

CONDITIONS OF OPERATORS LICENCES

1. A The Operator shall keep details of all bookings accepted either from the hirer or another Operator and shall immediately record them on a booking system approved by the Council* at the time the booking is received the details listed below:

1. name of hirer
2. phone number of hirer, unless they refuse to provide it
3. date & time the booking was made
4. date & time pick up required
5. location of pick up
6. destination
7. how the booking was received
8. the booking price if quoted
9. identity of person accepting hiring
10. identity of vehicle used for booking
11. time job completed

*The approved booking system must be able to record and store, as a minimum, all the details listed above.

B The Operator shall keep the records for a period of not less than two years or longer if required to do so by an authorised officer of the Council.

C Any computerised system used must be able to produce a printed record of the details specified above and made available to any authorised officer of the Council or Police Officer on request.

D Where the Private Hire Operator accepts a booking and dispatches a Hackney Carriage all these conditions apply.

2. A The Operator shall maintain at his premises, particulars of all vehicles operated

by him which shall include the following:-

1. The licence plate number;
2. The registration number;
3. The name and address of the proprietor;
4. The name(s) and address(es) of the driver(s) of above vehicles;
5. The badge number(s) of the driver(s).
6. Licences for all vehicles and drivers.

B The above records are to be produced on request to any Police Officer or authorised officer.

3. A The Operator shall maintain at the premises a record of all complaints received by them, and shall record them on a complaints system approved by the Council* at the time the complaint is received. A full record of the complaint including as a minimum the following information:

1. date and time the complaint is made.
2. name and contact details of the complainant.
3. nature of the complaint – (to include date, time and location).
4. driver / vehicle / staff details to whom the complaint relates.
5. name of business manager to whom the complaint was passed.
6. the date and time the complaint was passed to the business manager.
7. the action taken to resolve the complaint and the time taken for it to be actioned.
8. whether the complaint was referred to the Council.

*The approved recording system must be able to record and store, as a minimum, all the details listed above.

B The Operator shall keep the records for a period of not less than two years, or longer if required to do so by an authorised officer of the Council.

C The above records are to be produced on request to any Police Officer or authorised officer of the Council

D The Operator must telephone the Police and contact the Council in writing or by email as soon as reasonably practicable, and in any case within 1 working day of any complaints received about:

1. sexual impropriety relating to any part of their business

2. behaviour which may compromise the safety and welfare of children and vulnerable people relating to any part of their business
 3. behaviour which poses an imminent danger to the public or of any safeguarding issue relating to any part of their business
- E In the event that the Operator formally disciplines or dismisses a driver, or a member of staff connected to the operational aspect of the business, for whatever reason, then the details must be reported to the Council, in writing, within seven days.
4. A The Operator shall ensure all staff who undertake bookings and/or dispatcher duties have received suitable and sufficient training and instruction concerning the use of:
- I. the system used to receive and record bookings and the dispatching of vehicles
 - II. the recording and process of dealing with and handling complaints received by the operator
- B A training log is to be held by the Operator for each person who undertakes the role of bookings and/or dispatcher duties. The training logs are to be produced on request by an authorised officer
5. Every Operator of Private Hire vehicles who accepts a booking for a Private Hire vehicle for an appointed time and place, shall give the booking to a vehicle, allowing sufficient time for the vehicle to punctually attend.
 6. The holder of an Operator's Licence shall not permit any person who is drunk, or is behaving in a disorderly manner, to remain upon the premises in respect of which the licence is in force.
 7. No Operator of a private hire vehicle which is licensed by the Authority under this Act shall invite or accept a booking for such vehicle, or control or arrange a journey to be undertaken by such vehicle, without first making available in writing, or giving orally, to the person making the booking, information as to the basis of charge for the hire of the vehicle.
 8. The Operator in his capacity as Operator and without prejudice to any other liabilities imposed under the Local Government (Miscellaneous Provisions) Act 1976 shall use his best endeavours to ensure that drivers of vehicles owned, controlled or operated in association with the Operator shall observe and perform the conditions of their Private Hire Driver's Licence and that vehicles shall conform to their Private Hire Vehicle Licence.
 9. If the provision is made by the Operator on his premises for the reception of members of the public proposing to hire a vehicle, he will ensure that his premises are at all times in a clean and tidy condition.
 10. The maximum number of Private Hire vehicles which the Operator may operate is that shown on the licence. The Operator may not operate vehicles in excess of this number unless he has first paid the required fee to the Council.

11. For licences issued for more than one year but less than five years the licence holder will sign and submit a declaration to the Council in relation to their circumstances, at the end of each 12 month period. The licence holder will also undertake a Disclosure and Barring Services (DBS) check and submit the new DBS certificate, or provide the results from the online checking system, at the time of renewal in the case of a licence issued for 1 year, or at the time of the 12, 24 or 36 month declarations in the case of a licence that has been granted for a period greater than 12 months.

If this condition is not complied with, the Corporate Director has delegated authority to suspend the licence, after giving a 7 day notice period, until the declaration has been fully completed

12. Any advertisement indicating that a vehicle can be hired on application to a specified address or telephone number, being the address or telephone number of premises in the District, or on or near any such premises, indicating that the vehicle can be hired at those premises shall NOT include the word "taxi" or "cab" whether in singular or plural or any word of similar meaning or appearance to either of those words and whether alone or as part of another word.

PENALTIES

The Local Government (Miscellaneous Provisions) Act 1976 provides that any person who acts in contravention of the provisions of Part 11 of the Act, shall be guilty of an offence and liable to summary conviction to a fine currently not exceeding £1,000 (One thousand pounds). In addition, such action may lead to the suspension or revocation of an existing Licence or the failure to renew such a Licence.

NB1: Your attention is drawn to the various provisions contained in the 1976 Act, which you are advised to obtain and read carefully.

NB2: For the purposes of these conditions any person assisting the delivery of all functions of the operators Private Hire business are bound by and included in these conditions

APPEALS

Please see the attached guidance should you wish to appeal any of the licence conditions.

GUIDANCE NOTES ON APPEALING LICENCE CONDITIONS

Please read these notes carefully

If you are aggrieved by these licence conditions Section 300 of the Public Health Act 1936 governs how you should make your appeal to the Magistrates' Court.

Section 300(1) of the Act and Rule 34 of the Magistrates' Courts Rules mean that **your appeal must be made by way of Complaint for an Order**. This is a special form prescribed by the Magistrates' Courts (Forms) Rules 1981. You should contact the Magistrates' Court or your Solicitor immediately to obtain the correct documentation to ensure that your appeal is made correctly.

Unless you are exempt, **the Magistrates' Court will require you to pay a fee when you lodge your appeal**. You should contact the Magistrates' Court or your Solicitor immediately to find out how much you will have to pay.

Section 300(2) of the Act states that **you must lodge your appeal with the Court within 21 days of service of these conditions on you**. This means that the signed Complaint form and court fee should reach the Court within 21 days. The Court cannot accept appeals lodged once this appeal period has expired.

The Magistrates Court Office is at:

Nottingham Magistrates' Court
Carrington Street
Nottingham
NG2 1EE
Tel: (0115) 955 8111