



# PRIVATE HIRE OPERATORS LICENSING POLICY

<b>AUTHOR</b>	Ross Hill – Licensing Team Leader, Legal Governance
<b>RESPONSIBLE OFFICER</b>	Mark Brookes – Group Manager, Legal Governance

<b>Date of publication</b>		<b>Date of last version</b>	n/a
<b>Version no.</b>	0.1 <b>DRAFT</b>	<b>Date of expiry</b>	
<b>Associated documents</b>			

## Contents

1. Introduction .....	1
2. Application process .....	2
3. Fitness and propriety of applicants .....	3
Convictions .....	4
Financial propriety .....	4
Previous licences .....	5
4. Planning .....	5
5. Insurance .....	6
6. Communications and information security .....	6
7. Trading names .....	7
8. Door signs and advertising .....	7
9. Conditions .....	8
10. Exemptions .....	8
11. Contact details .....	9
Annex A: Standard conditions applying to Private Hire Operator's Licences .....	10

---

## 1. Introduction

- 1.1. Operators form the backbone of the private hire vehicle regulatory system under the Local Government (Miscellaneous Provisions) Act 1976. Vehicles and drivers may only lawfully carry out bookings made through an operator who is licensed by the same authority, and the location of the operator's base (and thus licensing authority) will determine from which authority all other licences must be obtained.
- 1.2. The term 'operate' is defined at section 80 of the 1976 Act as meaning, in the course of a business, to make provision for the invitation or acceptance of bookings for private hire vehicles. Various legal cases have examined this definition in detail, as a result of which a wide range of businesses will require licensing under these provisions – the meaning will extend greatly beyond the provision of local 'minicab' services.
- 1.3. Operators play a key role in ensuring that the public are kept safe, that drivers are suitably trained, experienced and supported to deliver the best service possible, and that vehicles are kept in a clean, safe and sound condition at all times. Although operators will generally have less direct contact with the public than drivers (with the exception of receiving bookings for journeys), their other duties in ensuring the safety of the public mean that the Council must apply similar checks when considering applications for licences, as we must be satisfied that prospective operators are fit and proper persons.
- 1.4. This policy contains guidelines for consideration by the Council's Licensing, Health & Safety and Enforcement Committee, and by officers, when determining applications for Operators licences. It has been approved by the Council's Committee and published, to provide guidance to applicants as to the Council's expectations of applicants. However, nothing in this document will bind the Council to a particular course of action, and we will continue to consider each application on its merits. Similarly, the guidelines do not take precedence over any statutory provision or established case law.
- 1.5. It should be noted that it is a criminal offence under the 1976 Act for any person to knowingly or recklessly make a false statement or omit any material particular in connection with an application for an operator's licence.

## 2. Application process

- 2.1. Applications for Operator's licences must be made in writing using the application form provided by the Council. Every question on the application form must be completed fully and accurately, and the form must be signed by every applicant.
- 2.2. Where the application is being made by a single individual, the questions on the application form should be answered by that individual. Where the application is being made by multiple individuals (whether in a formal partnership or not), the questions should be answered jointly by the applicants. Where a limited company is applying for a licence, the questions should be answered in respect of both the company and its directors. This is particularly relevant to the questions relating to conviction, cautions, insolvency or disqualification, where the Council must be satisfied as to the fitness and propriety of every applicant.
- 2.3. Completed application forms (including any information in annexes required as part of the application) should be returned to the Council's offices. An application fee, which will be reviewed and set annually by the Council, will also be payable with each application – this fee may be paid by credit or debit card, or by cheque.
- 2.4. Applications must also be accompanied by a Basic Disclosure certificate, issued by Disclosure Scotland (or the Disclosure & Barring Service, at such time as they begin to provide a basic disclosure service) for each applicant. This means that a certificate must be obtained and supplied in respect of the sole individual applicant, or each individual applicant where the application is made by multiple individuals, or each director of a limited company applicant. Certificates must be issued in the full name of the relevant individual, and must have been issued no earlier than 3 months before the date on which the application was made.
- 2.5. The requirement to provide a Basic Disclosure certificate will not apply to any applicant (or director) who holds a current private hire or hackney carriage driver's licence issued by Dacorum Borough Council. These individuals have already been assessed for their fitness and propriety during their application for that licence, and as such no further checks of any criminal record history for that particular applicant will be considered necessary. Applicants who are applying simultaneously for a driver's licence (and have made an application, not simply requested a booking for the knowledge test) will also be exempted from the Basic Disclosure requirement, as they will be obtaining a higher level of disclosure certificate as part of that application. The operator's licence application will not be determined until any such disclosure certificates (including enhanced certificates as part of a simultaneous driver's licence application) have been received.
- 2.6. If any issues arise during the processing of the application, in the first instance the applicant will be given an opportunity to provide clarification, or if appropriate to amend the application form.
- 2.7. When all required documents and other information has been received, the application will be determined. The following sections of this document set out details of how we will consider certain aspects of the application.
- 2.8. In determining applications, the statutory test that we must apply is set out at section 55 of the 1976 Act – namely, that the Council "*shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold an operator's licence*". No definition of the meaning of the term 'fit and proper' is given, either in statute or in subsequent case law, and so the Council will exercise its discretion and consider a wide range of matters in reaching its decision.

