primary legislation might still be considered as factors contributing to a 'fit and proper person' test.

Corporate clothing (shirt or outer garment)

There are distinct benefits for this in terms of enhanced safety for customers and also improving the image of the trade in the city. There appears to be a positive link in supplying a uniform style shirt with the company logo on it and customer satisfaction along with the professional outlook of the Operator. However, it is thought to be beyond licensing control but should be considered as a good business practice by Private Hire Operators.

Staff training and public access to private hire operator premises and health and safety considerations

It would be good practice for each Private Hire Operator (except single vehicle companies) to ensure that all of their call handling staff have received:

- Accredited customer service training
- Data protection training
- Be subject to a DBS

DBS disclosure is thought to be important considering the amount of personal and secure information that can be collected. It is felt that the practice of using totally unqualified or untrained staff is inappropriate. Concerns within the trade are that people are 'employed' outside of all of the employment law, HM Revenue and Customs arrangements, minimum wage legislation and outside of other financial scrutiny arrangements that should be in place.

The Data Commissioner retains responsibility for monitoring the 'data controller' the Private Hire Operator. However, if there were to be breaches of data security the Council reserves the right to take compliance or other formal action against the private hire operator to reduce the risk of crime or danger to public safety. HM Revenue and Customs or the Health and Safety Executive are the appropriate

authority for some of the proposals. Whilst there may be some issues which might be poor business practice or worse it is thought to be beyond licensing control.

Where there is a public waiting area, measures must be in place to keep all personal audio and written data private and secure.

As the Operator you are responsible for the safety of staff and the public on the premises and you are advised to undertake a full review by an appropriately qualified health and safety officer.

Officers may inform the appropriate regulatory body if they have a concern.

Record of driver hours

In contrast to the regulation of hours worked by a PSV or HGV driver, a self-employed Private Hire driver has no such legal restrictions on them. If they were the subject of a contract of employment with the Private Hire Operator then there would be a restriction of 48 hours per week averaged over a 17 week period, but that is the only legal constraint. The consequences of driver fatigue all too often appear following some serious road traffic collision and whilst the driver may be held accountable for any subsequent fatality it is an issue that the Private Hire Operator should be aware of when they use a Private Hire driver in those circumstances. There are many full time drivers but also others who use their Private Hire driver licence as a secondary form of income.

This issue requires an awareness by Private Hire Operator's and it would be best practice for Private Hire Operator's to be alert to the signs of tiredness and exhaustion and you may wish to consider your own liability in not taking full account of such issues when entering into a contract arrangement with a customer.

Fare awareness

This is often the subject of complaint by the travelling public and is frequently the root of arguments. That situation can be improved upon by clearer information at the time of booking and a visible notice showing how fares are calculated on the Private Hire Operator web-site or public waiting area, to be easily read by any person seeking to hire a Private Hire vehicle or Hackney Carriage at those premises. It would be helpful if at every point of producing such information it was pointed out "fares should be agreed before the journey". Where the vehicle uses a meter, this should be clearly explained and on what occasions it is not used (pre-arranged contract fares, out of Licensing District fares etc).

The more information that can be visible to passengers the better it is for your driver, your business reputation, and, of course, the public. Being 'upfront' with this can help reduce the risk of escalating arguments and create a safer environment for the driver.

Vehicles operated under the licence – planning regulations

Planning legislation has primacy and responsibility for enforcing breaches of planning rests with that department and cannot be undertaken by Licensing Officers. However

Licensing Officers will support communities where complaints are made in assisting enforcement by planning and Regulatory Officers and also by seeking an early resolution to a problem through the relevant Private Hire Operator.

Safety standards of licensed vehicles under the operating licence

Officers have already presented a report to Members explaining that they will consider the prosecution of Private Hire Operators for defective vehicles used in the course of their business and it is intended to continue with that theme and also offences where there is no vehicle insurance in place.

On rare occasions that may be out of the control of the Private Hire Operator but control measures can be put in place which would help the Private Hire Operator reduce their personal risk of prosecution and increase public safety.

