

**Private Hire Vehicle Operator’s Conditions**

These conditions are made under section 55(3) Part II of the Local Government (Miscellaneous Provisions) Act 1976, by East Hampshire District Council with respect to persons licensed to operate Private Hire Vehicles in the Council area.

1. **Interpretation**

**1.1** In these conditions:- “The Act” means Local Government (Miscellaneous Provisions) Act 1976; “the council” means East Hampshire District Council; “operator” means the business making provision for the invitation or acceptance of bookings for private hire vehicles; “operator’s licence” means a licence under Section 55 of the Act; “private hire vehicle” means a motor vehicle constructed or adapted 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; “authorised officer” means any officer of the Council authorised in writing by the Council for the purpose of these conditions.

**1.2** Throughout these conditions, the term “licence holder” means the operator.

**1.3** The licence holder must make themselves familiar with the conditions, and apply them at all times, and upon request make them known to any hirer.

**2. Operator licence**

**2.1** The Operator must not trade under any name for private hire purposes unless the name has been approved by the Council and has been entered on the Private Hire Operator’s Licence issued by the Council.

**2.2** The Operator must inform the Council of any proposed change of trading name prior to any change. In changing the name, the Operator may not use any name already in use within the Council area, or a name that so closely resembles a name already in use that it is deemed by the Council likely to confuse customers.

**2.3** The Operator must inform the Council of any proposed change of address prior to any move, as this licence is specific to the address shown on it. Operators must be aware that planning permission is usually required for the operation of a private hire business where the number of vehicles to be operated exceeds one. This licence does not allow the use of the premises as a private hire operator’s base in the absence of planning permission.

**2.4** The Operator must notify the Council in writing of any changes in ownership, partnership or directorship of the business within 5 working days.

**2.5** The Operator must provide a prompt, efficient, courteous and reliable service to members of the public, other licensed operators, proprietors and drivers of licensed vehicles as well as the Council’s authorised Officers. They must also ensure that those who work for or with them do the same.

**2.6** The operator must behave in a civil, courteous and orderly manner at all times. Including in their dealings with the general public, licensed operators, proprietors and other drivers of licensed vehicles, as well as the Council’s authorised Officers.

**2.7** The Operator must notify the Council in writing within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope will result in a review by the Council as to whether the licence holder continues to be fit to hold the licence. If the Operator is a partnership or Company, this requirement will be applied to each partner or director.

**3. Vehicles and Drivers**

The Operator shall:

**3.1** Not employ any vehicle or driver in the course of a Private Hire Business unless that vehicle and driver are licensed for that purpose for use in the Council’s District/Borough. Copies of the private hire driver and vehicle licences for all drivers and vehicles used, must be held by the Operator.

**3.2** Take all reasonable steps to ensure that the Council’s Conditions in respect of ‘Operators’, ’vehicles’ and ‘drivers’ licences under his control are properly observed.

**3.3** Notify the Council in writing within 7 days when a driver or vehicle starts or finishes working for them.

**3.4** Keep an up to date record of all of their drivers. These records must be made available to the Council on the request of an authorised Officer.

**3.5** Upon the issue or renewal of the operator’s licence, provide the Council with a record of all drivers and vehicles which they operate.

**3.6** Keep a copy of the current insurance certificate/cover note in respect of each private hire vehicle which is available to them for carrying out bookings accepted by them.

**3.7** Not allow a greater number of Private Hire Vehicles to operate from their premises than the number for which planning permission has been granted by the Council.

**4. Operator Premises**

**4.1** The Operators base must be located within the District/Borough of the Licensing Authority.

**4.2** The Operator must only conduct business from the office at the address specified on the Licence. The Operator must hold a licence in respect of each address from which they operate.

**4.3** Any public reception area provided must be kept in a clean and tidy condition at all times and have adequate seating. The premises must conform to all other legal requirements including the legal requirement that no smoking be allowed on the premises under the Health Act 2006. ‘No smoking’ signs must be displayed in a prominent position at every entrance to the premises. Signs must meet statutory requirements.

**4.4** No person who is behaving in a disorderly manner shall be permitted to remain on the premises.

**5. Booking records**

**5.1** An Operator shall maintain at the premises for which they are licensed, a record book or auditable computer record in a form satisfactory to the Council.

**5.2** Whether using a record book or computer record, the Operator is required to record the following information for each booking:

1. The name of the passenger;
2. The date and time of the request;
3. The time and date of intended pick up;
4. The pick-up point;
5. The destination;
6. The name of the driver and the driver’s licence number;
7. The vehicle registration and plate number of the vehicle;
8. The name of any individual that responded to the booking request;
9. The name of any individual that dispatched the vehicle;
10. Details of any booking which are sub-contracted (see 6.2);
11. Any other information required by the Operator.

**5.3** As a minimum before the booking is undertaken the operator must record, 1, 2, 3, 4 of the above. If all of the information is not available at the time of accepting the booking then the remaining details must be recorded as soon as is practicable and within 1 hour of the completion of the booking.

**5.4** The Operator shall keep the above booking records for a minimum of 2 years. The Operator shall produce such records for inspection on request to any authorised officer of the Council or any Police Officer.

**6. Records of staff who take bookings, dispatch vehicles and interact with the public.**

**6.1**  The Operator must also keep the following records:

**6.2** An up to date register of all staff/contractors that take bookings or dispatch vehicles or interact with the public as part of their work.

**6.3** The register should be a ‘living document’ that maintains records of all those in these roles for the same duration as booking records are required to be kept (2 years).

**6.4** A record that the Operator has seen a Basic DBS check for all individuals listed in the register under 6.2 above (the certificate itself should not be retained). Basic DBS checks must be provided by any individual added to the register. The basic DBS certificate must be less than one month old when checked. This record must be retained for the duration that the individual remains on the register.

**6.5** Operators must ensure that the register and basic DBS checks on staff and new staff are compatible with their policy on employing ex-offenders.

**6.6** The Operator must have a written policy on employing ex-offenders in roles that would be on the register detailed in 6.2 above.

**6.7** If the Operator outsources bookings and dispatch functions, written evidence that comparable protections are applied by the Company to which they outsource these functions must be kept.

**7.0 Sub-contracting**

**7.1** Every contract for the hire of a Private Hire Vehicle licensed by the Council shall be deemed to be made with the Operator who accepted the booking for that vehicle whether or not the Operator provided the vehicle.

**7.2** 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 (see 5.2) must be made, and notes must be included stating the name and Council district of the other operator.

**7.3** Where a booking is sub-contracted, the Operator originally receiving the booking must inform the customer with whom the contract is made of the name of the Operator to whom the booking has been sub-contracted.

**8. Use of passenger carrying vehicles (PCV) licensed drivers**

**8.1** The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking shall not be permitted without the informed consent of the booker. The booker must be informed that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check. A record must be made that consent has been given by the booker.

**9. Advertisement**

**9.1** All signs or advertisements, in whatever form and wherever so displayed, shall not consist of or include the words “taxi” or “cab”, whether in the singular or plural whether alone or as part of another word or any word of similar meaning or appearance.