

Non-Statutory Licensing Committee

18 September 2019

Time 10.15 am **Public Meeting?** YES **Type of meeting** Licensing
Venue Committee Room 3 - 3rd Floor - Civic Centre

Membership

Chair Cllr Alan Bolshaw (Lab)
Vice-chair Cllr Obaida Ahmed (Lab)

Labour

Cllr Greg Brackenridge
Cllr Keith Inston
Cllr Rita Potter
Cllr Milkinderpal Jaspal
Cllr Asha Mattu
Cllr Anwen Muston
Cllr Dr Paul John Birch J.P.
Cllr Zee Russell

Conservative

Cllr Jonathan Crofts
Cllr Jane Stevenson

Quorum for this meeting is three Councillors.

Information for the Public

If you have any queries about this meeting, please contact the Democratic Services team:

Contact Donna Cope, Democratic Services Officer
Tel/Email Tel: 01902 554452 Email: donna.cope@wolverhampton.gov.uk
Address Democratic Services, Civic Centre, 1st floor, St Peter's Square,
Wolverhampton WV1 1RL

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Agenda

Part 1 – items open to the press and public

<i>Item No.</i>	<i>Title</i>
1	Apologies for absence
2	Declarations of interest
3	Minutes of previous meeting (Pages 1 - 4)
4	Matters arising
5	Customer Services (Licensing) Verbal Update
6	Consultation on Amendments to Private Hire Licence Conditions (Pages 5 - 22)
7	Administrative Fee for Extra Review Hearing (Pages 23 - 26)
8	Get Home Safe Campaign (Pages 27 - 30)

Non-Statutory Licensing Committee

Minutes - 10 July 2019

Attendance

Members of the Non-Statutory Licensing Committee

Cllr Alan Bolshaw (Chair)
Cllr Obaida Ahmed (Vice-Chair)
Cllr Greg Brackenridge
Cllr Keith Inston
Cllr Rita Potter
Cllr Milkinderpal Jaspal
Cllr Asha Mattu
Cllr Anwen Muston
Cllr Jane Stevenson
Cllr Jonathan Crofts

Employees

Chris Howell	Licensing Manager
Emma Caddick	Service Lead Environmental Health
Charlotte Rose	Senior Environmental Health Officer
Sarah Hardwick	Senior Solicitor
Donna Cope	Democratic Services Officer

Part 1 – items open to the press and public

Item No. *Title*

- 1 Apologies for absence**
Apologies were received from Councillor Dr Paul John Birch J.P, Councillor Zee Russell, Debra Craner, Section Leader Licensing and Greg Bickerdike, Section Leader Licensing.

Councillor Milkinderpal Jaspal stated that he needed to withdraw from the meeting at 1030 hours.
- 2 Declarations of interest**
There were no declarations of interest.

3 **Minutes of previous meeting**

Resolved:

That the minutes of the meeting of the Non-Statutory Licensing Committee held on 20 March 2019 be confirmed as a true record and signed by the Chair.

4 **Matters arising**

Minute 7 – Scrap metal fees were for information only as they are an executive function.

Minute 11 – Paragraph 5.1.4 of the guidelines should say 12 years, in keeping with the rest of the guidelines, not 10. The guidelines will be updated.

5 **Minutes - 4 April 2019 - Non-Statutory Licensing Sub-Committee**

Resolved:

That the minutes of the meeting of the Non-Statutory Licensing Sub-Committee held on 4 April 2019 be confirmed as a true record and signed by the Chair.

6 **Minutes - 8 May 2019 - Non-Statutory Licensing Sub-Committee**

Resolved:

That the minutes of the meeting of the Non-Statutory Licensing Sub-Committee held on 8 May 2019 be confirmed as a true record and signed by the Chair.

7 **Cosmetic Registrations**

Charlotte Rose, Senior Environmental Health Officer, gave a presentation on the regulation of cosmetic procedures. She reported how cosmetic treatments were becoming increasingly more extreme and discussed some recent investigations carried out by officers.

The Senior Environmental Health Officer reported that local authorities were unable to regulate many of these procedures as there were currently no government policies in place.

Members of the Committee were concerned about this lack of regulation and suggested that a letter was written to the government on behalf of Members.

Resolved:

That the presentation and issues raised be noted and the Chair of the Non-Statutory Licensing Committee to seek advice on the best way of contacting government.

Councillor Milkinderpal Jaspal withdrew from the meeting.

8 **Addition to Fees and Charges for Acupuncture, Tattooing, Ear Piercing, Semi-Permanent Skin Colouring and Cosmetic Piercing 2019-2020**

Chris Howell, Licensing Manager, presented a report asking Members to:

1. Approve the proposed fees and charges as set out in Table 1 with immediate effect.

Resolved:

That Members of the Non-Statutory Licensing Committee:

1. Approved the proposed fees and charges as set out in Table 1 with immediate effect.

9 **Application for an Increase in Hackney Carriage Fares**

Chris Howell, Licensing Manager, presented a report asking Members to:

1. Approve the proposed increases in Hackney Carriage Fares as detailed in Appendix 1 and authorise the required publishing of a notice in a local newspaper detailing the proposed fare increase and stating a consultation period during which representations regarding the increase can be made.
2. Agree to receive a further report if at the end of the consultation period there are objections to the proposed fare increase.
3. Note that if at the end of the consultation period there are no objections to the proposed fare increase, implementation of the proposed increases will occur.

