

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 Cardiff 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) if any company or limited liability partnership changes its registered office
 - c) 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 n-enhanced DBS disclosure. The transfer of the operator's licence will not be completed until the Licensing Authority has received a copy of the disclosure.
 - d) 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 and/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.

~~1.6 The Operator 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'.~~

~~1.7 The Operators must comply with all reasonable requests made by authorised officers 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 Where a complaint is received by the Licensing Authority, the operator must comply with any reasonable request for information and/or follow any reasonable directions/instructions made by an authorised officer or police officer in respect of the complaint~~

2.6

- 2.7 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. All applicants/licence holders must sign up to the DBS Update Service and maintain their subscription for the duration of their licence. The licence holder must give permission for the Licensing Authority to undertake checks of their DBS status.~~
- 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 Licence holders must submit a basic disclosure to the Licensing Authority every year.~~
- 4.4 In order to assess the suitability of applicants and licence holders the licensing authority will have regard to Cardiff 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. ~~Information contained within an enhanced DBS check that would not be disclosed on a basic check will not be considered as part of the assessment for a private hire operator's licence.~~

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. ~~The operators shall comply with all relevant statutory requirements associated with the occupation of the premises.~~

~~6.2 The Operator must not conduct his business, nor employ or utilise any person to conduct his business in any premises, the use of which have not been approved by the Licensing Authority.~~

- 6.3 Where the operator's premises is used by the public it must be kept clean, adequately heated, ventilated and illuminated.

- 6.4 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.

- 6.5 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.

- 6.6 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 ~~hard back~~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 ~~At the time of accepting each~~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 ~~or computerised booking~~ 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. Personal Data

- 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. free from convictions relating to theft or dishonesty. The operator should also make their policy on employing ex-offenders available to the Licensing Authority upon request.
- 8.2 The Operator must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to only those persons who will use it for the purpose for which it has been collected.

- 8.3 Personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates.
- 8.4 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. You may also need to report the data loss to the Information Commissioner's Office, for more information see: <https://ico.org.uk/for-organisations/report-a-breach/>

9. Working Hours

- 9.1 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.

10. Insurance

- 10.1 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.
- 10.2 Any premises that provide access to members of the public must be covered by Public Liability insurance.
- 10.3 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.

11. Ride Sharing/Car-pooling

- 11.1 ~~There shall be no Ride Sharing/Car Pooling.~~

~~At the time of booking, individual hirers must be made aware of and explicitly consent to bookings that are part of a ride sharing/carpooling journey.~~

- ~~11.2 —As part of ride sharing/carpooling schemes, operators must offer the option to hirers to only share with other passengers of the same sex. If hirers select this option passengers of the opposite sex may not be added to the same booking.~~

12. Standards of Service

- 12.1 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.

13. Public Service Vehicles

- 13.1 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.