

PRIVATE HIRE VEHICLE OPERATOR

A private hire operator is a person making provision in the course of a business for the invitation or acceptance of bookings for private hire vehicles.

PRIVATE HIRE VEHICLE OPERATOR CONDITIONS

In these conditions “operator” means the holder of an operator’s licence granted by the Council, “The Council” means the Reading Borough Council, “the proprietor” means the holder of a private hire vehicle licence, “The Act” means the Local Government (Miscellaneous Provisions) Act 1976.

Bookings & Records

- 1 (i) The operator shall keep details of all bookings accepted by him/her either from the hirer or another operator and shall record on the approved booking system immediately the booking is received the matters listed in, (a) to (j) and (k) to (n) below as they occur:
 - (a) name of the hirer;
 - (b) phone number of the hirer, unless he refuses to approve it;
 - (c) date & time the booking was made;
 - (e) date & time pick up required;
 - (f) location of pick up;
 - (g) destination;
 - (h) how the booking was received (ie telephone, email, web, in person);
 - (i) price quoted for booking (Shall quote price);
 - (j) identity of person accepting booking;
 - (k) time booking is allocated to driver;
 - (l) identity of driver accepting hiring;
 - (m) identity of vehicle used for booking;
 - (n) time job completed.

(ii) The above record shall be retained by the operator for a period of not less than six months and must be available for inspection on demand by any authorised officer of the Council or any Police Officer at all reasonable times.

(iii) Any computerised system used must be able to produce a printed record of the details specified above.

(iv) A backup of the records required to be kept must be made daily.

- 2 All records held in association with the company or firm, operated by virtue of this operator's licence, must be distinct and separate from that of any other company or firm.
- 3 (i) If operating more than 5 vehicles, all booking records held in respect of the company or firm operated by virtue of this operator's licence, shall be held on a computerised system or in the event of temporary computer breakdown, booking records may be held in another manner and for a specified time period, both of which require approval by the Council in writing.

(ii) If operating 5 or less vehicles a manual bookings system, approved by the Council, in writing, may be used.
- 4 If operating more than 5 vehicles, all bookings allocated to Reading Borough Council licensed private hire drivers, operated by virtue of this operating licence, must be allocated by way of an electronic Personal Digital Assistant (PDA) or similar device, or in the event of temporary computer breakdown, in another manner and for a specified time period, both of which require approval by the Council in writing.
- 5 (i) The operator shall retain a copy of the private hire vehicle driver's licence, the private hire vehicle licence and a copy of the certificate of insurance in respect of every driver and vehicle operated by him, and shall make such documents readily available for inspection by an authorised officer of the Council or Police Officer.

(ii) These documents must be returned to the driver or proprietor when the driver or vehicle ceases to be operated by him/her.

(iii) These documents and any other paper records required to be held by the Council must be kept in secure lockable cupboards with access restricted to persons approved by the operator in writing. A list of such persons must be made available to officers of the Council or a Police Officer on request.

6 The information specified below, shall be submitted to the Council on or before the 7th day of each month in respect of the previous month.

- (a) the registration number of each vehicle operated;**
- (b) the private hire vehicle licence number of each vehicle operated;**
- (c) the date of expiry of each vehicle licence;**
- (d) the date of expiry of each vehicle insurance;**
- (e) the name of each private hire vehicle driver;**
- (f) the private hire vehicle driver licence number of each driver;**
- (g) the date of expiry of the private hire vehicle driver's licence of each driver;**
- (h) the dates the vehicles and drivers commenced and ceased work.**

Bookings received through the internet or via an app based booking system shall only be received at the company base stated on the operator's licence, unless otherwise approved by the council in writing and only at such other addresses supplied on the application form to the council and approved by the council in writing.

7 The operator must keep a daily record of the names of controllers engaged in the receiving of bookings and despatching of vehicles to accepted bookings and the times that those persons were so engaged. This record must be kept for not less than 6 months and be available for inspection on demand, by any authorised officer of the Council or any Police Officer, at all reasonable times. The operator shall be totally responsible for the conduct and actions of controllers engaged in the receiving of bookings and despatching vehicles to accepted bookings, operating under his/her licence.

8 Bookings received by telephone shall only be received at the company base stated in the operator's licence, unless otherwise approved by the Council in writing and only on the telephone number(s) supplied on the application form to the Council or such other number(s) as maybe approved by the Council on the application by the operator in writing.

Advertising

9 No advertisement for the hire of private hire vehicles:

(i) shall misleadingly give the impression that a private hire vehicle is a taxi or a cab, whether the words 'taxi' or 'cab' are in singular or plural or by using any similar words. In this context advertisement includes every form of advertising.

(ii) is permitted, which includes the words "taxi" or "cab" whether in singular or plural or any similar words, unless the operator provides and has access to the services of hackney carriages as part of the business. In this context advertisement includes every form of advertising.

10 The operator shall not by calling out or otherwise importune any person to hire a private hire vehicle and shall not make use of the services of any other person for that purpose.

