

# APPENDIX I

## PRIVATE HIRE OPERATOR CONDITIONS

These conditions are attached to the licenses issued by the Borough Council of Newcastle-under-Lyme under section 55 of the Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”).

The Borough Council of Newcastle-under-Lyme has carefully considered the following conditions and has decided that they are reasonably necessary.

These conditions set out the way in which the licence holder must act whilst acting as a private hire operator in addition to the existing legal requirements. They do not set out the existing legal requirements such as prohibition of illegal ply for hire.

These conditions do not set out the detail as to what steps are required to become and remain an operator and they do not set out what factors are taken into account in deciding whether a person is a fit and proper person to be a driver. Information on these issues is set out in the Policy document above.

**Breach of these conditions may lead to the suspension of the licence and consideration of revocation of the licence or prosecution.**

The Conditions attached to the licence are as follows:

### Notification requirements

1. Change of Address - The private hire operator must notify the licensing authority (“the Council”) within 72 hours in writing of his/her change of personal address.
2. Change of Vehicles – The operator must inform the Council in writing within 72 hours of operating an additional vehicle. Where an operator ceases to operate a vehicle on the Operator Vehicle Schedule (see condition 10) he/she must notify the Council within 72 hours in writing.
3. Convictions/Cautions or other enforcement action – The operator must notify the Council within 72 hours in writing of any conviction, issue of a formal caution/final warning or issue of a fixed penalty notice by the Police or a Local Authority.

The operator must also notify the Council, in writing, within 72 hours of any other enforcement action taken by another local authority under the 1976 Act or the Town Police Clauses Act 1847. If the operator is a company or partnership any action listed above taken against the company or any of the directors or partners must also be notified to the Council. **For the avoidance of doubt this condition also applies to any driving convictions.**

4. Where the operator is required to notify the Council under condition 3, they must provide the Council with details of:
  - The offence / mischief;
  - The date of conviction / enforcement action;
  - The sanction imposed;
  - The imposing authority / place;

### Record Keeping

5. Booking records - Each operator must keep a record of the particulars of every booking invited

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or accepted by him, including the name of the staff member that took the booking. Such records must be kept for 12 months. **Each record must be fully completed before the dispatch of any vehicle or any part of the journey is undertaken.**

Records must also be maintained for any regular contract work that the operator may undertake such as school contracts. The records must specify the following:

- Date and time of booking;
- Client's first name and surname;
- Origin of journey;
- Time of journey;
- Destination of journey;
- Identification of both driver and the vehicle allocated to the booking;
- the name of the individual that responded to the booking request (unless the response was automated via a computerised system)
- the name of the individual that dispatched the vehicle (unless the response was automated via a computerised system)
- The agreed fare.

6. Booking records must be kept at the base recorded on the Operator's licence.

7. The operator must ensure that they use appropriate staff to carry out their bookings. The Operator must use a Fit and Proper test, similar to the one the Council use for determining whether to grant an operator's licence, for each member of staff that they employ. The operator should not employ any individual that falls below that test.

8. Sub-contracted Bookings – Each operator must keep a record of the particulars of each journey that is either subject to sub-contracting. The record must specify:

- Date and time of booking;
- Operator received from (or passed to);
- Client's first name and surname;
- Origin of journey;
- Time and date of journey;
- Destination of journey;
- Identification of both driver and the vehicle allocated to the booking;
- The agreed fare;
- Confirmation that the customer has been advised that the journey has been sub-contracted.

### Complaints Procedure

9. Each operator must have in place a complaints procedure and must maintain a record of all complaints received, including details of any investigation and/or actions taken as a result of a complaint.

10. The complaints procedure and complaint records must be made available to the licensing authority or Staffordshire Police on request and will be audited and checked by an authorised officer of the Council as appropriate on a risk based approach. Where a complaint is received about one of the below matters the operator must notify the Council in writing within 72 hours, including the name and contact details of the complainant, the nature of the complaint and the name of the driver involved:

- A driver's behaviour or conduct towards a vulnerable passenger;
- Inappropriate sexual comments towards a passenger;
- Report of poor and/or dangerous driving;
- A driver being under the influence of alcohol and/or any other drug (illegal or

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- medicinal);
- A refusal of a passenger with a wheelchair or an assistance dog.

