



Private Hire Operator's Licence

CONDITIONS

MAY 2006

1. Introduction

1.1 Interpretation. In these conditions:

- a) **The Manager** means Environmental Health Manager for the time being of the Council
- b) **Authorised Officer** means the Principal Environmental Health Practitioner (Consultation and Licensing); Senior Licensing Officer; Licensing Officer and Technical Support/Licensing Enforcement Officer and any other officer authorised in writing by the head of consumer protection under delegated authority from the council.
- c) **Applicant** means person, persons or body named as the applicant on the application form
- d) **Certificate of Compliance** means the certificate issued by the Council certifying that the vehicle is mechanically sound
- e) **The Council** means Isle of Wight Council
- f) **The Driver** means the driver for the time being of the vehicle
- g) **The Drivers Licence** means the licence issued by the isle of Wight permitting the driver to drive a hackney carriage and private hire vehicle.
- h) **Nominated garage** means the garage approved by the Council for the time being for the purpose of undertaking mechanical inspections
- i) **The Nominated Officer** means the Senior Licensing Officer for the time being of the Council
- j) **The Operator** is the person to whom the council has granted the private hire operators licence to which these conditions apply. In the case of a partnership to each of the partners, and in the case of a company to each company director
- k) **The Operator's Licence** means the private hire operators licence issued to the operator
- l) **Plate** means the licence plates issued by the Council to be displayed on the exterior of a licensed vehicle to identify the vehicle as a private hire vehicle.
- m) Any obligation in these conditions not to do any act or thing shall be deemed an obligation not to cause or permit that act or thing to be done
- n) Any reference to any Statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.
- o) Any requirements of legislation that affect the operations being carried out under the terms of a licence shall be regarded as if they were conditions of that licence.

1.2 This licence is issued subject to the provisions the Local Government (Miscellaneous Provisions) Act, 1976, Part II and the following conditions:

- 1.3 Any requirements of legislation, which affect the operations being carried out under the terms of this licence, shall be regarded as if they are conditions of this licence.
- 1.4 By submission of the application form the applicant agrees to observe and conform to all of the following terms and conditions.
- 1.5 If the licence is granted, the applicant shall be known thereafter as the operator.
- 1.6 The applicant and operator shall observe and conform to all of the following terms and conditions.
- 1.7 Any reference to any Statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

2. Grant of a Licence: The Application

- 2.1 Application for a Private Hire Operators Licence is to be made to the Isle of Wight Council and addressed to:

Isle of Wight Council
Licensing Section
Jubilee Stores
The Quay
Newport
Isle of Wight
PO30 2EH

3. Grant of a Licence: Form of Application

- 3.1 The application must:
 - a. Be made in writing.
 - b. Be made on the correct application form as prescribed by the Council
 - c. Be accompanied by the full fee.
 - d. Be accompanied by the necessary documents.
 - e. Be fully and correctly completed
- 3.2 If the application fee is paid by cheque, the fee shall not be deemed to have been paid in full, until the funds have cleared.
- 3.3 A licence will not be granted or issued until the fee has been paid in full

- 3.4 Any incomplete or incorrectly completed application will be returned to the applicant
- 3.5 For a renewal, any application received after the renewal date will be considered as a new application and not a renewal
- 3.6 Without prejudice, the Council reserves the right to charge the full licence fee in the case of a late application.

4. Grant of a Licence: The Hearing

- 4.1 A licence may be granted, under delegated authority, by an authorised officer.
- 4.2 Attendance at the licensing committee will not always be necessary when applying for the grant of a licence.

5. Grant of a Licence: The Applicant

- 5.1 The applicant must satisfy the Council that he or she is a fit and proper person to hold the licence
- 5.2 The Council will have regard to the Isle of Wight Council Policy relating to the relevance of convictions when deciding whether a person is a fit and proper person to hold a private hire operators licence.

6. Grant of a Licence: The Operator (Issue of Licence).

- 6.1 Subject to all the conditions in sections 1 to 9 being met the licence will be granted after payment of the appropriate fee.
- 6.2 If the application fee is paid by cheque, the fee shall not be deemed to have been paid in full, until the funds have cleared.
- 6.3 The licence will be issued for a period of one year

7. Grant of a Licence: Prior to the Grant of a Licence

- 7.1 Any person who makes provision for the invitation or acceptance of bookings for the supply of a vehicle for carrying passengers, with a driver, (with the exception of those who only operate vehicles covered

by section 75 of the Local Government, (Miscellaneous Provisions) Act, 1976) must hold an Operator's Licence.

- 7.2 Any individual, group or company which advertises the services of any passenger vehicle with less than nine passenger seats with the services of a driver for hire and reward, will be required to hold a Private Hire Operators Licence.
- 7.3 Any requirements of legislation, which affect the operations being carried out under the terms of this licence, shall be regarded as if they are conditions of this licence.

