

Private Hire Vehicle Operator's Licence Suitability Criteria and Licence Conditions

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PRIVATE HIRE OPERATOR'S LICENCE

INTRODUCTION

The Council cannot grant a licence unless they are satisfied that the applicant is a fit and proper person to hold an operator's licence. Assessment will be made against the adopted suitability criteria but each case will be decided on its own merits.

The Criteria (otherwise known as 'pre-licensing standards') set out below shall apply to all persons applying for an operator's licence on the first occasion and for persons applying to renew the private hire operator's licence issued by Basildon Borough Council. Applicants must be adjudged to be capable of complying with all licence conditions, once the licence has been granted.

A private hire vehicle operator's licence will, where granted, remain in force for five (5) years, or a lesser period where specified, unless there are reasons for the Council to suspend or revoke the licence prior to the expiry of the licence.

An applicant seeking the grant of a licence for a period less than the maximum five (5) years) should make a written request to that effect at the time of application giving reasons for the request. A decision will then be made on whether the licence should be granted for the shorter period as considered appropriate in the circumstances of the case, in consultation with the Chairman of the Licensing Committee.

SUITABILITY CRITERIA

1. A person or company who accepts a booking directly from a hirer for the use of a private hire vehicle requires a private hire vehicle operator's licence and shall:
 - 1.1 conduct their business from a premises within the Borough of Basildon.
 - 1.2 produce a list of vehicles used under the operator's licence.
 - 1.3 if required, produce evidence that they have an appropriate radio licence and that the radio system used is in accordance with that licence. The licence must be displayed on the operating premises and a copy sent annually to the Licensing Authority.
 - 1.4 be able to show that they are complying with any requirements applicable to their premises, their staff or the public, e.g. in respect of health and safety at work, fire safety, **and immigration status** (see also **1.11 and 1.12** below).
 - 1.5 where appropriate have in force a current public and employers' liability insurance policy. This will be displayed on the premises. A copy of the certificate will be sent annually to the Licensing Authority.
 - 1.6 have (if employing five (5) or more persons) a Health and Safety Policy which will be displayed on the premises. A copy will be sent annually to the Licensing Authority.

- 1.7 produce at the time of application a current Passport or Birth Certificate verifying their true identity.
- 1.8 not have been convicted of an offence, in accordance with the Basildon Council Guidelines on the Relevance of Convictions.
- 1.9 applicants that are not licensed as a driver of hackney carriages and/or private hire vehicles with Basildon Borough Council will be required to be vetted for their criminal history under the Disclosure and Barring Service (DBS) system by applying for a Basic Disclosure from the DBS upon application and subsequently annually. Should the applicant cease to be a licensed as a driver of hackney carriages and/or private hire vehicles a basic DBS certificate will be required immediately. Any previous enhanced DBS certificate will not be considered for this purpose. Applicants can apply for a Basic Disclosure online at <https://www.gov.uk/request-copy-criminal-record> . A copy of the Disclosure document must be submitted to the Licensing Office upon receipt. This requirement will be applied to each director or partner in that company or partnership. Where an applicant has previously lived outside of the UK for a period of more than three continuous months, criminal records information will be sought from overseas in relation to obtaining a 'Certificate of Good Character'.

All applicants will be required to subscribe to the DBS update service as a condition of licensing.

- 1.10 ***at the time of application for new and renewed licences, provide documentary evidence to confirm that they may legally work in the UK. If an applicant is unable to provide satisfactory proof of their right to work in the UK, there will be no option other than to refuse to grant or refuse to renew the licence, or if circumstances came to light during the duration of a licence, to revoke it. Proof of right to work, if confirmed, will normally only be needed once.***
- 1.11 confirmation that the applicant has received planning permission is not required before applying for a private hire operator's licence, but applicants should ensure that any necessary planning consent is in place before the application is submitted. Any breach of the planning legislation could result in the local planning department taking enforcement action against the operator.

2. Private Hire Vehicle Operators with operating centres in late night or other venues

- 2.1 To facilitate the provision of safe travel for those attending nightclubs and other late night venues, all new and existing operators can apply to Basildon Borough Council to have the venue's premises added to their Private Hire Vehicle Operator's licence as a licensed operating centre.

