

## Appendix A - Conditions governing Private Hire Operators

### Introduction

A Private Hire Operator Licence is granted subject to the following conditions. Applicants may request departure from these conditions and it is likely that any request for exemption of conditions would go before committee for determination.

The Council reserves the right to impose additional conditions where appropriate in a particular case. Any additional condition applying will be specified in writing at the time of issue of the licence.

Licence holders should therefore scrutinise the documentation issued on grant or subsequent renewal to ensure they are aware of their obligations under the licence and to obtain any necessary clarification in advance of undertaking any activity which depends upon the licence.

These conditions are in addition to and do not override any other legal requirements to which you are required to comply.

If you have any difficulty understanding or complying with any of the conditions below please contact the Council immediately and officers will generally assist where they can but are not authorised to provide formal legal advice.

### Private Hire Operator Conditions - Definitions

1. The following definitions are incorporated into these conditions:
  - **the Council** refers to Bristol City Council;
  - **the Act** refers to the Local Government (Miscellaneous Provisions) Act 1976;
  - **Private Hire Vehicle / Licence** refers to a Private Hire Vehicle /licence issued by the Council under section 46 of the Act;
  - **Operator** refers to a person/s who has been granted a Private Hire Operator licence issued by The Council under Section 55 of the Act;
  - **Premises** refers to the private hire operators place of business for the purpose of operating vehicles;
  - **Authorised Officer** refers to any officer of the Council authorised in writing by the Council for the purpose of regulating private hire legislation;
  - **Private Hire Driver** refers to the same meaning as in the Act;
  - **Vehicle** refers to the Private Hire Vehicle;
  - **Driver** refers to the Private Hire Driver;

## Private Hire Operator Conditions

1. A Private Hire Operator licence holder shall be not less than 18 years of age.

### Private Hire Operator records

2. At the time of accepting each booking the Operator shall ensure that an entry is made in a register either a record book or computerised booking and dispatch system that shall include:
  - a. The name and signature of the person making the record and the radio operator for each period of duty (Record book only);
  - b. The name/initials or other identifier of the person making the record (Computerised records only);
  - c. The date on which the booking is made and if different, the date of the proposed journey;
  - d. The name of the person for whom the booking is made and if different the name of the passenger;
  - e. The agreed time and place of collection, or, if more than one, the agreed time and place of the first place of collection;
  - f. The destination(s);
  - g. The time a vehicle was allocated to the booking;
  - h. The Private Hire Drivers badge number and Private Hire Vehicle plate number allocated the booking;
  - i. The fare agreed for the journey (where appropriate);
  - j. Any particular needs of the customer (where appropriate);
  - k. If appropriate, the name of the other operator for whom a booking was received and / or to whom the booking was subcontracted and any relevant notes;
  - l. How the booking was made (i.e. in person, telephone, online);
  - m. Whether the booking was fulfilled and if not the reasons why it was not fulfilled.
3. The register of bookings shall be retained at the Premises for at least 12 months from the date of last entry.

*Note: The register must be updated contemporaneously and in writing before the commencement of each journey. The practice of copying up at a later stage from dockets or some other ad hoc system is contravention of these conditions. Contravention renders the Operator liable to enforcement action, which in appropriate circumstances could result in the suspension or revocation of the Licence.*

4. Where the booking register is a record book it shall be a suitable hardback book which has consecutive page numbers. All entries shall be clearly and easily legible, with no line spaces or blank pages.
5. Where the register is a computerised booking system the records shall be capable of being readily printed and produced on demand to an Authorised

Officer or constable. Computerised records shall be properly backed up so as to ensure compliance with the provision of governing retention.

6. The Operator shall ensure that any staff responsible for making booking records are competent to do so and are capable of using the system used for the keeping of records including providing records on request to an authorised officer or the police.
7. The Operator shall maintain and keep an up-to-date a register containing the following information:
  - a. Name, date of birth and home address of every Private Hire Driver operated by them;
  - b. Details including date of expiry of the Council Private Hire Driver licence, badge number and licence number of every Private Hire Driver licence holder operated by the Operator;
  - c. Any call sign/codes allocated to each Private Hire Driver;
  - d. The date the driver commenced and ceased carrying out bookings on behalf of the Operator ( if applicable);
  - e. Name and home address of the proprietor of every Private Hire Vehicle working on behalf of the Operator;
  - f. Details including The Council licence plate number, licence number, expiry date, vehicle make and vehicle registration number of every Private Hire Vehicle used to carry out bookings.
  - g. The date the Private Hire Vehicle commenced and ceased being used for carrying out bookings on behalf of the Operator;

This register must be made immediately available for inspection on demand by any authorised Officer or Constable.
8. For every Private Hire Driver and Private Hire Vehicle working on behalf of the Operator the following shall be kept and maintained;
  - a. A copy of the drivers current Private Hire Drivers licence ;
  - b. A copy of the drivers current Private Hire Drivers badge;
  - c. A copy of photographic proof of identification ;
  - d. A copy of the current Private Hire Vehicle licence;
  - e. A copy of the Private Hire Vehicles current MOT certificate;
  - f. A copy of the Private Hire Vehicles current insurance certificate or cover note in respect of the driver using the Private Hire Vehicle;
  - g. A copy of the Taximeter calibration certificate, where appropriate;
9. Where the licensed Private Hire Vehicle register is paper based it shall be in the form of a bound book
10. Where the licensed Private Hire Vehicle register is computerised the register shall be capable of being readily printed and produced on demand to an Authorised Officer or constable. Computerised records shall be properly backed up so as to ensure compliance with the provision of governing retention.

