

PRIVATE HIRE OPERATOR LICENCE CONDITIONS – Taken from Section 3 of the 4th Amendment of the Council’s Policy on the Administration and Regulation of Hackney Carriage and Private Hire Licences (effective 1st November 2021)

2. Licence conditions

Private Hire Operators shall, at all times as appropriate:

- 1) comply with any conditions or requirements which are approved by the Council.
- 2) notify the Council in writing of any change of address (including home address, business address, registered office or booking office or any other address from which he operates or otherwise conducts business as an operator) during the period of the licence prior to the change taking place.
- 3) notify the Council in writing of any change in the directors of the operator’s company, partners in the operator’s partnership or ownership of the operation (where applicable) within 5 working days of the change occurring. This notification shall be accompanied by a basic DBS certificate for any new director, partner or owner and that certificate shall be dated no earlier than one calendar month before its submission to the Council.
- 4) notify the Council in writing if they will be absent from the day to day running of the business for a period of 2 or more consecutive months and provide the name of the person that will be responsible for the running of the business on their behalf during this temporary period. This notification shall be provided in advance of their absence unless it is due to circumstances beyond their control.
- 5) provide a basic DBS certificate to the Council each year on the anniversary of the grant of the licence for as long as the licence remains in effect and that DBS shall be dated no earlier than one calendar month before the date that it is submitted to the Council. For companies/organisations/partnerships, each director/partner shall provide a basic DBS certificate that is dated no earlier than one calendar month before its submission to the Council each year on the anniversary of the grant of the licence. However, if the operator/director/partner is a driver licensed by the Council, this section will not apply if the DBS certificate with the driver’s licence is up to date.
- 6) provide a prompt efficient and reliable service to members of the public at all times.
- 7) without prejudice to the generality of the previous condition, the operator shall, in particular:
 - a) provide adequate information and communications, technology, facilities and staff, as appropriate for the level of operation of the business;
 - b) ensure the highest level of customer service and care;
 - c) 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;
 - d) keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purposes of booking or waiting;
 - e) ensure that any waiting area provided by the operator has adequate toilet and seating facilities that are physically separate from any drivers resting area and the operations room;
 - f) display the private hire operator’s licence in a prominent position at any premises from which the operator operates. Any personal details such as home address of

the licence holder may be redacted from the display copy prior to it being displayed.

- g) ensure that they have sufficient public liability insurance to cover visitors to their premises. The certificate of insurance must be clearly displayed at the premises.
 - h) ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
 - i) provide a copy of these conditions to any member of the public on their request.
- 8) only dispatch a public service vehicle (PSV) driven by a driver who holds a PCV licence, but not a hackney carriage or private hire driver licence issued by the Council, to carry out a private hire booking (whether due to the number of passengers, the amount of luggage or otherwise), where the hirer has given their informed consent after having been made aware that the driver would have been subject to different checks than a hackney carriage or private hire driver which would not include an enhanced DBS check. Confirmation of the hirer's consent shall be recorded in the booking register.
- 9) not use, or facilitate the use of, any software, technology or other device that is capable of impeding the lawful activities of enforcement agencies or the regulatory activity of the Council.
- 10) comply with all reasonable requests made by authorised officers of the Council or Police Constables.

3. Vehicles

The operator shall:

- 1) ensure that all vehicles he operates comply with all legislation;

- 2) immediately notify the Council of any damage to vehicles, howsoever occurring as soon as he becomes aware of such damage;
- 3) Ensure that all vehicles operated by him are roadworthy, clean and comply with the conditions of the Council's policy and all relevant legislation, in particular; the Road Traffic Act 1988, and the Road Vehicles Construction and Use Regulations 1986 (as amended).
- 4) notify the Council in writing of the operation of any additional private hire vehicle, or termination of the operation of any private hire vehicle within 3 working days;
- 5) ensure that every private hire vehicle is covered by a valid Certificate of Insurance or cover note. The schedule must show that the proprietor of the said vehicle is insured for the carriage of passengers for hire or reward by pre-booking in accordance with Part VI of the Road Traffic Act 1988. Any other drivers of the vehicle must be shown as additional named drivers. Fleet policies are also accepted but the driver of any vehicle covered by a fleet policy must be made aware of policy's limitations and exclusions and must sign a record to confirm that they have been made aware of these. A copy of the signed record should be retained by the operator whilst the policy has effect and for a period of two months thereafter. The signed records shall be made available for inspection by an authorised officer of the Council on request;
- 6) ensure that all licensed vehicles working for their company have the correct signage fully complying with the conditions set by the Council.

