

Procedure for Licensing a Private Hire Operator

A private hire operator ('an operator') does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the vehicle (except where they are also the licensed driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and must not be improperly or accidentally not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes. Any person with a management and Governance role of an operator is subject to the same duties as a driver in relation to criminal conviction, caution and any other court order

65. General

- 65.1** Operators must be licensed in the same district as the district in which they have their office, and only make use of drivers and vehicles that are also licensed in the same district for which they hold a licence.
- 65.2** Anyone who makes provision for the invitation or acceptance of bookings for a private hire vehicle must hold an operator's licence, (with the exception of those who only operate vehicles covered by section 75 of the Act of 1976). This means that any individual (group or company) which advertises the services of any private hire vehicle with the services of a driver for hire and reward, or has a mobile telephone, smart phone app or pager which is carried within a licensed vehicle then that driver and vehicle have made provision for the acceptance of bookings for hire and reward and will be required to hold a private hire operator's licence.
- 65.3** Brighton and Hove City Council are subject to duties under the Equalities Act 2010 which includes the duties to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act. In relation to the Hackney and Private Hire as the licensing authority we are wishing to ensure that the needs and requirements of those with a disability are being acknowledged and met.

Primary issues for the Council to take note of are:

- Mobility – this is being addressed by the introduction of wheelchair accessible cabs. It is noted that certain service users who may have mobility issues still prefer old style saloon cars. An Operator should be able to respond as appropriate where a particular type is requested
 - Visual impairment - drivers to be aware that greater assistance will be required. As per the detail already included in this document.
 - Hearing impaired – note should be taken that those with hearing difficulties should wherever possible be provided with a text service.
 - Awareness of those with mental health issues.
 - Awareness of those with learning disabilities.
 - Training for drivers on disability awareness for instance not assuming that because someone has slurred speech that they are drunk as opposed to having neurological disorder.
- 65.4** To ensure disabled passengers in wheelchairs receive an equal service any Operator operating 100 or more vehicles must ensure that at least 20% of their vehicles are wheelchair accessible.

65.5 It is a requirement that the operators can on request provide monitoring information. What is required are figures on the numbers of journeys undertaken by those with an obvious disability or where one has been declared – personal information is not required. In addition where there has been an issue around a disability the details of that issue and what if any steps were taken to address that and prevent its reoccurrence.

This information will be required to be provided annually. Failure to do so may result in an Operators Licence being suspended or revoked

66. Advice to Operators

Any operator is subject to the same consideration as a driver in relation to criminal convictions, cautions and other court orders.

Within the Conditions of your licence you are responsible for many items in relation to your business, the drivers working through your circuit and the vehicles used. You may be required to display or produce various items to various Officers, visiting your premises, on demand.

These include;

D.T.I. Radio licence.

Company Register Certificate

Planning Permission

Public Liability Insurance.

Health and Safety Policy.

Health and Safety Notices.

Shops and Factories Offices Notice.

Advice on Lifting Notice.

Fire Evacuation Notice.

Accident Book.

First Aid Kit.

Fire Extinguishers.

Operators Licence.

Adequate Lighting

Booking Records.

Diary of Advanced Bookings Vehicle Licences.

Copy of Vehicle Licences.

List of Vehicles with details.

List of Drivers with details.

Company policy & procedures document in relation to those with a disability

Monitoring records of the use of your service by those with a disability

71.1 The Records of Bookings MUST show;

Date and Time made.

Name and Address where possible of hirer.

Personal, Telephone, Web or App booking.

Destination where possible

Time of Pick-Up.
Point of Pick-Up.
Time Allocated to Driver.
Allocated to which Vehicle.

71.2 The Records of Vehicles MUST show;

Registration of Vehicle.
Council Plate Number.
Name and Address of Owner.
Any Radio Call Sign.
Number Licensed to Carry.
Name and Address of ALL Drivers.
Date Commenced Using Vehicle.
Date Ceased Using Vehicle.