Resolved

That Members of the Non-Statutory Licensing Committee:

1. Approved the proposed increases in Hackney Carriage Fares as detailed in Appendix 1 and authorised the required publishing of a notice in a local newspaper detailing the proposed fare increase and stating a consultation period during which representations regarding the increase can be made.
2. Agreed to receive a further report if at the end of the consultation period there are objections to the proposed fare increase.
3. Noted that if at the end of the consultation period there are no objections to the proposed fare increase, implementation of the proposed increases will occur.

10 **Health and Safety Statutory Plan 2019 - 2020**

Emma Caddick, Service Lead, Environmental Health, presented a report asking Members to:

1. Approve the proposed Health and Safety Statutory Plan 2019-2020.

Resolved:

That Members of the Non-Statutory Licensing Committee:

1. Approved the proposed Health and Safety Statutory Plan 2019-2020.

11 **Review of Decision Making 2018 - 2019**

Chris Howell, Licensing Manager, presented a report asking Members to:

1. Endorse and approve the proposals in section 2 of the report relating to category 2 decisions.
2. Endorse and approve the proposals in section 2 of the report relating to category 3 decisions.

3. Delegate category 3 decision making powers to the Director of City Environment.
4. Agree to receive further annual delegation update reports at the beginning of each municipal year.
5. Note the schedule attached at Appendix 1 to the report which includes further proposed delegations from the Director of City Environment.
6. Note the schedule of employee decisions for 2018 - 2019 attached at Appendix 2 to the report in relation to new hackney carriage and private hire applications.
7. Note the schedule of employee decisions for 2018 - 2019 attached at Appendix 3 to the report in relation to hackney carriage and private hire reviews.
8. Note the schedule of decisions for 2018 - 2019 attached at Appendix 4 to the report in relation Magistrates and Crown Court appeals.

A Member of the Committee congratulated officers on their hard work and stated that from Appendix 4 of the report Licensing Services evidently had robust policies in place.

In response to this the Chair offered his thanks to Members of the Committee for their contributions to the decision making process.

Resolved:

That Members of the Non-Statutory Licensing Committee:

1. Endorsed and approved the proposals in section 2 of the report relating to category 2 decisions.
2. Endorsed and approved the proposals in section 2 of the report relating to category 3 decisions.
3. Delegated category 3 decision making powers to the Director of City Environment.
4. Agreed to receive further annual delegation update reports at the beginning of each municipal year.
5. Noted the schedule attached at Appendix 1 to the report which includes further proposed delegations from the Director of City Environment.
6. Noted the schedule of employee decisions for 2018 - 2019 attached at Appendix 2 to the report in relation to new hackney carriage and private hire applications.
7. Noted the schedule of employee decisions for 2018 - 2019 attached at Appendix 3 to the report in relation to hackney carriage and private hire reviews.
8. Noted the schedule of decisions for 2018 - 2019 attached at Appendix 4 to the report in relation Magistrates and Crown Court appeals.

<p>CITY OF WOLVERHAMPTON COUNCIL</p>	<h2>Non-Statutory Licensing Committee</h2> <p>18 September 2019</p>
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Report title	Consultation on Amendments to Private Hire Licence Conditions	
Wards affected	All	
Accountable director	Ross Cook, Director, City Environment	
Originating service	Licensing Services	
Accountable employee	Chris Howell Tel Email	Licensing Services Manager 01902 554554 Chris.Howell@wolverhampton.gov.uk
Report to be/has been considered by	N/A	

Recommendations for decision:

The Non-Statutory Licensing Committee is recommended to:

1. Request Licensing Officers to undertake a consultation exercise with the trade groups.
2. Request a future report to Licensing Committee detailing the consultation responses and a final draft of private hire conditions, with a recommendation, for consideration.

1.0 Purpose

- 1.1 To gain support for consultation with the private hire trade group on the proposed draft changes to conditions for private hire Operator, Driver's and Vehicles.

2.0 Background

- 2.1 Licensing Committee conditions licences for Private Hire Operator, Driver's and Vehicles through The Local Government (Miscellaneous Provisions) Act 1976 (the Act).
- 2.2 Private Hire conditions were amended and approved at Licensing Committee on 29th November 2017 with a commencement date of 01 January 2018.
- 2.3 The onset of technology within the private hire trade and the intricacy of cross border hiring necessitates the proposed draft changes at Appendices 1 to 3.

3.0 Proposal

- 3.1 The proposed draft changes shown at Appendices 1 to 3 bring the current conditions up to date.

- 3.2 The changes are summarised below.

Operator

- Replace the requirement for log in details and a password to base computers with a requirement for the Operator to provide their contact details to enable immediate access to satellite offices and systems.
- Changes to permit the use Interactive voice response (IVR) technology.
- Enable the storing of digital images rather than the keeping of paper records.
- Requirement for a public complaints policy and for the referral of 'specified complaints' to licensing compliance.
- The licence holder to report their being arrested or charged to Licensing Services.
- Other minor changes to clearly set out requirements.

Driver

- Changes to the way a driver must inform licensing services of any changes in circumstances.
- A requirement for driver to undergo drug and/or alcohol testing at any time.
- Enable the storing of digital images rather than the keeping of paper records.
- The licence holder to report their being arrested or charged to Licensing Services.
- Other minor changes to clearly set out requirements.

Vehicle

- Changes to the way a vehicle proprietor must inform licensing services of any changes in circumstances.
- Enable the storing of digital images rather than the keeping of paper records.
- Other minor changes to clearly set out requirements.

- 3.3 Although there is no legal requirement to consult with the private hire trade groups, in the interest of positive working relationships, it is proposed to consult with the private hire trade groups. Furthermore, it is proposed to consult all City of Wolverhampton licensed private hire vehicle drivers via email with a link for them to view the proposals.

