

Appendix C

Private Hire Operator Licensing Conditions

Section 55 (3) of the Local Government (Miscellaneous Provisions) Act 1976 states that:

'A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary.'

The Licensing Authority will attach to all private hire operator licenses a set of mandatory conditions that must be observed at all times.

Following determination of an application by the Licensing Sub-Committee additional conditions may be imposed. The licensee will have the right to appeal to Magistrates Court following the hearing or can request a review of their licence at a later time to ask that additional conditions be removed.

Definitions	
'The Council'	Refers to Sheffield City Council
'The District'	Refers to the district of Sheffield
'The Act'	Refers to the Local Government (Miscellaneous Provisions) Act 1976
'Private Hire Vehicle'	Refers to the same meaning as in The Act
'Vehicle'	Refers to a private hire vehicle
'Operator'	Refers to a person who has been granted a private hire operator's licence issued by the Council under Section 55 of The Act
'Premises'	Refers to the private hire operator's place of business for the purpose of operating vehicles
'Authorised Officer'	Refers to any officer of the Council authorised in writing by the Council for the purpose of regulating private hire legislation

1. Operator Licence	
a.)	Operators will at all times adhere to statutory legislation, Sheffield City Council's Private Hire Operator's Licence Policy document and information contained in these conditions. Operators must also adhere to health, safety, welfare, environmental and equalities legislation as appropriate.
b.)	The licensee, to whom the licence has been issued, shall display such licence in a prominent position at each business premises recorded on the licence. Exceptions to this will be where the licence is to be presented to the Licensing Authority for amendment and/or inspection.
c.)	A separate licence will be issued, where applicable, to each approved secondary booking office.
d.)	The operator licence is not transferable. The operator's licence is a personal or company licence and is not transferable between individuals. Any change of operating address within the district must be notified to the Licensing Authority at least 7 days before the date of the change, and a new licence showing the new address will be issued and a charge will be made in accordance with our fees and charges
e.)	Any intended change of business premises must be notified to the Licensing Authority and approval obtained before being so used.
f.)	The operator must not at any time operate more vehicles than is specified on the licence. A proposed increase in the number of vehicles to be operated must be made in writing to the Licensing Authority and consent given before being implemented.
g.)	If the person as named on the operator licence is to be absent from the day to day running of the business for a period of not less than two consecutive months they shall inform the Licensing Authority of such. In doing so, the operator must name a person who will be responsible for running the business on their behalf.
h.)	The operator shall at all times ensure that the Licensing Authority has their most up to date contact details, 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 in order that sensitive information can be properly handled and held confidentially by the operator.
i.)	The operator, in line with statutory legislation and as a condition on this licence, will only operate from a premises within the district of the Authority. The Licensing Authority will not grant any operator's licence where the operating base is outside the boundary of the district. This is to ensure both compliance with legislation and that proper regulation and enforcement measures may be taken.
2. Premises	
a.)	The licensee shall only conduct business from the address named on the operator licence. The Licensing Authority reserves the right for an Authorised Officer to inspect the premises for suitability and compliance with the requirements of these Conditions.
b.)	The Operator shall only employ or utilise persons to conduct their business that have been approved by the Licensing Authority.

c.)	If additional persons are employed at the business premises then the premises must be kept clean, adequately lit, heated and ventilated and must conform to all other legal requirements, such as no smoking to be allowed on the premises (Health Act 2006), the requirements of the Regulatory Reform (Fire Safety) Order 2005 which requires that a fire safety risk assessment is in place at the premises and Health and Safety at Work Regulations are adhered to.
3. Record of Bookings	
a.)	The Operator must keep an accurate record of every booking of a private hire or hackney carriage vehicle that is accepted. The loss of records must be reported to the Licensing Authority within 24 hours and immediately to the police. Separate records must be kept at each premises from which the operator conducts business. The records must be kept at the business address/addresses at all times. All records must be in English and be permanent. Records must be kept for a period of not less than 12 months from the date of last entry.
b.)	<p>The operator shall, before the commencement of each journey, record in a manner prescribed by the Licensing Authority, the following details of each booking:</p> <ul style="list-style-type: none"> (i) The time and date the booking was received and, if required, any subsequent cancellation; (ii) The method by which the booking was received (e.g. telephone, email, electronic application etc.); (iii) The person taking the booking (or in the case of a computer system, the identity, including the site/location of where the booking was received); (iv) The time and date of the journey; (v) The address/premises from which the journey will commence and the address/premises of the destination; (vi) The registration and plate number of the hackney carriage or private hire vehicle that is to be used for the booking; (vii) The name, badge number and call-sign of the driver of the vehicle to be used; (viii) Remarks, including details of any subcontracting to another licensed operator.
c.)	Where bookings are sub-contracted either by the operator to another licensed operator or are accepted by the operator from another licensed operator a full record of the booking (in line with 3b above) and notes must be included; including the name of the sub-contractor, what time the job was sub-contracted and any contact information.
d.)	Records of bookings must be maintained and kept up to date at all times and must be made available for inspection at all reasonable times without notice by an Authorised Officer or Police Officer. Officers must be permitted to photograph and/or remove such records and to remove from the premises if so required.

