

**PRIVATE HIRE VEHICLE OPERATOR LICENCE  
POLICY AND CONDITIONS  
From 2023**



**PRIVATE HIRE OPERATOR LICENCE POLICY**

1. Before a licence is granted to a private hire vehicle operator, the applicant must:-
  - 1.1 complete and submit to the City Council an application in the form prescribed by the Council, and
  - 1.2 satisfy the Council that the applicant(s) is a fit and proper person to hold such a licence.
  - 1.3 satisfy the Council that the applicant is a fit and proper person to hold such a licence. Applicants will be required to provide a Basic DBS certificate no more than 6 months old to assist with this.

# PRIVATE HIRE OPERATOR LICENCE CONDITIONS

## General

The holder of a private hire vehicle operator's licence must observe and carry out the requirements of the Local Government (Miscellaneous Provisions) Act 1976, Part II, and any order or regulation made thereunder, and the requirements of any other Act of Parliament or orders, regulations or byelaws made thereunder relating to the operation of the motor vehicle(s) in accordance with the licence. Additionally must be compliant with all other legislation relating to their operation, for example health and safety and employment legislation.

## Interpretation

In this licence and in this document, unless the subject or context otherwise requires:-

- "authorised officer" means any officer of the Council authorised in writing in accordance with the Council's scheme of delegations for the purposes of the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976;
- "the Council" means the Southampton City Council;
- "hackney carriage" has the same meaning as in the Town Police Clauses Act 1847;
- "licence plate" means the plate issued by the Council for the purpose of identifying the vehicle as a private hire vehicle duly licensed by the Council;
- "proprietor" includes a part-proprietor and, in relation to a vehicle which is the subject of hire purchase agreement, means the person in possession of the vehicle.

The proprietor shall observe and carry out the following terms and conditions:-

## 2. TRANSFER OF LICENCE

- 2.1 The licence is not transferable to another person or company nor does it authorise the licensee to operate from any address(es) other than that (those) specified in the licence.

## 3. STAFF WITH ACCESS TO CUSTOMER DATA

- 3.1 Licence holders will maintain a register of all staff who have access to customer personal data, recording the date and times they work and their role. This will include staff that take bookings from customers and dispatch vehicles.
- 3.2 The licence holder will provide a policy on employing ex-offenders recognising those with a conviction for offences provided in the council's policy on previous convictions, other than those relating to driving matters, may not be suitable to have access to such data.
- 3.3 Licence holders will require a basic or higher DBS certificate of individuals named in the register in 3.1 at the time of employment to be no more than 3 months old and any contracts of employment will include a clause requiring the individual to disclose any arrest or conviction to the employer.
- 3.4 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators are required to evidence that comparable protections are applied by the company to which they outsource these functions.

## 4. NUMBER OF PASSENGERS

- 4.1 The licensee shall not convey, or cause or permit to be conveyed in the vehicle a greater number of persons, exclusive of the driver, than specified in the licence. In addition, children

under three years will not be conveyed in the front seat of a vehicle whether restrained or unrestrained.

## **5. RECORDS OF BOOKINGS**

5.1 Section 56 of the Local Government (Miscellaneous Provisions) Act 1976 requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. Operators are required to record the following information for each booking:

(i) the name of the person or identifying feature, that is unique to the location the request is made from, of the equipment making the booking;

(ii) the name of the passenger;

(iii) the time and date of the request;

(iv) the time and date of intended pick up;

(v) the pick-up point;

(vi) the destination;

(vii) the name of the driver;

(viii) the driver's licence number;

(ix) the vehicle registration and plate number of the vehicle;

(x) the name of any individual that responded to the booking request;

(xi) the name of any individual that dispatched the vehicle.

5.2 Operators are also required to keep a record of bookings that a driver accepts but then cancels together with a reason for the cancellation. The operator will have a policy of reviewing the cancelled jobs recorded, how they will address incidents of unjustified cancellations with the driver and will report the result of unjustified cancelled jobs to the licensing authority.

5.3 All record books shall be maintained for at least 12 months.

5.4 As a minimum before the booking is undertaken the operator must record (i), (iii), (iv) and (v) of the above. If all of the information is not available at the time of accepting the booking then the remaining details must be recorded as soon as is practicable and certainly within 1 hour of the completion of the booking.

## **6. CONTRACTS**

6.1 Every contract for the hire of a private hire vehicle licensed by the Council shall be deemed to be made with the operator who accepted the booking for that vehicle, whether or not the operator provided the vehicle

## **7. VEHICLES/DRIVERS OPERATED BY THE LICENCE HOLDER**

7.1 The operator shall notify the Licensing Authority in writing within seven days of the commencement or termination of any vehicle and/or driver operated by them.

## **8. USE OF PASSENGER CARRYING VEHICLES (PCV) LICENSED DRIVERS**

- 8.1 The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking is not permitted without the informed consent of the booker, which must be included in any booking record.
- 8.2 Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker is to be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

## 9. **DISABLED PERSONS**

- 9.1 An operator must accept the carriage of any disabled person, provide them with reasonable mobility assistance, and carry their mobility aids, all without charging any more than they would for a non-disabled passenger, provide any disabled passenger who requests it with assistance to identify the vehicle, at no extra charge and be required to accept bookings for or on behalf of any disabled person, if they have a suitable vehicle available

## 10. **USE OF PREMISES**

- 10.1 The licence holder while carrying on the business of an operator must ensure that the use of the office premises complies with the requirements of the Town and Country Planning Act 1971 and Orders and Regulations made thereunder.
- 10.2 The licence holder, while carrying on the business of an operator, shall not permit licensed private hire vehicles to obstruct entrances to adjoining premises.
- 10.3 The licence holder will not permit annoyance or interference to be caused to residents of adjoining premises by the use of radio communication apparatus.

## 11. **CHANGE OF ADDRESS**

- 11.1 The operator shall, within seven days, notify in writing to the Council any change of address (including any address from which he/she operates or otherwise conducts business as an operator).

## 12. **CONVICTIONS**

- 12.1 The operator shall, within seven days, disclose to the Council in writing details of any conviction imposed.

## 13. **INCIDENT REPORTING**

- 13.1 The operator shall record and notify the Licensing Authority of incidents or complaints that may bring into question the fitness and propriety of the driver or operator, made to the operator, regarding any driver or operator used by the operator within three working days of receipt. This includes incidents or complaints received from third parties and relates to any journey whether a hiring by the public or from contract work. Any response to a complaint that has already been made should be forwarded to the Council Licensing Team at the same time. Any further responses should be forwarded to the Council Licensing Team on request. The report shall include details of driver(s) and vehicle(s) involved and the hirers name and contact details.
- 13.2 A list of complaint types to be reported includes but is not limited to:
- sexual misconduct, sexual harassment, or inappropriate sexual attention
  - Breaching terms and conditions laid down by the operator regarding fares and charges including the cancellation of a journey without good reason
  - Unnecessarily obtaining passengers personal information which includes but not

limited to social media contact details and telephone numbers

- racist behaviour
- violence
- dishonesty, including but not limited to theft, touting, incorrect routing to inflate a fare
- breaches of equality (specifically wheelchair and service animal denial)
- acts of dishonesty
- road traffic offences including condition of any vehicle and including instances of poor driving standards
- any other act that may bring into question the fitness and propriety of the driver or operator