

Private Hire Operators

Policy and Conditions of Licensing

Draft Consultation Document
To be approved & adopted by Stevenage Borough Council

This document can be revised at any time to reflect Acts of Parliament, new legislation, associated revisions to existing legislation and/or policy changes.

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Definitions

Appeal	A review of our decision. Appeal is to the Magistrates' Court or the Crown Court. The Courts may uphold our decision (agree with the Local Authority), or overturn it (agrees with you).
Conviction	A court decides someone is guilty of a crime.
District	The area covered by Stevenage Borough Council
Driver	The person licensed by a local licensing authority to drive a licensed vehicle.
Conviction free period	A period without any further convictions.
Fit & proper person	A person who we think has the right skills and ability assessed throughout the application process, because, for example, they: <ul style="list-style-type: none">▪ Are no threat to the public▪ Have a good knowledge of the district▪ Are healthy▪ Are of good character
Hackney carriage	A vehicle that can carry passengers for hire or reward. The vehicle can be hailed by its passenger from the street; can park on a rank while waiting for its passenger; is available for immediate hire.
Mitigating circumstances	Circumstances, which can be presented to the licensing authority to explain what happened which may reduce its seriousness and aid with determination of an application
Private hire vehicle	A vehicle that can carry passengers by prior arrangement only through a licensed operator. This type of vehicle cannot stand on a rank, or give the impression that it is available for immediate hire.
Proprietor	The person(s), partnership or company named on, and who are in possession of a licensed vehicle.
Operator	An individual or business that invites or accepts bookings for private hire, and sometimes, hackney carriage vehicles.
Refuse/ Refusal	We made a decision not to give the licence.

Revoke	To take away a licence permanently.
Suspend	To take away a licence temporarily.
Verbal warning	A spoken statement saying that although a conviction or complaint was not serious enough for a written warning, the matter has caused us concern as regards to the person's suitability to hold a licence. Similar or repeat behaviour in the future could lead to suspension, or revocation of a licence.
Written warning	A letter saying that although a conviction or complaint was not serious enough for us to suspend, or revoke the licence, the matter has caused us concern as regards to the person's suitability to hold a licence. Similar or repeat behaviour in the future could lead to suspension, or revocation of a licence.
The Council	Stevenage Borough Council
PHV	Private Hire Vehicle
PHO	Private Hire Operator
DBS	Disclosure and Barring Service
DSA	Driving Standards Agency
DVLA	Driver and Vehicle Licensing Agency
MOT	Ministry of Transport – annual motor vehicle inspection
GP	General Practitioner

Background

Stevenage Borough Council has responsibility for licensing hackney carriage and private hire vehicles, drivers and operators within the district of Stevenage.

The Role of Licensing: Policy and Justification

The aim of local authority in its licensing of the taxi and PHV trades is to protect the public. Stevenage Borough Council is aware that the public should have reasonable access to taxi and PHV services, because of the part they play in local transport provision.

Licensing requirements which are unduly stringent will tend unreasonably to restrict the supply of taxi and PHV services, by putting up the cost of operation or otherwise restricting entry to the trade. The Council recognise that too restrictive an approach can work against the public interest and can, indeed, have safety implications.

For example, it is clearly important that somebody using a taxi or PHV to go home alone late at night should be confident that the driver is competent and that the vehicle is safe.

However, if the supply of taxis or PHV's has been unduly constrained by onerous licensing conditions then that person's safety might be put at risk by having to wait on late-night streets for a taxi or PHV to arrive; he or she might even be tempted to enter an unlicensed vehicle with an unlicensed driver illegally plying for hire.

Introduction

Objectives

In setting out our procedures and conditions of licensing, the 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.
- Public access to an efficient and effective public transport system.
- The protection of the environment.

The aim of the licensing process, in this context, is to regulate the hackney carriage and private hire trade in order to promote the above objectives, with consideration to licence holders being fit and proper persons.

It is Stevenage Borough Council's wish to facilitate well run and responsible businesses which display sensitivity to the wishes and needs of the general public.

Status

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

Notwithstanding the existence of this document and any other relevant Council policy, each application or enforcement measure will be considered on its own merits.

Where it is necessary for the authority to depart from its policies, written reasons will be given for doing so to the licence holder(s) and/or applicant(s).

Implementation

Upon implementation of this document, the Council expects licence holders to comply with its terms and conditions from its affective date.

