



## **Local Government (Miscellaneous Provisions) Act 1976**

### **Notes regarding Private Hire Operator's Licence**

Your attention is drawn to the following requirements contained in the Local Government (Miscellaneous Provisions) Act 1976 –

- 1) It is an offence for the operator of a private hire vehicle to -
  - a) Use, or permit the same to be used in the Boston Borough Council District, without having the relevant current licence under the above Act for such a vehicle.
  - b) Employ as the driver thereof, for any hiring any person who does not have a relevant current licence under the above Act to drive such a vehicle.
- 2) Every contract for the hire of a private hire vehicle shall be deemed to be made with the Operator who accepted the booking for that vehicle, whether or not he/she provided the vehicle.
- 3) Every person to whom a Private Hire Operators Licence is granted must keep a record of all private hire bookings in such form as the Council may by condition attach to the grant of the Licence. Furthermore, records must be kept which prescribe the particulars of all Private Hire Vehicles operated by the Licence holder. Operators must produce their booking records on request to any authorised officer of the Council or Police Officer.
- 4) The Council may suspend, revoke, or refuse to renew an Operators Licence on any of the following grounds –
  - (a) Any offence under or non-compliance with the provisions of the Act, or the conditions attached to his licence.
  - (b) Any conduct on the part of the Operator, which appears to the Council to render him/her unfit to hold an Operators Licence.
  - (c) Any material change, since the licence was granted, in any circumstances of the Operator on the basis of which the licence was granted ; or
  - (d) Any other reasonable cause (which may include failure to ensure that the conditions attached to licences for drivers and vehicles have been complied with).

- 5) Where a private hire vehicle is equipped with a taximeter, it is an offence for any person to-
  - (a) Tamper with any seal on the taximeter without lawful excuse; or
  - (b) Alter any taximeter with intent to mislead: or
  - (c) Knowingly cause or permit a vehicle of which he/she is the proprietor, to be used for hire in the Councils district unless such a taximeter has been tested and approved by or on behalf of the Council
- 6) The Council may attach such conditions to the grant of an operator's licence as they think reasonably necessary. There are rights of appeal to the Magistrates Court against refusal to issue a licence, suspension or revocation of a licence and against conditions attached to a licence.
- 7) A "Private Hire" vehicle is defined as a motor vehicle constructed or adapted to seat fewer than nine 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.
- 8) The Act defines "operate" as meaning "in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle".

**A PRIVATE HIRE VEHICLE MUST NOT PICK UP PASSENGERS WITHOUT A  
PRIOR BOOKING BEING MADE BY THE HIRER DIRECT WITH THE OPERATOR**

**FAILURE TO DO OTHERWISE IS AN OFFENCE AND MAY LEAD TO THE  
VEHICLE'S INSURANCE COVER BEING RENDERED INVALID.**

NB: any premises from which a Private Hire Vehicles operates MAY require planning permission. Operators are advised therefore to contact this Authority's Planning Department for further information and advice. The issue of a Private Hire Operators Licence does NOT infer that Planning Permission is not needed.