

## **Section 7**

### **PRIVATE HIRE OPERATOR LICENCES**

#### **Local Government (Miscellaneous Provisions) Act 1976**

1. This document contains the policy, conditions and legislation relating to your Private Hire Operator licence.
2. As Private Hire Operator licences can be held by limited companies, limited liability partnerships (LLP) and conventional partnerships as well as individuals, this policy must be read to give effect to that. Any reference to a "person", "you", "licensee" or "operator" is taken to mean the Private Hire operator.
3. There is a power to attach conditions to Private Hire Operator licences, and the Council has standard conditions which are attached to these licences. These are contained within this document.
4. There is also a list of the main legislation that applies to Private Hire Operators.

#### **Introduction**

5. The purpose of licensing Private Hire Operators is to protect the public, ensuring that passengers are not exploited, abused or otherwise affected by unlicensed and potentially unscrupulous or dangerous booking agents.
6. It is a privilege to hold a Private Hire Operator licence and licensees have responsibilities to their passengers and customers, drivers, vehicle proprietors and the public generally. The Council has been satisfied that when you applied for your Private Hire Operator licence you were a safe and suitable person to have that licence granted. In assessing that, the Council took into account your entire character and behaviour.
7. As a private operator, this assessment of your character not only includes times when you are working within the private hire trade, but at all other times as well. This can include your use of social media as well as other forms of communication. The requirement to satisfy the Council that you are a safe and suitable person continues throughout the duration of the licence. If at any time your behaviour falls below the standards expected for new applications, the Council will consider taking action against that licence. This could be suspension, revocation or refusal to renew that licence. In relation to your personal actions, it is no defence to argue that your actions took place when you were not working within the private hire trade. You should appreciate that under the Council's Previous Convictions Policy, if the unacceptable or criminal behaviour took place whilst you were working within the private hire trade that will be viewed as an aggravating feature by the Council.

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8. In many cases a Private Hire Operator is almost the first person that a visitor to the County will encounter following arrival at a railway station or bus station. As a consequence, the experience of booking a private hire vehicle via the operator can affect a person for their entire visit. Private Hire Operators should be aware of this and ensure that their business is conducted to the highest standard at all times.
9. Please note, this section reminds you of some of the important legal requirements with which you must comply. This is not a comprehensive list. You should familiarise yourself with the Local Government (Miscellaneous Provisions) Act 1976 and all other relevant legislation.
10. The Council has decided to attach conditions to Private Hire Operator licences that it considers reasonably necessary under the powers contained in section 55(3) of 1976 Act. The conditions are in addition to the statutory requirements of the legislation. Section 55(4) of the 1976 Act gives the right of appeal to the Magistrates' Court to any person aggrieved by any of the conditions attached to their licence within 21 days of receipt of the licence.
11. You must understand and comply with the legal requirements relating to the Private Hire Operator licence in your name, a limited company in which you are a director or secretary, a limited liability partnership in which you are a partner, or in joint names when you are one of the named individuals. Failure to comply with the requirements may result in your Private Hire Operator licence being suspended or revoked.
12. The Council office for private hire and hackney carriage licensing purposes is The Licensing Section, Herefordshire Council, 8 St Owen Street, Hereford HR1 2PJ, telephone: 01432 261761, email: [taxi-licensing@herefordshire.gov.uk](mailto:taxi-licensing@herefordshire.gov.uk). This is the address to which all applications, notices, reports of incidents and any other communications with the Council must be sent.

### **Sanctions against the Private Hire Operator Licence**

13. Where a Private Hire Operator breaches any legislation or condition of the licence, they may be referred to Committee/Panel.
14. The Council also runs its own Penalty Points Scheme as a method of enforcing the requirements for private hire operators.
15. Whenever, and in what circumstances a Private Hire Operator is brought before Committee, the Committee will decide each case on its merits, after hearing the facts.
16. The Committee/Panel may also suspend or revoke the Private Hire Operator licence (see below) or impose further penalty points.

