

Appendix E – Private Hire Operators

1.0 Conditions for Private Hire Operators

- 1.1 The following conditions are considered to be reasonably necessary by North Northamptonshire Council in relation to private hire operator licences and all private hire operator licences will be granted subject to these conditions. These conditions are made by the Council in pursuit of the powers conferred by Part II of the Local Government (Miscellaneous Provisions) Act 1976 (as amended).
- 1.2 In determining these conditions the Council has had regard to the Department of Transport Statutory Taxi & Private Hire Vehicle Standards July 2020.
- 1.3 These conditions are ancillary to and should be read in conjunction with applicable statutory legislation.
- 1.4 Failure to comply with any of the conditions attached to this licence may result in NNC Licensing Penalty Points being issued to the licence holder, or other action such as referral to the Licensing Sub Committee, with a view to potential suspension or revocation of the licence.

2.0 Operator's Licence

- 2.1 The objective in licensing private hire vehicle operators is the safety of the public, who will be using operators' premises and the vehicles and drivers arranged through them.
- 2.2 Operator licences are not transferable. The operator must notify the Council in writing of any change in partnership, directorship, management or control of the business within five working days.
- 2.3 The standard length of a licence is five years for private hire vehicle operators. Any shorter duration licence will only be issued when the Council thinks it is appropriate in the specific circumstances of the case. For example, the licence holder's leave to remain in the UK is time-limited, the licensee has requested a shorter duration, or the licence is only required to meet a short-term demand. Private hire vehicle operator licences will not be issued on a 'probationary' basis.
- 2.4 The operator must notify the Council in writing within five working days of any other material change affecting the licence during its validity.
- 2.5 The operator must notify the Council, providing full details, of any conviction, binding over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on the licence holder (or if the operator is a company or partnership on any of the directors, secretary or partners) during the period of the licence, within fourteen days of the offence.

- 2.6 The operator must notify the Council in writing within fourteen days of any change of home address whether permanent or temporary.
- 2.7 The operator must inform the Council if they are going to be absent from the day to day running of the business for a period of two consecutive months or more. 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.

3.0 Operator checks

- 3.1 Licensed operators (and in the case of a limited company, every director) must undertake a basic criminal record (DBS) disclosure check annually and submit the original disclosure certificate to the licensing authority. In the event that a basic disclosure certificate is not submitted annually, the private hire operator licence will be suspended until the basic disclosure(s) are received. This does not apply to any private hire operator who is also licensed as a driver, as the required enhanced disclosure for drivers is sufficient. However where the reliance is on the driver licence DBS check and this is not done, then both licences will be suspended until the results of a check are received.
- 3.2 The Council also considers it appropriate to ensure that private hire vehicle operators administer their business correctly. The Council will check open source information, cross checking information with Companies House and will request financial records to assist the Council in assuring itself that the company is suitable to be licensed.
- 3.3 Evidence of appropriate public liability insurance must be provided with the application.

4.0 Booking and dispatch staff

- 4.1 Licensed operators must maintain a register of all staff that take bookings and/or dispatch vehicles. This register is to be available for inspection by an authorised officer.
- 4.2 Operators are required to obtain and review a basic criminal record check (DBS) on all individuals listed on their register of booking and dispatch staff (4.1 above) and this must be compatible with their policy on employing ex-offenders.
- 4.3 When individuals are employed to take bookings or dispatch vehicles for an operator they should be required, as part of their employment contract, to notify the operator of any convictions while they are employed in this role.
- 4.4 The booking and dispatch staff register is to be a 'living document' that maintains records of all those in these roles. The disclosure certificate should be no older than four weeks when viewed by the operator.

