

## Appendix 6

### DRAFT

#### Private Hire Operator Licence Conditions

#### CONDITIONS ATTACHED TO PRIVATE HIRE OPERATORS LICENCES

Each application for a private hire operator licence will be considered on its merit. The following are Rossendale's Councils standard conditions that are normally attached to the grant of a private hire operator's licence. However additional conditions or amendment to the standard conditions may be made as deemed appropriate in respect of each application granted.

Failure to comply with any condition attached to the grant of the licence may lead to a review of the private hire operator's licence which could result in revocation or suspension of the licence.

#### 1. OPERATOR LICENCE

- 1.1 A licensed operator must undertake sufficient checks to satisfy themselves that only suitable drivers and vehicles are used (and continue to be used) in the course of their business. The failure of an operator to undertake and document regular audit and compliance checks of all driver/ vehicle licences and to check that vehicles are displaying the correct signage may call into question the operator's fitness and propriety.
- 1.2 A licensed operator licence is not transferable and the person to whom it is issued must display it in a prominent position at the business premises recorded on the licence at all times during the currency of the licence, so as to be on view to members of the public, except on such occasions as the licence is presented to Rossendale Council for amendment or if it is required to be produced for inspection by an Authorised Officer of the Council or a Police Officer.
- 1.3 Any Application must be made in writing in relation to any intended change of business premises and approval obtained before being so used.
- 1.4 A licensed operator shall take an active part in the daily running and management of the business.
- 1.5 A licensed operator must inform the council if they are going to be absent from the day to day running of the business for a period of 1 month or longer. In doing this, the operator must give the name of the person that will be responsible for the running of the business on their behalf.

1.6 A licensed operator must notify the Council in writing of any change in partnership, directorship, ownership, management or control of the business within 5 working days.

1.7 A licensed operator must notify the Council in writing within 5 working days of any other material change affecting the licence during its validity.

1.8 A licensed operator must notify the Council in writing of any personal

- Conviction
- Caution ( issued by the police or other agency
- Magistrates Court summons
- Fixed penalty notice
- Harassment or other form of warning or order including anti-social behaviour orders or similar
- Arrest for any offence (whether or not charged)
- Any bankruptcy order or similar
- Disqualification under the Company Directors Disqualification Act 1988

The notification must be in writing to the Council within 14 days. For clarification email notification will be accepted as written notification

## **2. BUSINESS PREMISES**

2.1 A licensed operator must only conduct business from the Office at the address specified on the Licence. Any operator wishing to conduct business from any additional address(es) (e.g. secondary booking offices) must make application in writing to the Council's Licensing Office, and await approval from the Licensing Office before making use of any additional premises, in addition to any other consents required. The Council reserves the right for an Authorised Officer to inspect all such premises for suitability and compliance with the requirements of these Conditions.

2.2 A licensed operator must not cause or permit the business premises to be used by any other person(s) for any other purpose than that connected with the conduct or operation of the private hire business. This condition will not apply if the business premises is the residential address of the licensed operator.

2.3 A licensed operator must not conduct his business, nor employ or utilise any person to conduct his business in any premises, the use of which have not been approved by the Council.

2.4 Where the business premises include a public waiting area, this must be kept clean, adequately lit, heated and ventilated and must conform to all other legal requirements including the legal requirement that no smoking be allowed on the premises under the requirements of the Health Act 2006;

## **3 RECORD OF BOOKINGS**

3.1 A licensed operator must keep an accurate record of every booking of a private hire vehicle or hackney carriage accepted by him/her. The loss of records by theft or otherwise must be reported to the Council in writing within 24 hours, and also immediately to the police in the event of theft being

suspected. Separate records must be kept at each premises from which the Operator conducts business. The records must be kept at all times at the business premises and not removed unless with the consent of Rossendale Council.

All such records must be in English, permanent, legible and preserved for a period of not less than 12 months following the date of the last entry.