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### **Power to take action against a Private Hire Operator licence**

17. Under section 62 of the 1976 Act, the Council may suspend, revoke or refuse to renew a Private Hire Operator licence on the following grounds:
  - a) any offence under, or non-compliance with, the provisions of this Part of this Act;
  - b) any conduct on the part of the operator which appears to the district 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;
  - d) that the operator has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
  - e) any other reasonable cause.
18. Failure to comply with most Private Hire Operator legislation is an offence and you may be liable to prosecution. In addition (irrespective of whether you were prosecuted or convicted of the offence(s)), the Council may take action against your licence which could lead to your Private Hire Operator licence being suspended, revoked or the renewal refused.
19. Failure to comply with the Council's conditions may result in your Private Hire Operator licence being suspended, revoked or the renewal refused.
20. If any information given by you on the application form for a Private Hire Operator licence proves to be false, or you fail to disclose any relevant information on your application form, the licence may be revoked, and you may also be prosecuted under section 57(3) of the 1976 Act.
21. It must be understood that a decision to grant a Private Hire Operator licence is made on the basis of the suitability of the proprietor(s) on the particular facts of the case on the day of the decision. That suitability can be lost at any time in the future and you must ensure that your behaviour remains of the highest standard to protect your Private Hire Operator licence and therefore your livelihood.

### **Policy**

#### **Applicants**

22. Private Hire Operator licences can be held by individuals, limited liability partnerships (LLP), conventional partnerships (two or more people in business together) or limited companies.

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### **Character of the applicant**

23. A Private Hire Operator will receive personal information from those who book a private hire vehicle through that operator. That information may be sensitive or relate to people's movements or activities and as a consequence it is essential that a Private Hire Operator satisfies the Council that they are a suitable person to hold a Private Hire Operator licence.
24. All applicants (new and on renewal) will be required to provide a Basic Disclosure and Barring Service (DBS) check at their own expense, as part of the application process. The same will be required of all partners in a limited liability or conventional partnership and all directors and the secretary of a limited company when the application is made, or the licence is held, by a limited liability or conventional partnership or limited company. This will not be required for individuals who have already had a satisfactory enhanced DBS carried as part of the application to be a licensed driver in Herefordshire, which remains in date.
25. The application will then be considered in the light of the Council's Previous Convictions Policy.
26. In addition, the Council will take into account the compliance history in relation to previous hackney carriage or private hire licences held by the applicant or any partners in a partnership, all directors and secretary of a limited company and any limited company itself.

### **Certificate of Good Conduct**

27. As DBS checks do not cover convictions in countries outside the United Kingdom, any applicant who has lived abroad for any period of more than 6 months from the age of 18 must also provide a Certificate of Good Conduct from the appropriate Embassy or High Commission and it must be in English. The Council may undertake checks to ensure the authenticity of any such documentation. If this cannot be provided then the application will be refused.
28. Nothing in this policy precludes a licence holder from being required to undergo a further DBS check at any time as directed by the Council.

### **Convictions**

29. If you, any partner in a partnership or any director or secretary of a limited company is arrested in connection with, charged with, investigated in connection with or convicted of any criminal offence that must be reported to the Council within 48 hours (including weekends and bank holidays). The same requirement applies in relation to any fixed penalty

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notices, speed awareness courses, Community Protection Notices, civil injunctions or Criminal Behaviour Orders that you receive or have to attend.

### **Maintenance of the Licence and Renewals**

30. Once the licence has been granted, you (including all partners in a partnership and all directors and secretary of a limited company) will be required to provide a Basic Disclosure and Barring Service Certificate annually. This will not be necessary if a DBS has previously been supplied and maintained through another application.
31. A valid application for the renewal of a licence, including all the required documentation, must be made at least 5 days prior to the expiry of the current licence. Any application received after this time will be treated as a new application. A valid application is one which is complete in all respects and can be processed immediately. If the application is not made in time to enable all the relevant processes to be completed before 5 days of expiry of the current Private Hire Operator licence, there will be a period of time during which you will be unlicensed and cannot make a provision for the invitation of bookings for a private hire vehicle. Operating Private Hire drivers and vehicles without a valid licence is a criminal offence.
32. Where a Private Hire Operator licence is found to have been obtained using false or incomplete information enforcement action may be taken and the licence revoked.

