

Licensing Committee

27 September 2017

Time 10.00 am **Public Meeting?** YES **Type of meeting** Regulatory

Venue Training Room, Ground Floor, Civic Centre

Membership

Chair Cllr Alan Bolshaw (Lab)

Vice-chair Cllr Rita Potter (Lab)

Labour

Cllr Greg Brackenridge
Cllr Ian Claymore
Cllr Keith Inston
Cllr John Rowley
Cllr Daniel Warren
Cllr Anwen Muston
Cllr Zee Russell
Cllr Judith Rowley

Conservative

Cllr Patricia Patten
Cllr Christopher Haynes

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
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Wolverhampton WV1 1RL

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Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

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 the Previous Meeting (Pages 3 - 8)
4	Matters Arising
5	Licensing Sub-Committee - 26 July 2017 - Minutes (Pages 9 - 12)
6	Terms of Reference Public Events, Safety Advisory Group (Pages 13 - 20)
7	Child Seats and Assistance Dogs in Licensed Vehicles (Pages 21 - 28)
8	Consultation Exercise on proposed amendments to Driver, Vehicle, Operator conditions (Pages 29 - 46)
9	Exclusion of the Press and Public To pass the following resolution: That in accordance with Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, as they involve the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A to the Act relating to the financial or business affairs of any particular person (including the authority holding that information).
10	Targeted campaign to improve the presentation of Hackney Carriage Vehicles in the City (Pages 47 - 50)

Licensing Committee

Minutes - 12 July 2017

Attendance

Members of the Licensing Committee

Cllr Alan Bolshaw (Chair)
Cllr Greg Brackenridge
Cllr Ian Claymore
Cllr Patricia Patten
Cllr Rita Potter (Vice-Chair)
Cllr Keith Inston
Cllr John Rowley
Cllr Daniel Warren
Cllr Anwen Muston
Cllr Judith Rowley

Employees

Mike Hooper	Democratic Services Officer
Sarah Hardwick	Solicitor
Linda Downing	Professional Lead - Sustainable Travel
Chris Howell	Licensing Manager
Yahya Uddin	Democratic Services Apprentice

Part 1 – items open to the press and public

Item No. *Title*

1 **Apologies for Absence**

Apologies were received from Cllrs Haynes and Russell.

2 **Declarations of Interest**

There were no declarations of interest.

3 **Minutes of Previous Meeting**

Resolved: That the minutes of the meeting of the Licensing Committee held on 6 June 2017 be confirmed as a true record and signed by the Chair subject to the following amendment: Cllr Warren submitted his apologies and was not in attendance.

4 **Matters Arising**

In considering the Health and Safety Statutory Plan 2017-18, the Committee had resolved that the Licensing Manager submit a report to a future meeting of the Committee detailing the legal position regarding child seats in licensed vehicles and the potential for the Licensing Authority to encourage and incentivise their use. The Chair advised that it was intended that the report be considered at the next meeting of the Committee.

5 **Licensing Sub-Committee - 20 April 2017 - Minutes**

Resolved: That the minutes of the meeting of the Licensing Sub-Committee held on 20 April 2017 be confirmed as a true record and signed by the Chair.

6 **Licensing Sub-Committee - 26 April 2017 - Minutes**

Resolved: That the minutes of the meeting of the Licensing Sub-Committee held on 26 April 2017 be confirmed as a true record and signed by the Chair.

7 **Licensing Sub-Committee - 16 May 2017 - Minutes**

Resolved: That the minutes of the meeting of the Licensing Sub-Committee held on 16 May 2017 be confirmed as a true record and signed by the Chair.

8 **Licensing Sub-Committee - 22 May 2017 - Minutes**

Resolved: That the minutes of the meeting of the Licensing Sub-Committee held on 22 May 2017 be confirmed as a true record and signed by the Chair.

9 **Licensing Sub-Committee - 27 June 2017 - Minutes**

Resolved: That the minutes of the meeting of the Licensing Sub-Committee held on 27 June 2017 be confirmed as a true record and signed by the Chair.

10 **Office of Low Emission Vehicles (OLEV) - Low Emission Taxi Scheme**

Linda Downing, Professional Lead – Sustainable Travel, gave a presentation regarding the award to the Council of grant money from the Office of Low Emission Vehicles Taxi Scheme, a copy of which is filed with these minutes.

