



PRIVATE HIRE OPERATOR'S LICENCE

CONDITIONS OF LICENCE

1. KEEPING OF RECORDS

1.1 The records required to be kept by the Operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976, shall be kept in a suitable book, the pages of which are numbered consecutively or entered into a computer programme which can store and reproduce a printed record. The Operator shall enter or cause to be entered therein, before the commencement of each journey, the following particulars of each booking of a Private Hire Vehicle invited or accepted by him:

- (a) the time, day and date of the booking
- (b) the time and date required for journey to commence
- (c) the identity of the hirer
- (d) the time of pick-up
- (e) the pick-up and destination locations
- (f) the time at which the driver was allocated the booking
- (g) the driver of the vehicle and the vehicle used
- (h) call sign and plate number
- (i) the individual that dispatched the vehicle
- (j) area in which the booking was made and details of operator who accepted the booking
- (k) the area and operator to whom the job is sub-contracted (if applicable)
- (l) details of sub-contracted jobs to include the time and date the job was sub-contracted and accepted (if applicable)

The operator is exempted from the requirement to record destination details prior to passing a booking to a driver, but only in respect of those bookings made using IVR technology and online apps. The destination must be completed following completion of the fare.

1.2 In respect of all **Private Hire Vehicles** operating under his licence the Operator shall maintain full and current records of each vehicle operated containing the following details:

- (a) the owner of the vehicle
- (b) make, model, registration number, colour and engine size of vehicle
- (c) details of appropriate insurance cover (see Condition 7 below) which will include the Insurance Certificate or Cover Note number, the date when inspected and its expiry date
- (d) details of the current MOT test certificate including the date when inspected and its expiry date
- (e) the Private Hire Vehicle Licence number, its expiry date and the number of passengers permitted
- (f) whether or not a 'taximeter' is fitted to the vehicle.

The holder of this licence shall ensure that at all times the vehicles operated are duly licensed in accordance with the Local Government (Miscellaneous Provisions) Act 1976.

- 1.3** The Operator shall maintain a **record of all Private Hire Drivers** currently attached to his operation; this shall include the following details:
- (a) the name of each driver and any call sign allocated to that person
 - (b) the address, email address and telephone number of each driver
 - (c) a copy/image of the current Private Hire Vehicle Drivers Licence
 - (d) a digital record of when the current Private Hire Vehicle Drivers Licence expires
 - (e) a copy/image of their current DVLA Driving Licence
 - (f) a digital record of when the current DVLA Driving Licence expires
 - (g) this record shall be provided to the Council on request
- 1.4** **Computer Records** if used as required at (1) above, must be able to provide a print-out of these details. The programme used shall be such that entries cannot be erased or inserted at a later stage to appear to have been made at a different time, other than so approved by the Council.
- 1.5** The holder of this licence shall always ensure that drivers used by them on private hire business are duly licensed by the Council to drive such vehicles.
- 1.6** Where an Operator accepts a sub-contracted fare from an Operator licensed in another Licensing Authority area, then within reason, the Operator must comply with requests for records of that fare from authorised officers of the Licensing Authority from the area in which the original booking was taken.
- 1.7** If a fare is subcontracted, the original Operator must be able to show that the contracted Operator complies with conditions 1.1, 1.9 and 3.9.
- 1.8** When the holder of the licence ceases to use any licensed Private Hire Driver, the operator shall notify Licensing in writing within 72 hours.
- 1.9** The use of a Public Service Vehicle (PSV) driven by a 'Passenger Carrying Vehicle' licensed driver to fulfil a fare, without the informed consent of the booker is prohibited. The booker must be informed that the driver is subject to different checks and not required to have an enhanced DBS check.
- 1.10** All records kept by the Operator shall:
- (a) be produced for inspection when required by an authorised officer of the Council or a police officer who may take the licence(s) away from the premises if so required.
 - (b) be retained for a period of not less than six months from the date of the last entry.
- 2. BOOKINGS FOR SPECIAL EVENTS VEHICLES**
- 2.1** The Operator shall only accept a booking for this type of vehicle provided written notice is provided to the hirer prior to the booking being serviced specifying details of the hiring and the hirer or person who will be in charge of the party and the number of persons in that group. The fee being charged should be specified and unless the hirer changes details of the hiring no increase in that charge will be permitted. Advice must be provided to the hirer at the time of hiring that the vehicle will only be allowed to carry the maximum number of passengers for which it is licensed.
- 2.2** The Operator will also ensure that the driver of the vehicle has with him at the time of the hiring a copy of the notice as detailed at 2 (a) above.

