

Proposed Private Hire Operator Conditions – Possible amendments

Date received	Source	Comments	Response	Details of Amendment
10.09.2020	Lee Short on behalf of Executive Travel Service	"I have read through the conditions, all of which appear to be fair."	Comments noted.	N/A
16.09.2020	Jonathan Guest on behalf of Ola UK.	<p>Point 1 - Section 2.2 2.2 The operator must maintain a register of complaints (digital or hard copy), which must include the following information:</p> <ul style="list-style-type: none"> Complainant's name and address <p>Comments "What exactly do you mean here by address? If postal address, we can't currently comply. Would an email address be a suitable substitute?"</p> <p>Point 2 - Section 2.4 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</p> <p>Comment "We don't currently do this and would require a process change on our end, however this is feasible to implement."</p> <p>Point 3 - Section 2.7 2.7 The Operator must notify the Licensing Authority within 48 hours if the operator receives a complaint about a driver operated by them if the complaint</p>	<p>Point 1 – Section 2.2 Where available a postal address should be recorded however in circumstances where it is not for example; the complainant does not wish to disclose an email address would be a suitable substitute.</p> <p>Point 2 – Section 2.4 Comment Noted.</p> <p>Point 3 – Section 2.7 Comment Noted.</p>	<p>Point 1 – Section 2.2 Slight amendment to text to include email address would be suitable substitute in circumstances where an address is not provided by complainant.</p> <p>Point 2 – Section 2.4 N/A</p> <p>Point 3 – Section 2.7 N/A</p>

		<p>relates to any of the following:</p> <ul style="list-style-type: none"> · 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). <p>Comment “Types of complaint we must report to yourself are not currently defined. This will need updating on our end but again feasible to implement.”</p> <p>Point 4 - Section 8.1 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 free from convictions relating to theft or dishonesty.</p> <p>Comment “We do this for our UK employees, however Indian based staff also have full access to all data. We would need to look into this further if so required.”</p> <p>Point 5 - Section 9.1 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.</p>	<p>Point 4 - Section 8.1 Comment noted. It is considered appropriate and proportionate that the operator should take steps to ensure that anyone handling personal data is of good character and that any convictions have been considered.</p> <p>Point 5 - Section 9.1 Comment noted.</p>	<p>Point 4 - Section 8.1 N/A</p> <p>Point 5 - Section 9.1 N/A</p>
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		<p>Comment “Currently our fatigue policy only suggests to a driver at 5.5 hours that he should take a 30 minute break - it doesn't force them too. Should this be introduced we would need to implement a product fix to ensure this point is adhered to.”</p>		
18.09.2020	Sharyn Donnachie on behalf of Capital Cabs	<p>Point 1 – Section 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.</p> <p>Comment “My understanding is this already a condition; one Capital Cabs fully complies with.”</p> <p>Point 2 – Section 1.2 Where an operator dismisses a driver they must report the dismissal and reasons for it to the Licensing Authority within 48 hours of the dismissal taking effect.</p>	<p>Point 1 – Section 1.1 Comment Noted.</p> <p>Point 2 – Section 1.2 Whilst it is correct that non-payment of fees is a matter between the operator and driver, the reporting of dismissals will go some way to ensure that our records are kept up to date. The keeping of up to date records not only assists in report</p>	<p>Point 1 – Section 1.1 N/A</p> <p>Point 2 – Section 1.2 N/A</p>

		<p>Comments “One of the main reasons for dismissal of a driver is non payment of fees; in the past Cardiff Council have always stated this is a matter between the Company and the driver; has this changed? Unless the Council will now be assisting with these matters I see little point in referring them</p> <p>Private Hire Companies have rules regarding accepting and conducting passenger journeys what is acceptable to one may not be to another; the Council needs to further clarify what needs reporting e.g. If a driver is dismissed for dishonestly overcharging customer.</p> <p>Drivers are sometimes dismissed for a general bad attitude which is not a breach of licensing conditions the standards required by Private Hire Operators are generally considerably higher than those imposed by the Licensing Authority.”</p> <p>Point 3 – Section 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.</p> <p>Comments “Again, my understanding is this already a condition; one Capital Cabs fully complies with.”</p>	<p>writing and analytical data but can be beneficial to on-going investigations. Furthermore, this could highlight patterns of behaviour of drivers. For example; if a driver has been dismissed from a number of operators for a “general bad attitude”.</p> <p>Point 3 – Section 2.6 Comment noted.</p>	<p>Point 3 – Section 2.6 N/A</p>
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		<p>Point 4 – Section 2.7 The Operator must notify the Licensing Authority within 48 hours if the operator receives a complaint about a driver operated by them if the complaint relates to any of the following:</p> <ul style="list-style-type: none"> • 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). <p>Comments</p> <ul style="list-style-type: none"> • “dishonesty including theft – Does this include over charging? If so very often there has been no over charge just a misunderstanding of the fare structure. • any other serious misconduct (including motoring related). Private Hire Operators are not qualified to evaluate or investigate motoring offences this (as we always advise members of the public) is a matter for South Wales Police.” <p>Point 5 – Section 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:</p> <ol style="list-style-type: none"> 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; 	<p>Point 4 – Section 2.7 Yes, this would include overcharging. If it was established that there was a misunderstanding of the fare then this would not be required to be reported.</p> <p>Whilst the Licensing Authority agrees that complainants should be advised to report any serious misconduct to the Police, the Licensing Authority would find it very beneficial to be notified by the operator within 48 hours of receiving the initial complaint. This means that we can liaise with the relevant authorities sooner and ensure that potential misconduct is dealt with from a Local Authority's perspective as well as the Police.</p> <p>Point 5 – Section 3.1 Comments noted.</p>	<p>Point 4 – Section 2.7 N/A</p> <p>Point 5 – Section 3.1 N/A</p>
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		<p>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</p> <p>Comments “Again, my understanding is this already a condition; one Capital Cabs fully complies with.”</p> <p>Point 6 – Section 7.2 At the time of accepting each booking an entry shall be made in the record book or computerised booking and dispatch system that shall include: 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.</p> <p>Comments “Very often passengers do not supply this information; this is impracticable if not impossible to comply with”</p> <p>Point 7 – 9.1 The operator must take steps to ensure that drivers do not work excessively long hours. Drivers should not be permitted driver 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.</p>	<p>Point 6 – Section 7.2 Recording the destination is already a requirement of the current operator conditions.</p> <p>On reflection it is evident that requesting the destination at the time of the booking does not necessarily reflect how the market works.</p> <p>The Licensing Authority requires that a destination is recorded but accepts that this doesn’t have to be at the time of accepting the booking. GPS co-ordinates would also be acceptable.</p> <p>Point 7 – 9.1 Disagree. The Licensing Authority are not suggesting that drivers are self-employed but just that operators take steps to ensure that any drivers that they ‘sub-contract’ do not work excessively long hours in the interests of public safety.</p>	<p>Point 6 – Section 7.2 Wording amended: “For all accepted bookings an entry shall be made in the record book or computerised booking and dispatch system that shall include:”</p> <p>Point 7 – 9.1 N/A</p>
