

## **APPENDIX 3 - PRIVATE HIRE OPERATOR CONDITIONS**

**The Operator shall at all times comply with the provisions of Part II of the local Government (Miscellaneous Provisions) Act 1976 and the conditions hereinafter provided.**

### **1. Definitions**

For a legal definition of these terms, see the Local Government (Miscellaneous Provisions) Act 1976. You can get a copy online.

"Authorised Officer" any Officer of the Council authorised in writing for the purposes of the Local Government (Miscellaneous Provisions) Act 1976

"The Council" means Trafford Council

"The Operator / PHO" a person who makes provisions for the invitation and acceptance of bookings/hiring for a Private Hire Vehicle.

"The Private Hire Vehicle" a motor vehicle constructed to seat fewer than nine passengers, other than a hackney carriage or public service vehicle which is provided for hire with the services of a driver for the purpose of carrying passengers

"District" means the area within the Licensing Authority boundary

Words importing the masculine or feminine gender such as 'his' and 'her' shall include a company and be construed accordingly.

Reference to the Council's email address means the email address for the Council's Licensing Department.

Where any condition below requires the Licensee to communicate with the Council, unless otherwise stipulated, all communication must be to the Council's Licensing Department.

### **2. Premises & Equipment**

- 2.1 The Operator shall obtain any necessary planning permission required for his/her premises and shall comply with any conditions imposed.
- 2.2 The Operator shall provide adequate communication facilities and staff to provide an efficient service to the public using the operator's facilities.
- 2.3 The Operator's premises shall be kept clean and tidy, and adequately heated, ventilated and lit.
- 2.4 The Operator shall ensure that any waiting area for the use of prospective hirers shall be provided with adequate and comfortable seating.

- 2.5 The Operator's radio/electrical equipment where installed shall be regularly maintained in good working condition and any defects shall be repaired promptly.
- 2.6 The Operator shall at no time cause or permit any audio equipment to be a source of nuisance, annoyance or interference to any other person. In addition, all reasonable precautions are to be taken to ensure that activities within the Operator's office and from licensed vehicles do not create a nuisance to others.
- 2.7 The Operator shall obtain and maintain in force at all times a public liability insurance policy in respect of his/her premises and produce the same to an Authorised Officer or Constable on request.
- 2.8 The Operator must display the following at all times, at any premises that the general public have access to and/or on online booking sites and applications:
  - a) A copy of the current Operator licence
  - b) A schedule of fares
  - c) A notice which provides information on how to complain to the Licensing Authority including email and phone number
  - d) A copy of the public liability insurance policy certificate

The above shall be displayed in a prominent position within the relevant premises where it can be easily read; or clearly marked on the relevant online site/app where it can be easily accessed.

- 2.9 If the Operator has a website and/or uses Application based technology to attract bookings, the notices listed at 2.8 above must also be available to view on the relevant web pages or application menu.
- 2.10 The Operator shall not allow their Licensed Operator Premises to be used to conduct business relating to licensees of other non-Greater Manchester local authorities.

### **3. Booking Fares**

- 3.1 When accepting the hiring, the Operator shall, unless prevented by some sufficient cause, ensure that a licensed private hire vehicle attends at the appointed time and place.
- 3.2 When accepting the hiring, the Operator shall, if requested by the person making the booking, specify the fare or the rate of the fare for the journey to be undertaken and, in every case, the Operator shall immediately enter all the details of the hiring legibly as required, by Condition 3.3.
- 3.3 The records of hiring accepted by the Operator as required under Section 56 of the Local Government (Miscellaneous Provisions) Act 1976, shall contain the following detail:

