

Newport City Council - New Private Hire Operator Business Plan

ANNEX 1 (for new applications only)

1. Business Plan

Company name:

Is this a registered company?

YES NO

If YES, what is the company registration number?

Address where the company is registered:

Please give an overview of the business:

Please give an overview of management structure:

Please give details if any of your business partners/company/directors or secretary have any experience of running this type of business:

Which areas of Newport do you intend to primarily serve?

What type of work do you intend to take on? (e.g. school contracts, business contracts, private hire)

Please give details if any of your business partners/company/directors or secretary already running this type of business within Newport City Council or elsewhere.

Will the company trade under any other trading names or brand names?

YES NO

If YES, please give details:

What is the predicted turnover for next three years?

How will you advertise this business?

How many drivers do you intend to employ if the licence is granted?

What type of vehicles do you intend to operate? (e.g. saloon cars, MPVs)
How many hackney carriage vehicles do you intend to operate if the licence is granted?
How many private hire vehicles do you intend to operate if the licence is granted?
Do you intend to operate any vehicle with disabled access? <input type="checkbox"/> YES <input type="checkbox"/> NO If YES, how many vehicles with disabled access will you operate?
How will you ensure that all the drivers and vehicles meet the statutory requirements?
Will you operate a radio system? <input type="checkbox"/> YES <input type="checkbox"/> NO If YES, which radio system will you operate?
What booking and record keeping system will you operate?
Is this a computerised system? <input type="checkbox"/> YES <input type="checkbox"/> NO If YES, please give details: If NO, how will you take bookings and keep records?
Do you intend to operate full-time or part-time?
What will be the hours of operation?
Will the premises be manned during the hours of operation? <input type="checkbox"/> YES <input type="checkbox"/> NO If NO, what will be the hours the premises be manned?
What will be the telephone numbers for bookings?
Do you intend to take bookings via internet? <input type="checkbox"/> YES <input type="checkbox"/> NO If YES, what is the website(s) address:
Do you have a waiting area at your premises? <input type="checkbox"/> YES <input type="checkbox"/> NO
<i>Please continue on a separate sheet if you wish to give any other information about your business and operation</i>

I declare that the information given by me in this business plan is true to the best of my knowledge. I will inform Newport City Council of any changes within **seven** days of changes being implemented.

SIGNATURE _____

PRINT NAME:

DATE:

PRIVATE HIRE OPERATORS

1. Requirements and obligations

Any person who operates a Private Hire service using Private Hire vehicles must apply to the council for a Private Hire Operator's licence. An Operator's licence permits the operator to make provision for the invitation or acceptance of bookings for a vehicle. A Private Hire operator must ensure that every Private Hire vehicle is driven by a person who holds a Private Hire driver's licence. An application for an Operator's Licence must be made on the prescribed form, together with the appropriate fee.

2. Criminal record check policy

Private Hire operators are not exempt from the Rehabilitation of Offenders Act 1974, so standard or enhanced disclosures can be required. A basic disclosure from the Disclosure Scotland or a standard disclosure from the CRB or a certificate of good conduct from the relevant embassy for overseas applicants will be required for new operators. A Criminal Record Check will be required every 5 years. Operators that hold either a Hackney Carriage or Private Hire driver's licence with the authority will not be required to undertake a CRB check.

3. Conditions

The authority has the power to impose such conditions on an Operator's licence, as it considers reasonably necessary as stipulated in Appendix F.

4. Record keeping policy

Sections 56(2) and (3) of the 1976 Act place a duty on a Private Hire Operator to maintain records. However, it is for the council to decide what records are required in relation to journeys that are booked. Operators are required to keep records in respect of all bookings, vehicles and drivers, for a period of one year as defined in the Private Hire Operator's Conditions of Licence appendix D.

5. Insurance policy

Before an application for a Private Hire Operator's Licence is granted, the applicant must take out the appropriate public liability insurance for the premises from which he/she is to be licensed. The conditions proposed for a Private Hire Operator's licence, will require that the Operator produces an appropriate certificate of motor insurance which covers every Private Hire vehicle they operate.