- 2.9. Where it is proposed to refuse an application, an applicant will be given an opportunity to make representations, either in writing or orally at a meeting of the Council's Licensing Sub-Committee. Any representations will be given full consideration prior to a decision being made in respect of the application.
- 2.10. If an application is granted, a licence document will be issued to the applicant, which confirms their right to operate private hire vehicles. Licences will usually be granted for a period of 2 years. However, the Council reserves the right to grant licences for a shorter duration, should this be considered necessary due to the circumstances of a particular application.
- 2.11. A number of operator's licences are held by small businesses, which only operate one or two vehicles – particularly in the executive and chauffeur sectors of the trade. Where an application is made by a business proposing to operate no more than three vehicles at any time during the period of the licence, that business will be deemed to be a small operator, and a licence will usually be issued for a period of 3 years. All other provisions of this document will be applied without amendment.
- 2.12. Operator's licences are non-transferrable. In the event of control of a licensed business passing to a different person, it will be necessary for the new owner of the business to apply afresh for a licence.
- 2.13. Section 62 of the 1976 Act provides a power for the Council to suspend or revoke an operator's licence, on various grounds including the commission of an offence or non-compliance with the 1976 Act, conduct on the part of the operator which appears to render him unfit, any material change in the operator's circumstances, or any other reasonable cause. The Council may also prosecute an operator for various breaches, including failure to keep the prescribed records, or operation of unlicensed vehicles or drivers.
- 2.14. Where an application is refused, or a licence suspended or revoked, or if an operator is aggrieved by conditions added to his licence, a right of appeal to a magistrates' court will exist. Details of this right will be issued with any documentation sent at the relevant time.

### **3. Fitness and propriety of applicants**

- 3.1. Section 55(1) requires that the Council must be satisfied before granting an application for an operator's licence that the applicant is a fit and proper person to hold such a licence. In common with other provisions in that Act, no definition is offered as to the precise meaning and limitations of the term "fit and proper person", and it is therefore open to the Council to consider any and all information that may be of relevance in determining an application. This chapter of the policy does not attempt to form a definition of the term "fit and proper", but merely serves to highlight some of the matters that may routinely be examined as part of the determination of an application. It must however be noted at the outset that the provisions herein are not exhaustive, and if other relevant information is available the Council reserves the right to take it into account.
- 3.2. In accordance with the Interpretation Act, the term 'person' may apply to both individuals and bodies corporate and unincorporate. Where an application is made by one or more individuals, the provisions herein shall be applied to each individual so specified in the application. Where an application is made by a partnership or limited company, the provisions herein shall be applied to each partner or director, as the case may be, and to the company secretary.
- 3.3. The Council will consider all applications on their individual merits. Although the following

paragraphs set out some of the main considerations, any information which appears to the Council to cast aspersions over the applicant's suitability to hold a licence may be taken into account.

