



**Brighton & Hove
City Council**

**APPLICATION FOR A
PRIVATE HIRE OPERATOR LICENCE**

Please write in Capital letters. Please complete all parts of this form. PLEASE ✓ YES/NO boxes.

1. Type of Licence Required

First Application Renewal Current Licence Number _____
Private Hire Operator Licence (1 or 2 vehicles)
Private Hire Operator Licence (More than 2 vehicles)

2. Trading, Person(s) or Limited Company and Telephone Number which it is intended to operate private hire vehicles. This may be made available to the public.

Trading, Person(s) or Limited Company Name _____

Address(s) from which it is intended to operate private hire vehicles. (Must be located within the City of Brighton & Hove)

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

3. Registered office of limited company if different from above

4. Is there a waiting room for the use of the public at that/those address(es)?

YES NO

5. How many private hire vehicles are you operating from your base which are

a) licensed by Brighton & Hove Council _____

b) licensed by any other Council _____

c) How many wheelchair accessible vehicles do you operate from your base _____

6. Are the vehicles equipped with two way radio, data units or via an app?

RADIO

DATA

APP

FOR OFFICE USE ONLY

Disability Policies & Procedures YES NO

Fee £ _____

Date received _____

Premises Inspection Date _____

Debtor No. _____

7. If the applicant is a partnership or limited company, give the full names, dates of birth, and addresses of all partners or directors and company secretary

_____	_____
_____	_____
_____	_____
_____	_____

8. Has any person or company named above ever applied for an Operator's licence before, other than the existing licence which you are applying to renew, to this Council or to any other Council? YES NO

If YES, when and where was that application made? _____

9. Does any person or company named above hold any of the following licences issued by this Council or by any other Council – private hire driver licence; private hire vehicle licence; hackney carriage driver licence; hackney carriage vehicle licence YES NO

If YES give details: _____

10. Has any person or company named above ever been refused a private hire driver licence, private hire vehicle licence, private hire operator licence, hackney carriage driver licence; hackney carriage vehicle licence **or** had such a licence suspended or revoked? YES NO

If YES give details, including the name of the Council, the date and the licence numbers: _____

11. What trade or business has each person named above carried on over the past five years prior to applying for this licence and where?

12. Is or Has any person named above been a director or company secretary of any other limited company? YES NO

If YES give the following information about each of those companies: Company name and registered office; trade or business carried on by each company; all convictions in relation to any offence recorded against any of those companies; whether any of those companies ever applied for a private hire operator licence to this or any other Council; any revocation or suspension of a private hire operator licence issued to any of those companies by this or any other Council.

13. You are required to have a document setting out their policies and procedures in relation to those with a disability.

Please provide a copy of your policies and procedures

YES NO

14. Are all drivers of wheelchair accessible vehicles that are operated under this licence adequately trained in the safe carriage of passengers in wheelchairs and that drivers have passed the Driver and Vehicle Standards Agency (DVSA) taxi wheelchair exercise test or the Catstream Drivers Disability Awareness Training.

YES NO

15. Have you made sure that all drivers operated under this licence are aware of their obligations under the Equalities Act 2010?

YES NO

16. Declarations

WARNING It is an offence knowingly or recklessly to make a false statement or to omit any material particular:
DISCLOSURE AND BARRING (DBS) Brighton and Hove City Council complies with the DBS Code of Practice. Available on request.

Give details of all Convictions (whether or not spent), Cautions, Conditional Cautions, Community Resolutions, Anti Social Behaviour Orders, Criminal Behaviour Orders, County Court and High Court Injunctions, including Injunctions to prevent nuisance and annoyance or Fixed Penalty Notices (personally or business related) recorded against you and any Pending Proceedings.

Note: Failing to disclose cautions / convictions or any of the above will be regarded as a serious breach of the terms of the licence and action will normally take place. An applicant's failure to disclose any of the above will be taken into consideration when assessing their propriety to become a licenced driver. See guidance on page 5.

Criminal Convictions/Cautions

Please give details of all Criminal Convictions/Cautions **(if none write none)**

Date of Conviction	Court	Offence	Penalty

Conditional Cautions, Community Resolutions, Anti Social Behaviour Orders, Criminal Behaviour Orders, County Court and High Court Injunctions, including Injunctions to prevent nuisance and annoyance or Fixed Penalty Notices (personally or business related)

Please give details of all as above **(if none write none)**

Date	Court	Type of Record	Penalty / Action

Pending Court/Criminal Proceedings

Please give details of all Pending Proceedings **(if none write none)**

Date of Conviction	Court	Offence	Penalty

Motoring Convictions

Please give details of all Motoring Convictions accrued in last 4 years **(if none write none)**

Date of Conviction	Court	Offence	Penalty

Your Declaration, All applicants - read this section and sign the declaration below

The Council is the data controller for purposes of the Data Protection Act (2018) and EU General Data Protection Regulation as of May 2018 and is registered as a data controller with the Information Commissioner’s Office (ICO) under registration number Z5840053. Brighton and Hove City Council are committed to protecting your personal information. As a data controller we have a responsibility to make sure you know why and how your personal information is being collected in accordance with relevant data protection law.

