



Brighton & Hove City Council  
Taxi Licensing  
Town Hall  
Hove

April 15 2019

### OLA Private Hire Operator Licence Application

The GMB Brighton & Hove Taxi Section and Unite the Union welcomes competition within the trade in Brighton & Hove providing that such competition is fair and equal and adherence of legislation and local bylaws is applied.

We note the following on OLA Application Form:

**Question 2: Telephone Number: (This must be a landline number which is answered within the City of Brighton & Hove)**

**Ola Response:** "Shall be provided upon acquiring a functional telephone line."

**GMB/Unite Comment:** It must be made very clear to Ola that the following conditions of licensing states:

**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.

Additionally on the 'Application Form' it distinctly states:

"This must be a landline number which is answered within the City of Brighton & Hove"

**Question 5:** How many private hire vehicles are you operating from your base which are:

**A:** Licensed by Brighton & Hove City Council

**B:** Licensed by any other Council

**OLA Response:** "Ola is a mobile app based service and all bookings on our platform are fully automated – Therefore no vehicle shall actually be operated from our base."

**GMB/Unite Comment:** It is noted that OLA did not actually address the main question about: "How many private hire vehicle are you operating from your base".

This referred to A) about how many vehicles licensed by Brighton & Hove City Council and B) and more importantly... by any other Council.

OLA did state: that it was a "...mobile app based service.." and that "... all bookings on our platform are fully automated".

For many years now the local taxi companies have had systems that are 'Fully Automated' so the response from OLA is quite strange?

Just because OLA has an 'Automated System' does not mean that it should be excluded from 'Operating vehicles from its base/office' as all local Operators currently do. See '**OLA Office**' further down

It is appreciated that this a new application.. but the concern here is that if OLA is unable to at least show the details to the council of how Brighton & Hove licensed vehicles will be brought onto its platform and indeed 'operate' from the named office then we will then see vehicles that are currently on its platform brought in from places where Ola holds a licence for Cardiff.. Newport, Vale of Glamorgan, Salford, Tameside, Trafford, Bristol, Dudley, Solihull, Exeter and Rossendale.

It would not be an understatement to make it clear to the council that when another national cab app started up in the city there were very few Brighton & Hove licensed drivers/vehicles on its platform and the city was flooded with TfL PHV's and other such vehicles from other areas... which continues today.

More importantly as OLA holds an Operator Licence in Wolverhampton all councils in the vicinity have been complaining about the very heavy presence of Wolverhampton PHV's that predominantly work in those respective areas under another national App. It was only very recently that we saw such Wolverhampton PHV's predominantly working in Brighton & Hove and effectively living in their vehicles day in and night out.

Additionally we are aware of the intention of OLA to obtain a TfL Operator Licence at some point and we have concerns of TfL vehicles operating in the city under very different PHV licensing conditions should the OLA platform function in this way.

#### **Cross Border Hiring:**

Whilst we appreciate that under current Legislation cross-border hiring is legal the council and the trade will be very aware of the trouble that such Private Hire Apps have caused where local councils have no power to control PHV's that are not locally licensed. This was the main objection recently raised regarding another similar App type service.

#### **OLA Office:**

The council has to consider whether the address stated as "Office 515, Regus, Queensberry House, 106 Queens Road, Brighton, BN1 8XF" is only in place as a convenience to circumvent the requirement for a Brighton & Hove Operator to have a local address.

It would not be unreasonable to ask OLA as to what the office hours are which is linked to the requirement to have a landline telephone number as stated as on the Application Form "*..which is answered within the City of Brighton and Hove..*" which again relates to Section 76.8 of the Brighton & Hove Blue Book:

**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.

#### **Council Access:**

It has always been understood that the Licensing Officers and police must have immediate access to any booking system to check records of driver activity for public safety. Therefore it is imperative that the OLA Office must provide provision for this which would not necessarily be on an appointment basis and for the purposes of 'Public Safety' locally must be "on demand".

We would not like to see the watering down of the expectations of a Brighton & Hove Licensed Operator.

In addition it is not unreasonable for an Operator to make provision for drivers on their platform to have access to local information such when the HCO sends out notices asking for help on various matters for such things from lost wallets to missing vulnerable people.

Importantly a responsible licensed Operator should have the facility to check for such items as: Insurance.. Vehicle Compliance Certificates. and Driver DVLA licences and Council Issued Driver Licences and for the important responsibility of 'on the spot' visual checking of vehicles.

**Legislation:**

There may be the argument that App type bookings are currently outside the scope of the traditional taxi office/call centre type of organisation.