71.3 The Standards expected of an Operator include;

Punctual Attendance for Bookings.
Clean Premises with Public Access.
Premises Heated to standard.
Premises Ventilated to standard.
Premises well lit.
Seating if Public Access.
Radio Equipment in Working Order
Correct Radio Procedures used
Only use the services of drivers and vehicles licensed by Brighton & Hove
City Council
Check Private Hire Driver Licences are valid.
Ensure Only Licensed Drivers are used to drive licensed Vehicles
[Any staff employed should be trustworthy and honest. A Disclosure & Barring \(DBS\) check is Recommended](#)
Maintain Driver Standards
Ensure Vehicle Licenses are valid.
Ensure that the vehicle is not used for illegal or illicit purposes
Check Vehicles Clean and Safe.
Ensure Insurance is Valid.
Check Vehicle for Damage.
Ensure Plates Displayed Correctly.
Report Any Driver Offences
Report any Accidents.
Report any Lost Property.
Assist with Police Link calls.
Keep all Records for 6 months.
Give Fixed Price Quote if Requested.
Telephones are in Working Order.
Report any changes of Address.
Report any changes of Director(s).

72. The Operator

- 72.1** The application form must be complete and returned to the Taxi Licensing Office.
- 72.2** Every applicant will be checked to ensure that they are a fit and proper person to hold a private hire operator's licence.
- 72.3** The applicant is required to provide proof of holding a radio transmission licence (and planning permission for any aerial if required) if such radios are used by the operator.
- 72.4** In the case of operators who invite the public to make bookings in person at a premises, the prospective premises will be inspected to ensure compliance with the following;
- 72.4.1** clean, adequately heated, ventilated and lit, both for bookings and waiting,
- 72.4.2** if required waiting area has adequate seating facilities.
- 72.5** The operator premises to be licensed must be situated within the district of Brighton & Hove.
- 72.6** The operator may only utilise drivers and vehicles also licensed by Brighton & Hove City Council.
- 72.7** All operators premises to which the public have access must be covered by public liability insurance to cover all risks.
- 72.8** Planning permission for operating purposes maybe required and it is the operator's responsibility to ensure any permission required is granted and produced to an authorised officer at the time of application.
- 72.9** All operators will be required to have a document setting out their policies and procedures in relation to those with a disability. They will also be required to undertake monitoring of use of their service by those with a disability and provide a summary of monitoring in a format as required by the [Director of Neighbourhoods, Communities and Housing](#) annually. Failure to do so may result in the suspension or revocation of an Operators Licence.
- 72.10** [All operators must ensure that all drivers of wheelchair accessible vehicles are trained and have passed the Driver and Vehicle Standards Agency \(DVSA\) taxi wheelchair exercise test or one of the following; the Catstream Drivers Disability Awareness Training, DHAATC training, Transport for All Training or equivalent \(as decided by the Director\).](#)
- 72.11** All operators must ensure that all drivers do not work excessive hours and have adequate breaks between shifts
- 72.12** All operators must ensure that all Brighton & Hove Vehicles operated under the licence comply with the current Brighton & Hove CCTV conditions. See sections 192 & 193.
- 72.13** No licence will be issued until all licence requirements are met to the satisfaction of the authorised officer and the appropriate fee has been paid.

73. Notes.

Any requirements of legislation which affect the operations being carried out under the terms of this licence shall be regarded as if they are conditions of this licence. Case law has shown that anyone making provision for the acceptance of bookings for private hire must be licensed in the District where such provision is made (this includes such things as mobile telephones, pagers and redirected calls by any electronic means) and such bookings must be fulfilled by drivers and vehicles licensed in the same district as which the operator holds his

licence. So if an operator accepts a booking on a mobile telephone in a district other than the one in which he is licensed he will commit an offence of operating in an unlicensed manner.

Part G

Private Hire Vehicle Operators Licence conditions made under the Local Government (Miscellaneous Provisions) Act 1976

74. Interpretation.

74.1 In these conditions;

74.1.1 “the Council” means ‘Brighton & Hove City Council.’

74.1.2 “the operator” means the person to whom the Council has granted the Private Hire Operator’s Licence to which these conditions apply. In the case of a partnership to each of the partners and in the case of a company to each of the company directors.

74.2 Any obligation in these conditions not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done.

74.3 Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

75. The records to be kept by the Operator

75.1 The records required to be kept by the operator under Section 56 (2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book, folder, computer system or other means approved by the Authorised Officer, and produced for his examination on demand.

75.2 The operator shall enter in the recording system (book folder or other means) before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by him;

75.2.1 the time and date of the booking.

75.2.2 the name where possible and pick up point of the hirer.

75.2.3 the time and date of pick up and call sign of the vehicle used.

75.2.4 how the booking was made (e.g. by telephone, personal call, or via a mobile app).

75.2.5 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 and notes must be included: including the name of the sub-contractor and contact information.

75.3 the records of bookings shall be maintained and kept up to date at all times and shall be made available for inspection at all reasonable times without notice by any duly Authorised Officer of the Council or any Police Officer. Such Officers shall be empowered to photograph and/or remove such records howsoever kept from the premises as so required.