- 4.5 Where staff leave, their individual record is to be retained for a minimum of three years. All records in the register must be made available for inspection when requested by an authorised officer. This is to allow for the cross-referencing between the register and booking information.
- 4.6 A record that the operator has had sight of a DBS basic disclosure certificate is to be retained for the duration that the individual remains on the register. If an individual ceases to be on the register and is later re-employed, a new DBS basic disclosure certificate is to be requested and sight of this recorded.
- 4.7 Operators may outsource booking and dispatch functions, but they cannot pass on the obligation to protect children, vulnerable adults, or protection of personal data. Operators are required to evidence that comparable protections are applied by the company to which they outsource these functions.
- 4.8 Operators must have a documented policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operator's licence, those with a conviction for offences provided in the North Northamptonshire Criminal Records Policy may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car, or for handling sensitive personal information.
- 4.9 The operator shall ensure that they only make use of drivers and vehicles licensed by North Northamptonshire Council (except when sub-contracting bookings) and shall ensure that all drivers and vehicles engaged or employed by them comply with all licence requirements laid down by North Northamptonshire Council.
- 4.10 The operator shall notify the Council, in writing, within seven days of the engagement or employment of a new private hire driver, and of any additional private hire vehicles. The operator shall also inform the Council of the termination of engagement, employment or operation of such hackney carriage or private hire drivers or vehicles within seven days of the event.
- 4.11 All staff in customer facing roles should be trained in disability awareness, or have their knowledge and skills assessed, and be encouraged through targeted and general communications to uphold the highest standards of customer service. Training or assessment should include but not be limited to:
- The features of an inclusive, high quality service.
 - Appropriate attitudes, behaviours and skills.
 - Assistance that can be provided to all passengers.
 - The protected characteristics, and related Equality Act 2010 duties.
 - Understanding the different barriers that disabled people face when using private hire vehicles, and how they might be identified.
 - The role of private hire vehicles in enabling disabled people to be independent and the role of operators in facilitating this. How to communicate with people with different communication needs.

- How to assist people with a range of visible and less visible impairments.
- Legal obligations towards disabled passengers and the consequences of not complying with them.
- An assessment of the trainee's knowledge and skills.

5.0 Conditions

- 5.1 The licence is not transferable and only applies to the premises specified on the licence.
- 5.2 Should the operator cease to carry on a private hire vehicle business they shall return their operator's licence to the Council within seven days.
- 5.3 The operator shall ensure that each private hire vehicle operated by them is:
- in a suitable mechanical condition
 - safe, comfortable, clean and presentable
 - at all times covered under a suitable valid motor vehicle insurance policy for the type of activity being undertaken and for the drivers using the vehicle
 - displaying the current vehicle licence plates in the manner required.
 - only driven by drivers licensed by North Northamptonshire Council.
- 5.4 While the driver of a vehicle is always legally responsible for its condition while in use, the Operator should have in place systems to ensure that vehicles are in sound condition and meet the requirements of this Council's conditions prior to being taken on the road. Drivers must be required to conduct a daily walkaround check as part of their core role, irrespective of their employment status with the company and complete the vehicle condition checklist (Appendix A) .
- 5.5 Where more than one driver will use the vehicle during the day's running, the driver taking charge of a vehicle should make sure it is roadworthy and safe to drive by carrying out their own walkaround check.
- 5.6 Drivers must be required to retain the vehicle checklist as proof that they have undertaken the required vehicle check and produce it on request to an officer of the Council or a police officer. Operators must regularly audit that checks are taking place and record the audit together with any sanctions for failure to comply. Drivers should be made aware that they may be subject to sanctions if they are unable to produce this. Further sanctions may result against them, as well as vehicle operators / proprietors, if they are found using a defective vehicle, especially if the condition of the vehicle is such that it is obvious no routine checks have occurred over a number of days.
- 5.7 The private hire operator licence granted by North Northamptonshire Council must be on display at all times, at the premises designated in the licence and a copy of these conditions must also be retained at the premises. The

operator shall make the licence and these conditions available for inspection by actual or potential fare paying passengers on request.