Linda Downing and Chris Howell, Licensing Manager, provided the following responses to issues raised by the Committee:

- The proposed city centre locations of charging points had been based upon the volume of traffic in those areas.
- It was anticipated that, as electric vehicles gained in popularity, most people would charge them at home.
- Both taxis and the public would be able to use the charging points. Taxis would have an app that would enable them to pre-book a point.

- Fast charge stations allowed vehicles to be charged up to 80% capacity in around 30 mins.
- Currently, there was one socket per fast charger but a charger with two was being developed. The potential for charging hubs was being investigated and it seemed that the National Grid would have capacity.
- The Hackney Carriage and private hire trades had shown both interest and concern regarding electric vehicles, with concerns largely centring around the cost of vehicles and payback within its permitted 12 year lifespan.
- Electric vehicles had been increasing in popularity over the last three years, with around 110,000 new vehicles already registered in 2017.
- Charging point payment methods could not yet be confirmed as they would be dependent upon the supplier but contactless payment was likely and possibility of incorporating Swift payments would be investigated.
- Zap-Map detailed the locations of charging points throughout the UK.
- The Queen's Speech had encouraged garages to install electric vehicle charging points. Queues for charging points were not anticipated.

Resolved: That the presentation and issues raised be noted.

11

Amendment to Current Guidelines Relating to Relevance of Convictions and Breaches of Licence Conditions Relating to Hackney Carriage and Private Hire Vehicle Proprietors and Drivers and Private Hire Vehicle Operators

Chris Howell, Licensing Manager, presented a report regarding the increasing occurrences of refusal by drivers to carry assistance dogs and proposing, in the interest of public safety, to amend the Guidelines for Hackney Carriage and Private Hire Vehicle proprietors, Drivers and Private Hire Vehicle Operators to include an additional condition to enable the revocation of the licences of drivers committing that offence.

It was reported that the matter had been considered by the Private Hire Trade Working Group on 30 June 2017, following preparation of the Committee report, and that the Group had unanimously supported the proposed additional guideline.

A member of the Committee suggested that there would be value in considering the means to ensure that dogs are restrained and safe in transit.

Resolved:

1. That the Guidelines for Hackney Carriage and Private Hire Vehicle proprietors, Drivers and Private Hire Vehicle Operators be amended to read as follows, with the inclusion of additional wording regarding the carriage of assistance dogs:

'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. Private Hire Vehicle Drivers have a responsibility to ensure that their operator is aware of such medical condition when they are first employed. Breach of this condition is deemed serious and therefore shall normally result in revocation. A new licence will not normally be granted for 12 months following the date of conviction, caution or in the

absence of these the date of offence or relevant incident or the outcome of any review hearing in relation to the incident, whichever is the later. The power to suspend or revoke immediately as set out in 2.2.2 may also be used in these circumstances if it is in the interests of public safety.';

2. That the means to ensure that dogs are restrained and safe in transit be incorporated into the report detailing the legal position regarding child seats in licensed vehicles (see min 4, above).

12 **Feedback from the Private Hire Drivers Association Focus Group**

Chris Howell, Licensing Manager, presented a report and gave a presentation following the conclusion of the Private Hire Drivers Association Focus Group. A copy of which is filed with these minutes.

The Committee were asked to agree the recommendations agreed by the Focus Group and to determine the way forward for matters for which the Focus Group were unable to agree a consensus on.

Resolved:

That the following recommendations of the Private Hire Drivers Association Focus Group be agreed:

1. That a test of the ability of an applicant to speak in conversational English, with a pass or fail judgement, be built into the application process at the pre-assessment stage. If officers are concerned that an applicant is not capable of communicating to a suitable level then a recorded conversation will be undertaken to prove that due diligence has been applied, should the decision be challenged;
2. That an intended use policy limiting drivers that receive a badge from the City of Wolverhampton Council to only work in Wolverhampton not be pursued;
3. That new applicants with more than 6 penalty points on their driving licence be required to undertake a road-risk based test incorporating a classroom session and driving routes in rural and town areas as well as motorway driving. The policy will not apply retrospectively to current licence holders who have more than 6 points;
4. That child sexual exploitation training be made mandatory for all private hire licence holders and that all current drivers, who have not yet undertaken the training, undertake the training within one year of the date of the decision of the Licensing Committee. Should a driver fail to do so their badge will not be renewed;
5. That the Licensing Authority hold 2 training sessions per month for a 12 month period with a focus on the personal safety of drivers;

6. That a “3 strikes and out” policy be introduced to testing. Further applications would not be accepted for a 12 month period from the date of the third failed test;

