

BLABY DISTRICT COUNCIL

PRIVATE HIRE OPERATOR'S LICENCE

APPLICATION CRITERIA AND CONDITIONS OF LICENCE

1. Application Requirements

Applications will only be acceptable if they include or are accompanied by the following:

- Application form provided for the purpose by the Council, completed in its entirety and signed by the applicant.
- Fee – see paragraph 2.
- Original documentation from the local planning authority stating that planning permission either exists or is not required for the use as a private hire operating centre of the premises identified in the application form, in accordance with the requirements detailed in these conditions.(New applications only)

Prior to consideration of any application, the Council will obtain from the police a criminal record check in respect of the applicant, to be assessed in accordance with the criteria set out below. (Unless the applicant is already a licensed driver with Blaby District Council and therefore a criminal record check will already be in place).

2. Fee

All applications must be accompanied by the appropriate fee, cash and cheques supported by a cheque guarantee card are acceptable. The Council will also accept payment by Switch. The amount of such fee to be notified by the Council to each applicant. Should a cheque be returned unpaid the Licence will be revoked and future applications will only be accepted with the fee being paid in cash or by Switch. No refund will be given if the licence is refused or surrendered early.

3. Fit and Proper Person

An operator's licence will not be issued to any person unless the Council is satisfied that the applicant is a fit and proper person to hold a licence.

4. Provision of Misleading Information in Application

If the applicant is found to have deliberately provided misleading or inaccurate material information to the Council in support of the operator's application, any licence issued shall be revoked forthwith.

5. Criminal Record

A licence shall not be granted to any applicant who is found to have committed a criminal offence or criminal offences as revealed by the Council's police check until expiry of the period set out below in respect of the offence/offences in question.

OFFENCE	PERIOD
<u>Drug Offences</u>	
First Offence	3 years from date of conviction
Subsequent Offences	7 years from date of conviction
<u>Indecency and related offences</u>	No licence to be granted
<u>Violence, Dishonesty, other offences</u>	No licence to be granted until conviction regarded as spent under the Rehabilitation of Offenders Act 1974

and any extra period of time as per the adopted guidelines DoT 2/92 and HO 13/92 , a copy of which is held by the Licensing Officer for inspection.

6. Term

The term of the licence shall be one year, commencing on the date of the granting of the licence, or for such time (if less) as the Council may see fit.

7. General Obligations

Compliance with licence conditions - The operator shall bear full responsibility for compliance with the conditions of the licence.

Compliance with law - It shall be the operator's responsibility to ensure that he/she complies with all relevant Acts of Parliament, regulations, byelaws, orders and notices in exercising the entitlements granted to her/him by this licence.

Compliance with driver and vehicle licence conditions - The operator shall bear joint and several liability with the driver for compliance with the conditions of:

- the vehicle licence for any vehicle operated by him/her or her/his firm
- the driver licence for any driver for whom he/she is the operator.

Service

- **Standard of Service** - The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:-
 - (a) Ensure that when a vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.
 - (b) Keep clean, adequately heated, ventilated and lit, any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
 - (c) Ensure that any waiting area provided by the operator has adequate seating facilities.
 - (d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- **Cost of booking** - Wherever possible, the cost of any booking shall be agreed between the operator and the hirer in advance of the journey being commenced.
- **Inspection of terms and conditions** - The operator shall have available for inspection (in the appropriate vehicle) by a hirer or passenger the conditions applicable to:-
 - i. the Private Hire Driver licence for the driver for whom he/she or her/his firm is the operator;
 - ii. the vehicle licence for the vehicle operated by her/him or his/her firm

8. The Licence

Retention - The original licence shall be retained by the operator, and shall be kept on the operating premises and produced for inspection whenever required in accordance with the provisions of these conditions.

Transfer - The licence is not transferable.

Surrender - In the event of the expiry, suspension or revocation of the licence, the licence shall be returned to the Council within seven days of such expiry, suspension or revocation.