4. Staff

The operator shall:

- 1) ensure that all drivers are licensed by the Council and shall

- a) at all times retain in his possession the licence issued by the Council of any driver engaged by him;
 - b) ensure that such driver is in possession, at all times, of his driver's badge issued by the Council; and
 - c) ensure as far as is reasonably practicable that drivers do not work excessively long hours. Drivers should not be permitted to drive for more than 10 hours per day and must have a break lasting at least 30 minutes after driving for 5.5 hours. Within any period of 8.5 hours, drivers must take at least 45 minutes in breaks. Drivers must also have break of at least 30 minutes at the end this 8.5 hour period unless it is the end of the working day.
- 2) notify the Council in writing of the employment of a private hire driver and the termination of employment of any such driver within 3 working days.
- 3) where they employ members of staff,
- a) view a basic DBS certificate for each staff member that takes bookings or dispatches vehicles prior to them commencing employment and on an annual basis thereafter. Where a member of staff leaves their employment and subsequently returns, they shall be required to produce a new basic DBS certificate prior to commencing employment. In all cases, the DBS certificate shall be dated no earlier than one calendar month before the date that it is viewed by the operator.
 - b) maintain a register in to which they shall enter:
 - i) the name of each member of staff that takes bookings or dispatches vehicles,
 - ii) the dates that the staff member commenced employment and ceased employment,
 - iii) each date that the operator viewed each member of staff's basic DBS certificates; and
 - iv) the name of the person that viewed the DBS.
- A name shall not be removed from the register until 12 months after the member of staff's employment has ended. The register shall be retained, or accessible if kept electronically, in the operator's operating base and made available for inspection by an authorised officer of the Council or a Police Constable on request.
- c) have a written policy on employing ex-offenders in roles involving the taking of bookings or dispatch of vehicles. The policy shall demonstrate that the operator has protections in place that are comparable to the principles set out in the Council's Fitness Criteria policy (see Appendix C of the Policy on the Administration and Regulation of Hackney Carriage and Private Hire Licences). A copy of the operator's policy on employing ex-offenders shall be available at their operating base and shall be produced for inspection by an authorised officer of the Council or a Police Constable on request. A copy of the operator's policy shall be provided to an authorised officer of the Council or a Police Constable within 72 hours of their request.
 - d) ensure all members of staff who work as a receptionist or who are involved in the booking or dispatch of vehicles are given training to ensure they are aware of the conditions imposed on the operator, and that they treat all customers with respect and deal with them in a professional manner. If there is any dispute with a caller, this must be recorded in the complaints record.
 - e) require that all staff members employed in taking bookings or dispatching vehicles, report to them within 48 hours any conviction, binding over, caution, warning, reprimand or arrest for any criminal matter whilst they are employed in this role.

5. Required records

The operator shall ensure that:

- 1) all records are kept securely to ensure personal data cannot be used by any unauthorised person or for any illegal purpose. The provisions of the relevant data protection legislation will apply to any stored personal data.
- 2) any loss of personal data by theft or otherwise is reported to the Council in writing within 24 hours and also, where appropriate, to the Information Commissioner's Office. Any theft of data must be reported to the Police.
- 3) all records kept by the operator are preserved for a period of not less than 12 months following the date of the last entry;
- 4) the above records are kept on a suitable computer with printout facilities, or a suitable book or ledger, the pages of which must be numbered consecutively.
- 5) all records are made available for inspection by any authorised officer of the Council or by any police constable.

