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| **BECOMING A PRIVATE HIRE OPERATOR IN TEST VALLEY**  **APPLICATION FORM AND GUIDANCE** | test valley logo |

**What is Private Hire?**

Private hire is the provision of a vehicle and driver to undertake a journey carrying passengers from one location to another for a fee. The journey may only be undertaken if booked in advance with a licensed private hire operator.

Three licences are required to undertake a private hire journey:

1. **Private Hire Operator Licence** Authorises a company or an individual to receive bookings and dispatch licensed vehicles and drivers to undertake bookings.

2. **Dual Hackney Carriage/Private Hire Driver Licence** Authorises a driver to drive licensed vehicles to carry the passengers.

3. **Private Hire Vehicle Licence** Authorises a specific vehicle to be used for carrying the passengers.

This guidance document outlines the procedure that must be followed to apply for a new **private hire operator’s licence**. Separate guidance documents are available on our website for **dual driver** and **vehicle licence** applications. All three licences must be in place and issued by the same authority for a legitimate private hire booking to be accepted.

**How long will my application take?**

We estimate an application process should take up to 10 working days. If an application is delayed due to relevant convictions, the process may take longer than stated above. You are reminded that it is an offence to make provision for the invitation or acceptance of bookings for a private hire vehicle until you are in possession of a current private hire operator’s licence issued by Test Valley Borough Council.

**What do I need to consider before I apply to become a Private Hire Operator?**

Applicants should apply for a licence from the local authority area where they plan to carry out their private hire work. However, this does not exclude them from taking bookings for journeys starting and finishing outside the borough boundaries.

Operators must have a base and facility to take phone calls and record bookings. This can range from a commercial office to the back bedroom of a domestic premise but **must be an address in Test Valley.** Applicants may need to provide proof of right to occupy the premises which are their operating address, particularly if it is not their normal residence. Operators are required to keep records of all their bookings in a format and level of detail determined by the council. This may include paper logs or computer records.

Private hire vehicles and drivers may only be dispatched by a licensed private hire operator. No private hire driver or vehicle may work without taking bookings directly from a licensed operator. They are not permitted by law to take bookings directly from a passenger.

Operators are only permitted to dispatch drivers and vehicles licensed by the same local authority as themselves. Operators may sub-contract a booking to another private hire operator anywhere within the UK (including those in Greater London licensed by Transport for London). Whichever operator fulfils the booking, the operator, vehicle and driver must all hold licences issued by the same authority. The initial operator remains responsible for that booking despite sub-contracting and must keep a record of each sub-contracted booking.

Applicants must meet specific criteria to be considered for a licence and the council must be satisfied that an applicant(s) is a ‘fit and proper’ person to hold a private hire operator’s licence. Before you make an application, you should consider whether you are able to fulfil the following criteria:

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| Applicants must complete and apply on the form provided and pay the current licence fee. | **Form attached** |
| Applicants for operator's licences are required to provide information about their history and any roles they may have held in previous companies such as a company secretary or director. | **See form** |
| In the case of new applications, if the applicant(s) is/are not a current dual hackney carriage/private hire licensed driver, they will be required to disclose any unspent criminal convictions by providing a basic criminal record certificate (less than six months old on application). | **See notes on form** |
| In the case of new applications, if the applicant(s) is/are not a current dual hackney carriage/private hire licensed driver, they will be required to undertake Safeguarding training. Please book the classroom course provided by the Blue Lamp Trust | **See notes on form** |
| All applicants are required to complete an immigration check, if not already carried out with this authority. | **See notes** |
| Applicants must comply with HMRC tax conditionality check rules. | **See form** |
| Applicants must produce evidence of public liability insurance for the operator base (only applicable where an office is open to the public) |  |
| Operator licences are issued subject to strict licence conditions. A copy of the current operator conditions is attached to these guidance notes.  We recommend applicants read the private hire operator’s licence conditions prior to making an application for a licence. | **Attached** |
| New applicants (or existing licence holders whose operating premises have changed) are reminded to ensure that they have the necessary planning permission if operating more than one vehicle at their premises or if open to the public by contacting planning@testvalley.gov.uk or calling 01264 368000 |  |
| Applicants may need to provide proof of right to occupy the premises which are their operating address, particularly if not their normal residence |  |
| Applicants are encouraged to have read the Council’s Hackney Carriage and Private Hire Licensing Guidelines (Policy) on the Council’s web site <https://www.testvalley.gov.uk/taxi-licensing/operator-licensing-advice-for-applicants> | **See TVBC web site** |

If applicants have reason to believe there may be doubt on criminal grounds as to whether the council will grant their request for a private hire operator’s licence, applicants are advised to contact the Licensing Team before applying for further advice.

