



## CYNGOR SIR CEREDIGION COUNTY LICENSING AUTHORITY

Local Government (Miscellaneous) Provisions Act 1976

Part II

Town Police Clauses Act 1847

### Duties of the Operator of a Private Hire Business

The Operator shall observe and comply with the following terms and conditions in respect of operating a Private Hire business:

#### 1. GENERAL CONDITIONS

- i) No Operator's licence will be issued until the appropriate fee is paid. Where payment is made by cheque which is subsequently dishonoured, any licence issued will be null and void.
- ii) Before a licence is issued in respect of a private hire operator's licence, the applicant, being the operator of the private hire company, must complete and submit to the Licensing Authority an application on the form prescribed by the Authority.
- iii) Each application will be treated on its own merit and shall remain in force for a maximum period of five [5] years unless suspended, withdrawn or revoked by the Licensing Authority or surrendered by the Operator.
- iv) It is the operator's responsibility to ensure that an application for renewal is submitted in sufficient time prior to the licence expiry date as there is no automatic period of grace. Any applications received after the expiry date may be treated as a new application. The LA considers that 30 days prior to the expiration date is sufficient, however, it takes no responsibility for any delays that may occur as a result of errors, incomplete applications or other reasons beyond the control of the Authority.
- v) The operator of a private hire business must be a fit and proper person as prescribed by Ceredigion County Council's Private Hire & Hackney Carriage Fitness Criteria – Appendix E to the Overarching Policy. As such, he/ she is required to submit to the LA, upon application for grant or renewal of licence, the following documentation:
  - i) A certificate issued following a medical examination to the standard of that laid out in the DVLA D4 group 2 guidelines. Medical certificates required by this Authority must be produced by –
    - a. A qualified general practitioner
    - b. A consultant\*with full access to all of the applicant's medical records.
  - ii) Two referees to whom the Licensing Authority may write for the purpose of obtaining a reference. The referees must have known the applicant for a minimum of 2 years. These persons should not be connected with the applicant's family or the hackney carriage or private hire trade. Both should be prominent members of the community; for example, a Magistrate, Lawyer, Teacher or Clergyman etc.
  - iii) Two recent passport size photographs of his self / herself. "Recent" in this instance means taken within the last 12 months.
  - iv) An enhanced Disclosure and Barring Service (DBS) check completed and submitted via the LA



- vi) The operator shall furnish to the LA details of the premises from which the private hire business will be carried on, the address of where the licensed vehicles are kept, and details of the facilities provided for the repair and maintenance of vehicles. He/ she shall satisfy the LA that the premises comply with the relevant statutory requirements. The operator shall obtain any necessary planning permission for the premises used in connection with the business of operating private hire vehicles, and shall not engage in, allow or permit such operation until the necessary planning permission has been obtained. Any breach of planning permission or requirements shall be deemed to be a breach of the Operator's licence conditions.
- vii) The applicant/ operator must be able to provide evidence that the majority of their bookings are undertaken within the County of Ceredigion.

## **2. OPERATOR'S DUTIES TOWARDS THE VEHICLE**

- i) The operator must satisfy the Licensing Authority that all vehicle(s) used in the undertaking of duties on behalf of the business are registered under the Vehicle (Excise) & Registration Act 1994 and that there is in force in relation to the use of the vehicle(s) or fleet, a policy of insurance issued on a fully comprehensive basis which covers the use for "Carriage of Passengers for Hire and Reward" and / or "Private Hire"
- ii) The licence holder shall provide and keep a suitable register in which he/ she shall enter for each vehicle under his/her control details of:
  - a. Make and model of vehicle,
  - b. Registration number,
  - c. Date of purchase,
  - d. Alterations in design or construction and the relevant documentation attached thereto
  - e. Date of sale/destruction,
  - f. Name and address of new purchaser,and shall produce the same for inspection on request by an Authorised Officer of the Authority or Police Service.
- iii) The operator shall ensure the number of the licence is fixed and displayed on the vehicle at all times during which the vehicle is licensed as a private hire vehicle. This number is to be displayed by means of a licence plate issued by the Licensing Authority to the operator on payment of a deposit, the amount of which to be prescribed by Ceredigion County Council.
- iv) The private hire vehicle(s) shall display, at all times during which the vehicle is licensed for private hire, a YELLOW crescent plate issued by the Licensing Authority upon receipt of a deposit paid by the operator. The operator shall ensure that this licence plate is fixed and displayed upon the exterior rear of the vehicle either immediately above or below the bumper, and in such a position as the vehicle's registration mark is not obscured, with the particulars thereon facing outwards, and in such a manner and place that the licence plate is clearly visible by daylight from the road.
- v) The operator shall return the relevant licence plate to the Licensing Authority within seven [7] days upon request, expiry, revocation or surrender of the licence. The deposit shall be refunded unless replacement plates are required. Failure to return the plates is an offence under section 58(2) of the Local Government (Miscellaneous Provisions) Act 1976.



