

Appendix 2

Proposed Changes to the Private Hire Operators Licence Conditions

Condition No	Amendment	Reason
1 A - Amended	<p>The Operator shall keep details of all bookings accepted either from the hirer or another Operator and shall immediately record them on a booking system approved by the Council* at the time the booking is received the details listed below:</p> <ol style="list-style-type: none"> 1. name of hirer 2. phone number of hirer, unless they refuse to provide it 3. date & time the booking was made 4. date & time pick up required 5. location of pick up 6. destination 7. how the booking was received 8. the booking price if quoted 9. identity of person accepting hiring 10. identity of vehicle used for booking 11. time job completed <p>*The approved booking system must be able to record and store, as a minimum, all the details listed above.</p>	<p>To fulfill public safety requirements when investigating complaints and allowing sufficient auditing of the operators business.</p> <p>To give the licence holder the option to use a booking system of their choice.</p>
1B - Remove	Remove condition	Alternative methods of recording bookings now dealt with in 1A.
1B – New	The Operator shall keep the records for a period of not less than two years or longer if required to do so by an authorised officer of the Council.	To fulfill public safety requirements when investigating complaints.
1C - Remove	Dealt with in 1B	
1C – New	Any computerised system used must be able to produce a printed record of the details specified above and made available to any authorised officer of the Council or Police Officer on request.	To fulfill public safety requirements when investigating complaints and allowing sufficient auditing of the operators business.
1D – Remove	Dealt with in 1C	

1D – New	Where the Private Hire Operator accepts a booking and dispatches a Hackney Carriage all these conditions apply.	There is no requirement in the legislation for operators to maintain records where hackney carriages are dispatched to undertake private hire work. The inclusion of this condition addresses that and is considered reasonable, in the interests of public safety, and allows effective investigation of complaints and auditing.
2A – No change	No change	
2B – No change	No change	
2C – Removed	Remove condition	The business model of operators often means there is a high turnover of vehicles and drivers. This condition places an unnecessary burden on the licence holder and the removal of it has no impact on public safety.
3 – now condition 6	Now condition 6	Re-numbering
3A – New	<p>The Operator shall maintain at the premises a record of all complaints received by them, and shall record them on a complaints system approved by the Council* at the time the complaint is received. A full record of the complaint including as a minimum the following information:</p> <ol style="list-style-type: none"> 1. date and time the complaint is made. 2. name and contact details of the complainant. 3. nature of the complaint – (to include date, time and location). 4. driver / vehicle / staff details to whom the complaint relates. 5. name of business manager to whom the complaint was passed. 6. the date and time the complaint was passed to the business manager. 	<p>In line with the Coroner's report to ensure that the complaints can be recorded and fully investigated.</p> <p>To ensure that any public safety issues can be identified during audits and investigations and to drive up standards and improve public safety.</p>

	<p>7. the action taken to resolve the complaint and the time taken for it to be actioned.</p> <p>8. whether the complaint was referred to the Council.</p> <p>*The approved recording system must be able to record and store, as a minimum, all the details listed above.</p>	
3B – New	The Operator shall keep the records for a period of not less than two years, or longer if required to do so by an authorised officer of the Council	To fulfill public safety requirements when investigating complaints and allowing sufficient auditing of the operators business..
3C – New	The above records are to be produced on request to any Police Officer or authorised officer of the Council	To fulfill public safety requirements when investigating complaints and allowing sufficient auditing of the operators business..
3D – New	<p>The Operator must telephone the Police and contact the Council in writing or by email as soon as reasonably practicable, and in any case within 1 working day of any complaints received about:</p> <ol style="list-style-type: none"> 1. sexual impropriety relating to any part of their business 2. behaviour which may compromise the safety and welfare of children and vulnerable people relating to any part of their business 3. behaviour which poses an imminent danger to the public or of any safeguarding issue relating to any part of their business 	To ensure that immediate steps can be taken by both the Police and Council to protect the public from serious offences.
3E – New	In the event that the Operator formally disciplines or dismisses a driver, or a member of staff connected to the operational aspect of the business, for whatever reason, then the details must be reported to the Council, in writing, within seven days.	To fulfill public safety requirements.
4 – now condition 7	Now condition 7	Re-numbering
4A – New	The Operator shall ensure all staff who undertake bookings and/or dispatcher duties have received suitable and sufficient training and instruction concerning the use of:	To ensure that all staff fully understand and are proficient in the use of the approved system for

	<p>I. the system used to receive and record bookings and the dispatching of vehicles</p> <p>II. the recording and process of dealing with and handling complaints received by the operator</p>	the relevant business.
4B – New	A training log is to be held by the Operator for each person who undertakes the role of bookings and/or dispatcher duties. The training logs are to be produced on request by an authorised officer.	<p>To demonstrate a level of competency of staff during audits.</p> <p>To ensure public safety.</p>
5 – No change	No change	
6 – Was condition 3	Was Condition 3 on the previous conditions	Re-numbering
7 – Was condition 4	Was Condition 4 on the previous conditions	Re-numbering
8 - remove	Condition no longer relevant due to High Court decisions	Legal reason
New 8 – Was condition 7	Was Condition 7 on the previous conditions	
9 – now condition 10 (amended)	Now condition 10 (amended)	
New 9 – was condition 6 (amended)	If the provision is made by the Operator on his premises for the reception of members of the public proposing to hire a vehicle, he will ensure that his premises are at all times in a clean and tidy condition.	The removal of seating requirements provided by the operator
10 - Remove	Remove condition	<p>This does not relate to a licensable activity.</p> <p>It places an unnecessary burden on the operator.</p> <p>It prevents people from access to legitimate employment.</p> <p>The fit and proper test does not apply to staff in the office.</p>
New 10 – was condition 9 (amended)	The maximum number of Private Hire vehicles which the Operator may operate is that shown on the licence. The Operator may not operate vehicles in excess of this number unless he has first paid the required fee to the Council.	To ensure the correct fees are paid to the Council.
11 - Removed	Condition no longer relevant due to High Court decisions.	Legal reasons
11 – New	For licences issued for more than one year but less than five years, the licence holder will sign and submit a declaration to the Council in relation to their circumstances at the end of each 12 month period.	This will increase public safety by providing information to the Council on a more regular basis as to the licence holders' criminal records

	<p>The licence holder will also undertake a Disclosure and Barring Service (DBS) check and submit the new DBS certificate, or provide the results from the online checking system, at the time of renewal in the case of a 12 month licence, or at the time of declaration in the case of a licence that has been granted for a period greater than 12 months.</p> <p>If this condition is not complied with the licence holder will be brought before the Environment and Licensing Committee.</p>	allowing the Council to consider the 'fit and proper' status of its licence holders.
12 – No change	Was Condition 12 on the previous conditions	
13 - Removed	This condition is now included at 3F	
14 - Removed	Now dealt with at 11	
NB2 - New	For the purposes of these conditions any person assisting the delivery of all functions of the operators Private Hire business are bound by and included in these conditions	For clarity