PRIVATE HIRE OPERATORS LICENCE

CONDITIONS OF LICENCE

1. Introduction

The operator of the private hire vehicle operator's licence must ensure that they comply with the conditions set out below at all times.

2. Pre- Licensing Standards

Satisfy the Council's suitability criteria for a private hire vehicle operator's licence and continue to be a fit and proper person to hold the licence.

3. Records

3.1 The records to be kept by the operator shall be recorded in chronological order at the time of booking

- This may be in a suitable book for those businesses who do not operate from a booking office;
- Electronic records in all other cases in such a form as the Council have approved

The following particulars shall be entered concerning every booking.

3.2 Records kept in accordance with the following shall be preserved for a period of not less than 5 years following the date of the last entry.

- i) In respect of every direct contract for hire of a private hire vehicle, for journeys booked from premises based in Basildon as well as those accepted from private hire operators licensed by other authorities:-
 - a) the time and date of the booking.
 - b) the name and pick up point of the hirer.
 - c) details of the hiring operator (if the booking was made as a result of it being sub-contracted to the licence holder).
 - d) if the hirer has any special requirements i.e. wheelchair accessible vehicle or other requirements.
 - e) the route through which the booking was received, e.g. via email, telephone, on-line and whether this was a sub-contracted booking.
 - f) the time of pickup – full address.
 - g) the destination – full address.

- h) the licence number of the vehicle assigned to the booking.
- i) the licence number of the driver assigned to the booking.
- j) the time at which the driver was allocated the booking.
- k) the name of any individual that responded to the booking request;
- l) the name of any individual that dispatched the vehicle;
- m) Personal passenger information recorded by the operator must not be disclosed to anyone who does not have a legitimate safety or legal reason for possessing it. All personal passenger data must be securely held and protected in accordance with relevant Data Protection legislation.

ii) In respect of all Drivers working for the Operator for the licensable activities:-

- a) **proof of** the name and address of the Driver (**operator must keep records of the checks completed on drivers name and address documentation**);
- b) **proof of the drivers right to work documentation (operator must keep records of the checks completed on drivers right to work documentation)**;
- c) **proof of** the drivers licence number and its expiry date (**operator must keep records of the checks completed in relation to the drivers licence number and its expiry date**);
- d) the call sign allocated to the driver;
- e) copies of relevant insurance documentation.

iii) In respect of all vehicles operated:-

The following information in relation to all private hire vehicles operated by them under the operating licence:

- a) the name and address of the Licensed Proprietor of the vehicle;
- b) the make and registration number of the vehicle;
- c) the date the vehicle commenced operating under the operator's licence;
- d) the Basildon Council vehicle licence number and its expiry date;
- e) make colour and engine size;
- f) the year of manufacture;
- g) name and address of licensed driver(s) of the vehicle and the badge number(s);
- h) copies of the current licences of drivers and vehicles will be retained by the operator whenever they are working for them;

- i) the date the vehicle ceased to accept work under the operator's licence;
- j) the above records to be produced on request to any police officer or authorised officer of the Council for inspection.

3.3 The operator will:

- a) maintain a current, consecutively dated, legible manual or computerised record of the DVLA drivers' licence held by every driver accepting work under the operator's licence. The operator will ensure that, at all times, the licence is valid;
- b) maintain a current record of all alterations made to that driver's licence (i.e. endorsements, disqualification and medical conditions) and inform the Licensing Authority immediately or in any case within seven (7) days of any alterations;
- c) ***maintain copies of any documents that provides the operator with proof of the driver's immigration status and the status of their right to work in the UK;***
- d) maintain a legible manual or computerised record of the current insurance certificate/cover note of all vehicles accepting work under their operator's licence. The operator will ensure that, at all times, they are consecutive and comply with the statutory requirements and licensing conditions;
- e) maintain, where necessary, a legible manual or computerised record of the continuous test certificates of all vehicles accepting work under the operator's licence and the action taken where a vehicle has failed its MOT or is not considered roadworthy;
- f) take all reasonable steps to ensure that, at all times, vehicles operating under the operator's licence comply with the statutory requirements and licensing conditions appertaining to the mechanical and body condition of the vehicle including cleanliness. The operator will ensure that the vehicle complies with all the licensing conditions in relation to the door stickers, Vehicle Licence Plate and advertising;
- g) not cause or permit the words 'taxi' or 'cab' on any private hire vehicle operated by him/her or operating under the operator's licence;
- h) report to the Licensing Authority **immediately** or in any case within 72 hours, details of **ANY** accident or other damage sustained by a vehicle operating under the operator's licence;
- i) ensure that all proprietors and drivers operating under the operator's licence, when carrying passengers for hire or reward, are dressed in accordance with the conditions attached to licences issued by the Council to drive hackney carriage and private hire vehicles. (These are set out in the Hackney Carriage and Private Hire Driver Suitability and Licence Conditions);

