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Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr
Bridgend County Borough Council



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*Rydym yn croesawu gohebiaeth yn Gymraeg.
Rhowch wybod i ni os mai Cymraeg yw eich
dewis iaith.*

*We welcome correspondence in Welsh. Please
let us know if your language choice is Welsh.*



**Cyfarwyddiaeth y Prif Weithredwr / Chief
Executive's Directorate**

Deialu uniongyrchol / Direct line /: 01656 643148 /
643147 / 643694

Gofynnwch am / Ask for: Democratic Services

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: Thursday, 10 December 2020

Dear Councillor,

LICENSING COMMITTEE

A meeting of the Licensing Committee will be held remotely via Skype for Business on **Wednesday, 16 December 2020 at 09:30.**

AGENDA

1. Apologies for Absence
To receive apologies for absence from Members.
2. Declarations of Interest
To receive declarations of personal and prejudicial interest (if any) from Members/Officers in accordance with the provisions of the Members Code of Conduct adopted by Council from 1 September 2008.
3. Approval of Minutes 3 - 8
To receive for approval the minutes of the 17/11/2020
4. Review of Private Hire Operator Conditions 9 - 22
5. Urgent Items
To consider any other item(s) of business in respect of which notice has been given in accordance with Rule 4 of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency.

Note: Please note: Due to the current requirement for social distancing this meeting will not be held at its usual location. This will be a virtual meeting and Members and Officers will be attending remotely. The meeting will be recorded for subsequent transmission via the Council's internet site which will be available as soon as practicable after the meeting. If you have any queries regarding this, please contact cabinet_committee@bridgend.gov.uk or tel. 01656 643147 / 643148.

Yours faithfully

K Watson

Chief Officer, Legal, HR & Regulatory Services

By receiving this Agenda Pack electronically you will save the Authority approx. £0.44 in printing costs

Councillors:

PA Davies
DRW Lewis
JE Lewis
RM James
RJ Collins

Councillors

B Jones
G Thomas
AA Pucella
JE Williams
MJ Kearn

Councillors

A Hussain
TH Beedle
JR McCarthy
A Williams

Present

Councillor DRW Lewis – Chairperson

PA Davies
B Jones
MJ Kearn
A Williams

JE Lewis
G Thomas
A Hussain

RM James
AA Pucella
TH Beedle

RJ Collins
JE Williams
JR McCarthy

Officers:

Mark Galvin	Senior Democratic Services Officer - Committees
Andrea Lee	Senior Lawyer
Yvonne Witchell	Team Manager Licensing
Will Lane	Operational Manager Shared Regulatory Services
Michael Pitman	Democratic Services Officer – Committees

51. DECLARATIONS OF INTEREST

None

52. APPROVAL OF MINUTES

RESOLVED: That the minutes of the Licensing Committee and Licensing Act 2003 Committee of the 06/10/2020, be approved as a true and accurate record

53. HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE POLICY

The Team Manager Licensing presented a report which:

- Reported back to the Committee on the results of the consultation carried out in respect of the maximum age at which hackney carriage and private hire vehicles may be licensed for the first time, and once licensed, the frequency at which they are tested;
- Considered an amendment to the Age Policy Guidelines (APG) in respect of the maximum age at which hackney carriage and private hire vehicles may be licensed for the first time;
- Considered a proposal to amend the testing frequency of hackney carriage and private hire vehicles
- Considered a proposal to amend the vehicle testing and compliance procedure for hackney carriage and private hire vehicles.
-

The Team Manager Licensing explained that the impetus for reviewing the policy came from the local trade who indicated that the current policy requiring vehicles presented for their first licence to be new or nearly new, placed a significant economic burden on the trade, whilst providing a marginal benefit in terms of public safety.

She explained that the current policy regarding vehicle age was introduced and approved by the Licensing Committee on 10th March 2008.

She outlined that the current policy stated that applicants for the first licensing of a hackney carriage or private hire vehicle should be submitted to the Council within 14 days of the first registration of the vehicle at the DVLA. The mileage at the time of application should be no greater than 500 miles so the majority of vehicles were new when they were first licensed. Details of the current age policy were detailed in Appendix A of the report.

The Team Manager Licensing explained that any changes to the age policy had an impact on the vehicle testing regime. With the majority of vehicles new at first application, the current policy requires 2 tests per year for vehicles up to 5 years old, and 3 tests per year for vehicles over 5 years old.