## **Convictions**

- 3.4. Although operators will generally come into contact with the public less frequently than drivers, they play a critical role in ensuring the safety of public, through their employment/engagement of drivers and vehicles, the retention of personal data relating to customers and bookings, and in providing a transport service to vulnerable customers. For this reason, the Council will take into account any convictions or cautions for criminal offences when considering an applicant's fitness and propriety. The effect of any convictions or cautions which are not considered to be 'spent' under the provisions of the Rehabilitation of Offenders Act will be considered, but offences relating to dishonesty, financial impropriety, violence, substance misuse, abuse of a person with a protected characteristic, safeguarding offences or misconduct under taxi and private hire legislation will be viewed with particular seriousness.
- 3.5. Where an applicant was convicted of an offence in one of the above categories within the preceding 3 years, an application for a licence will usually be refused. If the conviction resulted in a sentence of imprisonment, this period will typically be extended to 5 years.
- 3.6. Applicants must supply a criminal record certificate which details any unspent convictions (or have supplied one in connection with an existing driver's licence). A declaration must also be made in respect of any unspent convictions or cautions, both within the jurisdiction of the British courts and overseas. Where an applicant has been living overseas for a significant, recent period of time, the Council may additionally require him to produce a 'certificate of good conduct', from a representative of the appropriate jurisdiction.
- 3.7. It shall be the applicant's responsibility to obtain the criminal record certificate(s) in good time, and to pay any fees or charges associated with them. An application will not be accepted for processing until all required documents have been presented.
- 3.8. Applicants are also required to declare whether they have been charged with any offences and are currently awaiting trial. Where unresolved charges apply, regard will be had to the fact that the applicant has not been convicted of those offences.
- 3.9. Private hire operators are not identified as an exempt profession under the Rehabilitation of Offenders Act 1974, and therefore the provisions of that Act relating to convictions becoming spent after a certain amount of time will apply in full. The Council will not take into consideration any conviction, caution or similar sanction that is deemed to be spent by virtue of a provision of the Act. Further advice on the Act, and the status of a particular conviction, can be obtained from the Licensing team, or from any legal advisor.
- 3.10. As operators will not necessarily be responsible for driving members of the public (and will require a separate licence and approvals process if they are to do so), it is not considered appropriate to take motoring offences or endorsements into account when considering an application for an operator's licence, unless those proceedings also led to criminal proceedings (e.g. a conviction for driving without insurance will usually appear on both the driving licence and a criminal record certificate).

## **Financial propriety**

- 3.11. As operators will be responsible for the financial aspects associated with operating a business (which may including maintaining customer accounts, negotiating contracts, payments to employed/engaged drivers, and maintenance of accurate business accounts),

the Council will consider evidence of previous financial impropriety or difficulties when assessing the fitness and propriety of applicants for licences. Although convictions for finance-related offences will be listed on the criminal record certificates referred to in the preceding paragraphs, there are a number of other sanctions which may be applied, which would not be shown on the certificate. The Council will carry out checks of applicants to ensure that these sanctions have not been applied.

3.12. In particular, where an applicant is currently subject to one or more of the following sanctions or proceedings, which is active at the time of application, an application for a licence will usually be refused:

- An undischarged bankruptcy order
- Other insolvency proceedings, including an individual voluntary agreement (IVA)
- Disqualification from appointment as a company director

3.13. Where a limited company applicant has been liquidated or dissolved, an application for a licence will usually be refused. Where a company is currently in administration and is continuing to trade under the control of an administrator, the Council will usually seek further information and assurances from the administrator prior to granting a licence. In these cases, the administrator must be named on the application, and should complete the application form on behalf of the company.

## **Previous licences**

3.14. Any relevant licensing history relating to an applicant or operator may be considered during further applications. For example, if an applicant has previously had a licence revoked, whether by Dacorum or by any other authority, this may indicate an underlying issue with the fitness or propriety of that person. Where appropriate to do so, further information may be sought from any other relevant authority, to the extent permitted by data protection laws.

3.15. Where an applicant has had a previous licence revoked, or an application for a licence refused within the preceding 3 years, an application for a licence will usually be refused.

3.16. Where a number of previous complaints have been made against an operator, these may be taken into account, even if they did not result in formal action at the time. Similarly, a pattern of relatively minor complaints may be indicative of an underlying problem, which may be considered by the Council during its determination of applications.

## **4. Planning**

4.1. Any premises maintained by the operator (e.g. vehicle depots, booking offices, call centres, etc) may require planning permission for that usage, irrespective of how many vehicles are to be operated from that location. It is advised that applicants seek advice from the planning authority prior to making an application for a licence or commencing the use of premises under a licence, as to whether any permission will be required.