11. Any register or records kept by the Operator shall be immediately made available for inspection by any Authorised Officer or Constable upon request at any reasonable time (and at all times whilst the Operator is Operating) and shall forthwith provide to any such Authorised Officer or Constable photocopies or electronic copies of any such records and associated documentation as may be required following inspection or, where the Operator is unable to provide copies s/he shall permit the Authorised Officer or Constable to remove the register for such period as is reasonable in the circumstances to secure the copying of the required documentation.
12. The register of Private Hire Drivers and Private Hire Vehicles including documentation shall be retained at the Premises for at least 12 months from the date of last entry.
13. The Operator shall take all necessary steps to ensure that all Private Hire Vehicles and Private Hire Drivers working on behalf of them within the Controlled District are properly licensed by the Council and shall not Operate in respect of any Private Hire Vehicle unless satisfied that both the Private Hire Driver and Private Hire Vehicle have been and remain so licensed.

#### **Fit and Proper Person test**

14. The Operator must ensure that they use appropriate people to take bookings, handle personal information in respect of bookings on behalf of the Operator and as the designated safeguarding lead. A Fit and Proper Person test, similar to the one the Council uses to determine an operator's licence, shall be in place and used by the Operator for all individuals taking bookings, that handle personal information in respect of bookings or who carry out the role of designated safeguarding lead on behalf of the Operator. This test shall be detailed in a policy which the Operator shall provide on application. Any changes to this policy shall be forwarded to the Council at least 7 working days prior to taking effect.
15. The Operator shall not employ or have any person involved in taking bookings, handing booking information or as designated safeguarding lead that does not meet their Fit and Proper Person policy.
16. Evidence of the checks carried out by the Operator in accordance with their Fit and Proper Person policy for any individual taking bookings on behalf of the Operator, that handle information relating to bookings or act as designated safeguarding lead shall be held at the Premises for 3 years from the date of the checks. These checks shall include a basic disclosure.

#### **Safeguarding Policy**

17. The Operator shall have in place a Safeguarding Policy which shall be provided to the satisfaction of the Council and include the name and contact details of the Safeguarding Lead acting on behalf of the Operator. A copy of this policy shall be provided on application and any changes to this policy shall be forwarded to the Council at least 7 working days prior to taking effect.

### **Service to passengers**

18. The Operator shall so far as is reasonably practicable provide a prompt, efficient and reliable service and shall in particular do everything necessary to ensure that Private Hire Vehicles attend punctually at the time and place agreed with the Passengers and that the needs of the passengers are met.
19. The Operator shall not permit any Private Hire Vehicle to be used to fulfil bookings that they know or ought to know does not comply with the conditions imposed under its Private Hire Vehicle licence and in particular shall not conduct business in respect of a Private Hire Vehicle unless it is fitted with the approved signage.

### **Premises**

20. The Operator shall ensure that any Premises to which the public have access for booking or waiting is kept clean, has sufficient seating and is adequately heated, ventilated and lit.
21. The possession or use of radio scanner equipment is prohibited in the Premises from which the Operator operates.

### **Bookings**

22. Private Hire Operators are not permitted to accept telephone bookings forwarded by their Private Hire Drivers.

### **Information to be provided to the Council**

23. The Operator shall notify the Council, in writing, of the name and details of any individuals nominated as a Responsible Person for managing the business on behalf of the Operator at least 7 working days prior to their commencement in that role.
24. The Operator shall notify the Council, in writing, of any proposed change of name of the Operator and shall await approval in writing from the Council prior to using any new name.
25. The Operator shall ensure that the Council is notified in writing by close of business on the following working day full details of the happening of any of the following events in respect of the Operator, any individual, company, director or secretary named on the application form or a currently appointed Responsible Person:
  - a. receiving a simple or conditional caution or being convicted of any criminal or motoring offence;
  - b. being bound over by any court;
  - c. being arrested or interviewed in connection with investigations into allegations of offences of the following type -
    - i. any offence involving an allegation of dishonesty, indecency or violence;
    - ii. any offence involving an allegation of conviction a failure to comply with the Relevant Legislation;
    - iii. any offence arising out of the use or keeping of any motor vehicle;

- iv. any offence which on may result in a term of imprisonment;
- d. is refused any type of licence by any other regulatory authority or any such licence is suspended, revoked or refused;
- e. any material change in the circumstances of The Operator where a material change is one that would require The Operator to provide different information on application to The Council than has been provided in connection with the more recent application for an Operator's Licence made by The Operator, including, by way of example—
  - i. any change in the address from which The Operator operates;
  - ii. any change in the style or title of The Operator or his business or its trading status;
  - iii. any irregularity that The Operator believes may exist in respect of the licensing of any Private Hire Vehicle or Private Hire Driver in respect of which they Operate;

26. The Operator shall forward a copy of the current register of Private Hire Drivers and Private Hire Vehicles to the Council on the first working day of each month.