Hackney carriage and private hire vehicles were tested at the Ty Richard Thomas Joint Vehicle Maintenance Facility, jointly utilised by South Wales Police and the Council as the approved testing station for licensed vehicles in Bridgend.

The Team Manager Licensing explained that in response to trade views, a consultation was carried out by way of a questionnaire, seeking the views from the trade and public on proposed changes to the age and testing policies for hackney carriage and private hire vehicles. A copy of the questionnaire was included in Appendix B and the responses were detailed in Appendix C. She summarised the 19 responses to the Committee that were detailed in section 4.7 of the report.

The Team Manager Licensing outlined the variations between the vehicles ages licenced within Bridgend compared with those licenced in other local authorities in South Wales as outlined in section 4.9 of the report.

She added that the consensus that the reasons for an age policy, such as improved comfort and improved safety standards, should apply to all saloon vehicles, and minibuses (Class 1) but that those vehicles fitted with a permanent automated tail lift would be accepted for first licensing aged up to 10 years (Class 2).

The Team Manager Licensing explained that it was proposed that hackney carriage and private hire vehicles aged up to 10 years old would be tested twice a year. Vehicles that are 10 years or older would be tested three times a year. In order to implement this proposal, the following would be inserted into the hackney carriage and private hire vehicle conditions of licence:

“Testing of vehicles

- a) *Vehicles aged up to 10 years old from the date of first registration, or first use/date of manufacture if the vehicle is imported, will be tested twice a year.*
- b) *Vehicles that are 10 years or older, from the date of first registration, or first use/date of manufacture if the vehicle is imported, will be tested three times a year.”*

The Team Manager Licensing explained that in order to facilitate the proposed changes, the vehicle conditions will be renumbered. A copy of the updated hackney carriage conditions and private hire vehicles are contained in Appendix D in Appendix E respectively.

She added that Officers had met with officers of the Ty Richard Thomas Joint Vehicle Maintenance Facility to agree a way forward to provide MOT certificates, together with a protocol for testing additional features unique to licensed vehicles. This latter test will be

referred to as the Declaration of Fitness Form attached at Appendix F. It was also recommended that the authority adopt the Freight Transport Association – National Inspection Standards for Hackney Carriage and Private Hire Vehicles which were attached at Appendix G. This best practice guide provides additional testing requirements to those in the MOT Inspection Manual. It was proposed that the new regime of issuing an MOT Certificate and Declaration of fitness form comes into effect on 1 February 2021.

The Team Manager Licensing provided Committee with the financial implications relating to the changes which had been approved by delegated powers under reference CMM-TE-20-010. She stated that the test fee would increase from £46 to £48.50.

A Member asked if there was capacity in terms of staffing, ie in the form of fitters, to accommodate the increase- in testing servicing that would be required due to the change proposed. The Team Manager Licensing confirmed that there was such capacity.

A Member raised concerns relating to the potential age of some vehicles and whether they would be a fire risk and roadworthy in terms of other areas, both in terms of the interior and the exterior condition of such vehicles.

The Team Manager Licensing explained that the Department for Transport did not recommend setting an upper limit on age, due to the fact that vehicle standards were much higher nowadays and therefore, at less risk of having any major mechanical issues going wrong with them due to age, as may have been the case in years gone by. This meant that many vehicles older than 10 years, including the majority of these, were still safe to be on the road for some time after a 10 years of age period. She added that such revision in the policy, would allow taxi and private hire operators to replace their vehicle more often, as opposed to being required to buy a new vehicle.

A member asked whether fire extinguishers or first aid kits were present in hackney or private hire vehicles and whether it was a legal requirement for drivers to fit them in their vehicles.

The Team Manager Licensing explained that this was in fact a legal requirement and the above were subject to spot checks by the licensing enforcement officers.

A number of Members raised their some common concerns relating to age of vehicles and the potential wear and tear on the seating, the bodywork, and the mechanics. .

The Legal Officer stated that the policy was there to guide Members into making a decision, but every decision on the condition of a vehicle being suitable for hackney carriage or private hire, had to be made on its own merits, with members giving discretion where they felt appropriate to do so in terms of granting or refusing a vehicle. She added that this applied to a Sub-Committee when using its discretion when inspecting vehicles for licence .