That the following recommendations of the Private Hire Drivers Association Focus Group be noted but not agreed:

7. that a test of local knowledge be built in to the assessment process through the inclusion of screenshots showing the geography, key landmarks and amenities of Wolverhampton;
8. That the number of test questions be increased to 50 with a pass mark of 40 (80%);
9. That all existing drivers be subject to the Assessment

That the following resolutions of the Private Hire Drivers Association Focus Group be noted and supported:

10. The following measures would be undertaken to alleviate problems at the railway station:
 - Wolverhampton Private Hire Drivers Association to work with Council Officers to help to resolve problems;
11. The following existing and proposed means for the Licensing Authority to communicate with drivers:
 - Increased direct communication via email and SMS
 - Newsletter (Electronic)
 - Training Sessions for online applications
 - One stop website for drivers
12. That the following means for the Licensing Authority to encourage a positive public perception of the private hire trade be noted and endorsed:
 - Good news stories through the Council’s Communications Team
 - Signage in vehicles
 - Explore the use of CCTV in Vehicles
 - Work with Wolverhampton Private Hire Drivers Association on Preventing Crime and Safeguarding our Communities

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Licensing Sub-Committee

Minutes - 26 July 2017

Attendance

Members of the Licensing Sub-Committee

Cllr Alan Bolshaw (Chair)
Cllr Anwen Muston

Employees

Mike Hooper	Democratic Services Officer
Elaine Moreton	Section Leader - Licensing
Jacky Bramley	Legal Executive/Assistant
Yahya Uddin	Democratic Services Apprentice (<i>observing</i>)
Ala Sairani	Legal Intern (<i>observing</i>)

Part 1 – items open to the press and public

Item No. *Title*

1 Apologies for Absence

Apologies for absence were received from Councillor Inston.

2 Declarations of Interest

There were no declarations of interest.

3 Exclusion of Press and Public

Resolved: That in accordance with section 100A (4) of the Local Government Act 1972 the press and public be excluded from the meeting for the remaining items of business as they involve the likely disclosure of exempt information falling within paragraph 3 of schedule 12A to the act relating to the business affairs of particular persons.

4 Application for a Private Hire Vehicle Driver's Licence (RA) (14.00)

The Chair invited Elaine Moreton, Section Leader – Licensing and the Applicant (RA) into the Hearing, led round-table introductions and outlined the procedure to be followed.

The Section Leader – Licensing, outlined the report regarding an application for a Private Hire Driver Licence, which had been circulated to all parties in advance of the

meeting. The matter had been referred to the Sub-Committee in accordance with Guidelines Relating to Relevance of Convictions and Breaches of Licence Conditions, specifically paragraph 5.1.9. RA confirmed that the information contained within the report was accurate.

All parties were invited to question the Section Leader – Licensing on the report. No questions were asked.

The Chair invited RA to make representations.

All present received copies of a written submission from RA and five character references (copies filed with these minutes), which had been received by the Democratic Services Officer in advance of the Hearing. RA gave an overview of his current personal circumstances and acknowledged his convictions, saying that they had occurred during a bad patch in his life.

All parties were invited to question the Applicant on his submission.

In response to questions from the Sub-Committee, the Senior Legal Executive and the Section Leader – Licensing, RA detailed the situations that lead to his convictions, elaborated further on his personal circumstances and stated his relationships to those that had provided references.

The Chair invited RA to make a final statement. RA felt that there was no need for him to repeat the evidence already provided. He had made mistakes that he shouldn't have and he did not think that he would make them again. He had a family. He had no issues with females, it just happened to be that some of his convictions had involved women.

RA, the Section Leader (Licensing) and the Democratic Services Apprentice left the room to allow the Sub-Committee to determine the matter.

The Chair invited all parties to return.

The Chair detailed the decision of the Sub-Committee.

Resolved:

That having considered all the evidence both written and oral, provided at the hearing, the Sub-Committee is not satisfied that RA is a fit and proper person and therefore, in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act 1976, a Private Hire Vehicle Driver's Licence is not granted. This decision is made in accordance with paragraph 5.1.9 of the guidelines relating to relevance of convictions and breaches of licence conditions agreed by the Licence Committee on 26 April 2017.

The Senior Legal Executive detailed the applicant's right of appeal to the Magistrates' Court against the decision of the Sub-Committee, within 21 days of receipt of the decision, and the potential costs of doing so.

RA and the Section Leader – Licensing left the room.

