



St. Helens
Council

PRIVATE HIRE OPERATOR LICENCE CONDITIONS

JANUARY 2024

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The primary objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator licence also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and to maintain the safety benefits of the driver and vehicle licensing regime(s). (Statutory Standards for Taxi and Private Hire)

January 2024

In accordance with Sections 55(3) of the Local Government (Miscellaneous Provisions) Act 1976 the Council may attach to the grant of a licence such conditions as they may consider reasonably necessary. Failure to comply with these conditions of your licence may result in the suspension or revocation of your Private Hire Operators Licence.

If you are aggrieved by any of the requirements contained in these conditions, you have the right of Appeal to the Magistrates Court within 21 days.

Interpretation

'Council' means St Helens Council Licensing.

'Authorised Officer' means an authorised officer of St Helens Council.

Where the conditions refer to 'in writing', this includes email. The email address for St Helens Council Licensing Service is taxilicensing@sthelens.gov.uk

If you are aggrieved by any of the requirements contained in the conditions below you have the right of appeal to the Magistrates Court within 21 days of the issue of the licence to which these conditions are attached.

Holders of Private Hire Operator licences are required to ensure they comply with the following conditions at all times.

PREMISES

1. Operators must only operate from the premises listed on the Private Hire Operator licence.
2. All premises used by the Operator for the purpose of taking bookings must have valid planning permission, where required, and must comply in all other aspects with any rule, byelaw, or regulation governing its use including but not limited to, Health and Safety at Work etc Act 1974, The Regulatory Reform (Fire Safety) Order 2005, and the provision of public liability and employer's liability insurance.
3. All premises used by the operator for the purpose of taking bookings must be kept clean, in good repair, adequately heated, ventilated, and well-lit.
4. Where any passenger waiting area is provided at an Operator's premises adequate seating must be provided. The area and any furniture and fittings must be kept clean and in good repair.
5. Any passenger waiting area provided must be separate from any drivers' rest area and the office / operations room.

LICENSED DRIVERS

6. No operator shall cause, permit, or allow any person to drive any vehicle which the operator is using as a Private Hire Vehicle unless the driver holds a Private Hire Driver licence issued by the Council.

LICENSED VEHICLES

7. No operator shall operate any vehicle as a Private Hire Vehicle unless the vehicle holds a Private Hire Vehicle licence issued by the Council.

FITNESS OF PROPRIETORS

8. Only persons deemed by the Council to be a 'fit and proper' person may hold a private hire operator's licence. In order to be deemed 'fit and proper' all applicants for a private hire operator's licence must obtain a standard basic disclosure from the Disclosure and Barring Service (DBS) and produce it to the Council. The standard basic disclosure cannot be dated any older than 1 calendar month.
9. If an applicant is currently the holder of a valid Hackney Carriage/ Private Hire Drivers Licence or an additionally conditioned private hire drivers licence then this is not required.
10. If the applicant is a company or partnership, a standard disclosure from the Disclosure and Barring Service (DBS) must be provided for each director and partner.
11. A standard disclosure from the Disclosure and Barring Service (DBS) will need to be provided for each application (new/ renewal etc.) for a private hire operator's licence submitted by all persons who do not hold a valid Hackney Carriage/ Private Hire Drivers Licence.

CONVICTIONS, CAUTIONS AND MOTORING OFFENCES

12. The holder(s) of the operator's licence must notify the Council within 48 hours details of any investigation into any criminal or motoring offence relevant to the business, these being:
 - a. Investigation into any criminal offence
 - b. All notification of criminal charges or proceedings
 - c. Warnings received – this to include any harassment or anti-social behaviour orders
 - d. Cautions received – issued by the police or any other agency
 - e. Criminal convictions received
 - f. Issue of any fixed penalty notice (within 48 hours upon receipt of said fixed penalty notice).
 - g. Their arrest or questioning for any offence (whether or not charged) If the licence holder is unable to notify the Council within 48 hours, then they must notify the Council within 48 hours following their release.
13. The Operator must notify the Council within 48 hours, in writing, the details of any staff they employ, driver or otherwise, that they discover are subject to:
 - a. investigation into any criminal offence
 - b. All notification of criminal charges or proceedings.
 - c. warnings received – this to include any harassment or anti-social behaviour orders
 - d. cautions received – issued by the police or any other agency
 - e. criminal convictions received
 - f. issue of any fixed penalty notice (within 48 hours upon receipt of said fixed penalty notice).

- g. their arrest or questioning for any offence (whether or not charged) If the Operator is unable to notify the Council within 48 hours, then they must notify the Council within 48 hours following their release.

14. If the Operator is a limited company the above condition relates to any and all of its directors and/or company secretary.