6. Licence duration policy

The DfT considers that annual licence renewal is not necessary or appropriate for Private Hire Operators, whose involvement with the public is less direct than that of a driver. They recommend, as good practice, that a licence period of five years would be reasonable. Changes in legislation from the 1 October 2015 under the De-Regulation Act 2015 required all authorities to issue Private Hire Operators for a period of five years. Newport City Council will issue a 5 year licence to an individual(s) or a company, although the Operator's licence will not be transferrable.

7. Address from which an operator may operate

Upon grant of an Operator's Licence, the council will specify the address from which the operator may operate. This will be the premises where the records are to be kept and at which they may be inspected by authorised officers and police constables.

It is the responsibility of the Operator to ensure that appropriate planning consent exists for the use of the address which is to be used for operating the business. It should be noted that the grant of a Private Hire Operator's Licence will not imply that planning consent has been given.

8. Bases outside the Newport City Council area and satellite bases

The authority will not normally grant an Operator's Licence to an Operator with an operating base that is located outside the district of Newport. This is to ensure that proper regulation and enforcement measures can be taken and is in no way intended to be a restraint on trade. If the authority were to ever consider issuing a licence outside the city, a comprehensive business plan would have to be developed to ensure proper regulation and enforcement measures were not undermined.

Where Operators use a second 'satellite' base as an Operator's office (whether it is a business or residential address) within Newport, they shall inform the licensing authority in writing so that the addresses may be stated on the licence. The licensing authority reserves the right to charge for every additional office.

9. Sub-contracting private hire bookings

Operators are allowed to sub-contract bookings to other operators, both within the licensed area and outside of the council's area. Operator licence conditions relating to sub-contracting can be found in Appendix D.

10. Operator's responsibilities

The council expects Private Hire Operators to play an integral role in ensuring not only public safety, but also the safety of the driver they despatch (despite the majority of drivers being "self-employed"). As such, all operators are required to keep an incident book in which records both driver and passenger incidents.

As part of the operator's 5 year licence, the licence conditions will be audited periodically in connection with the statutory requirements and any condition which forms part of the operator's Licence. Following the audit, the operator shall be graded as either: Compliant, Bronze, Silver or Gold. The operator will be given a certificate highlighting the award given by the licensing authority. This certificate will not be mandatory to display, although operators who are awarded with Gold or Silver may wish to highlight the award on their websites, promotional material or when tendering for contracts. The aim of the awards scheme is to promote the taxi industry and ensure that there is a high quality of service which is recognised by affixing of a grade/award on their vehicles and at the operator's base. In addition, it allows the residents of the city and those visiting to make a choice of whom they wish to use by virtue of the grade award to a particular company.

PRIVATE HIRE OPERATOR'S CONDITIONS

1. The holder of a Private Hire operator's licence shall comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

2. The Operator shall:

- a. Provide a prompt, efficient and reliable service to members of the public at all reasonable times
- b. Ensure that office staff behave in a civil and orderly manner at all times
- c. Ensure that when a vehicle has been hired it arrives punctually at the appointed place, unless delayed by unforeseen circumstances
- d. Ensure that premises provided for the purpose of hiring or waiting are kept clean, adequately lit, heated and ventilated
- e. Ensure that any waiting area provided has adequate seating facilities and, if provided, that any telephone facilities are in good working order
- f. The Operator shall notify the authority in writing of any change affecting this licence, including any change of address (including any address from which he/she operates or otherwise conducts his/her business), which takes place during the currency of the licence. Such notice shall be given, in writing, within 14 days of the change to the licensing section
- g. The Operator shall within 14 days of the occurrence of any arrest, report for summons for any offence, or any conviction, notify the licensing authority in writing the details of such occurrence. If the operator is a company or partnership, this requirement shall apply to any of its directors or partners.
- h. The Operator shall only dispatch a licensed vehicle that fully complies with licence vehicle conditions.
- i. The Operator shall bring to the attention of all drivers their legal obligations regarding the use of seatbelts both by adults and children.
- J. The Operator shall in so far as possible ensure that Private Hire Vehicles under their specific control meet general conditions of roadworthiness required of a licensed vehicle whereas the driver of the vehicle responsible shall at all times have this responsibility. Any Operator who knowingly operates a defective vehicle shall be liable for enforcement action.
- K. The Operator shall ensure that a certificate of motor insurance pursuant to Section 143 of the Road Traffic Act 1988 exists for every Private Hire vehicle used under his/her Operator Licence in respect of the carriage of passengers for hire or reward. Where individual drivers choose to arrange their own motor insurance cover, the Operator must examine the insurance for such drivers on a frequent basis to ensure lawful requirements have been met.
- L. If the Operator has premises to which the public have access in connection with the hiring of vehicles, he shall ensure that there is sufficient public liability insurance in force, which indemnifies him/her against any claim for loss, damage or personal injury by any person using those premises.
- M. To operate a Private Hire Business from a residential dwelling, planning permission for such business use, will normally be required. A Private Hire Operator's licence will not be granted without evidence that either planning permission has been issued in respect of the premises concerned or planning permission is not required in respect of the limited use which is proposed.