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			<p>Point 8 – Section 11.1 Comments noted. It is believed that further research is needed in relation to Ride Sharing/Car-pooling and as such it is felt at this time the Policy should reflect that no ride sharing should take place. The Licensing Authority can look at introducing this at a later date or when a request is submitted and a separate report can be put before Committee.</p>	<p>Point 8 – Section 11.1 Wording amended: “There shall be no Ride Sharing/Car Pooling”</p>
23.09.2020	Ramesh Valji On behalf of Tri Star Executive Travel	<p>Point 1 – Section 6.1 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.</p> <p>Comments “Please note the nature of my business is an executive chauffeur car service, so my views are from the way in which my business operates, at a guess we probably</p>	<p>Point 1 – Section 6.1 In accordance with the proposed conditions it would be required to be displayed in the part of your home in which you run your business.</p>	<p>Point 1 – Section 6.1 N/A</p>

		<p>take a maximum of around 5 bookings a week, compared to other private hire operators who may be taking in excess of 100 bookings per day, so our business operations and views are very likely to be different, as it's not really a one size fits all industry.</p> <p>My business is registered and run from my home, there would be no clients of mine ever visiting my home. So I would assume I have no need to display the operators license inside my house somewhere!”</p> <p>Point 2 – Section 7.2 Booking Entries A) The name of the person making the record</p> <p>Comments “I see no reason why this is relevant to be honest, even for the larger high booking private hire operators in Cardiff, if the booking is taken by the operator under their license, I see no need to record exactly who made the record, as the operator would liable for any missed or incorrectly entered data.”</p> <p>Point 3 – Section 7.2 Booking Entries F) The time the journey was completed</p> <p>Comments “Again, I see no relevance in what the journey completion time needs to be on the booking record for.”</p>	<p>Point 2 – Section 7.2 It is considered relevant by the Licensing Authority in the interests of public safety.</p> <p>Point 3 – Section 7.2 It is considered relevant by the Licensing Authority in the interests of public safety.</p>	<p>Point 2 – Section 7.2 N/A</p> <p>Point 3 – Section 7.2 N/A</p>
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		<p>Point 4 – Section 7.2 Booking Entries G) The total cost of the journey</p> <p>Comments “Again, I see no relevance in why this needs to be entered, as private hire operators are able to charge what they would like. For my type of business in particular, I chauffeur high profile clients and I wouldn't feel safe knowing that the cost of their bookings could potentially be passed over to the council or the police and face the risk of being breached once shared. I also don't like that there would be a risk of this being breached or potentially shared with those in the same line of work as me, to be able to know my pricing structure. So, I see no relevance and only additional risk if this was to be recorded.”</p> <p>Point 5 – Section 7.2 Booking Entries J) The name of the person that dispatched the vehicle</p> <p>Comments “As per point A, I see no relevance in pin pointing who in the organisation dispatched the vehicle. In my scenario it's very simple as it would always be me, however for larger operators, again it should be that the vehicle was dispatched by that operator, I see no reason to delve any further.”</p>	<p>Point 4 – Section 7.2 Data protection regulations would address any concerns of data being shared. It is considered that the cost of the journey is a reasonable ask of operators for full transparency and to aid any investigations.</p> <p>Point 5 – Section 7.2 The Licensing Authority considers this relevant and necessary -this could assist with any relevant investigations.</p>	<p>Point 4 – Section 7.2 N/A</p> <p>Point 5 – Section 7.2 N/A</p>
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		<p>Point 6 – Section 7.2 Booking Entries K) If applicable, the name of the other operator from whom a booking was received and/or to whom the booking was subcontracted.</p> <p>Comments “If I allocate a booking to another licensed operator, of which I have confirmed holds a valid operators license, I see no need to record that booking anywhere on my records, as it would then be logged under their records in accordance with their licensing authority requirements. The same goes for if another licensed operator gives me a booking to complete, I would just record the booking as per the current booking record requirements of Cardiff.”</p>	<p>Point 6 – Section 7.2 For full transparency and in the interests of public safety it is considered necessary that such records are kept.</p>	<p>Point 6 – Section 7.2 N/A</p>
23.09.2020	Martin Moor on behalf of Drive	<p>Point 1 – Section 6 Business 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.</p> <p>Comments “This seems to have been written with a traditional private hire company in mind with walk in offices open to the public. The reality is the few companies operate in this way. Many, particularly in these times, use home based workers for answering and dispatching calls. Section 6.2 would seem to suggest that each and every home worker's base would need to be approved by the Licencing Authority. This may not be the intention of</p>	<p>Point 1 – Section 6 Agree. Condition seems disproportionate in the current climate. Remove 6.2</p>	<p>Point 1 – Section 6 Remove paragraph 6.2</p>

		<p>the clause - but it is unclear and could greatly effect the way in which many conduct operations.</p> <p>We would therefore seek clarification regarding the intention behind this stipulation and to know what the Licencing Authority approval consists of. Additionally, we would like to know if this would apply equally to large multi-national companies who have a significant portion of their business operations located outside the Cardiff area - would these need similar local authority approval?"</p> <p>Point 2 – Section 7.2 Booking Records</p> <p>Comments “Regarding Section 7 - booking records, we would like to ask how a company that uses a booking app is able to fulfil 7.2 (a) and (j) as there isn't really person as such involved in making the record / dispatching the booking - this would seem to suggest that all app bookings would be contravening the operator's conditions.”</p> <p>Point 3 – Section 9 Working Hours</p> <p>Comments “Regarding Section 9 - working hours. We would seek clarification on whether this is time logged onto a dispatch system or actual driving hours as a lot of time is spent waiting for work, but many systems do not</p>	<p>Point 2 – Section 7.2 Agree with comment, wording to be amended to consider computerised systems.</p> <p>Point 3 – Section 9 The Licensing Authority would consider this means time spent driving. The onus would be on the operator to put a system or procedure in place to take steps to ensure that drivers do not work excessively long hours. This is important to safeguard drivers, passengers and members of the general public.</p>	<p>Point 2 – Section 7.2 Wording amended to: “a) The name of the person making the record (if not dispatched by computerised system)”</p> <p>“j) The name of the person that dispatched the vehicle (if not dispatched by computerised system)”</p> <p>Point 3 – Section 9 N/A</p>