The Operational Manager Shared Regulatory Services added that it was common amongst local authorities to not have an upper age limit on vehicles. He added that allowing older vehicles to be licenced proved beneficial for the industry as drivers, rather than purchasing a new vehicle, tended to renew their current vehicles more often, which meant there was less of an economic burden upon them. The Team Manager Licensing added that it was the recommendation of the Department for Transport's 'best practice' guidelines that stated that it was not recommended for vehicles to have an upper age limit, including in terms of local authorities considering applications for the grant of licences for hackney carriage or private hire vehicles.

A Member raised the issue of insurance for the vehicles stating that he believed that all taxi and private hire vehicles should have fully comprehensive insurance.

The Operational Manager Shared Regulatory Services explained that it was not a legal requirement to have fully compressive insurance. Third Party protection was the minimum legal requirement for all drivers, in this regard.

A Member asked that the guidance included the condition of seats in addition to seat belts.

A Member reiterated the point about inspecting seats and other parts of the vehicles subject to wear and tear and stated that members could refuse an application if they deemed the quality to be unsatisfactory. She added that vehicles had been refused in the past for these reasons, therefore a change in the policy would not affect this.

A Member asked that when social distancing restrictions due to Covid were relaxed, could the Committee visit the Fleet Workshop where vehicles were inspected and serviced.

The Team Manager Licensing replied that this would be arranged when it was safe to do so.

RESOLVED: That the Committee:

- Approved the proposal to amend the age policy guidelines so that from 1 February 2021, vehicles submitted for licensing for the first time must be less than 5 years old from the date of first registration; or first use/date of manufacture if the vehicle is imported, with the exception of minibus type vehicles fitted with permanent automated tail lifts which may be aged up to 10 years on first licensing.
- Approved the proposal to amend the testing frequency so that from 1 February 2021, vehicles aged up to 10 years old will be tested twice a year and vehicles that are 10 years or older will be tested three times a year.
- Approved the revised conditions which take effect from 1 February 2021 for hackney carriage and private hire vehicles, as set out in Appendices D and E.
- Approved the Declaration of Fitness Form set out in Appendix F, for use from 1 February 2021.
- Adopted the Freight Transport Association – National Inspection Standards for Hackney Carriage and Private Hire Vehicle as set out in Appendix G, from 1 February 2021.
- Authorised the Chief Officer – Legal, HR and Regulatory Services to prepare (and subsequently amend if necessary) the detailed administrative processes in conjunction with the Fleet Workshop Manager at Ty Richard Thomas.
- Approved the proposal that applications which fall under the policy guideline set out at (i) above are dealt with by the Chief Officer Legal, HR and Regulatory Services under the Scheme of Delegation to officers. In addition, to approve the proposal that in a case where an applicant fails to submit an application for the renewal of a licence prior to the expiry date, and the application falls outside the

LICENSING COMMITTEE - TUESDAY, 17 NOVEMBER 2020

policy guidelines, the requirement for the application to be dealt with by a Sub-Committee is waived, provided that the application is received within five working days of the expiry date. All other cases falling outside the policy guidelines will be dealt with by a Sub-Committee.

54. URGENT ITEMS

None

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING COMMITTEE

16 DECEMBER 2020

REPORT OF THE CHIEF OFFICER – LEGAL, HR AND REGULATORY SERVICES

REVIEW OF PRIVATE HIRE OPERATOR CONDITIONS

1. Purpose of report

- 1.1 To consider updating the current private hire operator conditions in line with new statutory best practice standards published by the Department for Transport (DfT) following a consultation with the trade.

2. Connection to corporate well-being objectives/other corporate priorities

- 2.1 There is no direct link to the corporate well-being objectives or the corporate priorities.

3. Background

- 3.1 Under the Local Government (Miscellaneous Provisions) Act 1976 the Council may attach any conditions to the grant of a private hire operator licence that they consider reasonably necessary.
- 3.2 Bridgend County Borough Council's current private hire operator conditions have been in place for many years and in response to new statutory best practice standards published by the Department for Transport (DfT), it is thought to be an appropriate time to review the current conditions in an attempt to bring them in line with the new standards. The current private hire operator conditions are detailed at **Appendix A**.
- 3.3 A draft set of conditions has been produced which detail the proposed requirements for private hire operators. A copy of the draft conditions are detailed at **Appendix B**.

