

## CONDITIONS OF PRIVATE HIRE OPERATOR'S LICENCE

In these conditions unless the subject or context otherwise requires:

'Council'	means the Surrey Heath Borough Council
'Operator'	means the holder of a Private Hire Vehicle Operator's Licence
'Private Hire Vehicle'	means a motor vehicle constructed or adapted to seat fewer than eight passengers other than a hackney carriage or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers and is licensed by the Council
'Vehicle'	means private hire vehicle licensed by the Council
'Proprietor'	includes a part-proprietor and, in relation to a vehicle which is the subject of a hiring agreement or a hire purchase agreement, means the person in possession of the vehicle under that agreement
'Licence'	means Private Hire Operator's Licence issued by the Council
'Driver's Licence'	means, a private hire driver's licence, issued under Section 51 of the said Act
'Driver'	means a person holding and acting in accordance with a private hire driver's licence issued by the Council

1. The operator of a private hire vehicle shall not by calling out or otherwise importune any person to hire such vehicle and shall not make use of the services of any other person for that purpose.
2. The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for that purpose shall 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 shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.
  - (b) Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
  - (c) Ensure that any waiting area provided by the operator has adequate seating facilities.
  - (d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
3. The operator of a private hire vehicle shall not incite the proprietor or driver thereof to convey in such private hire vehicle any greater number of persons than the number of persons specified on the plate provided by the Council for the said private hire vehicle pursuant to Section 48(5) of the Act.
4.
  - (a) No advertisement shall be displayed on, in or from the vehicle and this includes the words "taxi" or "cab" whether in singular or plural and whether alone or as part of another word even if the name of the operator or his or its trade name includes such words. It also includes the specific address of the operator and any telephone number.
  - (b) In this condition the word "advertisement" shall include every form of advertising whether in a publication or by the display of notices or by means of circulars or other documents or by an exhibition or photographs or a cinematograph film or by way of sound broadcasting on television and references to the issue of an advertisement shall be construed accordingly.
5. In accordance with the provisions of Section 56(2) of the said Act the operator shall keep in bound volumes a record and enter therein before the commencement of such journey every booking of a private hire vehicle invited or accepted by him whether by accepting the same from the hirer or by undertaking it at the request of another operator and the record shall contain the following particulars:-
  - (a) The time and date of the booking.
  - (b) Name and address (if known) of the hirer.
  - (c) The time and date of start of the journey, the point of commencement of the journey and the point of termination of the journey.
  - (d) The name of the driver and the registration mark of the vehicle undertaking the journey.

Such records shall be retained for a period of one year and shall not be destroyed or otherwise disposed of before the expiry of such period without the previous written consent of the Council.

6. In accordance with the provisions of Section 56(3) of the said Act the operator shall keep a record in a bound volume of all private hire vehicles operated by him and such record shall include the following particulars:-
  - (a) The registration mark of each vehicle.
  - (b) The make of the vehicle.
  - (c) The name and address of the proprietor thereof (if different from the operator).
  - (d) The names, addresses and driver's licence numbers of drivers driving the vehicles.
  - (e) Details of any radio call sign used.Such records shall be retained for a period of three years and shall not be destroyed or otherwise disposed of before the expiry of such period without the previous written consent of the Council.
7. When a particular vehicle ceases to be operated by him or a new vehicle commences to be operated by him, he shall inform the Council in writing as soon as possible but not later than within seven days of such fact.
8. The operator shall notify the Council in writing within seven days of:-
  - (a) The change of his address from that shown on the face of this licence.
  - (b) Any conviction imposed on him (or if the operator is a company or partnership, on any of the directors or partners) during the period of the licence.
9. The operator shall ensure that any private hire vehicle operated by him is in a suitable mechanical condition, safe, comfortable, clean and presentable and that the private hire plate provided by the Council is affixed to the vehicle in such a manner and position as shall be prescribed by the Council.
10. The operator shall ensure that all premises from which he operates have full planning permission in accordance with the Town and Country Planning Acts and that all licences and permissions of any nature necessary to operate private hire vehicles are obtained before the business is commenced.
11. The operator shall immediately upon receipt notify the Council in writing of any complaints concerning a contract for hire or purported contract for hire relating to or arising from his business and of the action (if any) which the operator has taken or proposes to take in respect thereof.
12. The operator will ensure that an application for a licence or renewal of licence will be received at least one calendar month before the licence is intended to commence or expires.

It is intended that these licences shall be granted for a period of one year.

## APPEALS PROCEDURE

1. Any applicant aggrieved by any conditions attached to the grant of the licence may appeal to a Magistrates' Court.
2. The procedure shall be by way of complaint for an order, and the Summary Jurisdiction Acts shall apply to the proceedings.
3. The time within which any such appeal may be brought shall be twenty-one days from the date on which notice of the requirement or other decision was served upon the person desiring to appeal, and for this purpose the making of the complaint shall be deemed to be the bringing of the appeal.

August 1985