It is acknowledged, however, that certain provisions may place financial obligations on existing licence holders and, accordingly, the Council may permit a transitional period, during which necessary changes must be made (hereinafter referred to as Grandfather Rights), or until such time that a further licensing application is made. Where Grandfather Rights apply they are described within that individual condition.

Application Procedures and Service Standards

The Council will:

- Process any new or renewal application within four working days of receiving a completed application form and all associated documentation;
- Process any other applications or notifications, such as change of address or vehicle transfer, within four working days of receipt of all required documents and forms

Please note that working days as outlined above are defined as Monday to Friday, excluding public/bank holidays.

The Council will send written reminders to existing licence holders in advance of the expiry date of the current licence. Written reminders may be by post, email or text messaging service.

Where any application is received less than *ten* working days prior to the expiry of the current licence, the Council cannot guarantee completion before the expiry of the current licence and, consequently, the licence may expire. In

this case the driver or vehicle concerned would not be licensed and consequently would be unable to work.

The decision to grant the licence will not be made until all the relevant documentation has been received and processed by the Council.

Consideration of Applications

The application procedures for private hire operators are not prescribed by law, but are described below.

The Council will consider all applications, on their own merits, once it is satisfied that the application's criteria have been met and the application form and supporting documents have been correctly completed and received by the Council.

The Council will also have regard to its Policy Statement on Convictions when considering both new and renewal applications.

Right to work in the UK

The prevention of illegal migrant working in the UK is governed by sections 15 to 25 of the Immigration, Asylum and Nationality Act 2006. As a result of this legislation and the Department for Transport Best Practice Guidance the Council now has a responsibility to ensure that it only issues licences to persons who have a legal entitlement to work in the United Kingdom.

Proof of the right to work in the UK must therefore always be provided when any new applications are received. This requirement is for all applicants for all of the licensing permits we cater for with regards to Hackney Carriage and Private Hire licensing.

The Home Office through the UK border agency has compiled a list of documents which prove that an individual has the right to work in the UK. Documents will fall into either list "A" or list "B". These lists, which may be updated from time to time, can be found on the UK Border Agency's web-pages.

As a rule, an applicant will need to provide either:

- One document from list "A". These documents show an on-going right to work in the UK.
- If you are unable to produce a document from list "A", you will be required to supply documentation from list "B". These documents will show a right to work in the UK for up to 12 months.

The above documents will need to be presented as originals, unless certified as a true copy of the original by a Solicitor, Doctor or other agreed notary. Scanned copies or faxed copies will not be accepted.

Disclosure Scotland Checks

Public safety is the first priority in all aspects of hackney carriage and private hire licensing. Consequently, a basic CRB check with Disclosure Scotland will be required every three (3) years or sooner if required in addition to the declaration that is required to be completed on the operator's licence application form notifying of any convictions, caution, warning or reprimand, both criminal and motoring, are an essential requirement of the licensing process.

Applications for operator licences are therefore required to disclose all convictions, cautions, warnings or reprimands, including those that would have previously been regarded as spent under the Rehabilitation of Offenders Act 1974, by completing the relevant section of the application form for any initial operator's licence application made.

For renewal applications, all cautions, warnings or reprimands received within the previous twelve (12) months, or since the last grant of their dual driver's licence, will require disclosure as part of the application process.

Failure to declare any conviction, caution, warning or reprimand may result in the suspension of a licence, or depending on the nature of the conviction, caution or other warning, an appearance before the General Purposes committee.

Applicants should be aware that the Disclosure Scotland application can take up to three (3) weeks to process. Therefore applicants are encouraged to make their applications direct to Disclosure Scotland in good time, should they not be subject to the DBS process.

Grant and Renewal of Licences

The initial grant of a Private Hire Operator's licence will be for a period of up to one (1) year, and issued for an annual period thereafter.

Each year, the holder(s) of an Operator's Licence will be required to complete and submit to the licensing authority a completed application form. The application will also need to be accompanied with the application fee required for this application.

APPENDIX A

POWERS AND DUTIES

These conditions of licensing are written pursuant to the powers conferred by the Local Government (Miscellaneous Provisions) Act 1976, as amended, which places on Stevenage Borough Council the duty to carry out its licensing functions in respect of Private Hire Operators.

CONDITIONS OF LICENCE – PRIVATE HIRE OPERATOR

Possession of this Conditions of Licence document does not guarantee that a private hire operator licence is in force. The validity of any licence may be confirmed by contacting Stevenage Borough Councils' Licensing Office.