Why we are processing your data

We are collecting your data for the purpose of **(The information you have provided will be used for the purposes of licensing private hire vehicles and will be entered on the Hackney Carriage & Private Hire Public Registers and made available to the public, but it may also be used for other council purposes where this is permitted by law.)**

We have a legal basis for collecting this data as you have opted to enter into a **contract** and also give **consent** with us to deliver the above.

This Authority is under a duty to protect the public funds it administers. We may share your data and check information that you provide, or information provided by a third party, with other information we hold, such as Council Tax and Housing Benefit, to check the accuracy of information; to prevent or detect crime; and to protect public funds in other ways as permitted by law. We may also share this information with other public bodies administering public funds for these purposes, the Police, Revenue and Customs, UK Visas and Immigration and the Department for Work and Pensions (DWP). These may include government departments and other local authorities. We will not disclose information about you to anyone, unless the law permits us to.

To make sure that it delivers its functions as efficiently as possible; this Council may share your information with one of its local authority partners, namely Surrey County Council, East Sussex County Council etc., with whom it operates a shared service arrangement.

We will hold your data for **(at least 6 years from the time the license is last used)**

Your information rights

You have rights around the information we hold on you, further information on your rights are available on our website.

Further information

If you would like to discuss this further please contact our Information Governance Team on 01273 295959 or data.protection@brighton-hove.gov.uk

BHCC’s Data Protection Officer may be contacted on gdpr@brighton-hove.gov.uk

I hereby consent to the use of such material for such purposes.

Declaration Please issue me with the licence I have applied for on this form. I declare that to the best of my knowledge and belief the statements made on this form are true and correct and that no material particular has been omitted.

Signed _____ Date _____ / _____ / _____

Signed _____ Date _____ / _____ / _____

Signed _____ Date _____ / _____ / _____

Signed _____ Date _____ / _____ / _____

WARNING: You will be liable to prosecution if you knowingly give false information in order to obtain a Licence.

If you require any help filling in this form please telephone (01273) 294429



Brighton & Hove City Council

GUIDELINES RELATING TO THE RELEVANCE OF CAUTIONS AND CONVICTIONS, CRIMINAL BEHAVIOURAL ORDERS, INJUNCTIONS TO PREVENT NUISANCE AND ANNOYANCE, COUNTY COURT AND HIGH COURT JUDGMENTS AND FIXED PENALTY NOTICES WHEN DETERMINING APPLICATIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES.

The council is empowered in law to check for the existence and content of any criminal record held in respect of an applicant for a hackney carriage or private hire vehicle, driver or operator licence. When submitting an application for such a licence an applicant is required to declare all convictions (whether or not spent), Cautions, Conditional Cautions, Community Resolutions, Criminal Behaviour Orders, County Court and High Court Injunctions, including Injunctions to prevent nuisance and annoyance or Fixed Penalty Notices (personally or business related), they have recorded against them, and any pending proceedings.

Note: Failing to disclose cautions/convictions or any of the above will be regarded as a serious breach of the terms of the license and action will normally take place. An applicant's failure to disclose any of the above will be taken into consideration when assessing their propriety to become a licensed driver.

As the idea of what "Fit and Proper" means, has not been defined, it will be at the officers discretion to decide what is relevant information and from what source it can be obtained. To be relevant, evidence has to be more than mere suspicion or innuendo. Public protection is an important function and as such all information that may mean that a person or persons are not fit and proper will be considered.

Where there are aggravating factors such as hate crime (homophobia; racism and so on), this will be taken into account.

In making its decision the council will consider the nature of the information, its own guidelines on the relevance of Cautions, Convictions, Conditional Cautions, Community Resolutions Anti-Social Behaviour Orders, Criminal Behaviour Orders, Injunctions to prevent nuisance and annoyance, County Court and High Court Judgments and Fixed Penalty Notices (personally or business related), in the licensing process and any other factors which may be relevant. These guidelines will also be taken into account in relation to renewal applications, and decisions to suspend, revoke or not to renew a licence.

- Each case will be decided on its own merits with the overriding objective of protecting the public.
- A person with a conviction for a crime need not be permanently barred from obtaining a licence but should be expected to remain free of any conviction (depending on the nature of the offence) for, at least 3 to 5 years (however more serious offences may attract a longer period and in certain circumstances a lifetime applicability) before any application is entertained. The nature of the offence will be taken in to account when deciding on the period that they should be offence free. However, persons with convictions for sexual offences of any nature or any offences related to children, vulnerable adults or other serious crime will not normally be issued with a licence. Persons subject to pending proceedings for such offences will be properly investigated and if appropriate will have any licence suspended or revoked / not renewed pending the outcome of the hearing of the case at court. If they are subsequently convicted or acquitted then the matter will be reviewed again.
- Some discretion may be appropriate if the serious offence is historic, isolated and there are exceptional mitigating circumstances. However, as stated above, the overriding consideration must be the protection of the public.
- Hackney carriage and private hire drivers are classed as 'regulated occupations' by the Rehabilitation of Offenders Act 1974 (exemption order as amended) which means that the Rehabilitation of Offenders Act 1974 does not apply to them (and thus their convictions are never spent). Furthermore, in respect of applications or renewals for Hackney Carriage Proprietor or Private Hire Operators Licences, the Council as a judicial authority under the Rehabilitation of Offenders Act 1974 may take into account spent convictions involving serious offences, (e.g. Death by Dangerous Driving, Drug Offences, Offences of Violence, Sexual offences, Dishonesty Offences or offences of an habitual nature).
- Cautions require an admission of guilt and are never spent. The Council must therefore treat a caution as an admission of guilt and cannot be required to go behind the decision of the police or enforcing body. The age and gravity of the offence for which the caution has been accepted will be taken into account as for convictions.
- Fixed penalty notices and Community Resolutions are now used in relation to a range of offences and they will be taken into consideration depending upon their number, the nature of the offence and all the circumstances including the applicant's lack of compliance.
- Civil actions including injunctions are also a relevant factor where it has an impact on the driver being fit and proper. These will be assessed on a case by case basis.