To increase public safety and reduce the risk of prosecution to themselves, Private Hire Operators are strongly advised to maintain a monthly record of vehicle inspections carried out by them on their operating licence to ensure checks on tyres, Council livery, accident damage, condition of interior etc, as prescribed by the Council and a check list of expiry dates of the Private Hire driver licence, Private Hire vehicle licence and MOT expiry dates.

The personal responsibility of the licensed Private Hire Operator for the safety of their customer is inescapable and each Private Hire Operator should be able to demonstrate their commitment to road safety.

Set out in this booklet are the pre-conditions to the consideration of the grant of a Private Hire Operator licence. Additionally, once licensed, a Private Hire Operator must continue to meet these standard pre-conditions.

Standard Conditions attached to a Licence to Operate a Private Hire Vehicle

Local Government (Miscellaneous Provisions) Act, 1976 Part 2

All licences issued by the Council in connection with the driving and operation of Private Hire vehicles are in accordance with the provisions of the 1976 Act. Operators, Drivers and Proprietors should be familiar with this Act, the provisions of the Town Police Clauses Act and the Equality Act effecting Private Hire licences.

The following Conditions apply to all Operators of Private Hire vehicles, licensed or seeking to be licensed. In certain circumstances additional appropriate Conditions may be attached to an individual licence which could be set out as an addendum, by way of a formal notice served upon the licensed Operator.

Exceptions to vary conditions will be recorded on the licence and the reason for the variance.

The Council informs of changes to its Conditions by publicising them in a variety of ways. It is the responsibility of the licence holder to be familiar with those changes and seek appropriate advice and guidance if in doubt.

Additional copies of these Conditions can be obtained, free of charge, by visiting the Taxi and Private Hire Licensing office, downloading from the Council's website or requesting a copy be sent by post. It is also a Condition of the Operators licence that a copy is available for viewing.

Councillors have considered carefully the following Conditions and emphasise that they are essential requirements. Failure to observe may lead to the suspension of the operating licence and consideration of licence revocation and prosecution (there are explanatory notes at the end of these Conditions).

1. OPERATOR LICENCE – THE APPLICATION PROCESS

Any person wishing to acquire a licence to operate a Private Hire vehicle shall be a 'fit and proper person' and produce such information as reasonably required by the Authority or undertake such appropriate training and testing as required to assist in establishing that assessment.

The application to the Council shall be solely in their name on the prescribed form, and they must pay such fee as prescribed by the Council. Such fee is not returnable and may be set to enable the Council to tier fees appropriately relative to the number of vehicles operated.

Every applicant for an Operator's licence shall be required to disclose on the application form details of:-

- (a) any conviction or finding of guilt (criminal or driving matter);
- (b) any caution (issued by the Police or any other agency);
- (c) issue of any Magistrate's Court summons against them;
- (d) issue of any fixed penalty notice for any matter (excepting fixed penalty notices for standard parking offences);
- (e) any harassment or other form of warning or order within the criminal law including Anti-Social Behaviour Orders or similar;
- (f) their arrest for any offence (whether or not charged)

2. POINT OF ENTRY TRAINING AND ASSESSMENT

Every applicant for an Operator licence shall be required to: -

- (i) Complete the appropriate application form
- (ii) Complete a DBS Disclosure form
- (iii) Undertake English language, literacy and numeracy testing
- (iv) Attend a Private Hire Operator training and appropriate assessment

3. BUSINESS PARTNERSHIPS

- (i) Every applicant shall in addition to the information specified in the above two paragraphs, provide the name, date of birth and address of any person if the applicant proposes to operate the business in partnership with any other person(s) and undertake the same 'fit and proper person' assessment and training and testing requirements.
- (ii) Each Operator licence issued by the Licensing Authority shall be issued only in the name of the applicant and that person shall be deemed solely responsible as the Operator upon the licence being granted and the licence is not transferable from the first mentioned person to another person.

4. LENGTH OF LICENCE

Each Operator licence issued by the Licensing Authority shall be valid for such a period as the Licensing Authority may decide, subject to any changes to primary legislation.

5. TRADING NAME ¹

It is a pre-requisite to the grant of a Private Hire Operator licence to ensure that any potential confusion is removed when a preferred operating name is put forward. This would also apply to those names which might conflict with the operating name within a neighbouring Local Authority.

