

**PRIVATE HIRE VEHICLE OPERATOR LICENCE
POLICY AND CONDITIONS
From 01 JANUARY 2022**



PRIVATE HIRE OPERATOR LICENCE POLICY

1. Before a licence is granted to a private hire vehicle operator, the applicant must:-
 - 1.1 Complete and submit to the Council an application in the form prescribed by the Council, and
 - 1.2 Provide original documentation as required in support of the application
 - 1.3 Satisfy the Council that the applicant is a fit and proper person to hold such a licence. Applicants will be required to provide a DBS certificate no more than 6 months old to assist with this.

PRIVATE HIRE OPERATOR LICENCE CONDITIONS

General

The holder of a private hire vehicle operator's licence must observe and carry out the requirements of the Local Government (Miscellaneous Provisions) Act 1976, Part II, and any order or regulation made thereunder, and the requirements of any other Act of Parliament or orders, regulations or byelaws made thereunder relating to the operation of the motor vehicle(s) in accordance with the licence. Additionally, must be compliant with all other legislation relating to their operation, for example health and safety and employment legislation.

1. Interpretation

In this licence and in this document, unless the subject or context otherwise requires:-

- "authorised officer" means any officer of the Council authorised in writing by the Legal Services Manager of the Council for the purposes of Part II of the Local Government (Miscellaneous Provisions) Act 1976;;
- "the Council" means the Eastleigh Borough Council;
- "hackney carriage" has the same meaning as in the Town Police Clauses Act 1847;
- "licence plate" means the plate issued by the Council for the purpose of identifying the vehicle as a private hire vehicle duly licensed by the Council;
- "proprietor" includes a part-proprietor and, in relation to a vehicle which is the subject of hire purchase agreement, means the person in possession of the vehicle.

The proprietor shall observe and carry out the following terms and conditions:-

2. Transfer of licence

- 2.1 The licence is not transferable to another person nor does authorise the licensee to operate from any address(es) other than that (those) specified in the licence.

3. Number of Passengers

- 3.1 The licensee shall not convey, or cause or permit to be conveyed in the vehicle a greater number of persons, exclusive of the driver, than specified in the licence. In addition, children under three years, including babies in arms will not be conveyed in the front seat of a vehicle whether restrained or unrestrained but do count towards the number of passengers.

4. Records of Bookings

- 4.1 An operator shall maintain a record of bookings in a form required by the Council and to enter or arrange to be entered, the details required below. Such record shall be produced to an authorised officer of the council or any police officer for inspection.
- 4.2 All records shall be maintained for at least 12 months. The record shall contain the following information as to each booking.
- Name of passenger and place where passenger is to be picked up;
 - time and date when passenger is to be picked up;
 - and destination where known;

- licence number of private hire vehicle and driver so used or the name and contact details of another operator the booking was passed to.
- The hours drivers are logged on in any 24 hours.

4.3 The operator shall maintain a system to prevent bookings being allocated to any vehicle or driver that is not currently suitably licensed, insured and up to date with required testing.

5. **Contracts**

5.1 Every contract for the hire of a private hire vehicle licensed by the Council shall be deemed to be made with the operator who accepted the booking for that vehicle, whether or not the operator provided the vehicle.

5.2 Operators are also required to keep a record of bookings that a driver accepts but then cancels together with a reason for the cancellation. The operator will have a policy of reviewing the cancelled jobs recorded, how they will address incidents of unjustified cancellations with the driver and will report the result of unjustified cancelled jobs to the licensing authority.

6. **Employment of Drivers and Operation of Vehicles**

6.1 The operator shall notify the Licensing Authority in writing within seven days of the commencement or termination of employment of any driver or owner driver in their employ using the prescribed form.

6.2 The operator shall notify the Licensing Authority in writing within seven days of the commencement or termination of any vehicles operated by them using the prescribed form.

7. **Employment of staff with access to personal data**

7.1 The operator shall require staff that have access to personal data to obtain a basic DBS certificate dated no less than 6 months from the start of employment and at least every three years thereafter and to have a policy in place to ensure only appropriate persons are employed that have access to personal data. Operators should look at the current guidance provided by the licensing authority on the matter.

8. **Disabled Persons**

8.1 No person shall refuse to carry a passenger in a private hire vehicle by reason of the fact that that passenger is disabled or requires to have with them a wheelchair or other facility of reasonable size for the disabled.