However the local Operators have adapted to 'App type' bookings whilst also still adhering to and complying with all conditions as required under the Local Government Misc Provisions Act 1976 and the Brighton & Hove Blue Book thus keeping the standards as expected by the council.

However until legislation is changed then the council must be conscious of not granting Operator Licences because of any grey areas and that any grant of such a licence meets the Local Government Misc Provisions Act 1976 along with the Brighton & Hove Blue Book.

**OLA Customer Terms of Conditions 4.8:**

When granting an Operator Licence the council must take into consideration the 'Conditions of Licensing' that apply to the responsibility(s) of a Licensed Private Hire Operator.

We draw the attention of the council to the following condition of service that OLA applies to its service.

*OLA Terms of Conditions 4.8. Neither OLA NL nor OLA UK provides transportation services. Transportation services are provided under a contract (the "Transportation Contract") between you and the Driver for the provision of a specific Ride by the Driver to You. Neither OLA UK nor OLA NL is a party to the Transportation Contract. At no time will OLA UK or OLA NL have any obligations or liabilities in respect of the Transportation Contract.*

It is very clear that any party that holds a 'Private Hire Operator Licence' does so for the provision of supplying a vehicle to the customer for a journey.

OLA states that it does not provide a 'transportation service' which is quite ironic as this is exactly the full purpose of what a private hire operator does otherwise a private hire operator licence would not exist in legislation under the LGMP Act 1976. A fair question may be if OLA believe and assert that the contract is between the passenger and the driver then where does OLA appear contractually and who (for the purposes of the legislation) is "operating" the vehicle(s) and driver(s)? Further if OLA does not consider itself to have '*...any obligations or liabilities...*' then why is OLA applying for a licence to operate Private Hire vehicles at all?

The term 'Transport Services' has been used in the past for the purpose of adding confusion along with terms such as 'Riders' for customers/passengers and 'Partners' for drivers.

**Question 1 to the council:** The GMB and Unite Unions request that the council defines by reply as to what the purpose is of a 'Private Hire Operator Licence'

If the function of a Private Hire Operator is not as a 'Transportation Service' then this needs to be defined by the council as to what is the point of holding such a 'Private Hire Operator Licence' ?

It is considered that the OLA 'Terms of Condition's' contradicts the Brighton & Hove 'Conditions of Licensing' and purposely distances itself from the full responsibility as expected by the council.

Those conditions may be valid in OLA's country of origin but cannot be acceptable when being licensed as an Operator in the UK. It is appreciated that OLA does currently Operator Licences in other areas but that does not necessarily mean that other councils have asked the correct question.

The argument could be that it is the responsibility for the customer to agree to the OLA 'Terms and Conditions'.

However the counter argument is that a customer would expect a Brighton & Hove Licensed Operator to meet or indeed exceed the conditions of it licence as granted by the council otherwise it would not be licensed to operate in the city in the first place.

If OLA excludes itself from being "... party to the contract.." by stating "*Neither OLA UK nor OLA NL is a party to the Transportation Contract.*" and incredibly goes even further to state: "*At no time will OLA UK or OLA NL have any obligations or liabilities in respect of the Transportation Contract.*" Then the council must consider that with this clause in its service as to whether OLA is 'Fit and Proper' to be licensed by the council to have the responsibility that is expected from all of its licensed operators.

**Question 2 to the council:** The GMB and Unite Unions request that the council defines by reply whether it considers that the OLA 'Terms of Conditions' contradict the **Part F 'Procedure for Licensing a Private Hire Operator'** in the Brighton & Hove Council Blue Book of Conditions and Part G of the **'Private Hire Vehicle Operators Licence conditions made under the Local Government (Miscellaneous Provisions) Act 1976'**

For clarity and to avoid uncertainty the two sections are enclosed at Annex 1

We would like to make it clear that this joint submission is not an objection to OLA being granted an Operator Licence other than questioning specific aspects of it operational practices and their legality.

However we would certainly like to ensure that the council takes every caution possible to ensure that OLA... as would be applied to any prospective and currently licensed Operator.... is considered 'fit and proper' for the requirements needed for the responsibilities of holding a Brighton & Hove Operator Licence and as such, is required to trade in a legal, fair and equitable manner and in accordance with the Local Government Miscellaneous Provisions Act 1976, the 'Brighton & Hove 'Blue Book for Hackney Carriage and Private Hire, Drivers, Vehicles and Operators' and any other relevant local and national legislation, as amended.

Andrew Peters  
GMB Brighton & Hove Taxi Section

Sean Ridley  
Secretary Unite the Union – South-East Region (Cab Section).