DEFINITIONS

In these conditions: -

'the 1976 Act' shall mean the Local Government (Miscellaneous Provisions) Act 1976 (as amended)

'the Council' shall mean Stevenage Borough Council.

'Authorised Officer' shall mean a Licensing Officer authorised in writing by Stevenage Borough Council.

'the hirer' shall mean any person who, from time to time, hires or books the vehicle.

'the licensee' shall mean the person(s) named in the licence.

'the operator' shall mean any person or company or partnership licensed by the Council to operate private hire vehicles.

'the vehicle' shall mean the vehicle named in the licence.

GENERAL

Private hire vehicle operators shall comply, in all respects, with the conditions of licensing set out below. The conditions of licence are supplementary to, and should be read in conjunction with, applicable statutory legislation. The following list is not exhaustive: -

The Town Police Clauses Act 1847 (as amended)
The Local Government (Miscellaneous Provisions) Act 1976 (as amended)
Equalities Act 2010

STANDARDS OF SERVICE

- 1.1. The operator shall not, by calling out or otherwise, importune any person to hire any private hire vehicle operated by them and shall not make use of the services of any person for that purpose.
- 1.2. This licence permits the holder to operate private hire vehicles from the authorised premises only, as identified within the licence. Any change must be notified, in writing, within seven days to The Licensing Officer, Environmental Health and Licensing, Daneshill House, Danestrete, Stevenage. SG1 1HN
- 1.3. The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and, without prejudice to the generality of the foregoing, the operator shall:
 - 1.3.1. ensure that when a private hire vehicle, operated by them, has been hired to be in attendance at an appointed place and time such vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at the appointed place and time; and
 - 1.3.2. keep clean and adequately heated, ventilated and lit any premises which the operator provides to which the public have access, whether for the purposes of booking or waiting, and ensure that any waiting area provided has adequate seating facilities; and
 - 1.3.3. ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- 1.4. The operator shall not incite the proprietor or driver of any private hire vehicle, operated by them, to convey in such vehicle a greater number of persons than the number of persons specified in the licence for that vehicle.
- 1.5. The operator shall keep a written record of any complaint and record any action taken in response to that complaint. In addition, upon receipt of any complaint concerning a contract or purported contract for hire related to, or arising from, his business, the operator shall notify the Licensing Officer in writing, of the substance of the complaint

and any action taken, or proposed to be taken, in respect of such complaint on a monthly basis.

- 1.6. The operator shall ensure that they only make use of drivers and vehicles licensed by Stevenage Borough Council and shall ensure that all the drivers and vehicles engaged or employed by them comply with all licence requirements laid down by Stevenage Borough Council.
- 1.7. The operator shall ensure that, where necessary, they are in possession of adequate Public and Employers Liability insurance, which will be checked from time to time by the Licensing Authority.
- 1.8. The operator shall ensure that each private hire and hackney carriage vehicle operated by them is in a suitable mechanical condition, safe, comfortable, clean and presentable. That there is in force a suitable Certificate of Insurance, a hackney carriage or private hire licence granted by Stevenage Borough Council, and that the plate provided by the Council, in accordance with Section 48(5) of the Local Government (Miscellaneous Provisions) Act 1976 is affixed to the vehicle in such a manner and position as is required by the Council.
- 1.9. The Operators Licence granted by Stevenage Borough Council and a copy of these conditions must be available, at all times, at the premises designated in the licence. The operator shall make the licence and these conditions available for inspection by either actual or potential fare paying passengers.
- 1.10. Operators with more than ten (10) licensed vehicles operating under the authority of their operator's licence must ensure that between them, during their hours of operation, there is always at least one licensed PHV available for hire that is wheelchair accessible.

OPERATORS RECORDS OF WORK

- 2.1. The operator shall keep legible, hand-written or computerised records, pursuant to Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976, and enter therein, at the time of accepting any booking, every hiring of a private hire vehicle (or hackney carriage for the time being used for pre-booked work) invited or accepted by him. Whether by accepting the same from the hirer, or undertaking it at the request of another operator. Such record shall contain the following information: -
 - 2.1.1. The time and date of the booking and, if different, the time and date of the proposed journey.
 - 2.1.2. The name and telephone number, of the hirer. Addresses are to be recorded at the operator's discretion.
 - 2.1.3. The agreed time and place of collection. (Place to include an address or street name)
 - 2.1.4. The destination. (Destination to include an address or street name)

- 2.1.5. The time at which a driver/vehicle was assigned to the booking and the Stevenage Borough Council licence number, or company call-sign of the vehicle.
- 2.1.6. The fare, if agreed between the operator and the hirer at the time of booking.
- 2.1.7. Remarks (to include, if necessary, details of any sub-contract, fare evasion, complaints in respect of the service provided by the operator or driver or any other matter relevant to the hiring to which it relates.)

