

Licensing Committee

20th November 2018

Appendix A

Existing Private Hire Operator Licence Conditions

PRIVATE HIRE LICENSING

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

Standard Conditions Applicable To Private Hire Operator Licences

Section 55 (3) of the Local Government (Miscellaneous Provisions) Act 1976 allows a Local Authority to impose any conditions that it considers 'reasonably necessary' on a Private Hire Operator's Licence.

Sections 56 (2) and (3) of the 1976 Act place a duty on a Private Hire Operator to keep various records. However, it is the Local Authority that will decide what records are required both in relation to the journeys that are booked and the vehicles used.

The following are standard conditions that will be applied to all Private Hire Operator Licences.

Should a licence require additional conditions applicable to a specific operator then these will be issued as a when required.

Records to be kept by the Operator

Bookings

The Operator will keep, in a manner agreed with Harlow Council Legal Services, Licensing Department; the following information of every booking of a Private Hire Vehicle invited or accepted.

- a) The date and time that the booking was made.
- b) The name, contact telephone number (where possible) and pick up point of the hirer.
- c) The time and date of the pick up.
- d) The destination.
- e) The name and call sign of the vehicle and/or driver used.
- f) How the booking was made (i.e. telephone, personal call, internet etc.)
- g) Where the operator subcontracts a booking he shall keep such records as required above to allow the Local Authority to reasonably investigate any booking as effectively as if it had not been subcontracted.

The Operator will keep the above records for a minimum of 12 months, including bookings that are no pick up/cancellation etc. (Otherwise known as scrubs).

Vehicles

The Operator will keep records of the particulars of all Private Hire Vehicles operated by him/her.

- a) Make and model of each vehicle
- b) Vehicle registration and plate numbers.
- c) Owners and/or drivers of each vehicle.
- d) Radio call signs used for each vehicle.
- e) Details of vehicle insurance policies and vehicle excise expiry dates.
- f) Details of private hire vehicle licence expiry dates.

Drivers

The Operator will keep records in respect of all Private Hire Drivers operated by him/her.

- a) Full name and permanent address of each driver.
- b) D.V.L.A. Driving licence expiry dates.
- c) Private hire driver badge numbers and expiry dates.
- d) Radio call signs used for each driver.

The Operator will retain all Private Hire Drivers and Vehicle licences until such time the driver and/or vehicle ceases to be operated by them.

The Operator shall produce all or any of the above records on request of any Officer of the Council Authorised under the Local Government (Miscellaneous Provisions) Act 1976.

Conduct of the Operator

The Operator will not invite or accept bookings for private hire work for any vehicle, which has not been licensed by Harlow Council for such work.

It is the responsibility of the Operator to ensure that any private hire vehicle operated by him/her is in a suitable roadworthy condition, fully licensed, taxed and insured etc.

The private hire plate must be affixed to each car in a position on the outside of the rear of the boot or bumper that makes it readily visible.

The Operator shall not employ or otherwise engage, whether directly or indirectly, any driver to drive any private hire vehicle unless that person has a current private hire driver's licence issued by Harlow Council.

The Operator shall, immediately upon receipt, notify the Licensing Department, in writing, of any complaint concerning the roadworthiness and or condition of a vehicle or a complaint against a driver.

An Operator may not change the address from which he/she operates without prior agreement, in writing, from the Licensing Department.

The Operator shall within seven days disclose to the Licensing Department, in writing, details of:

Any convictions (motoring or otherwise) imposed upon him/her.

Any convictions (motoring or otherwise) imposed upon any director or partner of the company who are named on the licence application/renewal form.

Standard of Service

The Operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and, for this purpose, shall in particular:

Ensure that when a private hire vehicle has been booked it attends at the appointed time and place punctually unless delayed for a genuine reason. Wherever possible the hirer should be advised of any delay in picking them up.

Ensure that any private hire vehicle despatched to pick up a customer is clean, comfortable, presentable and in a roadworthy condition.

Ensure that all private hire drivers are suitably dressed, are clean in appearance and do not appear to be under the influence of alcohol or drugs.

Any part of the premises, to which the public have access for the purposes of booking and waiting, shall be adequately clean, heated, ventilated and lit and provided with seating.

Signs on Vehicles and Advertising

The Proprietor of a Private Hire business will not use any advertisement in respect of the business, or the vehicles used for private hire work, which include the words 'taxi' or 'cab' whether in the singular or plural, or words of similar meaning or appearance whether alone or part of another word.

The positioning of Private Hire Vehicle licensing signs and/or signage, agreed for use by Harlow Council, will take precedence over signs and/or advertising provided by the Private Hire Operator.

Signs on vehicles should be clear, not misleading and must not be offensive.

Advertising material, whether to promote the business or a booking method, must be clear and unambiguous.

Any method of booking, which includes more than one Operator, or other businesses, should not be established without the formal consent of all parties. It is, however, perfectly acceptable to pass a booking onto another Operator if the first Operator is unable to fulfil the booking.

**Carriage of Guide, Hearing and Other Assistance Dogs
Equality Act 2010
Private Hire Vehicles (Carriage of Guide Dogs etc.) Act 2002**

All Drivers are required to carry Assistance Dogs in their vehicles unless the driver is exempt for medical reasons.

An Operator is not permitted to refuse a booking on the basis that the hirer indicates they have an assistance dog.

If an Operator is aware that one of his/her drivers requires a medical exemption then they should contact the Licensing Department, for further advice and information.

A driver that has been granted a medical exemption will be permitted to display an exemption notice within their vehicle. The exemption, however, only applies to the named driver and vehicle.

Lost Property

The Operator will take all reasonable steps to ensure the safe custody of any items in private hire vehicles operated by him/her.

The following records should be kept of all items of lost property:

- Description of the item
- Date and time found
- Details of private hire vehicle it was left in
- Date taken to Police Station (if applicable)
- Action taken in respect of the lost item

Right to Appeal

Under Section 55(4) of the Local Government (Miscellaneous Provisions) Act 1976 there is a right to appeal to the Magistrates Court against any conditions, which may have been imposed on a Private Hire Operators Licence.

Version 4

Adopted by Cabinet 18 July 2013 with effect from 27 July 2013 and amended by changes to the law and by the decisions of the Licensing Committee 22 March 2016