

Taxi and Private Hire Conditions of Licensing

Appendix D – Private Hire Operator

CONDITIONS OF LICENCE – PRIVATE HIRE OPERATOR

The following specifications and conditions of licence are made by Borough Council of Wellingborough under powers conferred by Part II of the Local Government (Miscellaneous Provisions) Act 1976 (as amended) to ensure effective regulation of private hire vehicle use and to ensure that proper vehicle and driver standards are maintained, in the interests of public safety.

Possession of this Conditions of Licence document does not guarantee that a private hire operator licence is in force. The validity of any licence may be confirmed by contacting Borough Council of Wellingborough Licensing team.

DEFINITIONS

In these conditions:

‘the 1976 Act’ means the Local Government (Miscellaneous Provisions) Act 1976 (as amended)

‘the Council’ means Borough Council of Wellingborough.

‘Authorised Officer’ means a Licensing Officer authorised in writing by Wellingborough Council.

‘the hirer’ means any person who, from time to time, hires or books the vehicle.

‘the licensee’ means the person(s) named in the licence.

‘the operator’ means any person or company or partnership licensed by the council to operate private hire vehicles.

‘the vehicle’ means the vehicle named in the licence.

GENERAL

Private hire vehicle operators shall comply, in all respects, with the conditions of licensing set out below. The conditions of licence are supplementary to, and should be read in conjunction with, applicable statutory legislation. The following list is not exhaustive: -

The Town Police Clauses Act 1847 (as amended)

The Local Government (Miscellaneous Provisions) Act 1976 (as amended)

The Road Vehicles (Construction and Use) Regulations 1986 (as amended)

1.0 **STANDARDS OF SERVICE**

- 1.1 The operator shall not, by calling out or otherwise, importune any person to hire any private hire vehicle operated by them and shall not make use of the services of any person for that purpose.
- 1.2. This licence permits the holder to operate private hire vehicles from the authorised premises only, as identified within the licence. Any change must be notified, in writing, within seven days to The Licensing Officer, Borough Council of Wellingborough.
- 1.3. The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times. The operator shall:
 - A. ensure that when a private hire vehicle, operated by them, has been hired to be in attendance at an appointed place and time such vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at the appointed place and time; and
 - B. keep clean and adequately heated, ventilated and lit any premises which the operator provides to which the public have access, whether for the purposes of booking or waiting, and ensure that any waiting area provided has adequate seating facilities; and
 - C. ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- 1.4 The operator shall not incite the proprietor or driver of any private hire vehicle, operated by them, to convey in such vehicle a greater number of persons than the number of persons specified in the licence for that vehicle.
- 1.5 The operator shall keep a written record of any complaint and record any action taken in response to that complaint. In addition the operator shall notify the Licensing Officer in writing, of any complaints concerning one of their contracts for hire, on a monthly basis.
- 1.6 The operator shall ensure that they only make use of drivers and vehicles licensed by Borough Council of Wellingborough and shall ensure that all the drivers and vehicles engaged or employed by them comply with all licence requirements laid down by Wellingborough Council.
- 1.7 The operator shall ensure that, where necessary, they are in possession of adequate Public and Employers Liability insurance.
- 1.8 The operator shall ensure that each private hire and hackney carriage vehicle operated by them is in a suitable mechanical condition, safe, comfortable, clean and presentable. That there is in force at all times a

suitable Certificate of Insurance, a hackney carriage or private hire licence granted by Borough Council of Wellingborough, and that the plate provided by the council, in accordance with Section 48(5) of the Local Government (Miscellaneous Provisions) Act 1976 is affixed to the vehicle in such a manner and position as is required by the council.

- 1.9 The Operators Licence granted by Borough Council of Wellingborough and a copy of these conditions must be available, at all times, at the premises designated in the licence. The operator shall make the licence and these conditions available for inspection by either actual or potential fare paying passengers.