Note: Suspension and Revocation

The authority has the power to use its discretion to suspend or revoke or refuse to renew a drivers' licence depending on the seriousness of any established misbehaviour. Since the 2012 case of Singh v Cardiff City Council it has been ruled that an Authority cannot impose an interim suspension so the decision to suspend, revoke or refuse to renew must be a final one made after a considered determination of all the facts in a particular case. This will include the driver having an opportunity to put their case in person to an officer in the spirit of natural justice.

Fresh case law and or government guidance may change this position

Immediate Suspension

The Council in determining its powers of immediate suspension or immediate revocation will consider each case according to its merits. Where, after investigation, it is satisfied that the interests of public safety require such a course of action or an offence is committed of such a serious nature as to warrant such action, the decision will normally be to suspend or revoke with immediate effect. For the purpose of these guidelines, cautions will be treated as convictions.

Police Bail

Hackney Carriage and Private Hire Drivers are expected to adhere to this Policy's definition of "fit & proper" person. A person who already holds a licence with the Authority, if arrested for an alleged offence, and subsequently released by the Police on Bail, or released while still being investigated depending upon the nature of the alleged offence, can expect action to be a possibility. Where Suspension is put in place, normally the suspension shall remain in force until (the licence expires or) such time as the case is resolved by either the Police or by the Courts. The matter will then be reviewed.

Police Recommendation

Hackney Carriage and Private Hire drivers maintain close contact with the public, often carrying unaccompanied and vulnerable passengers, and are therefore expected to adhere to this Policy's definition of a "fit and proper" person. Any person, who in the view of the Police Officer represents a threat to the safety and well-being of the public, should expect action by the Director of Neighbourhoods, Communities & Housing. Any suspension shall remain in force until (the licence expires or) such time as the case is resolved by either the Police or by the Courts

Offences or allegations involving an element of sexual exploitation or violence against children or vulnerable persons

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not normally be granted. The authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list, other than in exceptional circumstances. As these offences cover a wide range of behaviour each case will be considered on its own merit. A very serious view will be taken of rape sexual assaults, gross indecency particularly where a child or adult with vulnerability is concerned. Allegations of sexual assault where drugs are a feature will also be considered to be very serious.

Except in the most exceptional of cases an existing driver or applicant that is arrested, charged, cautioned or convicted of offences that fall into the above category will have his/her licence suspended, revoked, refused or not renewed .

The same applies in relation to offences or behaviour involved violence against children or vulnerable adults including to any modern slavery/trafficking/forced marriage

Child Protection and Safeguarding

When considering whether an applicant or driver is fit and proper and moreover what risk the driver presents to others, the authority will take into consideration all information that represents more than gossip, speculation and unsubstantiated innuendo. In addition to sexual activity and violence as referred to above this section relates to general issues around the protection of the vulnerable and could for instance include forced marriage; radicalisation and genital mutilation by way of example (and in so far as they are not already actionable).

In making its enquiries the authority will rely on all relevant information provided by other departments of the council. This will include information provided by Children's Services and the Local Authority Designated Officer (LADO) responsible for child protection. Issues raised on any DBS check will also be pursued and may be relevant evidence even where no charge follows. Enquiries will be made of the Police.

Where the authority has reasonable cause for concern based on the information from these and other relevant sources it will act appropriately to safeguard children and young persons. As the prevention of child sexual abuse is such an important issue, there will be a presumption in favour of protective measures.

This also extends to other vulnerable groups who may be at risk of exploitation. This may mean that based on this information an applicant will not be allowed to proceed or an existing driver may have his/her licence suspended, revoked or not renewed. The nature of the issue will determine time periods for refusal or revocation.

Exploitation

Where an applicant or existing licence holder has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not other than in exceptional circumstances be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Drugs

An applicant or existing driver with a caution / conviction for a drug related offence should normally be required to show a period of at least three years free of any caution / convictions before any application is entertained or a minimum of three years after detoxification treatment if applicant was drug dependent. Where the offence involves supply or production of drugs then the minimum period will normally be 7 years, but will be determined by the facts of the situation assessed on its own merit.