4.2. Planning officers can be contacted during normal working hours on 01442 228376, or by email to [planning@dacorum.gov.uk](mailto:planning@dacorum.gov.uk)

4.3. Planning and licensing operate as separate (albeit linked) regulatory regimes, and the absence of planning permission for a particular site will not serve to prohibit the licensing authority from granting a licence. However, applicants must be aware that planning and licensing requirements must both be satisfied prior to the commencement of operations,

and if this is not the case then the applicant will be liable to enforcement action for breaches of the relevant legislation.

## **5. Insurance**

- 5.1. The Council strongly advises all operators to take out suitable liability insurance policies covering all aspects of their business, prior to the start of operations.
- 5.2. In particular, we recommend that operators hold policies in respect of public liability (to deal with any claims for damages arising from the activities of the business affecting customers and members of the public) and employer's liability (relating to any claims by persons employed or engaged by the operator, who are injured, become ill or otherwise suffer damages as a result of the business activities).
- 5.3. The Council cannot give advice as to which insurance policies or providers will be the most suitable – it is for operators to source their own advice in this regard.
- 5.4. It falls outside the remit of the licensing authority to stipulate a suitable level of insurance to be held, or to take action against businesses who fail to secure appropriate policies. However, in the absence of an insurance policy any legal claims made against the operator could result in the individual proprietors of the business being held liable for any damages or legal costs incurred during proceedings, which could run to very large sums.

## **6. Communications and information security**

- 6.1. In the course of their business, operators will be required to process and store various pieces of data, some of which will be personal data. The processing and storage of this data will fall under the provisions of the Data Protection Act 1998, which will require the Operator to take certain measures to ensure the security of that data, and to prevent unauthorised breaches of the security, or usage of the information for unauthorised purposes (e.g. sending marketing information without the consent of the subjects).
- 6.2. Although the standard business activities of an operator are not likely to require registration with the Information Commissioner's office as a data controller, operators should be aware that if they go beyond the basic activities, they may well have to register. In particular, the operation of a CCTV system (either at publicly accessible premises or in cars provided by the operator) or similar recording of audio or video signals may require registration.
- 6.3. For further advice on whether registration as a data controller is required, please see the website of the Information Commissioner's Office, at [www.ico.org.uk](http://www.ico.org.uk)
- 6.4. Where an Operator maintains a radio network for use by his drivers, the range or frequency used by the system may require the Operator to obtain a business radio licence<sup>1</sup> from Ofcom. Operators will be asked to confirm whether they have satisfied this requirement on making an application.

---

<sup>1</sup> See <http://licensing.ofcom.org.uk/radiocommunication-licences/business-radio/> for details.

## 7. Trading names

- 7.1. Operators will be asked to declare their (proposed) trading name(s) within their application. This is the name by which the business will typically be known by customers and the public, and which will appear on advertising placed by the Operator.
- 7.2. While trading names are a matter for an Operator to determine, the Council will, as part of its licensing process, seek to prevent names which may offend or cause confusion from being used in connection with the provision of private hire services in the area.
- 7.3. In particular, applications will not be granted where the proposed trading name is the same or substantially similar, either phonetically or visually, as:
- An expletive, derogatory or offensive term
  - A term associated with inequality
  - A term with political implications
  - A registered trademark (unless the applicant can demonstrate a right to use that mark)
  - The trading name of an existing Private Hire Operator, either licensed in the Dacorum area, or trading in a neighbouring area
  - The trading name used by a Dacorum hackney carriage proprietor, where the proprietor has previously notified the Council of the use of that name and the name has been used regularly since
  - A name which implies official recognition or endorsement by the Council or another regulatory body
  - A term in any language other than English which when translated would fall within any of the preceding categories.
- 7.4. Legally, only hackney carriages may display the words 'taxi' or 'cab' on their vehicles. For this reason, trading names which include the words 'taxi', 'cab', 'hackney' or 'public hire', or which are phonetically or visually similar, will not be permitted by private hire operators. However, if the operator also provides bookings to hackney carriages, a variation of the permitted trading name including one of these terms may be displayed on advertising specifically in respect of those vehicles, but not in respect of any matter relating to the wider business or to private hire vehicles.
- 7.5. Should concerns arise about the suitability of a trading name, in the first instance these concerns will be discussed with the applicant, who will be given an opportunity to respond or to amend his application.
- 7.6. This section of the policy will not be retrospectively applied to any operator's trading name which has been continuously in use since before the 1<sup>st</sup> September 2013 (and where an operator's licence has been continually maintained in respect of this), but will apply to any new operator (including new applications made following the lapse of a previous licence) or new trading name applied by an existing operator.