4. Details of Vehicles

a.)	<p>The operator shall keep at the main business address a detailed list in writing of all the vehicles they operate. This will include:</p> <ul style="list-style-type: none">(i) The registration mark issued in respect of the vehicle under the Vehicles (Excise) Acts;(ii) A copy of the current private hire vehicle licence as issued by the Licensing Authority;(iii) A copy of the current insurance certificate for the vehicle, clearly stating the permitted drivers and permitted use of the vehicle;(iv) The date on which the vehicle commenced to be operated by the licensee;(v) The date on which the vehicle ceased to be operated by the licensee;(vi) Any radio/computer call-sign/number allocated to the vehicle by the licensee.
b.)	<p>The Operator shall only operate private hire and hackney carriage vehicles where the vehicle and driver are licensed by Sheffield City Council. The Operator must check and keep a copy of all driver and vehicle licence documents.</p>
c.)	<p>When the operator ceases to operate any licensed vehicle, the operator shall notify the Licensing Authority within 72 hours for amendment by an Authorised officer.</p>

5. Details of Drivers

a.)	<p>The operator shall keep at the main business address a detailed list in writing showing the following particulars in respect of every driver of every private hire and hackney carriage vehicle operated:</p> <ul style="list-style-type: none">(i) The name, address and date of birth of the driver of the vehicle;(ii) A copy of the Hackney Carriage and Private Hire Driver's Licence as issued by the Licensing Authority;(iii) The date in which the driver commenced driving each vehicle;(iv) The date on which the driver ceased driving each vehicle.
b.)	<p>The operator shall keep the records in alphabetical order, by surname, for a period of two years from the date on which the driver ceased driving for them.</p>
c.)	<p>The Hackney Carriage and Private Hire Driver's Licence shall be available at all times for inspection by any Authorised Officer of the Council or Police Officer. The licence may be taken away from the premises if so required.</p>
d.)	<p>The operator shall take all reasonable steps to ensure that drivers of vehicles employed, used or controlled by them observe and perform the conditions attached to their Hackney Carriage and Private Hire Driver's Licence, the vehicle licence and all other statutory requirements, including road traffic regulations.</p>

6. Public Complaints	
a.)	The operator must maintain a register of complaints that are made by the public, either in hard copy or computer format.
b.)	<p>The operator shall, upon a receiving a 'specified complaint', notify the Licensing Authority within 72 hours in writing.</p> <p>A specified complaint is considered as any allegation of criminal behaviour whilst acting as a private hire driver; these may include:</p> <ul style="list-style-type: none"> • Sexual misconduct, sexual harassment or inappropriate sexual attention; • Racist behaviour; • Violence; • Dishonesty; and • Breaches of equality.
c.)	<p>The operator shall, upon receiving a 'low level complaint', maintain such a register for inspection by the Licensing Authority. Complaints of this nature shall be kept for a minimum period of 12 months.</p> <p>Low Level complaints are those that are indicative of a professional development need, of concealing some potential significant offending or allegations of unsafe behaviour.</p>
d.)	The operator must ensure that customers can speak to a person in the event of a complaint or problem with the journey. Licensing Officers and the Police must also be able to access information immediately on request.
7. Acceptance of Bookings	
a.)	The operator shall only operate private hire and hackney carriage vehicles where the vehicle and driver are licensed by Sheffield City Council. The operator must check all driver and vehicle licence documents.
b.)	<p>Where the operator sub-contracts a job booking and/or accepts a sub-contracted job booking to/from another operator they must ensure that:</p> <ul style="list-style-type: none"> (i) The operator is licensed under the Act; (ii) The vehicle and driver are licensed by the same authority; and (iii) The vehicle is appropriately insured.
c.)	Every contract for the hire of a private hire vehicle (or hackney carriage for such purpose) shall be deemed to be made with the licensed operator who accepted the booking, whether or not that licensed operator subsequently provides the vehicle.
d.)	Where bookings are sub-contracted either by the operator to another licensed operator or are accepted by the operator from another licensed operator a full record of the booking and notes must be included; including the name of the sub-contractor, what time the job was sub-contracted and any contact information.

e.)	The operator shall provide a prompt, efficient and reliable service to members of the public at all times, unless delayed or prevented by sufficient cause.
f.)	The operator will be responsible for a booking that has been transferred to another operator and will therefore remain accountable for that service delivery.
8. Fares	
	Where a request for hiring is received and the vehicle to be used for hiring is not fitted with a meter (private hire vehicle), the operator must inform the person making the booking, if so requested, the basis of the hire charge. If requested, the information must be put in writing.
9. Lost Property	
a.)	The operator shall keep a record of all lost property retained by them.
b.)	The operator shall deliver any property left in a vehicle and handed to them by the driver, to the local police station as soon as possible and in any case within 24 hours.
10. Criminal convictions, cautions, reprimands, warnings, fixed penalty notices, or restorative justice.	
	The operator shall, within 14 days of the date of receiving or having imposed on them any criminal convictions, cautions, reprimands, warnings, fixed penalty notices, or if they have been made subject to a restorative justice disposal, disclose to the Licensing Authority in writing, details of the criminal convictions, cautions, reprimands, warnings, fixed penalty notices, and/or restorative justice disposal during the period of the licence.
11. Compliance with other Legislation	
a.)	The operator must bring to the attention of all drivers their legal obligations regarding the use of seatbelts by both adults and children less than 14 years of age.
b.)	The operator must bring to the attention of all drivers their legal obligation regarding no smoking in vehicles under the Health Act 2006.
c.)	The operator must ensure that all drivers are aware of their obligations under any other legislation relevant to the work of a private hire, or a hackney vehicle carriage used for private hire purposes.
d.)	The operator must register with the Information Commissioner's Office (ICO).
e.)	The operator must ensure, as far is reasonably practicable, that all drivers wear their licence badges when working.
f.)	The operator must ensure, as far is reasonably practicable, that vehicles display the correct vehicle signage as provided by the Licensing Authority.
g.)	The operator must not fail or refuse to accept a booking by or on behalf of a disabled person accompanied by an 'assistance dog' when the reason for failure or refusal is that the disabled person will be accompanied by an 'assistance dog'.