LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 PRIVATE HIRE OPERATOR LICENCES

CONDITIONS OF LICENCE

For the purposes of consultation, the conditions of licence are shown as below.

In the final policy the conditions of licence will show only the licence conditions approved by the Licensing Committee following the close of consultation and consideration of comments received

Ref no	Existing Wording of Licence Conditions	Officer Comments	Proposed Private Hire Operator Licence Conditions
A A1	Licensing Administration The operator shall provide a prompt, effi-	This condition remains valid and should	The private hire operator shall:
	 cient and reliable service to members of the public at all reasonable times and for this purpose shall in particular: (a) Ensure that when a Private Hire 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. (the remaining parts of this condition i.e. b,c and d is detailed in section F at F1) 	be included within the new set of conditions. For the purposes of layout and formatting it is proposed that the condition is split into two separate parts.	 provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular: Ensure that when a Private hire 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.

A2	An operator must only use drivers and vehi- cles that hold the relevant licences issued by Lancaster City Council. Operators must keep a copy of all Private Hire driver's li- cences that are used by them. Operators must not sub contract work to drivers or use vehicles that are licensed outside of this district.	This condition has been superseded by case law and the introductions of new requirements in the Deregulation Act 2015. It is recognised that the practice of subcontracting or using out of town hackney carriages is not common practice in Lancaster, however in an attempt to future proof operator conditions should this practice become more common place in the future (and having regard to the fact that conditions can only be attached to the grant of a licence – PHO licences generally issued for 5 years) it is proposed to introduce licence conditions to control and manage the practice of sub-contracting, clearly this will only apply if sub-contracting takes place.	 The private hire operator shall: If sub-contracting work to a private hire operator not licensed with Lancaster City Council, must have regard to the standards in place by both licensing authorities and take steps to ensure Lancaster's licensing standards are not undermined by the subcontracting (Example: has the driver got good topographical knowledge of the Lancaster area)
A3	The operator shall notify the Council in writ- ing of any change of his address (including any address from which he operates or oth- erwise conducts his business as an opera- tor) during the period of the licence within seven days of such change taking place.	This condition is considered reasonably necessary but is reworded to remove reference to a business address, as a change of operator premises would require a new licence application Update to reflect the extensive use of email and reference to council changed	 The private hire operator shall: Notify the Licensing office in writing (email will suffice) of any change of address within seven days of such change taking place.

	to licensing office so that it is clearer who needs to be notified.
A4	 This condition is deemed reasonably necessary to allow the City Council to require additional certification or training where required examples may include, updates on safeguarding, impact of new legislation etc. The private hire operator shall: For the duration of the licence, the License shall pay the reasonable administration charge or fee attached to any requirement to attend training, or produce a relevant certificate, assessment, validation check or other administration or notification process.
A5	This condition is considered reasonably necessary as it is essential that anyone assisting the private hire operator in the running of the business (this may be paid
	For training to be effective it is important that it is carried out within a short time of a person commencing the work/ task The reference to paid/ unpaid is relevant
	as on occasions some private hire companies claim people who are present have no role in the organisation.
A6	This proposed condition is deemed reasonably necessary to ensureThe private hire operator shall:

	operators assist officers in respect enquiries in respect of licensed dr vehicles and their own business.	, , ,
Α7	This proposed condition is deeme reasonably necessary as this prov audit trail to ensure that operator carried out the appropriate check before allocating work to a driver.	ides theNot allocate any bookings to any driver or vehicle without having a copy of the current driver/ vehicle
	This proposed condition is deeme reasonably necessary as it is appro for the Council to know who is in day control of the private hire ope business. Numerous checks are in on private hire operators and it is important that in their absence th an appropriate responsible person to day charge.	 Inform the Licensing office in writing (email will suffice) if they are going to be absent from the day to day running of the business for a period of 2 consecutive months. In doing this the operator must give the name of

