

Telford & Wrekin Council

Private Hire Operator Conditions of Licence – 1<sup>st</sup> December 2008

<b>1. GENERAL REQUIREMENTS</b>	
1.1	Throughout the currency of his/her Licence, the holder of a Private Hire Operators Licence shall be a fit and proper person to hold such a licence. New applicants will be subject to a satisfactory Criminal Records Bureau check and all licence holders will be subject to a check every three years.
1.2	<del>The total number of vehicles operated from any given licensed base, or bases, shall not be more than three times the total number of authorised car parking spaces available to the operator at that base. In any case</del> the Operator shall not allow any driver in his/her employment to park on any road, street, car park or private ground either with the intention of plying for hire or for taking rest breaks or for any other reason and shall instruct said drivers to proceed to council approved parking areas (as set out in Section 11 (1) of these conditions of licence)
1.3	The Operator shall be required to display his/hers Operators licence in a prominent position at the premises and have available a copy of these conditions for public scrutiny if requested.
<b>2. LG(MP) ACT 1976 – CONDITIONS ATTACHED TO LICENCES</b>	
2.1	The Operator shall make available, on any premises from which he /she operates, for inspection by members of the public, a copy of the Local Government (Miscellaneous Provisions ) Act 1976, these conditions and the conditions of Private Hire and Hackney Carriage Vehicles and Drivers licences whichever is applicable.
<b>3. IDENTIFICATION PLATES</b>	
3.1	<del>The external identification plate issued by the Council shall at all times be fixed to the outside front and rear of the Private Hire Vehicle by the proprietor to the place provided by the manufacturer or in accordance with reasonable instructions of an Authorised Officer of the Council. The plate should be fitted in such a manner as to be easily removable by such officer or Police Constable.</del>
3.2	<del>On the suspension of a vehicle licence and where a "Licence Expired" plate has been fitted to the vehicle that plate may only be removed by an Authorised officer of the Council.</del>
3.3	<del>The internal identification plates (two in number) for Executive Vehicle licences issued by the Council shall be affixed by the proprietor of the vehicle one on the nearside/left hand side of the front windscreen and one on the nearside/left hand side of the rear windscreen in a distinctly visible position that does not interfere with the drivers view of the road. Said plates will be displayed at all times in accordance with Council instructions.</del>
3.4	<del>The fare card where issued by the Council shall at all times be kept and maintained inside the vehicle in accordance with the reasonable instructions of an Authorised Officer of the Council.</del>
3.5	<del>The proprietor of the vehicle shall ensure the identification plates are maintained and kept in such a condition that the information contained on the plate is clearly visible to public view at all times. The identification plate remains the property of the Council and must be returned to the Council within 7 days of expiry of the vehicles licence if not renewed. Plates are not transferable except on application.</del>
3.6	<del>No vehicle which is licensed by another Local Authority or bears a licence plate issued by another Local Authority will be licensed by the Council</del>
<b>4. RECORDS OF VEHICLES AND DRIVERS</b>	
4.1	Except with reasonable care the Operator shall have in his/her care:-
4.2	The current Private Hire drivers licence issued by the council of any driver employed as a Private Hire driver whether or not the vehicle is owned by him/her (unless the vehicle used is operated by another licensed Operator by sub-contact); and
a)	The current Private Hire vehicle licence issued by the council of any vehicle operated by him/her (unless the vehicle used is operated by another licensed Operator by sub-contract).
b)	The Operator shall ensure that all vehicles used by the company that are licensed by the council for hire & reward shall display a valid Road Fund Excise Licence.
c)	On leaving the employ of an Operator a driver or vehicle proprietor shall be entitled to receive immediately on demand the return of his/her driver's or vehicle licences whichever is applicable.
d)	The Operator shall maintain an up-to-date list of the owners, the description and registration numbers of all Private Hire vehicles employed by their business and their drivers which shall include details of any radio or computer call sign used to identify a vehicle. The Operator shall produce such a list on request to an Authorised Officer of the Council or to a Police Constable.
