

Local Government (Miscellaneous Provisions) Act 1972 Pre-Application Criteria & Standard Conditions Private Hire Operators Licence

1. OPERATOR LICENCE – THE APPLICATION PROCESS

Any person wishing to acquire a licence to operate a Private Hire vehicle shall be a 'fit and proper person' and produce such information as reasonably required by the Authority or undertake such appropriate training and testing as required to assist in establishing that assessment. The application to the Council shall be solely in their name on the prescribed form, and they must pay such fee as prescribed by the Council. Such fee is not returnable and may be set to enable the Council to tier fees appropriately relative to the number of vehicles operated.

2. POINT OF ENTRY TRAINING AND ASSESSMENT

Every applicant for an Operator licence shall be required to: -

- Complete the appropriate application form
- Complete a DBS Disclosure form
- Attend a Private Hire Operator training and appropriate assessment

The Council will only issue licences to applicants that are deemed to be fit and proper. In assessing this, the Council will have regard to the following:

- Criminal record (including convictions, cautions, warnings, fixed penalties and reprimands), Issue of any Magistrate's Court summons against them;
- Any harassment or other form of warning or order within the criminal law including AntiSocial Behaviour Orders or similar;
- Factors such as demeanour, general character, non-criminal behaviour, honesty and integrity,
- Previous conduct or complaints (particularly in cases where the applicant holds or has previously held a licence issued by Kirklees Council),
- Business practices demonstrated by the applicant (for example standard of record keeping, compliance with other regulatory requirements, financial practices etc.)
- Their arrest for any offence (whether or not charged)

3. BUSINESS PARTNERSHIPS

Every applicant shall in addition to the information specified in the above two paragraphs, provide the name, date of birth and address of any person if the applicant proposes to operate the business in partnership with any other person(s) and undertake the same 'fit and proper person' assessment and training and testing requirements. Each Operator licence issued by the Licensing Authority shall be issued only in the name

of the applicant and that person shall be deemed solely responsible as the Operator upon the licence being granted and the licence is not transferable from the first mentioned person to another person. An Operator shall, within seven days, disclose to the Council in writing details of any convictions imposed on him (or any business partners, directors or company secretary) during the period of the Licence or if he is arrested, cautioned or being investigated for any offence whether charged or not.

An Operator shall, within seven days, notify the Council of any change in his or his business partner's address taking place during the period of the Licence.

4. ADVERTISING

No Operator may use the word TAXI or CAB or HACKNEY CARRIAGE or any combination or derivation thereof in any advertising manner on the vehicles they operate, and any such advertising shall include the words Licensed Private Hire. Any other type of advertising on vehicles must be in accordance with the Councils "Advertising on Vehicles" Policy. A copy is available on the Councils website or on request.

5. RECORD OF BOOKINGS

An Operator shall keep records in the form prescribed by the Council containing particulars of booking and of private hire vehicle operated by him. Separate records must be kept at each premise from which the Operator carries on business. The records shall be produced immediately by the Operator or his employee on request to any Authorised officer of the council or to any constable for inspection. The records shall be kept for at least three years on the premises. The council prescribe the following:- An Operator shall keep a true and proper record of every booking of a Private Hire vehicle invited or accepted by him. The record shall be kept on computer or in a suitable book with consecutively numbered pages. Before each journey commences the Operator shall enter therein:-

- I. The place at which the booking was received and the date and time thereof
- II. The name of the hirer and contact number used to make the booking if taken over the telephone
- III. Whether the booking was made by telephone, personal call or other means (to be stated)
- IV. The address or other place from which it is to commence, the address or place of destination and the requested time, if any, for the journey to commence
- V. The plate number of the vehicle to be used for the journey
- VI. The name of the driver undertaking the hiring and that the booking record clearly identifies the plate number and registration number of the private hire vehicle and the badge number of the driver for every journey

VII. The name of any other individual that responded to the booking request

If a computer is used it must be connected to a printer at all times in order that records can be printed on demand and the records must not be able to be retrospectively altered in any way . An Operator, having accepted a booking for a Private Hire vehicle shall ensure the vehicle, unless delayed or prevented by some reasonable cause, attends at the address from which the journey is to commence, at the required time.

Drivers working for the Operators business will at all times be clean and respectable in their hair, dress and person and behave in a civil and orderly manner.

6. VEHICLE & DRIVER RECORDS

An Operator shall keep a record of each private hire vehicle operated by him, such record to contain details of:-

- The name and address of the proprietor to whom the vehicle licence has been issued
- The number of such vehicle licence
- The date of expiry of such vehicle licence
- The number of persons for whom the vehicle is licensed

The Operator must have in place a system of ensuring no driver works when his driving licence, insurance or vehicle licence have expired or been suspended or revoked or his vehicle has no valid compliance test in place. That system will be available for inspection at all times by an authorised officer of the Council.

7. REGISTER OF OTHER STAFF

The operator must keep a register of all staff that take bookings or dispatch vehicles.

The register should be a 'living document' that maintains records of all those people within these roles. The information contained in the register should be kept for a minimum of three years on the premises. The records shall be produced immediately by the operator or their employee on request to any Authorised officer of the Council or to any constable for inspection.

The staff who take bookings or dispatch vehicles will also be required to complete an annual basic DBS check and confirmation of this is required to be kept on the register. Operators are also required to provide their policy on employing sex-offenders for those persons who are on the register.

8. VEHICLE LIVERY

An Operator shall cause permanent stuck on company signs (available from the council) to be displayed at all times on Private Hire vehicles when operating from their

premises.