	In some local authorities it has been known for an individual to be named as the private hire operator but in effect this is a front for another person who is actually in day to day charge of the operator business but who due to convictions or other relevant matters would not have been granted a private hire operator licence.	
A8	 This proposed condition is considered reasonably necessary as it is a legal requirement but also that in explaining the level of protection required this goes some way towards explaining the practicalities of what is required The potential for abuse of customers personal data is significant, persons may know when a household has gone on holiday, persons may obtain personal telephone numbers and use them inappropriately to proposition an individual etc. 	 The private hire operator shall: Adopt, implement, review and update a data protection policy and in doing so must ensure that any personal information obtained during the course of the business is stored securely. Access to the information must be restricted to persons who will use it for the purpose for which it has been collected.
A9	This condition is considered reasonably necessary in order to promote the differential in appearance between hackney carriage and private hire and also to assist customers who have pre-	 The private hire operator shall: Submit to the Licensing Office for approval company door signs compliant with the signage

		booked private hire vehicles in identifying whether the vehicle is from the company they have booked with. The proposed requirement for preapproval of operator door signs is to ensure that door signs are professional, clear and not misleading.	 requirements detailed in the taxi policy. The door signs shall provide details of the private hire name and contact telephone number, and display information as required by the council's taxi licensing policy in respect of pre-booking requirements. Only door signs approved by the City Council can be displayed on licensed vehicles.
A10		This proposed condition is considered reasonably necessary as it provides the mechanism by which the Council can address any concerns with the private hire operator in respect of any failure to address issues identified in the equality act. The requirement for an equality policy and for that policy to be included in staff training is a mechanism to ensure that equality issues are properly considered by private hire operators and their staff.	 The private hire operator shall: Adopt, implement, review and update its documented equality policy which details how the operator will comply with its requirements under the Equality Act 2010 including disability awareness and the carrying of assistance animals.
В	Taking and Recording of Bookings		
B1	(1) The record 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	The proposed condition largely reflects the existing licence condition but is updated in terms of simplifying language and reflects changes in technology.	 The private hire operator shall record the following information in respect of each booking: Time and date booking received

pages of which are numbered consecu- tively, (an electronic version is acceptable),	٠	Name and contact details (phone number or address) of person
and the operator shall enter or cause to be		making the booking
entered therein, before the commence-	•	How the booking was made e.g.
ment of each journey, the following particu-		Telephone/Online etc.
lars of every booking of a Private Hire vehi-	٠	Time of pick up
cle invited or accepted by him:	•	Location of pick up
(a) The time and date of the booking.	•	Specific destination
(b) The name and address of the hirer.	٠	ID of dispatched driver (i.e. name
(c) How the booking was made (i.e. by		/call sign)
telephone, personal call etc.).	•	ID of dispatched vehicle (Li-
(d) The time of pick-up.		cence/fleet number)
(e) The point of pick-up.	•	ID of person taking booking (ex-
(f) The destination.		cludes electronic bookings)
(g) The time at which a driver was allo-	٠	Any special requirements e.g.
cated to the booking.		wheelchair accessible/child seats/
(h) The registration number of the vehi-		luggage
cle allocated for the booking. (i) Remarks (including details of any sub-	٠	Details of any subcontracting to or
contract).		from another PHO
contract).	•	Any fare quoted at time of book-
		ing, if requested by the person
		making the booking.
	•	Detail any subcontracting arrange-
		ments to or from another private
		hire operator.

B2	 This proposed condition is considered reasonably necessary because of the new provisions introduced by the Deregulation Act 2015 which allows a private hire operator to subcontract bookings. It is considered important that if a person has contacted an operator for a booking that the person/ customer is aware that the vehicle/ driver who will attend will be from a different operator. A private hire operator shall: Advise a customer if the booking is being subcontracted to another operator ator and if so will provide the name of the sub contracted operator who will be undertaking the booking.
B3	 This proposed condition is considered reasonably necessary to assist in enforcement. It is important that records are not withheld from officers and that there is no opportunity to amend booking records. An example may include where a private hire driver/ vehicle has picked up a passenger without a booking being in place and subsequently asks the operator to add the journey to the booking records. A private hire operator shall: ensure that booking records are: a) Available for immediate inspection by an authorised officer b) Able to be printed onto paper or downloaded in an electronic format c) Continuous and chronological d) Not capable of retrospective alteration or amendment e) Kept as one set of records. Cash and credit account bookings can be separately identified but must not be in separate sets of records. f) Are clear, intelligible, and retained for a minimum of 12 months from the date of the last entry
B4	This condition is considered reasonably necessary as it is explicitly listed as aThe private hire operator shall ensure: • the use of a driver who holds a PCV licence and the use of a public service