9. Records

The records required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act, 1976, shall be kept in a suitable book, the pages of which are numbered consecutively and the operator shall enter or cause to enter therein, before the commencement of each journey, the following particulars of every booking of a private hire nature invited or accepted by the operator:-

- Name of hirer.
- Pick-up point (address for pick-up).
- Time and date requested for journey.
- Destination.
- Vehicle allocated.
- Driver.

Vehicles and Drivers

The operator will also keep records of the particulars of all vehicles operated by him/her, which particulars shall include details of the owners, registration numbers and drivers of such licensed vehicles, and such record shall include the following particulars:-

- The registration mark of each vehicle;
- The licence plate number and expiry date for each vehicle;
- The name and address of each driver;
- The badge number of each driver;
- The expiry date of insurance for each vehicle;
- The call sign for each driver;
- The identity of the proprietor for each vehicle (if different from the operator).

Records of drivers and vehicles kept in compliance with this condition shall be retained by the operator for one year, and shall not be destroyed or otherwise disposed of without the prior written consent of the Council.

10. Notification to the Council

The Council shall be notified in writing within seven days of the event in the case of any of the following occurrences:

- the cessation of his/her operation of any vehicle for which she/he is the operator as a private hire vehicle, (which notification shall include details of the vehicle registration number and licence plate number of the vehicle).
- the operator ceasing to trade as a private hire operator

- the cessation of employment of a driver with the operator
- the operator being convicted of any offence, (which notification shall include details of the date and place of the conviction, the offence, and the penalty imposed).
- the receipt from another licensee of any vehicle currently plated with this Council's Private Hire Plate, (which notification shall include details of the registration number, vehicle license plate number, the date of receipt the name and address of the current license holder). This condition is required to be satisfied within fourteen days otherwise the license will be deemed terminated and any plate must then be returned to the Council within fourteen days.
- a new driver working for the operator (whether it be employed or self-employed)

11. Rights of Inspection

Records - The records kept by the operator as required by paragraph 9 of these conditions shall be produced on demand for the inspection of any authorised officer of the Council or a Police Constable.

Licences - The operator shall keep at the operating premises:

- The original of the operator's licence
- Copies of the vehicle licences for all vehicles operated by the operator (whether they be owned by the operator or not)
- Copies of the licences for all drivers for whom the operator is the operator

and shall produce these documents on demand for the inspection of any authorised officer of the Council.

Vehicles - Where an authorised officer of the Council wishes to inspect and/or test or arrange for the inspection and/or testing of a vehicle owned and operated by the operator pursuant to the Conditions of the licence for the vehicle, the operator shall ensure that the vehicle is present for such inspection and/or testing at the time and date and in the location required by the Council.

12. Change of Address

The operator shall notify the Council in writing of any change of his/her address (including any address from which he/she operates or otherwise conducts his/her business as an operator) during the period of the licence, within seven days of such change taking place and shall also comply with Condition 13 below.

13. Planning Permission

New Applicants and Operators Changing their Operating Address should make contact with the Planning Department and one of the following documents should be produced:-

- i. an original grant of planning permission for the use of their operating premises for private hire purposes; or
- ii. an original certificate of lawfulness of existing or proposed use (as appropriate) under Section 191 or 192 of the Town and Country Planning Act 1990 relating to the use of the premises as a private hire operating centre, or
- iii. a letter from the local planning authority stating that planning permission is not required for the use of the operator's premises as a private hire operating centre.

14. Complaint

The operator shall immediately upon receipt notify the Council in writing of any complaints concerning a contract for hire or purported contract for hire relating to or arising from his/her business and of the action (if any) which the operator has taken or proposes to take in respect thereof.

15. Rights of Appeal

Any applicant who is aggrieved by the Council's refusal to grant an operator's licence or to grant such licence subject to the imposition of conditions may appeal to a magistrate's court pursuant to Section 55(4) of the Local Government (Miscellaneous Provisions) Act 1976.