**What do I need when I submit my application?**

Your application MUST be complete (see above).

Postal applications should be sent to The Licensing Team, Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover SP10 3AJ.

Applications can also be submitted in person to the Council’s offices at Beech Hurst in Andover or the Former Magistrates Court in Romsey.

**What happens next?**

Once the required documentation is complete the licensing team will consider the application and decide whether to grant or refuse your private hire operator’s licence within the given timescale.

Where a decision is made to **grant** the private hire operator licence, the operator’s licence can be posted to the applicant directly. Alternatively, the applicant will be notified when their licence is ready for collection from the council offices.

Where a decision is made to **refuse** the private hire operator licence the applicant will be notified in writing and provided the opportunity to appeal the decision to the Magistrates Court within 21 days.

Following issue of a new private hire operator’s the licensing team may contact the licence holder to arrange an inspection of the operator base and ensure compliance with the standard operator licence conditions.

**DBS and Basic disclosure requirements for licensed private hire operators**

An operator who is not a licensed private hire/hackney carriage driver with Test Valley Borough Council is required to provide as a minimum a basic criminal records disclosure. A basic disclosure lists all current convictions within the meaning of the Rehabilitation of Offenders Act 1974.

A basic disclosure certificate can only be applied for, and is only issued to, the applicant direct. To obtain your certificate you can apply online at https://www.gov.uk/request-copy-criminal-record. The certificate must not be more than six months old when submitted with the application. Once you have received the Disclosure Certificate, please bring the original to the council offices.

Failure to provide a basic criminal record certificate will result in the immediate suspension of the private hire operator’s licence application until one is provided.

**How do I renew my operator’s licence?**

Operators will be licensed for either one or five years. A renewal reminder is sent by the Licensing Team 4 to 8 weeks before the licence is due for renewal, however it is the responsibility of the licence holder to ensure their operator licence is valid.

Renewal applications must be submitted at least 10 working days before the current licence expires. Failure to do so could mean the licence is not renewed before your current licence expires, and therefore you will be unable to make provision for or accept private hire bookings.

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| **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976** | TVBC logo (RGB) | **OFFICE USE ONLY:** PHV OPERATOR LICENCE FORM (SALMON) UPDATED 2022 |

PPLICATION FOR A LICACKNEY CARRIAGE OR PRIVATE HIRE VEHICLEHI

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| APPLICATION FOR A LICENCE TO OPERATE PRIVATE HIRE VEHICLE(S) |

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| **Operator’s name** |  |
| **Operator premises address including post code** |  |
| **Operator telephone number (for bookings)** |  |
| **Email address** |  |
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| **APPLICANT DETAILS (Complete section A or B)** | |
| **Section A –** Complete this section ONLY if the application is made by an individual, a partnership or other unincorporated organisation (give the name and home address of each partner or member). Use the continuation page for additional applicants. | |
| **Full name and address of each applicant** | |
| **1. Applicant’s full name (forenames and surname)** |  |
| **Present home address including post code** |  |
| **Email address** |  |
| **Home or mobile telephone number** |  |
| **2. Applicant’s full name (forenames and surname)** |  |
| **Present home address including post code** |  |
| **Email address** |  |
| **Home or mobile telephone number** |  |
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| **Section B –** Complete this section ONLY if the application is from a limited company | |
| **Name of company** |  |
| **Address of company registered office** |  |
| **Company registration number** |  |
| **Full name and address of each director or secretary of the company.** Use the continuation page for additional persons. | |
| **1. Applicant’s full name (forenames and surname)** |  |
| **Present home address including post code** |  |
| **Position in company** |  |
| **Email address** |  |
| **Home or mobile telephone number** |  |
| **2. Applicant’s full name (forenames and surname)** |  |
| **Present home address including post code** |  |
| **Position in company** |  |
| **Email address** |  |
| **Home or mobile telephone number** |  |
| **ALL APPLICANTS MUST ANSWER THE FOLLOWING QUESTIONS:** | |
| **Has any person named in section A or B been a director or secretary of another company?** Please answer YES or NO and if YES, please give details |  |
| **Has any person named in section A or B received any convictions against a company of which they have previously been a director or secretary?** Please answer YES or NO and if YES, please give details |  |
| **Has any person named in section A or B ever held an operator’s licence with another authority?** Please answer YES or NO and if YES, please give details |  |
| **Has any person named in section A or B ever had an operator’s licence refused, revoked, or suspended by another authority?** Please answer YES or NO and if YES, please give details |  |
| **Has any person named in section A or B ever been convicted of an offence in connection with a hackney carriage and/or private hire vehicle or as an operator?** Please answer YES or NO and if YES, please give details |  |
| **Have any of the applicants (or the secretary or directors of the company) named in section A or B ever been found guilty by a court or cautioned or warned by the police for any criminal or motoring offence or are there any prosecutions pending against them?** Please answer YES or NO and if YES, please give details including name, offence, date, court and sentence |  |
| **Do your passengers have access to the operator address?** Please tick YES or NO | **Yes** □ You must provide the original document of public liability for the operator address  **No** □ No public liability insurance is required for the address |
| **How many vehicles will be operated from the operator base?** |  |
| **If the application covers more than one operating base please provide the address(es)** |  |
| **How will you keep operator booking records?** Please tick | Paper records □  Computer system □ |
| **Operator’s Licence number (renewals only)** |  |
| **Have you consulted the Planning Service to determine if planning permission is needed for your operating address?** Please answer YES or NO and if YES, please give date of when contacted |  |
| **Are you applying for a 1 or 5 year licence?** Please tick\* | One year □  Five year □ |