		requirement by the Df T statutory standards para 8.16	 vehicle such as a minibus to undertake a private hire vehicle booking will not be permitted without the informed consent of the person making the booking Where a PSV is to be utilised for a booking the person making the booking should be advised that the driver has not been subject to an enhanced DBS check. No such notification is required if the PSV driver is also a Lancaster licensed private hire/ hackney carriage driver
С	Records Required (Other than Booking Infor	mation)	
C1	The operator shall also keep records of the particulars of all Private Hire vehicles oper- ated by him. These particulars shall include details of the owners, registration numbers and drivers of such vehicles, together with any radio call sign used.	The proposed condition is considered reasonably necessary as it builds on the existing condition but specifies the actual records to be kept in terms of vehicles And requires a system to be operational to ensure that unlicensed / uninsured vehicles are not operated	 The private hire operator shall: keep detailed, up to date, records of every vehicle operated by him (whether licensed as private hire or hackney carriage) The records must include:
			 a) Name and home address of the vehicle licence holder b) A copy of the current vehicle licence including expiry date c) The date the vehicle was first used by the PHO to fulfil bookings and the date the PHO ceased using the vehicle to fulfil bookings (where applicable)

		 d) The vehicle registration number e) A list of unique radio/call sign allocated to the driver and vehicle have a system in place to ensure that no vehicle is operated when the licence or insurance has expired
C2	The proposed condition is considered reasonably necessary as it builds on the existing condition at C1 but specifies the actual records to be kept in terms of drivers	 The private hire operator shall: keep detailed, up to date, records of every driver operated by him (whether licensed as private hire or hackney carriage) The records must include: a) Name and home address of the driver b) The dates the driver commenced fulfilling bookings from the PHO and the date the driver ceased taking bookings from the PHO (where applicable). c) A copy of the driver's current private hire or hackney carriage driver licence including the expiry date of that licence. have a system in place to ensure that driver is allocated any work once the driver's licence has expired
C3	The proposed condition is considered reasonably necessary as it promotes a good standard of customer service and provides the opportunity for continuous	 The private hire operator shall: Adopt, implement review and up- date a Customer Service and Com-

improvement within the private hire	plaints Policy which includes con-
trade i.e. learn from our mistakes.	duct of drivers and the timeframe
	for responding to complaints, the
Within the licensing office, authorised	following are specific require-
officers have contacted operators about	ments in relation to the handling
individual drivers only to receive the	of complaints.
response "oh he's what we call a bad	
driver". The operator and the licensing	The private hire operator shall:
office should work together to improve	1. Record in writing or digitally every
standards and remove those drivers/	complaint received against its ser-
vehicles/ operators from the trade if	vice (including any driver/vehicle
they fail to meet the standards required.	complaints) and details of the out-
	come of the complaint/ action
The complaints log is important so that	taken including details of the li-
officers can identify any patterns of	cence holder(s) identified as the
complaints.	subject of the complaint.
	2. Investigate the complaints and
	- ·
	provide a response to the com-
	plainant outlining the findings of
	the investigation and any action
	taken.
	3. Where the operator has concerns
	regarding the conduct of a licence
	holder or a pattern of complaints,
	this should be notified to the li-
	censing office by email and a copy
	of the email kept in the com-
	plaints record.
	4. Where a complaint has not been
	resolved 14 days after receipt. The