75.4 The operator shall keep records of all private hire vehicles operated by him, which will include details of the owner, registration numbers and drivers of such vehicles, together with any radio call sign used.

75.5 The operator shall keep records of all driver training.

75.6 The operator shall keep all records for a period of not less than six months following the date of last entry.

76. The standard of service

The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times, and for this purpose shall in particular;

- 76.1** ensure that when a private hire vehicle has been booked that the driver attends at the appointed time and place punctually, unless delayed or prevented by sufficient cause.
- 76.2** keep clean, adequately heated, ventilated and lit premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
- 76.3** ensure that any waiting area provided has adequate seating facilities.
- 76.4** keep a summary of all complaints received regarding service provided or about drivers
- 76.5** Must provide an equal service for differently abled passengers
- 76.6** Any operator operating more than 100 vehicles must ensure that 20% of their fleet is Wheelchair Accessible.
- 76.7** [When an automated booking is made under an operators licence, the booking confirmation and receipt provided to a passenger will identify that the driver is licensed by Brighton & Hove City Council or the name of the subcontracted operator.](#)
- 76.8** [An operator must provide a phone number for customers to have voice contact during the Operators hours of business and at all times during a journey if passengers want to make a complaint or discuss other matters relating to their booking.](#)

77. Provisions regulating signs on vehicles

The proprietor of a private hire business shall not cause any advertisement in respect of his business or the vehicles used for that purpose to include the words “taxi” or “cab”, whether in the singular or plural, or those words of similar meaning or appearance to either of those words, whether alone or as part of another word.

78. Provisions regulating the conduct of the operator.

- 78.1** The operator shall immediately upon receipt notify the Council in writing of any complaints concerning the cleanliness/condition of a vehicle.
- 78.2** The operator shall notify the Council in writing of any change of address during the period of the licence within seven days of such change.
- 78.3** No operator may change the address from which he operates without prior agreement in writing from the Council and all licence requirements being met.
- 78.4** The operator shall within seven days disclose to the Council in writing details of any convictions (motoring or otherwise) imposed upon him (or if the operator is a company or partnership, on any of the directors or partners) during the period of the licence.
- 78.5** the operator shall not, by him/herself, his agents, or any other person importune, or cause or permit to be importuned any person by calling out or by any other means whatsoever to hire any of the licensed vehicles under his control
- 78.6** the operator shall not cause or permit the private hire vehicle licence plate or any notices that are required to be displayed on the inside or outside of a private hire vehicle to be:-
 - Concealed from public view
 - Defaced
 - Disfigured

The operator shall also ensure that the licence plate and notices are always legible and displayed in accordance with the conditions of the private hire vehicle licence

78.7 The operator must notify the Council as soon as practicable and in any case within 72 hours of the occurrence thereof, of any accident to any vehicles working for that company, causing damage

78.8 [The Operator must not use any technology for the purposes of avoiding regulatory or law enforcement activity in connection with its operator licence.](#)

79. Provisions regulating the conduct of the operators drivers

79.1 The operator must inform the Council in writing within 7 days the details of any driver removed from the operator's circuit giving the reasons for removing that driver

79.2 [Operators must report to the Council any allegation or complaint relating to certain serious behaviours, specifically:](#)

- [Sexual misconduct](#)
- [Violence](#)
- [Discrimination](#)
- [Wrong driver / vehicle](#)
- [Theft](#)
- [Touting](#)

[Upon receiving any allegation or complaint relating to the above serious behaviours the Operator must take all reasonable steps to restrict the driver's access to work within 24 hours and whilst any investigation is ongoing. All complaints involving these behaviours must be reported by the Operator to the Council within 72 hours of receiving the complaint.](#)

79.3 The operator shall keep records of all driver training.

79.4 [The operator must ensure that all drivers of wheelchair accessible vehicles that are operated under this licence are adequately trained in the safe carriage of passengers in wheelchairs and that drivers have passed one of the following; the Driver & Vehicle Standards Agency \(DVSA\) taxis wheelchair exercise test, the Catstream Drivers Disability Awareness Training, DHAATC training, Transport for All Training or equivalent \(as decided by the Director\) before renewal of licence every 3 years.](#)

79.5 The operator must ensure that all its drivers have undergone disability equality training to help them serve differently abled people or passengers with an access need.