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		<p>differentiate between actual driving time and time spent waiting for work. Also mention is made of 'a day' - would a 24 hour period be a better reflection the reality of taxi / private hire driving.”</p> <p>Point 4 – Consultation</p> <p>Comments</p> <p>“We would also like to mention that as many of these proposed conditions effect the trade in general, the invitation to comment should have been more widely circulated rather than just to operators.”</p>	<p>“A day” is considered the preferred term which is in line with EU rules etc.</p> <p>Point 4 – Consultation</p> <p>As well as current operators the Cardiff Hackney Carriage Alliance was also consulted with.</p>	<p>Point 4 – Consultation</p> <p>N/A</p>
24.09.2020	Desmond Broster on behalf of Veezu (Dragon Taxis)	<p>Point 1 – Section 1.1</p> <p>General</p> <p>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.</p> <p>Comments</p>	<p>Point 1 – Section 1.1</p> <p>Comments noted. It is felt that this is a reasonable condition to promote public safety, each operator should take sufficient checks to ensure they are satisfied that suitable drivers are used – failure to do this could mean putting the public at risk. The Licensing Authority will of course do its own check to ensure that they only licence ‘fit and proper’ persons but the operator must also put measures in place.</p> <p>The Licensing Authority does not feel that it is necessary to restrict drivers using multi-operators through the proposed conditions. We have separate enforcement powers which enable us to deal appropriately with drivers for example; if a driver committed or was under investigation for a serious offence we can take action by immediately revoking a driver’s licence.</p>	<p>Point 1 – Section 1</p> <p>N/A</p>

		<p>The significant difficulty here is that drivers can multi-operate and that is defeating the purpose of the condition and so this specific onus on the operator is unfair. That unfairness becomes worse when you consider that the Council does not have an information sharing system to enable sharing driver assessments before entering the Operators business and it is unreasonable to expect rival companies to share their bad experiences of a driver with you.</p> <p>The responsibility rests with the licensing authority to make assessments if a licensed driver is 'Fit and proper' under its statutory obligations. Dragon does not wish under any circumstances to engage with a driver partner who can damage our reputation or cause harm or distress to passengers or communities – but it cannot be entirely successful in that without receiving adequate historical information or pending investigations from the licensing authority.</p> <p>The issues around drivers multi-operating whilst carrying the livery of an operator they are not 'logged on with' is creating dangers and frustrations with passengers, making the investigation of complaints harder for you and us. There needs to be a much stronger regulatory approach to this.</p> <p>Point 2 – Section 1.2</p> <p>General Where an operator dismisses a driver they must report the dismissal and reasons for it to the Licensing Authority within 48 hours of the dismissal taking effect.</p> <p>Comments</p>	<p>Point 2 – Section 1.2</p> <p>See above comment regarding multi-operating.</p> <p>Agree, that the term 'disengages' can be used.</p>	<p>Point 2 – Section 1.2</p> <p>The term 'disengages' to be added.</p>
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		<p>The terminology used here is unacceptable and this proposed condition needs to be significantly re-drafted. We do not employ drivers – they are self-employed and so they cannot be ‘dismissed’. The preferred term is ‘disengages’. However, even with that terminology the reasons for disengaging are varied and on many occasions have nothing to do with any regulatory concerns.</p> <p>If you were to propose the following, we would support that if it was in conjunction with not approving multi-operating on the grounds of public safety – prevention of plying for hire - improved complaints management capability by the Council and Operators.</p> <p>SPECIFIED VEHICLES</p> <p>No licensed Operator shall operate any Private Hire vehicle other than those which have been listed by an Authorised Officer of the Licensing Authority on the Operator Vehicle Schedule (Form OPVS). Any alteration to the form OPVS shall only be made by an Authorised Officer of the Licensing Authority</p> <p>When a licensed Operator ceases to operate any vehicle specified on the OPVS, the Operator shall forthwith, and in any event not later than 72 hours, notify the Licensing Authority for amendment by an Authorised Officer.</p> <p>SPECIFIED DRIVERS</p> <p>The Operator shall notify the Licensing Authority of each and every Private Hire driver sub-contracted by the operator in his Operator Driver Schedule (Form OPDS). Where an Operator ceases to sub-contract to any licensed private hire driver, the Operator shall</p>		
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		<p>forthwith, and in any event within 72 hours, notify the Licensing Authority in writing and present the form OPDS to the Licensing Authority for amendment by an Authorised Officer. Each Operator will retain at the address from which the business is conducted, the original Private Hire driver licence issued by the Council of every licensed Private Hire that Operator sub-contracts to</p> <p>The Private Hire driver licences shall be available at all times for inspection by any Authorised Officer of the Licensing Authority or Police Constable who may take the licence(s) away from the premises if so required.</p> <p>Every Private Hire driver licence retained by the Operator must display the trade name and Operator licence number relating to his licence.</p> <p>The Private Hire driver licence must be returned to the driver when the driver elects to move to another operator.</p> <p>Point 3 – Section 1.6</p> <p>General 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’.</p> <p>Comments</p>	<p>Point 3 – Section 1.6</p> <p>Comments noted. In relation to the example given the Licensing Authority would consider that all necessary steps were taken to satisfy this condition. However, on reflection as this is covered by separate legislation which licensing are authorised to enforce condition to be removed and added to notes to remind operators of their obligations under the Equality Act.</p>	<p>Point 3 – Section 1.6</p> <p>Condition removed and added to notes.</p>