6. Records of Hirings.

When the operator accepts a hiring he shall immediately after accepting the hiring, enter all the details legibly in ink or other durable form in a bookings register maintained for this purpose. If a book is used, all entries must be clear, in English and easily legible, with no line spaces or blank pages. The register shall be retained, or accessible if kept electronically, at all times in the operator's operating base and made available for inspection by an authorised officer of the Council or a Police Constable on request. All entries shall be retained for a minimum of 12 months. The following particulars of every booking of a private hire vehicle invited or accepted by him shall be recorded in the bookings register

- a) the time and date of booking;

- b) the name and contact details of hirer (email address and/or phone number);
- c) the name of the person making the booking, if different to the hirer;
- d) how the booking was made (i.e. by telephone, in person or otherwise)
- e) the time and date of the pick-up;
- f) the point of pick-up (or first pick-up if more than one);
- g) the destination (as a minimum this should include the street and/or building name/number and postal area but where possible the postcode as well);
- h) the time the journey was completed
- i) identification of the vehicle/driver allocated for the booking, including name, driver licence number and vehicle registration or plate number;
- j) the agreed fare, if not calculated by means of a taxi meter in the allocated vehicle;
- k) the total cost of the completed journey paid by the hirer;
- l) the name of any individual that accepted the booking;
- m) the name of any individual that dispatched the vehicle;
- n) remarks (including details of any sub-contract or consent given by the hirer).

Any amendment to any record must only be by way of addition.

7. Records of Vehicles and Drivers

The operator will keep records at his operating base of all drivers and vehicles that he operates by virtue of his licence and shall make the records available immediately on request by an authorised officer of the Council or a Police Constable. The records shall:

- 1) show the following particulars with respect to each private hire vehicle operated by him:-
 - a) the registration number of each vehicle;
 - b) the number of the identification plate provided by the Council under Section 48(5) of the 1976 Act and the expiry date of the licence
 - c) the name and address of all the proprietors and drivers of the vehicle;
 - d) the number of passengers permitted to be carried in the vehicle;
 - e) any radio call sign used in connection with the vehicle;
 - f) the date on which he commenced operating the vehicle and if appropriate the date on which he ceased operating the vehicle;
 - g) details of the Certificate of Motor Insurance covering the vehicle, including the date the insurance expires;
 - h) details of the current vehicle test and the date the test expires.
 - i) remarks (if any).
- 2) show the following particulars with respect to each driver of the vehicles operated by him;

- a) The name and address of the driver;
- b) The DVLA driving licence number and expiry date
- c) The Council's hackney carriage and private hire driver licence number and expiry date;
- d) The date employment commenced;
- e) The date employment terminated

The operator must notify the Council of any change either by the addition or removal of any vehicle or driver in the above records, as soon as practicable or in any case within 48 hours of the change. Where a driver is dismissed the operator must notify the Council the reasons for the dismissal.

8. Incidents and complaints.

The operator shall keep a record of all incidents that may give rise to complaints, complaints made against the operator or driver, and record all lost property reports and property found, and shall:

- 1) ensure that details of how a customer may contact the operator in the event of any complaint relating to a contract for hire or purported contract for hire relating to or arising from his business, are displayed on the operator's website, booking app or in the absence of online booking platform, at the booking office.
- 2) preserve all records for a period of not less than 12 months following the date of the last entry;
- 3) keep the records on a suitable computer with printout facilities in addition to or instead of a suitable book or ledger, the pages of which must be numbered consecutively;
- 4) make all records available for inspection by any authorised Officer of the Council or by any Police Constable;

5) on receipt of any complaint from a member of the public (whether received personally, on the telephone or in writing) relating to any one or more of the following

- a) the operator's business premises;
- b) his facilities within his premises;
- c) the state or cleanliness of any of his vehicles or drivers;
- d) the terms and conditions of any contract or purported contract of hire;
- e) any other matter relating to any contract or purported contract for hire;
- f) any other matter relating to his business

investigate the complaint with due diligence and notify the complainant in writing of the outcome of his investigations and any measures he proposes to take to remedy the complaint. The investigation of any complaint must be initiated within 48 hours of its receipt from the complainant.

6) notify the Council within 48 hours if they receive a complaint about the driver of a vehicle operated by them when it has been identified that the complaint relates to any of the following:

- a) allegations of sexual misconduct (including the use of sexualised language)
- b) racist behaviour
- c) violence (including verbal aggression)
- d) dishonesty including theft
- e) equality breaches

f) any other serious misconduct (including motoring related for example dangerous driving or drink driving).