2.0 **OPERATORS RECORDS OF WORK**

- 2.1 The operator shall keep legible, hand-written or computerised records, in accordance with Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976, and complete them at the time of accepting any booking. Such record shall contain the following information:

- A. The time and date of the booking and, if different, the time and date of the proposed journey.
- B. The name and address, or telephone number, of the hirer.
- C. The agreed time and place of collection. (Place to include an address or street name)
- D. The destination. (to include an address or street name)
- E. The time at which a driver/vehicle was assigned to the booking
- F. The Borough Council of Wellingborough licence number, or company call-sign of the vehicle.
- G. The fare, if agreed between the operator and the hirer at the time of booking.
- H. Remarks (to include, if necessary, details of any sub-contract, fare evasion, complaints in respect of the service provided by the operator or driver or any other matter relevant to the hiring to which it relates.)
- I. Paper based records must be contained within a sequentially numbered and bound book. Loose leaf records are not acceptable.

- 2.2 A backup must be made daily of all computerised records, which the operator is required to keep.

- 2.3 All records, however maintained, shall be kept for at least 12 months from the date of the entry. The records shall be produced for inspection, on request, by any authorised officer of the council or police officer. The records must be kept at the licensed address. Where the operator keeps computerised records they must be able to provide a print-out (in a format approved by the council) of the requested records upon demand, as, and when, required.

3.0 OPERATORS RECORDS -VEHICLES

- 3.1. The operator shall keep legible, hand-written or computerised records of the particulars of all private hire vehicles operated by him in accordance with Section 56(3) of the Local Government (Miscellaneous Provisions) Act 1976, including the:

- A. Vehicle registration mark
- B. Make, model, colour
- C. Number of passenger seats. (As authorized by the hackney carriage/private hire vehicle licence)
- D. The hackney carriage/private hire licence number.
- E. The company call-sign for the vehicle.
- F. The vehicle proprietors name and address.
- G. Insurance particulars of all vehicles working on behalf of the operator.
- H. The date the vehicle was added to the operator's fleet.
- I. The date the vehicle was withdrawn from the operator's fleet.

4.0 OPERATORS RECORDS -DRIVERS

- 4.1 The operator shall keep legible, hand-written or computerised records of the particulars of all drivers of hackney carriage/private hire drivers operated by them, including:

- A. The name, address and company call-sign assigned to the driver.
- B. The date the driver starts working for the operator.
- C. The date the driver stops working for the operator.

- D. Any change of address of a driver during the course of his service with the operator.
 - E. Any illness, disability or condition which may affect a driver's ability to safely carry out their duties, where the operator becomes aware of any such condition.
 - F. The Borough Council of Wellingborough hackney carriage/private hire driver's licence number and expiry date of same.
- 4.2. The operator shall retain the licence of any driver engaged by them, until such time as the driver ceases to be so engaged. The operator shall also ensure that all drivers engaged by them are in possession of the appropriate drivers badge issued by Borough Council of Wellingborough. (Original hackney carriage driver licenses should be held by the vehicle proprietor).

5.0 **CONVICTIONS**

- 5.1 The operator shall, within 7 days, disclose to the council, in writing, details of any convictions, including motoring endorsements, convictions and Fixed Penalty Notices, imposed on them (or if the operator is a company or partnership, on any of the directors or partners) during the life of the licence.
- 5.2. The operator (and each individual director of any limited company acting as an operator) shall provide a basic disclosure certificate to the council on each application for an Operator's Licence every five years, or prior to any individual new director being appointed. If the operator is also a driver licensed with Borough Council of Wellingborough, the enhanced disclosure certificate necessary for the driver's licence will suffice and it is not necessary to also provide a basic disclosure certificate in addition, if the operator is also a licensed driver.

6.0 **STAFF**

- 6.1 The operator shall notify the council, in writing, within 7 days of the engagement or employment of a new hackney carriage or private hire driver, and of any additional hackney carriage or private hire vehicles. The operator shall also inform the council of the termination of engagement, employment or operation of such hackney carriage or private hire drivers or vehicles.

7.0 INSURANCE

- 7.1 The operator shall ensure that every hackney carriage or private hire vehicle operated by them in accordance with this licence is covered by a Certificate of Insurance or cover note. This insurance should indemnify the proprietor of the vehicle in accordance with the provisions of the Road Traffic Act 1972, for the carriage of passengers for hire or reward.

8.0 CHANGE OF ADDRESS

- 8.1 The operator shall notify the council, in writing within 7 days, of any change to their address, including their personal address and any address from which they operate, or otherwise conduct their business as an operator, during the period of the licence.