

Private Hire Operator's Licence Conditions :

1. Booking Records :

The records required to be kept by the Private Hire Operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 must be kept in a suitable book, the pages of which are numbered consecutively, or other durable recording format and the Private Hire Operator will enter, or cause to be entered therein before the commencement of each journey the following particulars of every booking of a Private Hire Vehicle invited, or accepted by them, (including where a booking is sub-contracted, whether the vehicle that is used is licensed under Section 48 of the 1976 Act, or is licensed as a Hackney Carriage under Section 37 of the Town Police Clauses Act 1847), :-

- (a) Name of the Hirer / passenger;
- (b) Date and time of the hiring;
- (c) Agreed date and time of the pick-up;
- (d) Pick-up point;
- (e) Destination;
- (f) Name, or unique callsign of the Driver allocated to the booking;
- (g) The Driver's Licence Number;
- (h) Vehicle registration number of the vehicle;
- (i) Name of any individual that responded to the booking request;
- (j) Name of any individual that dispatched the vehicle; and
- (k) Remarks, (including details of any booking sub-contracted to another Private Hire Operator).

2. Vehicle Records :

The Private Hire Operator will also keep records of the particulars of all vehicles operated, or used by them, (whether licensed under Section 48 of the 1976 Act, or under Section 37 of the Town Police Clauses Act 1847), which particulars will include details of the Proprietors, registration numbers, Licence Number and Drivers of such vehicles, together with any radio call sign used.

3. Staff Records :

- (a) The Private Hire Operator must have a clear policy that sets out the criteria to be applied when employing members of staff responsible for the booking and / or dispatch of vehicles who have previous convictions;
- (b) The Private Hire Operator will keep records of all desk clerks employed by them, including their name, date of birth and home address. A daily record must be kept of the time worked by each clerk. The desk clerk will sign the

- booking sheet at the start of each duty, or in the case of computerised booking systems the log on, at the start of each duty;
- (c) The Private Hire Operator must maintain and keep up to date a register of all staff who take bookings and / or dispatch vehicles to fulfil bookings;
 - (d) The Private Hire Operator must ensure that a Basic DBS check has been conducted and a Basic DBS Certificate obtained in respect of any individual added to the register of staff;
 - (e) The Private Hire Operator must maintain a register confirming that they have had sight of a Basic DBS Certificate in respect of all individuals employed as booking and dispatch staff and that this is compatible with their policy on employing those with previous convictions;
 - (f) All records which are required to be kept by the Private Hire Operator will be preserved for a period of not less than one year following the date of the last entry;
 - (g) All records which are required to be kept under the Conditions of Licence must be made available upon request to an Authorised Officer, or Police Officer; and
 - (h) The Private Hire Operator must not dispatch a Driver who is a licensed Passenger Carrying Vehicle Driver and use a Public Service Vehicle, (such as a minibus), to fulfil a booking without the informed consent of the person making the booking. The Private Hire Operator must be able to evidence that such consent was given by the passenger prior to the picking up of the passenger.

4. Standard of Service :

The Private Hire Operator will provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose will in particular, :-

- (a) Ensure that when a Private Hire Vehicle has been hired to be in attendance at an appointed time and place, the vehicle will, unless delayed, or prevented by sufficient cause, punctually attend at that appointed time and place;
- (b) Keep clean, adequately heated, ventilated and lit any premises which the Private Hire Operator provides and to which the public have access, whether for the purpose of booking or waiting;
- (c) Ensure that any waiting area provided by the Private Hire Operator has adequate seating facilities;
- (d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly; and
- (e) Due to the potential for nuisance to residents associated with the parking of vehicles whilst they are waiting to be allocated work Private Hire Operators are required to identify specific locations as bases where vehicles waiting for bookings are to be parked.

5. Restriction on Vehicles and Drivers to be Operated :

Private Hire Operators are only permitted to operate Hackney Carriage and Private Hire Vehicles and Drivers that are licensed by the Council, unless they are subcontracting to another Private Hire Operator outside the controlled area of Sunderland. Where such subcontracting occurs the Private Hire Operator must ensure that the Hackney Carriage and Private Hire Vehicles operated by the subcontractor are of an equivalent standard required by the Council.