3. BUSINESS PREMISES & OPERATION

- 3.1 The holder of this licence shall not conduct their business from any premises unless the necessary planning permission under the Town and Country Act 1990, as amended, has been obtained, where applicable, for the premises from which the business will operate.
- 3.2 If applicable, an Operator must obtain a licence for radio equipment under the Wireless Telegraphy Act 1949 or any other relevant statutory provision.
- 3.3 Permission is to be obtained from any landlord or lender that may contractually prohibit the use of the premises for business purposes.
- 3.4 The Operator must permit access to his licensed premises by an authorised officer of the Council or Police at all reasonable times and produce any records lawfully requested for inspection.
- 3.5 Before commencing trading, the Operator shall provide the Council with an emergency contact telephone number that will always be available to the Licensing management and/or enforcement team. The purpose of this telephone number will be to advise the Operator that they need to attend the business premises or satellite office to provide information that has not been supplied previously in the event of an emergency.
- 3.6 All request to provide information by authorised officers shall be prioritised due to their urgency:
- Priority A – These are for matters of a serious nature where there is a significant risk to public safety. Within 1 hour of the request being received.
 - Priority B – These are for matters that require further investigation and have potential to be of a serious matter. Within 4 hours of the request being received.
 - Priority C – These are for requests for information pertaining to general complaints. Within 24 hours of the request being received.
 - General request not prioritised. Within 1 week of the request being received.
- Priorities A & B, significant risk to public safety or serious matters, will be determined on a case by case basis by the Licensing Manager or head of Public Protection at Ipswich Borough Council.
- 3.7 A named person(s) shall be supplied to be the liaison with the Licensing Authority.
- 3.8 At all times that an Operator is actively dispatching vehicles, there shall be an identified phone number on which the Operator (or their nominee) is available for contact by authorised officers of the Licensing Authority and the Operators shall provide any information requested regarding journeys that have been dispatched and/or booked through the Operator.
- 3.9 The Operator shall apply a fit and proper test to all their staff. This shall include a basic DBS check for all staff and records kept showing the recruitment and decision-making processes. Failure to undertake these checks or to keep adequate records shall deem that the Operator may not be a fit and proper person to hold an Operator's licence.
- 3.10 All staff who are in a role where they interact with members of the public shall undergo Child Sexual Exploitation (CSE) and Safeguarding training within 3 months of commencing work for an Operator. It is up to the Operator to ensure their staff attend.
- 3.11 The holder of this licence shall provide a video conferencing facility (e.g. Skype) and an appropriate room in order to facilitate driver reviews. A driver has the right to be accompanied by a solicitor or representative, if they wish, and this must be accommodated.

4. 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:

- (a) ensure that when a Private Hire Vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place and convey the passenger(s) to the required destination;
- (b) keep clean, adequately heated, ventilated and lit any premises which he provides and to which the public have access, whether for the purpose of booking or waiting;
- (c) ensure that any telephone/computer facilities or radio equipment provided are working correctly and maintained in a sound condition and that a valid Department of Trade & Industry radio licence is in force.

5. TOUTING AND SOLICITING

An Operator shall not cause or permit any person to:

- (a) tout or solicit any person to hire or be carried for hire in any Private Hire Vehicle;
- (b) cause or procure any other person to tout or solicit any person to hire or be carried for hire in any Private Hire Vehicle.

6. COMPLAINTS

- 6.1 Private Hire Operators must have a policy for dealing with complaints by the public.
- 6.2 The policy must require that all complaints are recorded and kept for at least 12 months. These records should contain as a minimum, the complainants name, contact information, details of the complaint and action taken (if any) by the Operator.
- 6.3 The record of complaints shall be available for inspection by authorised officers at any time. Specific records shall also be immediately available at the request of an Authorised Officer or Police Officer at all reasonable times, this includes all details relating to the complaint and the driver.
- 6.4 Upon receiving any 'specified complaint' or allegations regarding any person licensed by the Council, Operators must report the complainants name, contact information and the full details of the complaint. This shall be reported immediately when the licensing office is open, or in any other event by email within 48 hours to licensing@ipswich.gov.uk

The specified complaints or allegations are:

- of indecency or of a sexual nature
- Hate crimes
- Terrorism
- Extremism
- Violence
- Drug dealing
- Dishonesty

In straightforward terms, allegations of criminal behaviour whilst licensed as a Private Hire Vehicle Driver.