4.0 Financial implications

- 4.1 There are no direct financial implications arising from this report. [KP/09092019/X]

5.0 Legal implications

- 5.1 The Local Government (Miscellaneous Provisions) Act 1976 Part II (the Act) allows the local authority to condition licences for hackney carriage and private hire vehicles, proprietors, drivers and private hire vehicle operators.
- 5.2 Section 48(2) of the Act provides a district Council may attach to the grant of a private hire vehicle licence such conditions as they may consider reasonably necessary and section 48(7) provides the safeguard of an appeal for anyone aggrieved by any condition attached to the grant of their PH Vehicle Licence.
- 5.3 Section 51(2) of the Act provides that the Council may attach such conditions to a driver's licence as the Council considers are reasonably necessary and section 52 provides the safeguard of an appeal to the Magistrates' Court for anyone aggrieved by any conditions attached to the licence.
- 5.4 Section 55(3) of the Act provides that the Council may attach such conditions to an operator's licence as the Council considers are reasonably necessary and section 55(4) provides the safeguard of an appeal to the Magistrates' Court for anyone aggrieved by any conditions attached to the Operator's licence.
- 5.5 As mentioned earlier in this report, the Act does not request consultation for the imposition of new conditions, although consulting the trade would be good practice. [SH/06092019/A]

6.0 Equalities implications

- 6.1 An initial equality analysis has been undertaken on the changes to this consultation.

7.0 Climate change and environmental implications

- 7.1 There are no direct climate change or environmental implications arising from this report.

8.0 Schedule of background papers

- 8.1 There are no background papers.

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CONDITIONS RELATING TO A LICENCE TO OPERATE PRIVATE HIRE VEHICLES**1. ISSUE OF LICENCES**

- 1.1 The Licensed Operator/Company Director(s) shall notify the Licensing Services in writing within 7 days of any change of their name, and/or address, phone number and/or email address during the period of the licence. This must be completed via operator.lic@wolverhampton.gov.uk shall notify Licensing Services, in writing within 7 days of any change of their residential address or contact details during the period of the licence.

2. KEEPING OF RECORDS

- 2.1 The holder of this licence shall keep a full and accurate record of every booking of a Private Hire Vehicle in a register, to include:-

- time and date the booking was made
- method of receipt
- time and date required for journey to commence
- customers name
- particulars of the journey (from and to)
- the driver of the vehicle and the vehicle used
- call sign and plate number
- area in which the booking was made and details of operator who accepted the booking
- the area and operator to whom the job is sub-contracted (*if applicable*)
- details of sub-contracted jobs to include the time and date the job was sub-contracted and accepted (*if applicable*)

These registers must be maintained in a bound book with consecutively numbered pages or an appropriate computerised booking system.

Each record is to be completed prior to the dispatch of any vehicle or the undertaking of any part of the journey.

The operator is exempted from the requirement to record destinations details prior to passing a booking to a driver, but only in respect of those bookings made using IVR technology and online apps. The destination must be completed following completion of the fare.

- 2.2 Where an operator accepts a sub-contracted fare from an operator licensed in another Licensing Authority area, then within reason, the operator must comply with requests for records of that fare from authorised officers of the Licensing Authority from the area in which the original booking was taken.
- 2.3 At all times that an operator is actively dispatching vehicles there shall be an identified phone number on which the operator (or their nominee) is available for contact by authorised officers of the Licensing Authority and the operators shall provide any information requested regarding journeys that have been dispatched and/or booked through the operator.
- 2.4 The register must be maintained up to date at all times, and shall be **retained**

accessible from at the address from which the business is conducted as specified in the operator's licence. All records must be kept for a period of not less than 12 months from the date of the last entry in the register or computer record.

- 2.5 The licence holder shall provide a police constable or authorised officer with such copies of records from the register as they may request.
- 2.6 ~~All bases operating a satellite base shall provide all necessary passwords and login information to enable Authorised Officers of the Council to access the computers being used for this purpose. Training and/or detailed instructions of how to obtain data shall also be made available to Authorised Officers of the Council.~~

Or,:

Before commencing trading, the operator shall provide the Council with an emergency contact -telephone number that will that will only be made be available at all times to the licensing services management team. The purpose of this telephone number will be to advise the operator that they need to attend at the satellite office to provide information that has not been supplied as requested in accordance with condition 2.7. If the operator is unable to attend they shall make arrangements for an Authorised Officer to gain access to the location of the computer and a log in and password shall be provided to access the computerised register(s) required to be kept by the operator in accordance with conditions 2.1, 3.1 and 3.2 or to urgently obtain information pursuant to a Data Protection Act 1998 (as amended) request.

- 2.7 All requests to provide information by Authorised Officers shall be prioritised due to their urgency
- Priority A – These are for matters of a serious nature where there is significant risk to public safety. Within 1 hour of the request being received
 - Priority B – These are for matters that require further investigation and have potential to be of a serious matter. Within 4 hours of the request being received
 - Priority C – These are for requests for information pertaining to general complaints. Within 24 hours of the request being received
 - General request, none prioritised. Within 1 week of the request being received.

Priorities A & B, significant risk to public safety or serious matters, will be determined on a case by case basis by the Licensing Manager or Compliance Lead Officer.

A named person shall be supplied to be the liaison with the Licensing Authority.

