



WARRINGTON
Borough Council

Private Hire Operators Policy and Conditions

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Appendix 5

Warrington Borough Council

PRIVATE HIRE OPERATOR LICENCES

Local Government (Miscellaneous Provisions) Act 1976

This document contains the policy, conditions and legislation relating to your Private Hire Operator licence.

As Private Hire Operator licences can be held by limited companies, limited liability partnerships (LLP) and conventional partnerships as well as individuals, this policy must be read to give effect to that. Any reference to a “person,” “you,” “licensee” or “operator” is taken to mean the Private Hire operator.

There is a power to attach conditions to Private Hire Operator licences, and the Council has standard conditions which are attached to these licences. These are contained within this document (7.60 onwards).

There is also a list of the main legislation that applies to Private Hire Operators.

Introduction

- 7.1 The purpose of licensing Private Hire Operators is to protect the public, ensuring that passengers are not exploited, abused or otherwise affected by unlicensed and potentially unscrupulous or dangerous booking agents.
- 7.2 Warrington Borough Council issues 2 types of Private Hire Operators’ Licences. A General Private Hire Operators Licence allows the operator to use any Warrington Borough Council licensed private hire driver and vehicle to fulfil the contract. A Restricted Private Hire Operators Licence only allows the operator to use Warrington Borough Council licensed Executive Hire/Additionally Conditioned Vehicles to fulfil the booking.
- 7.3 It is a privilege to hold a Private Hire Operator Licence and licensees have responsibilities to their passengers and customers, drivers, vehicle proprietors and the public generally. The Council has been satisfied that when you applied for your Private Hire Operator Licence you were a safe and suitable person to have that licence granted. In assessing that, the Council took into account your entire character and behaviour.
- 7.4 As a private operator this assessment of your character not only includes times when you are working within the private hire trade, but at all other times as well. This can include your use of social media as well as other forms of communication. The requirement to satisfy the Council that you are a safe and suitable person continues throughout the duration of the licence. If at any time your behaviour falls below the standards expected for new applications, the Council will consider taking action against that licence. This

could be suspension, revocation or refusal to renew that licence. In relation to your personal actions, it is no defence to argue that your actions took place when you were not working within the private hire trade. You should appreciate that under the Council's Previous Convictions Policy, if the unacceptable or criminal behaviour took place whilst you were working within the private hire trade that will be viewed as an aggravating feature by the Council.

- 7.5 In many cases a Private Hire Operator is almost the first business that a visitor to the Warrington will encounter following arrival at airport, railway station or bus station. As a consequence, the experience of booking a private hire vehicle via the operator can affect a person for their entire visit. Private Hire Operators should be aware of this and ensure that their business is conducted to the highest standard at all times.
- 7.6 Please note, this section reminds you of some of the important legal requirements with which you must comply. This is not a comprehensive list. You should familiarise yourself with the Local Government (Miscellaneous Provisions) Act 1976 and all other relevant legislation.
- 7.7 The Council has decided to attach conditions to Private Hire Operator licences that it considers reasonably necessary under the powers contained in section 55(3) of 1976 Act. The conditions are in addition to the statutory requirements of the legislation. Section 55(4) of the 1976 Act gives the right of appeal to the Magistrates' Court to any person aggrieved by any of the conditions attached to their licence within 21 days of receipt of the licence.
- 7.8 You must understand and comply with the legal requirements relating to the Private Hire Operator licence in your name, a limited company in which you are a director or secretary, a limited liability partnership in which you are a partner, or in joint names when you are one of the named individuals. Failure to comply with the requirements may result in your Private Hire Operator licence being suspended or revoked.
- 7.9 The Licensing section is located at Town Hall, East Annex, Sankey Street, Warrington WA1 1UH open 09:00am to 5:00pm Monday – Thursday, 09:00 – 4:30pm on Fridays. It can be contacted by phone on 01925 984728 (Lines are closed on Tuesdays and Wednesdays). They can also be contacted by email at: taxiqueries@warrington.gov.uk, taxivehicles@warrington.gov.uk, and Taxidrivers@warrington.gov.uk. These are the addresses to which all applications, notices, reports of incidents and any other communications with the Council must be sent.

Sanctions against the Private Hire Operator Licence

- 7.10 Where a Private Hire Operator breaches any legislation or condition of the licence, they may be referred to the Taxi Sub-Committee. Where the breach is a criminal offence, prosecution will also be considered.