4. Current situation/proposal

- 4.1 As the Licensing Authority for Bridgend, it is important that we are confident that the operators we licence are 'fit and proper' and do not pose a threat to public safety. One way this can be achieved is by imposing conditions onto the licence.
- 4.2 The Department for Transport (DfT) have recently published Statutory Taxi and Private Hire Vehicle Standards with the intention that these are adopted by all local authorities as a minimum "*unless there is a compelling local reason not to*".
- 4.3 A review of Bridgend County Borough Council's current private hire operator conditions has subsequently been conducted and a new set of proposed

conditions produced with public safety at the forefront of the agenda. The proposed conditions cover the following elements:

- General
- Complaints System
- Driver Vehicle Records
- DBS Check
- Notification of Convictions
- Business Premises
- Booking Records
- Personal Data
- Working Hours
- Insurance
- Ride Sharing/Car-Pooling
- Standards of Services
- Public Service Vehicles

The proposed conditions are detailed at **Appendix B**.

Consultation

- 4.4 The Licensing Authority has consulted with private hire operators currently licensed by Bridgend County Borough Council.

One response was received during the consultation from a licensed private hire operator which stated “we have read through your conditions and all are acceptable by ourselves.”

No other responses were received.

- 4.5 Following legal advice Section 8 of the proposed private hire operator conditions detailed in Appendix B was split into two sections and sub-sections were removed to not to duplicate Data Protection legislation.

5. Effect upon policy framework and procedure rules

- 5.1 None

6. Equality Impact Assessment

- 6.1 A full Equality Impact Assessment has not been undertaken as there are no implications in relation to age; disability; gender and transgender; race; religion or belief and non-belief; sexual orientation on this matter.

7. Well-being of Future Generations (Wales) Act 2015 implications

- 7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

8. Financial implications

8.1 There are no financial implications arising directly from this report.

9. Recommendation

9.1 It is recommended that the Committee consider the contents of the report and resolve to:

- a) Replace the current private hire operator conditions with the proposed conditions detailed at **Appendix B** with immediate effect.
- b) Allow a grace period of 6 weeks for existing private hire operators in relation to compliance with the conditions detailed in **Appendix B**.

Kelly Watson

Chief Officer – Legal, HR and Regulatory Services

DATE 10 December 2020

Contact officer: Yvonne Witchell
Team Manager Licensing

Telephone: (01656) 643643

Email: licensing@bridgend.gov.uk

Postal address: Civic Offices, Angel Street, Bridgend CF31 4WB

Background documents:

Department for Transport, Statutory Taxi and Private Hire Vehicle Standards:
<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>

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BRIDGEND COUNTY BOROUGH COUNCIL

**PRIVATE HIRE OPERATOR'S CONDITIONS OF LICENCE
AND EXPLANATORY NOTES**

1. OPERATING FROM A PREMISES

- (a) The licensed operator shall inform the Council of the scale of fees he intends charging and give the Council at least one calendar month's notice of any changes proposed thereto.
- (b) The licence is not transferable.
- (c) Any premises or parts of premises occupied by Private Hire Vehicle operators and used by the public for the booking of Private Hire Vehicles shall be kept in good repair, clean and be of good decorative appearance.
- (d) The licensee shall obtain any necessary planning permission for the use of premises from which the business of operating Private Hire Vehicles is intended to be carried on and shall not engage in or allow such business to be carried on from any premises until any necessary planning permission has been so obtained.

This condition shall apply to:-

- (i) the grant of all new operators' licences on or after the 22nd December 1988
- (ii) the renewal of operators' licences on or after the 22nd December 1988, but only to the extent that the premises intended to be used in connection with the business of operating Private Hire Vehicles were not being so used on the said date.

2. OPERATING FROM A MOBILE TELEPHONE

- (a) The licensed operator shall inform the Council of the scale of fees he intends charging and give the Council at least one calendar month's notice of any changes proposed thereto.
- (b) The Licence is not transferable.
- (c) The vehicle in which the mobile telephone is being used must be stationary at all times when private hire bookings are made by way of the mobile telephone.
- (d) The mobile telephone must be of a hands-free type and fitted in such a manner as to ensure that it does not affect the driver's control of the vehicle when it is in use.

- (e) the relevant mobile telephone number must be supplied to the Licensing Officer at all times.

