

CONDITIONS OF PRIVATE HIRE OPERATOR'S LICENCE

1. OPERATOR LICENCE – THE APPLICATION PROCESS

Any person wishing to acquire a licence to operate a Private Hire Vehicle shall be a 'fit and proper person' and produce such information as reasonably required by the Authority.

The application to the Council shall be solely in their name on the prescribed form, and they must pay such fee as prescribed by the Council. Such fee is not returnable and is set to enable the Council to tier fees appropriately relative to the number of vehicles operated.

Every applicant for an Operator's licence shall be required to disclose on the application form details of:-

- i. any conviction or finding of guilt (criminal or driving matter)
- ii. any caution (issued by the Police or any other agency)
- iii. issue of any Magistrate's Court summons against them
- iv. issue of any fixed penalty notice for any matter (excepting fixed penalty notices for standard parking offences).

Every applicant for an Operator licence shall be required to: -

- i. Complete the appropriate application form
- ii. Complete a DBS Disclosure form (This includes any partners, directors or anyone else who may have an influence over the running of the business.)
- iii. Planning legislation has primacy and responsibility for enforcing breaches of planning rests with that department and cannot be undertaken by Licensing Officers. In the event that it is suspected that the Booking Office is operating without all necessary planning consents or in breach of planning conditions, this will be reported to the Planning Enforcement Team for investigation.

The applicant should contact Harrogate Borough Council's Planning department and obtain the relevant permission or should permission not be required a letter obtained from the Planning Department confirming this.

Even if you do not require planning permission when you first start your business, you may find that its use intensifies over time. Whilst this is good for business, it can have a knock-on effect for neighbours. In these situations it may be necessary to apply for planning permission if you wish to expand.

- iv. Public liability and employer liability insurance certificates

2. BUSINESS PARTNERSHIPS/DIRECTORSHIPS

- i. Every applicant shall in addition to the information specified in the above paragraphs, provide the name, date of birth and address of any person, if the applicant proposes to operate the business in partnership/directorship with any other person(s) and undertake the same 'fit and proper person' assessment and testing requirements.

- ii. Each Operator licence issued by the Council shall be issued only in the name of the applicant and that person shall be deemed solely responsible as the Operator upon the licence being granted and the licence is not transferable from the first mentioned person to another person.
- iii. At all times the Private Hire Operator will ensure that the Council has his/her most up to date contact detail including a mobile telephone number and email address. There should be a generic email address for the company and a confidential email address for the Operator so that sensitive information can be properly handled and held confidentially by the Operator.

3. DRIVERS

- i. The operator shall not operate a private hire vehicle without the driver holding an appropriate licence from the LA. The operator must ensure that the driver's licences of all drivers working for them are valid.
- ii. The operator shall bring to the attention of all drivers their legal obligations regarding the use of seatbelts both by adults and children.
- iii. The operator shall be fully conversant and shall ensure that all drivers remain fully conversant with the conditions stated within this Policy.

4. VEHICLES

- i. The operator shall not operate a private hire vehicle without the vehicle being licensed by the LA.
- ii. The operator must examine the vehicle licences to ensure their validity and that they are compliant with the criteria set within this Policy.
- iii. The licensed Operator shall keep a record of the Hackney Carriage/Private Hire Vehicle Licence number, Plate number, registration number and make and model of all Hackney Carriages/Private Hire vehicles operating from his/her office and such records shall be available at all reasonable times for inspection by the Council.
Details of these vehicles

5. PLACE OF BUSINESS

- i. A licensed Operator will only conduct the business from the booking office address specified on the licence whose premise must be situated in the Borough of Harrogate.
- ii. Each booking office address requires a separate licence. (NB: any licensed Operator wishing to conduct a business from any address other than that specified on the Operator licence shall make application to the Licensing Authority on the prescribed forms which will be regarded by the Licensing Authority as a new application for an operator licence, and the applicant shall satisfy the requirements of the Licensing Authority accordingly.).
- iii. The current Operator licence must be displayed at the business premises to which the licence relates in a prominent position at all times in view of the general public.