e)	The Operator shall immediately notify the Council when any vehicle or driver ceases in his/her employ, or any vehicle or driver commences in his/her employ.
f)	The Operator shall notify the Council of any change of his/her address and of any change of address relating to any driver or vehicle proprietor they employ or allow to operate within the company, this to be done within seven days of any such change taking place.
g)	The Operator shall inform the Council of any changes relating to licensed vehicles and drivers within seven days of those changes taking place.
h)	The Operator shall provide the council with a complete and up to date list of all drivers and vehicles employed by the company. Such list will be provided by the Operator by the end of the first working week in January, March, June and September of each year.
i)	Any information relating to licensed Operators, vehicles and drivers must be produced to an Authorised Officer on demand.

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j)	The Operator shall make aware any driver in his/her employment not to park on any road, street, car park or private ground either with the intention of plying for hire or taking rest breaks and in any case;
k)	The Operator shall ensure that all drivers of licensed Private Hire vehicles, as soon as they have dropped off passengers shall, unless prevented from doing so by another prior booking return to the Operators licensed base of operations or to specific council approved parking areas, to await further instructions.
<b>5.</b>	<b>ROOF SIGNS</b>
5.1	External roof signs shall be the responsibility of the Operator of the company and must be kept to an approved standard. The roof signs shall be of a type and size approved by the Council and shall at all times be affixed to the roof of the private hire vehicle by the proprietor to the place recommended by the manufacturer or in accordance with reasonable instructions of an Authorised Officer of the Council. The roof sign should be fitted in such a manner as to be easily removable by such Officer or Police Constable.
5.2	For whatever reason, when the Private Hire vehicle licence is suspended the plate and the Roof Sign shall be removed by an Authorised Officer of the Council. The Roof Sign shall be retained in the sole custody of the company Operator until such time as the vehicle is made fit again for service and the suspension is lifted. Only at that point will the Roof Sign be returned to the vehicle proprietor by the Operator.
5.3	The Operator shall ensure that Roof Signs are maintained and kept in such condition that the information contained thereon is clearly visible to public view at all times and that no advertising is placed upon them save for the name and telephone contact number of the company.
5.4	All Roof Signs shall be connected to the vehicles electrical wiring system and will be illuminated when the vehicle is in service during lighting up times and/or during adverse weather conditions.
<b>6.</b>	<b>TELEPHONES, STAFF AND FACILITIES</b>
6.1	The Operator shall provide adequate telephone facilities and staff to provide an efficient service to the public using the Operators facilities.
6.2	The Operator shall ensure that where any passenger waiting area is provided, it is kept physically separate from any driver rest area and radio operations room and that any company staff member, driver or vehicle proprietor do not congregate in any passenger waiting area or room.
6.3	The Operator, where a waiting area or room is provided for the use of passengers or prospective passengers;
a)	Shall provide adequate seating for the use of those passengers and prospective passengers and
b)	Shall ensure that such a room or area is kept clean, adequately heated, ventilated and lit; and
c)	Shall ensure that the interior and exterior of the premises is kept in good repair, to the satisfaction of an Authorised Officer of the Council.
<b>7.</b>	<b>CHILD SAFETY SEATS</b>
7.1	The Vehicle Proprietor in conjunction with the Operator and the Driver, shall provide and make available to any customer so requesting, an approved infant or booster seat or the provision of extra equipment to facilitate the safe conveyance of children during Private Hire vehicle bookings. <del>(The number of seats held by the company shall be determined by the Operator and the Vehicle Proprietor in accordance with an assessment of supply and demand). All seats provided shall conform to U. N. Safety Standards R44.03</del>
7.2	The Operator in conjunction with the Vehicle Proprietor and the Driver shall ensure that any infant seat used during a Private Hire booking will be used in accordance with the manufacturer's instructions.