DOOR SIGNS AND LIVERY

15. A magnetic or adhesive door sign must be affixed on both front doors of a vehicle at all times when the vehicle is available for use as a private hire vehicle. The door sign must measure at least 590mm wide by 220mm high and all lettering shall measure not more than 4 inches in height and not less than 2 inches in height. The door sign shall contain the following information:

- a. the words "ADVANCE BOOKINGS ONLY" or "PRIVATE HIRE ONLY" in uppercase letters measuring at least 50% of the height of the name of the operator on the door sign and in all cases a maximum of 4 inches high. This wording must be positioned above all other information contained on the door sign and in block capital letters.
- b. the name of the Private Hire Operator for which work is being undertaken.
- c. The preferred method of contact of the private hire operator for which work is being undertaken. This may include a landline telephone number (mobile numbers are not permitted), website address, smartphone/web app name, or similar.

Example

PRIVATE HIRE ONLY
BROWN'S CARS
01744 123456

- d. The signage which you will be required to display on all vehicles, all artwork must be approved by the Council prior to the installation on private hire vehicles.

16. Private Hire vehicles must not use the following words on the door sign any reference to the words 'hackney', 'taxi', or 'cab'.

17. No vehicle colour is specified but the signs should contrast with the vehicle bodywork colour on which they are displayed.

18. The Operator must provide each driver with a minimum of two door signs which comply with the above requirements. The signs must be displayed on the door and not in the window/s of the vehicle. Door signs to be displayed on the front driver and passenger doors of the vehicle.

19. Any proposed changes to the design of a door sign or livery must be presented to the Council for approval before said change takes place.

INSURANCE

20. Operators must take all reasonable steps to ensure that every vehicle operated by them is at all times covered by an appropriate policy of insurance for carrying out Private Hire work. The Operator must retain on record, details of the expiry date of the insurance relating to all vehicles that they operate and have a system in place to remove a vehicle from their system should the insurance of that vehicle expire.

DRIVER / VEHICLE DETAILS

21. The Operator must maintain at all premises used by them for the purposes of taking bookings, a list of all licensed drivers and vehicles operated by them, which must include:

- a. Full name, address and contact details of the driver
- b. Date the driver commenced work with the Operator

- c. Private Hire Driver licence number
- d. Expiry date of the Private Hire Driver licence
- e. Call-sign allocated to the driver, if applicable
- f. Private Hire Vehicle plate number
- g. Expiry date of Private Hire Vehicle licence
- h. Vehicle registration number
- i. Vehicle make and model
- j. A current copy of the vehicle licence
- k. A current copy of the drivers licence

- 22.** The driver/vehicle records must be made available for inspection to an Authorised Officer upon request.
- 23.** Operators holding a licence which permits more than one vehicle to be operated must send a copy of the list of all licensed drivers containing the information above to the Council on the first Monday of each calendar month. The list may be sent via email (taxilicensing@sthelens.gov.uk) or in the post.
- 24.** Operators must not use the services of any driver or vehicle without having noted the details above, ensuring at all times that the driver and the vehicle being used have current licences.
- 25.** Operators shall notify the Council within 24 hours when any driver ceases to work them, or has started working for them.

CONTRACT OF HIRE

- 26.** Every contract of hire of a Private Hire Vehicle shall be deemed to be made with the Operator whether or not they provide the vehicle themselves and the Operator shall be liable under the terms of that contract.

BOOKING RECORDS

- 27.** The Operator must make a record of every booking of a Private Hire Vehicle invited or accepted by the Operator, whether by accepting the booking directly or undertaking it at the request of another licensed operator or if it is intended that the booking is to be sub contracted to another Operator.
- 28.** The record of each booking must be made before the start of each journey and must contain the following information as a minimum:
 - a. Date and time the booking is made – 24hr clock to be used
 - b. Name of the passenger
 - c. Pick-up address/location
 - d. Destination address/location
 - e. The name of the driver
 - f. The driver's licence number and/or identity call sign
 - g. The vehicle registration or Private Hire Vehicle licence number
 - h. Remarks, including how the booking was made, fare quoted where applicable

- i. If the booking has been sub-contracted, the name of the operator from/ to which the work was sub-contracted
 - j. The name of the staff member that responded to the booking request.
 - k. The name of any staff member that dispatched the vehicle.
29. The record of bookings must be kept on either a computer database which must have the facility for printing records, or in chronological order in a book with consecutively numbered pages.
30. If a computer database is used to record bookings, it shall be of such design that entries made cannot subsequently be modified/ deleted.
31. Any abbreviations used in the record of the booking must be cross referenced in a separate key.
32. The booking record is to be kept as a live record. Advance bookings should be kept as a separate log and include any amendments that are subsequently made, including but not limited to the cancellation of the booking.
33. For clarity, where any bookings are sub-contracted either by the Operator to another licensed Operator or are accepted by the Operator from another Operator a full record of the booking as detailed above including the name of the sub-contractor must be maintained.
34. The record of bookings must be kept for a minimum period of 12 months and must be made available to an Authorised Officer upon request.
35. The Operator cannot accept bookings made by direct dial to a mobile telephone or to a telephone line which is situated outside of the borough of St Helens.