- iv. During the period of the licence, the Operator shall notify Harrogate Borough Council's, Hackney Carriage & Private Hire Licensing Office in writing within 7 days of any permanent or temporary change of residence.
- v. The operator shall affix a properly printed notice issued by Harrogate Borough Council's, Hackney Carriage & Private Hire Licensing Office in a prominent place inside the business premises so as to be easily read by any person seeking to hire a private hire vehicle, stating that any complaints regarding a hiring relating to his/her business should be addressed to:

The Taxi Office
Safer Communities
P.O. Box 787
Harrogate
HG1 9RW
Tel 01423 556755
Email taxi@harrogate.gov.uk

- vi. Such notice shall also state that the LA does not control the fares for private hire vehicles and that, in the absence of any fare scale published by the operator; the fare should be agreed before the journey commences. Any fare scale in operation must be on prominent public display and be an accurate reflection of the charge, including any specific additions, i.e. Bank Holidays and after midnight loading (including waiting times) which the customer may be expected to pay.
- vii. The operator's licence must be displayed in a prominent position at the premises so as to be on view to members of the public.

6. CHANGE OF DETAILS

- i. Each Operator's Office shall provide a schedule of the particulars of all private hire vehicles operated by him. These particulars shall include details of the owners, registration numbers and plate numbers.
- ii. The operator must therefore inform the Harrogate Borough Council's, Hackney Carriage & Private Hire Licensing Office of any change of vehicle details that is different to those stated on the last operator's schedule submitted to the authority.. He shall not operate such vehicles without notifying the Taxi Office. Changes must be notified within 48 hours
- iii. The operator shall notify the Harrogate Borough Council's, Hackney Carriage & Private Hire Licensing Office in writing within 7 days of any change of home address whether permanent or temporary.
- iv. The Council must be informed in writing of any intended change of business premises and approval obtained before any such change.
- v. The operator shall notify the LA in writing within 7 days of any convictions, binding over, cautions, fixed penalty notices, penalty points, warnings or reprimands imposed on him/her (or if the operator is a company or partnership, on any of the directors or partners) during the period of the licence.

7. ADVERTISING

- i. Where any Operator in the course of business uses the trading name and business address specified on the Operator licence to offer the services of a Hackney Carriage to the general public, the Operator shall not use the words **TAXI** or **CAB** or **HACKNEY CARRIAGE** or any combination or derivation thereof in any advertising manner unless the number of Hackney Carriages that the Operator can offer (without engaging the services of any other company or trading concern) is not less than 10% of the number of licensed private hire vehicles specified on the operator licence application form.

8. INSURANCE

- i. The operator shall ensure that Public and Employee Liability Insurance are in force throughout the validity of the Licence for each operating base open to the public. This Certificate must be available for inspection upon request.
- ii. The operator shall ensure that all the vehicles named on the operator's licence are covered by appropriate insurance. Where an insurance cover note is in place, the operator must ensure that the driver on expiry of that cover note advises the LA of the new period of cover. It is the responsibility of both the operator and driver to ensure that they have the correct insurance cover in place to cover the number of passengers that they are entitled to carry. The operator must therefore monitor insurance on a regular basis and personally examine the insurance certificates to satisfy him/herself as to their validity.

9. RECORD OF BOOKINGS

- i. The operator shall maintain records of all bookings in such a manner, whether written or on computer, which enables them to be examined or audited. These records shall be available for inspection by authorised officers upon request.
- ii. The operator shall record the following:
 - The time and date of the booking and how the booking was made (eg telephone)
 - The name, address and phone number of the hirer.
 - The date of the journey, pick up time for the proposed journey and a detailed point of pick-up (not simply Bilton, Starbeck or Hampsthwaite etc).
 - The full address or place of destination.
 - The drivers name, badge number, plate number/registration number of the vehicle carrying out the booking.
 - If the booking was one initially accepted by another operator, the name and address of that operator.
- iii. All records shall be kept by the operator for a minimum of 12 months following the date of the last entry. If the operator uses a computerised record system, hard copies of all records must be maintained in the same way as written records and made available for inspection by authorised officers upon request.
- iv. Every contract for the hire of a licensed private hire vehicle is deemed to be made with the operator who accepted the booking for that vehicle whether or not he himself provided the vehicle.