EXPLANATORY NOTES

- (a) Every contract for the hire of a private hire vehicle shall be deemed to be made with the operator who has accepted the booking for the vehicle whether or not he himself provides the vehicle.
- (b) A licensed operator should keep a record in such a form as the Council prescribes which shall contain a record of all the drivers employed by him and all the private hire vehicles licensed and operated by him and he shall enter therein, before the commencement of each journey, such particulars of every booking of a private hire vehicle accepted by him whether by accepting the same from the hirer or by undertaking it at the request of another operator.

This record shall be supplied on request to an authorised officer or to any police constable for inspection.

- (c) A licensed operator shall produce his operator's licence on request to any authorised officer of the Council or police constable.
- (d) The Council may suspend or revoke or refuse to renew an operator's licence on any of the following grounds:-
 - (i) Any offence under or non-compliance with the provision of Part II of the Local Government (Miscellaneous Provisions) Act 1976;
 - (ii) Any conduct on the part of the operator which renders him unfit to hold an operator's licence;
 - (iii) There has been a material change in the circumstances of the operator on the basis of which the licence was granted.
- (e) Any person who commits an offence against any of the provisions of Part II of the Local Government (Miscellaneous Provisions Act 1976 in respect of which no penalty is expressly provided shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (f) Licences will not be issued until the appropriate fee is paid. Where payment is made by cheque which is subsequently dishonoured, any Licence issued shall be revoked from the date on which the Licensee is notified of such revocation.

NOTE:

The Licence attached hereto does not convey any approval or consent required by the Town and Country Planning Act 1971.

Dated: 18 February 2016

Telephone/Office Location: _____

Telephone Number: _____

Date: _____

<u>Time</u>	From	To	Name	Car

A separate sheet is to be maintained showing the drivers' call signs

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Private Hire Operator Conditions

Introduction

These conditions apply to private hire operators.

All reference to "Operator" in these conditions below means a person holding a licence to operate private hire vehicles issued pursuant to Section 55 of the Local Government (Miscellaneous Provisions) Act 1976.

'Licensing Authority' refers to Bridgend County Borough Council

'Authorised officer' has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976

Any legal requirements that apply to the operation of a private hire operator licence are regarded as if they are conditions of the licence, whether specifically listed below or in the policy or not.

1. General

- 1.1 The operator must undertake sufficient checks to satisfy themselves that only suitable drivers are used (and continue to be used) in the course of their business. This will include checking and taking a copy of each driver's hackney carriage/private hire driver's licence prior to that driver undertaking any bookings. The failure of an operator to ensure that appropriate checks are carried out may call into question the operator's fitness and propriety. In addition, a failure to take appropriate action in relation to drivers that persistently breach licence conditions may also be detrimental to the continued fitness and propriety of the operator.
- 1.2 Where an operator dismisses or disengages a driver they must report the dismissal and reasons for it to the Licensing Authority within **48 hours** of the dismissal taking effect.
- 1.3 The Operator must notify the Licensing Office, in writing, within **5 working days** if they, any company director, or any individual named on the application form:
 - a) changes home address
 - b) changes any of their contact details e.g. telephone number, email address
 - c) if any company or limited liability partnership changes its registered office
 - d) if any changes are made in the ownership/management/partnership of the operation as specified in your application form. Please note that new owners or additional partners will be required to have a basic DBS disclosure. The transfer of the operator's licence will not be completed until the Licensing Authority has received a copy of the disclosure.
 - e) If a director or nominated responsible person ceases to be employed in this capacity
- 1.4 The operator must inform the Licensing Authority if they or the person responsible for running the business are going to be absent from the day to day running of the business for a period of 2 consecutive months. In doing this, the operator must give the name of the person that will be responsible for the running of the business on their behalf during this temporary period.

1.5 The Operator must not use, or facilitate the use of, any software, technology or other device that is capable of impeding the lawful activities of enforcement agencies or the regulatory activity of the Licensing Authority.

2. Complaints System

2.1 Private Hire Operators or an appointed representative from within the business must initiate an investigation into any complaint received from the public within 48 hours from receipt of the complaint.

2.2 The operator must maintain a register of complaints (digital or hard copy), which must include the following information:

- Complainant's name and address/email address
- Details of the complaint
- Time and date of the alleged incident
- Time and date the complaint was received by the operator
- How the complaint was received e.g. phone, email etc.
- Name of person that received the complaint.
- Name of the alleged perpetrator
- If the complaint was referred to the Licensing Authority –time and date of when it was referred and who by.
- Details of the action taken to resolve the complaint and by whom
- Date the complaint was resolved

2.3 A copy of the complaints register must be available for inspection upon request of an authorised officer of the Licensing Authority. The records must be retained for a period of 6 months.