The Legal Intern joined the meeting in an observational capacity.

5 Application for a Private Hire Vehicle Driver's Licence (MW) (14.30)

The Chair invited Elaine Moreton, Section Leader – Licensing and the Applicant (MW) into the Hearing. MW was accompanied by Mr A. Khan, Lawyer. The Chair led round-table introductions and outlined the procedure to be followed.

The Section Leader – Licensing, outlined the report regarding an application for a Private Hire Driver Licence, which had been circulated to all parties in advance of the meeting. The matter had been referred to the Sub-Committee in accordance with Guidelines Relating to Relevance of Convictions and Breaches of Licence Conditions, specifically paragraph 5.1.9. Mr Khan, representing MW, confirmed that the information contained within the report was accurate.

All parties were invited to question the Section Leader – Licensing on the report. No questions were asked.

The Chair invited MW to make representations.

Mr Khan requested that the Sub-Committee receive ten character references from associates of MW. The Sub-Committee agreed to the request (copies filed with these minutes).

The Hearing was adjourned for 18 minutes to allow copies of the references to be made and for all parties to consider them.

Mr Khan drew attention to the terminology used within the DBS Criminal Record information in relation to MW's conviction under paragraph 5.1.9. He then stated that the references submitted demonstrated a reformed character, detailed his current personal circumstances and highlighted that his current employment required SIA accreditation and had therefore been subject to enhanced DBS checks.

Whilst it was acknowledged that all sexual offences were very serious, the one for which MW was convicted sat at the lower end of the scale. He had no further convictions, he was a family man, he was remorseful and he had admitted to the offence.

All parties were invited to question the Applicant on his submission.

In response to questions from the Sub-Committee, the Senior Legal Executive and the Section Leader – Licensing, MW detailed the situations that lead to his convictions and elaborated further on his personal and work circumstances. Mr Khan confirmed that MW had applied to Birmingham City Council for a Licence and had been refused.

MW, Mr Khan, the Section Leader (Licensing), the Democratic Services Apprentice and the Legal Intern left the room to allow the Sub-Committee to determine the matter.

The Chair invited all parties to return.

The Chair detailed the decision of the Sub-Committee.

Resolved:

That having considered all the evidence both written and oral, provided at the hearing, the Sub-Committee is not satisfied that MW is a fit and proper person and therefore, in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act 1976, a Private Hire Vehicle Driver's Licence is not granted. This decision is made in accordance with paragraph 5.1.9 of the guidelines relating to relevance of convictions and breaches of licence conditions agreed by the Licence Committee on 26 April 2017.

The Senior Legal Executive detailed the applicant's right of appeal to the Magistrates' Court against the decision of the Sub-Committee, within 21 days of receipt of the decision, and the potential costs of doing so.

Licensing Committee

27 September 2017

Report title	Terms of Reference. Public Events, Safety Advisory Group	
Wards affected	All	
Accountable director	Kevin O'Keefe	
Originating service	Governance	
Accountable employee(s)	Rob Edge Tel Email	Section Leader 01902 550106 rob.edge@wolverhampton.gov.uk
Report to be/has been considered by	N/A	

Recommendation(s) for action or decision:

The Committee is recommended to:

1. Endorse the Public Events Safety Advisory Groups terms of reference.

Recommendations for noting:

The Committee is asked to note:

1. That a full consultation of all members of the Public Events Safety Advisory Group has taken place.

1.0 Purpose

- 1.1 To inform Councillors of the Terms of Reference (TOR) drawn up by members of the Public Events Safety Advisory Group (PESAG).

2.0 Background

- 2.1 The PESAG provides advice and guidance to organisers of events to ensure they are aware of their responsibilities. The group is chaired by the Local Authority and its core is made up of representatives from West Midlands Police, West Midlands Fire Service, and West Midlands Ambulance Service. Other services, both internal and external to the Council, provide advice as and when required.
- 2.2 It is recognised that public events positively promote community development, social cohesion, civic and cultural identity and enhance community life. However, given the numbers of people attending such events there is also a requirement to deal with both potential risks to public safety and any adverse environmental impact.
- 2.3 A draft Terms of Reference has been circulated widely through the group membership and comments incorporated into the final TOR. The TOR covers the objectives of the group, it's membership structure, and essentially it's remit, all of which are covered in Appendix 1.