- 5.8 Where any property is left by a customer in the business premises the operator must endeavour to arrange to return such property to its rightful owner, failing which it must be dealt with in accordance with legal requirements and the police must be notified within twenty four hours.
- 5.9 The vehicles register (7.0) below) will be kept by the operator at the licensed operating address. The operator shall record detailed particulars of private hire vehicles operated by the operator. This register must be kept up to date at all times.
- 5.10 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'.

6.0 Operator Vehicle Register

- 6.1 The operator shall keep legible, hand-written or computerised records of the particulars of all private hire vehicles operated by him in accordance with Section 56(3) of the Local Government (Miscellaneous Provisions) Act 1976, including the:
- Vehicle registration mark
 - Make, model, colour
 - Number of passenger seats. (As authorised by the hackney carriage/private hire vehicle licence)
 - The hackney carriage/private hire licence number
 - The company call-sign for the vehicle
 - The vehicle proprietors name and address
 - Insurance particulars of all vehicles working on behalf of the operator
 - The date the vehicle was added to the operator's fleet
 - The date the vehicle was withdrawn from the operator's fleet

7.0 Operator Driver Register

- 7.1 The operator shall keep legible, hand-written or computerised records of the particulars of all drivers of hackney carriage and/or private hire drivers operated by them, including:
- The name, address and company call-sign assigned to the driver
 - The date the driver starts working for the operator
 - The date the driver stops working for the operator
 - Any change of address of a driver during the course of his service with the operator

- Any illness, disability or condition which may affect a driver's ability to safely carry out their duties, where the operator becomes aware of any such condition
 - The North Northamptonshire Council hackney carriage/private hire driver licence number and expiry date of same
- 7.2 The operator shall retain the licence of any driver engaged by them, until such time as the driver ceases to be so engaged. Such licenses shall be made available for inspection by the Council or the Police at all reasonable times. The operator shall also ensure that all drivers engaged by them are in possession of the appropriate driver badge issued by North Northamptonshire Council.
- 7.3 All entries made in the private hire bookings register, the driver register and the vehicles register must be made in ink and all such entries must be legible and understandable to an authorised officer of the Council.
- 7.4 Any accidents or damage sustained to a private hire vehicle which materially affects the safety, performance or appearance of the vehicle must be notified to the Council on the official accident form as soon as practicable and in any case within seventy two hours.

8.0 Business Premises

- 8.1 The operator must only conduct business from the office at the address specified on the licence. Any operator wishing to conduct business from any additional address(es) (e.g. secondary booking offices) must make application in writing to the Council's licensing team and await approval before making use of any additional premises. This is in addition to any other consents required. The Council reserves the right for an authorised officer to inspect all such premises for suitability and compliance with the requirements of these conditions.
- 8.2 The operator must not cause or permit the business premises to be used by any other person(s) for any other purpose than that connected with the conduct or operation of the private hire business. This condition will not apply if the business premises is the residential address of the licensed operator
- 8.3 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 Council.
- 8.4 The licensed operating premises must be maintained in a suitable clean and safe condition at all times.
- 8.5 Any telephone facilities, radio equipment or PDA systems provided must be maintained in a sound condition and any defects must be repaired promptly.

9.0 Record keeping

9.1 The operator must keep an accurate record of every booking of a private hire vehicle or hackney carriage accepted by him/her. The loss of records by theft or otherwise must be reported to the Council in writing within twenty four hours, and immediately to the police in the event of theft being suspected. Separate records must be kept at each premises from which the operator conducts business. The records must always be kept at the business premises and not removed.

9.2 All such records must be in English, permanent, legible and preserved for a period of 3 years following the date of the last entry. Records must be kept in one of the following forms: -

- a bound book with consecutively numbered pages (loose leaf registers are not acceptable) written in ink
- or on continuous stationery which has been generated in the form of an instantaneous print out by a computerised system. The operator must ensure that adequate supplies of continuous stationery and ink cartridges are maintained, and that the printer is always appropriately replenished to ensure that full and legible booking details are printed, or
- a computerised recording system which automatically generates a permanent entry that cannot be modified after the booking has been made. All computerised records must be available for inspection on request.
- any electronic records must be backed up at least every twenty four hours to a separate secure data storage and retrieval system.