27. The Operator shall inform the Council of any drivers or vehicles which are removed from the Operator's Private Hire Driver or Private Hire Vehicle register including the reasons for removal and any relevant information to the Council within 72 hours of the decision to remove the driver or vehicle.

### **Booking details to driver**

28. The Operator shall ensure that at the time of passing a booking to a driver the following details are provided –
- a. the name of the Passenger;
  - b. the pick-up time and location;
  - c. any special requirement of the passenger;
  - d. any price agreed for the journey;
  - e. the destination specified by the Passenger.
  - f. any needs of the customer.

### **Complaints**

29. The Operator shall comply with requests for information from the Council in respect of complaints, conduct or offences relating to the Operator, Private Hire Vehicles and Private Hire Drivers licensed by the Council.
30. The Operator shall establish a Customer Service and Complaints policy and shall take all reasonable steps to record and fully investigate any complaints, ensuring a record is kept of the following information;
- a. The name, contact details of complainant and date complaint received
  - b. The date, time and details/nature of the complaint
  - c. The name of the driver (and Badge number) or member of staff, to which the complaint relates
  - d. Details of the investigation carried out
  - e. All records shall be retained for 12 months
  - f. The format of the complaints register shall be maintained in a manner prescribed by the Council;

- g. Details of when and how complaint forwarded to the Council (if applicable)
- h. Any action taken as a result of the complaint

31. The Customer Service and Complaints policy and complaint records shall be made available on request to an Authorised Officer or police.
32. Any records relating to complaints shall be kept in hard copy or on computer. If kept in hard copy they must be in a bound book with consecutively numbered pages.
33. The Operator shall ensure that they notify any complainant of their right to forward their complaint to the Council.
34. If the Operator receives a complaint concerning any of the below matters the Operator must inform the Council in writing upon within 72 hours of receiving the complaint, including the name and contact details of the complainant, the nature of the complaint, the name and badge number of a driver, the vehicle details:
  - Sexual misconduct, sexual harassment or inappropriate sexual attention;
  - Racist behaviour;
  - Violence;
  - Dishonesty;
  - Theft;
  - Breaches of equality;
  - A driver's behaviour or conduct towards a vulnerable passenger;
  - Report of poor and/or dangerous driving;
  - A driver being under the influence of alcohol and/or any other drug (illegal or medicinal);
  - A refusal of a passenger with a wheelchair or an assistance dog.
35. The Operator must ensure that customers can speak to a person in the event of a complaint or problem with the journey.
36. The Operator shall forward any changes to its Customer Service and Complaint Policy at least 7 working days prior to the change taking effect.
37. The Operator shall disclose any information they consider could impact on a driver or vehicle proprietors suitability to hold a licence to the Council, in respect of complaints, conduct or offences within 72 hours of the Operator being in receipt of this information.

**Display or provision of a copy of the licence**

38. If the public have access to the Operator Premises the licence and conditions attached shall be prominently displayed in a position that is clearly visible.
39. If the public do not have access to the Premises upon request the Operator must either provide a copy or permit any member of the public to view a copy of the licence and conditions attached to it.

### **Training**

40. During the lifetime of a Private Hire Operator Licence, an Authorised Officer of the Council may require the Operator to undertake reasonable and appropriate training to meet these expectations and requirements. Such a requirement shall be in writing. A reasonable timescale will be set for the training to be successfully undertaken. If there is a refusal or failure to attend the licence may be suspended and consideration given to its revocation. The cost of such training will be borne by the Operator.
41. Operators shall have in place a Training Policy for all people working on behalf of the Operator which includes details of the training provided for all employees or those working on behalf of the Operator.
42. The Training policy and evidence of training shall be made available to an Authorised Officer when requested, and provided on application, including renewals. The Operator shall forward any changes to the Training Policy to the Council at least 7 days prior to the change taking effect.

### **Nuisance**

43. The Operator shall not cause or allow to be caused any nuisance or annoyance to the owners or occupiers of nearby premises, by the conduct of the business to which this Licence relates. This includes, but is not limited to multiple vehicles being parked in residential areas, vehicle engines being left running for long periods of time, vehicles leaving and returning to premises at unsociable hours and vehicles being maintained or serviced.
44. On application both grant and renewal the Operator shall sign a copy of the conditions attached to the Private Hire Operator Licences by the Council to confirm they have read and understand the conditions.