6. PLACE OF BUSINESS ²

A licensed Operator will only conduct the business from the booking office address specified on the licence;

- (i) Each booking office address requires a separate licence. (NB: any licensed Operator wishing to conduct a business from any address other than that specified on the Operator licence shall make application to the Licensing Authority on the prescribed forms which will be regarded by the Licensing Authority as a new application for an operator licence, and the applicant shall satisfy the requirements of the Licensing Authority accordingly). An application on or within the grounds of liquor licensed premises will not ordinarily be accepted.
- (ii) The current Operator licence must be displayed at the business premises to which the licence relates in a prominent position at all times in view of the general public with the exception of such times as the licence is presented to the Licensing Authority for amendment, or it is required to be produced for inspection by an Authorised Officer of the Licensing Authority or a Police Constable.
- (iii) The licensed Operator shall provide, at the address from which the business is conducted as specified on the operator licence, an enclosed area where the public have a right of access for the purposes of making a booking for the services of a licensed vehicle or awaiting the arrival of a licensed vehicle subsequent to any booking.
- (iv) No operator shall cause or permit any such area to be used by them or other persons for any other purpose than that outlined above².
- (v) All licensed Operators shall have in force a Public Liability Insurance policy providing a minimum of £2,000,000 indemnity in respect of any one incident where there is public access to a booking office.
- (vi) 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.

7. OFF STREET PARKING

- (i) During the currency of the licence, the Operator shall ensure designated off-street parking provision at all times for the number of vehicles being operated.
- (ii) No licensed Operator shall use any land or premises for the said purpose where that Operator does not have lawful right of use of that land or premises. The Operator, if required to do so by an Authorised Officer of the Licensing Authority or Police Constable, shall produce such documentary evidence as may be reasonably required to establish the

Operator's lawful right to use such land or premises for the purposes of providing off-street parking provision for private hire vehicles.

8. ADVERTISING

- (i) No Operator may use the word **TAXI** or **CAB** or **HACKNEY CARRIAGE** or any combination or derivation thereof in any advertising manner in any media, and any such advertising shall include the words Licensed Private Hire.
- (ii) Where any Operator in the course of business uses the trading name of business address specified on the Operator licence to offer the services of a Hackney Carriage to the general public, the Operator shall not use the words **TAXI** or **CAB** or **HACKNEY CARRIAGE** or any combination or derivation thereof in any advertising manner unless the number of Hackney Carriages that the Operator can offer (without engaging the services of any other company or trading concern) is not less than 49% of the number of licensed private hire vehicles specified on the form OPVS.

9. NOTIFIABLE ALTERATIONS

- (i) **Place of Residence** - During the currency of the licence, the Operator shall notify the Licensing Authority in writing of any temporary change of residence which is for a period in excess of 21 days. In either case, the Licensing Authority shall be notified in writing within 7 days of such change taking place.
- (ii) **Radio Equipment** - Where any licensed Operator is granted a licence by the DTI 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 the DTI (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.
- (iii) **Disposal of Business** - Each Private Hire Operator, when disposing of any business interest, shall within 14 days give notice in writing to the Licensing Authority that the business registered in his/her name has terminated.

10. ABSENCE FROM BUSINESS AND COMMUNICATION WITH PRIVATE HIRE OPERATORS³

- (i) Private Hire Operators must notify the Council and nominate a responsible person to take responsibility on an interim basis if they are

absent for 15 days or more and supply contact detail of the manager to the local Authority.

- (ii) At all times the Private Hire Operator will ensure that the local Authority has his/her most up to date contact detail including a mobile telephone number and email address. There should be a generic email address for the company and a confidential email address for the Operator so that sensitive information can be properly handled and held confidentially by the Operator.