3. SPECIFIED VEHICLES

- 3.1 The holder of the licence shall provide the council on request a schedule of all vehicles which they operate to include the following:-
- the registration number of the vehicle
 - council licence plate number of the vehicle

- base call sign
- make/model of vehicle

3.2 The holder of this licence shall ensure that at all times, full and current records for each vehicle operated are kept. To include the following:

- ~~an~~ copy/image of the current Private Hire Vehicle Licence
- a digital record of when the current Private Hire Vehicle Licence expires
- ~~an~~ copy/image of the current valid MOT Certificate
- a digital record of when the current valid MOT Certificate expires
- ~~an~~ copy/image of a current valid Private Hire Insurance Certificate or cover note
- a digital record of when the current valid Private Hire Insurance Certificate expires

3.3 The holder of this licence shall ensure that at all times the vehicles operated are duly licensed in accordance with the Local Government (Miscellaneous Provisions) Act 1976.

4. MAINTENANCE OF VEHICLES

4.1 Each Private Hire Vehicle operated by the licence holder must be regularly maintained and inspected for defects to ensure compliance with the Council's conditions in relation to the licensing of such vehicles.

4.2 The holder of this licence shall initially provide and thereafter ensure that Private Hire Vehicles working for them shall at all times display their unique Private Hire Vehicle Operators door sign, which has been approved by Licensing Services, bearing the name telephone number and/or 'App' on each side of the vehicle. The use of magnetic door stickers is prohibited.

5. SPECIFIED DRIVERS

5.1 Individual records for each driver employed by the licence holder are required to be stored ~~at by~~ the licence holder and be accessible from their premises's premises and kept fully up to date at all times. To include the following:-

- ~~a copy/image of their current the issued or a digital copy Private Hire Vehicle DriversThe issued Private Hire Vehicle Drivers Licence. The issued Private Hire Vehicle Drivers Licence. This must be returned provided to the driver on request and not withhold unreasonably.~~
- a digital record of when the current Private Hire Vehicle Drivers Licence expires.
- ~~an~~ copy/image of their current DVLA Driving Licence.
- a dsigital record of when the current DVLA Driving Licence expires.
- their full name, address, email address and contact telephone number.

5.2 The holder of this licence shall ensure that at all times that the drivers employed or used by them on private hire business are duly licensed by the Council to drive such vehicles.

5.3 When the holder of the licence ceases to employ or use any licensed Private Hire

Driver, the operator shall notify Licensing Services in writing, within 72 hours. ~~The Private Hire Vehicle Driver Licence must be returned to the driver.~~

- 5.4 ~~The~~ Private Hire Vehicle Driver licences shall be available for inspection at all times by any Authorised Officer of the Council or Police Constable who may take the licence(s) away from the premises if so required.

6. STANDARD OF SERVICE

- 6.1 The holder of this licence shall provide a prompt, efficient and reliable service to members of the public at all reasonable times.
- 6.2 Ensure that when a Private Hire Vehicle has been hired, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at the appointed time and place.
- 6.3 Ensure that any premises which the licence holder provides and to which the public have access, whether for the purpose of booking or waiting, are kept clean and adequately heated, ventilated and lit. They shall also ensure that any waiting area which they provide has adequate seating facilities.

PUBLIC COMPLAINTS

- 6.4 Private Hire Operators must have a policy for dealing with complaints by the public.

If that policy requires the recording of complaints the records should be kept and maintained for at least 12 months and shall be available for inspection by Authorised Officers. The records should contain, as a minimum, the complainants name, contact information and the complaint details.

Upon receiving any 'specified complaint' or allegation regarding any person licensed by the Authority Council, Operators must report the complainants name, contact information and the full details of the complaint. This shall be reported details, immediately when the licensing office is open or, and in any other event by email within 48/72 hours to: Licn_comp@wolverhampton.gov.uk

The specified complaints or allegations are:

- Of indecency or of a sexual nature
- Hate crimes
- Terrorism
- Extremism
- Violence
- Drug dealing
- Dishonesty

These categories of offences are detailed within the Council's Hackney Carriage and Private Hire Vehicle Proprietors and Drivers and Private Hire Vehicle Operators, Guidelines Relating to Relevance of Convictions and Breaches of Licence Conditions.

In straight forward terms, allegations of criminal behaviour whilst licensed as a Private Hire Vehicle Driver.

'Other' complaints not falling into the above criteria can build up a pattern of behaviour that can require the driver to undertake further training or in worst cases indicate an unacceptable pattern that may result in revocation.

All complaint records shall be immediately available at the request of an Authorised Officer or Police Officer at all reasonable times, this includes any and all details relating to the complaint and the driver.

7. CONVICTIONS, CAUTIONS AND FIXED PENALTIES

- 7.1 The holder of this licence shall within 14 days of the date of any conviction, caution or issue of a Fixed Penalty Notice, incurred during the life of this licence give full details in writing to Licensing Services. The holder of this licence shall within 14 days disclose, in writing, to Licensing Services details of any conviction, caution or fixed penalty notice imposed on them or,
- 7.2 The holder of this licence shall within 7 days, notify Licensing Services of any arrest or of being charged for an offence by any police body, incurred during the life of this licence. Details shall be provided in writing to Licensing Services.
- 7.3 If the holder of this licence is a company or partnership, any conviction, caution or fixed penalty notice imposed on the company or any of the directors, secretary or partners during the period of the licence. Details shall be provided in writing to Licensing Services.

8. INSURANCE

- 8.1 The holder of this licence shall ensure at all times, that every private hire vehicle so operated shall be covered by a Certificate of Insurance or cover note indemnifying the proprietor of the said vehicle within the provisions of Part VI of the Road Traffic Act 1988.
- 8.2 All vehicle insurance documents must state that the insurance covers the driver for the carriage of ~~P~~passengers for hire or reward whether or not the operator is the owner/proprietor of the vehicle.
- 8.3 In relation to vehicles owned/licensed by the operator (fleet):
A copy/~~scan image~~ of the current valid certificate of insurance or cover note(s) relating to each vehicle which shows those persons entitled to drive the vehicle must be retained by the operator on the premises specified on the licence.

