**LICENCE CONDITIONS**

**Private Hire Operator Conditions of Licence**

This Licence is subject to the provisions of Section 55 of the Local Government (Miscellaneous Provisions) Act 1976 – Part II and in addition, the following conditions.

1. The operator is responsible for all persons that they employ, contract or use in the course of their business. To that end, the operator must undertake sufficient checks to satisfy themselves that only suitable drivers and employees are used (and continue to be used) in the course of their business. The failure of an operator to ensure that appropriate checks are carried out may call into question the operator’s fitness and propriety. In addition, a failure to take appropriate action in relation to drivers that persistently breach licence conditions may also be detrimental to the continued fitness and propriety of the operator.
2. The operator licence is not transferable and the person to whom it is issued must display it in a prominent position at the business premises recorded on the licence at all times during the currency of the licence, so as to be on view to members of the public, except on such occasions as the licence is presented to the Licensing Authority for amendment or if it is required to be produced for inspection by an Authorised Officer of the Council or a Police Officer.
3. The Licence is granted in respect of the premises referred to in the licence and is not transferable.
4. The Operator must notify the Council in writing of any change in partnership, directorship, ownership, management or control of the business within 5 working days.
5. The Operator must notify the Council in writing within 7 days of any other material change affecting the licence during its validity.
6. The operator must not at any time operate more private hire vehicles than are specified on the planning permission for the premises.
7. A licensed 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 2 consecutive months. In doing this, the operator must confirm if the manager / nominated deputy will be responsible for the running of the business on their behalf. The operator should also nominate an additional person who is responsible in the absence of the manager / deputy.
8. Operators must conduct their business in accordance with all relevant statutory provisions. This includes health, safety and welfare legislation, environmental legislation and equalities legislation.
9. The holder of this Licence shall ensure that all conditions of planning permission in respect of the premises are fully complied with in every respect.
10. **BUSINESS PREMISES**

a) The Operator must only conduct business from the Office at the address specified on the Licence. The Council reserves the right for an Authorised Officer to inspect the premises for suitability and compliance with the requirements of these Conditions.

b) 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.

c) 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.

d) If the licensed operator employs any other person to work at the business premises, the premises must be kept clean, adequately lit, heated and ventilated and must conform to all other legal requirements including the legal requirement that no smoking be allowed on the premises under the requirements of the Health Act 2006; the requirements of the Regulatory Reform (Fire Safety) Order 2005 which requires that a fire safety risk assessment is in place at the premises and Health and Safety at Work Regulations.

1. **RECORD OF BOOKINGS**

a) 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 24 hours, and also 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 be kept at all times at the business premises and not removed.

All such records must be in English, permanent, legible and preserved for a period of not less than 5 years following the date of the last entry.

Records must be kept in one of the following forms:­

i. a bound book with consecutively numbered pages (loose leaf registers are not acceptable) or

ii. 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 appropriately replenished to ensure that at all times full and legible booking details are printed, or

iii. a computerised recording system which automatically generates a permanent entry onto a recordable CD or DVD at the same time the booking is entered onto the system. Satisfactory certification from the program supplier/installers must be produced to the Council before using any such system for the recording of bookings required by law to be maintained. Such certification must confirm that the system stored or recorded is tamper-proof; and once inputted, cannot be altered, amended, deleted or added to in any way. Any change to the recording system must only be by way of prior written agreement from the Council.

iv. the removable CD/DVD must be changed on the first day of every month and kept in a secure place at the premises for production on demand by the Police or an Authorised Officer.

v. on secure computer hard drives or secure cloud storage systems.