3.0 Financial implications

- 3.1 There are no direct financial implication arising from this report [SR/19092017/W]

4.0 Legal implications

- 4.1 There are no direct legal implication arising from this report [RB/11092017/S]

5.0 Equalities implications

- 5.1 There are no equalities implications arising from this report.

6.0 Environmental implications

- 6.1 There are no environmental implications arising from this report.

7.0 Human resources implications

- 7.1 There are no Human Resource implications arising from this report.

8.0 Corporate landlord implications

- 8.1 There are no Corporate Landlord implications arising from this report.

9.0 Schedule of background papers

- 9.1 None

Public Events - Safety Advisory Group Terms of Reference

Protocols

The Safety Advisory Group will:

"Promote the health, safety and welfare of all those involved with public events, minimise the environmental impact of such events and apply the principles of sustainability to the conduct of any event, or to any arrangements ancillary to that event".

1.0 Introduction

- 1.1 It is recognised that public events positively promote community development, social cohesion, civic and cultural identity and enhance community life. However, given the numbers of people attending such events there is also a requirement to deal with both potential risks to public safety and any adverse environmental impact.
- 1.2 In recognition of this, a Safety Advisory Group (SAG) has been established to co-ordinate the efforts of relevant Local Authority directorates and all other agencies involved with the running of events.
- 1.3 The core of the group is comprised of senior officers (or their representatives) from Wolverhampton City Council, West Midlands Police, West Midlands Fire Service, and West Midlands Ambulance Service. Other stakeholders will be included dependant on the individual event. A list of the Safety Advisory Group members is attached at the final page of this document.
- 1.4 The group exists to offer advice and guidance to organisers and to ensure they are aware of their responsibilities. The group will not undertake the role and responsibilities associated with event organisers.
- 1.5 This document provides details of the terms of reference and responsibilities of the group.

2.0 Terms of Reference

- 2.1 The terms of reference for the group are to:
 - Ensure as far as possible that risks to public safety are minimised for public events.
 - Provide a forum in which all the agencies concerned can develop a consistent and proportionate corporate approach to public events and their safety.
 - Provide advice and guidance to ensure event organisers are aware of their responsibilities.
 - Accurately record and minute all of its business and ensure the minutes of all meetings are forwarded to members of the group and those organisers present at such meetings.
 - Continually seek improvements in the organisation and planning of events through seeking feedback from both organisers and other members of the group and make recommendations where appropriate for improving safety.
 - Agree contingency plans for dealing with major incidents.
 - Promote best practice and multi-agency partnership working with event organisers.
 - The Safety Advisory Group may request an inspection of the site of a public event (whether before, during, or after an event) as determined by the Chair of the Group in consultation with the event management.
 - To ensure any detrimental effect of such events on the wider environment and on the environment of Wolverhampton are minimised and to encourage the application of the principles of sustainability whenever possible.

- To ensure damage to parks, streets and open spaces are minimised and to insist on agreed arrangements for clearing of litter and refuse after events.
- To keep up to date on the latest legislation and guidance.
- Where applicable, recommendations of the SAG are consistent with other Council policies.
- Promote the principles of sensible risk management, saving lives not stopping them, reducing admin burdens whilst addressing poor management at the point of creation of risk.

3.0 Meetings

- 3.1 The SAG shall meet a minimum of 4 times per calendar year. Any member of the group may request an additional meeting or meetings of the group, whether in response to a particular event or otherwise.
- 3.2 Where matters arise which require consideration by the SAG such a meeting may be convened at short notice.
- 3.3 All relevant agencies should be represented at a meeting of the SAG.
- 3.4 Any agencies of the SAG can attend if deemed necessary and offer advice.
- 3.5 A record of the meetings will be maintained by Licensing Services and circulated to member organisations within ten working days of the meeting taking place.
- 3.6 The core members may invite representatives to SAG meetings. Invited representatives will be encouraged to take a full part in proceedings and to share their expertise and advice with core members. They shall be entitled to have their views presented/reported, considered, and recorded.

4.0 Roles of Core Members

All Core Members

- All core members are advised to consider all documentation received from Licensing Services.
- To send recommendations for the event to Licensing Services who will circulate to the group.
- Can request a meeting of the Safety Advisory Group if their concerns are not satisfied by the Event Organiser.
- To send a representative to at least four SAG meetings each calendar year.
- To complete debrief form after the event if necessary to inform the group of any issues during the event.
- To inspect and advise event organisers on the documents submitted including risk assessments and public liability insurance.