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		<p>There need to be greater clarity here around what they mean by 'fail'. We would argue that we will always accept bookings and dispatch drivers. Where a driver fails to meet his obligations and compliance with the Equality Act 2010 we will seek to immediately transfer that booking to another driver and disengage with the first driver until the matter has been investigated by the authority. That is not a failing on the part of the Operator. Perhaps the better term would be 'must not negligently fail'.</p> <p>Point 4 – Section 1.7</p> <p>The Operators must comply with all reasonable requests made by authorised officers of the Licensing Authority.</p> <p>Comments</p> <p>It would be a good opportunity now for the Council to recognise that since the 1976 Act – 'Section 73 – Obstruction of officers', that there have been significant changes in legislation to protect personal information, particularly GDPR and that the necessity to be compliant with the statutory legislation is critical to a business and consumer in many senses. That the Council, moving forward, will formally request the information in writing in an approved Council format. Colleagues at Dragon work well with your officers but it is important that inexperienced Dragon colleagues recognise that information will only be released in a structured, consistent and formal approach. It also makes the evidence more secure for the Council before the Courts.</p>	<p>Point 4 – Section 1.7</p> <p>Comments noted but this does not warrant a change to the condition. This comment can be put forward for consideration for internal processes within the Licensing Authority.</p>	<p>Point 4 – Section 1.7</p> <p>N/A</p>
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		<p>Point 5 – Section 2.5</p> <p>Complaints system 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.</p> <p>Comments We agree with the principle but the technical solution for an App is not currently available and I am not sure you would want to be in receipt of some the minor issues dealt with by operators – you could be overwhelmed. Perhaps the condition would be more effective if it was specifically linked to the more serious issues at 2.7</p> <p>Point 6 – Section 2.7</p> <p>Complaints system The Operator must notify the Licensing Authority within 48 hours if the operator receives a complaint about a driver operated by them if the complaint relates to any of the following:</p> <ul style="list-style-type: none"> • 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). 	<p>Point 5 – Section 2.5</p> <p>Comments noted but it is felt that this is a reasonable condition to ensure good customer service and to promote public safety.</p> <p>Point 6 – Section 2.7</p> <p>Comments noted.</p> <p>Bullet 6 – in terms of motoring related this could include dangerous driving and drink driving.</p>	<p>Point 5 – Section 2.5</p> <p>N/A</p> <p>Point 6 – Section 2.7</p> <p>Bullet 6 amended to include motoring related examples.</p>
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		<p>Comments Agree with all of this. However, there needs to be an understanding that we can only report what we know about during the course of our business operations and this becomes increasingly difficult – even out of control when drivers work across multiple operators, even showing the wrong door signage as they swop about in an almost plying for hire created legal environment.</p> <p>Bullet 6 is too vague in respect of motoring related – it could be argued that any incident that conflicts with the Highway Code can have serious implications – so there needs to be a threshold.</p> <p>Point 7 – Section 3.1</p> <p>Driver and Vehicle Records 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:</p> <ul style="list-style-type: none"> f) name and home address of every private hire vehicle driver operated by him; g) details including licence number and date of expiry of the private hire driver's licence of every private hire vehicle driver operated by him; h) name and home address of the proprietor of every private hire vehicle operated by him; i) details including the private hire licence plate number and expiry date and vehicle registration number of every private hire vehicle operated by him 	<p>Point 7 – Section 3.1</p> <p>Comments noted however the recording of such details will promote public safety and assist the Local Authority with investigations.</p>	<p>Point 7 – Section 3.1</p> <p>N/A</p>
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		<p>Comments Please see the earlier comments at 1.2 which we feel are a more appropriate regulatory position. How do we know if someone has been suspended if they don't produce the original licence? What is the benefit of this if you are not going to record that detail centrally on your data base? Our view is that if it is necessary, (and it is!) that the regulatory public safety control is meaningful. It doesn't restrict a driver – he can leave without notice and go to another operator who can collect his original licence from the previous operator.</p> <p>Point 8 – Section 4.2 DBS Check 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.</p> <p>Comments The up-date service does not apply to basic DBS checks – which is the position of Operators recognised by the DBS.</p> <p>Point 9 – Section 8.1 Notification of Convictions 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</p>	<p>Point 8 – Section 4.2 Agree. Update service does not allow for Basic Disclosures, as a result this condition to be amended to require operators (at their own expense) to submit a basic disclosure to the Licensing Authority every year in line with best practice standards issued by DfT.</p> <p>Point 9 – Section 8.1 The Licensing Authority believes that it is necessary for the promotion of public safety to be notified of convictions of operator licence holder which will help determine if they are of good character and</p>	<p>Point 8 – Section 4.2 Condition to be updated.</p> <p>Point 9 – Section 8.1 N/A</p>
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		<p>named on application form) must notify the Licensing Authority with full details of the matter(s).</p> <p>What must be reported:-</p> <ul style="list-style-type: none"> • 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. <p>Comments</p> <p>‘Any motoring matter’ - ‘Issue of any FPN notice for any matter’ Is this necessary across a corporate entity when the ‘fit and proper’ person test is applied to someone who does not drive under a LA PHD or HCD licence – Gets 3 points for a low infringement speeding, or a parking ticket? This isn’t proportionate to the objective you need to achieve and should be adjusted. There seems to be an omission in respect of custodial sentences imposed at civil proceedings - for example insurance fraud etc. Suggest 72 hours to allow for Bank Holidays etc. which is a recognised period</p>	<p>‘fit and proper’ to be able to manage an operator business.</p> <p>The trade work bank holidays, in view of this 48 hours seems a reasonable period.</p>	
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		<p>Point 10 – Section 7.2</p> <p>Booking Records</p> <p>At the time of accepting each booking an entry shall be made in the record book or computerised booking and dispatch system that shall include:</p> <ul style="list-style-type: none"> a) The name of the person making the record 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 k) If applicable, the name of the other operator from whom a booking was received and / or to whom the booking was subcontracted. <p>Comments</p> <p>A & B) A number of issues here: – The basis for many similar conditions across the country goes back to 1976, when the Act was brought into effect to counter unlicensed drivers, vehicles and operators, but also tying down that a journey was pre-booked to prevent plying for hire – demonstrating there was a lawfully pre-booking.</p>	<p>Point 10 – Section 7.2</p> <p>Agree that wording should be updated to reflect updating technology.</p> <p>Recording the destination is already a requirement of the current operator conditions. On reflection it is evident that requesting the destination at the time of the booking does not necessarily reflect how the market works.</p> <p>The Licensing Authority requires that a destination is recorded but accepts that this doesn’t have to be at the time of accepting the booking. GPS co-ordinates would also be acceptable.</p> <p>Recording the name of the person booking could also assist the Local Authority with any investigation.</p>	<p>Point 10 – Section 7.2</p> <p>Wording to a) & j) changed to:</p> <p>“a) The name of the person making the record (if not made by computerised system)”</p> <p>“j) The name of the person that dispatched the vehicle (if not dispatched by computerised system)”</p> <p>Wording amended: “For all accepted bookings an entry shall be made in the record book or computerised booking and dispatch system that shall include:”</p>