CHARGES

36. The Operator must ensure that details of charges are provided on request to any person making a booking, prior to the commencement of any journey.
37. The Operator must provide the Council with a current scale of fares and inform the Council, in writing, of any change to the scale of fares they intend to charge prior to the changes taking effect. This must be submitted to the Council at least annually on 1 April.
38. The Operator must provide each driver working for them a copy of their current scale of fares.

STANDARD OF SERVICE

39. It is the Operator's responsibility to provide a prompt, efficient, and reliable service to members of the public at all reasonable times ensuring vehicles attend the appointed time and place unless delayed or prevented by sufficient cause.
40. The Operator must ensure vehicles supplied are of suitable capacity for the number of passengers. This may require more than one vehicle to be supplied in order to comply with this condition. In these circumstances customers must be advised that their booking is subject to more than one vehicle.
41. Where customers indicate they have luggage to be transported in addition to passengers, vehicles supplied must have adequate space for their luggage.

BASE STAFF

42. The Operator must not employ any staff before they have been provided with a Basic Disclosure and Barring Services (DBS) certificate that has been carried out no more than 1 calendar month prior to the proposed date for the commencement of their employment. The Operator shall retain the DBS certificates for all base staff at its designated main office.

43. The Operator must have in place a written policy relating to circumstances when a DBS certificate shows evidence that an individual applicant wishing to work for them taking bookings and dispatching vehicles or has access to that information, has committed a criminal offence. This policy must be made available to an Authorised Officer on request. The purpose of the policy must be to ensure that any staff employed by the Operator do not pose a risk to the public or the safeguarding of children and vulnerable adults.
44. All staff employed by the Operator for the booking and dispatching of vehicles or has access to that information must undergo Safeguarding Awareness training provided by the Licensing Authority within two months of starting employment with the Operator.
45. Where the Operator employs staff to make provision for the acceptance of bookings they must ensure that the staff have read, understood, and comply with these conditions and other conditions of relevant licences. A written record confirming this must be kept and made available to an Authorised Officer upon request.
46. The Operator must ensure that staff employed to make provision for bookings provide a high standard of customer care at all times.
47. A register of all staff undertaking the bookings and dispatching of vehicles must be maintained which includes: the date they commenced employment with the Operator, evidence that a DBS check was carried out prior to their employment and a record of when they undertook the safeguarding training with the Licensing Authority.
48. Operators should not employ as base staff or in any other capacity a person who has previously had a hackney carriage / private hire drivers licence revoked.

COMPLAINTS

49. The Operator must have a complaints management system which is used to record and monitor all complaints received from members of the public.
50. In any part of the premises to which the public have access, and or on the website used for the purpose of taking bookings, the Operator shall prominently display a notice advising who complaints should be directed to in the first instance and the method for doing so.
51. On receipt of a complaint, the Operator must document in an electronic form or bound book with consecutively numbered pages the following information:
 - a. date and time the complaint was received
 - b. name and contact details of the complainant
 - c. name of driver(s) against whom the complaint has been made
 - d. private hire driver licence number
 - e. vehicle registration number and licence number (plate number)
 - f. details of the complaint including the date of the incident
 - g. details of the actions taken by the Operator in response to the complaint
 - h. date investigation was completed
 - i. outcome of complaint
 - j. date complaint was reported to the Licensing Authority
 - k. name of staff member who facilitated the complaint

52. The complaint records referred to above shall be held and secured at the Operator's main business address and shall be made available to an Authorised Officer at all reasonable times.
53. Details of all complaints must be reported to the Council within 24hrs of receipt.
54. The Operator must keep records of complaints for a minimum period of 12 months.

RADIO/COMMUNICATIONS EQUIPMENT

55. If an Operator is using radio equipment must hold the relevant Business Radio User Licence issued by Ofcom and must make this licence available to an Authorised Officer upon request.

Any radio equipment used by operators must be maintained and in good working order.

LOST PROPERTY

56. The Operator must keep a record of lost property handed in to them by any driver and provide suitable storage for a period of up to 3 months.
57. The Operator must make the record of lost property available to an Authorised Officer upon request.

CHANGE OF NAME/ ADDRESS

58. The Operator must notify the Council, in writing of any change of their private address, or in the case of a limited company, any change to the registered office address, within 7 days of the change taking place.
59. If the Operator wishes to change the trading name of the business, they should first contact the Licensing Authority to ensure that the proposed name does not conflict with any other licensed operator, as duplicate names or names that are too similar, are not permitted. A fee will be applicable for change of trading name.

TOUTING

60. The Operator shall not permit its drivers or vehicles to:
 - a. Tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle;
 - b. Cause or procure any other person to tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle.
61. In this condition, 'road' means any highway and any other road to which the public has access including bridges over which a road passes. 'Public place' includes railway stations.