- 6.5 The Operator shall immediately notify the police of any complaint received which would tend to suggest or allege that a criminal offence has been committed in relation to his business as an Operator, or by any driver or vehicle attached to his business.

7. CONVICTIONS

- 7.1 The holder of this licence shall give full details in writing to Licensing within 48 hours of being convicted, cautioned or issued with a Fixed Penalty Notice incurred during the life of this licence.

- 7.2 The holder of this licence shall within 48 hours, notify Licensing of any arrest or of being charged for an offence incurred during the life of this licence. Details shall be provided in writing.
- 7.3 If the holder of this licence is a company or partnership, full details of any conviction, caution or fixed penalty notice imposed on the company or any of the directors, secretary or partners during the period of the licence shall be provided in writing to Licensing.
- 7.4 If no acknowledgement to notification under any of the conditions in 7.1, 7.2 or 7.3 is received within 14 days, the holder of this licence must inform the Licensing Office by telephone immediately.

8. INSURANCE / MOT TEST CERTIFICATE

- 8.1 The Operator shall ensure that **every vehicle** operated by him in accordance with his licence is **covered by:**
- (a) **a Certificate of Insurance or covering note indemnifying the proprietor** of the said vehicle within the provisions of the Road Traffic Act, 1988 (Part VI), or as may be amended, in respect of **Private Hire Vehicles** for the carriage of passengers **for hire or reward** and in respect of **Hackney Carriages for public hire;**
 - (b) a current MOT Test Certificate.
- 8.2 Should the necessary insurance cover for any vehicle operated under this Operators Licence be cancelled, suspended or lapse, or the MOT test certificate expires then the vehicle must immediately be stood down and the driver and vehicle proprietor advised that it should be removed from the public highway. The Council shall be notified immediately of this action.
- 8.3 In relation to vehicles owned/licensed by the Operator (fleet):
A copy/image of the current valid certificate of insurance or cover note(s) relating to each vehicle which shows those persons entitled to drive the vehicle must be retained by the Operator on the premises specified on the licence.

9. MAINTENANCE OF VEHICLES

Each Private Hire Vehicle operated by the licence holder must be regularly maintained and inspected for defects to ensure compliance with the Council's conditions in relation to the licensing of such vehicles.

10. OPERATOR'S NAME OR LOGO (VEHICLE SIGNS)

- 10.1 The Operator's name or logo shall contain no words or numbers other than the Operator's name, address and telephone number or the name under which he carries on his business, its telephone number and its address, (which may include his email or website address). A freephone number may also be displayed but this should not take precedence over the other number. If so desired, the sign may contain the words 'Ipswich Licensed Hire Car' or 'Licensed Hire Car'. A copy of **such sign must be deposited** by the Operator **with the Council prior to its use in or on a vehicle and must NOT be changed in any way thereafter without the written approval of the Council.**
- 10.2 The name or logo of the Operator of the vehicle shall not be displayed except on the nearside and offside door panels and/or front and rear windscreens of the vehicle, with only one such sign in each of the permitted locations. The use of magnetic door stickers is prohibited.
11. **HOLDER OF LICENCE.**
- 11.1 If the Operator (or, where there is more than one Operator, at least one of them) is not both a Competent Person and in day to day charge of the operation then the Operator must at all times employ someone to be in day to day charge of the operation who is a Competent Person.
- 11.2 A person is a Competent Person for the purposes of (a) above only if he holds a certificate to that effect issued by the Council and which has not been revoked by the Council.
- 11.3 Before issuing a certificate that a person is a Competent Person the Council shall satisfy itself as to that person's competence and may require that person to undergo tests as to his knowledge.

12. GENERAL CONDITIONS.

12.1 Any licence obtained by any form **of payment which is subsequently dishonoured, will render the licence invalid.** The licence, certificate of competency and any badge or plates associated with that licence must be returned to the Council until an alternative form of acceptable payment is made.

12.2 All licences, Certificates of Competency, badges and vehicle plates remain the property of the Council.

13. PENALTIES

The Council may under Section 62 of the Local Government (Miscellaneous Provisions) Act 1976 suspend or revoke a Private Hire Operators licence, if any of the above Conditions are not complied with.

14. APPEALS

Any person aggrieved by any condition attached to this licence may appeal to a Magistrates Court within 21 days of receipt of the licence.

NB Words importing any gender shall include all other genders.