7.4 Address from which operator may operate

- a. The prospective premises must be situated in the Isle of Wight authority area.
- b. An Authorised Officer of the Council must be capable of visiting the premises for the purpose of statutory inspections.
- c. If the applicant intends that the public attend his premises to make bookings, the prospective premises will be inspected to ensure compliance with the following:
 - 1. Clean, adequately heated, ventilated and lit, both for bookings and waiting
 - 2. Waiting area has adequate seating facilities.

7.5 Planning Permission

- a. The applicant may have to satisfy the Council that planning permission for the applicant address for operating purposes has been granted. The applicant may be required to produce the necessary permission to the Authorised Officer at the time of application.
- b. The grant of a private hire operator's licence is not evidence of the grant of planning permission, and does not imply that planning permission will be granted.
- c. Conversely, the grant of planning permission in respect of any premises does not imply that an Operator's licence will be granted.
- d. The grant of an Operator's licence to an applicant to operate from any particular premises does not mean that planning permission is not required or will automatically be granted.

- 7.6 All operators' premises to which the public have access must be covered by Public Liability insurance to cover all risks to a minimum of £1,000,000.

8. Grant of a Licence: After the Grant of a Licence

8.1 Bookings

- a. The contract which covers the journey made in the vehicle shall be between the person booking the vehicle and the operator, even if the car is provided by an independent third party.
- b. Bookings by and for disabled people accompanied by assistance dogs.
 1. The operator shall not fail or refuse to take a booking
 - a) If the booking is requested by or on behalf of a disabled person, or a person who wishes a disabled person to accompany him and
 - b) The reason for the failure or refusal is that the disabled person will be accompanied by his assistance dog.
 2. The operator shall not make any additional charge as a result of the need to carry an assistance dog

8.2 Records kept by operators

- a. 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, folder, or other means that has been approved in writing by an Authorised Officer, and shall be produced for his examination on demand.
- b. A driver who works for an operator but who is also the holder of an operator's licence in his own right is regarded as working for the other operator as a sub-contractor, and is responsible for keeping his own records as required below.
- c. The Operator shall enter in the record book, before the commencement of each journey, the following particulars of every booking of a private hire vehicle accepted by him:
 1. The time and date of the booking.
 2. The name of the hirer.
 3. The time, date, and place of pickup.

4. The call sign of the vehicle used, or the name or other means of identifying the vehicle and driver.
 5. How the booking was made, (e.g. by telephone, in person, etc).
 6. The destination.
 7. Details of the booking including details of whether the booking is a sub-contract from another operator or is to be sub-contracted by this operator
- d. The operator may keep records of bookings in a suitable computer programme, provided that an Authorised Officer shall be able to inspect them on demand, and the Licensing Officer has approved in writing the programme used for such purpose.
- e. The Operator shall keep a record of all Private Hire drivers used by him. These records shall include:
1. The name and current address of the driver.
 2. The driver's DVLA licence details.
 3. The driver's Private Hire Driver's licence number and date of expiry.
 4. The date the driver started working for that operator.
 5. The date the driver ceased to work for that operator.
- f. The Operator shall hold the driver's Private Hire Driver's Licence during the period that he utilises such driver, but the licence must be returned to the driver when the driver leaves the service of the Operator.
- g. The Operator shall hold the owners Private Hire Vehicle Licence during the period that he utilises such vehicle, but the licence must be returned to the owner when the vehicle leaves the service of the Operator.
- h. The Operator shall keep records of the particulars of all private hire vehicles operated by him. These shall include:
1. Details of the owner.
 2. Registration number.
 3. The details of the Private Hire vehicle licence, including the date of expiry.
 4. Driver.
 5. Any radio call sign used.
 6. The date the operator started to use the vehicle.
 7. The date the operator ceased to use the vehicle.
- i. The operator shall keep such records for a period of at least six months following the date of the last entry.

8.3 Conduct of the Operator

a. Drivers

1. The Operator must only utilise drivers and vehicles licensed by the Isle of Wight Council.
2. Any Operator who employs or permits any person to drive any licensed vehicle owned by him or her, on his behalf, will ensure that the driver's licence is deposited with him during the period that the driver is employed to drive.
3. The driver's licence must be returned to the driver at the end of that period
4. A licensed driver, driving a licensed vehicle, who is also a licensed Operator, may retain his own licences whilst sub-contracting for another operator. It remains the responsibility of the Operator holding the contract for a hiring to ensure that he utilises properly licensed drivers and vehicles, even when he subcontracts that hiring to another operator.

b. Vehicles

1. Any vehicle employed or used by an Operator must be licensed and the proprietor of the vehicle shall deposit his vehicle licence with the operator during the period that the vehicle is so employed or used.
2. The Operator must return the vehicle licence to the vehicle proprietor at the end of the period.

c. Sub-Contracting

1. An Operator who takes a booking made by another operator is acting as a sub-contractor for the first operator. The operator who accepted the booking retains the role of contractor with the client, and remains responsible for the satisfactory completion of the contract.