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		<p>With today’s technology much of this wording has been overtaken by technology and instead of names on every occasion there are electronic unique reference numbers which can go back to the person booking the journey. In effect this satisfies the purpose of the condition – it electronically records a time and reference number which, unlike paper records, cannot be falsified. The condition should accommodate electronic booking, for example Apps, – it is where the technology has reached and can be trusted to satisfy officers that a journey was pre-booked.</p> <p>E) We often encounter ‘by direction’ bookings where passengers have an idea of a district but don’t know the address and that can only be resolved at the conclusion of the journey and identified by GPS positioning. Under such circumstances where there is such technology in use by the operator the condition should take account of that.</p> <p>On another point Operating staff would also say, ‘What’s in a name?’ – we know that we have taken bookings for people who have been banned by us previously, but who simply use a friends mobile and give a false name. So in essence, it is not the name which is important with advanced technology, it is the ability to instantly record and track a booking which is far more than was ever envisaged 10/12 years ago.</p> <p>Point 11 – Section 8.1 Personal Data The operator must take steps to ensure that all staff involved in the handling of personal data, such as</p>	<p>Point 11 – Section 8.1</p> <p>Agree, it would be for operators to consider someone’s convictions. Wording therefore to be amended.</p>	<p>Point 11 – Section 8.1</p> <p>Wording amended: “The operator must take steps to ensure that all staff involved in the handling of personal data, such as booking staff,</p>
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		<p>booking staff, managers etc. are of good character and free from convictions relating to theft or dishonesty.</p> <p>Comments</p> <p>This is very vague and does not take sufficient account of the real purpose of the Statutory Guidance where the greatest concern is protect vulnerable children and adults – grooming – safeguarding etc. There are many people in gainful employment who have reformed but still have convictions. Similarly the condition would be better if it didn't just close the door on people who have offended but instead recognised that some low level offenders can be safely accommodated within an employment environment with the use of risk assessments and purposeful management controls. The very best efforts of Central Government and society are put to one side with this disproportionate proposal and we would oppose it in a principled way https://www.gov.uk/government/publications/unlock-opportunity-employer-information-pack-and-case-studies/employing-prisoners-and-ex-offenders</p> <p>Perhaps the starting point would be to replicate the Statutory Guidance and require all Operators to have in place an employment policy on ex-offenders whose convictions are still live under the Rehabilitation of Offenders Act.</p> <p>You may consider that all Operators are registered with the Information Commissioners office and have an accredited ISO data security policy</p> <p>Point 12 – Section 9.1 Working Hours</p> <p>The operator must take steps to ensure that drivers do not work excessively long hours. Drivers should not be</p>	<p>Point 12 – Section 9.1</p> <p>Comments noted. See point 1 on drivers using multiple operators.</p>	<p>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”</p> <p>Point 12 – Section 9.1</p> <p>N/A</p>
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		<p>permitted driver 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.</p> <p>Comments We agree with the principle of this but point out that enabling drivers to work across multiple operators completely undermines the purpose of the condition and makes 100% unviable for an operator to meet.</p> <p>Point 13 – Section 10.3</p> <p>Insurance 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.</p> <p>Any premises that provide access to members of the public must be covered by Public Liability insurance.</p> <p>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.</p>	<p>Point 13 – Section 10.3</p> <p>Comments noted. We would expect that all reasonable steps are taken to ensure that vehicles are covered by a policy.</p>	<p>Point 13 – Section 10.3</p> <p>N/A</p>
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		<p>Comments</p> <p>There needs to be an understanding that some drivers obtain a policy for hire and reward and then change it to SDP. The driver retains the original documentation and we are no wiser because he will always produce the original document. We have no entitlement to access MIB insurance records so we need clarity around how we can achieve this “<i>at all times</i>” to reduce our liability in your eyes.</p>		
24.09.2020	Shammi Raichura on behalf of Uber	<p>Point 1 – Section 1.4</p> <p>General</p> <p>1.4 The operator must inform the Licensing Authority if they 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.</p> <p>Comments</p> <p>“We support Cardiff Council’s proposal of a condition which requires operators to ensure the council has clear lines of communication with those responsible for the running of an operator’s business at all times. We suggest further detail on this requirement in relation to how it may apply in cases where an operator licence has been granted to a corporate entity (as is the case for Uber). As you may be aware, Uber Britannia Limited has a number of directors, however the responsibility for the day to day running of the business in a particular locality sits with respective nominated employees of the company. In the case of our Cardiff</p>	<p>Point 1 – Section 1.4</p> <p>Agree that the Licensing Authority is looking for clear lines of communication with those responsible for the running of the operator’s business at all times. Wording therefore amended to include ‘responsible person’.</p>	<p>Point 1 – Section 1.4</p> <p>Wording amended: “The operator must inform the Licensing Authority if they and/or the person responsible for running of 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.”</p>