Regardless of which system is used. Copies of booking records must be provided to an authorised officer or Police officer on request.

b) In respect of whichever system is used the Operator must, at the time the booking is taken, enter therein:­

i. the date and time the booking was received, any subsequent cancellation, and the signature (or in the case of a computer system, the identity) of the person taking and responding to the booking;

ii. the name and address of the hirer;

iii. 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)) and the address or place of destination;

iv. the private hire/hackney carriage plate number of the vehicle to be used for the journey and vehicle registration number (personal code systems are not acceptable);

v. the badge number and name of the driver of the vehicle used;

vi. remarks (including details of any sub-contracting to another licensed operator);

vii. the name of the individual that dispatched the vehicle;

viii. it is accepted that Operators may outsource booking and dispatch functions, but the obligation to protect children and vulnerable adults cannot be passed on. Operators are required to produce evidence that comparable protections are applied by the Company to which they outsource these functions and booking records should evidence that the customer was made aware of this prior to the booking being confirmed.

b)(2) i. Where a private hire vehicle is unsuitable, for example where a larger vehicle such as a minibus is needed because more than 8 passenger seats are required to accommodate luggage, the person making the booking/hirer should be informed that a PSV is necessary, and that a PCV licensed driver will be used who is subject to a lower level of checks than a private hire/dual/hackney carriage licensed driver;

 ii. A record is to be kept that the hirer was informed of the above and gave their consent to the use of a vehicle and driver who has not been subject to the higher level of checks carried out by Sandwell Council for taxi and private hire licensing purposes. This record to be produced to an authorised officer of the Council or a Police Officer for inspection if requested.

c) 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 11b (1) and (2) above) and notes must be included; including the name of the sub-contractor and contact information)

d) No alterations to records may be made – any amendment must be made to the original record by way of an addition.

e) Entries in the bound book, or on the digital copy generated by a computerised system, must cover a 24 hour period and must contain information in relation to only one private hire firm and no details in connection with the bookings of other private hire firms. The Operator must ensure that any booking clerk involved is competent in the recording of bookings and operating the system used.

f) 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, however kept, from the premises as required.

g) 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’.

h) The Operator must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to only those persons who will use it for the purpose for which it has been collected.

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.

For example, 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 after the text message has been sent, and / or used for any other purpose (such as unsolicited marketing calls).

i) The Licence holder shall maintain a folder containing copies of the following documents for all drivers/vehicles working through the base: ­

* + Up-to-date DVLA Driving Licence.
	+ Sandwell Private Hire Drivers Licence.
	+ Current MOT Certificate.
	+ Current insurance cover note or certificate of insurance.
	+ Vehicle Registration Document.
	+ Sandwell Private Hire Vehicle Licence.

The information outlined above must be retained at the Operating premises and be available for inspection by an Authorised Officer or Police Officer **at all times**.

j) The Operator must not accept any booking for a particular private hire vehicle / hackney carriage which would require that vehicle to carry more passengers than it is licensed to carry.

k) The Operator must not operate a private hire vehicle / hackney carriage without the driver thereof being licensed by Sandwell MBC. The Operator must personally examine the drivers’ licences issued by the Council and satisfy himself / herself as to their validity.

l) The Operator must bring to the attention of all drivers their legal obligations regarding the use of seat belts by both adults and children under 14 years of age.

m) The Operator must bring to the attention of all drivers their legal obligation regarding no smoking in vehicles under the Health Act 2006. The operator must also advise drivers that vaping and the use of e-cigarettes is also prohibited.

n) The Operator must ensure that all drivers are aware of their obligations under any other legislation relevant to the work of a private hire vehicle.

o) The Operator must ensure that all licensed drivers who carry out work on behalf of their company act in a civil and orderly manner both towards customers and any other member of the public.

p) The Operator must provide a prompt, efficient and reliable service to members of the public at all reasonable times and, for this purpose, must in particular:­

a. Ensure that when a licensed vehicle has been hired to be in attendance at an appointed time and place, the vehicle must, unless delayed or prevented by sufficient cause, punctually attend at the appointed time and place.

b. Behave in orderly and civil manner and must take all reasonable precautions to ensure the safety of all persons conveyed in licensed vehicles operating from his/her office premises.

q) Where applicable, only radio equipment licensed by OFCOM must be used for the purpose of conducting the business authorised by this licence. The OFCOM licence must be produced on request to the Police or an Authorised Officer. CB apparatus must not be used in connection with any private hire booking at any operating address or in any private hire vehicle/hackney carriage available from such operating base.

r) The use of radio scanner equipment is prohibited.

s) Keep a register of all staff that will take bookings or dispatching vehicles, to be made available to an authorised officer of the Council or Police Officer on request.

t) Evidence that they have had sight of a recent basic DBS for all booking and dispatch staff.

u) Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested, and sight of the document recorded on the register.

v) Have a policy on employing ex-offenders, a copy of which is to be supplied to the Licensing Authority on each application and a copy of which to be available at the base and produced to an authorised officer of the Council or Police Officer on request.

w) The register is to be kept for the same period as the Operator’s booking records.