d. Production of Operators Licence

1. The licensed Operator shall produce his Operator's Licence on request to an authorised officer of the Council or police officer.

e. Compliance with Conditions

1. The licensed Operator shall take all reasonable steps to ensure that the licence conditions in respect of private hire vehicles and drivers under his control are complied with.
2. The operator must notify the Council in writing of any change of either his home address or operating base within seven days of that change.
3. No Operator may change the address from which he operates without the prior agreement in writing of the Council and all licence requirements being met.
4. The Operator shall disclose to the Council in writing within seven days details of any convictions, (including any caution), motoring or otherwise, imposed upon him, or if the Operator is a Company or partnership, upon any of the Directors or partners, during the period of the licence.
5. It is a criminal offence for an Operator to knowingly employ or use an unlicensed driver or vehicle during the course of his business. Failure of an Operator to hold the licences of drivers and vehicles that he uses will not be accepted as a valid reason for being unaware that a driver or vehicle is unlicensed.

f. Searching of Vehicles

1. The licensed Operator shall ensure that drivers shall, immediately after the termination of any hiring, carefully search the vehicle for any property that may have been left in the vehicle. If any property is found, take the same within 24 hours or sooner unless the property is claimed by or on behalf of its owner, to any Police Station within the Council's district

g. Service to the Public

1. The operator shall provide a prompt, efficient and reliable service, and shall, in particular;
 - a. Ensure that when a vehicle operated by him/her has been booked for hire, it attends punctually at the appointed time and place.

- b Ensure that any waiting/booking area provided is kept clean, heated, ventilated and adequately lit, and has adequate seating and toilet facilities for public use,
- c Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

h. General

1. The licensed operator shall inform the council of the scale of fees he intends to charge and give the council at least one calendar month's notice of any changes proposed.
2. The proprietor of a private hire business shall not cause or permit any advertisement in respect of his business on the vehicles used for that purpose to include the words "taxi" or "cab", whether in the singular or plural, or those words of similar meaning or appearance to either of those words, whether alone or as part of another word.

In addition, signs on vehicles may not include the words "For Hire" or similar.

3. A Private Hire vehicle must not give the impression that it is available for immediate hire.
4. The Operator shall immediately upon receipt notify the Council in writing of any complaints concerning the cleanliness or condition of a vehicle, or of a complaint against a driver.

i. Radio Network

1. Operators using a radio network must have in place an emergency call sign. When this call sign is used the operator or other cars will render all assistance possible to the caller.
2. The use of the call sign in a frivolous manner could result in the suspension of a licence.
3. On hearing the call sign all other vehicles will maintain radio silence until advised that the situation is resolved. The call sign will only be used when a person is at risk, i.e. need for fire brigade, police or ambulance assistance.

4. The call sign should be changed at regular intervals to avoid misuse.
5. All drivers must be aware of the call sign currently in use by the operator.
6. Each Operator is responsible for ensuring compliance.

j. Public Register

1. A register will be kept of the details of all Private Hire Operators' Licences that have been issued by the Isle of Wight Council.
2. The details required to be kept include:
 - a. Name
 - b. Operator's Address
 - c. Licence Number
 - d. Period for which the licence is valid
 - e. Offences
3. The Register shall be open to public inspection.

k. Correspondence

1. All correspondence with the licensing authority must be submitted in writing unless of a minor nature.
2. All applications for information must be made in writing unless of a minor nature
3. All complaints submitted by hackney carriage proprietors must be submitted in writing.

9. Trade Associations

9.1 Private Hire Operators Association

- a. Operators may form a trade association
- b. If a trade association is formed, a copy of the constitution and the rules of that association shall be forwarded to the Senior Licensing Officer.

- c. The Association must provide the Senior Licensing Officer with a typed list of all officers and members of the association
- d. The association must keep the Senior Licensing Officer informed in writing of the changes to any names of officers and members of the association.
- e. The association will provide the Senior Licensing Officer with a standard letterhead for use by the association. All Correspondence from the association must be submitted on the declared letterhead
- f. If these conditions are not met, the Licensing Authority shall not recognise the association as being properly constituted and all correspondence will be treated as correspondence from the individual and not representative of the trade as a whole.

10. Enforcement

- 18.1 Any enforcement action instigated by the Council will be in accordance with the Isle of Wight Council's Environmental Health Enforcement Policy and the Enforcement Concordat.

11. Data Protection

- 11.1 The Isle of Wight Council ("the Council") is the Data Controller of all personal information recorded for the purposes of these conditions. The Council will process and hold that information in accordance with principles of the Data Protection Act 1998.
- 11.2 The information supplied and held may be disclosable in accordance with the Freedom of Information Act 2000 or Environmental Act 2004. Any person that believes their information should not be disclosed should notify the Council of the reasons for such belief.