- vi) Loss of a licence plate must be immediately reported to the Licensing Authority and a replacement must be obtained on payment of such fee as the Licensing Authority may prescribe.
- vii) There is no mechanism in place to transfer a vehicle licence onto a separate vehicle.
- viii) It is the duty of the operator to ensure that any driver in his/ her employment is entitled to drive the correct classification of vehicle and for private hire purposes.
- ix) A private hire vehicle licensed by this LA can only be driven by a person holding a current dual drivers' licence issued by Ceredigion's Licensing Authority. This condition applies except when the licensed vehicle is being road tested by an employee of a garage employed by the operator following repair and/or maintenance work to the vehicle.
- x) The operator must satisfy the Licensing Authority that all drivers used in the undertaking of duties for and on behalf of the business have current, valid licences issued by this Authority.
- xi) The driver(s), operator and vehicle(s) must each have valid, current licences issued by this Authority.
- xii) Journey times and routes must be adjusted to take account of poor weather conditions and the hirer must be pre-warned if the journey could take longer due to road conditions.
- xiii) The operator shall ensure that daily vehicle defect sheets are completed before their drivers begin their shift. Should more than one driver use the vehicle on that day, he must also conduct the checks to ensure his/ her own and passengers' safety.
- xiv) These daily defect sheets must be filed and kept for a minimum period of six months and be made available for inspection by an authorised officer at any time.
- xv) Vehicles must be properly equipped to operate in all weather conditions.
- xvi) These conditions are attached to each operators licence and further copies may be obtained from the LA upon request.
- xvii) Operators must ensure that copies of the operator's conditions, driver conditions and vehicle conditions are prominently displayed at the operating base for public surveying
- xviii) Any person who commits an offence against any of the provisions of these conditions, Part II of the Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act 1846 may be liable on summary conviction to a fine.

### **3. SIGNS AND ADVERTISING**

- i) No fittings, signs or advertisements are to be painted on, attached to or within the vehicle unless approved by the Licensing Authority in writing.
- ii) External advertising in the form of roof signs affixed to the vehicle is not permitted.
- iii) Should the vehicle have a roof sign, the roof sign must be removed and in a manner which does not cause damage to or impact negatively upon the appearance, structure or safety of the vehicle.



#### **4. BOOKINGS**

- i) Journeys/ hirings must be pre-booked through the operator licensed by this Authority. Licences are only issued to operators who are fit and proper persons who understand the relevant legislation governing the use of vehicles for private hire purposes. Licensed operators must ensure, so as far as is reasonably practicable, that their drivers and vehicles comply with all licence conditions and the relevant governing legislation..
- ii) Private hire operators must communicate with the public in person or by telephone / text or email and with their drivers in person or by two-way radio devices.
- iii) Licensed operators are responsible for providing a safe and courteous service to their clients at all times
- iv) The operator shall provide and keep a suitable register in which he shall enter before the start of each journey, the following particulars for each contract of hire:-
  - a. the time of hire
  - b. the pick-up point
  - c. the name of the hirer
  - d. the licence number and registration number of the vehicle used
  - e. the details of the driver
  - f. the fare charged
- v) The records shall be kept in a chronological order in a bound book.
- vi) Such records should be kept for a minimum of 6 months and the register must be produced on request to an Authorised Officer of the Council or Police Constable for inspection. If required, these records may be detained as evidence.
- vii) A private hire vehicle does not require a taximeter. All fares must be pre-booked and a log kept of all such bookings which must be made available for inspection at any time by an Authorised Officer.
- viii) Where a private hire vehicle has been leased and has a taximeter installed, that taximeter may be retained until the vehicle is returned, provided that it complies with the legal requirements attached to the running of taximeters.