7) notify the complainant of his right to forward the complaint to the Council if the complaint is not resolved to his satisfaction but in the case of a licensed driver, the operator must notify the complainant immediately of their right to direct their complaint to the Council

8) enter the following particulars of every complaint received by him in the complaints book or ledger:

- a) the date and time the complaint was received, and the name of the person receiving and recording the complaint
- b) the name and address of the complainant;
- c) how the complaint was made (i.e. personally by telephone or in writing);
- d) Details of the complaint, including time and date of the alleged incident and the name of the alleged perpetrator;
- e) the details of any relevant booking relating to the complaint;
- f) remarks (if any);
- g) any measures taken to remedy the complaint
- h) if the complaint was referred to the Council, the time and date of when it was referred and by whom;
- i) the date the complaint was resolved.

9) comply with all reasonable directions of an authorised officer or Police Constable investigating a complaint received by the Council.

9. Sub-Contracting Private Hire Bookings

- 1) Operators are allowed to sub-contract bookings to other operators, both within the licensed area and outside of the Council's area. The operator may not, however, pass on the obligation to protect children and vulnerable adults when sub-contracting bookings.
- 2) The operator must keep a record of all such sub-contracts either to another operator or from another operator and that record must include the:
 - a) date/time of booking
 - b) details of booking,
 - c) name of hirer
 - d) details of operator sub-contract to/from
 - e) details of the driver/car completing the hiring

The records shall be retained for no less than 12 months and made available to an authorised officer of the Council or Police Constable on request.

- 3) For any company that the operator intends to sub-contract to, the operator must obtain evidence that the company has comparable protections to their own in place for children and vulnerable adults. This must include evidence of criminal record checks on members of staff involved in the booking and dispatch of vehicles and that a policy is in place for the employment of ex-offenders with comparable principles to those set out in the Council's Fitness Criteria policy. This evidence shall be retained with the records of sub-contracted bookings for no less than 12 months and shall be made available to an authorised officer of the Council or Police Constable on request.

10. Ride Sharing/Car-pooling

If the operator offers any ride sharing/car-pooling schemes, they shall:

- 1) at the time of accepting a booking make individual hirers aware of the fact that the booking is part of a ride sharing/car-pooling scheme and require their explicit consent to being part of the scheme. The booking should be identified as a ride sharing/car-pooling scheme booking in the bookings register and a record of the hirer's consent shall be recorded under 'remarks' for that booking.
- 2) offer the option to hirers to only share with other passengers of the same sex. If a hirer selects this option, passengers of the opposite sex may not be added to the same booking. Any such request by a hirer shall be recorded in bookings register under 'remarks' for that booking, along with the confirmation that they consented to part of the ride sharing/car-pooling scheme.

11. Convictions

The operator (or where the operator is a company or partnership, the Secretary or any of the Directors or Partners) shall, during the period of the licence, disclose to the Council in writing, within 48 hours, details of his:

- a) arrest and release,
- b) charge,
- c) summons,
- d) acquittal following a criminal case heard by a court,
- e) convictions,
- f) binding overs,
- g) cautions,
- h) warnings,
- i) reprimands,
- j) orders within the criminal law (including antisocial behaviour orders or similar) and
- k) fixed penalties imposed on him

This may result in the review of the licence by the Council.

12. Advertising

The operator shall not use any advertising or promotional material, letter heading or other stationery or business name which includes the words 'taxi' 'taksi' or 'cab' whether used in the singular or the plural, or in conjunction with another word or forming part of a word making up the said business name.

13. Premises

- 1) If the premises are used for customers to visit to make bookings and wait for the journey, then they must provide a

clean and comfortable waiting area with access to toilet facilities that are kept clean.

- 2) The Public Health (Wales) Act 2017 designates any substantially enclosed premises that are open to the public or a workplace as smoke free. Therefore, smoking is not permitted in any operator's premises.

14. Taxi meters

The operator must ensure that all vehicles operated by him, which are fitted with a taxi meter, have meters which have been sealed by an authorised calibration agent. The calibration certificate must be provided to the Council.