\*Under the terms of the Deregulation Act 2015 the Council will only ordinarily issue a five-year licence. You can apply for an annual licence but may need to provide justification as to why you do not wish to apply for a five-year licence.

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| **TAX CONDITIONALITY CHECK – THIS SECTION MUST BE COMPLETED EITHER BY PROVIDING A CODE (RENEWALS) OR TICKING THE BOX (NEW APPLICANTS)**  **If you currently hold, or have held in the last 12 months** before this application, the same type of licence with one or more licensing authorities (including Test Valley Borough Council) **please provide your 9-character HMRC check code**   |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  |  |  |  |  |  |  |  |  |   You can obtain a tax check code online via the following web site <https://www.gov.uk/guidance/complete-a-tax-check-for-a-taxi-private-hire-or-scrap-metal-licence> If you need help obtaining a code please phone the HMRC customer helpline on 0300 200 3300 (individuals) or 0300 200 3140 (companies).  If you are a company, please also give  your company registration number:  **If you have never held a licence before or it has been longer than 12 months,** you do not need to complete a tax check but please confirm you are aware of the following GOV.UK website addresses for HMRC guidance about tax registration obligations:   * PAYE information: [www.gov.uk/income-tax/how-you-pay-income-tax](https://www.gov.uk/income-tax/how-you-pay-income-tax) * Registering for Self Assessment: [www.gov.uk/register-for-self-assessment](https://www.gov.uk/register-for-self-assessment) * Corporation Tax information: [www.gov.uk/corporation-tax](https://www.gov.uk/corporation-tax)   I confirm that I am aware of the content of HMRC guidance relating to my tax registration obligations. |

**Please read the notes below before signing and returning this form.**

I hereby declare that to the best of my knowledge and belief the answers given above are true. I hereby apply for a Licence to operate Private Hire Vehicle(s) within the Borough of Test Valley subject to the above Act and the Conditions with respect to Private Hire Vehicles applying within the Borough.

This Authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided for the prevention and detection of fraud.  We may also share this information with other bodies responsible for auditing and administering public funds for these purposes.  Without identifying you, we may also use this information to help us plan and improve our services.  For further information please visit our website www.testvalley.gov.uk/data-sharing

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| **DECLARATION – applicants must sign here** | | |
| I/we hereby declare that the information and particulars provided on this form are correct and complete. | | |
| **Signature:**  (Applicant 1) | **Name (please print):** | **Date:** |
| **Signature:**  (Applicant 2) | **Name (please print):** | **Date:** |

A Licence, if granted, will remain in force for the period requested, not exceeding five years, unless otherwise suspended or revoked.