### **Identity**

33. To prove their identity, all applicants (including all partners in a partnership and all directors and secretary of a limited company) must provide an authenticated form of photographic identification (for example photographic driving licence or national identification card).
34. Applicants from outside the UK must provide:
  - a) a passport with a valid stamp from the Home Office to say that they have permission to remain in the Country indefinitely; or
  - b) a passport with a valid UK visa, which allows the holder to work as a Private Hire Operator (student visas will not be accepted) and which has at least six calendar months remaining at the time of application.
35. A Private Hire Operator licence will only be granted until the expiry of the visa and will only be renewed or extended with the production of the passport and another valid visa issued by the Home Office. The Council reserves the right to verify, at any time, a Licensee's entitlement to remain in the UK. The Council may not accept letters issued by the Home Office when a visa application is pending.

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36. To comply with the Immigration Act 2016, the Council is required to check eligibility to live and work in the UK for all applicants for driver and operator licences. Applicants will be required to provide evidence of this on request. Examples of acceptable documentation include a British passport, EU passport with the right to stay and work in the UK, permanent residence permit, work permit with a passport with correct authorisations, a UK birth certificate together with an official document giving the NI number such as a P45 or P60, or a biometric immigration document indicating a right to stay indefinitely in the UK or a right to do the work in question.
37. For applicants with a limited time to remain in the UK, the Private Hire Operator's licence will only be granted for the period of permission to remain, and may only be granted for a shorter period. The Private Hire Operator licence may be extended should the applicant's right to remain in the UK be made permanent.
38. If an applicant has extended leave to remain (pending a decision) the Private Hire Operator licence cannot be granted for more than six months, and again may only be granted for a shorter period. The Private Hire Operator licence may be extended should the applicant's right to remain in the UK be made permanent.
39. If a Private Hire Operator licence holder loses the right to remain in the UK during the duration of a licence, the Private Hire Operator licence ceases to have effect and the Private Hire Operator licence (and badge for drivers) must be returned within 7 days.

## **Use of the Licence**

### **Operator's Base**

40. Your Private Hire Operator licence relates to one or more addresses (bases) within the Council area. Every address that is being used will be detailed on the Private Hire Operator licence, and if a Private Hire Operator licence does not relate to the address or addresses being used, that licence is void. Continued use of that Private Hire Operator licence will be a criminal offence.
41. If you have more than one operating office or base within Herefordshire that does not mean that you require a separate Private Hire Operator licence for each premises, but you must submit a list to the Council containing all the addresses from which you run your business, and all addresses will be detailed on the Private Hire Operator licence. You must inform the Council within 4 hours of any change of any address (ceasing to use an address, moving to a new address or adding an additional address).
42. Planning permission or a Certificate of Lawful Existing Use or Development for the use or change of use of premises, whether home or commercial, is

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not required before an application can be made for a Private Hire Operator licence. However it may be unlawful to use those premises as an operator's base and advice should be sought from the Council's Planning Department if required.

43. Anyone who is making a provision for the invitation of bookings (evidenced by a private hire office or base) in more than one local authority area will be required to hold a Private Hire Operator licence issued by the local authority in each of those areas.

### **Manager**

44. As a Private Hire Operator, you must identify a person as the manager who has day-to-day responsibility for the private hire operation. There must also be a nominated deputy to act as holiday cover etc. You will have to ensure that one individual is responsible at any particular time.

### **Drivers and Vehicles**

45. As a Private Hire Operator, you must ensure that any private hire driver or private hire vehicle operated, employed or used by you holds a current private hire driver or vehicle licence issued by the Council. You must hold a copy of the Private Hire Operator licence for the duration of the time that you operate that driver or vehicle.
46. If at any stage you propose dispatching a public service vehicle (PSV) to fulfil a booking, you must make the customer aware that the driver of that vehicle may only hold a PCV driver's licence and therefore not have been subjected to the same checks (criminal records and character) as a private hire driver.