9.3 Irrespective of the system used, the operator must, at the time the booking is taken ensure that the following information is recorded:

- the name, address and telephone number of the hirer;
- the date and time the booking was received (and any subsequent cancellation);
- the time of the journey, together with the journey date (if different from the booking date);
- the address or name of the premises from which it is to commence (i.e. the point of pick up of the passenger(s));
- the address or place of destination;
- the name of the driver;
- the driver's licence (badge) number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle;
- remarks (including details of any sub-contracting to another licensed operator)

- 9.4 These booking records are to be retained for a minimum of three years and are to be made available for inspection when requested by an authorised officer or Police Officer.
- 9.5 Where any bookings are sub-contracted either by the operator to another licensed operator or are accepted by the operator from another operator, a full record of the booking (in line with ~~10.4~~ 9.3 above) and notes must be included; including the name of the sub-contractor and contact information.
- 9.6 No alterations to records may be made – any amendment must be made to the original record by way of an addition.
- 9.7 The records of bookings must be maintained and kept up to date at all times and must be made available for inspection at all reasonable times without notice by any duly Authorised Officer of the Council or any Police Officer. Such officers must be permitted to photograph and / or remove such records from the premises if so required. Printed copies of records must be made available on request.
- 9.8 Personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates.
- 9.9 Telephone numbers provided by customers so that they can be alerted / updated by SMS text message with regard to a booking they have made must only be used for this purpose. The information must not be retained by the operator other than within the register after the text message has been sent, and / or used for any other purpose (such as unsolicited marketing calls).
- 9.10 Private hire operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

10.0 Complaints

- 10.1 Operators are to have a written complaints procedure. The procedure must state that all written complaints must be responded to within a maximum of twenty eight days. The procedure is to appear on the operator's website (where used) and is to be displayed in any premises to which the public have access.
- 10.2 The operator must keep a register of all complaints made to them.
- 10.3 The register is to be readily available at all times and must be produced for inspection on request by an authorised officer. Records shall be retained for a minimum of three years.
- 10.4 The register shall contain the following details:

- name, address and telephone number of the complainant
 - nature of complaint
 - any action taken as a result of the complaint
- 10.5 The operator is to inform the Council immediately of any complaints received (verbal or written) relating to a driver or dispatcher at the company, whether employed or self-employed of a serious nature (including but not limited to sexual matters, violence or verbal abuse including racial).
- 10.6 The operator shall be ultimately held accountable for the conduct of their licensed drivers and staff. Where repeated complaints are received about an individual driver or member of staff in their employ, the operator is required to take appropriate action to ensure further complaints are not received and record the action taken.

11.0 Hiring

- 11.1 All private hire bookings accepted by the operator shall be carried out promptly at the appointed time, date and place.
- 11.2 The operator shall make provision for his private hire drivers to convey any assistance dog(s) accompanying a passenger, at the hirer's request unless any approved exemptions are in place.
- 11.3 The operator must not accept any booking for a particular private hire vehicle which would require the vehicle to carry more passengers than it is licensed to carry. This includes all school contracts. ~~Where a contract is in place for transporting children under 13 they must not sit in the front passenger seat at any time.~~ The operator must ensure that seat belt legislation is complied with at all times.
- 11.4 The operator must not operate a private hire vehicle without the driver of such being licensed by North Northamptonshire Council. The operator must personally examine the drivers' licences issued by the Council and satisfy themselves as to their validity.

12.0 Insurance

- 12.1 The operator must ensure that public liability insurance is in force throughout the validity of the licence for each and every operating base open to the public to a minimum cover of £5 million.
- 12.2 Where the operator directly employs licensed taxi drivers, employer's liability insurance should also be in place.
- 12.3 Certificates of valid liability insurance must be produced on demand to any authorised officer.