- 7.11 Whenever, and in what circumstances a Private Hire Operator is brought before the Taxi Sub-committee, the Sub-Committee will decide each case on its merits, after hearing the facts.
- 7.12 The Sub-Committee or an officer may also suspend, revoke or other lesser sanctions imposed on the Private Hire Operator licence (see below).

Power to take action against a Private Hire Operator licence

- 7.13 Under section 62 of the 1976 Act, the Council may suspend, revoke or refuse to renew a Private Hire Operator licence on the following grounds:
- a) any offence under, or non-compliance with, the provisions Part II of Local Government (Miscellaneous Provisions) Act 1976 ;
 - b) any conduct on the part of the operator which appears to the district council to render him unfit to hold an operator's licence;
 - c) any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted;
 - d) that the operator has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
 - e) any other reasonable cause.
- 7.14 Failure to comply with most Private Hire Operator legislation is an offence and you may be liable to prosecution. In addition (irrespective of whether you were prosecuted or convicted of the offence(s)), the Council may take action against your licence which could lead to your Private Hire Operator licence being suspended, revoked or the renewal refused.
- 7.15 Failure to comply with the Council's conditions may result in your Private Hire Operator licence being suspended, revoked or the renewal refused.
- 7.16 If any information given by you on the application form for a Private Hire Operator licence proves to be false, or you fail to disclose any relevant information on your application form, the licence may be revoked, and you may also be prosecuted under section 57(3) of the 1976 Act.
- 7.17 The Private Hire Operator licence remains the property of the Council.
- 7.18 It must be understood that a decision to grant a Private Hire Operator licence is made on the basis of the suitability of the proprietor(s) on the particular facts of the case on the day of the decision. That suitability can be lost at any time in the future and you must ensure that your behaviour remains of the highest standard to protect your Private Hire Operator licence and therefore your livelihood.

POLICY

General

Applicants

- 7.19 Private Hire Operator licences can be held by individuals, limited liability partnerships (LLP), conventional partnerships (two or more people in business together) or limited companies.

Character of the applicant

- 7.20 A Private Hire Operator will receive personal information from those who book a private hire vehicle through that operator. That information may be sensitive or relate to people's movements or activities and as a consequence it is essential that a Private Hire Operator satisfies the Council that they are a suitable person to hold a Private Hire Operator licence.
- 7.21 You (all partners in a conventional partnership or limited liability partnership, all directors and secretary of a limited company) must declare all criminal convictions, criminal cautions, fixed penalty notices, CBO's (Criminal Behaviour Orders) CPNs (Community Protection Notices), injunctions, restraining orders or any other form of sanction or restriction to the Council on your initial application form.
- 7.22 All applicants (new and on renewal) will be required to provide a Basic Disclosure and Barring Service check at their own expense, as part of the application process. The check must be dated within 1 month of the date of application. The same will be required of all partners in a limited liability or conventional partnership and all directors and the secretary of a limited company when the application is made, or the licence is held, by a limited liability or conventional partnership or limited company. If any new or replacement partner, director, secretary is appointed joins, you must notify the Council within 14 days, and that notification must be accompanied by a Basic DBS Certificate in relation to that person dated within 1 month of the date of notification.
- 7.23 All applicants (new and on renewal) will be required to undertake and complete a Safeguarding Course, and a County Lines course at their own expense, as part of the application process. The check must be dated within 1 month of the date of application. The same will be required of all partners in a limited liability or conventional partnership and all directors and the secretary of a limited company when the application is made, or the licence is held, by a limited liability or conventional partnership or limited company. If any new or replacement partner, director or secretary is appointed or joins, you must notify the Council within 14 days, and that notification must be accompanied by evidence of attending and passing a safeguarding and county lines training courses in relation to that person dated within 1 month of the date of notification. Once the licence has been granted, the same requirements will apply to all staff engaged by the operator (whether

they are employees or independent contractors) who have access to personal data or information.

- 7.24 The application will then be considered in the light of the Council's Convictions and Behaviour Policy.
- 7.25 In addition, the Council will take into account the compliance history in relation to previous Hackney Carriage or Private Hire Licences held by the applicant or any partners in a partnership, all directors and secretary of a limited company and any limited company itself.
- 7.26 To enable the Council to make a decision as to whether or not an applicant is a suitable person to be granted or continued to hold a private hire of licence, the following test will be used:

“Without any prejudice, and based on the information before you, would you be comfortable providing sensitive information such as holiday plans, movements of your family or other information to this person, and feel safe in the knowledge that such information would not be used or passed on for criminal or unacceptable purposes?”