6. Complaints :

- (a) The Private Hire Operator must keep a record of any complaints received concerning a contract for hire, or purported contract for hire relating to, or arising from their business and the action that the Private Hire Operator proposes to take. These details are required to be kept on file for a period of no less than 12 months; and
- (b) The Private Hire Operator will notify the Council in writing within seven days of any complaints concerning a contract for hire, or purported contract for hire relating to, or arising from their business and of the action, (if any), which the Private Hire Operator has taken, or proposes to take in respect thereof. This is to be done using the following e-mail address : licensing@sunderland.gov.uk

7. Change of Address :

The Private Hire Operator must notify the Council in writing of any change of their home address during the period of the Licence within seven days of such change taking place. This is to be done using the following e-mail address : licensing@sunderland.gov.uk

8. Self-Reporting Obligations on the Part of Private Hire Operators :

The Private Hire Operator must comply with the following, :-

- (a) The Private Hire Operator is required to notify the Council in writing within 48 hours of the following matters in respect of themselves, or if the Private Hire Operator is a company, of any of its Directors, :-
 - (i) Their arrest and release, with the Council being advised as to the reason for their arrest; the name of the arresting Police force; the date of their arrest; the date of their release; and whether they have been released under investigation;
 - (ii) The date that they were charged and / or convicted of a criminal offence, including details of the criminal charge, the date of their first Court Hearing, (if any), the date of their sentencing and details of the sentence imposed, as appropriate. For the avoidance of any doubt, if convicted of a criminal offence and then an Appeal is pursued against conviction, or sentence, the notification provisions still apply; and

- (iii) The date that they have accepted a caution and confirmation of what criminal offence the caution related to.

The above matters are collectively referred to as the “Self-Reported Information”. For the avoidance of any doubt, the self-reporting obligations apply seven days a week, ie. the 48-hour period does include weekends, bank holidays and public holidays.

- (b) If the Self-Reported Information relates to any sexual offence, any offence involving dishonesty, or violence, or any motoring offence then this could lead the Council undertaking a review of whether the Private Hire Operator remains a “*fit and proper person*” to hold their respective Licence, although this does not prevent such consideration in relation to any other criminal offences;
- (c) Self-Reported Information is required to be reported via the Council’s website portal : <https://www.sunderland.gov.uk/Taxi-Licensing-Report-a-conviction>;
- (d) If a Private Hire Operator fails to disclose the Self-Reported Information to the Council and the Council subsequently learns of the same by other means, (such as via the Police Common Law Disclosure, under a Basic DBS Disclosure and Barring Certificate, or in a Renewal Application), then the failure on the part of the Private Hire Operator to previously advise the Council about the Self-Reported Information may be considered to be behaviour that questions the honesty, and therefore the “fitness” of the Private Hire Operator to hold their respective Licence;
- (e) The Council will take any failure to comply with the requirements to notify about Self-Report Information very seriously. Where there has been a failure to notify about cautions, or convictions within the stated 48 hours timescales the Council will consider that caution, or conviction as if it occurred on the date that it was disclosed to the Council by the Private Hire Operator, or when the Council became aware of the same if the Private Hire Operator had failed to notify the Council; and
- (f) Should a Private Hire Operator have any queries about how to report the Self-Reported Information then they should immediately contact the Council’s Licensing Section.

9. Special Conditions Relating to Portacabins :

- (a) The Private Hire Operator will provide and maintain hot and cold running water and wash hand basin facilities, which will be permanently connected to the main sewage system; and
- (b) The Private Hire Operator will provide and maintain toilet facilities which are to be permanently connected to the main sewerage system.

10. Private Hire Operator's Licence :

- (a) Private Hire Operators will operate wholly from those premises specified in the Licence and situated within the boundaries of the City of Sunderland; and
- (b) The Private Hire Operator is required to display the Operator's Licence issued by the Council in a conspicuous position at their licensed premises.

11. Statement of Private Hire and Hackney Carriage Licensing Policy :

Private Hire Operators are required to read the Council's Statement of Private Hire and Hackney Carriage Licensing Policy and act in accordance with it as it applies to them.