Vehicles, Drivers and Escorts

11 If the operator by virtue of their operating licence, carries on the business of Home to School Transportation of children's contracts and in doing so provides school transport escorts to fulfil those contracts, they shall ensure all school transport escorts used in the course of such contracts produce valid up to date enhanced Disclosure and Barring Service (DBS) checks every 3 years to the operator. The operator shall provide copies of these DBS checks to an authorised officer of the council for verification before the escort commences employment with the operator and on the anniversary of the expiration of the previous DBS check.

12 The operator shall not carry or permit to be carried in a private hire vehicle more persons than permitted on the licence plate.

13 A private hire vehicle operated by the operator shall conform to the conditions attached to private hire vehicle licences

14 Before employing or contracting any person as a driver of a private hire vehicle, the operator, must ensure that the driver is the holder of a current private hire vehicle driver's licence issued by Reading Borough Council, and that the vehicle is correctly licensed by Reading Borough Council.

- 15 Only vehicles and drivers that are licensed by Reading Borough Council shall be used to fulfil bookings accepted by virtue of this operator licence, unless the booking neither commences nor terminates in the district of Reading Borough Council, in which case hackney carriages licensed by other authorities may be utilised.
- 16 The holder of a Private Hire Vehicle Operator Licence, issued by Reading Borough Council that operates school transport vehicles, must ensure that they comply with the conditions applicable to School Transport Vehicle Operators, as well as these conditions. These are available on the Council's website or on request.

Office Staff

- 17 The operator shall at all reasonable times provide Council Officers and the Police with any information necessary for the purpose of checking booking records. Whenever the company office is open for accepting bookings, the operator shall ensure that there is an authorised member of staff present who has received suitable and sufficient training and instruction concerning the provision of information required, including the ability to satisfactorily and competently operate any computer system used for the purpose.
- 18 The operator shall not knowingly or recklessly employ anyone as a controller to receive bookings and despatch vehicles, who has been deemed not fit and proper, by any local authority, to hold a private hire operator, private hire driver or hackney carriage driver's licence, unless approved by the Head of Environment & Consumer Services on the application by the operator in writing.

General

- 19 The operator who has accepted a booking for a private hire vehicle shall arrange for it to attend punctually at the appointed place and time unless delayed or prevented by some cause beyond his/her control.
- 20 The operator shall ensure that all controllers taking telephone calls for bookings for private hire services clearly identify the company by the name(s) on the operator licence, to callers when answering the telephone.
- 21 Only trading or company name(s) that are written on the operator licence, or other trading name approved by the Council in writing, shall be used for trading in the borough of Reading.

- 22 The operator shall inform the council within 28 days of any conviction against him/her since the grant of the licence.
- 23 The operator shall not operate from an address other than that stated on the licence unless authorised to do so by the Council issuing an amended licence for that purpose.
- 24 Every applicant for an operator's licence must, at the time of application for the grant or renewal of such a licence, notify the council of those persons who are in control of the operational management of the company. Any changes to the nominated persons must be notified in writing to the Council within 72 hours.
- 25 All advertisements, websites and contact details, including telephone lines and telephone numbers used in association with the company or firm operated by virtue of this private hire operator's licence must be distinct from and separate to that of any other company or firm.
- 26 All advertising on the internet in respect of the operators business including the companies operating name and any trading names shall provide full details of the address of the operating base and must be clearly stated on their websites.
- 27 The operator shall display a copy of the licence within the operator base and where this base has a customer area, the licence must be displayed where the public can easily view it.

Appeal Procedure

1. Any person aggrieved by any condition specified in this licence may appeal to a Magistrates' Court.
2. The procedure shall be by way of complaint for an order, and the Magistrates' Courts Act 1980 (or any re-enactment or amendment thereof) shall apply to the proceedings.
3. The time within which any such appeal may be brought shall be twenty one days from the date on which notice of the requirement, or other decision was served upon the person desiring to appeal, and for this purpose the making of the complaint shall be deemed to be the bringing of the appeal.

Guidance Notes on Legislation

Laws relevant to the operation of private hire vehicles in the Borough of Reading.
Local Government (Miscellaneous Provisions) Act 1976

No person shall operate a private hire vehicle without a current licence. (*Section 55*)

A licensed operator must not:

- (a) operate an unlicensed private hire vehicle; (*Section 48*)
- (b) operate an unlicensed private hire driver. (*Section 46*)

An operator must keep a record of every booking accepted by him in the manner prescribed by the council and must produce such record to an authorised council officer or police constable on request. (*Section 56*)

An operator must keep records of all private hire cars operated by him in the manner prescribed by the council and produce the records to an authorised council officer or police constable on request. (*Section 56*)

An operator must produce his operator's licence on the request of any authorised council officer or police constable. (*Section 56*)

The council may suspend, revoke, or refuse to renew an operator's licence on any of the following grounds:

- (a) any offence under or non-compliance with the provisions of the above Act;
- (b) any conduct on the part of the operator which appears to the 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;
or
- (d) any other reasonable cause. (*Section 62*)

An operator must not wilfully obstruct a council officer or police constable acting under the above Act, or without reasonable excuse fail to comply with any requirement made by such a person, or without reasonable cause fail to give any such person any other assistance or information he may reasonably require in the performance of his duties under the above Act. (*Section 73*)