11. PUBLIC COMPLAINTS ABOUT A PRIVATE HIRE OPERATOR SERVICE ⁴

- (i) Private Hire Operators must maintain a register of complaints by the public in a format approved by the Council (computerised or hard copy). The format of the complaints register must be maintained in the manner prescribed by the Council.
- (ii) Upon receiving any 'specified complaint' or allegation regarding any person licensed by the Authority Operators must report it immediately when the licensing office is open, and in any other event within 72 hours.
- (iii) The specified complaints or allegations are:
 - of sexual misconduct, sexual harassment or inappropriate sexual attention
 - racist behaviour
 - violence
 - dishonesty
 - breaches of equality

In straight forward terms, allegations of criminal behaviour whilst acting as a Private Hire Driver.

- (iv) 'Low level' complaints can build up a business profile that can be indicative of a professional development need, or in the worst case the concealing of some potential significant offending or allegations of unsafe behaviour.

These concerns are to be dealt with by a requirement to maintain a 'register of complaints' and outcomes, for inspection by the Authority for a set period, of 12 months.

- (v) The format of the complaints register must be maintained in the manner prescribed by the Council.

12. SPECIFIED VEHICLES

- (i) No licensed Operator shall operate any Private Hire vehicle other than those which have been listed by an Authorised Officer of the Licensing Authority on the Operator Vehicle Schedule (Form OPVS). Any alteration to the form OPVS shall only be made by an Authorised Officer of the Licensing Authority.
- (ii) When a licensed Operator ceases to operate any vehicle specified on the OPVS, the Operator shall forthwith, and in any event not later than 72 hours, notify the Licensing Authority for amendment by an Authorised Officer.

13. SPECIFIED DRIVERS

- (i) The Operator shall notify the Licensing Authority of each and every Private Hire driver employed or used by the operator in his Operator Driver Schedule (Form OPDS). Where an Operator ceases to employ or use any licensed private hire driver, the Operator shall forthwith, and in any event within 72 hours, notify the Licensing Authority in writing and present the form OPDS to the Licensing Authority for amendment by an Authorised Officer. The Private Hire driver licence must be returned to the driver.
- (ii) Each Operator will retain at the address from which the business is conducted, the Private Hire driver licence of every licensed Private Hire driver employed or used by that Operator.
- (iii) The Private Hire driver licences shall be available at all times for inspection by any Authorised Officer of the Licensing Authority or Police Constable who may take the licence(s) away from the premises if so required.
- (iv) Every Private Hire driver licence retained by the Operator must display the trade name and Operator licence number relating to his licence.

14. ACCEPTANCE OF BOOKINGS AND STANDARD OF SERVICE

- (i) Every contract for the hire of a Private Hire vehicle shall be deemed to be made with the licensed Operator who accepted the booking, whether or not that licensed Operator subsequently provides the vehicle(s).
- (ii) The Operator shall provide a prompt, efficient and reliable service to members of the public at all times and shall ensure that when a private hire vehicle has been hired to be in attendance at an appropriate time and place, that vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that time and place. Operators are reminded that even upon the transfer of a booking to another licensed Private Hire Operator they remain accountable for that service delivery.

15. RECORD OF BOOKINGS

- (i) The records required to be kept by the Private Hire Operator under section 56(2) of the Local Government (Miscellaneous Provisions) act 1976, shall be kept in a suitable bound book, the pages of which shall be consecutively numbered. Entries must only be made at the time the booking is received and there should be no blank pages or lines whatsoever in the booking record.
- (ii) The Private Hire Operator, before the commencement of each journey, shall enter or cause to be entered in the record book or computer data base the following details for every booking of a Private Hire Vehicle invited or accepted by the operator or their agent;
 - a) The time and date of the booking and the time required – the 24 hour clock shall be used.
 - b) The full name of the hirer and contact number used in making the booking.
 - c) A detailed point of pick-up (not simply Boar Lane or Headingley etc).
 - d) The specific destination address.
 - e) The driver's identifying number /name.
 - f) Private Hire Operators shall ensure that the booking record can clearly identify the plate number of the Private Hire vehicle and badge number of the Private Hire driver for every journey.
- (iii) In the event of a failure of the computer data base the paper records shall be maintained in compliance with the preceding conditions for those Private Hire Operators who are not operating a computerised booking system. A computer data base should have the facility to print a paper record.
- (iv) Records should be kept in English and securely retained for at least 12 months following the date of the last entry or for such period as required by an Authorised Officer.
- (v) All records shall be maintained and kept up-to-date at all times, and shall be available for inspection at all reasonable times without notice by an Authorised Officer, the Police or VOSA. For the purpose of further investigation, records may be removed from the premises if so required or copied to disk, in the case of computer records. The Private Hire Operator or responsible manager will certify them as a true and accurate record. GPS information must be securely stored when so required by the Council.

