

Licensed Private Hire Operators' Conditions

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7.1 Definitions

- 7.1.1 **The Council** means Amber Valley Borough Council and **Borough** means the district of the Council.
- 7.1.2 **Private Hire Vehicle** means a private hire vehicle licensed by the Council under the 1976 Act.
- 7.1.3 **Taxi** means a hackney carriage licensed by the Council under the 1847 Act.
- 7.1.4 **Driver** means a driver licensed by the Council under the 1847 Act and the 1976 Act and **Badge** means the badge owned and issued by the Council for the purposes of identifying the driver as such.
- 7.1.5 **Operator** means a person licensed by the Council under the 1976 Act to operate private hire vehicles.
- 7.1.6 **Vehicle** means a licensed taxi or private hire vehicle.
- 7.1.7 **Licence** means a taxi and private hire vehicle Drivers Licence issued by the Council under the 1847 Act and the 1976 Act.
- 7.1.8 **1847 Act** means the Town Police Clauses Act 1847.
- 7.1.9 **1976 Act** means the Local Government (Miscellaneous Provisions) Act 1976.
- 7.1.10 **Authorised Officer** means any Officer of the Council authorised in writing by the Council for the purpose of these conditions.

7.2 Terms and conditions

- 7.2.1 The operator shall observe and perform the following terms and conditions:

7.3 Bookings

- 7.3.1 No operator shall invite or accept a booking for any vehicle operating as a private hire vehicle, or control or arrange a journey to be undertaken by such vehicle, without first making available in writing, or giving orally, to the person making the booking information as to the basis of charge for the hire of the vehicle.
- 7.3.2 Every operator who accepts a booking for a Vehicle for an appointed time and place, shall give the booking to a vehicle, allowing sufficient time for the Vehicle to attend punctually.
- 7.3.3 The operator shall cause to be entered in a book (not loose leaved), the pages of which are numbered consecutively, particulars of every private hire booking and the particulars shall be entered in the book at the time of the booking and shall include the following:
 - 7.3.4 The time and date of each booking.
 - 7.3.5 The method by which the booking was received, (i.e. telephone call or personal call).
 - 7.3.6 Details of the booked journey (i.e. from _____ to _____).

- 7.3.7 The name of the hirer.
- 7.3.8 The plate number, or if a taxi is being used for private hire work, the taxi plate number of the vehicle given the booking.
- 7.3.9 The name of the Driver.
- 7.3.10 Where a private hire booking is undertaken on behalf of or passed to another Operator details must be recorded in accordance with the provisions of Condition 7.3.3.
- 7.3.11 An alternative method of record keeping may only be used with the written agreement of the Council, which will specify in detail how the records are to be kept.
- 7.3.12 The records shall be kept for a period of not less than two years or such longer period as required by an Authorised Officer of the Council.
- 7.3.13 The records shall be produced, on request, to any Police Constable or Authorised Officer of the Council.
- 7.3.14 The operator shall have in place a system, which ensures that any booking accepted by the company will be honoured. The system will ensure that each booking is monitored to make certain that vehicles are available to fulfil the agreed arrangements.
- 7.3.15 The operator shall not provide a 'courtesy car' to any member of the public in circumstances where either the Vehicle or the Driver is not correctly licensed.

7.4 Premises

- 7.4.1 The holder of an operator's licence shall not permit any person who is drunk, or is behaving in a disorderly manner, to remain upon the premises in respect of which the licence is in force.
- 7.4.2 If provision is made by the operator on his premises for the reception of members of the public proposing to hire a vehicle, the operator must ensure that the premises are in a clean and tidy condition at all times and that adequate arrangements are made for the seating of customers within the premises.
- 7.4.3 If the premises from which the private hire business operates change, the operator shall notify the Council of the change within 7 days.

7.5 Drivers

- 7.5.1 The operator without prejudice to any other liabilities imposed under the 1976 Act, shall ensure that drivers employed by or attached to the operation shall observe and perform the condition of their private hire or taxi driver's licence and that vehicles conform to the condition of their private hire or taxi vehicle licence.

- 7.5.2 Operators shall ensure to the best of their ability before accepting drivers onto their operation, that they are fit and proper persons to be engaged in the carrying of members of the public. In particular, they should examine drivers' licences and enquire whether the applicant has been convicted of driving or other offences.
- 7.5.3 The operator shall be responsible for the actions of each driver attached to the operation.

7.6 Documentation

- 7.6.1 The operator shall maintain at his/her premises particulars of all drivers and of all vehicles associated with the operation, which shall include the following:
 - 7.6.2 The plate number of each vehicle.
 - 7.6.3 The registration number of each vehicle.
 - 7.6.4 The name and address of the owners of each vehicle.
 - 7.6.5 The name and address of the driver of each vehicle.
 - 7.6.6 The badge number of each of the drivers.
 - 7.6.7 Copies of the licences for each vehicle and driver.
 - 7.6.8 A copy of the policy and certificate of insurance complying with the requirements of Part VI of the Road Traffic Act 1988 in respect of each Vehicle.
 - 7.6.9 The above records shall be produced immediately on demand to any Authorised Officer or Police Constable.
 - 7.6.10 Where a driver or vehicle join or leave the operation, the operator shall within 7 days inform the Council in writing.
 - 7.6.11 The operator shall display his operator's licence in a prominent position at his office and have available a copy of these Conditions for public scrutiny if requested.

7.7 Miscellaneous

- 7.7.1 The operator shall not, knowingly or without the prior written consent of the Council, employ or be employed by, engage in partnership with, or allow or suffer any involvement in the management of the operation hereby licensed:
 - 7.7.2 Any person who has been convicted of an offence under the 1976 Act or any other legislation relating to private hire and taxi licensing.
 - 7.7.3 Any person who, for the purposes of Part II of the said Act, has been found by any licensing authority not to be a fit and proper person to hold a driver's, vehicle or operator's licence.

7.7.4 The operator shall be responsible for the actions of any manager, supervisor or any other person appointed to run or play any part in the management of the private hire business.

7.8 Amendment to these conditions

7.8.1 The above conditions may be revised or amended at any time by the Council whereupon a copy of the conditions as revised or amended will be supplied to the operator.