2.4 The operator must on receipt of a complaint concerning a licensed driver, immediately notify the complainant of their right to direct their complaint to the Licensing Authority.

2.5 The Operator shall ensure that details of how a customer may contact the operator in the event of any complaint relating to a contract for hire or purported contract for hire relating to or arising from his business, are displayed on the operator's website, booking app or in the absence of online booking platform, at the booking office.

2.6 The Operator must notify the Licensing Authority within **48 hours** if the operator receives a complaint about a driver operated by them when it has been identified that the complaint relates to any of the following:

- allegations of sexual misconduct (including the use of sexualised language)
- racist behaviour
- violence (including verbal aggression)
- dishonesty including theft
- Equality breaches
- any other serious misconduct (including motoring related for example; dangerous driving or drink driving).

3. Driver and Vehicle Records

- 3.1 The Operator must maintain and keep up-to-date the following records which must be immediately available for inspection on demand by any authorised officer of the Licensing Authority or police constable:
- a) name and home address of every private hire vehicle driver operated by him;
 - b) details including licence number and date of expiry of the private hire driver's licence of every private hire vehicle driver operated by him;
 - c) name and home address of the proprietor of every private hire vehicle operated by him;
 - d) details including the private hire licence plate number and expiry date and vehicle registration number of every private hire vehicle operated by him

4. DBS Check

- 4.1 All applicants for a grant or renewal of a Private Hire Operator's licence must submit a basic disclosure (dated within one month of the application) which can be obtained from Disclosure & Barring Service in order to satisfy the authority that they are a 'fit and proper' person. In the case of applications from a company or organisation, all director of the company/organisation must provide a basic disclosure. The cost of these checks will be covered by the applicant/licence holder.
- 4.2 Following the grant of a licence, licence holders must submit a new basic disclosure to the Licensing Authority yearly.
- 4.3 Applicants that already hold a hackney carriage or PHV driver's licence with this authority are not required to provide the basic disclosure as part of their application for a private hire operator's licence. As long as licence holders continue to hold a hackney carriage or PHV driver's licence with this authority they are not required to submit a yearly basic disclosure.
- 4.4 In order to assess the suitability of applicants and licence holders the licensing authority will have regard to Bridgend County Borough Council's '*Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades*'.
- 4.5 Driving offences will not normally be considered as part of the assessment for private hire operator licence holders.

5. Notification of Convictions

- 5.1 Within **48 hours** of any conviction, binding over, caution, warning, reprimand or arrest for any criminal or motoring matter (whether or not charged) imposed on him / her during the period of the licence, the licence holder (including company director or individual named on application form) must notify the Licensing Authority with full details of the matter(s).

What must be reported:-

- Any conviction (criminal or motoring matter);
- Any caution (issued by the Police or any other agency);
- Issue of any Magistrate's Court summonses against you;
- Issue of any fixed penalty notice for any matter;

- Any harassment or other form of warning or order within the criminal law including anti-social behaviour orders or similar;
- Arrest for any offence (whether or not charged).
- Any acquittal following a criminal case heard by a court.
- Any refused of any type of licence by any other regulatory authority or any such licence is suspended, revoked or not renewed.

6. Business Premises

- 6.1 The Operator must provide the Licensing Authority with the address of the premises within the Licensing Authority area from which the business will be carried on.
- 6.2 Where the operator's premises is used by the public it must be kept clean, adequately heated, ventilated and illuminated.
- 6.3 The operator shall ensure that any waiting area provided for the use of prospective hirers shall be provided with adequate seating and kept physically separate from any drivers resting area and operations room.
- 6.4 The private hire operator's licence must be displayed in a prominent position at any premises from which the operator operates. Any personal details such as home address of the licence holder should be redacted from the display copy prior to being displayed.
- 6.5 The operator shall provide a copy of these conditions of licence to the public upon request.