- j) on the request of an authorised officer of the Licensing Authority or any police constable produce the operator's licence for inspection;
- k) be responsible for the conduct, appearance and actions of controllers and other staff employed by the operator in respect of the licensable activities;
- l) ensure that details of all bookings accepted are recorded in such a way that the contract between the operator and the hirer can be honoured either by the operator themselves or by the operator to whom the booking has been subcontracted, (Refer to (4) below);
- m) be responsible for reimbursement to the hirer in the event of a contract not being satisfactorily honoured.
- n) In the event of a change in their place of business shall notify the Licensing Authority of such change of address within seven days;
- o) Report to the Licensing Authority within seven days any convictions, cautions, arrests recorded since the completion of the application form for a private hire operator's licence.
- p) Shall advise the Licensing Authority within seven days of any changes to the directors or partners.

4. Private Hire Sub-Contracting

Where a licensed operator accepts a booking and then is subsequently unable to honour that booking, or should the operator not have a vehicle immediately available, the booking may be sub-contracted to another operator, including an operator licensed by another local authority and at the same rate and same standard as Basildon Borough Council Operators. Where this is the case, the original operator must:-

- a) keep a record of the initial booking details for audit purposes (as set out in 3.1 (i)).
- b) contact the hirer and advise that the booking can no longer be honoured and seek guidance from the hirer as to whether or not they wish the booking to be sub-contracted to an alternative private hire operator.
- c) identify an alternative private hire operator and advise the original hirer of the details of that alternative operator details;
- d) provide full details of the booking to the alternative private hire operator and keep a record of the private hire operator to whom the booking was sub-contracted.
- e) keep a record of the alternative private hire operator's licence details as follows:
 - i) the name of the issuing authority for the private hire vehicle operator's licence;
 - ii) the licence number of the private hire vehicle operator's licence;
 - iii) the date the private hire vehicle operator's licence was granted by the issuing authority;
- iv) the date the private hire vehicle operator's licence issued by the issuing authority is due to expire.

5. Use of passenger carrying vehicles (PCV) licensed drivers

- 5.1 PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. 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 is not permitted without the informed consent of the booker.

Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats are required or to accommodate luggage, the booker must be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

6. Private Hire Operators with Operating Centres in Late Night or other venues

6.1 Operators must:

- a) only accept a booking at the premises forming the licensed operating centre, this is, inside the building forming the venue. Basildon Borough Council does not consider entrances to the building, or open areas adjacent to the street outside the building (where cordoned-off, roped-off or divided with planters etc) to form part of the licensed operating centre premises;
- b) not, under any circumstances, accept bookings on the street;
- c) must keep booking records securely on the venue premises in accordance with 3.1 above, and they must be available for inspection by the Basildon Borough Council's Licensing Officers or Police Officers;
- d) must display a copy of their licence at each operating centre specified in the licence.

7. Standard of Service

The operator shall at all reasonable times provide a prompt, efficient and reliable service to members of the public and shall in particular ensure that:

- a) when a vehicle has been hired to attend at an appointed time and place the vehicle shall unless unexpectedly delayed or prevented from satisfying the booking by sufficient cause, attend punctually;
- b) premises provided by the operator, either for waiting or booking shall be kept clean, wheelchair accessible, adequately heated, ventilated and well-lit and also adequate seating provided. Public Liability insurance must be provided;
- c) any telephone facilities and radio equipment are maintained in a sound condition;

- d) all vehicles operated by them shall be maintained in a satisfactory and road worthy condition;
- e) without prejudice to any other liabilities imposed under the act, that all drivers of vehicles owned, controlled or operated in association with the operator shall observe and perform to the conditions of their licence;
- f) he/she does not employ or otherwise engage whether directly or indirectly any driver to drive any private hire vehicle for which the operator invites or accepts bookings unless the driver has been granted the appropriate licence by the Licensing Authority.