7.3	Based upon supply and demand, the Operator in conjunction with the Vehicle Proprietor and Driver shall decide, whether or not the seats provided by them are kept at the company base, and made available to drivers as and when required, or kept upon selected licensed vehicles or both.
7.4	<del>The Operator shall make available at the base, suitably sized blankets and waterproof covers to be maintained and used to protect the seats from soiling due to the carriage of animals (as may be required). Based upon supply and demand the Operator shall determine the number of Blankets and waterproof covers the company requires.</del>
<b>8.</b>	<b>HIRINGS AND RECORDING OF HIRINGS</b>
8.1	The Operator will make all reasonable provision that the system in place works effectively and that it enables the company to honour any bookings that they accept and the Operator shall be responsible for monitoring the system to make certain that drivers and vehicles are available to fulfil the arrangements agreed by company and the Hirer.
8.2	When the Operator accepts a hiring he/she shall, unless prevented by some sufficient cause, ensure that the licensed Private Hire vehicles attend at the appointed time and place.
8.3	The Operator must not purchase, hire or install any computerised booking or dispatching system without prior written consent from the Council, based upon the system meeting approved technical specifications and the Local Government (Miscellaneous Provisions) Act 1976.
8.4	Where the Operator employs any form of computerised data entry, bookings may be entered via a computer subject to a hard (paper) copy being printed from the records at the request of an Authorised Officer of the Council. Where an Operator employs a system of manual entries of hirings on to a booking sheet, those records or a copy of those records must be made available on request to

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	an Authorised Officer of the Council.
8.5	The records of hirings accepted by the Operator is required to be kept under Section 56 of the Local Government Miscellaneous Provisions Act 1976 and shall be the responsibility of the Operator who, immediately prior to the commencement of the journey, will enter all the details of the hirer legibly in ink on to the company record sheets or into a computer system in the prescribed manner. The records shall contain the following;
a)	The name of the hirer.
b)	The time of the pick up.
c)	The point of pick up.
d)	The hirers required destination.
e)	Information indicating the vehicle dispatched and the driver used.
f)	Remarks, including details of any instructions from the hirer or regarding sub-contract to or from another Operator.
8.6	The Operator shall not dispose of any record of hirings made under the LG(MP) ACT 1976 within six months of the last hiring contained therein.
8.7	At the start of each shift the Operator shall ensure that a full record of <u>all</u> vehicles and drivers used by the company for that shift are kept. Such record will include details of vehicle registration numbers and vehicle radio or computer call signs. It will also include drivers' full names and driver licence numbers and such record will be attached to the relevant days booking sheet or other appropriate systems and kept as in condition (8.6).
<b>9.</b>	<b>EMPLOYMENT OF PRIVATE HIRE DRIVERS &amp; OTHER STAFF</b>
9.1	The Private Hire Operator shall not, knowingly or without prior consent of the council, employ or be employed by, engage in partnership with, or allow to suffer any involvement in the management of the operation hereby licensed :-
a)	Any person who has been convicted of an offence under the Local Government (Miscellaneous Provisions) Act 1976 or any other legislation relating to Private Hire and Hackney Carriage Licensing; and
b)	Any person who, for the purposes of Part II of the said Act, has been found not to be a Fit and Proper Person to hold a Drivers, Vehicle or Operators licence ; and
9.2	The Operator shall be responsible for the actions of any manager, supervisor or any other person appointed to run or play any part in the management of the Private Hire business; and
9.3	The Operator shall in any case, ensure that they have examined the Private Hire Drivers licence issued by the Council and that it is valid.
9.4	The Operator must also ensure that the said licence is lodged with the company before the driver is employed to carry out private hire work for the company and shall retain the licence in his/her possession while such driver remains in his/her employ.
