



**Middlesbrough Council
Private Hire Vehicle
Operator Licence
Conditions**

Conditions of Private Hire Operator's Licence

1. Standard of Service

The operator shall provide a prompt, efficient and reliable service to members of the public and for this purpose shall in particular: -

- (a) Ensure that all vehicles and drivers used to fulfil private hire bookings hold appropriate and valid licences.
- (b) Ensure that when a private hire vehicle has been hired for an appointed time and place, the vehicle shall, unless delayed or prevented by a sufficient cause, punctually attend at the appointed time and place.
- (c) The operator must upon receiving a complaint from a customer, passenger or report from anyone else that a vehicle was not roadworthy and/or clean withdraw such vehicle from service until the operator has inspected the vehicle and is satisfied that the vehicle was roadworthy and/or clean.
- (d) Keep clean, adequately heated, ventilated and lit any premises which are provided and to which the public have access whether for the purposes of making a booking or waiting for a vehicle.
- (e) Ensure that any waiting area provided has adequate seating facilities.
- (f) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

2. General Responsibility

The operator is responsible for all persons that are employed, contracted or otherwise used in the course of their private hire business. To that end, the operator shall formulate and apply a policy on assessing the suitability of any person taking bookings or dispatching vehicles on their behalf prior to undertaking such role. The policy must:

- Require all booking and dispatch staff to produce a basic DBS disclosure which has been issued no earlier than one calendar month before their offer of employment, contract or use (this requirement will not apply to any person who holds a current private hire/hackney carriage driver's licence issued by Middlesbrough Council); and
- Outline the standards against which any prospective employee will be considered in relation to criminal convictions to ensure that they do not present an undue risk to the public or the safeguarding of children and vulnerable adults.

In developing this policy the operator shall have regard to the Council's policy on The Relevance of Convictions etc.

3. Register of Booking and Dispatch staff

The operator shall keep and maintain a register of all staff responsible for taking bookings and/or dispatching vehicles. The register shall contain as a minimum:

- The name and address of each member of staff;

- A record of the private hire operator's most recent suitability assessment for each member of staff; and
- The certificate number and issue date of the basic DBS disclosure that was considered

Operators shall ensure that basic DBS checks are conducted on any individuals added to the register and this is compatible with their policy on employing ex-offenders.

All persons in the register shall be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.

The register shall be a "living document" that maintains records of all those in these roles and must be preserved for a period of at least 1 year. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) shall be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate shall be requested and sight of this recorded.

The register shall be available for inspection and/or be produced at the request of a Police Officer or authorised officer of the Council

4. Driver Training

The operator shall provide all drivers employed or used to fulfil private hire bookings with suitable training on their roles and responsibilities and in particular the law regarding plying for hire and accepting un-booked fares.

5. Safeguarding Vulnerable Passengers

The operator shall:

- a) maintain a policy to the satisfaction of the Council in respect of Safeguarding Vulnerable Passengers and shall ensure that all employees and licensed drivers are made aware of the policy; and
- b) comply with the Councils Code of Conduct When working with Vulnerable Passengers
- c) when a booking or dispatch function are outsourced the operator shall evidence that comparable safeguarding protections are applied by the company to which they outsource these functions. This evidence shall be documented and be made available to a Police Officer or an authorised officer of the Council on request.

6. Records

- a) The booking records required to be kept by the operator shall be kept either in a suitable book duly approved by the Council, the pages of which shall be numbered consecutively or records may be kept on a computer which keeps backup records and is immediately capable of producing a printed record from the computer onto paper. Records must not be capable of retrospective alteration or amendment. The operator or their agent or employee shall enter or cause to be entered therein particulars of every booking of a private hire vehicle accepted by them, such entries

to be made in strict chronological order with each entry immediately following the preceding entry. Automated systems must be capable of recording this same information. The records should detail the following:

- (i) The time and date of the booking
 - (ii) The name or contact details of the hirer or the name of the passenger if different to the hirer.
 - (iii) The date, time and point of pick up
 - (iv) The destination
 - (v) The licence plate number of the vehicle allocated or alternative means of identifying the vehicle
 - (vi) The full name of the driver allocated or alternative means of identification
 - (vii) The amount charged
 - (viii) Any variation in the original contract
 - (ix) Any special requirements by the hirer, if any
 - (x) The name of any individual that responded to the booking request
 - (xi) The name of any individual that dispatched the vehicle, unless dispatch process is automated
- b) Where any bookings are subcontracted either by the operator to another licensed operator or are accepted by the operator from another operator a full record of the booking in line with a) above and notes must be included, including the name of the sub-contractor and contact information
- c) The operator shall keep records of all Private Hire Vehicles operated by them, including, registration numbers, licence numbers and call signs, if any.
- d) The operator shall keep records of all Private Hire drivers employed or used by them including full names, Licence number and call signs, if any.
- e) The operator should keep all records for a period of not less than one year following the date of the last entry.

