

CONDITIONS OF LICENCE

Private Hire Operator



General Information

The conditions of licence contained herein are made by virtue of section 13(3) of the Plymouth City Council Act 1975. Failure to comply with a condition of licence relating to the keeping of records is an offence by virtue of section 14(5) of the Plymouth City Council Act 1975, for which an offender may be fined £1,000 upon conviction. Breaches of licence may also necessitate the review of the status of the licence by the Council, which may in certain circumstances result in the licence being revoked

It is important for private hire vehicle operators to ensure that they are familiar with these standard conditions of licence and any special conditions that may be attached to the licence once granted. The operator is considered to have accepted these conditions of licence when being granted a private hire operator's licence, unless a condition(s) is withdrawn or varied by a Magistrates court upon appeal by the proprietor.

Private hire operator licences are granted for 1 year or such lesser period as may be determined by the Council; these conditions shall be applicable for the duration of the licence. Where a licensed operator demonstrates that they meet the Council's expectations, the Council has discretion to issue a licence of up to 5 years.

Any special conditions of licence shall be attached at the time of the grant of the licence by the Council or may be attached to the licence at a subsequent time during the licence period where circumstances require.

Terms

In these licence conditions:

- **'Authorised Officer'** means any Officer of the Council authorised in writing for the purposes of the Plymouth City Council Act 1975/87
- **'The Council'** means Plymouth City Council.
- **'Vehicle'** means a vehicle licensed by virtue of section 5 of the Plymouth City Council Act 1975 for the purposes of providing private hire services.
- **'Operator'** means the person(s) named upon the licence who is responsible for the contract of hire for every journey undertaken by a private hire vehicle, made by virtue of the operator's licence.
- **'Driver' & 'driver licence'** means a person and licence granted by virtue of section 9 of the Plymouth City Council Act 1975, to drive private hire vehicles licensed pursuant to section 5 of that Act.

Licensing section contact information

Licensing Office,
Public Protection Service,
Plymouth City Council,
Windsor House,
Plymouth,
PL6 5UF

E: taxi.licensing@plymouth.gov.uk
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I. Driver and Vehicle Record Keeping

1.1 The operator must at all times keep a record of the following information in a form approved by the Council:

- The registration number and private hire licence number of each private hire vehicle operated by him;
- The name, address and private hire driver's licence number of every driver of such vehicle.

The records must be submitted to the Council Licensing Section on a monthly basis no later than the seventh day of the following month to which the record relates. All such records must be legible and retained for a period of not less than six months from the date of the commencement of the journey.

1.2 The operator must obtain from every licensed driver prior to employment or otherwise engaged by him, the private hire drivers licence and shall retain it for the period of such employment or engagement. The operator shall also record the overall period or periods for which such employment or engagement continues. At the termination of that period of employment or engagement, either by the Operator or licensed driver, the private hire driver licence shall be returned to the driver.

1.3 The private hire driver licence must be returned to the Council if requested to do so by an authorised officer of the Council, or if the licensed driver leaves the employment of the operator without requesting the return of the licence.

1.4 The operator must also obtain from the licensed driver a copy of the motor insurance relating to the vehicle being used by the driver for the purposes of private hire, and record the validity dates of that insurance, and take all reasonable precautions to ensure continuity of cover.

2.0 Record Keeping

2.1 The Council requires operators to keep records of each booking. Information must include:

- the name of the passenger
- the date and time of the request
- the pick-up point
- the place of commencement of the journey and destination
- the name of the driver
- the driver's licence number
- the vehicle registration number of the vehicle
- the name of any individual that responded to the booking request
- the name of any individual that dispatched the vehicle

The records must be in an approved electronic format unless otherwise agreed by the Council. Factors to be considered in deciding whether an operator does not have to comply with this requirement are size of business, number of vehicles operated, compliance and cost effectiveness.

Booking records must be retained for a minimum period of six months.

- 2.2 The operator must hold records of insurance and licence expiry dates of drivers and vehicles. No journeys must be allocated to uninsured or unlicensed drivers and vehicles.

3.0 Register of Booking and Dispatch Staff

- 3.1 The operator must keep a written or electronic register of all staff that will take bookings or dispatch vehicles.
- 3.2 The operator must provide evidence to the Council that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff. Any new booking or dispatch staff must be added to the register.
- 3.3 The Basic DBS check must be no more than 3 months old at the time of receipt by the Operator.
- 3.4 The Operator must ensure they have a policy on employing ex-offenders and ensure this is referred to when employing new members of staff. A copy of this policy must be provided to the Council.
- 3.5 The register must be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, so that this will enable cross-referencing between the two records. A record that the operator has had sight of the DBS check certificate (although the certificate itself must not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.
- 3.6 Operators must include in their staff employment contracts that booking and dispatch staff must notify the operator of any convictions whilst they are employed with the Operator.

4.0 Training of Operators and booking/dispatch staff

- 4.1 All existing operators and their booking/dispatch staff must attend the Council's approved safeguarding workshop by 31 December 2022.
- 4.2 All new operators must attend the Council's approved safeguarding workshop before their first application is granted and must receive a refresher every 5 years.
- 4.3 All booking/dispatch staff must attend the Council's approved safeguarding workshop within 3 months of starting their employment and must receive a refresher every 5 years.

5.0 Complaints

- 5.1 The operator must supply to the Council the following information with regard to complaints received by that operator in relation to the provision of private hire services supplied;
- The name and address of the complainant;
 - Date and time of the incident that gave rise to the complaint;
 - The nature of the complaint;
 - The driver and/or vehicle to which the complaint relates;
 - The outcome of the investigation;
 - If the complaint has been resolved by the operator.
- 5.2 The records of all complaints must be submitted to the Council in the form shown above on a

monthly basis no later than the seventh day of the following month.

6.0 General Conditions

- 6.1 The operator must ensure that the vehicle is in attendance at the appointed time and place unless delayed or prevented by some reasonable cause outside the control of the operator or driver.
- 6.2 If provision is made by the operator for a public waiting area for customers, adequate seating must be provided within the premises.
- 6.3 The operator must obtain adequate public liability insurance, should the public have access to the operator's premises, indemnifying the operator against any claim for loss, damage or personal injury by any person using those premises. The Council's standard level of expected cover is £5 million.
- 6.4 The operator must allow access to the premises at all reasonable times during business hours to any officer authorised by the Council or police officer, for the furtherance of his duties or for the purposes of inspection and/or enforcement. All such records as aforementioned must be made available for inspection without hindrance to the authorised officer or police officer upon demand.
- 6.5 The operator will fully cooperate with any person authorised by the Council or Police Officer in the investigation of any complaint or investigation concerning any licensed driver who is, or has worked for that company.
- 6.6 The operator will hold any property left within any hired licensed vehicle as provided by any licensed driver for safekeeping. A record of each item should be recorded in writing, which should be available for inspection by any person authorised by the Council. The operator must have a documented disposal policy which must be approved by the Council.

7.0 Alcohol

- 7.1 If the Operator provides Special Event Vehicles for hire, then the operator shall ensure that the relevant licence(s) as required under the Licensing Act 2003, for the sale or supply of alcohol during the period of the vehicle hire, are in the possession of the private hire operator.
- 7.2 No alcohol of any description shall be supplied to any person under 18 years of age.

These conditions of licence are made by virtue of Section 13(3) of the Plymouth City Council Act 1975.

These conditions of licence apply to all private hire operators licensed on or after the effective date of 01 May 2022 and supersede all previous conditions of licence.