A copy of any document or recording shall be made available for collection by any duly Authorised Officer of the Council.

16. PAPER RECORDS OR COMPUTERISED BOOKING RECORDS?

- (i) The status quo in respect of the conditions prior to the adoption of these conditions will remain in place (unless the Operator elects to move to an approved computerised booking system) but where there has been a

breach of correct record keeping, in addition to any other sanction, there may be a requirement to move from paper records to an 'approved computerised system'.

- (ii) Following the adoption of these conditions newly licensed Private Hire Operators shall keep a record of their bookings via the following method.

Sole Operator	Paper records
2 – 9 cars	Paper records
10 – 19 cars	Approved computerised system
20+ cars	Booking and dispatch system

- (iii) Where there has been a breach of correct record keeping, in addition to any other sanction, there may be a requirement to move from paper records to an 'approved computerised system'.

17. TELEPHONE VOICE RECORDING OF BOOKINGS

- (i) Private Hire Operators (not sole Operators) shall utilise an approved voice recording system for incoming advance bookings which corresponds with the required detail in the booking records. The recordings must be kept securely, as directed by Authorised Officers, and in a manner that enables a speedy recovery of transactions. The technology must be approved in writing by the Council.
- (ii) Private Hire Operators are not permitted to accept telephone bookings forwarded by their PHDs.

18. 'OUT OF TOWN' HACKNEY CARRIAGES ACTING AS PRIVATE HIRE VEHICLES IN THE LEEDS LICENSING DISTRICT

- (i) SCHEDULE OF DRIVERS

a) The Private Hire Operator shall notify the Licensing Authority forthwith, and in any event within 72 hours of each and every Hackney Carriage driver employed or used for Private Hire bookings via the Operator Driver Schedule (Form OPDS - HCD); this will include Hackney Carriage drivers licensed by this or other Authorities.

b) Where a Private Hire Operator ceases to employ or use any such licensed Hackney Carriage driver, the Operator shall forthwith, and in any event within 72 hours, notify the Licensing Authority in writing and present the corrected form OPDS - HCD to the Licensing Authority for amendment by an Authorised Officer.

c) The Private Hire Operator shall retain a copy of the Hackney Carriage driver licence granted by this or any other authority along with a copy of the driver's DVLA licence, and any other driver of that vehicle, and forward a copy of those documents to the Leeds City Council Licensing

Office forthwith, and in any event within 72 hours of registering that driver on the form (OPDS - HCD).

(ii) SCHEDULE OF VEHICLES

- a) The Private Hire Operator shall notify the Licensing Authority forthwith, and in any event within 72 hours of each and every Hackney Carriage vehicle employed or used by the operator on the Operator Vehicle Schedule (Form OPVS - HCV), this includes those Hackney Carriage vehicles licensed by this or other Authorities.
- b) Where a Private Hire Operator ceases to employ or use any such licensed Hackney Carriage vehicle, the Operator shall forthwith, and in any event within 72 hours, notify the Licensing Authority in writing and present the form OPVS- HCV to the Licensing Authority for amendment by an Authorised Officer.
- c) The Private Hire operator shall retain a copy of the Hackney Carriage vehicle licence granted by another Authority along with a copy of the MOT certificate, certificate and policy of insurance and vehicle registration document and forward a copy of those documents to the Leeds City Council, Taxi & Private Hire Licensing Office within 72 hours.

(iii) ADVERTISING ON VEHICLES

- a) Where a Hackney Carriage vehicle is licensed by another Authority, such a Hackney Carriage driver or Hackney Carriage vehicle is expressly prohibited from using any literature, any documentation, any advertising or displaying any signage associated to the Private Hire Operator or Leeds City Council which suggests or might lead to a misunderstanding that the vehicle is licensed by this Authority.