9.5	On leaving the employ of an Operator a driver or vehicle proprietor shall be entitled to receive immediately on demand the return of his/her driver and /or vehicle licence. If the Licence holder has been guilty of misconduct the Operator may not return the licence and must forthwith issue a summons to have his/her cause of complaint determined by the Magistrates. (If the Magistrates find that the licence has been improperly retained they have powers to order its return and also to award compensation).
<b>10.</b>	<b>RADIOS AND CALL SIGNS</b>
10.1	The Operator shall ensure that any radio equipment that is fitted to any licensed vehicle operated by the company, is correctly licensed by the relevant authority and is fitted to the vehicle in the approved manner. It must at all times be kept in a safe and sound condition and maintained in proper working order and that the use of such a system is disclosed to the Operators and/or vehicle proprietor's Insurance company.
10.2	<del>The Operator shall allocate a radio or computer call sign to any vehicle on their system (including executive vehicles) and that call sign shall be the plate number of the licensed vehicle as issued by the Council.</del>
<b>11.</b>	<b>PARKING AND PLYING FOR HIRE</b>
11.1	The Operator shall ensure that all Private Hire Drivers employed by him/her, as soon as they have dropped passengers shall, unless prevented by another prior booking, return to the Operators licensed base of operations or other approved parking areas (as per the approved list – which shall be subject to continual review) within the controlled district to await further bookings or instructions.
<b>12.</b>	<b>CONVICTIONS</b>
12.1	The Operator shall notify the Council of any conviction, <u>caution or charges</u> recorded against him/her by any <u>court authority</u> within seven days of any such conviction, <u>caution or charge</u> being imposed.
<b>13.</b>	<b>COMPLAINTS</b>
13.1	The Operator shall set up an effective internal procedure to deal with complaints made by the public against the company, vehicle proprietors and/or drivers.
13.2	The procedure shall be approved by the Council and must be set up in such a way that complaints are dealt with by the Operator or a member of his/her staff not directly connected with dealing with the invitation of Private Hire bookings or the dispatching of drivers and vehicles.

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13.3	The Operator shall ensure that all complaints received by the company are properly recorded in the first instance and all information relating to any action taken is also recorded. Such information shall include details of the booking (who accepted it on behalf of the company) and of the vehicle, and driver involved. Records will be made in a book (or other appropriate recording method) and not on loose leaf paper and pages shall be consecutively numbered.
13.4	The Operator shall on receipt of any complaint relating to a contract for hire or purported contract for hire relating to or arising from his /her business, immediately notify the complainant of their right to forward the complaint to the Council.
13.5	Any complaint shall be investigated immediately by the Operator or by his/her independently appointed representative within the company and the complainant kept informed and notified of the outcome within a reasonable amount of time.
13.6	Where a complaint is received by an Authorised Officer of the Council the Operator shall conform to any directions of the officer in respect of that complaint.
13.7	The complaint book kept by the Operator shall be made available upon demand to any Authorised Officer of the Council and its contents may be used as evidence in investigating said complaints.
13.8	The Operator shall from time to time monitor and if necessary review the company complaint's procedure to ensure that it is being conducted correctly and effectively.
<b>14.</b>	<b>ACCIDENTS</b>
14.1	The Operator shall, notwithstanding his/her responsibilities under the Road Traffic Act, report to the Council within 72 hours, any accident involving a Private Hire Vehicle under their control. In any case the licence holder shall notify the Council immediately, of any vehicle being under their control which has suffered damage of any kind which materially affects the safety performance or appearance of the vehicle, or the comfort convenience of the fare paying passengers.
<b>15.</b>	<b>TOUTING – CRIMINAL JUSTICE &amp; PUBLIC ORDER ACT 1994</b>
15.1	The Operator shall ensure that all drivers and employees in their employ are made aware of their responsibilities under this legislation while driving or in charge of a Private Hire vehicle.
