

# Newport City Council

## PRIVATE HIRE OPERATOR'S CONDITIONS

1. The holder of a Private Hire operator's licence shall comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
2. **The Operator shall:**
  - a. Provide a prompt, efficient and reliable service to members of the public at all reasonable times.
  - b. Ensure that his/her Office Staff behave in a civil and orderly manner at all times
  - c. Ensure that when a vehicle has been hired it arrives punctually at the appointed place, unless delayed by unforeseen circumstances.
  - d. Ensure that premise provided for the purpose of hiring or waiting are kept clean, adequately lit, heated and ventilated.
  - e. Ensure that any 'Waiting Area' provided has adequate seating facilitates and, if such are provided, that any telephone facilities are in good working order.
  - f. The Operator shall notify the Authority in writing of any change affecting this licence, including any change of address (including any address from which he/she operates or otherwise conducts his/her business), which takes place during the currency of the licence. Such notice shall be given, in writing, within 14 days of the change to the Licensing Section.
  - g. The Operator shall within 14 days of the occurrence of any arrest, report for summons for any offence, or any conviction, notify the Licensing Authority in writing the details of such occurrence. If the operator is a company or partnership, this requirement shall apply to any of its Directors or Partners.
  - h. The Operator shall only dispatch a licensed vehicle that fully complies with Licence vehicle conditions.
  - i. The Operator shall bring to the attention of all drivers their legal obligations regarding the use of seatbelts both by adults and children.
  - J. The Operator shall in so far as possible ensure that Private Hire Vehicles under their specific control meet general conditions of roadworthiness required of a licensed vehicle whereas the driver of the vehicle responsible shall at all times have this responsibility. Any Operator who knowingly operates a defective vehicle shall be liable for enforcement action.
  - K. The Operator shall ensure that a certificate of motor insurance pursuant to Section 143 of the Road Traffic Act 1988 exists for every Private Hire vehicle used under his/her Operator Licence in respect of the carriage of passengers for hire or reward. Where individual drivers choose to arrange their own motor insurance cover, the Operator must examine the insurance for such drivers on a frequent basis to ensure lawful requirements have been met.
  - L. If the Operator has premises to which the public have access in connection with the hiring of vehicles, he shall ensure that there is sufficient public liability insurance in force, which indemnifies him/her against any claim for loss, damage or personal injury by any person using those premises.
  - M. To operate a Private Hire Business from a residential dwelling, planning permission for such business use, will normally be required. A Private Hire Operator's licence will not be granted without evidence that either planning permission has been issued in

respect of the premises concerned or planning permission is not required in respect of the limited use which is proposed.

N. The records required to be kept by the operator under Section 52(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book or on a computer or any other recordable device. The records must be kept for a minimum of twelve months. If a book is used, the pages must be numbered consecutively and the operator shall enter or cause to be entered before commencement of each journey, the following particulars of every booking accepted:

- i. the time and date of the booking
- ii. the name of the hirer
- iii. the time of the proposed pick up
- iv. the point of pick up and drop off
- v. the registration or licence plate number of the vehicle allocated for the booking and the name of the driver.
- Vi If receiving a sub-contracted booking from another operator, the above must be recorded alongside the following details: The name and the Licensing Authority of the Sub-contracting Operator.
- vii. If sub-contracting a job, the following details must be recorded: the name of the Operator to whom the job is sub-contracted and the name of their Licensing Authority.

O. Operators are expected to take seriously their duties with regard to safety of drivers and the safeguarding of the public. To aid in this duty, an operator shall record any customer complaint or concerns raised by either a driver or passenger they receive regarding the attitude or behaviour of a driver or passenger. The Operator is expected to make such records available to an authorised Officer or Police Officer upon request. These records should:

- Be kept securely and remain confidential for a minimum period of 1 year and confidentially destroyed thereafter;
- Include the name, address and contact number of the complainant;
- Record the details of the complaint;
- Record details of the driver to which the complaint relates;
- Record the action the operator has taken.
- Where 3 or more substantiated complaints are received regarding a particular driver in a rolling 12 month period, the operator shall be expected to notify the Licensing Authority without delay.
- If any complaints/concerns are received regarding sexual or inappropriate words/behaviour by drivers, these complaints must be reported to the Licensing Authority within 2 working days, regardless of the number of previous complaints.
- Operators are also required to keep an incident log for driver's safety. Drivers should be able to log incidents for example: non-payment, racial abuse, physical or verbal abuse by a customer. An Operator should undertake a written risk assessment in light of a barring policy if a passenger is abusive, violent, racist, towards a driver.
- Operators, from time to time, will be given addresses by Gwent Police or Social Services to which that they should not dispatch vehicles or a password system may be put in place with carers or parents of family.
- Operators should have a policy in regard to transporting children under 10 years old without adult supervision during their normal business of provision of Private Hire transport (this excludes School and Social Services contracts which are subject to requirements as determined by those departments).

The Operator shall also keep records of the particulars of all Private Hire vehicles and drivers operated by him, which shall include:

- A copy of the private hire vehicle licence issued by the Council
- A copy of the Private Hire driver's licence or badge issued by the Council together with details of any radio call signals.
- Valid Insurance certificate used by the driver.

All records kept by the operator shall be kept for a period of not less than twelve months following the date of the entry and shall be made available upon request to an Authorised Officer of the Council, Police Officer or any other relevant duly authorised Officer of an Enforcement Agency including HMRC.

- P. The Operator must allow access to the premises identified as the Operator Premises to the Police and Licensing Officers at all times (this includes Operators who operate from a home address.)
- Q. Operators can only dispatch a "Prestige" vehicle only when the booking involves no cash work or the vehicle is booked at least 1 hour before the commencement of the journey or the operator has a written contract with particular business(es) or person.

#### **LEGISLATION**

The holder of every Private Hire Operator vehicle licence shall comply with the provisions relating to Private Hire vehicles contained in the following legislation:

- Town Police Clauses Act 1847,
- Part II Local Government (Miscellaneous Provisions) Act 1976,
- Road Traffic Act 1988 Part 11 (a) Construction and Use of Vehicles and Equipment, Equality Act 2010