- Time and date booking received (using 24-hour clock)
  - Name and contact details (phone number or address) of person making the booking
  - How the booking was made e.g. Telephone/Online etc
  - Time and detailed pick up location
  - Specific destination (the use of the term 'as directed' or similar term should only be used exceptionally).
  - ID of dispatched driver (i.e. name and call sign)
  - ID of dispatched vehicle (Licence/fleet number)
  - ID of person taking booking (excludes electronic bookings)
  - Any special requirements e.g. wheelchair accessible or disability assistance
  - Details of any subcontracting to or from another PHO (Inc. any other Operator owned by the Operator subject to these conditions)
  - Any fare quoted at time of booking, if requested by the person making the booking.
- 3.4 The Operator shall not allow drivers to pass a booking on to the Operator on the passenger's behalf and will take all reasonable steps to ensure their drivers are aware that such practice is illegal.
- 3.5 Where a booking is sub-contracted the customer must be so advised and informed as to the sub-contracted Operator who will be undertaking the booking.
- 3.6 If a non - Trafford licensed driver and vehicle are being dispatched to fulfil the booking, the Operator must communicate the following message to the person making the booking (whether via telephone, automated booking or booking App) before the booking is made (allowing the requester the opportunity to confirm the booking or not):
- The driver and vehicle you are about to book are not licensed by (insert name of Council) to (insert name of Council) standards and (insert name of Council) Council are not empowered to take licensing action in the event of a complaint. Your driver and vehicles are licensed by {insert name of Council} and customers will have to deal with that authority in the event of a complaint.*
- 3.7 The despatch, by an Operator, of a passenger carrying vehicle (PCV) and the use of a public service vehicle (PSV), such as a minibus, is not permitted without the express consent of the hirer.
- 3.8 Where the hirer is being given the option of one of the above mentioned vehicles being despatched, they should be notified that the driver is subject to different checks than a private hire driver and are not required to have an enhanced DBS check.
- 3.9 The Operator must advise the authority of the booking system it uses, and advise in writing when the booking system is changed. The operator must demonstrate the operation of the system to an authorised officer upon request. Only the confirmed booking system (whether that be an electronic or manual system) can be used to record journeys taken for and carried out by vehicles licensed by

Trafford Council (or a Public Services Vehicle, operating under a licence from the Vehicle and Operator Services Agency).

#### **4. Record Keeping & Responsibility**

4.1 The Operator must keep detailed, up to date, records of every driver and vehicle operated by him (whether licensed as private hire or hackney carriage) and no matter which Council licensed the driver/vehicle. The records must include:

- a) Name and home address of the driver
- b) The dates the driver commenced fulfilling bookings from the PHO and the date the driver ceased taking bookings from the PHO (where applicable).
- c) A copy of the driver's current private hire or hackney carriage driver licence including the expiry date of that licence and that Licensing Authority that issued it.
- d) Name and home address of the proprietor of every vehicle
- e) A copy of the current vehicle licence including expiry date, the licensing authority that issued it.
- f) The date the vehicle was first used by the PHO to fulfil bookings and the date the PHO ceased using the vehicle to fulfil bookings (where applicable)
- g) The vehicle registration number
- h) A list of unique radio/call sign allocated to the driver and vehicle
- i) A copy of the valid insurance in place for the driver and vehicle

4.2 The Operator must ensure that booking records are:

- a) Kept electronically
- b) Are available for immediate inspection by an Authorised Officer or Police Officer
- c) Able to be printed onto paper or downloaded in an electronic format
- d) Continuous and chronological
- e) Not capable of retrospective alteration or amendment

- f) Kept as one set of records. Cash and credit account bookings can be separately identified but must not be in separate sets of records. The name of the person compiling the records must be detailed on the records.
  - g) Are clear, intelligible, kept in English and retained for a minimum of 12 months from the date of the last entry or for such other period as required by an Authorised Officer.
- 4.3 The Operator must retain records for a minimum period of 12 months and make available any GPS data and any voice recording system for inspection upon request by an Authorised Officer or Police Officer.
- 4.4 The Operator must implement a robust system to ensure that drivers and/or vehicles do not operate when their licence or insurance has expired. This must be documented and approved by an Authorised Officer.
- 4.5 The Operator must conduct a check of the Council's public register (where it exists) when contracting a driver to carry out bookings.
- 4.6 The Operator must take all reasonable steps to ensure that its drivers and vehicles, when plotting or waiting without bookings around the district, do not do so:
- a) in high footfall / high visible locations
  - b) outside busy venues/businesses or in close proximity to large events
  - c) at the front or back of designated hackney ranks
  - d) in groups or lines that present as a 'rank'
  - e) in contravention of road traffic orders

Operators will upon request by an Authorised Officer or Police Officer demonstrate how they monitor and control this behaviour.