### **Staff**

47. As a Private Hire Operator, you must maintain a record of all staff (employees, independent contractors and others engaged by or utilised by you as a Private Hire Operator).
48. You must create, maintain and apply a policy in relation to previous convictions of your staff. This should be the same as the Council's Previous Convictions Policy. You should apply this policy to all staff who are involved in making bookings for or dispatching private hire vehicles, or who have access to your operator's records, and you should not engage any person in contravention of that policy unless there are truly exceptional circumstances. The reasons for such a decision must be recorded in your staff records.
49. You must require all staff to notify you within 48 working hours if they are arrested in connection with, being investigated for, charged with or

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convicted of any criminal offence. The same requirement applies in relation to any fixed penalty notices, speed awareness courses, community protection notices, civil injunctions that they receive or have to attend. You must then determine what action to take in relation to that staff member. You must also notify the Council of the event and the action that you have taken within 48 working hours of your decision and record that in the staff records.

50. All such records of staff must be available for inspection by an Authorised Officer of the Council or police officer at any reasonable time.

### **Booking Records**

51. You must create and maintain records of all bookings received for private hire vehicles as detailed in the conditions of licence. These records must be maintained for at least 6 months and must be available for inspection by an Authorised Officer or police constable at any reasonable time. You must inform the Council of the method that you intend to use to record this information. Depending on the scale of your operation this could be handwritten records (in a bound book with sequentially numbered pages) or a computerised system. In either case the records must not be capable of being altered after they have been compiled.

### **Standards of service**

52. You must provide a professional and reliable service to customers at all reasonable times.

### **Complaints**

53. You must maintain and utilise a comprehensive complaints and compliments process.

### **Insurance**

54. You must maintain public liability insurance for all premises that are open to the public.

### **Conditions**

55. In these conditions, which are imposed under the provisions of section 55(3) of the 1976 Act, unless otherwise indicated:

“the Council” means The County of Herefordshire District Council

“You” means the operator as holder of Private Hire Operator licence issued by the Council under section 55 of the 1976 Act.



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56. The following Conditions are attached to your Private Hire Operator licence and must be complied with at all times. Failure to comply with conditions may lead to penalty points being imposed on your Private Hire Operator licence, referral to Committee/Panel, suspension, revocation or refusal to renew the Private Hire Operator licence.
57. If requested by the Council you must return your Private Hire Operator licence to the Council within 48 working hours of the request.
58. You must notify the Council within 48 working hours of the event (including weekends and bank holidays) if you (or any partner in the case of a partnership or director or secretary of a limited company) is arrested in connection with, charged with, investigated in connection with or convicted of any criminal offence. The same requirement applies in relation to any fixed penalty notices, community protection notices, civil injunctions that you receive or have to attend.

### **General**

59. You must identify a person as the individual with day-to-day managerial responsibility (referred to in these conditions as “the manager”), and notify the Council of their identity and contact details, including a business or personal mobile telephone number. The manager will be the first point of contact between the Council and the Private Hire Operator. You must identify another person as a deputy for holiday and sickness cover and identify the deputy, together with their contact details including a business or personal mobile telephone number must also be provided to the Council. You must ensure that it is clear to all managers and deputies who is responsible for discharging that responsibility at any particular time. All references to the manager include references to the deputy when they are acting in that capacity.

### **DBS Checks**

60. You (where the operator is a partnership or limited company, all partners or directors and secretary of the company) must submit a Disclosure & Barring Service (DBS) basic disclosure (dated within one month of the submission) on or before the anniversary of the granting of the Private Hire Operator licence. Failure to do so will result in the Private Hire Operator licence being suspended until such time as the DBS certificate is provided.
61. The cost of these checks will be covered by you.
62. Where you (or any partners or directors and secretary of the company where the operator is a partnership or limited company) hold a dual driver licence you are not required to submit a yearly basic disclosure, but the requirement will continue to apply to any partners or directors of a company who do not hold a driver's licence.

