

# PRIVATE HIRE OPERATOR'S LICENCE CONDITIONS

REVISED APRIL 2019

Private hire operators' licences are issued subject to the following conditions. You are advised to study these carefully, as you are warned that for non-compliance with any one condition, the licence may be suspended or revoked.

<b>1.</b>	<b>Definitions</b>	
	"The Council"	means the DERBY CITY COUNCIL;
	"The District"	means the area of the Council;
	"The Act"	means the Local Government (Miscellaneous Provision) Act 1976
	"Private Hire Vehicle"	has the same meaning as in the Act
	"Vehicle"	means a private hire vehicle;
	"Operator"	means a person holding a licence to operate private hire vehicles issued by the Council under Section 55 of the Act;
	"Premises"	means the operator's place or places of business for the purpose of operating vehicles;
	"Authorised Officer"	means any officer of the Council authorised in writing by the Council for the purpose of regulating private hire vehicles;
	"Plate"	means the plate issued by the Council for the purpose of identifying the vehicle as a licensed private hire vehicle;
	"Badge"	means the badge issued by the Council for the purpose of identifying a driver as a licensed private hire driver;
	"Meter"	means any device for calculating the fare to be charged in respect of any journey in a vehicle by reference to the distance travelled or the time elapsed since the start of the journey or a combination of both.

<b>2.</b>	<b>Licence</b>	<b>Date of Implementation</b>
	The licence shall remain the property of the Council at all times and shall be renewed every 5 years.	<b>25 September 2015</b>



<b>3.</b>	<b>Details of Vehicle/s</b>	
	The operator shall keep at their premises the following details of all vehicles that they operate:	
(a)	the name and address of the proprietor;	
(b)	the vehicle licence holder;	
(c)	the vehicle licence expiry date;	
(d)	the registration number	
(e)	make, type and colour	
(f)	plate number;	
(g)	copy of the current Insurance Certificate;	
	and these details shall be produced on request to an authorised officer or police constable	

<b>4.</b>	<b>Licensed Vehicle</b>	
	The operator shall only use vehicles which are licensed under the Act by the Council	

<b>5.</b>	<b>Compliance with Vehicle Licence Conditions</b>	
	The operator shall take all reasonable steps to ensure that the vehicles operated by them conform to private hire vehicle licence conditions.	

<b>6.</b>	<b>Taxi Meters</b>	
	The operator shall ensure that if they wish to use taxi meters in vehicles under their control then all the vehicles must be fitted with taxi meters, which are of the type approved by the Council.	

<b>7.</b>	<b>Licensed Drivers</b>	
	The operator shall only use drivers who are licensed under the Act by the Council.	

<b>8.</b>	<b>Details of Drivers</b>	
	The operator shall keep at their premises the following details of all drivers employed or used by them:-	
(a)	name and address;	
(b)	badge number;	
(c)	expiry date of the private hire vehicle driver's licence;	



	and these details shall be produced on request to an authorised officer or police constable.	
<b>9.</b>	<b>Control of Drivers</b>	
	The operator shall take all reasonable steps to ensure that drivers of vehicles employed, used or controlled by them observe and perform the conditions attached to their private hire vehicle driver's licence and all other relevant statutory requirements, including Road Traffic Legislation.	
<b>10.</b>	<b>Plying for Hire</b>	
	The operator shall, so far as is possible, ensure that drivers in their employment, use or control do not ply for hire.	
<b>11.</b>	<b>Record of Bookings</b>	
(a)	The operator shall, before the commencement of each journey, record in a manner prescribed by the Council, the following details of each booking:-	
	(i) the time and date of booking;	
	(ii) the method by which is was received (e.g. telephone, personal call etc):	
	(iii) by computer, or in a suitable book, with numbered pages set out:	
	(iv) the picking up and setting down points, by reference to street names;	
	(v) the date and time when the journey is to commence;	
	(vi) the name, address and telephone number of the hirer;	<b>1 April 2019</b>
	(vii) the plate number of the vehicle allocated to the booking;	
	(viii) the name and badge number of the driver allocated to the booking;	
	(ix) the call sign of the vehicle allocated to the booking;	
	(x) the registration number of the vehicle allocated to the booking;	
	(xi) confirmation that the hirer has been informed of the supply of a vehicle with darkened glass and whether this has been accepted, and	
	(xii) deleted	<b>19 January 2017</b>
(b)	These records shall be kept at the premises for at least 12 months from the date of the last entry or such longer period as may, by written notice, be required by an authorised officer.	
(c)	These records shall be produced on request to an authorised officer or police constable at all reasonable times.	