Certificate of Good Conduct

- 7.27 As DBS checks do not cover convictions in countries outside the United Kingdom, any applicant who has lived abroad for any period of more than 6 months from the age of 18 or they have resided in the UK for less than 10 years must also provide a Certificate of Good Conduct from the appropriate Embassy or High Commission and it must be in English. The Council may undertake checks to ensure the authenticity of any such documentation.

Note - Nothing in this policy precludes a licence holder from being required to undergo a further DBS check at any time as directed by the Council.

Convictions

- 7.28 If you, any partner in a limited liability partnership or conventional partnership, or any director or secretary of a limited company is arrested in connection with, charged with, investigated in connection with or convicted of any criminal offence, that must be reported to the Council within 48 hours (including weekends and bank holidays). The same requirement applies in relation to any criminal cautions, fixed penalty notices, CBO's (Criminal Behaviour Orders) CPNs (Community Protection Notices), injunctions, restraining orders or any other form of sanction or restriction to which you are subject.

Restricted private hire operators' licence

- 7.29 Applicants for a Restricted Private Hire Operators' Licence must demonstrate that they have, or are about to enter into, at least two long-term contracts for the provision of transportation services. This must be for a period of not less than one month.

Maintenance of the Licence and Renewals

- 7.30 Every year for the duration of your licence, you must provide a new Basic DBS certificate, not more than 1 month old, for yourself (if a sole operator) or all partners in a limited liability or conventional partnership and all directors and the secretary of a limited company if the licence is held by a limited liability or conventional partnership or limited company. This/these must be provided to the Council at least 2 weeks before the anniversary of the grant of your licence. Failure to do so may lead to action being taken against your licence.
- 7.31 A valid application for the renewal of a licence, including all the required original documentation, must be made at least 30 days prior to the expiry of the current licence or it will be treated as a new application. A valid application is one which is complete in all respects and can be processed immediately. If the application is not made in time to enable all the relevant processes to be completed before the expiry of the current Private Hire Operator licence, there will be a period of time during which you will be unlicensed and cannot make a provision for the invitation of bookings for a Private Hire Vehicle Operating Private Hire drivers and vehicles without a valid licence is a criminal offence.
- 7.32 Where a Private Hire Operator Licence is found to have been obtained using false or incomplete information enforcement action may be taken.

Identity

- 7.33 To prove their identity, all applicants (including all partners in a partnership and all directors and secretary of a limited company) must provide an authenticated form of photographic identification (for example photographic driving licence or national identification card).
- 7.34 Applicants from outside the UK must provide:
- a) a passport with a valid stamp from the Home Office to say that they have leave to remain in the Country indefinitely; or
 - b) a passport with a valid UK visa, which allows the holder to work as a Private Hire Operator (student visas will not be accepted) and which has at least six calendar months remaining at the time of application.

- 7.35 A Private Hire Operator Licence will only be granted until the expiry of the visa and will only be renewed or extended with the production of the passport and another valid visa issued by the Home Office. The Council reserves the right to verify, at any time, a Licensee's entitlement to remain in the UK. The Council will not accept letters issued by the Home Office when a visa application is pending.
- 7.36 To comply with the Immigration Act 2016, the Council is required to check eligibility to live and work in the UK for all applicants for driver and operator licences. Applicants will be required to provide evidence of this on request. Examples of acceptable documentation include a British passport, EU passport with the right to stay and work in the UK, permanent residence permit, work permit with a passport with correct authorisations, a UK birth certificate together with an official document giving the National Insurance number such as a P45 or P60, or a biometric immigration document indicating a right to stay indefinitely in the UK or a right to do the work in question.
- 7.37 For applicants with a limited time to remain in the UK, the Private Hire Operator's licence will only be granted for the period of permission to remain and may only be granted for a shorter period. The Private Hire Operator licence may be extended should the applicant's right to remain in the UK be made permanent.
- 7.38 If an applicant has extended leave to remain (pending a decision) the Private Hire Operator licence cannot be granted for more than six months and again may only be granted for a shorter period. The Private Hire Operator licence may be extended should the applicant's right to remain in the UK be made permanent.
- 7.39 If a Private Hire Operator licence holder loses the right to remain in the UK during the currency of a licence, the Private Hire Operator licence ceases to have effect and the Private Hire Operator licence (and badge for drivers) must be returned within 7 days.