Where there is evidence of prohibited drug use or abuse of prescription medication the applicant or existing driver will be expected to produce medical evidence to confirm to the Council's satisfaction that they are free of substances (in so far as it impacts on their driving). The Council reserves the option to seek its own expert medical evidence where necessary.

Possession of a Weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted normally until at least 7 years have elapsed since the completion of any sentence imposed. As this offence covers a wide range of behaviour each case will be judged on its own merit. A serious view will be taken where a weapon was used or displayed in a public area.

Violence

As hackney carriage and private hire drivers maintain close contact with the public, a grave view will be taken with applicants who have cautions / convictions for grievous bodily harm, wounding, assault causing ABH, assault PC or common assault / battery (and any other offence that has an element of violence such as affray or false imprisonment).

Dependent on the nature of the assault a minimum of three years free of cautions / convictions should be shown before an application is entertained. Any grant of a licence will be entirely at the authorities' discretion and will depend on the facts known to the authority and even then a strict warning will be administered. An existing licence holder could expect his licence to be suspended or revoked if convicted of these offences. The same applies where evidence of violent behaviour has been adduced before the civil courts.

The authority reserves the right in relation to violence but also other offences as appropriate to seek / obtain independent medical advice about the individual concerned.

Crimes Resulting in Death

Where an applicant or existing licence holder has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not normally be licensed.

Criminal Damage

As this offence covers a wide range of behaviours each case will be judged on its own merits. A serious view will be taken if the offence involves deliberate fire setting, the offence was committed in a group, the damage caused was of high value or the offence had a clear racial/ religious or homophobic motivation. An applicant with this type of more serious conviction/caution should normally be required to show a period of at least three years free of any caution / convictions before any application is entertained. Existing drivers convicted or cautioned for these types of serious criminal damage offences could normally expect to have their licence revoked.

Dishonesty

Licence holders are expected to be person of trust. The widespread practice of deliveries for companies, taking children to school and families on holiday shows this trust. It is easy for dishonest drivers to defraud foreign visitors when giving change, or other customers by taking them by other than the shortest route. Lost property can be kept by unscrupulous drivers. For these reasons a serious view will be taken of any cautions / convictions involving dishonesty. In general, a minimum period of at least three years free of any cautions / convictions will be required before entertaining an application for a hackney carriage or private hire drivers licence by the Council. Any existing driver convicted of offences involving dishonesty may expect any licence held to be suspended or revoked and a possible ban on holding a hackney carriage or private hire driver's licence for three year period at minimum after conviction. The same applies where evidence of dishonest behaviour is adduced before the civil courts.

The amount of time will be at the discretion of the authority and will be determined by the facts of the situation

Discrimination / Hate Offences / Harassment

An applicant or existing licence holder with a caution / conviction relating to discrimination or harassing another person or legal findings against them in the civil courts for a discrimination or harassment related matters should be required to show a period of a minimum of three years free of any caution / convictions / incidents before any application is entertained.

Where no court finding has been made but the authority has formed the view based on evidence that there are issues of concern then they may act.

Minor Road Traffic Offences

A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles).

Isolated convictions or fixed penalty notices for minor traffic offences should not prevent a person from proceeding with an application. Any new applicant must have held a full drivers licence as issued by DVLA for a period of twelve months without any period of suspension during those twelve months. Licence holders convicted during the period of licence of such an offence may be warned as to future conduct, or where appropriate may have their licence suspended or revoked for up to a time depending on the circumstances.

Major Road Traffic Offences

A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance.

Where there is an isolated historic conviction for reckless driving, dangerous driving or driving without due care and attention and similar offences, these will merit for new applicants at least a warning as to future driving and advice on the standards expected of hackney carriage and private hire drivers but may lead to suspension or revocation of their licence. For applicants with more serious offences such as convictions for causing death by dangerous/careless driving a licence will not normally be granted. Existing drivers can expect their licence to be revoked and no further application will normally be considered until a period of at least seven years has elapsed from conviction.

Driving under the influence of Drink or Drugs/Using a hand held telephone or hand a held device

- with a motor vehicle.

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

- Where an applicant has a conviction for using a hand held mobile telephone or a hand held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later. Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades
- **Drunk or Evidence of Drug use but not in a motor vehicle.**

An isolated caution / conviction for drunkenness or possession of drugs need not debar an applicant from obtaining a licence, however, a number of cautions / convictions for these matters could indicate dependency necessitating a medical examination, and possibly suspension or revocation.

- Where an applicant has a conviction for using a hand-held mobile telephone device whilst driving, a licence will not be granted until at least 1 year has elapsed for a first offence and 5 years for subsequent offences since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Insurance Offences

- with a motor vehicle.

A serious view will be taken of any caution/convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily debar an applicant provided he has been three years free of any caution/conviction, but strict warning will be given as to future behaviour. More than one caution/conviction for these offences will raise grave doubts as to an applicant's fitness to hold a hackney carriage or private hire licence.

- A driver found guilty of driving passengers for hire and reward whilst without insurance will normally have his hackney carriage or private hire driver's licence revoked immediately and be banned from holding a hackney carriage or private hire driver's licence with the Council for a minimum of five years.
- Any applicant with three insurance offences or more will not normally be considered fit and proper to hold a hackney carriage or private hire licence with the Council.