#### **EQUALITY ACT 2010**

- i) Operators are expected to comply with the Equality Act 2010 when offering conveyance services for disabled passengers. Separate conditions apply to specially adapted vehicles, copies of which may be downloaded from the Ceredigion County Council website or obtained from the LA upon request.
- ii) Discrimination of any form is unacceptable. An allegation of discrimination will be regarded as extremely serious and may be reported to the Police. The LA may then review the licence to establish whether the licence holder remains a fit and proper person to hold such a licence.

#### **5. VEHICLE INSPECTIONS**

- i) The operator shall comply with any notice served on him/ her by such Officer or Constable requiring him/ her to present the vehicle for inspection, examination or testing at such reasonable time and place as may be specified for the purpose of ascertaining its fitness.



- ii) The fee relating to the cost of any vehicle repair and/ or inspection test is to be borne by the operator.
- iii) The operator shall ensure the vehicle is not used for carriage of passengers for hire & reward until the LA is satisfied that the vehicle is fit.
- iv) The operator may be subject to enforcement action where there are found to be defects to a vehicle that might compromise the safety of the public.

## 6. RESPONSIBILITIES OF NOTIFICATION

- i) An operator shall comply with any reasonable request by the Council for him/her to attend for interview in relation to any contraventions, omissions or other alleged failures to comply with his/ her statutory responsibilities or any other matters in relation to carrying on his/ her trade as a private hire operator.
- ii) If, during the period of a licence granted by this LA, the information supplied by the applicant/ operator for the licence is altered for any reason, notice in writing of the alterations must be submitted immediately to the Licensing Authority.
- iii) The operator of any licensed vehicle must, by law, report to the Licensing Authority, within seventy-two [72] hours of the occurrence, any incident involving that vehicle causing damage affecting the safety, performance or appearance of the vehicle.
- iv) If the operator in respect of which a vehicle licence has been granted by the Licensing Authority transfers his/ her interest in the private hire vehicle to a person other than the operator whose name is specified in the licence, he shall, within fourteen days after the transfer, give notice in writing thereof to the Licensing Authority specifying the name and address of the person to whom the private hire vehicle has been transferred.
- v) Operators must inform the Council's licensing office, in writing, on the prescribed form, within fourteen [14] days from the date of any convictions for any offence. In the event of a custodial sentence, the LA must be notified as soon as is reasonably practicable.

## 7. MISCELLANEOUS

- viii) Employers have duties under health and safety law for on-the-road work activities. The Health and Safety at Work etc. Act 1974 states the employer must ensure, so far as reasonably practicable, the health and safety of all employees whilst at work. The employer must also ensure that others are not put at risk by work-related driving activities. Those who are self-employed have similar responsibilities.
- ix) The Operator has duties under road traffic law, e.g. the various Road Traffic Acts and the Motor Vehicles (Construction and Use) Regulations 1986, which are administered by the Police and other agencies such as the Driver and Vehicle Standards Agency (DVSA).
- x) Operators must ensure that all vehicles used are in good, sound mechanical condition, clean and are suitable for public service.
- xi) It is the duty of the Operator to ensure that their drivers have their own copy of the driver licence conditions as set out by the Licensing Authority.. The driver must understand and present a signed declaration to the LA stating they have read and understood the conditions imposed on them during the currency of their licence.
- xii) The operator shall cause to be carried on the vehicle and the operators' base a first aid kit of no less a standard than the "Industrial Size No 1 Kit" required under The Health & Safety (First Aid) at Work Regulations 1981 made under the Health & Safety at Work etc. Act 1974





- xiii) The operator shall cause to be carried on the vehicle an efficient fire extinguisher of a make and type approved by the Health & Safety (First Aid) at Work Regulations 1981 made under the Health & Safety at Work Etc. Act 1974, suitable for use on motor vehicles. Such extinguisher is to be fixed on the vehicle in such a position as to be readily available for use and maintained in good working order at all times and indelibly marked with the vehicle's registration mark.
- xiv) Where an application for an operators licence has been referred to the Licensing Sub-Committee for determination, and the applicant already holds such a similar licence granted by another local authority, the guidance contained in this policy shall take precedence over any guidance of another local authority. This condition shall also apply to existing licence holders where offences and/or breaches of legislation or conditions deem it necessary to refer him/her to the Licensing Sub-Committee to determine whether he or she remains a fit and proper person to hold such a licence.