Tax Conditionality

- 7.40 Existing licensees applying for the renewal of a licence must obtain their unique 9-character code from His Majesty's Revenue and Customs (HMRC) and provide this to the council. If this cannot be provided the application cannot proceed.
- 7.41 The Council will advise new applicants of the need to register with HMRC for tax and must sign an acknowledgement that they have received this information.

Use of the Licence

Operator's Base

- 7.42 Your Private Hire Operator Licence relates to one or more addresses (bases) within the Council area. Every address that is being used will be detailed on the Private Hire Operator licence, and if a Private Hire Operator licence does not relate to the address or addresses being used, that licence is void. Continued use of that Private Hire Operator licence will be a criminal offence.
- 7.43 If you have more than one operating office or base within Warrington Borough, that does not mean that you require a separate Private Hire Operator licence for each premises, but you must submit a list to the Council containing all the addresses from which you run your business, and all addresses will be detailed on the Private Hire Operator licence. You must inform the Council within 24 hours of any change of any address (ceasing to use an address, moving to a new address or adding an additional address).
- 7.44 Planning permission or a Certificate of Lawful Existing Use or Development for the use or change of use of premises, whether home or commercial, is not required before an application can be made for a Private Hire Operator licence. However, it may be unlawful to use those premises as an operator's base and advice should be sought from the Council's Planning Department if required.
- 7.45 Anyone who is making a provision for the invitation of bookings (evidenced by a private hire office or base) in more than one local authority area will be required to hold a Private Hire Operator licence with the local authority in each of those areas.
- 7.46 For complaints email taxicomplaints@warrington.gov.uk or in writing, to the Licensing Section, Warrington Borough Council, Town Hall, East Annexe, Sankey Street, Warrington, WA1 1UH or phone 01925 984728. This information must be displayed in all of your premises that are open to the public.

Manager

- 7.47 As a Private Hire Operator, you (unless you are an individual) must identify a person as the manager who has day-to-day responsibility for the private hire operation. There must also be a nominated deputy to act as holiday cover, days off etc. You will have to ensure that one individual is responsible at any particular time.

Drivers and Vehicles

- 7.48 As a Private Hire Operator, you must ensure that any Private Hire Driver or Private Hire Vehicle operated, employed or used by you holds a current Private Hire Driver (dual licence) or vehicle licence issued by Warrington Borough Council. You must hold the Private Hire Operator Licence for the duration of the time that you operate that driver or vehicle.
- 7.49 If at any stage you propose dispatching a public service vehicle (PSV) to fulfil a booking, you must make the customer aware that the driver of that vehicle may only hold a PCV driver's licence and therefore not have been subjected to the same checks (criminal records and character) as a private hire driver.
- 7.50 If you have a contract for Special Educational Needs and Disability (SEND) transport with a local education authority or social services authority, you can fulfil any such booking by using a Warrington Borough Council licensed Private Hire Driver (combined Hackney Carriage/Private Hire licence). The vehicle must be a normal Warrington Borough Council Private Hire Vehicle and you cannot use an executive hire/additionally condition vehicle for such contracts.
- 7.51 If you hold a Restricted Private Hire Operators Licence you can only use an executive hire/additionally conditioned vehicle to fulfil any booking that you accept. All such bookings must be under a long-term contract.

Staff

- 7.52 As a Private Hire Operator, you must maintain a record of all staff (employees, independent contractors) and others engaged by or utilised by you as a Private Hire Operator.
- 7.53 You must create, maintain and apply a policy in relation to convictions and behaviour of your staff. This should be based on the Council's Convictions and Behaviour Policy. You should apply this policy to all staff who are involved in making bookings for or dispatching private hire vehicles, or who have access to your operator's records, and you should not engage any person in contravention of that policy unless there are truly exceptional circumstances. The reasons for such a decision must be recorded in your staff records.
- 7.54 You must require all staff to notify you within 48 hours (including weekends and bank holidays) if they are arrested in connection with, being investigated for, charged with or convicted of any criminal offence. The same requirement applies in relation to any fixed penalty notices, speed awareness courses, community protection notices, civil injunctions that they receive or have to attend. You must then determine what action to take in relation to that staff member. You must also notify the Council of the event and the action that you have taken within 48 hours of your decision and record that in the staff records.
- 7.55 All such records of staff must be available for inspection by an Authorised Officer of the Council or Police Constable at any reasonable time.

