

APPENDIX 4 – PROPOSED AMENDMENTS TO OPERATOR CONDITIONS

CONDITION	CURRENT WORDING	PROPOSED CHANGE	COMMENT
2.8	<p>The Operator must display the following at their premises at all times:</p> <ul style="list-style-type: none"> a) A copy of the current Operator licence b) A schedule of fares c) A notice which provides information on how to complain to the Licensing Authority including email and phone number d) A copy of the public liability insurance policy certificate <p>The above shall be displayed in a prominent position, where the public have access and, where it can be easily read.</p>	<p>The Operator must display the following at all times at any premises that the general public have access to and/or on online booking sites and apps:</p> <ul style="list-style-type: none"> a) A copy of the current Operator licence b) A schedule of fares c) A notice which provides information on how to complain to the Licensing Authority (including email and phone number) d) A copy of the public liability insurance policy certificate <p>The above shall be displayed in a prominent position within a premises, where it can be easily read; or clearly marked on the relevant online site/app where it can be easily accessed.</p>	<p>Made clear that this only applies if have a base that is used to deal with members of the public – and includes requirement to ensure displayed online.</p>
2.10	<p>The Operator shall now allow their Licensed Operator Premises to be</p>	<p>The Operator shall not allow their Licensed Operator Premises to be used to conduct</p>	

	used to conduct business relating to another non <i>(insert name of Council)</i> Licensed Operator.	business relating to licensees of other non-Greater Manchester local authorities.	<p>This condition is designed to prevent the undermining of the local licensing regime and public safety</p> <p>It is submitted that the Deregulation Act when drafted, worked to the assumption that all districts outside of London and Plymouth were ‘governed by the same legislation’ (Deregulation Act 2015 Guidance notes) – which they are, but this clearly ignores that there is a wide variance in public safety policies, procedures, practice and licence conditions between districts, and there remains a lack of mandatory minimum standards nationally with regards to important safeguarding matters. As such, it is proposed that the condition should remain to protect and uphold local licensing regimes, but has been amended to include all of GM in recognition that following the completion of this first phase of harmonisation by the MLS project, these regimes will not serve to undermine each other.</p>
4.5	The Operator must conduct a check of the Council’s public register	The operator must conduct a check of the Council’s public register (where it exists)	Makes the condition clearer that the requirement is only at the outset of

	before allowing a driver to carry out bookings.	when contracting a driver to carry out bookings.	the contractual relationship and acknowledges that this is only possible where the Council provides a public register.
4.6	<p>The Operator must take all reasonable steps to ensure that its drivers and vehicles, when plotting or waiting without bookings around the district, do not do so:</p> <ul style="list-style-type: none"> a) in high footfall / high visible locations b) outside busy venues/businesses or in close proximity to events c) at the front or back of designated hackney ranks d) in groups or lines that present as a 'rank' e) in contravention of road traffic orders <p>Operators will upon request by an Authorised Officer or Police Officer demonstrate how they monitor and control this behaviour.</p>	No change, save for adding the word 'large' before 'events' at point b)	Submission has been fully considered. It is thought that a common sense and practical approach has been taken with regards to defining locations and scenarios in which private hire vehicles are required not to wait when they don't have a booking so as not to give the impression that they are available for immediate hire; not to encourage illegal ply for hire; and not to create unnecessary congestion and unsafe conditions on the highway at busy times/locations. There is no expectation that PHVs should be available 'immediately' and the public should understand that when using a pre-booked vehicle there may reasonably be a wait time (however short) as vehicles cannot just be ready on the street (as Hackneys are) immediately – this would further

			<p>assist the public's understanding of the two regimes.</p> <p>There is no requirement within this condition for drivers/vehicles to go out of the district or drive a substantial distance away from a location/district centre – it is considered that there are sufficient places to wait close to key locations that are out of general view, or on the edge of district centres and this will prompt operators to consider their own business models and booking demand to determine how many vehicles they reasonably require to plot or wait close to specific locations.</p> <p>This condition is mirrored within the PH Driver conditions and aimed primarily at them to take responsibility for their own behaviour – here we reasonably expect PH Operators to assist in the prevention of such behaviour (which we know is within their gift using their relevant systems).</p>
4.7			Changed employed to contracted

	<p>The Operator must have an approved process in place to ensure that the individual carrying out a booking is the licensed driver they have employed for this purpose.</p>	<p>The Operator must have an approved process in place to ensure that the individual carrying out a booking is the licensed driver they have contracted for this purpose.</p>	
5.1	<p>The Operator must notify the Council immediately by email (or in any case within 24 hours) of any complaints, police enquiries or notification of convictions involving any driver that is registered to carry out bookings for the operator which relates to matters of a sexual nature, dishonesty, indecency, violence or threats of violence, equality or drugs. The Operator is required to provide at the time of notification to the council the identity of the driver involved and the nature of the complaint/enquiry including the complainant's details. This notification to the Council must take place regardless of whether the Operator ceases any contractual arrangement with the driver.</p>	<p>The Operator must notify the Council immediately by email (or in any case within 24 hours) of receiving or otherwise becoming aware of any complaint/allegation, police enquiries, or notification of convictions involving any driver that is registered to carry out bookings for the operator, which relates to matters of a sexual nature, violence/threats of violence or substance misuse</p> <p>The Operator must notify the Council within 72hrs of any complaint/allegation, police enquiries, or notification of conviction relating to matters involving dishonesty or equality.</p> <p>The Operator is required to provide at the time of notification to the council the identity of the driver involved and the nature of the complaint/enquiry including the complainant's details. For clarity, this</p>	<p>After further consideration – have amended to just include the most serious safeguarding matters that would be more likely to result in immediate suspension (following relevant investigation) for 24hr reporting to the Council.</p> <p>It is considered appropriate for Operators to notify the Council immediately and agree with the Council how the investigation will proceed from there.</p>

		notification to the Council must take place regardless of whether the Operator has been able to conduct further enquiries itself, or whether or not it ceases any contractual arrangement with the driver.	
5.4	The Operator must provide a report every six months to the council detailing all complaints received (including against drivers carrying out sub-contracted bookings) and action taken. The report should be provided no later than one month after the end of the reporting period. The Operator must keep all records for at least 12 months.	The Operator must keep all complaint records for at least 12 months (including against drivers carrying out sub-contracted bookings) and ensure these records are available for inspection at any time an authorised officer may request to review them.	Considered submission that as drafted the condition was overly burdensome – have amended so that the records have to be kept (already reflected in other conditions that all complaints should be recorded) and must be available to view – removing requirement for formal report to be provided.