## **INTERPRETATION**

In the licence and in these conditions, unless the subject or contents otherwise requires -

- i) "Authorised Officer" means an Officer of the Licensing Authority authorised in writing for the purposes of these conditions.
- ii) "The Licensing Authority" means the Licensing Authority of Ceredigion County Council.
- iii) "Private Hire" has the same meaning as in the Local Government (Miscellaneous) Provisions Act 1976 and Town Police Clauses Act 1847.
- iv) "Licence Sign" and "Licence Plate" means the internal sign and rear plate respectively issued by the Licensing Authority for the purposes of identifying the vehicle as a private hire duly licensed by the Licensing Authority.
- v) "Operator" means the person or persons or body named in the licence as the operator of the vehicle and includes a part operator.
- vi) The "Vehicle" means the private hire vehicle in respect of which a private hire licence is issued.
- vii) "Minor defects" means any defect, at the discretion of the officer, which deems the vehicle worthy of a deferred suspension.
- viii) "Unfit" is a term used to describe the vehicle being unsafe or unsuitable for its intended use.
- ix) A 'Special Purpose' vehicle (SPV) means a vehicle intended to perform a function which requires special body arrangements and/or equipment. This category, for the purpose of the Licensing function means Wheelchair Accessible Vehicles (WAV's).
- x) "Category M1" means vehicles designed and constructed for the carriage of passengers and comprising no more than eight seats in addition to the driver's seat.
- xi) "Special Purpose Vehicle" (SPV) is a vehicle intended to perform a function which requires special body arrangements and/or equipment. This category includes Wheelchair Accessible Vehicles (WAV's).
- xii) "Wheelchair Accessible Vehicles" (WAV) Vehicles of category M1 (only) constructed or converted specifically so that they accommodate one or more persons seated in their wheelchair(s) when travelling on the road are referred to as WAV's.



**CYNGOR SIR CEREDIGION COUNTY COUNCIL**  
 Local Government (Miscellaneous) Provisions Act 1976  
 Part II

**CONVICTIONS, CAUTIONS, WARNINGS AND ETC. NOTIFICATION FORM**

<b>COMPLETE USING BLOCK CAPITALS and BLACK INK</b>												
<b>Name:</b>												
<b>Address:</b>												
<b>Post Code:</b>												
<b>Date:</b>					<b>Dual driver N<sup>o</sup></b>							
<b>DVLA Licence N<sup>o</sup></b>												
<b>Offence:</b>												
<b>Court:</b>												
<b>Date of Offence:</b>					D	D	M	M	Y	Y	Y	Y
<b>Date of Conviction:</b>					D	D	M	M	Y	Y	Y	Y
<b>Penalty:</b>												
<b>Details of Offence:</b>												
<b>Offence:</b>												
<b>Court:</b>												
<b>Date of Offence:</b>					D	D	M	M	Y	Y	Y	Y
<b>Date of Conviction:</b>					D	D	M	M	Y	Y	Y	Y
<b>Penalty:</b>												
<b>Details of Offence:</b>												
<b>Offence:</b>												
<b>Court:</b>												
<b>Date of Offence:</b>					D	D	M	M	Y	Y	Y	Y
<b>Date of Conviction:</b>					D	D	M	M	Y	Y	Y	Y
<b>Penalty:</b>												
<b>Details of Offence:</b>												
<b>Signature:</b>					<b>Date:</b>							
					D	D	M	M	Y	Y	Y	Y

This form must be completed and presented to the licensing authority within 14 days from the date of any conviction, caution, warning, reprimand or penalties, & endorsements. In the case of a custodial sentence the licensing authority should be notified as soon as is reasonably practicable.

**Send the completed form to:**

The Licensing Section, CCC, Penmorfa, Aberaeron, Ceredigion SA46 0PA | ☎ 01545 572179