		<p>Council business, it would be the designated City Head (myself in this case).</p> <p>In light of this, we would assume that the requirement to report absences from the day to day running of the business for a period of 2 consecutive months would only apply in cases where Uber’s respective City Head is absent, and not in the case of any of the company’s executive or non-executive directors being absent for this period of time. It would be helpful for the proposed condition to provide clarification as to how the requirement applies in cases where an appointed representative is acting on behalf of a named operator or corporate entity.”</p> <p>Point 2 – Section 2.1 Complaints system 2.1 The operator must maintain a register of complaints (digital or hard copy), which must include the following information:</p> <ul style="list-style-type: none"> • Complainant’s name and address <p>Comments “We welcome a requirement for operators to maintain detailed records of complaints. The systems we have in place keep records for each complaint in line with what would be required under the proposed condition, apart from in the case of the complainant’s address (if this is referring to a home address, we do retain an email address for all passengers who make a booking). Passengers making a booking on the Uber app are required to share their full name, email address, phone</p>	<p>Point 2 – Section 2.1 The Licensing Authority considers that where available an address should be recorded however in circumstances where it is not i.e. complainant does not wish to provide one an email address would be a suitable substitute.</p>	<p>Point 2 – Section 2.1 Slight amendment to text to include email address would be suitable substitute in circumstances where an address is not provided by complainant.</p>
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		<p>number and card details (stored securely) for payment. We believe these details are adequate for the user to book a private hire trip, and as a result, their home address is not recorded when creating an Uber account (it is possible that the user may never request a trip from/to their home address, so we do not believe this datapoint is relevant to capture).</p> <p>We have a number of means through which we can contact passengers and passengers can contact us, these include through response via 'In-App-Support', a phone call, or email. As a result of this we do not believe that the user's home address is required in order for us to record and handle their complaint successfully. You will appreciate that in line with GDPR obligations, operators seek to record and retain only that personal data which is required and proportionate.</p> <p>We note that there may also be cases in which passengers may not want to share their home address with Uber. In such cases, we would not want a requirement to do so to lead the passenger to not want to share a complaint with us.</p> <p>Our recommendation is that operators are required to record either the home address of passengers who wish to complain or their email address."</p> <p>Point 3 – Section 2.7 2.7 The Operator must notify the Licensing Authority within 48 hours if the operator receives a complaint about a driver operated by them if the complaint relates to any of the following:</p>	<p>Point 3 – Section 2.7 Agree.</p> <p>It is expected that a complaint is reported to the Licensing Authority once it has been identified that it falls within one of the listed categories.</p>	<p>Point 3 – Section 2.7 Amended to wording for clarity:</p> <p>The Operator must notify the Licensing Authority within 48 hours if the operator receives</p>
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		<ul style="list-style-type: none"> • 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). <p>Comments</p> <p>“We support Cardiff Council’s proposal to implement a condition which requires operators to report complaints of a specified category to the licensing office.</p> <p>We would also like to note that Uber regularly provides direct support to proactive investigations of serious crime and has helped to support a number of convictions. Included in this is our support for Police investigations into sexual offences, gangs and homicides. All requests fulfilled under this are carefully assessed to ensure there is a legal basis for the request, that the correct legal process has been followed.</p> <p>In relation to proposed condition 2.7, we would appreciate further guidance or clarity on how the reporting timeline is to be adhered to in the case of an unclear or incomplete complaint for a rider. In these instances, an operator often requires time to substantiate whether a complaint does in fact fall under one of the specified complaint types for reporting, generally by asking the complainant to provide more information or clarify their issue.</p>		<p>a complaint about a driver operated by them <i>when it has been identified that</i> the complaint relates to any of the following:</p>
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		<p>In the case of a complaint which requires multiple communications with the passenger to establish the category, our proposal would be to treat the complaint as reportable from the moment we have sufficient detail to be able to ascertain that it fits within the categories covered by proposed condition 2.7. We will of course err on the side of caution when categorising complaints and determining which to report. In cases where the category of complaint is immediately apparent and requires no action to clarify, we will of course undertake the reporting process as soon as possible.</p> <p>Factoring in this nuance to the requirement will help solve for the wide variety of potential complaints (and associated timeframes to adequately investigate these in order to categorise and report). This will allow operators time to substantiate whether a complaint does in fact fall under a specified complaint type for reporting. This should minimise unnecessary overreporting of complaints, and thereby avoid Cardiff Council expending any time and resources on such overreported complaints.</p> <p>As a result of this, we suggest an adjustment of this proposed condition which factors this in; a version of the wording may be:</p> <p>The Operator must notify the Licensing Authority within 48 hours if the operator receives a complaint about a driver operated by them <i>when it has been identified that</i> the complaint relates to any of the following:"</p>		
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	<p>Point 4 – Section 3.1 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</p> <p>Comments "We welcome the proposed condition to require operators to maintain and keep up-to-date records of drivers and vehicles being operated by them."</p> <p>Point 5 – Section 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.</p>	<p>Point 4 – Section 3.1 Comments noted.</p> <p>Point 5 – Section 4 Agree. The DBS Update Service does not allow for Basic disclosures and as such this condition is to be amended to require that a basic disclosure must be submitted to the Local Authority (at a cost to the operator) every year – this is in accordance with DfT Best Practice Standards.</p>	<p>Point 4 – Section 3.1 N/A</p> <p>Point 5 – Section 4 Condition amended to remove requirement for update service and require that an operator submits a basic disclosure to the Local Authority every year.</p>
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		<p>4.2 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.</p> <p>Comments “We support the requirement for, and maintenance of, DBS checks conducted for private hire operator licence holders across the duration of their licence. As mentioned in our earlier email, Condition 4.1 states: <i>“All applicants for a grant or renewal of a Private Hire Operators licence must submit a basic disclosure”</i>, however, Condition 4.2 also states <i>“All applicants/licence holders must sign up to the DBS Update Service”</i>. After reviewing the DBS Update Service website, it states that in order to sign up to the DBS Update Service, the certificate needs to be either a Standard or Enhanced certificate (a Basic DBS certificate is not adequate). In order to fulfil Condition 4.2, we seek clarification as to whether Cardiff Council are able to endorse or sponsor our company directors as an umbrella body. This will enable Uber to obtain Enhanced certificates for company directors, with a view to subscribing them to the Update Service. Additionally, by subscribing to the Update Service (which allows Cardiff Council to check for any disclosure made since the Enhanced Certificate was issued) we believe that this will be more effective than requiring directors to produce a Basic Certificate (which only covers a moment in time, rather than being current as at the Update Service check). Therefore, in complying with condition 4.2, we believe this will make condition 4.1 redundant.”</p>		
