

Licensing Committee

20th November 2018

Appendix B

Proposed Private Hire Operator Licence Conditions

PRIVATE HIRE OPERATOR LICENSING CONDITIONS

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

Standard Conditions Applicable To Private Hire Operator Licences

Note: Sections 55 and 56 of the Local Government (Miscellaneous Provisions) Act 1976 allows a Local Authority to attach conditions that it considers 'reasonably necessary' to a Private Hire Operator's Licence.

Section 56 (2) and (3) of the 1976 Act place a duty on a Private Hire Operator to keep various records specified by conditions attached to the licence. For the avoidance of any doubt, the particulars of every booking shall be recorded before the commencement each journey.

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 attached when necessary. The licence shall specify the address from where the operator may only operate private hire vehicles.

1 Recording Bookings. The Operator shall record the following information of every booking of a Private Hire Vehicle invited or accepted before commencement of the journey;

- a) The date and time that the booking was made.
- b) The name, contact telephone number 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) The quoted fare.
- h) Where the operator subcontracts a booking he shall keep such records as required above, to enable the Local Authority to investigate any booking as effectively as if it had not been subcontracted.

The pick-up point, destination and name of the customer shall be made available to the driver prior to the journey taking place.

The Operator shall keep the above records for a minimum of 12 months, including bookings that result in no pick up and cancellations. Records may be kept electronically or as paper records and be made available to the Council on request.

2 Vehicle Records. The operator shall keep records of the particulars of all Private Hire Vehicles operated by him/her and make these records available to the Council on request.

- a) Make and model of each vehicle
- b) Vehicle registration and Council plate numbers

- c) Vehicle proprietor and drivers of each vehicle.
- e) Full details of vehicle insurance policies and expiry dates.
- f) Details of private hire vehicle licence expiry dates.

3 Driver records. The Operator shall keep records in respect of all Private Hire Drivers operated by him and make these available to the Council on request. Records shall include;

- a) Full name and permanent address of each driver.
- b) D.V.L.A. Driving licence expiry dates.
- c) Private hire driver badge (licence) numbers and expiry dates.

4 Retention of driver and vehicle licence details. The Operator shall retain details of all driver and vehicle licences for a period of 12 months after the driver and/or vehicle ceases to be operated by them. The Operator shall produce the above records at the request of any Officer of the Council Authorised under the Local Government (Miscellaneous Provisions) Act 1976.

5 CCTV. The operator shall ensure that private hire vehicles operated by him are fitted with a recordable CCTV system. The system shall accord with the guidance published by the ICO: ***In the picture: A data protection code of practice for surveillance cameras and personal information.*** The Council shall provide additional policy guidance on the use of CCTV in private hire vehicles.

6 Facilities for Electronic Payment of Fares. The operator shall ensure that vehicles operated by him are equipped with systems to enable fares to be paid electronically by debit or credit card. The system shall be operable when the vehicle is working as a private hire vehicle.

7 Use of Licensed Vehicles. The Operator shall not invite or accept bookings for private hire work for any private hire vehicle, which has not been licensed by Harlow Council for such work.

8 Road worthiness of vehicles. The Operator shall take all reasonable steps to ensure, so far as practicable, that any private hire vehicle operated by him/her is properly maintained and in a roadworthy condition.

9 Council plates. The operator shall take reasonable steps to ensure that the 'private hire identification plate' issued by the Council is affixed to each vehicle operated by him/her in accordance with Council requirements.

10 Drivers of private hire vehicles. The Operator shall not employ or otherwise engage, whether directly or indirectly, any driver to drive any private hire vehicle unless that person has been granted a current private hire driver licence granted by Harlow Council.

11 Complaints regarding vehicles. On receipt of a complaint from a customer or other person concerning the roadworthiness or condition of a licensed vehicle, the

operator shall, immediately upon receipt of that complaint, notify the Council in writing of that complaint.

12 Complaints regarding drivers. On receipt of a complaint from a customer or other person concerning the conduct of a driver, the operator shall, immediately notify the Council, in writing of that complaint.

13 Operating address. The licensed operator shall notify the Council of any change of address. The operator shall not operate vehicles from any location not specified on the licence.

14 Offences and warnings. The Operator shall as soon as practicable, notify the Council in writing of the following:

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

Any convictions or warnings (motoring or otherwise) imposed upon any director or partner of the company named on the licence.

15 Standards of service. The Operator shall provide a prompt, efficient and reliable service to members of the public and shall,

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 and presentable.

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.

16 Signs on Vehicles and Advertising. The operator shall ensure, so far as reasonably practicable, that vehicles operated by him meet the requirements specified in the vehicle licence granted by Harlow Council in regard to vehicle roof signs and side panels.

The licenced operator shall 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 prescribed by Harlow Council shall take precedence over signs and/or advertising provided by the Private Hire Operator.

Signs on vehicles must not be misleading or offensive. Advertising material, whether to promote the business or a booking method, must be clear and unambiguous.

17 Assistance dogs. The operator shall not refuse to take a booking for a private hire vehicle where the booking is requested by or on behalf of a person accompanied by an assistance dog and where the reason for refusal is that the disabled person will be accompanied by an assistance dog. An assistance dog is defined by in *Section 173 of the Equality Act 2010* and by *Regulation 3 of The Disability Discrimination Act 1995 (taxis) (Carrying of Dogs Etc.) (England and Wales) Regulations 2000.* as amended.

18 Adapted vehicles. The operator shall make provision for the transport of customers while seated in a wheelchair at a ratio of not less than 1 suitably adapted or purpose built vehicle for every 20 vehicles operated. An adapted vehicle shall be capable of transporting a person safely and in reasonable comfort while seated in a wheelchair. Access in to the vehicle shall be by ramp or lift.

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

The following records shall 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 Section 55(4) of the Local Government (Miscellaneous Provisions) Act 1976 provides a right of appeal to the Magistrates Court against any conditions attached to a Private Hire Operators Licence.