Hackney Carriage and Private Hire Offences

Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use set out elsewhere), a licence will not normally be granted until at least a minimum of 3 years have elapsed since the completion of any sentence imposed

Vehicle use Offences

Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not normally be granted until at least a minimum of 3 years have elapsed since the completion of any sentence imposed.

Breaches of Licensing Conditions (not connected with Hackney / Private Hire), Public Spaces Protection Orders, Community Protection Notice, other Local Authority Offences and Fire Authority Offences

Isolated convictions / cautions for breach of licensing conditions or other local authority offences should not prevent a person from proceeding with an application but these offences may be considered when determining if an applicant should be granted a licence. Anyone found to be in breach of a Public Spaces Protection Order (PSPO) or issued a Community Protection Notice (CPN) will be considered liable for investigation. These matters may be considered when determining if an applicant should be granted a licence. Licence holders committing offences during the period of licence may be warned as to future conduct and may lead to revocation or suspension of any hackney carriage or private hire licence held with the Council.

Criminal Behaviour Orders/Injunctions or any other order under the Anti-Social Behaviour and Policing Act 2014

Criminal Behaviour Orders/Injunctions to prevent nuisance and annoyance during their current term or within three years of their final date should not prevent any person from proceeding with an application, but it will be considered, taking into account all the circumstances, and severity of the behaviour, when determining if an applicant should be granted a licence.

If the driver is already licenced then in all likelihood this will lead to suspension or revocation.

County/High Court Injunctions

Any Court injunction and/or order relating to anti-social behaviour especially those for harassment or violence (including domestic violence) within the last three years should not prevent any applicant from proceeding with an application, but will be considered when determining if an applicant should be granted a licence, taking into consideration the nature and severity of the behaviour and all relevant circumstances.

If the driver is already licenced then in all likelihood this will lead to suspension or revocation.

Other Issues

If any applicant or Licensed driver is or has been under investigation in the Court process relating to, or subject to any order finding that is a breach of any statutory provision or is subject to an adverse court finding which is or maybe of concern to the licensing authority then the authority can refuse, suspend or revoke a licence, for that period it deems appropriate subject to proper reasons being given.

Scanners

Anyone convicted of the use of a radio scanner will normally be banned from holding any licence for a minimum of a five-year period.

Notes

Any information disclosed to the Council will be kept in strict confidence and will only be taken into account in relation to the application and will be retained no longer than necessary. It is an offence for any person knowingly or recklessly to make a false statement or to omit any material particular in giving information required by the application for a licence, punishable by up to seven years imprisonment upon conviction.

Please Note: Your Operating base will be inspected to ensure that you can comply with all requirements to hold a licence before any licence will be issued.

Procedure for Licensing a Private Hire Operator

A private hire operator ('an operator') does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the vehicle (except where they are also the licensed driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and must not be improperly or accidentally not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes. Any person with a management and Governance role of an operator is subject to the same duties as a driver in relation to criminal conviction, caution and any other court order

1. General

- 1.1 Operators must be licensed in the same district as the district in which they have their office, and only make use of drivers and vehicles that are also licensed in the same district for which they hold a licence.
- 1.2 Anyone who makes provision for the invitation or acceptance of bookings for a private hire vehicle must hold an operator's licence, (with the exception of those who only operate vehicles covered by section 75 of the Act of 1976). This means that any individual (group or company) which advertises the services of any private hire vehicle with the services of a driver for hire and reward, or has a mobile telephone, smart phone app or pager which is carried within a licensed vehicle then that driver and vehicle have made provision for the acceptance of bookings for hire and reward and will be required to hold a private hire operator's licence.
- 1.3 Brighton and Hove City Council are subject to duties under the Equalities Act 2010 which includes the duties to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act. In relation to the Hackney and Private Hire as the licensing authority we are wishing to ensure that the needs and requirements of those with a disability are being acknowledged and met.

Primary issues for the Council to take note of are:

- Mobility – this is being addressed by the introduction of wheelchair accessible cabs. It is noted that certain service users who may have mobility issues still prefer old style saloon cars. An Operator should be able to respond as appropriate where a particular type is requested
 - Visual impairment - drivers to be aware that greater assistance will be required. As per the detail already included in this document.
 - Hearing impaired – note should be taken that those with hearing difficulties should wherever possible be provided with a text service.
 - Awareness of those with mental health issues.
 - Awareness of those with learning disabilities.
 - Training for drivers on disability awareness for instance not assuming that because someone has slurred speech that they are drunk as opposed to having neurological disorder.
- 1.4 To ensure disabled passengers in wheelchairs receive an equal service any Operator operating 100 or more vehicles must ensure that at least 20% of their vehicles are wheelchair accessible.
 - 1.5 It is a requirement that the operators can on request provide monitoring information. What is required are figures on the numbers of journeys undertaken by those with an obvious disability or where one has been declared – personal information is not required. In addition where there has been an issue around a disability the details of that issue and what if any steps were taken to address that and prevent its reoccurrence.