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### **Staff Policy**

63. Where you employ or intend to employ persons involved in taking bookings or the dispatch of vehicles, you must produce and apply a policy on the employment of ex-offenders in those roles. This policy must be based on the Council's Previous Convictions Policy. The policy must be available for inspection on request of an Authorised Officer of the Council. Failure to act in accordance with this requirement, and any subsequent engagement of a person who falls outside the Council's Previous Convictions Policy standards will lead to consideration by the Council as to whether you as operator remain a fit and proper person.
64. The Private Hire Operator must require all staff employed in taking bookings or dispatching vehicles to report to them within 48 working hours of any conviction, binding over, caution, warning, reprimand, fixed penalty notice, civil injunction or arrest for any criminal matter whilst they are employed in this role.
65. You must view a basic DBS certificate (dated within one month of the check) unless they are a dual driver within Herefordshire and have a valid DBS certificate, for any staff that have access to booking records or dispatch vehicles.
66. You must maintain a register of all such staff which must include a record of when each DBS check has been undertaken. This register must be available for inspection by an Authorised Officer of the Council upon request. The register should include the following:
  - a) the date that person's employment in that role commenced;
  - b) the date the Private Hire Operator checked the DBS certificate;
  - c) the name of the person that checked the DBS certificate;
  - d) the date the person ceased to perform that role.
67. The register must be retained for 6 months in line with the booking records.
68. Should an employee cease to be on the register and later re-enter the register, a new basic DBS certificate (or use of the Update Service) must be provided to the Private Hire Operator.
69. You must require all staff to notify you within 48 hours (including weekends and bank holidays) if they are arrested in connection with, being investigated for, charged with or convicted of any criminal offence. The same requirement applies in relation to any fixed penalty notices, speed awareness courses, community protection notices, civil injunctions that they receive or have to attend. You must then determine what action to take in relation to that staff member. You must also notify the Council of the

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event and the action that you have taken within 48 hours of your decision and record that in the staff records.

70. You must ensure that any outsourced booking and dispatch functions have adequate safeguarding measures in place for the protection of children and vulnerable adults. This must meet the same requirement for a DBS as with operating dispatch staff within Herefordshire. You must have obtained evidence of this from the outsourced firm/company before outsourcing these functions.

### **Vehicle and driver licences**

71. You must inspect and retain copies of all the private hire vehicle licences and driver licences of vehicles and drivers operated, engaged or otherwise utilised by you. Those copies must be stored securely and retained for as long as you operate the vehicle or driver. Once those drivers and/or vehicles are no longer operated by you they must be returned to the vehicle proprietor or driver as appropriate.

### **Records**

72. You are required to keep records of bookings received and journeys undertaken under section 56(2) of the 1976 Act (referred to hereafter as the "booking records") and the following are the conditions relating to those records.
73. Booking records must be recorded in English and kept in a suitable book or in any other manner as approved by the Council.
74. You must ensure that the following details of every private hire booking that you invite or accept are recorded before the commencement of each journey:
  - a) the name of the passenger or other identifying features, e.g. hotel room number;
  - b) the time of the request;
  - c) the time the vehicle is required;
  - d) the pick-up point;
  - e) the destination (if known at that time);
  - f) the name of the driver ;
  - g) the driver's licence number;
  - h) the vehicle registration number of the vehicle;
  - i) the vehicle licence number;
  - j) the name of any individual that responded to the booking request;
  - k) the name of any individual that dispatched the vehicle.

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75. You must keep these records for a period of not less than 6 calendar months from the date of the entry.
76. You must also keep records of all vehicles that you operate. These details must include:
  - a) details of the proprietor(s)/licensee;
  - b) registration number;
  - c) any radio call sign used;
  - d) maintenance history of the vehicle.
77. You must keep these records for a period of not less than 6 calendar months from the date that you cease operating that vehicle.
78. You must also keep records of the names and addresses of all licensed drivers that you use. You must notify the Council of the following:
  - a) when any driver begins working for, or being available to be operated by you;
  - b) when any driver's activity above detailed ceases;
  - c) any change of address of any driver in service;
  - d) if you become aware that any driver is suffering from any illness, disability or condition which may affect the driver's ability to safely carry out their duties.
79. If at any time you become aware of any reason which would or may prevent a driver from safely carrying out their duties (including but not limited to illness or disability) you must immediately cease using that driver until such time as the driver can demonstrate that they can drive a private hire vehicle without risk to the public.
80. You must keep these records for a period of not less than 6 calendar months from the date when you cease to be engaged or otherwise use the driver to drive private hire vehicles.
81. All records and retained licences must be available for inspection at any reasonable time by an Authorised Officer of the Council or a police officer.