- 4.7 The Operator must have an approved process in place to ensure that the individual carrying out a booking is the licensed driver they have contracted for this purpose.
- 4.8 The Operator will ensure registration with the Information Commissioner's Office for Data Controller, CCTV and other relevant purposes. Where the Operator is exempt from registration with the Information Commissioner's Office, they will notify the Council within 7 days of the commencement of these conditions.
- 4.9 Where the Operator agrees sub-contracting arrangements with other non-Trafford Council licensed Operators, it must have due regard for the comparative licensing policies and standards of the relevant licensing authority their partner Operator is subject to, and take steps not to undermine the Council's licensing standards which have been set in the interests of promoting high levels of public safety.

## **5. Complaints**

- 5.1 The Operator must notify the Council immediately by email (or in any case within 24 hours) of receiving or otherwise becoming aware of any complaint/allegation, police enquiries, or notification of convictions involving any driver that is registered to carry out bookings for the operator, which relates to matters of a sexual nature, violence/threats of violence or substance misuse.

The Operator must notify the Council within 72hrs of any complaint/allegation, police enquiries, or notification of convictions involving any driver that is registered to carry out bookings for the operator, which relates to matters involving dishonesty or equality.

The Operator is required to provide at the time of notification to the council the identity of the driver involved and the nature of the complaint/enquiry including the complainant's details. This notification to the Council must take place regardless of whether the Operator ceases any contractual arrangement with the driver.

- 5.2 The Operator must record every complaint received against its service (against any driver operated by him, including those licensed by other authorities carrying out a sub-contracted booking on the Operator's behalf) and, if unable to resolve the complaint within 7 days (from the date of the complaint) the Operator must provide the complainant with the relevant Licensing Authority contact details within 10 days (from the date of complaint).
- 5.3 Where a complaint not covered by section 5.1 above is received against a driver and it remains unresolved after 7 days (from the date of complaint), the operator must notify the Council within 10 days (from the date of complaint). The Operator is required to provide at the time of notification, the identity of the driver involved, the nature of the complaint/enquiry including the complainant's details.
- 5.4 The Operator must keep all complaint records for at least 12 months (including against drivers carrying out sub-contracted bookings) and ensure these records are available for inspection at any time an authorised officer may request to review them.

## **6. Convictions and Staff Vetting**

- 6.1 The licensee shall notify the Council immediately in writing (or in any case within 24 hours) if they are subject to any of the following:

- arrest or criminal investigation,
- summons,
- charge,

- conviction,
- formal/simple caution,
- fixed penalty,
- criminal court order,
- criminal behaviour order or anti-social behaviour injunction,
- domestic violence related order,
- warning or bind over
- any matter of restorative justice

and shall provide such further information about the circumstances as the Council may require.

6.2 The Operator must keep up to date records of all individuals working in any capacity (paid or unpaid) and who have access to booking records for the business as follows:

- Full Name
- Address
- Date of Birth
- Contact details (phone and email)
- DBS issue date and certificate number
- Start and finish dates of employment
- Job Title

6.3 The Operator must ensure that all individuals (non-drivers) working in any capacity and have access to booking records (paid or unpaid) have obtained a basic DBS Certificate from the Disclosure and Baring Service before commencing employment. The DBS certificate must be dated within one month before the commencement of employment.

6.4 The Operator must ensure that DBS checks are carried out for all existing relevant staff (as per condition 6.3) within one month of the commencement of these conditions.

6.5 The employee should be registered with the DBS Update Service to enable the Operator to conduct regular checks (six monthly as a minimum) of the individual's DBS status.