Records must be kept in one of the following forms:

- i. a bound book with consecutively numbered pages (loose leaf registers are not acceptable) or
- ii. on continuous stationery which has been generated in the form of an instantaneous print out by a computerised system. The Operator must ensure that adequate supplies of continuous stationery and ink cartridges are maintained and that the printer is appropriately replenished to ensure that at all times full and legible booking details are printed, or
- iii. a computerised or other web based recording system

Satisfactory certification from the program supplier/installers must be produced to the Council before using any such system for the recording of bookings required by law to be maintained. Such certification must confirm that the system stored or recorded is tamperproof; and once inputted cannot be altered, amended, deleted or added to in any way. Any change to the recording system must only be by way of prior written agreement from the Council.

The removable CD/DVD must be changed on the first day of every month and kept in a secure place at the premises for production on demand by the Police or an Authorised Officer

- iv. In the event of a fail of computerised/electronic systems suitable manual records shall be maintained in accordance with the requirements of these conditions in respect of manual paper records

3.2 In respect of whichever system is used the Operator must, at the time the booking is taken, enter:

- i. the date and time the booking was received, any subsequent cancellation, and the signature (or in the case of a computer system, the identity) of the person taking the booking;
- ii. the time of the journey, together with the journey date if different from the booking date;
- iii. the address or name of the premises from which it is to commence (i.e. the point of pickup of the passenger(s))
- iv. the address or place of destination;
- vi. the private hire/hackney carriage plate number of the vehicle to be used for the journey (personal code systems are not acceptable); (It is accepted that this information may not be known at the time the booking is made but the record must be updated as soon as a vehicle is allocated and in any event prior to the journey commencing)
- vii. the badge number or call sign of the driver of the vehicle used;
- viii. The method the booking was received i.e. phone/ electronic/ in person.

- 3.3 Where any bookings are sub contracted either by the operator to another licensed operator or are accepted by the operator from another operator a full record of the booking (in line with 3b above) and notes must be included; including the name of the sub-contractor and contact information)
- 3.4 No alterations to records may be made – any amendment must be made to the original record by way of an addition.
- 3.5 Entries in the bound book, or on the digital copy generated by a computerised system, must cover a 24 hour period and must contain information in relation to only one private hire operator and no details in connection with the bookings of other private hire operators
- 3.6 A licensed operator must ensure that any booking clerk involved is competent in the recording of bookings and operating the system used.
- 3.7 The records of bookings must be maintained and kept up to date at all times and must be made available for inspection at all reasonable times without notice by any duly Authorised Officer of the Council or any Police Officer. Such Officers must be permitted to photograph and / or remove such records howsoever kept from the premises is so required.
- 3.8 A licensed operator must not fail or refuse to accept a booking by or on behalf of a disabled person accompanied by an ‘assistance dog’ when the reason for failure or refusal is that the disabled person will be accompanied by the ‘assistance dog’.
- 3.9 In line with ICO regulations, a licensed operator must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to only those persons who will use it for the purpose for which it has been collected.
- 3.10 Personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates. For example, telephone numbers provided by customers so that they can be alerted / updated by SMS text message with regard to a booking they have made must only be used for this purpose. The information must not be retained by the Operator after the text message has been sent, and / or used for any other purpose (such as unsolicited marketing calls).

#### **4. ADMINISTRATIVE RECORDS**

4.1 A licensed operator must keep records at his private hire operator premises of

- The name and address of each driver
- A copy of the drivers current PH/ HC drivers licence including expiry date
- The date the driver began taking bookings from the private hire operator
- The date the driver ceased taking booking from the private hire operator
- The name and address of each vehicle proprietor
- A copy of the vehicles current PH/HC licence including expiry date
- The date the vehicle was first used to fulfill bookings allocated by the private hire operator

- The date the vehicle ceased taking bookings from the private hire operator
- The call sign or other identifying mark/ feature used to identify individual drivers and vehicles.
- The name and address of the current owner of the private hire company. Including the date of transfer to the current owner.