79.6 The operator shall take all necessary measures including those of requested by an Authorised Officer of the Council or Police Officer to prevent vehicles in its employment from parking or congregating in such a manner as to cause a nuisance to any reasonable person

79.7 The Operator shall bring to the attention of all drivers their legal obligations regarding the use of seat belts by both adults and children under 14 years of age.

79.8 The operator shall bring to the attention of all drivers their legal obligation regarding no smoking in vehicles under the Health Act 2006

79.9 The Operator shall ensure that all licensed drivers who carry out work on behalf of their company have an up to date Enhanced Disclosure and Barring Service check Certificate.

79.10 The Operator shall ensure that all licensed drivers who carry out work on behalf of their company act in a civil and orderly manner both towards customers and any other member of the public.

79.11 The Operator must ensure that all drivers who carryout work on behalf of the operator do not work excessive hours and have adequate breaks between shifts.

79.12 The Operator shall ensure that all drivers are aware of their obligations under the Equalities Act 2010 which are:-

Section 165 – Duty on a driver of a designated wheelchair accessible vehicle to:-

- Carry the passenger whilst in the wheelchair;
- Not to make any additional charge for doing so;
- If the passenger chooses to sit in a passenger seat to carry the wheelchair;
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- To give the passenger such mobility assistance as is reasonably required

Unless a driver has an exemption under Section 166 which states that he/she is unable to assist passengers in wheelchairs on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult to comply.

Section 168 to 171 (previously Disability Discrimination Act 1995):-

Duty to carry Assistance Dogs unless an exemption is held on medical grounds.

80. Emergency call sign

All operators using a radio network must have in place an emergency call sign. When this call sign is used the operator and / or other cars will render all assistance possible to the caller. The use of the call sign in a frivolous manner could result in suspension of licence. On hearing the call sign all other vehicles will maintain radio silence until advised that the situation is resolved. The call sign should only be used when a person is at risk, (e.g. need for police, fire or ambulance assistance). The call should be changed at regular intervals to avoid misuse. All drivers must be aware of the call sign currently in use by the operator. Each operator is responsible to ensure compliance. Whilst this will complement the "Police Link" it is not voluntary but a condition of the operator's licence in the interests of the safety of drivers and passengers.

81. Operator office location

The office must be located within Brighton & Hove City to enable any Authorized Officer access to the premises or any records as required by statutes or conditions. If unable to fulfil a booking they may only pass these to another licensed operator whose drivers who carry out work on behalf of that operator have an up to date Enhanced Disclosure and Barring Service check Certificate.

82. Deposit of driver and vehicle licences

82.1 Any operator who employs or permits anyone to drive any licensed vehicle owned by them will ensure that a copy of the driver's licence is deposited with them during the period that the driver is employed or permitted to drive, the licence must be returned to the driver at the end of that period.

82.2 Any vehicle employed or used by an operator must be licensed and the proprietor of the vehicle shall deposit his vehicle licence with the operator during the period that his

vehicle is so employed. The operator must return the licence to the vehicle proprietor at the end of the period.

82.3 The Operator must ensure that every proprietor of a Private Hire Vehicle operating under the licence is acquainted with, understands and observes the conditions attached to a Private Hire Vehicle Licence.

83. Private Hire Operator Association

83.1 Operators may form an association and must give a copy of the constitution of that Association to the Licensing Officer.

83.2 The Association must keep the Authorised Officer informed in writing of the offices and members of the Association.

83.3 Only vehicles being operated through members of the Association may display signs as approved by an Authorised Officer.

84. Confidentiality

Due the nature of enforcement work undertaken by authorised officers, operators are expected not to disclose/broadcast to drivers or proprietors the whereabouts of authorised officers or any other enforcement agencies as this may jeopardise any enforcement actions being undertaken at the time. Failure to comply with this requirement may result in suspension of licence.

85. Police Safety Schemes

All operators and drivers should assist in any schemes that assist the police. The main purposes are:

85.1 To alert radio controlled vehicles as to missing or suspicious persons or vehicles etc.

85.2 To alert Sussex Police of any criminal activities observed.

85.3 To create a safer environment for all hackney carriage and private hire drivers.

Drivers should report through the operator to the police and the police will use the scheme to advise drivers of incidents or help required.

86. Appeals

86.1 The applicant / licence holder may appeal against all or any of these conditions.

86.2 Any appeals must be made within 21 days of the grant of the licence.

86.3 Appeals must be made to the Magistrates Court – contact: the Clerk to the Justices, The Law Courts, Edward Street Brighton

