

MERTHYR TYDFIL COUNTY BOROUGH COUNCIL

PRIVATE HIRE VEHICLE OPERATOR'S LICENCE

SCHEDULE OF CONDITIONS

1. Conditions of Private Hire Operator's Licence

A. General Conditions:

- (i) Every contract for the hire of a private hire vehicle shall be deemed to be made with the Operator whether or not he himself/she herself who has accepted the booking for the vehicle whether or not he himself/she herself provides the vehicle.
- (ii) The Operator shall, if so required by a person making a private hire booking:
 - (a) agree the fare for the journey booked or
 - (b) provide an estimate of that fare
- (iii) Every Operator of a Private Hire Vehicle, who accepts a booking for a Private Hire Vehicle for an appointed time and place, shall give the booking to the driver of such vehicle, allowing sufficient time for the vehicle to attend punctually.
- (iv) The Operator shall produce his/her Operator's Licence on request to any authorised officer or police constable.
- (v) The Operator shall ensure that every Private Hire Vehicle operated by him/her in accordance with this licence is covered by a Certificate of Insurance or cover note indemnifying the proprietor of the said vehicle within the provisions of the Road Traffic Act 1972 (Part IV) for the carriage of passengers for hire or reward.
- (vi) The Operator shall produce his/her certificates of insurance cover relating to vehicles owned by him/her together with schedules relating to all such vehicles on request to any authorised officer or police constable.
- (vii) The Operator shall notify the Council in writing of any changes of address (including any address from which he/she operates or conducts his/her business as an Operator) during the period of the licence within seven days of such a change taking place.
- (viii) No operator may change the address from which he/she operates without prior agreement in writing from the Council and all licence requirements being met.
- (ix) The Operator shall within seven days disclose to the Council, in writing, details of any conviction imposed on him/her (or if the Operator is a Company or Partnership, on any of the directors or partners) during the period of Licence.

- (x) The Operator shall retain copies of the licences of all private hire vehicle drivers while they are in his/her employment or operating through his licence and shall produce the same for inspection on request by an authorised officer of Police Officer.

B. Standard of Service:

- (xi) The Operator shall keep clean, adequately heated, ventilated and lit any premises which the Operator provides and to which the public has access, whether for the purpose of booking or waiting.
- (xii) The Operator shall ensure that any waiting area provided by the Operator has adequate seating facilities.
- (xv) The Operator shall ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- (xvi) In respect of any operating centre (premises) specified in the licence which is accessible to members of the public, the operator shall maintain in force a policy of insurance against public liability risks which provides a minimum indemnity of £5,000,000 in respect of any one event.
- (xvii) The Operator shall, in the event of receipt of any complaint, provide the complainant with the full postal address of the Council's Licensing Section.
- (xviii) The Operator shall ask any person who is drunk, or who is behaving in a disorderly manner, to leave the premises in respect of which the licence is in force. If any such person fails to leave when so requested, the Operator shall telephone the local police station in order to seek its assistance.
- (xix) The Operator shall at all times keep a copy of these conditions on any premises used by him/her for the purpose of a private hire business, and shall make the same available for inspection by either actual or potential fare paying passengers.
- (xx) The Operator in his/her capacity as Operator and without prejudice to any other liabilities imposed under Part II of the Local Government (Miscellaneous Provisions) Act 1976 shall use his best endeavours to ensure that drivers of vehicles owned or 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 the Private Hire Vehicle Licence conditions.

C. Keeping of Records

1. The Operator shall maintain at his premises a suitable register in a bound book in which he/she shall enter chronologically for each vehicle under his ownership particulars of all vehicles operated by him, which shall include the following:-

- i) the licence plate number;
- ii) the registration number;
- iii) year of manufacture;
- iv) first year registered;
- v) the date of purchase by the operator;
- vi) maker's name and model together with engine size;
- vii) colour;
- viii) chassis number/engine number;
- ix) If taximeter fitted;
- x) alterations in design or construction;
- xi) the name and address of the proprietor;
- xii) the name(s) and address(es) of driver(s) of each vehicle;
- xiii) the badge number(s) of driver(s);
- xiv) the date of sale or destruction;

The records referred to above shall be kept for a period of not less than six months or such longer period as may by notice in writing be required by an Authorised Officer of the Council and these records shall be produced to any Authorised Officer or Police Constable upon request.

2. The Operator shall enter in a suitable book, the pages of which are numbered consecutively, particulars of every private hire booking and the particulars shall be entered chronologically in the book at the time of the booking and shall include the following:-

- i) the time and date of each booking;
- ii) by what method the booking was received, (i.e. telephone or personal call etc);
- iii) the pick-up point;
- iv) the place of destination;
- v) the name of the hirer (unless withheld by the customer);

- vi) the Private Hire Licence Plate number of vehicle used;
- vii) the details of the driver;
- viii) remarks (including details of any sub-contract).