9. **Use of Premises**

9.1 The operating address of the private hire operator must be within the Eastleigh Borough boundary. The private hire operation can only be run from the operating address given on the licence. Applicants may need to apply for planning permission.

9.2 The licence holder while carrying on the business of an operator must ensure that the use of the office premises complies with the requirements of the relevant planning legislation.

9.3 The licence holder, while carrying on the business of an operator, shall not permit licensed private hire vehicles to obstruct entrances to adjoining premises.

- 9.4 The licence holder will not permit annoyance or interference to be caused to residents of adjoining premises by the use of radio communication apparatus.
10. **Change of Address**
- 10.1 The operator shall, within seven days, notify in writing to the Council any change of his address (including any address from which he operates or otherwise conducts his business as an operator).
11. **Convictions**
- 11.1 The operator shall, within two working days, disclose to the Licensing team at the Council in writing details of any conviction imposed on him.
12. **Incident Reporting**
- 12.1 The operator shall record and notify the Licensing Authority of incidents or complaints that may bring into question the fitness and propriety of the driver or operator, made to the operator, regarding any driver or operator used by the operator within three working days of receipt. This includes incidents or complaints received from third parties and relates to any journey whether a hiring by the public or from contract work. Any response to a complaint that has already been made should be forwarded to the Council Licensing Team at the same time. Any further responses should be forwarded to the Council Licensing Team on request. The report shall include details of driver(s) and vehicle(s) involved and the hirers name and contact details.
- 12.2 The specified complaints or allegation are:
- of sexual misconduct, sexual harassment or inappropriate sexual attention
 - racist behaviour
 - violence
 - dishonesty
 - breaches of equality.
- 12.3 The operator must provide the account of any complaints requested by an authorised officer and assist the authorised officer to communicate with any witness or complainant.
13. **Lost Property**
- 13.1 Operators must provide a policy on how lost property handed in by drivers will be dealt with.

ADDITIONAL INFORMATION

Please note that this information does not form part of Eastleigh Borough Council's licence policy or conditions

Drivers, proprietors and operators of licensed hackney carriages and private hire vehicles are reminded of the other statutory duties and restriction placed on them, amongst which are the following:

Smoking

The Health Act 2006 prohibits the smoking of tobacco or any other substance by anyone in a licensed hackney carriage or private hire vehicle. The legislation applies at all times whilst the vehicle remains licensed.

Every licensed vehicle is required to carry appropriate signage under the Smoke-free (Signs) Regulations 2007. Guidance and signs are available from:

<http://www.smokefreeengland.co.uk/resources/guidance-and-signage.html>

The smoking of e-cigarettes in a licensed vehicle is also prohibited at any time.



Assistance Dogs

The Disability Discrimination Act 1995 imposes a duty on licensed drivers and operators to convey any guide, hearing or other assistance dog in a licensed hackney carriage or private hire vehicle.

Drivers must:

- carry assistance dogs accompanying disabled people;
- do so without additional charge; and
- allow the dog to remain with the passenger

Operators must:

- accept bookings made by or on behalf of a disabled person who is accompanied by an assistance dog;
- accept bookings made by a person who will be accompanied in a PHV by such a disabled person; and
- not make an additional charge for carrying the assistance dog

If a driver has a medical condition, such as severe asthma, which is aggravated by contact with dogs, or is allergic or has an acute phobia to dogs, it may be possible for them to qualify for an exemption. Please discuss this with the licensing team in the first instance, to whom application for exemption must be made. The driver will be required to produce conclusive medical evidence in support of his application.

Please note that the law does not allow for an exemption to be granted on religious grounds.

Additional information is available from: <http://www.dft.gov.uk/transportforyou/access/taxis/>



SECTION 17A DISABILITY DISCRIMINATION ACT 1995
NOTICE OF EXEMPTION

Name of private hire/licensing authority _____
Driver's full name _____
Licence no. _____

The person named above is exempt from carrying guide dogs, hearing dogs or assistance dogs in the PHV vehicle specified above unless or until notified of the 'valid specification' below

1. Full name of driver _____
2. Full name of proprietor _____

(a) The exemption is granted by the proprietor/licensing authority on the grounds that the driver is a person who is suffering from a medical condition which prevents him/her from being a professional/commercial driver

(b) The exemption is granted by the proprietor/licensing authority on the grounds that the driver is a person who is suffering from a medical condition which prevents him/her from being a professional/commercial driver

This notice expires on _____ 20__

*Not an approval
*Not a licence
*Not a valid substitute for Transport 2000 approval

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