Booking Records

- 7.56 You must create and maintain records of all bookings received for Private Hire Vehicles as detailed in the conditions of licence. These records must be maintained for at least 6 months and must be available for inspection by an Authorised Officer or Police Constable at any reasonable time. You must inform the Council of the method that you intend to use to record this information. Depending on the scale of your operation this could be handwritten records (in a bound book with sequentially numbered pages) or a computerised system. In either case the records must not be capable of being altered after they have been compiled.

Standards of service

- 7.57 You must provide a professional and reliable service to customers at all reasonable times.

Complaints

- 7.58 You must maintain and utilise a comprehensive complaints process.

Insurance

- 7.59 You must maintain public liability insurance for all premises that are open to the public.

CONDITIONS

- 7.60 In these conditions, which are imposed under the provisions of section 55(3) of the 1976 Act, unless otherwise indicated;

“the Council” means Warrington Borough Council.

“You” means the operator as holder of Private Hire Operator licence issued by the Council under section 55 of the 1976 Act.

- 7.61 The following Conditions are attached to your Private Hire Operator licence and must be complied with at all times. Failure to comply with conditions may lead to, the suspension, revocation or refusal to renew the Private Hire Operator licence or lesser sanctions as deemed appropriate.
- 7.62 You must return your Private Hire Operator licence to the Council immediately if:
- a) You change your home or business address.
 - b) You add or alter any addresses detailed on the Private Hire Operator licence.
 - c) If the Private Hire Operator licence expires or is suspended or revoked.
 - d) You wish to surrender your licence.
 - e) When required to do so by an Authorised Officer of the Council.
- 7.63 You must notify the Council within 72 hours of the event (including weekends and bank holidays) if you (or any partner in the case of a partnership or director or secretary of a limited company) are arrested for, charged with or convicted of any criminal offence, or accept a formal caution for a criminal offence, or receive a fixed penalty notice for any offence or receive and accept an endorsable fixed penalty notice, or are made the subject of a Criminal Behaviour Order(CBO) or Community Protection Order (CPN), are made the subject on any injunction or restraining order, or you are arrested for any matter, or you are subject to any other form of sanction or restriction.

General

- 7.64 You (unless you are a single person operator) must identify a person as the individual with day-to-day managerial responsibility (referred to in these conditions as “the manager”) and notify the Council of their identity and contact details, including a mobile telephone number. The manager will be the first point of contact between the Council and the Private Hire Operator. You must identify another person as a deputy for days off, holiday and sickness cover and the identity of the deputy, together with their contact details including a mobile telephone number must also be provided to the Council. You must ensure that it is clear to all managers and deputies who is responsible for discharging that responsibility at any particular time. All references to the manager include references to the deputy when they are acting in that capacity.

DBS Checks

- 7.65 You (where the operator is a partnership or limited company, all partners or directors and secretary of the company) must submit a Disclosure & Barring Service basic disclosure (dated within one month of the submission) on or before the anniversary of the granting of the Private Hire Operator licence. Failure to do so will result in the Private Hire Operator licence being suspended until such time as the DBS certificate is provided.
- 7.66 If any new or replacement partner, director, secretary is appointed or joins, you must notify the Council within 14 days, and that notification must be accompanied by a Basic DBS certificate not more than one month old, together with evidence of attending and passing a safeguarding and county lines training courses in relation to that person dated within 1 month of the date of notification. Once the licence has been granted, the same requirements will apply to all staff engaged by the operator (whether they are employees or independent contractors) who have access to personal data or information.
- 7.67 The cost of these checks will be covered by you.
- 7.68 Where you (or any partners or directors and secretary of the company where the operator is a partnership or limited company) hold a combined driver licence you are not required to submit a yearly basic disclosure, unless the driver's licence is revoked or not renewed. In that case a basic DBS must be provided within one month of the driver's licence cessation (not including the appeal period and any appeal). The requirement to provide an annual basic DBS certificate will continue to apply to any partners or directors of a company who do not hold a combined or restricted driver's Licence.