This information will be required to be provided annually. Failure to do so may result in an Operators Licence being suspended or revoked

Advice to Operators

Any operator is subject to the same consideration as a driver in relation to criminal convictions, cautions and other court orders.

Within the Conditions of your licence you are responsible for many items in relation to your business, the drivers working through your circuit and the vehicles used. You may be required to display or produce various items to various Officers, visiting your premises, on demand.

These include;

- D.T.I. Radio licence.
- Company Register Certificate
- Planning Permission
- Public Liability Insurance.
- Health and Safety Policy.
- Health and Safety Notices.
- Shops and Factories Offices Notice.
- Advice on Lifting Notice.
- Fire Evacuation Notice.
- Accident Book.
- First Aid Kit.
- Fire Extinguishers.
- Operators Licence.
- Adequate Lighting
- Booking Records.
- Diary of Advanced Bookings Vehicle Licences.
- Copy of Vehicle Licences.
- List of Vehicles with details.
- List of Drivers with details.
- Company policy & procedures document in relation to those with a disability
- Monitoring records of the use of your service by those with a disability

The Records of Bookings MUST show;

- Date and Time made.
- Name and Address where possible of hirer.
- Personal, Telephone, Web or App booking.
- Destination where possible
- Time of Pick-Up.
- Point of Pick-Up.
- Time Allocated to Driver.
- Allocated to which Vehicle.

The Records of Vehicles MUST show;

- Registration of Vehicle.
- Council Plate Number.
- Name and Address of Owner.
- Any Radio Call Sign.
- Number Licensed to Carry.
- Name and Address of ALL Drivers.
- Date Commenced Using Vehicle.
- Date Ceased Using Vehicle.

The Standards expected of an Operator include;

- Punctual Attendance for Bookings.
- Clean Premises with Public Access.
- Premises Heated to standard.
- Premises Ventilated to standard.
- Premises well lit.
- Seating if Public Access.
- Radio Equipment in Working Order
- Correct Radio Procedures used
- Only use the services of drivers and vehicles licensed by Brighton & Hove City Council
- Check Private Hire Driver Licences are valid.
- Ensure Only Licensed Drivers are used to drive licensed Vehicles
- Any staff employed should be trustworthy and honest. A Disclosure & Barring (DBS) check is Recommended
- Maintain Driver Standards
- Ensure Vehicle Licenses are valid.
- Ensure that the vehicle is not used for illegal or illicit purposes
- Check Vehicles Clean and Safe.
- Ensure Insurance is Valid.
- Check Vehicle for Damage.
- Ensure Plates Displayed Correctly.
- Report Any Driver Offences
- Report any Accidents.
- Report any Lost Property.
- Assist with Police Link calls.
- Keep all Records for 6 months.
- Give Fixed Price Quote if Requested.
- Telephones are in Working Order.
- Report any changes of Address.
- Report any changes of Director(s).

2. The Operator

- 2.1 The application form must be complete and returned to the Taxi Licensing Office.
- 2.2 Every applicant will be checked to ensure that they are a fit and proper person to hold a private hire operator's licence.
- 2.3 The applicant is required to provide proof of holding a radio transmission licence (and planning permission for any aerial if required) if such radios are used by the operator.
- 2.4 In the case of operators who invite the public to make bookings in person at a premises, the prospective premises will be inspected to ensure compliance with the following;
 - 2.4.1 clean, adequately heated, ventilated and lit, both for bookings and waiting,
 - 2.4.2 if required waiting area has adequate seating facilities.
- 2.5 The operator premises to be licensed must be situated within the district of Brighton & Hove.
- 2.6 The operator may only utilise drivers and vehicles also licensed by Brighton & Hove City Council.
- 2.7 All operators premises to which the public have access must be covered by public liability insurance to cover all risks.

- 2.8 Planning permission for operating purposes maybe required and it is the operator's responsibility to ensure any permission required is granted and produced to an authorised officer at the time of application.
- 2.9 All operators will be required to have a document setting out their policies and procedures in relation to those with a disability. They will also be required to undertake monitoring of use of their service by those with a disability and provide a summary of monitoring in a format as required by the Director of Neighbourhoods, Communities and Communities annually. Failure to do so may result in the suspension or revocation of an Operators Licence.
- 2.10 All operators must ensure that all drivers of wheelchair accessible vehicles are trained and have passed the Driver and Vehicle Standards Agency (DVSA) taxi wheelchair exercise test or one of the following; the Catstream Drivers Disability Awareness Training, DHAATC training, Transport for All Training or equivalent (as decided by the Director).
- 2.11 All operators must ensure that all drivers do not work excessive hours and have adequate breaks between shifts
- 2.12 All operators must ensure that all Brighton & Hove Vehicles operated under the licence comply with the current Brighton & Hove CCTV conditions. See sections 192 & 193.
- 2.13 No licence will be issued until all licence requirements are met to the satisfaction of the authorised officer and the appropriate fee has been paid.

3. Notes

Any requirements of legislation which affect the operations being carried out under the terms of this licence shall be regarded as if they are conditions of this licence. Case law has shown that anyone making provision for the acceptance of bookings for private hire must be licensed in the District where such provision is made (this includes such things as mobile telephones, pagers and redirected calls by any electronic means) and such bookings must be fulfilled by drivers and vehicles licensed in the same district as which the operator holds his licence. So if an operator accepts a booking on a mobile telephone in a district other than the one in which he is licensed he will commit an offence of operating in an unlicensed manner.