**ANNEX 1****Part F****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**

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.

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.

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.

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.

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

**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.

**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.

**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 Licences 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).

**67. The Operator**

The application form must be complete and returned to the Taxi Licensing Office.

Every applicant will be checked to ensure that they are a fit and proper person to hold a private hire operator's licence.

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.

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;

clean, adequately heated, ventilated and lit, both for bookings and waiting,

if required waiting area has adequate seating facilities.

The operator premises to be licensed must be situated within the district of Brighton & Hove.

The operator may only utilise drivers and vehicles also licensed by Brighton & Hove City Council.

All operators premises to which the public have access must be covered by public liability insurance to cover all risks.

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.

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 Communities annually. Failure to do so may result in the suspension or revocation of an Operators Licence.

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).

All operators must ensure that all drivers do not work excessive hours and have adequate breaks between shifts

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.

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.

**68. 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****69. Interpretation.**

In these conditions:

"the Council" means 'Brighton & Hove City Council.'

"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.

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.

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

**70. The records to be kept by the Operator**

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.

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;

the time and date of the booking.

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

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

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

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.

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.

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.

The operator shall keep records of all driver training.

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

**71. 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;

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.

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.

ensure that any waiting area provided has adequate seating facilities.

keep a summary of all complaints received regarding service provided or about drivers

Must provide an equal service for differently abled passengers

Any operator operating more than 100 vehicles must ensure that 20% of their fleet is Wheelchair Accessible.

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.

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.

**72. 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.

**73. Provisions regulating the conduct of the operator.**

The operator shall immediately upon receipt notify the Council in writing of any complaints concerning the cleanliness/condition of a vehicle.

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.

No operator may change the address from which he operates without prior agreement in writing from the Council and all licence requirements being met.

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.

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

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

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

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

**74. Provisions regulating the conduct of the operators drivers**

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

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.

The operator shall keep records of all driver training.

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.

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.

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

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.

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

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.

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.

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

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.

**75. 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.

**76. 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.

**77. Deposit of driver and vehicle licences**

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.

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.

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.

**78. Private Hire Operator Association**

Operators may form an association and must give a copy of the constitution of that Association to the Licensing Officer. The Association must keep the Authorised Officer informed in writing of the offices and members of the Association. Only vehicles being operated through members of the Association may display signs as approved by an Authorised Officer.

**79. Confidentiality**

Due to 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.

80. **Police Safety Schemes**

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

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

To alert Sussex Police of any criminal activities observed.

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.

81. **Appeals**

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

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

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

END.



**Alex Evans**

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**From:** George Beresford <itdbtnandhove@gmail.com>  
**Sent:** 17 April 2019 18:40  
**To:** Alex Evans; Jacqueline O'Quinn; Jim Whitelegg; Mike Kennedy  
**Cc:** Barry Horne; Directors; GMB BHTS Andy Peters; Unite the Union – South-East Region (Cab Section).

Dear Licensing panel

In regards to the operators license application made by Ola, with the city still suffering from vagrancy, by this I refer to out of town (OOT) drivers sleeping in their cars.

I have also, witnessed or been made aware of several occasions where OOT cars have broken down due to lack of maintenance, or worse vehicles seized for illegal tyres.

Though this has no reflection on the operator, I do fear that as more app based/ commission driven companies appear in the trade, this will leave drivers having to work even longer hours than their already lengthy working week, because of commissions taken by these app companies, as opposed to traditional subs oriented taxi companies.

Eventually drivers will have no option but to have several phones running several apps, in the hope of making enough money to live but, also creating unnecessary distractions.

To add even further substance to my fears I see that Ola already have an operator's license with Wolverhampton.

After having established a working relationship with John Banham the HCO for Wolverhampton, when he came to Brighton to carry out much needed enforcement duties I was as able to coordinate with him resulting in several compliance issues been brought to his attention, and enforcement carried out accordingly.

In these times of austerity is it necessary for councils to be running around the country trying to clear up the mess created by greed,

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If I can see and understand that the so-called honey pot districts are attracting less and less license applications but have more issues to deal with.

Yet soft licensing districts have a greater revenue with no more outgoing, so creating an end where quite possibly the residents of B&H will no longer be protected by a licensing team as there will be no funding.

I would like BHCC to understand that it is not competition that I am afraid of but public safety, and the wording of Ola's license application doesn't give me much hope on that front.

I thank you for your time and hope that a favourable decision will be met.

Yours faithfully

George Beresford



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G Beresford

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For more information please visit <http://www.symanteccloud.com>

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