11. The records may be kept in hard copy or on computer. If kept in hard copy they must be in a bound book with consecutively numbered pages.

**Operator Vehicle Schedule**

12. The operator must keep a schedule of all vehicles they operate (“the Operator Vehicle Schedule”). The Operator Vehicle Schedule must record the make, model, registration number, private hire number and the date of expiry of the private hire plate, insurance, road tax and MOT (where applicable) on the Operator Vehicle Schedule. The Operator Vehicle Schedule must be kept up to date by the operator.
13. The operator must not operate any private hire vehicle other than those which have been listed on the Operator Vehicle Schedule. All vehicles on the Operator Vehicle Schedule must have a valid private hire licence with the Council.

**Operator Driver Schedule**

14. The operator must keep a schedule of all drivers s/he employs or uses (“the Operator Driver Schedule”). The Operator Driver Schedule must record the name, address, contact details together with the date of expiry of his private hire licence and the date when his driving licence expires on the Operator Driver Schedule. The Operator Driver Schedule must be kept up to date.
15. The operator must not use or employ any private hire driver other than those listed by the Operator on the Operator Driver Schedule.

**Operator to keep Drivers’ Licences**

16. It is the operator’s responsibility to check that all drivers are licensed as private hire drivers. The operator should ensure that when a driver has made themselves available for private hire work that the driver has deposited her/his licence with the operator whilst s/he is available for work.

**Standard of Service**

17. General standards - The operator must provide a prompt, efficient, safe and reliable service to members of the public.
18. Punctuality – The operator must ensure that when a private hire vehicle has been hired to be at an appointment at a certain time and place that the vehicle attends punctually unless delayed for reasons beyond the reasonable control of the operator.
19. Standard of Premises accessible to public – Where the operator has premises accessible by the public whether for booking or waiting they must be kept clean and adequately heated, ventilated and lit. They must also have adequate seating facilities. Premises accessible to the public must also have public liability insurance cover of at least £5,000,000.

**Operator Base**

20. Limit on operation – The operator must only operate from the base or bases identified on the operator’s licence.
21. Licence for radio equipment – The operator must hold the necessary permission from OFCOM

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where they operate radio equipment requiring such permission.

**Insurance**

- 22. Insurance - The operator must ensure that there is in force in relation to the use of the vehicle as a private hire vehicle a policy of insurance as complies with the requirements of part VI of the Road Traffic Act 1988. A copy of the original certificate of insurance or cover note relating to each vehicle which shows those persons entitled to drive must be retained by the operator on the premises specified on the licence. Where the policy is a fleet policy confirmation that the vehicle is included on the schedule of vehicles will also be required in addition to the insurance certificate.
- 23. MOT – The operator must at all times ensure that each vehicle has a valid MOT test certificate if required by law.

**Fares**

- 24. Agreed fare- Where the fee is agreed in advance, the operator shall ensure that no more than the agreed fare is paid.

**Other requirements**

- 25. The Operator must comply with all other relevant statutory requirements. The Operator must also take all reasonable steps to ensure that any drivers they employ or uses comply with relevant statutory requirements. The most common statutory requirements are set out in the Council’s guidance and policy statement accompanying these conditions.
- 26. The Operator must allow Police Officers and authorised officers of the Council access to the business address, at any time the business is in operation, for the purpose of carrying out inspections and obtaining copies of relevant records.

**The licence holder must meet all the conditions of this licence. Breach of these conditions may lead to the suspension of the operator’s licence and consideration of revocation of the licence and/or where appropriate prosecution.**

**I acknowledge receipt of these conditions**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Printed: \_\_\_\_\_

**PLEASE NOTE THAT SHOULD YOU FEEL AGGRIEVED BY ANY OF THE CONDITIONS SET OUT ABOVE THEN YOU HAVE A RIGHT OF APPEAL TO THE MAGISTRATES COURT WITHIN 21 DAYS FROM THE DATE WHEN THE LICENCE IS ISSUED. YOU ALSO HAVE A RIGHT OF APPEAL TO THE MAGISTRATES COURT AGAINST REFUSAL TO ISSUE A LICENCE WITHIN 21 DAYS FROM REFUSAL.**