9. COMPLAINTS SYSTEM

Private Hire Operators must maintain a register of complaints by the public in a format approved by the Council (computerised or hard copy). The format of the complaints register must be maintained in the manner prescribed by the Council. Upon receiving any 'specified complaint' or allegation regarding any person licensed by the Authority Operators must report it immediately when the licensing office is open, and in any other event within 72 hours. The specified complaints or allegations are:

- of sexual misconduct, sexual harassment or inappropriate sexual attention
- racist behaviour
- Violence
- Dishonesty
- breaches of equality In straight forward terms, allegations of criminal behaviour whilst acting as a Private Hire Driver.

Low level' complaints can build up a business profile that can be indicative of a professional development need, or in the worst case the concealing of some potential significant offending or allegations of unsafe behaviour.

These concerns are to be dealt with by a requirement to maintain a 'register of complaints' and outcomes, for inspection by the Authority for a set period, of 12 months.

10. LICENCE DURATION

Each Operator licence issued by the Licensing Authority shall be valid for a period up to 5 years or as the Licensing Authority may decide, subject to any changes to primary legislation.

11. USE OF OPERATOR NAME FOLLOWING REVOCATION OF LICENCE.

Where an Operator licence is revoked by the Council, the name (or a similar name) of the Private Hire company associated with that licence cannot be used by another Operator until such time as six months has elapsed since the date of revocation or the date on which all appeal processes have been concluded (whichever is the longer).

12. Applicants or existing licence holders that are found to have intentionally misled the council, or lied as part of the application process, will not be issued with a licence and any existing licence may be revoked.

11. An Operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance or when unlawfully booked may have his

Operator's Licence revoked immediately and will not be permitted to hold a licence for a period of at least three years.

12. ABSENCE FROM BUSINESS AND COMMUNICATION WITH PRIVATE HIRE OPERATORS

Private Hire Operators must notify the Council and nominate a responsible person to take responsibility on an interim basis if they are absent for 15 days or more and supply contact detail of the manager to the Local Authority. At all times the Private Hire Operator will ensure that the Local Authority has his/her most up to date contact detail including a mobile telephone number and email address. There should be a generic email address for the company and a confidential email address for the Operator so that sensitive information can be properly handled and held confidentially by the Operator.

Subsection (2) to (5) of section 233 of the Local Government Act 1972 shall have effect and are incorporated in these Conditions in relation to any notices required or authorised by these Conditions to be given or served on the Operator by or on behalf of the Council or by an Authorised Officer.

13. TRAINING TO EXPECTED STANDARDS OF SERVICE AND SAFETY DURING THE LIFETIME OF A LICENCE

During the lifetime of a Private Hire Operator licence, an Authorised Officer of the Council may require a licence holder to undertake reasonable and appropriate training to meet these expectations and requirements. Such a requirement would be in writing. A reasonable time scale of up to 3 months will be set for the training to be successfully undertaken at a place designated by the Council. If there is a refusal or failure to attend, or the licensed Operator does not meaningfully participate in the training or attain the training accreditation the licence may be suspended and consideration given to its revocation. The cost of such training will be borne by the licence holder. Similarly, the same considerations set out in the preceding paragraph will apply to those who manage distinct areas of the operating business or business partner(s).

14. ASSISTANCE DOGS

Every Proprietor, Driver and Operator of a licensed Private Hire vehicle shall ensure that assistance dogs are carried within the passenger compartment of the vehicle on request and there should be no additional charge added to the journey operators are reminded of their responsibilities under the Equality Act, 2010, and are advised.

15. 'OUT OF TOWN' HACKNEY CARRIAGES ACTING AS PRIVATE HIRE VEHICLES IN THE KIRKLEES LICENSING DISTRICT

SCHEDULE OF DRIVERS

The Private Hire Operator, shall in writing, notify the Licensing Authority forthwith, and in any event within 72 hours of each and every Hackney Carriage driver employed or used for Private Hire bookings this will include Hackney Carriage drivers licensed by this or other Authorities. Where a Private Hire Operator ceases to employ or use any such licensed Hackney Carriage driver, the Operator shall forthwith, and in any event within 72 hours, notify the Licensing Authority in writing. The Private Hire Operator shall retain a copy of the Hackney Carriage driver licence granted by this or any other authority along with a copy of the driver's DVLA licence, and any other driver of that vehicle, and forward a copy of those documents to the Licensing Office forthwith, and in any event within 72 hours of registering that driver.

SCHEDULE OF VEHICLES

The Private Hire Operator shall, in writing, notify the Licensing Authority forthwith, and in any event within 72 hours of each and every Hackney Carriage vehicle employed or used by the operator. This includes those Hackney Carriage vehicles licensed by this or other Authorities. Where a Private Hire Operator ceases to employ or use any such licensed Hackney Carriage vehicle, the Operator shall forthwith, and in any event within 72 hours, notify the Licensing Authority in writing. The Private Hire operator shall retain a copy of the Hackney Carriage vehicle licence granted by another Authority along with a copy of the MOT or Compliance Certificate and policy of insurance and vehicle registration document and forward a copy of those documents to the Licensing Office within 72 hours.

ADVERTISING ON VEHICLES

Where a Hackney Carriage vehicle is licensed by another Authority, such a Hackney Carriage driver or Hackney Carriage vehicle is expressly prohibited from using any literature, any documentation, any advertising or displaying any signage associated to the Private Hire Operator or Kirklees Council which suggests or might lead to a misunderstanding that the vehicle is licensed by this Authority.

16. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, PART 2

All licences in connection with the driving and operation of Private Hire vehicles and all conditions attached to the grant of such licences are issued by the Licensing Authority in accordance with the provisions of the 1976 Act. Each Private Hire Operator shall make themselves aware of the provisions of the 1976 Act and any other relevant legislation including the Licensing Authority conditions attached to the grant of a Private Hire Operator, driver or vehicle licence.