<b>16.</b>	<b>INSURANCE</b>
16.1	During the currency of all licensed Private Hire vehicles owned or operated by the Operator, he/she shall ensure that a policy of insurance and security complying with the provisions of Section 145 of Part VI Road Traffic Act 1988 which covers third party liability both in respect of physical injury or death AND in respect of damage to personal belongings. The certificate of insurance shall be produced to an Authorised Officer of the Council on demand.
16.2	The Operator shall ensure that any licensed Private Hire vehicle that he/she owns or operates have current, valid insurance covering "Private Hire". "Public Hire" insurance will not be accepted by the Council if that insurance cover relates to Private hire vehicle(s).
16.3	If the Operator fails to produce a certificate of insurance cover on request he shall produce it forthwith, or within seven clear days of the request, to an Authorised Officer of the Council. Failure to comply with these provisions may result in the Operators right to hold a licence being brought into question under Fit and Proper Persons (Section 1.1 of these conditions). Failure to comply with these provisions shall also result in automatic suspension of the Private Hire vehicle licence and may lead to the ultimate revocation of the licence, if a certificate is unable to be produced which confirmed that insurance cover was in place at the date of the original request.
16.4	Insurance certificates or cover notes submitted to the Council in support of vehicle licence applications or renewals and issued by the insurance company to cover "any vehicle" or "any driver" must be accompanied by "any vehicle and/or any driver" schedule(s) together with a signed statement of undertaking by the insurance policy holder that the said schedule(s) does not contain information or details relating to vehicles and drivers which would fall into the exemptions stipulated by the Insurance Company when the policy was issued.
16.5	Operators shall provide to the council proof of Public Liability Insurance to the value of £5,000,000.
<b>17.</b>	<b>CHEQUES</b>
17.1	<del>A licence in respect of which the licence fee has been paid by cheque shall not be effective until the cheque has been cleared, and if not cleared will become void and will result in the revocation of such licence.</del>
<b>18.</b>	<b>ADVERTISEMENTS</b>
18.1	No form of advertising is permissible on any licensed Private Hire vehicle, <u>other than displaying the business name, address and telephone number.</u>
18.2	<del>The Operator shall not display or suffer or permit to be displayed on or from his premises or from any other place or from any licensed Private Hire vehicle, any sign or notice which consists of or includes the word Taxi or Cab whether in the singular or plural or any word of similar meaning or appearance to any of those words, whether alone or as part of another word, except where the Operator also makes Hackney Carriages available for hire and on such sign or notice must indicate that he/she also operates Private Hire vehicles (with letters of a size not less than those used for the word or words aforementioned).</del>
18.3	The Operator shall ensure that any roof sign attached to any licensed Private Hire vehicle owned or operated by them displays the company name and telephone contact number and nothing else save for "Advance Bookings Only" which shall be clearly visible at all times.

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18.4	The Operator shall ensure that no Executive vehicle owned or operated by them bears any form of advertising whatsoever.
<b>19.</b>	<b>EXECUTIVE VEHICLES</b>
19.1	It shall be a condition that vehicles which are licensed as Executive vehicles will only be permitted to undertake executive work and not for general Private Hire usage.

<b>N.B.</b>	<b>ADDITIONAL NOTES (NOT TO BE CONSIDERED AS LICENSING CONDITIONS)</b>
1.	This list of conditions is not finite and additional information regarding all aspects of Private Hire Operator, Vehicle and Driver licensing in detail can be found in <del>the official handbook issued by Telford &amp; Wrekin Council.</del> <u>Telford &amp; Wrekin Council's Hackney Carriage &amp; Private Hire Policy document.</u>
2.	Any requirements of legislation which effect the operations being carried out under the terms of this licence shall be regarded as if they are conditions of this licence. Wherever there appears in the licence Conditions, <del>Guides or Handbook or Policy</del> , a summary of any statutory provision you are advised that such summary is not exhaustive. If you are in any doubt about any information contained in this document please contact the Licensing Office for advice on 01952 – 383262.4