12 **ADVERTISING**

a) The Operator must not trade or advertise under any name for private hire purposes unless such trade name has been approved by the Council and has accordingly been entered on the Private Hire Operator’s Licence issued by the Council.

In addition, the following should be considered before paying for any advertising:

i) The trading name shall be displayed in full on all advertisements

ii) The trading name shall not incorporate the words ‘taxi’, ‘hire’ or ‘cab’

iii) ­The Licensing Office may refuse to register any trading name, where in their opinion, it is likely to cause confusion to the general public, or is similar to a trading name registered to another licensed operator.

iv) For the avoidance of doubt ‘advertisement’ in this condition means any display on or in the vehicle used in conjunction with the business; and directory; newspaper or media reference or notice or any card or circular distributed for public use, which displays the address or telephone number of the operators business.

b) The Operator must supply a copy of advertising materials to the Council for recording on file.

c) The Operator must ensure that all advertising materials comply with Advertising Standards Authority requirements and do not contain offensive, misleading or potentially inflammatory wording which could be seen as defamatory.

13**. GENERAL CONDITIONS**

a) 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 £2 million. Certification must be produced on demand to the Licensing Office or any Authorised Officer.

b) The Operator must affix a properly printed notice in a prominent position inside the business premises, so as to be easily read by any person seeking to hire a private hire vehicle/hackney carriage, stating that any complaints regarding a hiring relating to his/her business should be addressed to:

**Sandwell MBC Taxi Licensing Office, Waterfall Lane Transport Depot, Waterfall Lane, Cradley Heath. B64 6RL.**

Such notice must also state that the Council does not control the fares for private hire vehicles and that, in the absence of any fare scale published by the Operator, the fare should be agreed before the journey commences. Any fare scale in operation must be on prominent public display and be an accurate reflection of the charge, including any specific additions i.e. Bank Holidays and after midnight loading (including any waiting times) which the customer may be expected to pay.

c) The Operator must notify the Council **in writing within 7 days ( 48 hours for sexual, dishonesty, violence or motoring convictions or any arrest for whatever reason)** providing full details of any conviction, bind over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on him / her (or if the Operator is a Company or Partnership on any of the Directors, Secretary or Partners) during the period of the licence. An arrest for any sexual offence, any offence involving dishonesty or violence, and any motoring offence will result in the review by the Licensing Sub Committee of the licence holders suitability to continue to hold a licence.

d) The Operator must notify the Council in writing within 3 days of any change of home address whether permanent or temporary.

e) Where any property is left by a customer in the business premises, or in any vehicle used for any hiring and placed in the Operator’s safekeeping by the driver thereof. 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 handed in as found property to the Police within 24 hours.

f) The Operator must not, by him/herself, his/her agents, or any other person importune, or cause or permit to be importuned any person by calling out or by any other means whatsoever to hire any of the licensed vehicles under his/her control.

g) The Operator must not cause or permit the private hire vehicle licence plate or any notices that are required to be displayed on the inside or outside of a private hire vehicle to be:­

* + Concealed from public view
	+ Defaced
	+ Disfigured

The Operator must also ensure that the licence plate and notices are always legible and displayed in accordance with the conditions of the private hire vehicle licence.

h) All licence holders must hold a current Basic Disclosure Certificate. A new certificate must be obtained every 12 months and produced to the Licensing Office. Failure to produce a current certificate may result in the licence holder's licence being suspended. Any costs associated with obtaining this certificate must be met by the licence holder. The licence holder must ensure that all drivers and employees working through the base also hold a valid disclosure certificate as required by council policy.