9. PLANNING PERMISSION AND LICENCE FOR RADIO EQUIPMENT

- 9.1 The holder of this licence shall not conduct their business from any premises unless the necessary planning permission under the Town and Country Act 1990, as amended, has been obtained, where applicable, for the premises from which the business will operate.
- 9.2 If applicable an Operator must obtain a licence for radio equipment under the

wireless Telegraphy Act 1949 or any other relevant statutory provision.

- 9.3 Permission is to be obtained from any landlord or lender that may contractually prohibit the use of the premises for business purposes.

10. OPERATIONAL MATTERS

- 10.1 The Operator shall apply a fit and proper test to all of their employees. This shall include a basic DBS check for all staff and records kept showing the recruitment and decision making processes. Failure to undertake these checks or to keep adequate records shall deem that the Operator may not be a fit and proper person to hold an Operator's licence.
- 10.2 All staff employed in a role where they interact with members of the public shall undergo Child Sexual Exploitation (CSE) and Safeguarding training within 3 months of commencing work for an Operator.
Training dates will be provided by the licensing authority council on a quarterly basis and it is up to the Operator to ensure their staff attend.
- 10.3 The holder of this licence shall provide a video conferencing facility (e.g. Skype) and an appropriate room in order to facilitate driver reviews. A driver has the right to be accompanied by a solicitor or representative, if they wish, and this must be accommodated.

11. LICENSING

- 11.1 Regular trade working groups are held throughout the year and all Operators are encouraged to attend or send a suitable representative.

~~City of Wolverhampton Council, Licensing Services, Civic Centre, St Peter's Square,
Wolverhampton. WV1 1DA~~

NB Please note that should you feel aggrieved by any of the conditions in this licence then you have the right of appeal to the Magistrates Court within 21 days from the date when this licence is issued.

CONDITIONS RELATING TO THE ISSUE OF A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE

1. ISSUE OF LICENCES

- 1.1 The holder of this licence shall notify the Licensing Services in writing within 7 days of any change of their name, and/or address, phone number and/or email address during the period of the licence. This must be completed via the Councils website.
- 1.2 The phone number and email address provided by the licence holder will be the primary method of contact. Any blocking of text messages or emails will be a breach of these conditions of licence.
- 1.~~32~~ The holder of this licence must notify Licensing Services in writing not less than 12 hours prior to commencing work with a new operator. This must be completed via the Councils website.
- 1.~~43~~ The holder of this licence may not change their operator more than once within a 48 hour period.
- 1.~~54~~ A Wolverhampton licensed private hire driver can only drive a Wolverhampton licensed private hire vehicle and work for a Wolverhampton operator.
- 1.~~65~~ This licence does not permit the holder to drive a hackney carriage.

2. PLYING FOR HIRE (taking a fare without it being pre-booked via the Operator)

- 2.1 The holder of this licence shall not whilst driving or in charge of a private hire vehicle:-
- a) Take or agree to take a fare without it being pre-booked via the Operator.~~47~~
 - b) stand or ply for hire or solicit on a road or other public place, any person to hire or to be carried for hire in any private hire vehicle.~~47~~
 - c) cause or procure any other persons to tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle.~~47~~
 - d) accept an offer for the minimum hire of any private hire vehicle while the holder or that vehicle is on the road or other public place except where such an offer is first communicated to the holder by a licensed operator or his duly authorised servant.

3. GENERAL CONDUCT

- 3.1 The driver must not allow more than the stated maximum number of people in the vehicle at any time.

- 3.2. The driver shall not drink, eat or smoke in the vehicle. This includes E-Cigarettes and Vaping.
- 3.3 The driver shall not play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
- 3.4 The driver shall not sound the vehicle's horn to alert passengers of the vehicle's arrival.
- 3.5 The driver shall, when requested by any person hiring or seeking to hire the Private Hire Vehicle:-
 - a) convey a reasonable quantity of luggage;
 - b) afford reasonable assistance in loading and unloading; and
 - c) afford reasonable assistance in removing luggage to or from the entrance of any building, station or place at which they may take up or set down such person.
- 3.6 The driver shall attend punctually when hired.
- 3.7 The holder of this licence shall not use any offensive, abusive, profane or insulting language or behaviour but shall at all times behave in a civil and orderly manner.
- 3.8 The driver shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from a private hire vehicle driven, by hire or in their charge.
- 3.9 A private hire licence is a badge of approval, it states the Local Authority feels the holder is fit and proper and suitable in every way. The standard of behaviour and level of trust expected should be demonstrated in the conduct of those licensed at all times. This includes when drivers are operating outside of Wolverhampton, where drivers are expected to co-operate with reasonable requests from compliance staff authorised in other areas.
- 3.10 The holder of this licence shall, unless otherwise requested by the hirer, proceed to the destination by the most direct route.
- 3.11 A driver may be required to undergo drug and/or alcohol testing at any time. Failure to attend the appointment may result in this licence being suspended or revoked.

4. STANDARD OF DRESS

- 4.1 The holder of this licence shall maintain a high standard of personal hygiene and he/she shall wear freshly laundered respectable clothing, with the upper part of the arms being covered. This could include for example, a shirt, polo shirt or t-shirt and single colour trousers or for female drivers a blouse or t-shirt and single colour trousers or skirt or alternatively a dress.

5. LOST PROPERTY

- 5.1 The holder of this licence shall, at the termination of each hiring, search the vehicle for any property, which may have been left. Any property found in the vehicle must be handed in to the nearest Police Station or the base operator.

