# CITY OF CARLISLE

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

**PRIVATE HIRE VEHICLE OPERATORS LICENCES**

**CONDITIONS**

# GENERAL

The Operator of any Hackney Carriage or Private Hire vehicle shall observe and perform all the following terms and conditions which shall be attached to and form part of his Private Hire Vehicle Operator's Licence. Where a Hackney Carriage is allocated a private hire booking these terms and conditions shall also apply:-

1. Every contract for the hire of a licensed vehicle shall be deemed to be made with the Operator who has accepted the booking for the vehicle whether or not he himself provides the vehicle.

2. This Licence is pursuant to the Operator named herein and the Operator may not in any circumstances assign it or in any way part with the benefit thereof to any other person.

3. The Operator shall forthwith withdraw from operation any vehicle in respect of which the Licence is for any reason revoked suspended or not renewed.

4. (a) The Operator shall not allow, or shall cease to allow forthwith, any person who does not hold or ceases to hold a current Hackney Carriage/Private Hire Vehicle Driver's Licence to drive any vehicle operated by him.

(b) Before allowing any person to drive a licensed vehicle the Operator shall first inspect and retain his current years Hackney Carriage/Private Hire Driver's Licence and failure to take such action shall be presumed to imply that the Operator had notice of any matter which would have been drawn to his attention should such action have been taken.

(c) The vehicle shall be classed as a Licensed Vehicle at all times whether or not it is under hire.

5. The Council shall have power to suspend, revoke or refuse to renew any Operator's Licence for any reasonable cause including:-

(a) the committing by the Licensee of any offence under or non‑compliance with any of the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 including failure to comply with any part of these conditions;

(b) any conduct on the part of the Operator which appears to the Council to render him unfit to hold an Operator's Licence which may include the conviction for any offence whatever;

(c) where there has been a material change in the circumstances of the Operator on the basis of which the Licence was granted.

6. If during the currency of this Licence any of the particulars supplied in the Operator's application shall change, details of the change shall forthwith be notified in writing to the Council.

7. The Council may at any time add, delete or alter any of the foregoing conditions and upon notice thereof having been served upon the Licensee such additions, deletions or alterations shall as from the date of such service be deemed to be incorporated herein.

8. Any notice required to be served by the Council under this Licence or under any of the provisions of the Local Government (Miscellaneous Provisions) Act 1976 shall be deemed to have been properly served if sent by them by prepaid post to or left at the last known address of the premises from which the Licensee operates.

9. Records

(1) The record 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, the pages of which are numbered consecutively and the Operator shall enter or cause to be entered therein, before the commencement of each journey, the following particulars of every booking of a Licensed Vehicle invited or accepted by him:-

(a) The time and date of the booking.

(b) The name and address of the hirer.

(c) How the booking was made (ie. by telephone, personal call etc.)

(d) The time of pick-up.

(e) The point of pick-up.

(f) The destination.

(g) The time at which a driver was allocated to the booking.

1. The registration number and licensing number of the vehicle allocated for the booking.
2. The driver allocated the booking.

(i) Remarks (including details of any sub-contract).

(2) The Operator shall also keep records of the particulars of all Private Hire Vehicles operated by him, which particulars shall include details of the owners, registration numbers and drivers of such vehicles, together with any radio call sign used.

(3) All records kept by the Operator shall be preserved for a period of not less than two years following the date of the last entry.

(4) This Licence and any book, register or record required to be kept under the terms of this Licence shall be produced on request to any authorised Officer of the Council and to any Police Constable for inspection.

10. (a) The Operator when accepting a booking shall communicate to the hirer the Licence number of the vehicle allocated to the booking.

(b) The Operator shall inform the driver of the allocated vehicle the name of the hirer.

(c) The Operator shall ensure that only the vehicle allocated to the hirer at the time of the booking is boarded by the hirer.

11. 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:-

(a) Ensure that when a Licensed Vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.

(b) Keep clean, adequately heated, ventilated and lit any premises which the Operator provides and to which the public have access, whether for the purpose of booking or waiting.

(c) Ensure that any waiting area provided by the Operator has adequate seating facilities.

12. Complaints

The Operator shall immediately upon receipt notify the Council in writing of any complaints concerning a contract for hire or purported contract for hire relating to or arising from his business and of the action (if any) which the Operator has taken or proposes to take in respect thereof.

13. Convictions

The Operator shall within seven days disclose to the Council in writing details of any conviction imposed on him (or if the Operator is a company, on any of its directors) during that period of the Licence.

14. Conduct of Drivers

1. The Operator shall ensure at all times that a driver in charge of a Licensed Vehicle shall not:-

(a) station his Private Hire vehicle on any place provided as a stand for Hackney Carriage vehicles or any Licensed vehicle in an area of the highway marked out as a loading bay or bus stop;

(b) station his Private Hire vehicle for hire or ply for hire or solicit any person to hire or to be carried for hire or reward on any road or in any public place or in any place readily accessible and visible from a road;

(c) cause or procure any person to tout or solicit on a road or other public place any person to hire or be carried for hire in any Private Hire Vehicle or offer that vehicle for immediate hire while the driver of that vehicle is on a road or other public place;

(d) accept any offer for the hire of the vehicle whilst the driver of that vehicle is on a road or other public place except where such offer is first communicated by the Operator to the driver by a telephone or by two way radio system (other than CB Radio) fitted to that vehicle;

(e) station any vehicle on a public highway in such a manner so that it is double parked or otherwise obstructs the free flow of traffic and this condition shall apply at all times and including whilst and before and after the hirer is boarding or alighting from the vehicle;

(f) station any vehicle so as to obstruct the exits or fire exits of any place licensed for regulated entertainment or to station the vehicle in such a way that a condition attached to the Premises Licence as to access by emergency vehicles cannot be complied with.

2. The Operator shall in general ensure that all drivers employed by him comply with the terms and conditions for the time being attached by the Council to their Hackney Carriage/Private Hire Vehicle Drivers Licences.

3. In these conditions the term "him" shall include "her" as the case may be.