Staff Policy

- 7.69 Where you engage or intend to engage (whether as employees, workers or independent contractors, persons involved in taking bookings or the dispatch of vehicles, you must produce and apply a policy on the employment of ex-offenders in those roles. This policy must be based on the Council's Previous Convictions Policy. The policy must be available for inspection on request of an Authorised Officer of the Council. Failure to act in accordance with this requirement, and any subsequent engagement of a person who falls outside the Council's Previous Convictions Policy standards will lead to consideration by the Council as to whether you as operator remain a fit and proper person.
- 7.70 The Private Hire Operator must require that all staff engaged in taking bookings or dispatching vehicles to report to them within 48 hours of any conviction, binding over, caution, warning, reprimand, fixed penalty notice, civil injunction or arrest for any criminal matter whilst they are engaged in this role.
- 7.71 You must view a basic DBS certificate (dated within one month of the check) of any staff that have access to booking records or dispatch vehicles.

- 7.72 You must maintain a register of all such staff which must include a record of when each DBS check has been undertaken. This register must be available for inspection by an Authorised Officer of the Council upon request. The register should include the following:
- a) the date that person's employment in that role commenced.
 - b) the date the Private Hire Operator checked the DBS certificate.
 - c) the name of the person that checked the DBS certificate.
 - d) the date the person ceased to perform that role.
- 7.73 The register must be retained for 6 months in line with the booking records.
- 7.74 Should an employee cease to be on the register and later re-enter the register, a new basic DBS certificate (or use of the Update Service) must be provided to the Private Hire Operator.
- 7.75 You must require all staff to notify you within 48 hours (including weekends and bank holidays) if they are arrested in connection with, being investigated for, charged with or convicted of any criminal offence. The same requirement applies in relation to any fixed penalty notices, speed awareness courses, community protection notices, civil injunctions that they receive or have to attend. You must then determine what action to take in relation to that staff member. You must also notify the Council of the event and the action that you have taken within 48 hours of your decision and record that in the staff records.
- 7.76 You must ensure that any outsourced booking and dispatch functions have adequate safeguarding measures in place for the protection of children and vulnerable adults. You must have obtained evidence of this from the outsourced firm/company before outsourcing these functions.

Vehicle and driver licences

- 7.77 You must inspect and retain all the Private Hire Vehicle Licences and driver licences of vehicles and drivers operated, engaged or otherwise utilised by you. Those licences must be stored securely and retained for as long as you operate the vehicle or driver. It is acceptable for you to keep electronic copies that have been emailed to you. If the driver or proprietor leaves your company, they must be returned to the vehicle proprietor or driver as appropriate, or an electronic version must be deleted.

Records

- 7.78 You are required to keep records of bookings received and journeys undertaken under section 56(2) of the 1976 Act (referred to hereafter as the "booking records") and the following are the conditions relating to those records,
- 7.79 Booking records must be recorded in English and kept in a suitable book or in any other manner as approved by the Council.

- 7.80 You must ensure that, the following details of every private hire booking that you invite or accept are recorded before the commencement of each journey:
- a) the name of the passenger or other identifying features; e.g. hotel room number
 - b) the time of the request
 - c) the time the vehicle is required
 - d) the pick-up point
 - e) the destination (if known at that time)
 - f) the name of the driver
 - g) the driver's licence number
 - h) the vehicle registration number of the vehicle
 - i) the vehicle licence number
 - j) the name of any individual that responded to the booking request
 - k) the name of any individual that dispatched the vehicle.
- 7.81 You must keep these records for a period of not less than 6 calendar months from the date of the entry.
- 7.82 You must also keep records of all vehicles that you operate. These details must include:
- a) details of the proprietor(s)/licensee.
 - b) registration number.
 - c) any radio call sign used.
 - d) maintenance history of the vehicle.
- 7.83 You must keep these records for a period of not less than 6 calendar months from the date that you cease operating that vehicle.
- 7.84 You must also keep records of the names and addresses of all licensed drivers that you use. You must notify the Council withing 48 hours (including weekends and bank holidays) of the following:
- a) when any driver begins working for, or being available to be operated by you.
 - b) when any driver's activity above detailed ceases.
 - c) any change of address of any driver in service.
 - d) if you become aware that any driver is suffering from any illness, disability or condition which may affect the driver's ability to safely carry out their duties.
- 7.85 If at any time you become aware of any reason which would or may prevent a driver from safely carrying out their duties (including but not limited to illness or disability) you must immediately cease using that driver until such time as the driver can demonstrate that they can drive a private hire vehicle without risk to the public.
- 7.86 You must keep these records for a period of not less than 6 calendar months from the date when you cease to be engaged or otherwise use the driver to drive private hire vehicles.
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- 7.87 All records and retained licences must be available for inspection at any reasonable time by an Authorised Officer of the Council or a police constable.