## 8. Door signs and advertising

- 8.1. Under the council's standard conditions applying to vehicle licences, vehicles which are operated by an operator must display that operator's door signs in prescribed positions, at all times. The door signs must be no larger than 75 x 40 cm (30" x 16"), and must be of a design and colour scheme approved by the Council. Every door sign must display either the operator's name, or a recognisable identifying symbol or logo, as well as the words "licensed private hire vehicle" or "licensed taxi" as applicable.



- 8.2. A sample or proof of the proposed door sign should accompany an initial application for an operator's licence, or if this is not possible, should be supplied to the Council as soon as practicable following the confirmation of grant of the licence. No door sign may be used upon a vehicle until approval of the size, design and colour scheme has been given. Proofs may be supplied either on paper or electronically – if sent in the latter format, please note that while we can view most common image file types (e.g. JPEG, bitmap, GIF, PNG), we will not be able to view specialist graphics files or proprietary file types requiring specialist software. Approval of a design will not be unreasonably withheld, so long as the signage includes the required wording, is of a suitable size, and relates to the operating company's services only, and not to any other product or service.
- 8.3. Door signs should be manufactured of a robust material, suitable for the expected use of the vehicle, and must be replaced if they become badly damaged or faded.
- 8.4. An internal panel, no larger than 25 x 20 cm (10" x 8"), may also be used for advertising of any product or service, subject to approval of the advertisement by the Council. Panels may not be illuminated (and as such, video screens displaying advertisements would not comply with the current conditions). Again, approval will not be unreasonably withheld, subject to the wording, imagery and layout being suitable for passengers of a wide variety of backgrounds and characteristics. A charge, commensurate with the cost to the Council of approving such an advertisement, may be required prior to the issue of approval.
- 8.5. Business card dispensers containing cards with the operator's contact details may also be utilised within vehicles, without restriction (other than to ensure that they do not obstruct the safe operation of the vehicle).

## **9. Conditions**

- 9.1. Under section 55(3) of the 1976 Act, the Council may attach such conditions to an operator's licence as are believed necessary. This power is subject to a right of appeal by any applicant aggrieved by one or more of the conditions so attached.
- 9.2. The Council has adopted a schedule of standard conditions which will be attached to all licences issued. These conditions are set out at Annex A.
- 9.3. The attachment of these standard conditions does not prevent the Council from attaching any other necessary condition to the licence, in response to specific issues that have been considered as part of the application. This power may also be used to substitute or go beyond any of the standard conditions with requirements that are more or less stringent, as the case may be.

## **10. Exemptions**

- 10.1. Historically, the Council has considered requests from certain operators in niche sectors for their businesses to be exempted from one or more of the requirements imposed under licences. In all cases, operator, vehicle and driver licences were still required, but the Council may have agreed to waive one or more of the licence conditions or pre-requisites – for example, negating the requirement to display door signs, where the operator could demonstrate a genuine need for this.
- 10.2. Exemptions have only ever been granted sparingly, and before a request will be considered a significant amount of supporting material, including customer account details, letters of reference from prospective clients, and evidence of the effect of refusal to grant an exemption has been required. Exemptions have only been considered for specialist

businesses – for example, those providing novelty vehicles such as stretch limousines, or executive chauffeur businesses, and not for those businesses undertaking what would typically be regarded as ‘routine’ or ‘general’ private hire work.