7. Location of Private Hire Vehicles When Not Booked

The Operator shall direct its Private Hire Vehicle drivers that when a Private Hire Vehicle (operating as such) is not on route to, engaged in, or returning from a pre-booked journey it is kept at the operating base or other appropriate, lawful location, and use all reasonable endeavours to ensure their compliance with that direction.

In determining what is an appropriate location the operator shall take all reasonable steps to ensure that the Private Hire Vehicle is not parked in such a position as to cause annoyance or disturbance to any other person or damage to property and which could give rise to complaints e.g. parking in residential areas, or at any other place where they are likely to attract un-booked fares.

8. Complaints

The operator must identify a point of contact for consumer related complaints. Any change to this point of contact must be notified to the Council within 7 days of the change of contact.

The operator shall keep a record of the particulars set out in lines a) to f) below of any complaints received concerning a private hire booking accepted by him, and the particulars set out at d) to f) below of any other complaint made in respect of his undertaking as a licensed operator. The records shall be retained for a period of not less than 12 months and shall be made available for inspection and/or be produced to an authorised officer of the Council or a Police Officer on request.

- a) The date of the related booking;
- b) The name of the driver who carried out the booking;
- c) The registration mark of the vehicle used;
- d) The name of the complainant and if available, any address, telephone number or other contact details provided by him;
- e) The nature of the complaint; and
- f) Details of any investigation carried out and subsequent action taken as a result.

The operator must inform the Council by the next working day of receipt of any allegation, concern or complaint received, which relates to any person licensed by the Council and which involves the following:

- Allegations of sexual misconduct, sexual harassment or inappropriate sexual attention
- Racist behaviour
- Safeguarding concern
- Violence
- Dishonesty
- Use of drugs or alcohol

The operator shall inform complainants of their right to complain or make comments to Middlesbrough Council.

Where a complaint is investigated by an Authorised Officer of the Council the operator shall comply with any reasonable directions of the Officer in respect of that complaint.

9. Change of Address

The operator, or if the operator is a limited company or partnership, the directors of a limited company or members of a limited liability partnership shall notify the Council in writing or by e-mail of any change of their home/contact address within 7 days of such change taking place.

10. Change of Premises

A Licence is granted to the operator for the premises detailed at the time of the application. It is not transferable to other persons or premises. Any change from the original application will be dealt with as a new application. The operator must make a fresh application accordingly.

11. Change of Management

The operator must notify the Council in writing or by e-mail of any change in partnership, directorship, ownership, management or control of the business within 7 days.

12. Change of Vehicles Operated

The operator shall notify the Council, in writing or by e-mail, within 2 working days, should they cease to operate any vehicle.

13. Convictions

The operator shall within 48 hours disclose to the Council in writing details of any caution or conviction, other than a motoring offence, imposed on them or if they are arrested or charged or made subject to a CRASBO, ASBO or Injunction (or, if they are a Company or Partnership, on any of the Directors or Partners) during the period of licence.

14. Display of Licence

If the public have access to operating premises, the operator is required to display the Private Hire Operator Licence in the operating premises together with a copy of these conditions.

15. Equal Opportunities

The operator and their employees must at all times treat customers, or potential customers, with courtesy and respect and must not discriminate against any person because of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation

16. Hackney Carriages as Private Hire Vehicles

If the operator uses a hackney carriage to carry out private hire bookings, then a record of any bookings shall be kept in the same format as required for all private hire bookings and the driver of the hackney carriage must be informed that:-

- The fare charged must not exceed that displayed on the taximeter.
- The taximeter must be activated for each and every booking undertaken by the hackney carriage
- The taximeter must not be activated prior to the collection of the passengers.

17. Planning Permission

The operator must have planning permission for Private Hire Use at their operating premises. The operator must comply in every respect with the requirements of the current Planning legislation.

18. Public Liability Insurance

The operator shall provide evidence to the Council of current public liability insurance on request.

19. Taximeters

Where any vehicle operated is fitted with an approved taximeter the operator shall ensure that the taximeter is set to the fare rate notified to the Council and is properly sealed in accordance with Council policy.

20. Use of PSV vehicles

Where an operator also holds a PSV operator's licence, PSVs should not be used for private hire bookings without the informed consent of the hirer and when the hirer shall be informed that a passenger carrying vehicle (PCV) licensed driver will be used who is subject to different checks and not required to have an enhanced DBS check

21. Touting

The operator must not by him/herself, his agents, or any other person tout, solicit or importune any person by calling out or by any other means whatsoever to hire any of the licensed vehicles under his control.

22. Receipts

The operator of the vehicle shall ensure that the driver of the vehicle has available to them, sufficient means by which they may issue a receipt to passengers if required. Any receipt shall contain the date, time, point of pick up, destination, cost and driver licence number.