<b>12.</b>	<b>Prompt Attendance</b>	
	The operator shall ensure that when a vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at the appointed time and place.	
<b>13.</b>	<b>Picking Up and Setting Down of Passengers</b>	
	The operator shall, so far as is possible, ensure that drivers in their employment or control do not pick up or set down passengers:-	
(a)	at a hackney carriage stand;	
(b)	at any place that may cause a risk of accident or obstruction	
<b>14.</b>	<b>Fares</b>	
	Where a request for a hiring is received and the vehicle to be used for that hiring is not fitted with a meter, the operator must so inform the person making the booking and shall not accept the booking without first telling that person the basis of the hire charge (and if requested, put that information in writing).	
<b>15.</b>	<b>Lost Property</b>	
(a)	the operator shall deliver any property left in the vehicle and handed to them by the driver, to the local police station as soon as possible, and in any event, within 24 hours if not sooner claimed by or on behalf of the owner and shall, so far as is reasonably possible, supply the police with all the relevant particulars concerning such property;	
(b)	the operator shall keep a record of all lost property retained by them and	
<b>16.</b>	<b>Radio</b>	
	The operator shall ensure that any radio equipment at their premises used in connection with their business shall:-	
(a)	be kept in safe condition and proper working order,	
(b)	comply with the requirements issued by Ofcom or other Government Department, and	
(c)	not interfere with any radio, television or telecommunication equipment	



<b>17.</b>	<b>Premises</b>	
	The operator's premises must be within the Council's district.	
<b>18.</b>	<b>Waiting and Reception Room</b>	
	The operator shall ensure that any rooms provided on the premises for the purpose of booking or waiting shall be kept clean, adequately lit, heated and ventilated at all times and be provided with adequate seating for customers.	
<b>19.</b>	<b>Drunk and Disorderly Persons</b>	
	The operator shall not allow any person who is drunk, or is behaving in a disorderly manner, to remain on the premises.	
<b>20.</b>	<b>Planning Permission</b>	
	The operator shall not commence using any premises for their business without having first obtained written permission to do so from the relevant planning authority.	
<b>21.</b>	<b>Nuisance to Nearby Residents</b>	
	The operator shall at all times carry out their business so as not to cause nuisance or annoyance to nearby residents.	
<b>22.</b>	<b>Compliance With Other Legislation</b>	
	The operator shall ensure that at all times their premises comply with all provisions of the Town and Country Planning Act 1971, the Health and Safety at Work etc. Act 1974 and all other relevant legislation.	
<b>23.</b>	<b>Change of Address</b>	
	The operator shall notify the Council in writing within 7 days of any change in:-	
(a)	their home address;	
(b)	their premises address;	
(c)	the name of their firm;	
(d)	the licensed vehicles used or controlled by them;	
(e)	the names and addresses of the drivers in their employment or under their control.	
<b>24.</b>	<b>Complaints</b>	



	The operator shall immediately upon receipt notify the Council in writing of any complaints concerning a contract for hire or purported contract for hire relating to or arising from their business and of any action, if any, which the operator has taken or proposes to take in respect of such complaint.	
<b>25.</b>	<b>Criminal convictions, cautions, reprimands, warnings, fixed penalty notices, restorative justice, arrests, charges or summonses</b>	
	The Operator shall, within 14 days of the date of receiving or having imposed on them any Criminal convictions, cautions, reprimands, warnings, fixed penalty notices, or if they have been made subject to a restorative justice disposal, disclose to the council in writing, details of the Criminal convictions, cautions, reprimands, warnings, fixed penalty notices, and/or restorative justice disposal during the period of the licence.	<b>18 March 2015</b>
	The operator shall, within 14 days of the date of being arrested, charged or summonsed for any alleged criminal offence disclose to the council in writing, particulars of each alleged offence and which court the proceedings are pending.	<b>1 July 2017</b>
<b>26.</b>	<b>Loss of Licence</b>	
	The operator shall report the loss of their licence to the Council in writing as soon as the loss is known. A duplicate may be issued on payment of a fee.	
<b>27.</b>	<b>Return of Licence</b>	
	The operator shall immediately return the operator's licence to the Council in the event of the surrender, suspension or revocation of the licence.	
<b>28.</b>	<b>Licence Renewal</b>	
(a)	The operator may normally apply to the Council in writing on the appropriate application form no more than 3 months before the expiry of the current licence if they require the licence to be renewed for a further period.	
(a)	A licence cannot be renewed if it has expired; a new application will be required.	
<b>29.</b>	<b>Payment by Credit/Debit Card</b>	
	A licence in respect of which the fee has been paid either in part or in full by credit/debit card shall be of no effect in the event of that payment being subsequently dishonoured.	