6. DISPLAY OF BADGE

- 6.1 The holder of this licence shall wear their Private Hire Vehicle Driver's badge so as to be clearly and distinctly visible at all times whilst they are acting as a private hire vehicle driver (e.g. on the upper part of the body).
- 6.2 The additional badge must also be displayed ~~on the~~ internally at the top left hand side of the windscreen of any private hire vehicle being driven by him/her at any time.

7. INFORMATION TO OPERATOR

- 7.1 The holder of this licence shall submit to their operator:
- a. ~~The~~ A copy/image of their current issued Private Hire Vehicle Driver's Licence
 - b. ~~A~~ a copy/image of their current DVLA Drivers Licence

8. RETURN OF LICENCE/BADGE

- 8.1 In the event of the holder of this licence ceasing to operate as a licensed Private Hire Vehicle Driver, the holder must surrender their private hire vehicle driver's licence and badges to Licensing Services within 7 days. ~~to Licensing Services.~~
- 8.2 The holder must, at the request of an Authorised Officer of the Licensing Authority, return their private hire driver licence and badges.

9. LOSS OF BADGE

- 9.1 The licence holder must report the loss of their badge to Licensing Services as soon as reasonably practicable and obtain a replacement.

10. NOTIFICATION OF CONVICTIONS, CAUTIONS AND FIXED PENALTIES

- 10.1 The holder of this licence shall **within 14 days of the date of any conviction, caution or issue of a Fixed Penalty Notice**, incurred during the life of this licence give full details in writing to Licensing Services.

10.2 The holder of this licence shall within 7 days, notify Licensing Services of any arrest or of being charged for an offence by any police body, incurred during the life of this licence. Details shall be provided in writing to Licensing Services.

11. CARRIAGE OF ASSISTANCE DOGS

- 11.1 The licence holder must carry guide or other assistance dogs accompanying passengers, free of charge, unless the driver has a ~~proven~~ medical condition ~~that would preclude such action~~ and has obtained a medical exemption certificate from Licensing Services.
- 11.2 The Council medical exemption certificate issued in accordance with Section 37A of Disability and Discrimination Act 1995 must be displayed at all times and face outwards from the front windscreen of the Private Hire Vehicle.
- 11.3 ~~Private Hire Vehicle Drivers have a responsibility to ensure that their operator is aware of any such medical condition when they are first employed.~~
- 11.42 The licence holder shall allow the assistance dog to be accommodated within the passenger compartments of the vehicle. The dog shall be allowed to be positioned as per the passenger's request.

12. MEDICAL CIRCUMSTANCES

- 12.1 The licence holder must, within 24 hours, notify ~~the~~ Licensing Services in writing of any changes to their medical circumstances. This must be completed via the Councils website.
- These circumstances are defined as those where it is the duty of the licence holder to notify DVLA of any medical condition which affects their ability or entitlement to drive.

13. TRAFFIC REGULATIONS

- 13.1 The licence holder shall comply with all traffic regulations and in addition, in accordance with these conditions, shall not wait on double yellow lines.
- 13.2 The licence holder shall not obstruct any road, pavement, or thoroughfare at any time.

~~City of Wolverhampton Council, Licensing Services, Civic Centre, St Peter's Square, Wolverhampton WV1 1DA~~

Please note that should you feel aggrieved by any of the conditions in this licence then you have the right of appeal to the Magistrates Court within 21 days from the date when this licence is issued.

PRIVATE HIRE VEHICLE CONDITIONS OF LICENCE

1. MAINTENANCE OF VEHICLE

- 1.1 The vehicle and all its fittings and equipment including luggage areas shall at all times when the vehicle is in use or available for hire be kept in a safe, comfortable, tidy and clean condition.

The following ~~shall~~must be adhered to:

- a) the seats of the vehicle shall be properly cushioned and covered₁;
- b) the floor of the vehicle ~~shall~~must be provided with a properly fitted carpet, mat or other suitable covering₁;
- c) all paintwork shall be maintained to a high standard in a single colour, free from dents, scratches or rust₁;
- d) ~~All~~all trim, wheel hubs and glass ~~shall~~must be secure and free from damage₁;
- e) ~~Only~~only factory fitted privacy glass (tinted) will be permitted₁;
- f) ~~The boot must be able to carry luggage securely, there shall be provided the means of carrying and securing luggage in the boot.~~
- g) ~~All~~all tyres including the spare₁/kit must comply with the vehicle manufacturer's specification and the requirements of the Road Vehicles (Construction and Use) Regulations 1986, as amended.
- h) the proprietor of the vehicle ~~shall~~must at all times ensure the vehicle is regularly maintained to ensure compliance with these conditions.

2. ALTERATION OF VEHICLE

- 2.1 No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the prior approval of Licensing Services ~~at any time while the licence is in force.~~

3. IDENTIFICATION PLATE/EXTERIOR MARKINGS

- 3.1 The plate identifying the vehicle as a Private Hire Vehicle ~~shall~~must be securely and permanently fixed to the rear exterior of the vehicle:-
- a) immediately adjacent to the number plate area of the vehicle, but must not obscure any part of the vehicle registration plate₁;

- b) in a conspicuous position and in such manner as to be easily removable by an Authorised Officer of the Council or a Police ~~Constable~~Officer;
- c) the plate ~~shall~~must not be wholly or partially concealed from public view;
- d) at no time should the licence plate be removed from the licensed vehicle during the lifetime of the Private Hire Vehicle Licence unless exempted in law;
- e) the exterior plate must be securely and permanently affixed to the vehicle unless exempted in law.

