

Appendix 9 (A) – Private Hire Operator Conditions – Motor Tricycle

Local Government (Miscellaneous Provisions) Act 1976

General

The Licensee shall ensure that he/she complies in all respects with the requirements of any Act or Regulations affecting the operation of private hire operators and these conditions.

1. Fit and Proper

- 1.1. The Licensee shall within seven days of conviction of any offence or having received a caution, warning, fixed penalty notice or having been arrested or if subject to any criminal investigation during the period of the licence, disclose to an authorised officer of the Council in writing details.

2. Records

- 2.1. The record required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept either in the example form provided by the licensing authority or similar or on a nationally recognised piece of computer software. This software must be capable of providing the information listed below. The entries must be numbered consecutively and no pages shall be removed. The operator shall enter the required information for each booking invited or accepted by him, before the commencement of each journey.
 - (a) The name of the hirer
 - (b) The location of the pick-up point
 - (c) The location of the destination
 - (d) The time the private hire vehicle is required
 - (e) The time that the booking was made
 - (f) Whether the booking was made by telephone or in person
 - (g) The fare quoted for the journey.
 - (h) The nature of booking/tour and the vehicle used.
- 2.2. The operator shall also keep records of the following particulars of all private hire vehicles and drivers operated by him:
 - (a) The registration mark of each vehicle and licence number
 - (b) The make of the vehicle
 - (c) The name and address of the owner if different from the operator
 - (d) The names, addresses and licence numbers of all licensed drivers
 - (e) Details of any radio call sign used
- 2.3. The operator shall maintain a service and maintenance history of all vehicles, irrespective if they are owned by the operator, including the following:
 - (a) All maintenance details from the change of light bulbs and tyres to full mechanical services
 - (b) Records of mileage.
 - (c) A history of regular full services of vehicles – it is expected that these occur at around every 6000 miles or frequency recommended by the vehicle manufacturer.
 - (d) A maintenance system demonstrating the operator's ability to ensure vehicles are regularly serviced and maintained.

- 2.4. If the records detailed in condition 2.3 are not up to date or cannot be accounted for then the operator shall not use the vehicle until he or she is satisfied that it is in a roadworthy condition.
- 2.5. The operator shall in addition to relying on written maintenance records carry out routine physical checks of all vehicles.
- 2.6. All records mentioned in this condition shall be kept by the operator for a period of not less than one year following the date of the last entry.
- 2.7. In the case of computer records the entries must be capable of being printed on demand at the request of an authorised officer or police officer.

3. Standards of Service

- 3.1. 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:
 - (a) Ensure that when a private hire vehicle has been hired to be in attendance at an appropriate 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.
 - (e) Ensure that the operator's licence is displayed at any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
 - (f) Due to the passenger's exposure to the elements when being carried on this mode of transport, the Operator of the (Motor Tricycle) private hire vehicle must specify to any prospective passenger at the time of booking what suitable and safe clothing must be worn by passengers in order for a journey to take place. The clothing must not be loose fitting or liable to become detached or entangled during a journey and take account of sudden changes in weather conditions.
 - (g) The operator of a Motor Tricycle private hire vehicle must produce for the approval of an Authorised Officer of the Council, a set of documented safety instructions that will be issued to any prospective passenger prior to the commencement of any journey.

4. Complaints

- 4.1. The operator shall immediately upon receipt record in writing 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.

5. Conduct

- 5.1. The operator of a private hire vehicle shall not by calling out or otherwise solicit or tout any person to hire such vehicle and shall not make use of the services of any other person for that purpose.

6. Change of Address

- 6.1. The operator shall notify the licensing authority in writing of any change of his address (including any address from which he operates or otherwise conducts his business as an operator) during the period of the licence within seven days of such change taking place.

7. Acceptance of Bookings

- 7.1. The booking is exclusive to a Motor Tricycle licensed private hire vehicle and may not be transferred to another standard or category of vehicle.
- 7.2. All bookings shall be for special events or tours only, which involve the exchange of a written formal contract and acceptance of booking prior to the commencement of a journey. Bookings shall not be accepted for routine private hire style journeys.

8. Advertising

- 8.1. Due to the mode of transport offered by the licensed operator of a Motor Tricycle private hire vehicle, all advertising media for this service must ensure that members of the public are fully aware of the type of vehicle they are to be transported on and the open exposure to the elements and associated effect they will be exposed to should they wish to make a booking for this service.

9. Specified Vehicles

- 9.1. No licensed Operator shall operate any private hire Motor Tricycle vehicle other than those which have been approved by the Licensing Service.

10. Safety of Passengers/Risk Assessment

- 10.1. All risk assessments must be documented and retained by the licensed operator for inspection by an authorised officer of the Council.
- 10.2. At the time of booking, the Operator of a Motor Tricycle must specify and advise any prospective customer:
 - a) Maximum/ minimum height and weight of individual passenger in line with vehicle manufacturer guidance and recommendations
 - b) Suitable clothing which must be worn for journey to take place
 - c) Conditions that may be experienced throughout the duration of the journey
 - d) Exposure to varying weather conditions
- 10.3. In addition to personal clothing which may be worn by a passenger, the operator of a Motor Tricycle private hire vehicle must provide for each passenger suitable protective jacket, gloves, eye protection and helmet. The helmet must meet the current BSI approved standards and the hirer and passenger must be instructed that the helmet must be worn for the duration of the journey.

11. Communication Equipment

- 11.1. The Operator of a Motor Tricycle private hire vehicle must ensure there are means of clear communication between the licensed driver and the passengers throughout the duration of the journey. (This may be by way of hardwired headsets or Radio wave/Bluetooth device).