<b>30.</b>	<b>Vehicles Kept at Domestic Premises</b>	
	Unless in receipt of written consent from the planning authority, where an operator has their operation base located at domestic premises, they shall ensure that the number of licensed private hire vehicles parked at or kept in the vicinity of those premises (including parking on the highway) at any one time, does not exceed one vehicle in total.	
<b>31.</b>	<b>Satellite Offices</b>	
(a)	The operator may only operate from those premises or such part of which have been approved as operating bases by the Council.	
(b)	All premises from which the operator intends to carry out their business must be declared upon application for a licence. This includes any satellite offices situated at premises which may or may not be controlled by the applicant.	
(c)	Any operator wishing to set up a satellite office during the currency of their existing licence must notify the Council in writing of the full details of the premises proposed to be used.	
(d)	Any satellite office must be equipped at all times with appropriate means for recording bookings.	
(e)	During all times when a satellite office is open for business there must be some appropriate and permanent communication system at the office to communicate directly with the main operating base (office).	
(f)	The satellite office must, when open for business, be staffed by a responsible person and records as prescribed in Condition 11 must be kept.	
(g)	Any authorised officer of the Council shall be afforded access to the operator's premises and any satellite office at all times whilst the premises are open for business.	
(h)	Any person granted approval to operate a satellite office from any premises or part thereof shall notify the Council in writing of any change in the nature of their operation at the satellite office.	
<b>32.</b>	<b>Company Signs</b>	
	The operator shall ensure that only vehicles which are currently licensed as private hire vehicles with the Council shall display door signage approved by the Council as specified in the private hire vehicle licence conditions. For the avoidance of doubt, this condition shall not prevent the operator from using other signage on other vehicles used by him for hire or for any other purpose	<b>Oct 23 2014</b>
<b>33.</b>	<b>Insurance</b>	
	Where an operator has in force a block insurance policy with vehicle owners and drivers renewing their insurance cover on a weekly basis, the operator shall supply to the Council on a weekly basis the details of all vehicles and drivers covered by that insurance policy.	



<b>34.</b>	<b>Details of non-private hire vehicles used by the operator for hire</b>	
	The operator shall keep at the premises the details identified in Condition 3 above for all other vehicles used by him for hire, but which are not private hire vehicles licensed by the Council. Such records must be individually and separately identifiable. These details shall be produced on request to an authorised officer or police constable, provided such request is made for proper purposes including the investigation of any complaint, the detection and prosecution of crime and the efficient operation of the Council's scheme of licensing.	<b>Oct 23 2014</b>
<b>35.</b>	<b>Taxi meters in vehicles and in those not licensed by the Council or to the operator or firm</b>	
(i)	No vehicle operated or allocated work by the operator shall have installed within it any more than one taxi meter:	
(ii)	The operator shall not allow any vehicle that it allocates private hire work to, and which is not currently licensed by the Council, to operate a taxi meter that has not been approved by the Council, or calibrated in accordance with the fare table for the time being in force.	
(iii)	The Council recognises and accepts that the Appellants use data heads for the purposes of fare calculation and that such system, provided it is used lawfully, without breach of this condition.	<b>Oct 23 2014</b>
<b>36.</b>	<b>Details of drivers and vehicles not licensed by the Council</b>	
	For the avoidance of doubt, Condition 8 of these conditions also applies where the operator allocates a private hire booking to a vehicle that is not a private hire vehicle licensed by the Council. Where such vehicle is a hackney carriage, condition 8(c) shall be construed accordingly. Such records must be individually and separately identifiable. These details shall be produced on request to an authorised officer or police constable, provided such request is made for proper purposes including the investigation of any complaint, the detection and prosecution of crime and the efficient operation of the Council's scheme of licensing.	<b>Oct 23 2014</b>
<b>37.</b>	<b>Record of bookings allocated to vehicles not licensed by the Council or to the operator or firm</b>	
	For the avoidance of doubt, Condition 11 of these conditions also applies where the operator allocates a booking to a Hackney Carriage. Where a hackney Carriage licensed otherwise than by Derby City Council may be allocated by the operator, the operator shall inform the customer of that fact, whether by a pre-recorded announcement during a telephone call, by written terms visible when booking on an Internet site or signing up to an App, or by any other method likely to bring the information to the attention of the customer at the time of booking or prior to making a booking.	<b>Oct 23 2014</b>
<b>38.</b>	<b>Change of address details for vehicles which are not private hire vehicles licensed by the Council</b>	
	For the avoidance of doubt, Conditions 23(d) and 23(e) of these conditions also apply where the operator uses vehicles that are not private hire vehicles licensed by the Council. Such records must be individually and	<b>Oct 23 2014</b>





	separately identifiable. These details shall be produced on request to an authorised officer or police constable, provided such request is made for proper purposes including the investigation of any complaint, the detection and prosecution of crime and the efficient operation of the Council's scheme of licensing.	
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<b>39.</b>	<b>Safeguarding Awareness Training</b>	
	All new applicants will be required to successfully undertake an approved safeguarding training course prior to applying to be licensed. Existing operators who are currently licensed will be required to undertake similar safeguarding training prior to the next renewal of their licences, again without exception. Where the operator is a corporate entity, the company will be expected to nominate an individual in a position of authority (e.g. a director or manager with day-to-day responsibility for decisions), capable of implementing the 'corporate mind', to undertake the training; they will do this on the licence renewal form without which the application will not be accepted as complete.	<b>1 July 2017</b>

