



# Taxi Licensing Policy

## Private Hire Operators

September 2018

## CONTROL SHEET FOR TAXI LICENSING POLICY: PRIVATE HIRE OPERATORS

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## **POLICY**

### **1. Introduction**

#### **1.1 BACKGROUND**

North East Derbyshire District Council has a responsibility for licensing hackney carriages and private hire vehicles, drivers and operators within the district of North East Derbyshire.

NB. Any reference in this Policy to notifying, informing, or otherwise contacting, the Council means contacting the Council's Licensing Section.

***Unless otherwise stated, where the term "Taxi" is used in this Policy it is a generic term including hackney carriages and private hire vehicles (which retain their specific meanings set out in the Glossary of Terms below).***

#### **1.2 ROLE OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES**

Hackney carriage and private hire have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas, or outside "normal" hours of operation such as in the evenings or on Sundays), or for those with mobility difficulties.

#### **1.3 BEST PRACTICE GUIDANCE**

The Department for Transport's Guidance considered views about what constitutes "Best or Good Practice" in terms of hackney carriage and private hire licensing. The Best Practice Guidance has, therefore, been used as an aid in shaping this policy.

#### **1.4 CONSULTATION**

There are a number of groups and organisations that have an interest in the provision of hackney carriage and private hire vehicle services, including the trade itself, residents and enforcers, all of whom have views and concerns that require consideration. In drawing up this policy, the Council has consulted with the following -

This list is not definitive -

- Authorities who border North East Derbyshire District Council
- Derbyshire County Council
- Other departments within North East Derbyshire District Council
- Members of North East Derbyshire District Council

- The hackney carriage and private hire trade including all licensed operators within the district
- Parish Councils
- Derbyshire Constabulary
- Derbyshire Police & Crime Commissioner
- Chief Fire Officer for Derbyshire
- Derbyshire County Council Trading Standards
- Derbyshire County Council Transport
- Social Services, Child Protection Office

## **1.5 POWERS AND DUTIES**

This Statement of Licensing Policy has been produced pursuant to the powers conferred by the Local Government (Miscellaneous Provisions) Act 1976, as amended, which places on the Council the duty to carry out its licensing functions in respect of hackney carriage and private hire vehicles.

## **1.6 STATUS**

In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document and the objectives set out above.

Notwithstanding the existence of this policy and any other relevant Council policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart from its policy, reasons will be given for so doing.

## **2. Scope**

In setting out its policy North East Derbyshire District Council seeks to promote the following objectives -

- the protection of public health and safety;
- the establishment of a professional and respected hackney carriage and private hire trade;
- access to an efficient and effective public transport service; and
- the protection of the environment.

The aim of this policy is to regulate the hackney carriage and private hire trade in order to promote the above objectives.

## **3. Principles**

The aim of licensing the hackney carriage and private hire vehicle trades is, primarily, to protect the public as well as to ensure that the public have reasonable access to hackney carriage and private hire services because of the local transport provision.

Its purpose is to prevent licences being given to or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their employment to abuse or assault passengers.

It is important that the Council's powers are used to ensure that those who make provision for the booking of private hire vehicles in the district are suitable and safe, and that the powers are exercised in compliance with the European Convention on Human Rights.

#### **4. Statement of Policy**

##### **4.1 PRIVATE HIRE OPERATORS**

###### **4.1.1 REQUIREMENTS AND OBLIGATIONS**

Any person who operates a private hire service (except a hackney carriage proprietor who permits hackney carriages to be used for private hire) must hold a private hire operator's licence. The objective in licensing private hire operators is ensuring the safety of the public, who will be using operators' premises, vehicles and drivers arranged through them. "Operate" means to make provision for the invitation or acceptance of bookings for private hire vehicles in the course of business.

Before allocating a booked job, a private hire operator must ensure that the vehicle and driver are suitably licensed and fit and proper for use.

###### **4.1.2 CRIMINAL RECORD CHECKS & SAFEGUARDING**

Before an application for a private hire vehicle operator's licence will be considered, the applicant must provide a current (less than three months old) Disclosure & Barring Scheme basic criminal disclosure or, in the case of an overseas applicant, sufficient other evidence to satisfy the Council of their suitability. The DBS application must be carried out through the Council and not by another organisation.

Where Operators have supplied an enhanced DBS Disclosure as part of a driver's licence application, they will not be required to provide a separate basic disclosure under this section if the enhanced check is still current.

Where the applicant is a company or partnership, every director, partner or person with day to day control of that company or partnership (where appropriate) will be required to submit the information required above.

All applicants will also be required to sign up to the DBS Update Service and to authorise the Council to carry out status checks using the Service. Licence holders will then be required to maintain the Service at all times while licensed. If the update service lapses they will be required to apply for a new DBS Disclosure and renew their Update Service subscription. Failure to do so could result in their licence being suspended.