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| **Check list for documentation required:** 🗹 | |
| **1. Application form fully completed, signed and dated**  **2. Evidence of public liability insurance for operator base (where applicable)**  **3. Documentation to provide right to work in the United Kingdom (if required)**  **4. Licence fee (see below)**  **Where the applicant(s) is NOT a currently licensed TVBC dual hackney carriage/private hire driver:**  **5. Basic criminal records disclosure certificate** | 🞏  🞏  🞏  🞏  🞏 |

**Fees:**

When completed this application together with the fee of **£83 for the annual licence or £212 for five year licence** should be sent to the Council. Payment can be made by cheque or debit card. ***Cheques should be made payable to Test Valley Borough Council.***

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| Continuation: please provide details below of any further information in relation to your application which you were unable to complete above: |
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| Where necessary please attach supplementary information to your application. |

**Please read the following notes before making your application**

1. You may only operate a private hire vehicle licensed by Test Valley Borough Council if you have been granted a Private Hire Operator licence by the Council. Your operating address must be within Test Valley. If the address is not your usual place of residence e.g., commercial premises, we may ask you to provide proof of your right to use these premises.
2. Unless you are already licensed with the Council as a driver or can provide a current criminal records disclosure (less than six months old) you will be required to provide a basic level criminal records disclosure from the Disclosure & Barring Service (DBS). A disclosure must be provided upon initial application and then at the time of renewal. If you are subscribed to the DBS Update Service, please provide the details to allow a check to be made. If you do not have a current disclosure, details on how to obtain one are available here <https://www.gov.uk/request-copy-criminal-record>
3. All new applicants (and existing operators who must renew their status check) will be required to provide documentation or a share code showing that you have the right to work in the United Kingdom in accordance with the Immigration Act 2016. Please see this web page for details of acceptable documents or to obtain a share code <https://www.gov.uk/prove-right-to-work>.
4. A fee is payable when your application is submitted. Payments can be made by cheque or debit card. Cheques must be made payable to Test Valley Borough Council. Debit card payments can be made by telephoning 01264 368000 and speaking with a Customer Services Advisor; credit cards cannot be accepted. Current fees are shown above. Under the terms of the Deregulation Act 2015 the Council will only ordinarily issue a five-year licence. You can apply for an annual licence but may need to provide justification as to why you do not wish to apply for a five-year licence.
5. All new drivers and operators must undergo safeguarding training before being licensed. Existing drivers and operators that have not already done so by the time of their renewal will have their licences suspended, not renewed, or revoked until such time as training has taken place. You must undertake the classroom course provided by the Blue Lamp Trust which can be booked here https://www.bluelamptrust.org.uk/safeguarding-classroom/ Once you have completed the training, please email the training certificate to licensing@testvalley.gov.uk

**FOR OFFICE (CSU) USE ONLY**

**NB If you are unsure what documents should be provided, for renewals ask to the see the operator’s renewal letter which will list what must be submitted.**

All applicants to provide:

* this application form signed and dated

 the application fee (see above for rates)

* + DBS basic criminal records disclosure (less than six months old) but ONLY if NOT already licensed as a driver with TVBC

 HMRC tax check code (have they entered it in the form)

Applicants may also provide the following, if so please copy/scan

 evidence of attending Safeguarding training

 proof of Right to Work in UK, either an ID document or share code (see separate form)

If the applicant says any of the above documents are to follow, please indicate this.

Tick this box if you have scanned this application to Licensing 

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| **CSU Advisor initials** |  | Date | d | d | m | m | y | y |

Private Hire Operator's Licence Conditions

**Applicants**

1. 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.

**Character of the applicant**

1. 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.
2. All applicants (new and on renewal) will be required to provide a Basic Disclosure and Barring Service check at their own expense, as part of the application process unless they are already licensed by the Council as a driver. The check must be dated within 1 month of the date of application. 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. If any new or replacement partner, director or secretary or is appointed or joins, you must notify the Council within 7 days, and that notification must be accompanied by a Basic DBS Certificate in relation to that person dated within 2 months of the date of notification.
3. The application will then be considered in the light of the Council’s Convictions Policy.
4. 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.
5. Every year for the duration of your licence, you must provide a new Basic DBS certificate, dated within1 month, for yourself (if a sole operator) or all partners in a limited liability or conventional partnership and all directors and the secretary of a limited company if the licence is held, by a limited liability or conventional partnership or limited company. This/These must be provided to the Council within 2 weeks of the anniversary of the grant of your licence. Failure to do so will lead to your licence being suspended until the certificate(s) are provided.