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	<p>Point 6 – Section 7 Booking Records 7.2 <i>At the time of accepting each booking an entry shall be made in the record book or computerised booking and dispatch system that shall include:</i></p> <ul style="list-style-type: none"> <i>a) The name of the person making the record</i> <i>b) The time and date on which the booking is made and,</i> <i>c) The name of the person for whom the booking is made</i> <i>d) The agreed time and place of collection, or, if more than one, the agreed time and place of the first place of collection</i> <i>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.</i> <i>f) The time the journey was completed</i> <i>g) The total cost of the completed journey</i> <i>h) The driver’s hackney carriage/private hire driver’s licence number</i> <i>i) The registration number of the vehicle allocated to the booking</i> <i>j) The name of the person that dispatched the vehicle</i> <i>k) If applicable, the name of the other operator from whom a booking was received and / or to whom the booking was subcontracted.</i> <p>Comments “We welcome the efforts of the proposals to take into account app-based operators by acknowledging the use of computerised booking and dispatch systems. For point of clarification we wish to outline how our system fits with the requirements outlined, specifically in relation to requirements a), c) and j).</p>	<p>Point 6 – Section 7 Agree with comment, wording to be amended to consider computerised systems.</p>	<p>Point 6 – Section 7 Wording amended to: “a) The name of the person making the record (if not made by computerised system)” “j) The name of the person that dispatched the vehicle (if not dispatched by computerised booking”</p>
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		<p>As a result of us utilising a computerised booking and dispatch system, booking records are made not by an individual but by a computerised system. We expect this to be the case for many other operators currently using computerised systems and also for additional operators on an ever increasing basis.</p> <p>As a result of this, our feedback is to amend requirement a) <i>The name of the person making the record</i> so as to clarify it only applies in instances where bookings are not taken by computerised systems. We also note that the same would apply for our dispatch systems and as a result make the same recommendation in the case of j) <i>The name of the person that dispatched the vehicle</i>.</p> <p>As a point for clarity, we wish to share with you how our booking record keeping fits in with requirements outlined in c) <i>The name of the person for whom the booking is made</i>. The Uber system records the name of the person placing the booking based on their registered Uber account details.”</p> <p>Point 7 – Section 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 driver 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.</p> <p>Comments “We welcome the intent of the condition to improve safety for drivers, passengers and members</p>	<p>Point 7 – Section 9 Comments noted.</p>	<p>Point 7 – Section 9 N/A</p>
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		<p>of the public by requiring operators to take steps to ensure drivers do not work excessively long hours.</p> <p>Since January 2018 the Uber system has been configured to ensure drivers on the Uber app cannot spend more than 10 hours' time 'on trip' before needing to take a full 6 hour break from the app. 'On trip' time is defined as the total time spent for each booking undertaken between confirming the trip to completing it (as outlined below).</p> <p>After spending up to 10 hours of time 'on trip', the app notifies partner-drivers that they need to take a 6 hour break and are prevented from going back online to receive trip requests for 6 hours. The timer is reset upon the driver taking an uninterrupted break of 6 hours away from the app. Additionally, any other time (outside of being prompted) that a partner-driver takes an uninterrupted break of 6 hours from the app, the time counter will also reset to zero allowing them to go back online. In regards to the proposed requirement for drivers to take a 30 minute break after driving for 5.5 hours, we plan to ensure this is the case by sending regular reminders of this via email to partner-drivers on the Uber app licensed by Cardiff Council.</p> <p>We welcome any feedback on these actions in response to the proposed requirement."</p>		
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		<p>the opposite sex may not be added to the same booking.</p> <p>Comments “We welcome the intention of the proposed condition which aims to ensure safety of pooled passengers. As you will be aware, Uber does not currently operate a pool/shared option in Cardiff. So far, London has been the only market in the UK where a pooled service has been offered. This service is currently suspended as part of a raft of safety measures introduced in response to the COVID-19 pandemic. We may look to offer pooled services again at a future point in time once it is safe to do so (either in London or further afield) although currently we have no such plans to do so. In respect to condition 11.2, we note that Uber along with many other operators in the UK do not request or record the gender of passengers when taking bookings. You will appreciate that in line with our GDPR obligations, we seek to limit the processing of personal data to what is necessary and proportionate. At present, it would therefore be difficult to operationalise this for many operators. We would respectfully suggest that whether or not to offer such a specific service should rest with the individual operators, rather than be required from all. We agree that, if such a service is offered, an operator should only then add passengers of the same sex to the booking.”</p>		
08.10.2020	Yusef Jarma on behalf of Hackney Carriage Alliance	<p>Point 1 – Section 1.2 General Where an operator dismisses a driver they must report the dismissal and reasons for it to the Licensing</p>	<p>Point 1 – Section 1.2 The Licensing Authority is not suggesting that drivers are employed however in response to a</p>	<p>Point 1 – Section 1.2 Wording amended to include ‘disengage’.</p>

		<p>Authority within 48 hours of the dismissal taking effect.</p> <p>Comments Are drivers always - or even usually dismissed for reasons of public protection? Can self-employed drivers actually be 'dismissed'? Do they enjoy the same legislative protections as employees? Are public protection issues not adequately covered in 2.7? Is 48 hours a reasonable timeframe? Does this requirement not create an unnecessary workload for licensing enforcement officers and an equally unnecessary burden on operators?</p> <p>Point 2 – Section 2.2 Complaints The operator must maintain a register of complaints (digital or hard copy), which must include the following information:</p> <ul style="list-style-type: none"> • Complainant’s name and 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. 	<p>number of consultation responses we agree to amend condition to include the word ‘disengage’.</p> <p>Drivers are not always dismissed for public protection reasons but the Licensing Authority would need to review this on a case by case basis. Reporting when drivers are dismissed/disengaged would go some way towards ensuring that our records are kept up to date, assist with investigations and could highlight patterns of behaviour for drivers. We would therefore review and take further action if necessary.</p> <p>We believe 48 hours is a reasonable timeframe.</p> <p>It would be down to the Licensing Authority to manage its workload and it is felt that it is a reasonable requirement of operators to help promote public safety.</p> <p>Point 2 – Section 2.2 As a regulatory body we regularly receive complaints that may not be the fault of the driver. It is for the Licensing Authority to assess complaints to ensure consistency, if the requirement was related to severity of the complaint it would be open to operator’s interpretation and would be difficult to enforce.</p> <p>The Licensing Authority believes that all the requirements are reasonable and necessary and will assist in any investigations.</p>	<p>Point 2 – Section 2.2 N/A</p>