3.2 ~~The vehicle must display the door signage approved by Licensing Services for the operator that the vehicle's driver is undertaking work for, bearing the name, telephone number and/or 'app' on both sides of the vehicle. Private Hire Vehicles shall at all times display a unique Private Hire Vehicle Operators door sign bearing the name, telephone number and/or 'App' on each side of the vehicle, which has been approved by Licensing Services.~~

3.3 The use of magnetic door stickers is prohibited.

3.4 No modification or trimming of the approved door stickers is permitted. The door sticker must be fitted towards the top of the door panel.

4. INTERIOR MARKINGS

4.1 The proprietor ~~shall~~must display the interior plate detailing the licence number of the vehicle and the number of passengers permitted to be carried. This ~~shall~~must be located on the upper left hand corner of the front windscreen and must be clearly visible to persons both inside and outside of the vehicle.

4.2 The proprietor ~~shall~~must display the 'warning to all passengers' notices provided by Licensing Services informing passengers that the vehicle must be pre-booked or insurance covering the vehicle may be invalidated. These must be positioned clearly and be visible to persons outside of the vehicle at all times.

4.3 'No smoking' signs must be displayed at all times.

5. SIGNS, NOTICES, ADVERTISEMENTS

No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle without the express written permission of Licensing Services.

6. CHANGE OF ADDRESS

The proprietor must notify the Licensing Services in writing within 7 days of any change of their name, address, phone number and/or email address during the

~~period of the licence shall notify the Licensing Services in writing within 7 days of any change of his/her address during the period of the licence.~~

7. NOTIFICATION OF CONVICTIONS, CAUTIONS AND FIXED PENALTIES

The proprietor ~~shall~~must within 14 days of the date of any conviction, caution or issue of a fixed penalty notice, incurred during the life of this licence give full details in writing to Licensing Services. (If the proprietor is a company or partnership, details should be given for all directors or partners)

8. INSURANCE

8.1 The vehicle ~~shall~~must be insured at all times. The policy in force must permit the use of the vehicle as a private hire vehicle for hire or reward use.

8.2 A copy/image of the current valid current certificate of insurance or cover note effective for the entire period of the licence relating to the vehicle must be submitted by the holder of the licence to their operator and, on request, to an Authorised Officer of the Council.

9. REPORTING OF ROAD TRAFFIC ACCIDENT

When a Private Hire Vehicle is involved in an accident the Private Hire Vehicle Proprietor must report it to Licensing Services ~~in writing,~~ within 72 hours as required by Section 50 (3) of the Local Government (Miscellaneous Provisions) Act 1976. This must be completed via the Councils website.

10. LICENSING

10.1 If the proprietor of the vehicle is an accident management company or a leasing/hiring company the onus is on them to advise Licensing Services who is currently using the vehicle. The vehicle must have the correct livery at all times that it is on hire.

10.2 In the event of the holder of this licence ceasing to operate a licensed Private Hire Vehicle, the holder must surrender their private hire vehicle ~~driver's~~ licence and plates to Licensing Services within 7 days. ~~to Licensing Services.~~

10.3 Upon expiry of vehicle licence, plates must be returned to the City of Wolverhampton Council, Licensing Services, Civic Centre, St Peter's Square, Wolverhampton WV1 1DA within 7 days. Any existing licence plates must be surrendered to the Council before new licence plates for a vehicle will be issued.

10.4 The holder of this licence must inform Licensing Services of the Operator the vehicle shall be working for at the time of plating and thereafter, ~~in writing,~~ when a change of Operator occurs. This must be completed via the Councils website.

10.5 A Wolverhampton licensed private hire vehicle may only be driven by a Wolverhampton licensed private hire driver at any time.

Please note that should you feel aggrieved by any of the conditions in this Licence then you have the right of appeal to the Magistrates' Court within 21 days from the date when this licence is issued.

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<p>CITY OF WOLVERHAMPTON COUNCIL</p>	<p>Non-Statutory Licensing Committee 18 September 2019</p>
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Report title	Administrative Fee for Extra Review Hearing	
Wards affected	All	
Accountable director	Ross Cook, Director, City Environment	
Originating service	Licensing Services	
Accountable employee	Greg Bickerdike	Section Leader
	Tel	01902 554030
	Email	
		Greg.Bickerdike@wolverhampton.gov.uk

Recommendation for decision:

The Non-Statutory Licensing Committee is recommended to:

1. Approve the implementation of a fee for hearings where the applicant fails to attend without reasonable excuse.

1.0 Purpose

- 1.1 This report seeks the approval of the Non-Statutory Licensing Committee to charge applicants for taxi licences who fail to attend hearings, that the applicant booked, without reasonable excuse. The fee will be £70 and payment will be required prior to the applicant booking a new appointment.

2.0 Background

- 2.1 Applicants for a 'Licence to Drive a Private Hire Vehicle' or a 'Licence to Drive a Hackney Carriage' who have criminal or motoring convictions that are recent and/or serious must attend a hearing to discuss their past behaviour. The applicant will meet with an authorised officer and a Council solicitor.
- 2.2 In the case of private hire licensing, the hearing appointments are booked by the applicant using an online system whereby they choose a date and time convenient to them. An automated email is sent to the applicant's email address confirming the time, date and location of the hearing.
- 2.3 If the applicant is absent at the time of the hearing, the officer will check with reception to see if the applicant has arrived. Failing that, they will telephone the applicant. Should there still be no response, the officer will check with the back-office for any correspondence advising that the applicant will not be in attendance. Should an explanation be found at any stage, the hearing is deferred and rescheduled at the applicant's convenience.
- 2.4 If the applicant will not attend the hearing, the officer has two choices. They can determine the application without the applicant, or they can choose to defer the decision and allow the applicant to make a new appointment.
- 2.5 Deferring the hearings has resulted in wasted time and often applicants fail to attend the re-booked hearing, without providing an excuse.
- 2.6 Due to the shortage of appointments, the Licensing Manager decided in March 2019 that officers should be encouraged to hold hearings in the absence of the applicant, should they fail to attend without reasonable excuse.
- 2.7 Recently, a hearing went ahead in the applicant's absence and the officer decided to refuse the applicant a licence, in accordance with the Council's 'Guidelines Relating to Relevance of Convictions and Breaches of Licence Conditions'. This decision was appealed at Wolverhampton Magistrates' Court.
- 2.8 When a licensing decision is appealed at the magistrates' court, a de novo hearing of the case is scheduled and the court can take into account any new evidence that is provided by either the appellant or the defendant.