- 10.3. The Council’s position on exemptions is that the requirements imposed under its licences are reasonable and necessary to fulfil our main duty of ensuring public safety, and we will expect to apply them in every case. However, in certain exceptional circumstances we will consider requests from operators for exemption from one or more of our requirements, on a whole-business level only. Exemptions will only be granted if we are satisfied that there is an exceptional need for this to be so. It will not be enough to simply state that being exempted will assist the business – we will need to see demonstrable evidence that the business would not be viable if the requirement were applied rigidly, that there are no suitable ways in which the requirement could be satisfied through alternate means (e.g. smarter designs for door signs, reflecting the executive usage) and that our duty to maintain public safety will not be adversely affected by the grant of the exemption.
- 10.4. In all cases, requests for exemption from one or more of the licence requirements must be made in writing, setting out the exemption sought and the justification as to why this exemption may be considered appropriate, in accordance with the criteria set out in the preceding paragraph. The request must be accompanied at the time of submission (not at a later stage) by suitable and sufficient evidence to support the request.
- 10.5. Where exemptions are granted, the Council reserves the right to impose substitute conditions or requirements, which may stipulate an alternative way of achieving the initial requirement, or a close alternate. All exemptions granted will be subject to periodic review, and may be withdrawn at any time and without prior notice if the Council can no longer be satisfied that the exemption is necessary, or if there is evidence that it has been abused (e.g. if vehicles exempted from displaying door signs have been used for ‘general’ private hire work).
- 10.6. Under no circumstances will exemptions from the signage requirements for hackney carriages be granted. Our conditions require these vehicles to display roof signs, licence plates, door signs where engaged by an operator, and an illuminated ‘for hire’ sign, at all times. As these vehicles are available for public hire, the Council will expect these vehicles to display all of this signage whenever operational, irrespective of the current use of the vehicle. Similarly, no exemptions will be granted in respect of the licensing pre-requisites for hackney carriage drivers.

## 11. Contact details

- 11.1. Should you have any further queries in respect of the process of applying for an operator’s licence which are not covered in this document please contact us using the following details:

Phone: **01442 228225** or **228487**  
Email: [licensing@dacorum.gov.uk](mailto:licensing@dacorum.gov.uk)  
Web: [www.dacorum.gov.uk/licensing](http://www.dacorum.gov.uk/licensing)

## **Annex A: Standard conditions applying to Private Hire Operator's Licences**

The following conditions will attach, pursuant to section 55(3) of the Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act"), to all private hire operator's licences issued by Dacorum Borough Council, unless a specific exemption has been granted by the authority. The attachment of these conditions does not affect the Council's entitlement to attach any other condition to a licence in response to a specific issue arising from a particular application.

### **1. Interpretation**

a. In these conditions:

"the Council" means Dacorum Borough Council;

"the Operator" means the holder(s) of the private hire operator's licence issued by the Council;

"vehicle" means any licensed private hire vehicle (and hackney carriages, if bookings are also invited and accepted for fulfilment by these vehicles) operated by the Operator.

b. Terms defined under section 80 of the 1976 Act shall bear the meanings set out therein.

### **2. Records**

a. The records required to be held by the Operator under section 56(2) of the 1976 Act shall be kept in a suitable written or electronic form approved by the Council, and the Operator shall enter therein before the commencement of each journey the following particulars of every booking of a vehicle invited or accepted by the Operator, whether by accepting the same from the hirer or by undertaking it at the request of another operator, and such record must be maintained for at least one year from the date of the journey:

i) The date and time at which the booking was received

ii) The date and time of commencement of the proposed journey

iii) The name of the hirer

iv) The starting point of the journey

v) The destination of the journey

vi) A unique identifying reference for the vehicle provided to fulfil the booking, with sufficient detail to enable immediate identification of the vehicle from the records

vii) A unique identifying reference for the driver of the vehicle provided to fulfil the booking, with sufficient detail to enable immediate identification of the driver from the records

viii) If the booking was undertaken at the request of another operator, the name of that operator

ix) If the booking was passed to another operator to fulfil, the name of that operator.

b. The Operator shall keep a record of the following particulars of any vehicle operated by him, and such record must be maintained for at least one year from the cessation of operation of the vehicle:

i) The registration number of the vehicle

ii) The number of the identification plate provided by the Council pursuant to s.48(5) of the 1976 Act

iii) The make and model of the vehicle

iv) The name and address of the proprietor(s) of the vehicle

- v) The number of passengers permitted to be carried in the vehicle, as shown on the licence
  - vi) The start and expiry dates of the vehicle's licence issued by the Council
  - vii) The date on which the vehicle was added to the operator's fleet
  - viii) The date on which the vehicle was withdrawn from the operator's fleet.
- c. The Operator shall keep a record of the following particulars of all licensed drivers engaged/employed to drive any vehicle operated by him, and such record must be maintained for at least one year from the cessation of the engagement:
- i) The full names of the driver
  - ii) The permanent address of the driver
  - iii) The drivers date of birth
  - iv) The drivers licence (badge) number
  - v) The start and expiry dates of the driver's licence issued by the Council
  - vi) The dates the driver's engagement/employment was commenced and terminated.
- d. The Operator shall produce all or any of the records specified in this condition for inspection on request to an authorised Council officer or a constable.