If at any time the Council considers it appropriate to require a further DBS disclosure be provided the relevant individual must provide one, at their own expense, as soon as reasonably practical.

Before a licence is granted or renewed all Operators will be required to undertake mandatory safeguarding training and assessment.

#### **4.1.3 CONDITIONS**

The conditions set out in Appendix A are considered reasonably necessary and will apply to all operators licences.

#### **4.1.4 LICENCE DURATION**

A successful applicant will normally be granted a private hire operator's licence for 5 years. However, if Operators wish to be granted a licence for a shorter period, or there are other grounds to consider a shorter period, the Council will consider this in exceptional circumstances.

It is the licence holder's responsibility to ensure that their operator's licence is renewed appropriately before expiry.

Evidence of a licence holder's continuing fitness to hold a licence must be provided when requested by an authorised officer of the Council.

#### **4.1.5 ADDRESS FROM WHICH AN OPERATOR MAY OPERATE**

The licence will specify the address from which the operator may operate. The operator must notify the Council in writing of any change of address (whether this is a home address or the address from which they operate) during the period of the licence, prior to changing the address. A business cannot legally operate from an address not specified on its licence.

#### **4.1.6 BASES OUTSIDE THE COUNCIL'S AREA**

The Council will not grant an licence for an operator with a base that is outside the boundary of the district. This is considered both a legal requirement and a means to ensure that proper regulation and enforcement measures may be taken.

The Council will cease to renew the licences of operators who are currently licensed for bases outside the Council's area.

#### **4.1.7 PRIVATE HIRE FARES**

Private hire fares may be determined by the operator that takes the booking. The operator may make their own agreement with the hirer as to the fare for a particular journey.

A private hire vehicle may have a calibrated meter, in which case a table of the Operator's applicable fares (which match those charged by the meter) must be displayed.

#### **4.1.8 SUB-CONTRACTING**

Where an Operator engages in sub-contracting of bookings, or holds more than one Operator's licence (whether with one or more authorities) they will be required to maintain clear records of which licence all bookings are recorded and carried out under.

### **5. Responsibility for Implementation**

This Policy will be implemented by, and at the discretion, the appropriate officers as determined by the Council's delegations scheme.

This and other policies set out the principles that govern the Council's licensing of hackney carriage and private hire vehicle drivers, operators and vehicles. Minor modifications to conditions, specifications or procedures may from time to time be modified by officers acting under delegated powers, except where not appropriate to do so.

### **6. Glossary of terms**

Throughout this document -

- "The Council" means North East Derbyshire District Council
- "Licensed Vehicle" means both a Hackney Carriage and Private Hire Vehicle
- "Hackney Carriage" means a vehicle of any form or construction, licensed for standing or plying for hire in any street

- "Hackney Carriage Driver" means a person licensed to act as driver of any hackney carriage
- "Private Hire Vehicle" means a licensed vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers
- "Private Hire Driver" means a person licensed to act as driver of any private hire vehicle
- "Private Hire Operator" means a person licensed to make provision for the invitation or acceptance of bookings for a private hire vehicle

## **7. Appendices**

Appendix A follows.

## **APPENDIX A**

### **PRIVATE HIRE OPERATOR'S LICENCE CONDITIONS**

*In addition to the conditions set out below, any requirements set out in Part 4 of this Policy will form part of the Licence conditions.*

#### **1 STANDARDS OF SERVICE**

The operator shall:

- Provide a prompt, efficient and reliable service to members of the public at all reasonable times.
- Ensure that employed staff act in a civil and orderly manner at all times.
- Ensure, when a vehicle has been hired, that it arrives punctually at the appointed place, unless delayed by unavoidable circumstances beyond their control. If delays are lengthy, the driver/operator should contact the hirer to inform them.
- Ensure that premises provided for the purpose of booking or waiting are kept clean and are adequately lit, heated and ventilated.
- Ensure that any waiting area provided has adequate seating facilities.
- Ensure compliance with legislation regarding the length of working hours.
- Take all reasonable steps to ensure drivers are fit and suitable.
- Take all reasonable steps to ensure vehicles are safe and roadworthy.

#### **2 RECORDS**

Records shall be kept:

- In a non-erasable form in a suitable log or book or in a computerised record system designed to prevent records being tampered with following the taking of a booking
- For at least 12 months
- Available for inspection, on request, by an authorised officer of the Council or a Police Officer.
- In accordance with the relevant data protection law

The records to be kept include the information set out below and any other information as authorised officers may from time to time direct operators to keep.