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		<ul style="list-style-type: none"> • 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 <p>Comments Are all causes for complaint always the fault of and/or within the control of the driver? Are all the listed requirements in the proposed complaints procedure reasonably necessary? Does it not depend on the nature and seriousness of the complaint? Is it always true that there is no smoke without fire?</p> <p>Point 2 – Section 2.7 Complaints The Operator must notify the Licensing Authority within 48 hours if the operator receives a complaint about a driver operated by them if the complaint relates to any of the following:</p> <ul style="list-style-type: none"> • 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). 	<p>Point 2 – Section 2.7</p> <p>A driver’s good conduct should not only extend to their paying passengers.</p> <p>The Licensing Authority accepts that some complaints will be unfounded (as they can be when received directly by the authority). Furthermore, it is noted that not all complainants follow through with complaints.</p>	<p>Point 2 – Section 2.7</p> <p>N/A</p>
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		<p>Comments Should third-party motoring-related allegations or complaints (not from passengers) always be reported to the local authority where no collision took place? Does the local authority accept that some complaints may be unfounded or malicious and once a formal complaint has been lodged the complainant may find it difficult to withdraw it later, especially if they have been prompted by someone else to report it?</p> <p>Point 3 – Section 4.5 DBS Check 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.</p> <p>Comments If driving offences by operators who are not themselves licensed to to drive a private hire or Hackney Carriage vehicle are not normally considered, why ask for their disclosure in 5.1? How would minor, non-recordable driving offences be relevant to their fitness and propriety as an operator? Are licensed operators always to be named persons? (Our view is that the operator should be both a company and a named person with both of these recorded on the licence in order that a human being ultimately accepts responsibility).</p>	<p>Point 3 – Section 4.5 Driving offences are representation of good conduct. A non-recordable offence is still an offence and should be a consideration when determining whether somebody is fit and proper. E.g. a conviction for driving without insurance is a non-recordable offence but the Licensing Authority could consider this relevant to the way an operator conducts their business. The Licensing Authority is proposing that all directors of a company must provide a basic disclosure. There is no mechanism within the Local Government Miscellaneous 1976 Act to have a named responsible person.</p>	<p>Point 3 – Section 4.5 N/A</p>
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		<p>What about bookings made by Interactive Voice Response or those made on behalf of others (example: by a hotel receptionist for a guest)? In such instances, does, "As directed," stated in the booking particulars not suffice?</p> <p>Point 7 – Section 9.1 Working Hours The operator must take steps to ensure that drivers do not work excessively long hours. Drivers should not be permitted driver 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.</p> <p>Comments Whilst we agree that it is in the interests of public safety (notably that of the driver, passengers and other road users) for drivers not to work excessively long hours, are the proposed limits and break requirements reasonably compatible with the working patterns of licensed drivers in comparison with those of PCV, PSV and HGV drivers? How do you intend to ensure that all drivers working in Cardiff, regardless where they may be licensed, abide by the same working/driving time limitations in order to maintain a level playing field? Does the maximum driving hours limit include the time drivers spend waiting for bookings? If it does not, how would all operators, whether they use computer recording and dispatch systems/algorithms or not, be reasonably able to</p>	<p>The Licensing Authority requires that a destination is recorded but accepts that this doesn't have to be at the time of accepting the booking. GPS co-ordinates would also be acceptable.</p> <p>Point 7 – Section 9.1 EU Driver's Hours Rules Driving Hours 9 hours daily driving limit, this can be increased to 10 hours twice a week Maximum of 56 hours weekly driving limit Maximum of 90 hours fortnightly driving limit</p> <p>In reference to ensuring that all drivers working in Cardiff abide by the same limitations, under the Local Government Miscellaneous Act 1976 we are only permitted to place conditions on Cardiff Licences.</p> <p>We would expect that the restriction applies to driving hours. Driving hours require a significant amount of concentration which is why it is proportionate to limit it. It would be expected that the operator takes steps to ensure drivers do not work excessively long hours – it would be down to the operator to determine what steps they need to implement in order to manage effectively.</p>	<p>Point 7 – Section 9.1 N/A</p>
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	<p>calculate with accuracy the number of driving hours of each and every driver separately from the total number of hours elapsed since the start of work? If it does not, is this not a completely empty formula from a public safety perspective given that the total number of hours worked could easily be at least double the number of driving hours? Does the time that a driver spends waiting for bookings count towards rest time, given that the driver must remain sufficiently alert to accept bookings when they are dispatched and may have as little as ten seconds to do so, certainly if dispatched via personal digital assistant? If the stated maximum does include the time waiting for bookings since the start of work, are the proposed limitations flexible enough to deal with peaks and troughs of demand? What if a driver or a number of drivers had been largely inactive for several hours and were then due for a required break just as demand suddenly increased?</p> <p>Point 8 – Section 12.1 (b) Standards of Service 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:</p> <ul style="list-style-type: none"> b) Ensure the highest level of customer service and care. <p>Comments What key performance indicators would be used by the licensing authority to assess the level of customer</p>	<p>Point 8 – Section 12.1 (b)</p> <p>Comments noted however it is considered that this condition is clear in what it is requiring of operators.</p>	<p>Point 8 – Section 12.1 (b)</p> <p>N/A</p>
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