Private Hire Vehicle Operators Licence Conditions made under the Local Government (Miscellaneous Provisions) Act 1976

1. Interpretation

- 1.1 In these conditions;
 - 1.1.1 "the Council" means 'Brighton & Hove City Council.'
 - 1.1.2 "the operator" means the person to whom the Council has granted the Private Hire Operator's Licence to which these conditions apply. In the case of a partnership to each of the partners and in the case of a company to each of the company directors.
- 1.2 Any obligation in these conditions not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done.
- 1.3 Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

2. The records to be kept by the Operator

- 2.1 The records required to be kept by the operator under Section 56 (2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book, folder, computer system or other means approved by the Authorised Officer, and produced for his examination on demand.
- 2.2 The operator shall enter in the recording system (book folder or other means) before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by him;
 - 2.2.1 the time and date of the booking.
 - 2.2.2 the name where possible and pick up point of the hirer.
 - 2.2.3 the time and date of pick up and call sign of the vehicle used.
 - 2.2.4 how the booking was made (e.g. by telephone, personal call, or via a mobile app).
 - 2.2.5 where any bookings are sub contracted either by the operator to another licensed operator or are accepted by the operator from another operator a full record of the booking and notes must be included: including the name of the sub-contractor and contact information.
- 2.3 the records of bookings shall be maintained and kept up to date at all times and shall be made available for inspection at all reasonable times without notice by any duly Authorised Officer of the Council or any Police Officer. Such Officers shall be empowered to photograph and/or remove such records howsoever kept from the premises as so required.
- 2.4 The operator shall keep records of all private hire vehicles operated by him, which will include details of the owner, registration numbers and drivers of such vehicles, together with any radio call sign used.
- 2.5 The operator shall keep records of all driver training.
- 2.6 The operator shall keep all records for a period of not less than six months following the date of last entry.

3. The standard of service

The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times, and for this purpose shall in particular;

- 3.1 ensure that when a private hire vehicle has been booked that the driver attends at the appointed time and place punctually, unless delayed or prevented by sufficient cause.
- 3.2 keep clean, adequately heated, ventilated and lit premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
- 3.3 ensure that any waiting area provided has adequate seating facilities.
- 3.4 keep a summary of all complaints received regarding service provided or about drivers
- 3.5 Must provide an equal service for differently abled passengers
- 3.6 Any operator operating more than 100 vehicles must ensure that 20% of their fleet is Wheelchair Accessible.
- 3.7 When an automated booking is made under an operator's licence, the booking confirmation and receipt provided to a passenger will identify that the driver is licensed by Brighton & Hove City Council or the name of the subcontracted operator.
- 3.8 An operator must provide a phone number for customers to have voice contact during the Operators hours of business and at all times during a journey if passengers want to make a complaint or discuss other matters relating to their booking.

4. Provisions regulating signs on vehicles

The proprietor of a private hire business shall not cause any advertisement in respect of his business or the vehicles used for that purpose to include the words "taxi" or "cab", whether in the singular or plural, or those words of similar meaning or appearance to either of those words, whether alone or as part of another word.

5. Provisions regulating the conduct of the operator

- 5.1 The operator shall immediately upon receipt notify the Council in writing of any complaints concerning the cleanliness/condition of a vehicle.
- 5.2 The operator shall notify the Council in writing of any change of address during the period of the licence within seven days of such change.
- 5.3 No operator may change the address from which he operates without prior agreement in writing from the Council and all licence requirements being met.
- 5.4 The operator shall within seven days disclose to the Council in writing details of any convictions (motoring or otherwise) imposed upon him (or if the operator is a company or partnership, on any of the directors or partners) during the period of the licence.
- 5.5 the operator shall not, by him/herself, his agents, or any other person importune, or cause or permit to be importuned any person by calling out or by any other means whatsoever to hire any of the licensed vehicles under his control
- 5.6 the operator shall not cause or permit the private hire vehicle licence plate or any notices that are required to be displayed on the inside or outside of a private hire vehicle to be:-
 - Concealed from public view
 - Defaced
 - Disfigured

The operator shall also ensure that the licence plate and notices are always legible and displayed in accordance with the conditions of the private hire vehicle licence

- 5.7 The operator must notify the Council as soon as practicable and in any case within 72 hours of the occurrence thereof, of any accident to any vehicles working for that company, causing damage
- 5.8 The Operator must not use any technology for the purposes of avoiding regulatory or law enforcement activity in connection with its operator licence.

6. Provisions regulating the conduct of the operators drivers

- 6.1 The operator must inform the Council in writing within 7 days the details of any driver removed from the operator's circuit giving the reasons for removing that driver
- 6.2 Operators must report to the Council any allegation or complaint relating to certain serious behaviours, specifically:
 - Sexual misconduct
 - Violence
 - Discrimination
 - Wrong driver / vehicle
 - Theft
 - Touting

Upon receiving any allegation or complaint relating to the above serious behaviours the Operator must take all reasonable steps to restrict the driver's access to work within 24 hours and whilst any investigation is ongoing. All complaints involving these behaviours must be reported by the Operator to the Council within 72 hours of receiving the complaint.