##### **2.1 BOOKING RECORDS**

Prior to each journey, the operator shall enter the following details of every booking of a private hire vehicle accepted:

- the date and time of the booking
- the name of the hirer
- the name of the person taking the booking
- the time of pick up
- the address of pick up
- the destination (unless automatically recorded by GPS)
- the time at which a driver was allocated to the booking
- the plate number (or other identification) of the vehicle allocated
- the fare quoted
- any sub-contracting arrangements

## **2.2 VEHICLES**

The operator shall keep records of all private hire vehicles operated by him, including:

- A copy of the vehicle licence
- A copy of a current insurance certificate
- Whether the vehicle is wheelchair accessible
- The seat-to-wheelchair configuration of wheelchair accessible vehicles

## **2.3 DRIVERS**

The operator shall keep records of all drivers of private hire vehicles operated by him/her, including:

- A copy of the HC/PHV driver's licence
  - This should be kept for at least 12 months after either expiry of the licence or the driver leaves the operators service
- Details identifying the drivers of each vehicle
- When any driver's service begins or ends
- The current address of any driver
- Details of any illness, disability or health condition which may affect the driver's ability to safely carry out his/her duties
- The expiry dates of drivers' badges
- The hours worked by each driver

## **2.4 LOST PROPERTY**

The operator shall accept all lost property presented to them by a driver who is undertaking bookings on their behalf.

The Operator shall record the following:

- The date and time they received the lost property
- A description of the lost property
- The name and call sign of the driver handing in the property

- The specific journey when the property was left in the vehicle
- The date the item was reclaimed and by who

The operator shall take all reasonable steps to reunite the lost property with its owner. If the lost property is a Passport, Driver Licence, Bank Card or other similar item the operator shall contact the issuer and either return the item to the issuer or follow any actions specified by them.

While the lost property is in the possession of the operator it shall be stored securely. The lost property shall be retained for a period of six months, if it is not reclaimed in that period and does not contain any personal information the operator shall dispose of the lost property. Any items which may contain personal information or images (including mobile phones) shall be destroyed and a record kept of that fact.

### **3 COMPLAINTS**

The operator shall keep a written record of all complaints received and what action, if any, has been taken or proposed as a result.

The operator shall inform the Council immediately of any complaints deemed to be serious, including (but not limited to) safeguarding, discrimination, dishonesty, violence, public safety, alcohol, drugs, indecency, medical conditions etc.

### **4 DISCLOSURE OF CONVICTIONS**

The operator shall, within 7 days, notify the Council in writing of any conviction, caution or fixed penalty imposed on him. If the operator is a company or partnership, this requirement also applies if any of the directors or partners receive a conviction, caution or fixed penalty.

### **5 INSURANCE**

The operator shall ensure:

- That every vehicle operated by him has a suitable motor insurance policy.
- That he holds sufficient and suitable insurance covering any loss, damage or personal injury that may occur. Details of such insurance must be made available to authorised officers of the Council on demand.

### **6 DISPLAY OF TERMS AND CONDITIONS**

The operator shall, at all times, keep a copy of these conditions at any premises used by him/her for a private hire business and shall make the same available for inspection by fare paying passengers.

### **7 INSPECTION OF LICENCE**

The Operator's Licence (or a certified copy) shall be displayed at the licensed address and be made available for inspection on request by any authorised officer of the Council or any Police Officer.

## **8 NUISANCE**

An operator shall not allow any premises used in connection with their private hire business to cause a nuisance to nearby residents or businesses, including (but not limited to):

- Undertaking servicing or repairs of vehicles which cause nuisance, disturbance or distress; and
- Allowing any entertainment devices to cause disturbance.

## **9 SAFEGUARDING**

An operator shall have a documented reporting procedure in place to deal with all safeguarding concerns and a record shall be kept of the following:

- The date, time and location that the concern was reported;
- The date, time and location at which the concern was first observed;
- Details of the reason for the concern;
- Details or description of the person/s who raised the concern;
- Details or description of the person/s who are believed to be the subject of the concern;
- Details of any bookings which may be related to the concern;
- Any action taken; and
- Details of any referrals made to other agencies, which should include the Police.

Operators must undergo such safeguarding training as deemed necessary by the Council.

Operators shall ensure that every driver is aware of their documented safeguarding procedure to enable compliance with that procedure.

## **10 NOTIFICATION OF CONCERNS**

The Operator shall notify the Council if they become aware of anything that may call into question the ability of the driver or vehicle to undertake licensed work e.g. medical conditions, convictions, vehicle defects etc.

## **11 PROVISION OF INFORMATION**

Where requested to do so by an Authorised Officer of the Council the private hire operator (or a Director of a company where the Ltd company is the licensed operator) or his representative will provide a

criminal record check or other information, at his own expense, so as to enable the Council to assess if the operator remains 'fit and proper' to hold a licence with the authority.