## **Standards of Service**

82. You must provide a prompt, efficient and reliable service to members of the public at all reasonable times.
83. In particular you must (but this is not an exhaustive list):
  - a) Ensure that all private hire vehicles that have been booked, attend at the appointed time and place unless delayed or prevented by

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reasonable cause;

- b) Ensure the vehicle dispatched is a Herefordshire Council licensed private hire vehicle and the driver of the vehicle is a Herefordshire Council licensed private hire driver;
- c) Keep any premises which you control and which are open to the public clean, adequately heated, ventilated and lit;
- d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly;
- e) Ensure that the correct licences are in place for any radio equipment;
- f) Ensure that it is established at the time of booking how many passengers are to be carried and that the vehicle dispatched to fulfil the booking has an adequate number of passenger seats.

### **Ride Sharing/Car-pooling**

84. If the journey is to be part of a ride sharing/carpooling journey, that must be made clear to the hirer before the booking is accepted, and you must ensure that individual hirers explicitly consent to that ridesharing/carpooling arrangement.

### **Public Service Vehicles**

85. Public Service Vehicles (PSVs) may not be used to undertake a private hire vehicle booking, unless with the informed consent of the hirer. To obtain such informed consent you must make the customer aware that the driver of that vehicle may only hold a PCV driver's licence.

### **Complaints**

86. You or the manager must initiate an investigation into any complaint received from the public within 48 hours from receipt of the complaint.
87. You must maintain a register of complaints (digital or hard copy), which must include the following information:
- a) Complainant's name, address/email address;
  - b) Details of the complaint;
  - c) Time and date of the alleged incident;
  - d) Time and date the complaint was received by you or the manager;
  - e) How the complaint was received e.g. phone, email, etc.;
  - f) Name of person that received the complaint;
  - g) Name of the alleged perpetrator;

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- h) If the complaint was referred to the Council – time and date of when it was referred and by whom;
  - i) Details of the action taken to resolve the complaint and by whom;
  - j) Date the complaint was resolved.
88. A copy of the complaints register must be available for inspection upon request by an Authorised Officer of the Council. The records must be retained for a period of 6 months.
89. You must, on receipt of a complaint concerning a licensed driver, immediately notify the complainant of their right to direct their complaint to the Council.
90. You must ensure that details of how a customer can contact yourself as the Private Hire Operator in the event of any complaint relating to a booking or other contract, are displayed on your website, booking app and (in the absence of online booking platform), at any booking office or available in the vehicle upon request.
91. Where a complaint is received by the Council, you must comply with any reasonable request for information and/or follow any reasonable directions/instructions made by an Authorised Officer or police officer in respect of the complaint.
92. You must notify the Council within 48 hours if you receive a complaint about a driver operated by you when it has been identified that the complaint relates to any of the following:
- a) allegations of sexual misconduct (including the use of sexualised language);
  - b) racist behaviour;
  - c) violence (including verbal aggression);
  - d) dishonesty including theft;
  - e) equality breaches;
  - f) any other serious misconduct (including motoring related for example dangerous driving or drink driving).

### **Change of Address**

93. You must notify the Council in writing of any change of address (including any address or addresses from you operate or otherwise conduct your business as a Private Hire Operator) within 48 working hours of such change taking place.

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### **Convictions**

94. You must notify the Council in writing if you have been convicted or cautioned for any offence, been arrested or are under investigation for any offence, received a fixed penalty notice, Community Protection Notice (CPN), Criminal Behaviour Order (CBO), been required to attend a speed awareness course or there have been a complaint or concerns about your behaviour or other matter imposed on you, which might affect your continuing safety within 48 working hours. The same requirement applies to any partners in the case of a partnership holding an operator's licence and to any directors and secretary of any limited company in the case of a limited company holding a Private Hire Operator licence. The same requirement applies to any manager or deputy manager.