		 operator shall within the next 7 days (following the 14 days) notify the Licensing office in writing (email will suffice) of the com- plaint and the findings outcome of the investigation. 5. Take additional action as required by licence condition c4 in respect of complaints that fall within the category listed in respect of C4.
C4	This proposed condition is seen as rea- sonably necessary as "matters of a sex- ual nature, dis-honesty, indecency, vio- lence or threats of violence, equality or drugs, serious motoring offences "all have the potential to be serious public safety matters and therefore should be investigated by the council without any delay. This does not mean that action will auto- matically be taken against individual li- cences nor does it imply that any other matters cannot have the potential for se- rious public safety concerns, but the pro- posed condition is a mechanism to bring these matters to the council's attention without any delay.	 The private hire operator shall: notify the Council immediately by email (or in any case within 24 hours) of any complaints, police enquiries or notification of convictions involving any driver that is registered to carry out bookings for the operator which relates to matters of a sexual nature, dishonesty, indecency, violence or threats of violence, equality or drugs, serious motoring offences. In accordance with the above require- ment provide at the time of any such notification to the council the identity of the driver involved and the nature of the complaint/enquiry including the complainant's details. This notifi- cation to the Council must take place regardless of whether the operator

	In the previous 12 months we have had examples of where the licensing office has been notified of alleged incidents by a third party, the result of which immedi- ate action has been instigated. It later transpired that private hire operators were already aware of the allegations but had chosen not to notify the licens- ing office.	ceases any contractual arrangement with the driver.
C5	The proposed condition is considered reasonably necessary to allow the council to review the types of complaints being made to licensed operators and whether any intervention is required by the Council whether that be in terms of individual drivers who are the subject of a number of complaints (this could be across different private hire operators) or whether licensing standards/ policies need to be changed to address common areas of complaints.	 The private hire operator shall: Provide a copy of the complaints record every six months to the Licensing Office. This shall be in the form of a copy of the complaint log required as per licence condition C3 detailing all complaints received, licence holders identified as the subject of the complaint and action taken. The report should be provided no later than one month after the end of the reporting period.
C6	The proposed licensing condition is deemed reasonably necessary as lost property is frequently left in licensed private hire vehicles. The Hackney carriage byelaws detail the process to be followed in respect of lost	 The private hire operator shall: Keep a written record (manual or digital) of lost property that is handed to him by drivers or passengers. The record must include the date the item is handed to the Operator, details of where it was found and a description

		property left in hackney carriages, this includes the property being returned to the Council where the owner can't be traced. The situation in respect of property left in private hire vehicles is different. All journeys are pre-booked and therefore the passenger who has lost property can contact the operator and the booking records will be able to identify the driver and vehicle for that particular journey. As such lost property associated with the private hire trade should be co-ordinated through the private hire operator.	 of the property, and if it was claimed claimant contact details. The log must always be available for inspection by an Authorised Officer and any information entered onto the record must be kept for a period of 12 months from the date of entry. Securely store lost property for a period of 6 months, after which time it should be disposed of in a secure manner, or if appropriate donated to charitable purposes.
C7	All records kept by the operator shall be preserved for a period of not less than six months following the date of the last entry.	It is considered reasonably necessary to extend the time period and impose a new requirement that the records be made immediately available to authorised officer on request. The reason for the immediacy is to facilitate and serious investigations and to prevent any amendments to records being made.	 A private hire operator shall: Keep all records and make them immediately available to authorised officers on request for a period of not less than 12 months following the date of last entry.
D	Convictions		
D1		This proposed condition is considered reasonably necessary as it is specifically required by DfT statutory standards para 8.2	 A private hire operator shall: Provide a DBS basic disclosure to the Licensing office on an annual basis.

		The reason for this is that all Lancaster hackney carriage/ private hire drivers are subject to 6 monthly DBS checks via the DBS update service, these are under- taken at an enhanced level.	 Where the applicant / private hire operator is a company or partnership each director/partner will be required to comply with the requirements of the basic disclosure described in the paragraph above. The above requirement will not be enforced in respect of any operator who currently holds a Lancaster hackney carriage/ private hire drivers' licence.
D2	The operator shall within seven days dis- close to the Council in writing details of any conviction imposed on him (or if the opera- tor is a company or partnership, on any of the directors or partners) during the period of the licence.	The proposed condition is considered reasonably necessary as it reflects the wider range of sanctions etc. now in place and is consistent with the proposed wording used in respect of licensed drivers and vehicle licence holders.	 A private hire operator shall: Within 48 hours notify the council in writing (email will suffice) providing full details of any conviction, fixed penalty , binding over, caution, charge or arrest for any matter (whether or not charged) imposed on him/ her during the period of the licence.
E	Safeguarding		
E1		This condition is regarded as reasonably necessary as it is explicit in the DfT statutory standards para 8.7 – 8.9. The 1- month period is a recommendation by	 The private hire operator shall: require all individuals working/ involved in bookings and or dispatching vehicles or having contact