8. Complaints

- a) A Private Hire Operator shall have a published complaints procedure that deals with Customer and Employee complaints. Copies of this document shall be provided to the Licensing Authority for recording on the Private Hire Operator's file at the council offices, copies shall also be available at the Operator's office for reference by customers and staff. The complaints procedure shall be used when dealing with any complaint and a member of staff (that may be the operator themselves) shall be named as the complaints officer responsible for ensuring the procedure is satisfied.

9. Other staff

The private hire operator shall:

- a) Carry out sufficient checks on the background of their control room staff to ensure they are a fit and proper person to carry out their tasks and duties in a professional and confident manner. Where the member of staff is not already the holder of a combined hackney carriage and private hire driver's licence with Basildon Council and therefore subject to Enhanced DBS checks, the completion of a Basic Criminal Disclosure (<https://www.gov.uk/request-copy-criminal-record>) or a National Police Computer Check (NPCC) issued within the previous 3 months is the minimum requirement. Additional background checks could include one or more of the following:
 - A Certificate of Good Conduct for the relevant foreign nationals;
 - **Proof of Right to Work documentation; and**
 - Character references from previous employer(s).

A register of staff who take bookings and/or despatch vehicles shall be maintained to indicate the relevant checks that have been carried out, and that their employment is compatible with their policy on employing ex-offenders (in accordance with point d) below. The operator shall include on the register a record confirming that they have had sight of a DBS certificate (although the certificate itself should not be retained). Should an employee cease to be on the register and later re-enter, a new DBS certificate is required and sight of this recorded.

Operators who outsource booking and dispatch functions cannot pass on the obligation to protect children and vulnerable adults. Operators are required to evidence that comparable protections are applied by the company to which they outsource booking and dispatch functions.

- b) Provide appropriate training and maintain training records of all staff in customer handling and data protection (such as conflict resolution training).
- c) Have an appropriate policy in place in respect of alcohol, illegal substances or the abuse of prescription drugs in respect of control room, office and drivers whilst at work.
- d) Have an appropriate policy in respect of the employment of ex-offenders to which they will have regard when determining the suitability for employment of an individual who may have previous unspent convictions.
- e) Ensure that no alcohol shall be consumed by **ANY** person on the operator's premises.
- f) If it comes to the notice of an operator or their staff that a driver of one of the operator vehicles maybe under the influence of alcohol, illegal substances or abusing prescription drugs, they shall not allow the driver to continue on duty and shall inform the driver accordingly. The operator must inform the Council's Licensing Team within 72 hours of the incident.
- g) Ensure that they comply with all legislation regarding the employment of staff, Health & Safety etc., and provide adequate staff facilities.

10. Call Signs – Records

Where used, a record shall be kept of all call signs/numbers and the vehicle and drivers to which call sign or number refers. In the event of a call sign or number being allocated for a temporary period, a record must be kept of relevant dates and the vehicle and driver concerned.

11. Door Signs/Advertisement

When an operator wishes to provide drivers/proprietors with door advertising panels the procedures below must be followed:

- a) Where an inscription which identifies the circuit or company of the vehicle is to be displayed, it may be positioned either:
 - 1) On the panel of each rear door of the vehicle (for minibuses or MPV's the side door (s) and/or centre panels, and/or
 - 2) A maximum three-inch depth advertisement panel in the rear window, in a position not restricting rearward vision
- b) It shall contain only the trade name, address and telephone number of the circuit.

- c) It shall not show the words 'Taxi' or 'Cab' or any word of a similar meaning or appearance which may be taken to indicate that the vehicle is a hackney carriage which is licensed to ply for hire.

12 Imposition of Conditions

Where an applicant disagrees with the imposition of any of the conditions set out in this document, this must be raised at the time the application is submitted. As necessary, the matter may be referred to the Licensing Sub-Committee for consideration and determination.

Conditions may be varied during the life of the licence, subject to appropriate notification and consideration under the above process where necessary.

13. Appeal to the Magistrates Court

Any applicant aggrieved by the refusal of the council to grant an operator's licence, or by any conditions attached to the grant of such licence, may appeal to a magistrates' court within 21 days.