### **Advertising**

95. You must not display or permit to be displayed on or from your premises or from any other place, any sign or notice which consists of or includes the word "Taxi" or "CAB" whether in the singular or plural or any word of a similar meaning unless you also take bookings for hackney carriages.

### **Insurance**

96. Any premises that you control and are open to the public must be covered by Public Liability Insurance.
97. This insurance policy (or a summary) must be clearly displayed at the premises where it can be seen by the public.
98. You must ensure that at all times there is in force a policy of insurance covering private hire use or such security as complies with the requirements of Part VI of the Road Traffic Act 1988 for all private hire vehicles operated.
99. You must ensure that where a vehicle is covered under a fleet insurance policy, drivers are aware of the content of the policy, including its limitations and exclusions. You must keep a record, signed by the driver, within each individual's record file when this has been completed. A copy of any individual's records must be produced, on request, to any Authorised Officer of the Council.

### **Personal data**

100. The data controller must be registered with the Information Commissioner's Office as you will be holding personal data for customers and any staff that you engage.
101. You must report any loss of personal data, whether by theft or otherwise, to the Information Commissioner's Office, for more information see [here](#). In

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in addition you must report to the police in the event of suspected theft. You may also need to report any such incident to Herefordshire Council if the incident involves a licence holder.

### **Working hours**

102. You must take steps to ensure that drivers do not work excessively long hours. You must not permit drivers to drive for more than 10 hours per day and must have a break lasting at least 30 minutes after driving for 5½ hours. The driver must also have a break at the end of this period, unless it is the end of the working day.

### **Display of Conditions**

103. You must display a copy of these conditions in any premises which you control and are open to the public. In addition, copy of the conditions attached to vehicle and driver licences must be available for inspection on request by a member of the public.

### **Subcontracting**

104. If you subcontract any booking to another Private Hire Operator licensed in England (including Greater London), Wales or Scotland, you, as the operator who initially accepted the booking, remain liable under the contract.
105. If you do subcontract any booking, you must inform the hirer of the subcontract before the hiring commences.

### **Information**

106. You must understand that a booking that has been accepted by whatever means, is a contract and failure to uphold that (whether by non-attendance by the vehicle, late attendance or any other shortfall in performance) may lead to a claim for breach of contract. The accurate recording of booking details is a means of protecting you if such circumstances arise.
107. Failure to adhere to any of the conditions of this licence may result in enforcement action. Any enforcement action taken will be in accordance with the Council's enforcement policies.



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### **LEGAL REQUIREMENTS (contained in national legislation) relating to a Private Hire operator**

108. A Private Hire Operator must only operate private hire vehicles and private hire drivers licensed by the same council as the operator (section 46(1)(e) of the 1976 Act).
109. A Private Hire Operator can subcontract a booking to another private hire operator licensed in England (including Greater London but excluding Plymouth), Wales or Scotland but remains liable to the hirer under the contract (section 55A of the 1976 Act).
110. A Private Hire Operator who initially accepted booking from a hirer remains liable under that contract even if they do not ultimately fulfil that contract as a result of a subcontract (section 56(1) of the 1976 Act).
111. A Private Hire Operator who accepted a booking must maintain records of that booking in accordance with the conditions attached to the Private Hire Operator's licence and must produce those records if requested to do so by an Authorised Officer of the Council or police officer (section 56(2) of the 1976 Act).
112. A Private Hire Operator must maintain a record of all vehicles operated by him and must produce those records if requested to do so by an Authorised Officer of the Council or police officer (section 56(3) of the 1976 Act).
113. A Private Hire Operator must produce their Private Hire Operator licence if requested to do so by an Authorised Officer of the Council or police constable (section 56(4) of the 1976 Act).
114. A Private Hire Operator must not refuse to accept a booking for a private hire vehicle because the passenger will be accompanied by an assistance dog and no additional charge can be made for any such booking (section 170 (1) & (2) of the Equality Act 2010).