**Certificate of Good Conduct**

1. 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.
2. Note - 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**

1. If you, any partner in a limited liability partnership or conventional 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 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**

1. Once the licence has been granted, you (including all partners in any form of partnership and all directors and secretary of a limited company) will be required to provide a Basic Disclosure and Barring Service Certificate annually.
2. A valid application for the renewal of a licence, including all the required original documentation, must be made at least 30 days prior to the expiry of the current licence or it will be treated as a new application. A valid application is one which is complete in all respects and can be processed immediately. Photocopies of documents will not be accepted. If the application is not made in time to enable all the relevant processes to be completed before the expiry of the current Private Hire Operator licence, there will be a period of time during which you will be unlicensed and cannot make provision for the invitation of bookings for a private hire vehicle. If the application is not made before the expiry of the current Private Hire Operator licence, but is made within 5 working days after the expiry, the licence will only be renewed in exceptional circumstances. Operating Private Hire drivers and vehicles without a valid licence is a criminal offence.
3. Where a Private Hire Operator licence is found to have been obtained using false or incomplete information enforcement action may be taken.

**Identity**

1. To prove their identity, all applicants (including all partners in a partnership and all directors and secretary of a limited company) must be prepared to provide an authenticated form of photographic identification (for example photographic driving licence or national identification card).
2. Applicants from outside the UK must provide:
3. a passport with a valid stamp from the Home Office to say that they have leave to remain in the Country indefinitely; or
4. 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.
5. 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 will not accept letters issued by the Home Office when a visa application is pending.
6. 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.
7. 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 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.
8. 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.
9. If a Private Hire Operator licence holder loses the right to remain in the UK during the currency 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.

**Tax Conditionality**

1. Existing licensees applying for the renewal of a licence must obtain their unique 9 character code from His Majesty’s Revenue and Customs (HMRC) and provide this to the council. If this cannot be provided the application cannot proceed.
2. The council will advise new applicants of the need to register with HMRC for tax and must sign an acknowledgement that they have received this information.

**Use of the Licence**

**Operator’s Base**

1. 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.
2. If you have more than one operating office or base within the Borough 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 24 hours of any change of any address (ceasing to use an address, moving to a new address or adding an additional address).
3. 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 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 Service if required.
4. 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 with the local authority in each of those areas.

**Manager**

1. As a Private Hire Operator, you (unless you are an individual) 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**

1. 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 the Private Hire Operator licence for the duration of the time that you operate that driver or vehicle.
2. 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**

1. 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).
2. 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 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.
3. 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 event and the action that you have taken within 48 hours of your decision and record that in the staff records.
4. All such records of staff must be available for inspection by an Authorised Officer of the Council or police constable at any reasonable time.

**Booking Records**

1. 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 12 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**

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

**Complaints**

1. You must maintain and utilise a comprehensive complaints process.

**Insurance**

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

**CONDITIONS**

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

“the Council” means Test Valley Borough Council

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

1. 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, suspension, revocation or refusal to renew the Private Hire Operator licence.
2. You must return your Private Hire Operator licence to the Council immediately if:
3. You change your home or business address (to allow it to be updated).
4. You add or alter any addresses detailed on the Private Hire Operator licence.
5. If the Private Hire Operator licence expires, or is suspended or revoked.
6. You wish to surrender your licence.
7. When required to do so by an Authorised Officer of the Council.
8. You must notify the Council within 48 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, speed awareness courses, community protection notices, civil injunctions that you receive or have to attend.

# General

1. You (unless you are a single person operator) 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 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 the identity of the deputy, together with their contact details including a 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**

1. 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 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.
2. The cost of these checks will be covered by you.
3. 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 or private hire 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.

**Staff Policy**

1. 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 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.
2. The Private Hire Operator must require that all staff employed in taking bookings or dispatching vehicles to report to them within 48 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.
3. You must view a basic DBS certificate (dated within one month of the check) of any staff that have access to booking records or dispatch vehicles.
4. 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:
5. the date that person’s employment in that role commenced.
6. the date the Private Hire Operator checked the DBS certificate.
7. the name of the person that checked the DBS certificate.
8. the date the person ceased to perform that role.
9. The register must be retained for 12 months in line with the booking records.
10. 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.
11. 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 event and the action that you have taken within 48 hours of your decision and record that in the staff records.
12. You must ensure that any outsourced booking and dispatch functions have adequate safeguarding measures in place for the protection of children and vulnerable adults. You must have obtained evidence of this from the outsourced firm/company before outsourcing these functions.

**Vehicle and driver licences**

1. 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. Where a driver works for more than one operator, or the vehicle is utilised by more than one operator a copy of those licences must be made by the operator and then retained. Those licences and any copies must be stored securely and retained for as long as you operate the vehicle or driver. At the end of that, they must be returned to the vehicle proprietor or driver as appropriate (or securely destroyed).