N.B.

- Any call sign allocated to a driver or to a vehicle and which will be used in the booking records must be recorded next to each vehicle and driver entry.
- The records referred to above shall be kept for a period of not less than six months or such longer period as may by notice in writing be required by an Authorised Officer of the Council.
- The said records shall be produced, on request, to any Police Constable or Authorised Officer of the Council.
- If a computerised system is used, the Operator must be able to provide a print-out of these details. The Operator should also ensure that the appropriate Data Protection Licence is held.

D. Suspension, Revocation or Refusal of Operator's Licence

- (1) The Council may decide to suspend, revoke or refuse to renew any Operator's Licence for any reasonable cause including:-
 - (i) any offence under or non-compliance with, the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976;
 - (ii) any conduct on the part of the Operator which appears to the Council to render him/her unfit to hold an Operator's Licence;
 - (iii) where there has been a material change in the circumstances of the Operator or the basis on which the licence was granted;
 - (iv) any other reasonable cause.
 - (v) If false or incomplete information has been provided in order to obtain a licence, consideration will be given to using the above powers as well as prosecuting in respect of the offence committed.
- (2) Any person who commits an offence against any of the provisions of these conditions, or Part II of the Local Government (Miscellaneous Provisions) Act

1976 in respect of which no penalty is expressly provided, shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

E. Additional Notes For Guidance

- (1) Any application for renewal of a licence must be made in advance of the expiry date to ensure continuity. There is no automatic period of grace. Unlicensed operation of private hire vehicles is an offence.
- (2) The Council has the power to suspend, revoke or refuse to renew the licence on the appropriate grounds. Where a licence has been obtained by giving false or incomplete information, consideration will be given to using these powers as well as prosecuting for the offence committed.
 - Any person aggrieved by a decision of the Council to suspend, revoke or refuse to renew an Operator's Licence may appeal to a Magistrates' Court within twenty one days of receipt of notification.
- (3) Operators are reminded that it is an offence to use unlicensed drivers or unlicensed vehicles. They should, therefore check that a driver has both a current licence from the Council and a badge, and that a vehicle is properly licensed and plated. Failure to do so will render the Operator liable to prosecution.
- (4) By virtue of Section 46(1)(d) of the Local Government (Miscellaneous Provisions) Act 1976 no person shall, in a controlled district, operate any vehicle as a private hire vehicle without having a current licence under Section 55 of the said Act (a Private Hire Vehicle Operator's Licence).
- (5) Any Applicant for a Private Hire Operator's Licence should ensure that he/she complies with the relevant statutory requirements. In particular the Applicant should obtain any necessary planning permission for the premises used in connection with the business of operating private hire vehicles and should not engage in or allow or permit such operation until the necessary planning permission has been obtained, where applicable, and that all requirements in respect of Public and Employers Liabilities, fire regulations, offices and small premises etc., as may be necessary have been met.
- (6) A Private Hire Operators Licence is issued for the purpose of the Local Government (Miscellaneous Provisions) Act 1976 and does not give consent under any other enactments, for example the Town and Country Planning Acts. It is the Applicant's responsibility to enquire with the relevant authorities whether such consents are required in individual circumstances. In considering any application, the Council will wish to take into account the suitability of the premises from which you intend to operate, and the impact which your intending use may have on the local environment – particularly for occupiers of neighbouring properties. For this reason you are required to state on the application form whether you intend to make

provision at the premises for the reception of members of the public and also to say whether planning consent has been granted for the use of the premises in connection with a private hire business. Whilst the licensing and planning processes in relation to taxi and private hire operators are quite separate and raise different issues, it is important that you ensure that any necessary planning consent is obtained for the use of your premises for the operation of a private hire operator's business. If no such consent has been obtained, you should contact the Council's Planning Department at Unit 5, Triangle Business Park, Pentrebach, Merthyr Tydfil, CF48 4TQ (Tel No 725000). The Corporate Director for Transformation and Places will in any event be notifying them that you are making this application.

- (7) Any notice required to be served by the Council under this Licence or under of any of the provisions of the Town Police Clauses Act 1976 and all other relevant legislation, shall be deemed to have been properly served if served personally on him/her or sent to them by pre-paid post to or left at the last known address of the holder of the licence.
- (8) Private Hire Association
 - i) Operators may form an Association and must provide a copy of the Constitution of that Association to the Licensing Officer.
 - ii) The Association must keep the Authorised Officer informed in writing of the officers and members of the Association.

The Council reserves the right to amend or to add to any of the foregoing conditions and notice thereof will be served on all licences.