(iv) TELEPHONE BOOKINGS

- a) The receipt of advance bookings by the licensed Operator for Hackney Carriage vehicles licensed by another Authority or which are subsequently allocated to a HCV licensed by another Authority must be maintained in a completely separate register of bookings and in the same format as condition 14. If a computerised booking system is in place those booking records must be kept in a completely separate and distinct area of the systems hard drive to enable easy inspection by the Council.
- b) A separate telephone line and telephone number must be used and installed by the Private Hire Operator and used for Hackney Carriage vehicles licensed by another Authority which are undertaking Private Hire bookings within that operating base.

There must be a pre-recorded intercept message on the unique booking telephone line which clearly states to prospective customers the following:

"The driver and vehicle you are about to book are not licensed by Leeds City Council and Leeds City Council is not empowered to take licensing action against them in the event of a complaint. In the event of a complaint customers will have to deal with that other Authority where they may be licensed."

c) The caller should then be reminded of the Private Hire Operator main number and given the option to be redirected to "a Leeds City Council licensed driver and vehicle".

d) In any advertising literature or web information, a form of words must be used which clearly states to prospective customers the following:

"The driver and vehicle you are about to book are not licensed by Leeds City Council and Leeds City Council is not empowered to take licensing action against them in the event of a complaint. In the event of a complaint customers will have to deal with that other Authority where they may be licensed."

19. TRAINING TO EXPECTED STANDARDS OF SERVICE AND SAFETY DURING THE LIFETIME OF A LICENCE ⁵

- (i) During the lifetime of a Private Hire Operator licence, an Authorised Officer of the Council may require a licence holder to undertake reasonable and appropriate training to meet these expectations and requirements. Such a requirement would be in writing. A reasonable time scale of up to 3 months will be set for the training to be successfully undertaken at a place designated by the Council. If there is a refusal or failure to attend, or the licensed Operator does not meaningfully participate in the training or attain the training accreditation the licence may be suspended and consideration given to its revocation. The cost of such training will be borne by the licence holder.
- (ii) Similarly, the same considerations set out in the preceding paragraph will apply to those who manage distinct areas of the operating business or business partner(s).

20. REQUIREMENTS TO REPORT CONVICTIONS & ASSOCIATED INCIDENTS

- (i) Any of the following events must be reported in writing to the Taxi & Private Licensing office within 72 hours during the currency of a licence giving full details:
 - (a) any conviction or finding of guilt (criminal or driving matter);

- (b) any caution (issued by the Police or any other agency);
 - (c) issue of any Magistrate's Court summons against them;
 - (d) issue of any fixed penalty notice for any matter;
 - (e) any harassment or other form of warning or order within the criminal law including Anti-Social Behaviour Orders or similar;
 - (f) their arrest for any offence (whether or not charged)
- (ii) When required a licensed Private Hire Operator will undertake a Disclosure and Barring Service (DBS) vetting at his/her own expense and within a timescale set by the Council. Such a requirement may be on the basis of the Council's responsibility to ensure continued public safety and monitor licensed private hire operators.

21. GUIDE DOGS

- (i) Every Proprietor, Driver and Operator of a licensed Private Hire vehicle shall ensure that guide dogs are carried within the passenger compartment of the vehicle on request.
- (ii) Operators are reminded of their responsibilities under the Equality Act, 2010, and are advised that discrimination could seriously and adversely impact upon their operating licence.

22. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, PART 2

All licences in connection with the driving and operation of Private Hire vehicles and all conditions attached to the grant of such licences are issued by the Licensing Authority in accordance with the provisions of the 1976 Act.

Each Private Hire Operator shall make themselves aware of the provisions of the 1976 Act and any other relevant legislation including the Licensing Authority conditions attached to the grant of a Private Hire Operator, driver or vehicle licence.

PLEASE NOTE THAT SHOULD YOU FEEL AGGRIEVED BY ANY OF THE CONDITIONS IMPOSED ON THE LICENCE, YOU HAVE THE RIGHT OF APPEAL TO A MAGISTRATES' COURT WITHIN 21 DAYS FROM THE DATE WHEN THIS LICENCE WAS ISSUED TO YOU.