- 2.9 In this case the judge decided that, on the basis of evidence submitted by the appellant at the de novo hearing, the officer was wrong to refuse to grant a licence.
- 2.10 Considerable time was spent preparing for the appeal and as the appellant's appeal was upheld, there was no cost recovery. In court, the applicant failed to provide a reasonable excuse for their absence at the hearing.

3.0 Proposed solution

- 3.1 To avoid this situation from happening again, a new feature is being added to the online hearing appointment booking system. The applicant will receive an email ten days before the hearing, reminding them to attend their appointment, or that they have until seven days before to reschedule it.
- 3.2 There is significant demand for hearing appointments, with invitation emails sent out daily. It is believed that even a late cancelled appointment will be taken by another applicant.
- 3.3 It is proposed that, should there be no reasonable excuse provided nor any attempt to reschedule the hearing appointment, if the applicant fails to attend a hearing they will be required to pay for the cost of a new hearing before making an additional appointment. The reminder email will advise the applicant that failure to attend the hearing without cancellation or reasonable excuse will mean they will be required to pay for its cost before booking another. Where a reasonable excuse is provided, the cost of the hearing may be waived.
- 3.4 The cost of a 30-minute hearing has been calculated as £70, using the chargeable fee of £67 per hour for a Section Leader and £72 per hour for a Solicitor. The applicant will not be charged for any additional time, should the hearing take longer than scheduled.
- 3.5 This financial deterrent should encourage applicants to reschedule their appointment or advise Licensing Services that they will not be in attendance. This will improve the efficiency of hearings.

4.0 Financial implications

- 4.1 Full cost recovery of the officers' time will reimburse the council fairly.

[KP/09092019/T]

5.0 Legal implications

- 5.1 This proposal does not contravene any part of The Local Government (Miscellaneous Provisions) Act 1976, which governs private hire licensing, nor The Town Police Clauses Act 1847, which governs hackney carriage licensing.

[SH/06092019/C]

6.0 Equalities implications

6.1 There are no equalities implications.

7.0 Climate change and environmental implications

7.1 There are no climate change and environmental implications.

8.0 Schedule of background papers

8.1 Not applicable.

<p>CITY OF WOLVERHAMPTON COUNCIL</p>	<h2>Non-Statutory Licensing Committee</h2> <p>18 September 2019</p>
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Report title	Get Home Safe Campaign	
Wards affected	All wards	
Accountable director	Ross Cook, Director, City Environment	
Originating service	Licensing Services	
Accountable employee	Chris Howell	Licensing Services Manager
	Tel	01902 554554
	Email	Chris.Howell@wolverhampton.gov.uk
Report to be/has been considered by	N/A	

Recommendation for noting:

The Non-Statutory Licensing Committee is asked to note:

1. The Get Home Safe campaign.

1.0 Purpose

- 1.1 To update Councillors on the 'Get Home Safe' initiative being undertaken by licensing compliance officers to raise the awareness of the differences between hackney carriage vehicles (Taxis) and private hire vehicles (Minicabs). Informing people that private hire vehicles must be pre-booked and not flagged down.

2.0 Background

- 2.1 Private Hire Drivers must only undertake journeys that are pre-booked. Hackney carriage vehicles can be flagged down in the street. It is an offence for a private hire driver to ply for hire pursuant to section 45 of the Town and Police Clauses Act 1847.
- 2.2 In most cases, passengers travelling in an un-booked private hire vehicle, will not be insured. Therefore, this increases greatly the risk to the public. Consequently, the journey is not booked on the operator's system and therefore no one else is aware that a journey is taking place. This potentially puts the passengers at a significant increased risk.
- 2.3 At the end of an evening out, very often people just want to get home as quickly as possible and do not necessarily think about the dangers of not pre-booking a private hire vehicle. In addition to this, some people's judgment may be impaired because of drink or drugs. Younger people may not even be aware pre-booking is a requirement.

3.0 Campaign

- 3.1 The campaign will initially target students during Freshers week (22nd – 27th September).
- 3.2 The stalls have been hired at the Freshers fayres held in Telford, Walsall and Wolverhampton. Stalls will contain information on how to safely book a private hire vehicle journeys or flag down a hackney carriage together with a range of branded 'Get Home Safe' merchandise.
- 3.3 A 'Get Home Safe' poster has been designed that will be displayed inside licensed premises within the city centre.

4.0 Financial implications

- 4.1 The cost of hiring the stalls and promotional items is £3,500 and the cost shall be met from existing licensing budgets. [KP/09092019/B]

5.0 Legal implications

- 5.1 There are no direct legal implications arising from this report [RP/06092019/A]

6.0 Equalities implications

6.1 There are no direct equalities implications arising from this report.

7.0 Climate change and environmental implications

7.1 There are no direct climate change or environmental implications arising directly from this report.

8.0 Schedule of background papers

8.1 None.

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