OPERATORS RECORDS - VEHICLES

- 3.1. The operator shall keep legible, hand-written or computerised records of the particulars of all private hire vehicles operated by him pursuant to Section 56(3) of the Local Government (Miscellaneous Provisions) Act 1976, namely the:
 - 3.1.1. Vehicle Registration Mark
 - 3.1.2. Make, Model, Colour
 - 3.1.3. Number of passenger seats. (As authorized by the hackney carriage/private hire vehicle licence)
 - 3.1.4. The hackney carriage/private hires licence number.
 - 3.1.5. The company call-sign for the vehicle.
 - 3.1.6. The vehicle proprietors name and address.
 - 3.1.7. Insurance particulars of all vehicles working on behalf of the operator.
 - 3.1.8. The date the vehicle was added to the operator's fleet.
 - 3.1.9. The date the vehicle was withdrawn from the operator's fleet.

OPERATORS RECORDS - DRIVERS

- 4.1. The operator shall keep legible, hand-written or computerised records of the particulars of all drivers of hackney carriage/private hire vehicles operated by them, namely:
 - 4.1.1. The name, address and company call-sign assigned to the driver.
 - 4.1.2. The date the driver commences working for the operator.
 - 4.1.3. The date the driver ceases working for the operator.
 - 4.1.4. Any change of address of a driver during the course of his service with the operator.
 - 4.1.5. Any illness, disability or condition which may affect a driver's ability to safely carry out their duties, where the operator becomes aware of any such condition.
 - 4.1.6. The Stevenage Borough Council hackney carriage/private hire driver's licence number and expiry date of same.
- 4.2. The operator shall cause to be delivered to him, and retain in his possession, a copy of the Stevenage Borough Council licence of any driver engaged by them, until such time as the driver ceases to be so engaged. The operator shall also ensure that all drivers engaged by them are in possession of the appropriate drivers badge issued by Stevenage Borough Council. (Original hackney carriage driver licenses should be held by the vehicle proprietor)

- 4.3. All records, however maintained, shall be kept for at least twelve (12) months from the date of the entry. The records shall be produced for inspection, on request, by any Authorised Officer of the Council or Police Officer. Where the operator keeps computerised records they must be able to provide a print-out (in a format approved by the Council) of the requested records as, and when, required.

CONVICTIONS

- 5.1. The operator shall, within seven days, disclose to the Council, in writing, details of any convictions, including motoring convictions and fixed penalty notices, imposed on them (or if the operator is a company or partnership, on any of the directors or partners) during the life of the licence.
- 5.2. The operator shall provide a basic disclosure certificate to the Council every three (3) years
- 5.3. If the operator is also a licensed driver with Stevenage Borough Council, the **DBS** disclosure certificate necessary for the driver licence will suffice and it will not be necessary for the applicant(s) to provide a **separate** disclosure certificate.

STAFF

- 6.1. The operator shall notify the Council, in writing, within seven days of the engagement or employment of a hackney carriage or private hire driver, the operation of any additional hackney carriage or private hire vehicle and the termination of engagement, employment or operation of such hackney carriage or private hire driver or vehicle.

INSURANCE

- 7.1. The operator shall ensure that every hackney carriage or private hire vehicle operated by them 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, for the carriage of passengers for hire or reward.

CHANGE OF ADDRESS

- 8.1. The operator shall notify the Council, in writing within seven days, of any change to their address, including their personal address and any address from which they operate, or otherwise conduct their business as an operator, during the period of the licence.

LICENCE RENEWAL

- 9.1. The licensee shall submit an application for the renewal of this licence, including all required original documentation, to the Council at least ten (10) working days prior to the expiry of the current licence.
- 9.2. Applicants for an Operator's licence are required to disclose all convictions, cautions, warnings or reprimands received within the previous twelve (12) months, or since the last grant of their Operator's licence, including those that would have previously been regarded as spent under the Rehabilitation of Offenders Act 1974, by completing the relevant section of the respective licence application form.