Explanatory notes

1. Trading name

It is not the intention to restrict the appropriate or innovative naming of a Private Hire business but it has been a source of frustration in the past to the trade and Officers. There are examples of a Private Hire Operator selling the business in 'good will' only for a new Operator to open a short while later with a very similar business name. Sometimes this is not dealt with in contractual arrangements and can lead to confusion with the public (as well as ill will within the trade). Similarly, where a Private Hire Operator licence is revoked or suspended it seems inappropriate that the identical operating name or one closely associated to that is taken into use. Again this can be confusing for customers and drivers, and perhaps undermining of the council's regulatory sanctions.

2. Place of business

With the event of 'app' technology there may be no necessity for potential customers to visit an Operator base. Accordingly the previous requirement has been adjusted to reflect new operating practices.

Where the facility for customers to visit the premises to book does exist, Private Hire Operators are reminded of the best practice guidance under 'Staff training and public access to Private Hire Operator premises'. The premises shall be kept clean, adequately illuminated, heated and ventilated and shall conform to any other relevant legal requirements.

Licence holders need to be acutely aware of the risks associated with children or young people frequenting premises for non- business purposes and there can be no compromise in the necessity of the Private Hire Operator to intervene and stop such activity.

Licensed premises could be targeted by criminals using drivers to facilitate the grooming of children, trafficking, or supply drugs or contraband tobacco etc.

It would be expected that the assistance of the Police would be sought, where there should be a concern, but that does not diminish the responsibility of the Private Hire Operator to tightly control and prevent such occurrences. With such strong cautionary advice in place upon the licence, Private Hire Operators need to consider how breaches of this requirement might be used by the Police in any criminal proceedings brought against the Private Hire Operator.

3. Absence from business and communications with PHOs

This is a concern of Officers who frequently cannot contact the Operator or on some occasions determine who is managing the company in his absence. It is not intended to restrict the Private Hire Operator practice but to ensure that the business is conducted properly, with appropriate accountability and reasonable

access to a responsible manager(s) in that period of absence. This is an issue which has been recognised by way of Condition in some other Local Authority areas.

4. Public complaints about a Private Hire Operator service

It is not for the Operator to decide not to record or report the allegation or complaint because they are unsure if it is valid. This is a straight forward reporting requirement so that Officers can make neutral enquiries which will include a conversation with the Operator or staff. It is understood that there can be difficult customers and Operators should use their skills to resolve as many service delivery complaints as possible. It will so become apparent if there is a training/development need as a particular driver complaint profile develops and Operators should be mindful of that and highlight the issues to Officers.

5. Training to expected standards of service and safety during the lifetime of a licence.

Generally this was considered to be important to the trade during consultation but a thread of concern ran through the consultation briefings in respect of how it would affect those currently licensed. Building upon the thoughts of the existing Private Hire Operators there are undoubtedly significant business improvement and public safety benefits to be gained with the training indicated by the Private Hire Operators consultees.

There is stability and a lot of experience within the current licensed Private Hire Operators and Officers feel that appropriate training, when necessary, could be more beneficial than demanding a CPC qualification. If at the point of entry the PHO applicant holds an appropriate industry related qualification the briefing exercise module would be sufficient and there would not be the need to undertake the training and testing module unless there was considered to be a clear lack of relevant knowledge.

- Applicants, business partners and responsible managers will be required to undertake a Private Hire Operator training and assessment at the point of entry to the trade. This should incorporate legislation and knowledge in respect of Private Hire Operator, Private Hire Drivers, Private Hire vehicle legislation and conditions knowledge. Equality training and customer care will also be a requirement. A licence will not normally be granted until the appropriate training and assessments have been passed.
- Existing licensed Operators, at the time of approval of these conditions will remain unaffected by the training requirements unless there is a substantiated concern about breaches of conditions or associated poor practice.

- Similarly, the same considerations set out in the preceding paragraph will apply to those who manage distinct areas of the operating business or business partner(s).
- That all existing Private Hire Operators attend at their own expense a formal briefing sessions at a standard training fee set by the Council.