	officers as the validity of a DBS disclosure becomes weakened due to the passage of time.	 with private hire users (paid/unpaid) for the business to provide the operator with a basic DBS disclosure dated within 1 month of the start date of employment/ placement in the operator premises require existing individuals working/ involved in bookings and or dispatching vehicle or having contact with private hire users (paid or unpaid) for the business to provide the operator with a basic DBS disclosure without delay and in any event within 1 month of the date of grant of this licence.
E2	This proposed condition is considered reasonably necessary as it provides a framework for the operator as to how the operator will address/ respond to safeguarding matters. The proposed condition at A5 deals with the matter of staff training and makes reference to mandatory training on safeguarding/ safeguarding policies.	 The private hire operator shall: training provided in respect of safeguarding have a documented safeguarding policy in place that details how to report matters of concern regarding safeguarding recruitment and suitability policy on employing/ volunteers who are ex-offenders and consideration of matters detailed in a DBS whistleblowing policy

 keep up to date records of all individ- operator may have individuals working/ involved in the business who have not been subject to the same level of checks as licence holders examples of such persons include, desk operators, vehicle mechanics, bookkeepers, all of whom may have access to vulnerable passengers/or their details either via booking records/waiting rooms etc. It is important that where appropriate the Council have full contact details so that the information can be provided to appropriate authorities if required. Premises and Equipment keep up to date records of all individ- uals working/ (paid or unpaid) for the business as follows: Full Name Address Date of Birth Contact Details (Phone and Email) DBS issue date and certificate number (in respect of persons fall- ing within the definition of condi- tion E1 above) Start and finish dates of employ- ment Job Title
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F1	1. Standard of Service	That the existing condition be retained.	The private hire operator shall:
	The operator shall provide a prompt, effi- cient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:-		 provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular: -
	(b) Keep clean, adequately heated, ven- tilated and lit any premises, which the operator provides and to which the public have access, whether for the purpose of booking or waiting.		 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 book- ing or waiting.
	(c) Ensure that any waiting area pro- vided by the operator has adequate seating facilities.		2 Ensure that any waiting area pro- vided by the operator has ade- quate 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.		3 Ensure re that any telephone facil- ities and radio equipment pro- vided are maintained in a sound condition and that any defects are repaired promptly.
	(Part A of this existing condition is listed un- der licensing administration at A1)		
F2		The proposed condition is considered reasonably necessary to prevent complaints associated with private hire vehicles/ congregating outside an operator premises, using the vehicle horn to attract customers, littering, radios playing loudly etc.	 The private hire operator shall: Ensure all reasonable precautions are to be taken to ensure that activities within the Operator's office and from licensed vehicles do not create a nuisance to others.

F3		This is considered reasonably necessary for locations to which the public have access.	 The private hire operator shall: Shall obtain and maintain in force at all times a public liability insur- ance policy in respect of his/her premises to which the public have access and produce the same to an authorised officer on request.
F4		This is considered reasonably necessary in areas where the public have access. The information to be displayed is relevant to the public and customers.	 Where the private hire operator has premises to which the public have access, they shall display the following at their premises at all times: a) A copy of the current Operator Licence. b) A schedule of fares. c) Information provided by the Licensing office in respect of passenger information d) A copy of the public liability insurance policy certificate. The above shall be displayed in a prominent position, where the public have access and, where it can be easily read. If the Operator has a website and/or uses Application based technology to attract bookings, the notices listed above must also be available to view on the relevant website.
G Exi	kisting Conditions No Longer Required		