- 6.6 The Operator must have a policy compatible with the Council's suitability policy or adopt the Council's suitability policy and implement this policy in relation to the recruitment of all staff (paid or unpaid) and the recruitment of ex-offenders. This must be produced upon request.
- 6.7 The Operator must be able to evidence that they have had sight of a basic DBS by maintaining a register. The register should be a 'living document' that maintains records of all those employed for at least 12 months, being the duration of how long booking records are to be kept and allows cross referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should 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 should be requested and sight of this recorded.
- 6.8 Operators may outsource booking and dispatch functions, but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

## **7. Advertisements**

- 7.1 The Operator shall not cause or permit to be displayed in, on or from his/her premises or to be published in relation to the Operator's business any sign, notice or advertisement which consists of or includes the words "Taxi" whether in the singular or plural or the words "For Hire" or any other word or words of similar meaning or appearance whether alone or as part of another word or phrase or any other word or words likely to cause a person to believe that any vehicle operated by him/her is a hackney carriage.
- 7.2 All advertisements by the Operator should first be approved by the Council to ensure they comply with conditions and do not breach the Codes of Practice of the Advertising Standards Authority or those of the Portman Group relating to alcohol advertising.
- 7.3 The Operator must not dispatch any vehicle that has been licensed by another Authority, which uses, displays or exhibits any literature, documentation, advertising or which displays any signage associated to the Private Hire Operator or the Council which suggests, indicates, misleads or might lead to a misunderstanding that the vehicle is licensed by this Council.

## **8. Notifications and Licence Administration**

- 8.1 For the duration of the licence, the licensee shall pay the reasonable administration charge or fee attached to any requirement to attend training, or produce a relevant certificate, assessment, validation check or other administration or notification process.



- 8.2 The Licensee shall notify the Council in writing within 14 days of any transfer of ownership of the business. The notice will include the name, address and contact details of the new owner.
- 8.3 The Licensee shall give notice in writing to the Council of any change of his address or contact details (including email address) during the period of the licence within 7 days of such change taking place.

## **9. Duty to Co-operate**

- 9.1 The Operator and his/her staff shall co-operate fully with any Local Authority Authorised Officer or Police Officer in respect of any enquiries or investigations carried out relating to drivers or vehicles currently connected to the business or formerly connected to the business.
- 9.2 The operator will provide the Council with details of appropriate members of staff (whether at the base or via telephone) to be contactable during the times of operation (day or night) in relation to compliance/enforcement related matters. Where the aforementioned contact details change, the Operator shall inform the Council of the new contact details within 24 hours.
- 9.3 The Operator shall grant access to the licensed premises to any Local Authority Authorised Officer or Police Officer upon request.

## **10. Lost Property**

- 10.1 The Operator must keep a record of lost property that is handed to him by drivers or passengers. The record must include the date the item is handed to the Operator, details of where it was found and a description of the property. The log must always be available for inspection by an Authorised Officer or Police Officer and any information entered onto the record must be kept for a period of 12 months from the date of entry.
- 10.2 Any lost property held by the Operator must be stored securely by him for 6 months after it was found.

## **11. Operator Policies**

- 11.1 Operators are required to adopt, implement, review, update as is necessary and submit to the Council the following policies:
- Safeguarding Policy
  - Customer Service and Complaints Policy which includes conduct of drivers and the timeframe for responding to complaints

- Equality Policy (Equality Act 2010) including disability awareness and the carrying of assistance animals.
- Data Protection Policy
- Recruitment / Suitability Policy

## 12 **Training**

- 12.1 Operators should ensure that they have attended any licensing training required by the Council within one month of a licence being granted or as otherwise directed by the Council.
- 12.2 The Operator must ensure that training is provided to relevant staff (paid or unpaid) on licensing law, Licensing policy, the policies listed at paragraph 11.1 and how and when to accept bookings. This training must be undertaken within one month of the commencement of these conditions or employment and thereafter, at least every two years. The Operator must keep a record of the aforementioned training which has been signed by the operator and the member of staff.