

North Warwickshire Borough Council
Private Hire Operator Conditions
Local Government (Miscellaneous Provisions) Act 1976

1. General Requirements

- a. Throughout the currency of his/her Licence, the holder of a Private Hire Operators Licence (or where the licence holder is a limited company the company Director/s) shall be a fit and proper person to hold such a licence.
- b. Where premises are open to the public to enable the invitation and acceptance of bookings the Operator shall be required to display the Operator's licence in a prominent position at the premises and have a copy of these conditions available for public scrutiny if requested.

2. Records of Vehicles and Drivers

- a. Before any driver undertakes any journey for hire or reward on behalf of the Operator the Operator shall ensure they have either the current private hire drivers licence issued by the Council or a photo copy of the licence in their possession (unless the vehicle used is operated by another licensed Operator by sub-contact)
- b. Before any vehicle is used to undertake any journey for hire or reward on behalf of the Operator the Operator shall ensure they have either the current private hire vehicle licence issued by the Council or a photo copy of the licence in their possession (unless the vehicle used is operated by another licensed Operator by sub-contract).
- c. The Operator shall maintain an up-to-date list of the proprietor/s, together with a brief description of and registration number of each private hire vehicle used by their business which shall include details of any radio or computer call sign used to identify a vehicle. The record shall include the dates and times the vehicle worked. The Operator shall produce such a list on request to an Authorised Officer of the Council or to a Police Constable.
- d. The Operator shall maintain an up-to-date list of all drivers used by them, together with the dates and times the driver/vehicle worked. The Operator shall produce such a list on request to an Authorised Officer of the Council or to a Police Constable.
- e. Where a vehicle or driver ceases to undertake work for the Operator then the Operator shall on demand return the original copy (if lodged with the Operator) of the vehicle and/or driver licence to the driver or vehicle proprietor as appropriate.

3. Telephones, Staff and Facilities

- a. The Operator shall ensure that where any passenger reception/waiting area is provided, it is kept physically separate from any driver rest area and control/operations room and that any company staff member/s, driver/s or vehicle proprietor/s do not congregate in any passenger waiting area or room.

- b. Where a reception/waiting area or room is provided for the use of passengers or prospective passengers, the Operator shall ensure;
 - i. The public area is well maintained and safe for use by members of the public; and
 - ii. There is in place appropriate public liability insurance

4. Hirings and Recordings of Hirings

- a. The Operator will ensure that the booking system used by them works effectively and enables the company to honour any bookings that they accept. The Operator shall be responsible for monitoring the system to make certain that drivers and vehicles are available to fulfil the arrangements agreed by the Operator and the Hirer.
- b. The Operator shall not use any computerised booking system unless the system is capable of recording all the information set out in section 4(d) below and has an Audit log which records all amendments to bookings in real time. Any computerised system must be capable of providing detailed and printable reports relating to journeys, drivers and vehicles in a printable or electronic form.
- c. The Operator shall ensure that any paper based booking system is capable of recording all the information set out in section 4(d) below and meets the following requirements:
 - i. Paper based booking shall be recorded in a bound book with consecutively numbered pages; and
 - ii. each booking shall be recorded in advance of the commencement of the journey and in the order in which it was received; and
 - iii. in a manner which prevents additional bookings from being inserted into the records at a later date.
- d. The records of hiring's accepted by the Operator are required to be kept under Section 56 of the Local Government Miscellaneous Provisions Act 1976 and shall be the responsibility of the Operator who, prior to the commencement of the journey, will enter all the details of the hirer legibly in ink on to the company record sheets or into a computer system in the prescribed manner (bookings received electronically directly from the customer via an App, website booking portal or other interface into a computerised booking system will be acceptable) . The records shall contain the following;
 - i. the name of the hirer; and
 - ii. the time of the pick up; and
 - iii. the point of pick up; and
 - iv. the hirers required destination (where provided); and

- v. information indicating the vehicle dispatched and the driver used; and
 - vi. remarks, including details of any instructions from the hirer or regarding sub-contract to or from another Operator.
- e. The Operator shall retain a record of each hiring made for a minimum of six months after completion of the hiring.

5. Employment of Private Hire Drivers and Other Staff

- a. The Private Hire Operator shall not, knowingly or without prior consent of the council, employ or be employed by, engage in partnership with, or allow to suffer any involvement in the management of the operation hereby licensed :-
- i. any person who has been convicted of an offence under the Local Government (Miscellaneous Provisions) Act 1976 or any other legislation relating to Private Hire and Hackney Carriage Licensing;
- and / or
- ii. any person who, for the purposes of Part II of the said Act, has been found not to be a Fit and Proper Person to hold a Drivers, Vehicle or Operators licence.
- b. The Operator shall be responsible for the actions of any manager, supervisor or any other person appointed to run or play any part in the invitation or acceptance of bookings for a private hire vehicle.

6. Convictions

- a. The Operator (or in the case of a limited company any Director) shall notify the Council of any conviction, caution or charges recorded against him/her by any Authority within seven days of any such conviction, caution or charge being imposed.

7. Complaints

- a. The Operator shall set up an effective internal procedure to deal with complaints made by the public against the company.
- b. The procedure must be set up in such a way that, where possible, complaints are dealt with by the Operator or a senior member of his/her staff not directly connected with dealing with the invitation or acceptance of private hire bookings.
- c. The Operator shall ensure that all complaints received by the company relating to the invitation and acceptance of bookings are properly recorded in the first instance and all information relating to any action taken is also recorded. Such information shall include details of the booking (who accepted it on behalf of the company) and of the vehicle, and driver involved. Records will be made in a book (or other appropriate recording method) and not on loose leaf paper and pages shall be consecutively numbered.

- d. The Operator on receipt of any complaint relating to the invitation or acceptance of bookings shall notify the complainant of their right to forward the complaint to the Council.
 - e. Where a complaint is received by an Authorised Officer of the Council the Operator shall conform to any directions of the officer in respect of that complaint.
8. Touting – Criminal Justice and Public Order Act 1994
- a. The Operator shall ensure that all drivers are made aware of their responsibilities under this legislation while driving or in charge of a Private Hire vehicle.