- 6.3 The operator shall keep records of all driver training.
- 6.4 The operator must ensure that all drivers of wheelchair accessible vehicles that are operated under this licence are adequately trained in the safe carriage of passengers in wheelchairs and that drivers have passed one of the following; the Driver & Vehicle Standards Agency (DVSA) taxis wheelchair exercise test, the Catstream Drivers Disability Awareness Training, DHAATC training, Transport for All Training or equivalent (as decided by the Director) before renewal of licence every 3 years.
- 6.5 The operator must ensure that all its drivers have undergone disability equality training to help them serve differently abled people or passengers with an access need.
- 6.6 The operator shall take all necessary measures including those of requested by an Authorised Officer of the Council or Police Officer to prevent vehicles in its employment from parking or congregating in such a manner as to cause a nuisance to any reasonable person
- 6.7 The Operator shall bring to the attention of all drivers their legal obligations regarding the use of seat belts by both adults and children under 14 years of age.
- 6.8 The operator shall bring to the attention of all drivers their legal obligation regarding no smoking in vehicles under the Health Act 2006
- 6.9 The Operator shall ensure that all licensed drivers who carry out work on behalf of their company have an up to date Enhanced Disclosure and Barring Service check Certificate.
- 6.10 The Operator shall ensure that all licensed drivers who carry out work on behalf of their company act in a civil and orderly manner both towards customers and any other member of the public.
- 6.11 The Operator must ensure that all drivers who carryout work on behalf of the operator do not work excessive hours and have adequate breaks between shifts.
- 6.12 The Operator shall ensure that all drivers are aware of their obligations under the Equalities Act 2010 which are:-

Section 165 – Duty on a driver of a designated wheelchair accessible vehicle to:-

- Carry the passenger whilst in the wheelchair;
- Not to make any additional charge for doing so;
- If the passenger chooses to sit in a passenger seat to carry the wheelchair;
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- To give the passenger such mobility assistance as is reasonably required unless a driver has an exemption under Section 166 which states that he/she is unable to assist passengers in wheelchairs on medical grounds or because the drivers physical condition makes it impossible or unreasonably difficult to comply.

Section 168 to 171 (previously Disability Discrimination Act 1995):-

Duty to carry Assistance Dogs unless an exemption is held on medical grounds.

7. Emergency call sign

All operators using a radio network must have in place an emergency call sign. When this call sign is used the operator and / or other cars will render all assistance possible to the caller. The use of the call sign in a frivolous manner could result in suspension of licence. On hearing the call sign all other vehicles will maintain radio silence until advised that the situation is resolved. The call sign should only be used when a person is at risk, (e.g. need for police, fire or ambulance assistance). The call should be changed at regular intervals to avoid misuse. All drivers must be aware of the call sign currently in use by the operator. Each operator is responsible to ensure compliance. Whilst this will complement the “Police Link” it is not voluntary but a condition of the operator’s licence in the interests of the safety of drivers and passengers.

8. Operator office location

The office must be located within Brighton & Hove City to enable any Authorized Officer access to the premises or any records as required by statutes or conditions. If unable to fulfil a booking they may only pass these to another licensed operator whose drivers who carry out work on behalf of that operator have an up to date Enhanced Disclosure and Barring Service check Certificate.

9. Deposit of driver and vehicle licences

- 9.1 Any operator who employs or permits anyone to drive any licensed vehicle owned by them will ensure that a copy of the drivers licence is deposited with them during the period that the driver is employed or permitted to drive, the licence must be returned to the driver at the end of that period.
- 9.2 Any vehicle employed or used by an operator must be licensed and the proprietor of the vehicle shall deposit his vehicle licence with the operator during the period that his vehicle is so employed. The operator must return the licence to the vehicle proprietor at the end of the period.

9.3 The Operator must ensure that every proprietor of a Private Hire Vehicle operating under the licence is acquainted with, understands and observes the conditions attached to a Private Hire Vehicle Licence.

10. Private Hire Operator Association

10.1 Operators may form an association and must give a copy of the constitution of that Association to the Licensing Officer.

10.2 The Association must keep the Authorised Officer informed in writing of the offices and members of the Association.

10.3 Only vehicles being operated through members of the Association may display signs as approved by an Authorised Officer.

11. Confidentiality

Due the nature of enforcement work undertaken by authorised officers, operators are expected not to disclose/broadcast to drivers or proprietors the whereabouts of authorised officers or any other enforcement agencies as this may jeopardise any enforcement actions being undertaken at the time. Failure to comply with this requirement may result in suspension of licence.

12. Police Safety Schemes

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

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

12.2 To alert Sussex Police of any criminal activities observed.

12.3 To create a safer environment for all hackney carriage and private hire drivers.

Drivers should report through the operator to the police and the police will use the scheme to advise drivers of incidents or help required.

13. Appeals

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

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

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



**Brighton & Hove
City Council**

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