- N. The records required to be kept by the operator under Section 52(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book or on a computer or any other recordable device. The records must be kept for a minimum of twelve months. If a book is used, the pages must be numbered consecutively and the operator shall enter or cause to be entered before commencement of each journey, the following particulars of every booking accepted:
- i. the time and date of the booking
 - ii. the name of the hirer
 - iii. the time of the proposed pick up
 - iv. the point of pick up and drop off
 - v. the registration or licence plate number of the vehicle allocated for the booking and the name of the driver.
 - vi. if receiving a sub-contracted booking from another operator, the above must be recorded alongside the following details: the name and the licensing authority of the sub-contracting operator.
 - vii. If sub-contracting a job, the following details must be recorded: the name of the operator to whom the job is sub-contracted and the name of their licensing authority.
- O. Operators are expected to take seriously their duties with regard to safety of drivers and the safeguarding of the public. To aid in this duty, an operator shall record any customer complaint or concerns raised by either a driver or passenger they receive regarding the attitude or behaviour of a driver or passenger. The Operator is expected to make such records available to an authorised officer or police officer upon request. These records should:
- Be kept securely and remain confidential for a minimum period of 1 year and confidentially destroyed thereafter;
 - Include the name, address and contact number of the complainant;
 - Record the details of the complaint;
 - Record details of the driver to which the complaint relates;
 - Record the action the operator has taken.
 - Where 3 or more substantiated complaints are received regarding a particular driver in a rolling 12 month period, the operator shall be expected to notify the licensing authority without delay.
 - If any complaints/concerns are received regarding sexual or inappropriate words/behaviour by drivers, these complaints must be reported to the licensing authority within 2 working days, regardless of the number of previous complaints.
 - Operators are also required to keep an incident log for driver's safety. Drivers should be able to log incidents for example: non-payment, racial abuse, physical or verbal abuse by a customer. An Operator should undertake a written risk assessment in light of a barring policy if a passenger is abusive, violent, racist, towards a driver.
 - Operators from time to time will be given addresses by Gwent Police or social services to which they should not dispatch vehicles or a password system may be put in place with carers or parents of family.
 - Operators should have a policy in regard to transporting children under 10 years old without adult supervision during their normal business of provision of private hire transport (this excludes school and social services contracts which are subject to requirements as determined by those departments).

The Operator shall also keep records of the particulars of all private hire vehicles and drivers operated by him, which shall include:

- A copy of the private hire vehicle licence issued by the council
- A copy of the Private Hire driver's licence or badge issued by the council together with details of any radio call signals.
- Valid insurance certificate used by the driver.

All records kept by the operator shall be kept for a period of not less than twelve months following the date of the entry and shall be made available upon request to an authorised officer of the council, police officer or any other relevant duly authorised officer of an Enforcement Agency including HMRC.

- P. The operator must allow access to the premises identified as the operator premises to the police and licensing officers at all times (this includes operators who operate from a home address.)
- Q. Operators can only dispatch a prestige vehicle when the booking involves no cash work or the vehicle is booked at least 1 hour before the commencement of the journey or the operator has a written contract with particular business(es) or person.

LEGISLATION

The holder of every Private Hire Operator vehicle licence shall comply with the provisions relating to Private Hire vehicles contained in the following legislation:

- Town Police Clauses Act 1847,
- Part II Local Government (Miscellaneous Provisions) Act 1976,
- Road Traffic Act 1988 Part 11 (a) Construction and Use of Vehicles and Equipment, Equality Act 2010