i) You must keep and maintain at your licensed premises a register of all persons employed whether full or part time, in which shall be recorded their full name, date of birth, address, national insurance number, contact telephone number, any call sign/codes they are allocated and the dates their employment commenced/terminated. Further, in relation to each employed individual, copies of supporting documentation in the form of a valid passport or a DVLA photocard licence and utility bills of no more than 2 months old must be kept. This register must be retained at your licensed premises and be available for inspection by an authorised officer at any time during the hours of operation.

j) The Licence holder must ensure that all drivers working through the base fully conform with the Council’s requirements in relation to the Dress Code Policy and wearing corporate clothing or a corporate logo/badge on their clothing, as outlined in the Private Hire Driver’s Licence conditions.

k) The licence holder must ensure that all vehicles working through the base display company signage at all times. Signage may be in the form of a roof sign or door stickers/magnets or both. All company signage must conform with the Council’s requirements at all times that the vehicle is working. Operators will be required to lodge a design with the Licensing Office for approval. All roof signs used at the base must be of a uniform design and as a minimum, display the full company name on the front and the telephone number of the base on the rear. Door signs must display the full company name and telephone number. The Operator will determine what signage is used.

l) All vehicles working through the business must display licence identification plates and window stickers, supplied by the Council, at all times that the vehicle is working).

m) The Licensed Operator or the person nominated by the Operator in writing, must be on the premises or in charge of the Operation and immediately contactable by an Authorised Officer or Police Officer **at any time**.

n) The Operator must ensure that any person left in charge of the premises in the absence of the Operator, is fully aware of the conditions applicable to this licence, particularly those relating to the maintenance of records for drivers, vehicles and bookings and the need to comply with the conditions at all times.

o) All Private Hire Operators should have the facility to carry guide dogs for the visually impaired, hearing dogs for the deaf and other assistance dogs, when required to do so by a member of the public. **There should be a minimum of 1 vehicle and driver available at all times to carry out this type of work. Therefore, if one vehicle is being used another one should also be available to provide this facility.**

p) Private Hire Operators must ensure that at all times the level of service they provide to people with disabilities is identical to the service they provide to able-bodied passengers, both in terms of price and level of service.

q) Any discrimination in relation to disabled passengers is unacceptable. Discrimination may be considered as behaviour that is inappropriate to a Licence Holder and amounts to reasonable cause to show that you are not a fit proper person to hold an operator’s licence. The matter will be considered by the Licensing Sub Committee and may result in action being taken in relation to your licence.

14. **OPERATOR NOTES**

**In these Conditions** “Operator” means the person who is the current holder of an Operator’s Licence

“Business premises” means the operating premises from which the Operator conducts the business

i. These conditions should be read in conjunction with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

ii. Any person who commits an offence against any of the provisions of the Act pursuant to Section 76 may be liable on summary conviction to a fine not exceeding Level 3 on the standard scale.

iii. The use of a licensed private hire vehicle to fulfil any private hire booking requires the driver to hold a currently valid private hire driver’s licence even if no fare is charged for the journey or irrespective of when, how and to whom any fare is payable. Operators are reminded that the use of free fare cars/courtesy cars which are not licensed as private hire vehicles are not permitted for private hire journeys. Every contract for the hire of a licensed private hire vehicle is deemed to be made with the Operator who accepted the booking for the hire vehicle whether or not the Operator provided the vehicle.

iv. Any failure on the part of the Operator to make appropriate enquiries as to the licensing status of drivers and/or vehicles for any purpose could be construed as reasonable cause to suspend or revoke the licence. The onus remains with the Operator to clarify any legal requirements which he or she may be required by law to observe.

v. Any applicant not currently licensed by the Council as an Operator or driver must submit to the Council a Basic Criminal Records Disclosure as to unspent convictions. Such Disclosure to be no more than 1 month old at the time of submission.

vi. ANY INFRINGEMENT OF THE LICENSING CONDITIONS COULD LEAD TO SUSPENSION OR REVOCATION OF THE LICENCE.