Standards of Service

- 7.88 You must provide a prompt, efficient and reliable service to members of the public at all reasonable times.
- 7.89 In particular you must (but this is not an exhaustive list):
- a) Ensure that all Private Hire Vehicles that have been booked, attend at the appointed time and place unless delayed or prevented by reasonable cause.
 - b) Ensure the vehicle dispatched is a Council licensed Private Hire Vehicle and the driver of the vehicle is a Council licensed Private Hire Driver (combined licence).
 - c) Keep any premises which you control and which are open to the public clean, adequately heated, ventilated and lit.
 - d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
 - e) Ensure that the correct licences are in place for any radio equipment.
 - f) Ensure that it is established at the time of booking how many passengers are to be carried and that the vehicle dispatched to fulfil the booking has an adequate number of passenger seats.

Ride Sharing/Car-pooling

- 7.90 If you arrange ridesharing/carpooling journeys you must offer the option to hirers to only share with other passengers of the same sex. If hirers select this option passengers of the opposite sex may not be added to the same booking.
- 7.91 If the journey is to be part of a ride sharing/carpooling journey, that must be made clear to the hirer before the booking is accepted, and you must ensure that individual hirers explicitly consent to that ridesharing/carpooling arrangement.

Public Service Vehicles

- 7.92 Public Service Vehicles (PSVs) may not be used to undertake a private hire booking, unless with the informed consent of the hirer. To obtain such informed consent you must make the customer aware that the driver of that vehicle may only hold a PCV driver's licence and therefore not have been subjected to the same checks (criminal records and character) as a private hire driver. The operator must keep a record when a PSV is used and confirm that the passenger was informed that the driver is not covered by the same checks as a private hire vehicle and driver's licence and their passenger's consent was given.

Complaints

- 7.93 You or the manager must initiate an investigation into any complaint received from the public within 48 hours from receipt of the complaint.
- 7.94 You must maintain a register of complaints (digital or hard copy), which must include the following information:
- a) Complainant's name, address/email address or contact number
 - b) Details of the complaint
 - c) Time and date of the alleged incident
 - d) Time and date the complaint was received by you or the manager
 - e) How the complaint was received e.g. phone, email, etc.
 - f) Name of person that received the complaint
 - g) Name of the alleged perpetrator
 - h) If the complaint was referred to the Council – time and date of when it was referred and by whom
 - i) Details of the action taken to resolve the complaint and by whom
 - j) Date the complaint was resolved.
- 7.95 A copy of the complaints register must be available for inspection upon request of an Authorised Officer of the Council. The records must be retained for a period of 6 months.
- 7.96 You must, on receipt of a complaint concerning a licensed driver, immediately notify the complainant of their right to direct their complaint to the Council.
- 7.97 You must ensure that details of how a customer can contact yourself as the Private Hire Operator in the event of any complaint relating to a booking or other contract, are displayed on your website, booking app and (in the absence of online booking platform), at any booking office.
- 7.98 Where a complaint is received by the Council, you must comply with any reasonable request for information and/or follow any reasonable directions/instructions made by an Authorised Officer or police officer in respect of the complaint.
- 7.99 You must notify the Council within 48 hours if you receive a complaint about a driver operated by you when it has been identified that the complaint relates to any of the following:
- a) allegations of sexual misconduct (including the use of sexualised language).
 - b) racist behaviour.
 - c) violence (including verbal aggression).
 - d) dishonesty including theft.
 - e) Equality breaches.
 - f) any other serious misconduct (including motoring related for example dangerous driving or drink driving).

Change of Address

- 7.100 You must notify the Council in writing of any change of address (including any address or addresses from which you operate or otherwise conduct your business as a Private Hire Operator) within 14 days of such change taking place.

Convictions

- 7.101 You must notify the Council in writing if you have been convicted or cautioned for any offence, been arrested or are under investigation for any offence, received a fixed penalty notice, Community Protection Notice (CPN), Criminal Behaviour Order (CBO), there have been a complaint or concerns about your behaviour or other matter imposed on you, which might affect your continuing safety within 72 hours . The same requirement applies to any partners in the case of a partnership holding an operator's licence and to any directors and secretary of any limited company in the case of a limited company holding a Private Hire Operator licence. The same requirement applies to any manager or deputy manager.