- v. The operator shall also keep records of all private hire/hackney carriage vehicles that he is operating vehicles and shall record the following:
- Owners of vehicles
 - Registration and Plate Number of vehicles
 - Insurance Certificate/Cover Note
 - Road Fund expiry date
 - Radio Call sign

These details should remain the same as those supplied to the Harrogate Borough Council's, Hackney Carriage & Private Hire Licensing Office.

10. STANDARD OF SERVICE

- The Operator shall provide a prompt, efficient and reliable service to members of the public at all times and shall ensure that when a private hire vehicle has been hired to be in attendance at an appropriate time and place, that vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that time and place. Operators are reminded that even upon the transfer of a booking to another licensed Private Hire Operator they remain accountable for that service delivery
- The operator shall monitor the dress code of all drivers to ensure compliance with the dress code condition as detailed in the rules and regulations for Hackney Carriage and Private Hire Drivers.

11. OUT OF TOWN' HACKNEY CARRIAGES ACTING AS PRIVATE HIRE VEHICLES IN THE HARROGATE BOROUGH COUNCIL LICENSING DISTRICT.

- The Private Hire Operator shall notify Harrogate Borough Council's Hackney Carriage & Private Hire Licensing Office in writing within 48 hours of each and every Hackney Carriage Vehicle employed or used by the operator that is licensed by another licensing authority.
- Where a Private Hire Operator ceases to employ or use any such licensed Hackney Carriage vehicle, the Operator shall forthwith, and in any event within 48 hours, notify Harrogate Borough Council's, Hackney Carriage & Private Hire Licensing Office in writing.
- The Private Hire operator shall retain a copy of the Hackney Carriage Vehicle licence granted by another Authority along with a copy of the MOT certificate, certificate and policy of insurance and vehicle registration document and forward a copy of those documents to the Harrogate Borough Council's, Hackney Carriage & Private Hire Licensing Office within 48 hours.
- Where a Hackney Carriage vehicle is licensed by another Authority, such a Hackney Carriage driver or Hackney Carriage Vehicle is prohibited from using any literature, any documentation, any advertising or displaying any signage associated to the Private Hire Operator or Harrogate Borough Council which suggests or might lead to a misunderstanding that the vehicle is licensed by this Authority.

- v. The receipt of advance bookings by the licensed Operator for Hackney Carriage Vehicles licensed by another Authority or any booking which is subsequently allocated to a Hackney Carriage Vehicle licensed by another Authority must be maintained in a completely separate register of bookings and in the same format as condition 10. If a computerised booking system is in place those booking records must be kept in a completely separate and distinct area of the systems hard drive to enable easy inspection by the Council.
- vi. A separate telephone line and telephone number must be used and installed by the Private Hire Operator and used for Hackney Carriage Vehicles licensed by another Authority which are undertaking Private Hire bookings within that operating base.
- vii. There must be a pre-recorded intercept message on the unique booking telephone line which clearly states to prospective customers the following:

“The driver and vehicle you are about to book are not licensed by Harrogate Borough Council therefore Harrogate Borough Council is not empowered to take licensing action against them in the event of a complaint. In the event of a complaint customers will have to deal with that other Authority where they may be licensed.”
- viii. The caller should then be reminded of the Private Hire Operators main number and given the option to be redirected to “a Harrogate Borough Council licensed driver and vehicle”.

In any advertising literature or web information, a form of words must be used which clearly states to prospective customers the following:

“The driver and vehicle you are about to book are not licensed by Harrogate Borough Council therefore Harrogate Borough Council is not empowered to take enforcement action against them in the event of a complaint. In the event of a complaint customers will have to deal with that other Authority where they may be licensed.”

12. GUIDE DOGS

- i. Every Proprietor, Driver and Operator of a licensed Private Hire vehicle shall ensure that guide dogs are carried within the vehicle on request unless they are in possession of an exemption certificate issued by Harrogate Borough Council.
- ii. Operators are reminded of their responsibilities under the Equality Act, 2010, and are advised that discrimination could seriously and adversely impact upon their operating licence.