The licensed operator must keep these records for a period of three years from the date on which the information was recorded. Three years being the standard period for which a drivers licence is issued

The administrative records must be maintained and kept up to date at all times and must be made available for inspection at all reasonable times without notice by any duly Authorised Officer of the Council or any Police Officer. In general terms reasonable times means open for business open for inspection. Such Officers must be permitted to photograph and/or remove such records from the premises if so required.

## **5. GENERAL**

5.1 A licensed operator must not operate a private hire vehicle unless the vehicle and driver are licensed by Rossendale Council. The licensed operator must examine licences and insurance certificates to satisfy themselves as to their validity.

5.2 A licensed operator must not accept any booking for a particular private hire/ hackney carriage vehicle which would require that vehicle to carry more passengers that is licensed to carry.

5.3 A licensed operator must bring to the attention of all drivers their legal obligations regarding the use of seat belts by both adults and children less than 14 years of age.

5.4 A licensed operator must bring to the attention of all drivers their legal obligation regarding no smoking in vehicles under the Health Act 2006.

5.5 A licensed operator must provide a prompt, efficient and reliable service to members of the public at all reasonable times and, for this purpose, must in particular:

a. Ensure that when a licensed vehicle has been hired to be in attendance at an appointed time and place, the vehicle must, unless delayed or prevented by sufficient cause, punctually attend at the appointed time and place.

b. The licensed operator shall behave in orderly and civil manner and must take all reasonable precautions to ensure the safety of all persons conveyed in licensed vehicles operating from his/her office premises.

5.6 Only equipment licensed by the Department for Business Innovation and Skills (BIS)) must be used for the purpose of conducting the business authorised by this licence. The BIS licence must be produced on request to the Police or an Authorised Officer.

CB apparatus must not be used in connection with any private hire booking at any operating address or in any private hire vehicle/hackney carriage available from such operating base.

- 5.7 The use of scanner equipment is prohibited.
- 5.8 Any advertising of the Operator's business, no matter in what form, must be approved by the Council in accordance with the name entered on the Operator's Licence issued by the Council. Advertising of a private hire company should not include the word TAXI
- 5.9 A licensed operator must not trade under any name for private hire purposes unless such trade name has been approved by the Council and has accordingly been entered on the Private Hire Operator's Licence issued by the Council.
- 5.11 A licensed operator must only utilise company door signs which have been approved by Rossendale Council
- 5.12 A licensed operator must ensure that all advertising materials comply with Advertising Standards Authority requirements and do not contain offensive, misleading or potentially inflammatory wording which could be seen as defamatory.
- 5.13 A licensed operator must ensure that Public Liability Insurance is in force throughout the validity of the licence for each and every operating base open to the public to a minimum cover of £2 million. Certification must be produced upon request to the Licensing Office or any Authorised Officer.
- 5.14 A licensed operator must make available information stating that any complaints not resolved by the private hire operator regarding a hiring relating to his/her business should be addressed to: Rossendale Council, Licensing and Enforcement team, Room 118, Futures Park, Bacup OL13 OWU. Such notice must also state that the Council does not control the fares for private hire vehicles and that, in the absence of any fare scale published by the Operator, the fare should be agreed before the journey commences.
- 5.15 Any fare scale in operation must be on prominent public display and be an accurate reflection of the charge, including any specific additions i.e. Bank Holidays and after midnight loading (including any waiting times) which the customer may be expected to pay. A copy of any fare scale must also be provided to the vehicle proprietor for display in the private hire vehicle
- 5.16 Where any property is left by a customer in the business premises, or in any vehicle used for any hiring and placed in the Operator's safekeeping by the driver thereof. The licensed operator must endeavour to arrange to return such property to its rightful owner and have suitable policies in place to deal with property not claimed or returned within 28 days.
- 5.17 A licensed operator must not, by him/herself, his agents, or any other person importune, or cause or permit to be importuned any person by calling out or by any other means whatsoever to hire any of private hire licensed vehicles under his control.
- 5.18 A licensed operator must not cause or permit the licensed vehicle plate or any notices that are required to be displayed on the inside or outside of a private hire vehicle to be:
- Concealed from public view
  - Defaced
  - Disfigured