### **3. Use of licensed vehicles and drivers**

- a. The Operator shall not invite or accept bookings for private hire work for any vehicle which is not currently licensed by the Council for such work.
- b. The Operator shall not employ or engage, whether directly or indirectly, any driver to drive any vehicle operated by him unless the driver holds a valid private hire or hackney carriage driver's licence (as applicable) issued by the Council.
- c. The Operator shall notify the Council upon the commencement or cessation of operation of a vehicle, or the employment/engagement or termination of a driver, within 7 days of such an event.

### **4. Vehicles**

- a. The Operator shall ensure that any vehicle he operates is in a suitable mechanical condition, safe, comfortable, clean and presentable, and that the licence plates provided by the Council are affixed to the vehicle in the manner and position stipulated in the conditions applied to the vehicle's licence.
- b. The Operator shall ensure that any vehicle he operates displays door signs of a design approved by the Council bearing the name and contact details of the Operator, in the position stipulated in the conditions applied to the vehicle's licence.
- c. The operator shall immediately notify the Council of any damage sustained by a vehicle operated by him.

### **5. Passengers**

The Operator shall ensure that bookings are fulfilled by licensed vehicles with sufficient capacity to carry all members of the hirer's group, as advised at the time of booking.

### **6. Standard of Service**

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

- a. Ensure that when a vehicle has been hired to be in attendance at the agreed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place;
- b. Publish a complaints handling procedure, detailing how members of the public may make complaints to the Operator, in respect of any aspect of the service provided, and investigate any complaints received in a timely manner, making details of such complaints and investigations available to authorised Council officers upon request;
- c. Keep any facilities provided to the public for the purpose of making bookings or waiting, clean, adequately heated, ventilated and lit;
- d. Ensure that any waiting area provided by the operator has adequate seating facilities;
- e. Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

## **7. Display and availability of licence**

- a. A copy of the private hire operator's licence issued by the Council shall be displayed in a prominent position where visible by the public, at every booking office maintained by the Operator which is accessible by members of the public. The licence, or a copy thereof, shall be produced for inspection on request to an authorised Council officer or a constable.
- b. A copy of the private hire operator's licence issued by the Council shall be kept securely at any location at which, by virtue of the licence, bookings may be accepted or invited but to which members of the public do not have access, and shall produce the licence, or a copy thereof, for inspection on request to an authorised Council officer or a constable.

## **8. Change of Address**

The Operator shall notify the Council in writing, within 7 days, of any change to an address shown on the licence (including any address from which the Operator conducts his business as an operator) during the period of the licence.

## **9. Convictions, cautions, insolvency and disqualification**

The Operator shall notify the Council in writing, within 7 days, if he is convicted or receives a caution for any criminal offence, or if he is declared insolvent, or if he is disqualified as a company director (or if the operator is a company or partnership, on conviction, caution, insolvency or disqualification of any of the directors or partners) during the period of the licence.

## **10. Limited company directors**

*The following condition applies only where the operator's licence is issued to and held by a limited company:*

The Operator shall notify the Council within 21 days in the event of:

- a. The termination of appointment of a director of the limited company;
- b. The appointment of a new director of the limited company; or
- c. The liquidation or dissolution of the company, or the appointment of administrators.

Where the Operator notifies the Council under sub-paragraph b., a basic disclosure issued in the name of the new director no earlier than 3 months prior to the date of notification, shall be provided to the Council at the earliest opportunity, and in any event no later than 2 months after notification.

**11. Small operators**

*The following condition applies to operators granted a licence under the small operator provisions only:*

The operator shall be responsible for the invitation and acceptance of bookings for no more than 3 vehicles at any time. Where three vehicles are currently operated, a vehicle must be removed prior to the addition of a new vehicle to the operator's fleet.

**12. Conditions**

The Council reserves the right to vary, delete or waive any of the foregoing Conditions

Applicants aggrieved by any of the Conditions attached to this licence, including both these standard conditions and any further conditions imposed in response to specific issues, may appeal to a Magistrates' Court within 21 days of the service of the licence, in accordance with sections 55 and 77 of the 1976 Act, and sections 300 to 302 of the Public Health Act 1936.

DRAFT