7. Booking Records

- 7.1 The operator must keep a record of every private hire booking either in writing in a suitable durable book which has consecutive page numbers or a computerised booking and dispatch system. If a book is used, all entries must be clear, in English and easily legible, with no line spaces or blank pages. If a computerised booking system is used, it must be able to produce a print out of any records requested by an authorised officer or police constable at all times.
- 7.2 For all accepted bookings an entry shall be made in the record book or computerised booking and dispatch system that shall include:
- a) The name of the person making the record (if not made by computerised system)
 - b) The time and date on which the booking is made and,
 - c) The name of the person for whom the booking is made
 - d) The agreed time and place of collection, or, if more than one, the agreed time and place of the first place of collection
 - e) The destination –as a minimum this should include the street and/or building name and postal area. Where possible it should include a full postcode.
 - f) The time the journey was completed
 - g) The total cost of the completed journey
 - h) The driver's hackney carriage/private hire driver's licence number
 - i) The registration number of the vehicle allocated to the booking
 - j) The name of the person that dispatched the vehicle (if not dispatched by computerised system)
 - k) If applicable, the name of the other operator from whom a booking was received and / or to whom the booking was subcontracted.

- 7.3 Any amendment must be made to the original record by way of an addition.
- 7.4 All records of private hire bookings, whether retained in a book or on a digital format, must be retained for at least 6 months from the date of the last entry and be readily available for production to an authorised officer of the Licensing Authority or police constable for inspection at any time during the hours of operation.

8. Booking and dispatch staff

- 8.1 The operator must take steps to ensure that all staff involved in the handling of personal data, such as booking staff, managers etc. are of good character and that they have considered any convictions that would show on a Basic DBS certificate in line with their policy on employing ex-offenders. The operator should also make their policy on employing ex-offenders available to the Licensing Authority upon request.

9. Personal Data

- 9.1 The operator must comply with their obligations as a data controller under the Data Protection Act 2018.
- 9.2 The loss of records by theft or otherwise must be reported to the Licensing Authority in writing within 24 hours, and also immediately to the police in the event of theft being suspected.

10. Working Hours

- 10.1 The operator must take steps to ensure that drivers do not work excessively long hours. Drivers should not be permitted to drive for more than 10 hours per day and must have a break lasting at least 30 minutes after driving for 5.5 hours. The driver must also have a break at the end of this period, unless it's the end of the working day.

11. Insurance

- 11.1 Operators must ensure that at all times there is in force, for all private hire vehicles operated, a policy of insurance covering the carriage of passengers for hire or reward by pre-booking only or such security as complies with the requirements of Part VI of the Road Traffic Act 1988.
- 11.2 Any premises that provide access to members of the public must be covered by Public Liability insurance.
- 11.3 Operators must ensure that where a vehicle is covered under a fleet insurance policy, drivers are aware of the content of the policy, including its limitations and exclusions. The operator must keep a record, signed by the driver, within each individual's record file when this has been completed. A copy of any individual's records must be produced, on request, to any authorised officer of the Licensing Authority.

12. Ride Sharing/Car-pooling

12.1 There shall be no Ride Sharing/Car Pooling.

13. Standards of Service

13.1 The operator must provide prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose must in particular:

- a) Provide adequate information and communications technology, facilities and staff, as appropriate.
- b) Ensure the highest level of customer service and care.
- c) 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.
- d) Ensure that any telephone facilities and radio equipment (for which an OFCOM Radio Licence may be required) are maintained in a sound condition and that any defects are repaired promptly.

14. Public Service Vehicles

14.1 Public Service Vehicles (PSVs) may not be used to undertake a private hire vehicle booking, unless with the informed consent of the hirer.

Notes

- I. These conditions should be read in conjunction with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- II. Operators must conduct their business in accordance with all relevant statutory provisions. This includes health, safety and welfare legislation, environmental legislation and equalities legislation.
- III. Operators are reminded that they must not fail or refuse to accept a booking by or on behalf of a disabled person accompanied by an 'assistance dog' when the reason for failure or refusal is that the disabled person will be accompanied by the 'assistance dog'.
- IV. Failure to declare any conviction within the required timescale together with the nature of the conviction will be taken into account in deciding whether a licence holder is a fit and proper person to hold a hackney carriage/private hire driver licence. This may result in the suspension, revocation or refusal to renew the private hire driver licence.
- V. **Any infringement of the licensing conditions could lead to suspension or revocation of the licence.**
- VI. Any person aggrieved by any conditions specified in the licence may appeal to a magistrate's court within 21 days of issue.
- VII. The renewal of a licence should be made in advance to ensure continuity. There is no automatic period of grace. Unlicensed operation of private hire vehicles is an offence.