Advertising

- 7.102 You must not display or permit to be displayed on or from your premises or from any other place, any sign or notice which consists of or includes the word "Taxi" or "CAB" whether in the singular or plural or any word of a similar meaning unless you also take bookings for hackney carriages.

Insurance

- 7.103 Any premises that you control and are open to the public must be covered by Public Liability Insurance.
- 7.104 This insurance policy (or a summary) must be clearly displayed at the premises where it can be seen by the public.
- 7.105 You must ensure that at all times there is in force a policy of insurance covering private hire use or such security as complies with the requirements of Part VI of the Road Traffic Act 1988 for all private hire vehicles operated.
- 7.106 You must ensure that where a vehicle is covered under a fleet insurance policy, drivers are aware of the content of the policy, including its limitations and exclusions. You must keep a record, signed by the driver, within each individual's record file when this has been

completed. A copy of any individual's records must be produced, on request, to any Authorised Officer of the Council.

Personal data

- 7.107 You must be registered with the Information Commissioner's Office as you will be holding personal data for customers and any staff that you engage.
- 7.108 You must report any loss of personal data, whether by theft or otherwise, to the Council in writing within 24 hours of the loss or discovery of the loss (whichever is sooner), and also immediately to the police in the event of suspected theft. You may also need to report any such incident to the Information Commissioner's Office.

Working hours

- 7.109 You must take reasonable steps to ensure that drivers do not work excessively long hours and advise drivers to avoid driving for more than 10 hours per day and to take a break lasting at least 30 minutes after driving for 5.5 hours. The driver should also take reasonable steps to take breaks at the end of this period, unless it is the end of the working day.

Display of Conditions

- 7.110 You must display a copy of these conditions in any premises which you control and are open to the public. In addition, copy of the conditions attached to vehicle and driver licences must be available for inspection on request by a member of the public.

Subcontracting

- 7.111 If you subcontract any booking to another Private Hire Operator licensed in England (including Greater London), Wales or Scotland, you, as the operator who initially accepted the booking, remain liable under the contract.
- 7.112 If you do subcontract any booking, you must inform the hirer of the subcontract before the hiring commences.
- 7.113 If you accept any subcontract, you must ensure that you fulfil it using a Warrington Council licensed Private Hire Vehicle and Warrington Council licensed driver.

Information

- 7.114 You must understand that a booking that has been accepted by whatever means, is a contract and failure to uphold that (whether by non-attendance by the vehicle, late attendance or any other shortfall in performance) may lead to a claim for breach of contract. The accurate recording of booking details is a means of protecting you if such circumstances arise.
- 7.115 FAILURE TO ADHERE TO ANY OF THE CONDITIONS OF THIS LICENCE MAY RESULT IN ENFORCEMENT ACTION. ANY ENFORCEMENT ACTION TAKEN WILL BE IN ACCORDANCE WITH THE COUNCIL'S ENFORCEMENT POLICIES.

LEGAL REQUIREMENTS (contained in national legislation) relating to a Private Hire operator

- 7.116 A Private Hire Operator must only operate private hire vehicles and private hire drivers licensed by the same council as the operator (section 46(1) (e) of the 1976 Act).
- 7.117 A Private Hire Operator can subcontract a booking to another Private Hire Operator licensed in England (including Greater London but excluding Plymouth), Wales or Scotland but remains liable to the hirer under the contract (section 55A of the 1976 Act).
- 7.118 A Private Hire Operator who initially accepted booking from a hirer remains liable under that contract even if they do not ultimately fulfil that contract as a result of a subcontract (section 56(1) of the 1976 Act).
- 7.119 A Private Hire Operator who accepted a booking must maintain records of that booking in accordance with the conditions attached to the Private Hire Operator's Licence and must produce those records if requested to do so by an Authorised Officer of the Council or Police Constable (section 56(2) of the 1976 Act).
- 7.120 A Private Hire Operator must maintain a record of all vehicles operated by him and must produce those records if requested to do so by an Authorised Officer of the Council or Police Constable (section 56(3) of the 1976 Act).
- 7.121 A Private Hire Operator must produce their Private Hire Operator licence if requested to do so by an Authorised Officer of the Council or police constable (section 56(4) of the 1976 Act).
- 7.122 A Private Hire Operator must not refuse to accept a booking for a Private Hire Vehicle because the passenger will be accompanied by an assistance dog and no additional charge can be made for any such booking (section 170 (1) & (2) of the Equality Act 2010).