# Records

1. 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,
2. Booking records must be recorded in English and kept in a suitable book or in any other manner as approved by the Council.
3. 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:
4. the name of the passenger or other identifying features; e.g. hotel room number
5. the time of the request
6. the time the vehicle is required
7. the pick-up point
8. the destination (if known at that time)
9. the name of the driver
10. the driver’s licence number
11. the vehicle registration number of the vehicle
12. the vehicle licence number
13. the name of any individual that responded to the booking request
14. the name of any individual that dispatched the vehicle.
15. You must keep these records for a period of not less than 12 calendar months from the date of the entry.
16. You must also keep records of all vehicles that you operate. These details must include:
17. details of the proprietor(s)/licensee.
18. registration number.
19. any (radio) call sign used.
20. maintenance history of the vehicle.
21. You must keep these records for a period of not less than 6 calendar months from the date that you cease operating that vehicle.
22. 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:
23. when any driver begins working for, or being available to be operated by you.
24. when any driver’s activity above detailed ceases.
25. any change of address of any driver in service.
26. 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.
27. 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.
28. You must keep these records for a period of not less than 12 calendar months from the date when you cease to be engaged or otherwise use the driver to drive private hire vehicles.
29. All records and retained licences must be available for inspection at any reasonable time by an Authorised Officer of the Council or a police constable.

# Standards of Service

1. You must provide a prompt, efficient and reliable service to members of the public at all reasonable times.
2. In particular you must (but this is not an exhaustive list):
3. Ensure that all private hire vehicles that have been booked, attend at the appointed time and place unless delayed or prevented by reasonable cause.
4. Ensure the vehicle dispatched is a Council licensed private hire vehicle and the driver of the vehicle is a Council licensed private hire driver.
5. Keep any premises which you control and which are open to the public clean, adequately heated, ventilated and lit.
6. Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
7. Ensure that the correct licences are in place for any radio equipment.
8. 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

1. If you arrange ridesharing/carpooling journeys you must offer the option to hirers to only share with other passengers of the same sex. If hirers select this option passengers of the opposite sex may not be added to the same booking.
2. 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

1. 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 and therefore not have been subjected to the same checks (criminal records and character) as a private hire driver.

# Complaints

1. You or the manager must initiate an investigation into any complaint received from the public within 48 hours from receipt of the complaint.
2. You must maintain a register of complaints (digital or hard copy), which must include the following information:
3. Complainant’s name, address/email address
4. Details of the complaint
5. Time and date of the alleged incident
6. Time and date the complaint was received by you or the manager
7. How the complaint was received e.g. phone, email, etc.
8. Name of person that received the complaint
9. Name of the alleged perpetrator
10. If the complaint was referred to the Council – time and date of when it was referred and by whom
11. Details of the action taken to resolve the complaint and by whom
12. Date the complaint was resolved.
13. A copy of the complaints register must be available for inspection upon request of an Authorised Officer of the Council. The records must be retained for a period of 12 months.
14. 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 .
15. 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.
16. 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.
17. 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:
18. allegations of sexual misconduct (including the use of sexualised language).
19. racist behaviour.
20. violence (including verbal aggression).
21. dishonesty including theft.
22. Equality breaches.
23. any other serious misconduct (including motoring related for example dangerous driving or drink driving).

**Change of Address**

1. 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 7 days of such change taking place.

**Convictions**

1. 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 7 days. 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**

1. 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**

1. Any premises that you control and are open to the public must be covered by Public Liability Insurance.
2. This insurance policy (or a summary) must be clearly displayed at the premises where it can be seen by the public.
3. 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.
4. 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

1. You must be registered with the Information Commissioner’s Office as you will be holding personal data for customers and any staff that you engage.
2. You must report any loss of personal data, whether by theft or otherwise, to the Council in writing within 24 hours of the loss or discovery of the loss (whichever is sooner), and also immediately to the police in the event of suspected theft. You may also need to report any such incident to the Information Commissioner’s Office, for more information see [here](https://ico.org.uk/for-organisations/report-a-breach/).

# Working hours

1. 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. The above limits must also take account of any other vocational driving undertaken by that driver.

# Display of Conditions

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

**Subcontracting**

1. 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.
2. If you do subcontract any booking, you must inform the hirer of the subcontract before the hiring commences.

# Information

1. 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.
2. 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.

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

1. 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).
2. 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).
3. A Private Hire Operator who initially accepted a 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).
4. 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 constable (section 56(2) of the 1976 Act).
5. 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 constable (section 56(3) of the 1976 Act).
6. 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).
7. 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).