- Where an agency has concerns regarding an event they should inform Licensing Services and the Event Organiser at the earliest opportunity.
- Advise on a communication plan, crowd safety, security and stewarding and entrance controls.
- Advise on safety and protection of lost/found children.
- Advise on site security and safety when in and out of use.
- Advise on the authenticity and safety of merchandise.
- Advise on any other activities which may give rise to concern.

Local Authority

- The L.A. will Chair the Safety Advisory Group, however, the Chair cannot be the event organiser. The Chair must remain independent, therefore must be from another service group within the L.A.
- The L.A. will lead the Safety Advisory Group in its considerations of the applicants' plans for the event.
- Advise on Licensing and Trading Standards/Merchandising issues.
- Advise on all matters relating to food sales, hygiene, water provision, and sanitation and noise control.
- Advise on the impact of the event on the City transport infrastructure and the provision of services to the event.
- Where appropriate, in liaison with the Police, traffic management on the highway.
- Controls on tents or caravans for overnight stays.
- Controls on animals, animal health and safety.
- Advise on food safety, health & safety at work, public safety and pollution issues.
- Licensing Services to circulate a list of current events that have been distributed to the group including the status of each.

West Midlands Police

- To advise and liaise on the preservation of order through keeping the peace
- To advise and liaise on the protection of life and property.
- To advise and liaise on the prevention and detection of crime
- To advise and liaise on the prosecution of offenders.
- Attaining the aims of the Local Policing Plan

- Providing support and advice to organisers to help them fulfil their responsibilities for crowd management, prevention of disorder and Public Safety
- Where appropriate in liaison with the local authority, traffic management on the highway.
- Co-ordinate and manage the effects of any emergency or major incident.
- Provide advice and support in relation to any other identified Policing issues.
- Controls on tents or caravans for overnight stays.

West Midlands Ambulance NHS Trust:

- Identify the demands that could be placed upon the Ambulance service by events and manage those demands accordingly.
- Liaise and collaborate with all the other organisations that form part of the Safety Advisory Group.
- Liaise and advise the Medical Provider for the event on their First Aid/Medical Plan.

West Midlands Fire Service:

- To provide advice on fire related matters in regard to operations, fire and community safety.
- To respond to Enforcing Authorities on fire related matters where legislation requires the Fire Authority to be consulted.
- To enforce fire safety legislation in accordance with the Regulatory Reform (Fire Safety) Order 2005, which requires the responsible person/s to carry out a Fire Risk Assessment for the event.
- Liaise and advise in relation to the Fire and Rescue Services Act 2004 sec 6

Membership of the Safety Advisory Group

Licensing Services
Environmental Health (Commercial)
Trading Standards
Parks and Contracts
Highways
Parking Services
Corporate Health and Safety
Public Health
W. M. Police - Planning
W. M. Police - Operations
W. M. Police – Licensing
British Transport Police
W.M. Fire Service
W.M. Ambulance Service
Bid - City Centre Company
Safeguarding Children
PCT
NHS



Child Seats Legislation

Presented by:

Nigel Todd ROSPA Dip MAIRSO DSA ADI

Senior Instructor (Driver Training) for Worcestershire County Council

IN PARTNERSHIP WITH

**CITY OF
WOLVERHAMPTON
COUNCIL**



- THE LAW:

The law requires all children travelling in the front or rear seat of any car, van or goods vehicle must use the correct child seat until they are either 135 cm in height or 12 years old (whichever they reach first).

After this they must use an adult seat belt.

It is the driver's responsibility to ensure that children under the age of 14 years are restrained correctly in accordance with the law.

Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations 2006

- Children under 3 years old

In the Front Seat:

Children **MUST** use the correct child car seat.

In the Rear Seat

Children **MUST** use the correct child restraint.

Exception

If a child car seat is not available in a licensed taxi or licensed private hire vehicle, the child may travel unrestrained in the rear. This is the only exception for children under 3 years.

It was introduced for practical rather than safety reasons.

It is the driver's legal responsibility to ensure that the child is correctly restrained.

Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations 2006

- Children 3 years and above, until they are EITHER 12 years old OR 135 cm tall

In the Front Seat

Children **MUST** use the correct child restraint.

In the Rear Seat

Children **MUST** use the correct restraint, where seat belts are fitted.

Exceptions

In the rear seats of a licensed taxi or private hire vehicle

If a child car seat is not available, children aged 3 years or older can travel in the rear wearing the adult seat belt

It is the driver's legal responsibility to ensure that the child is correctly restrained.

Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations 2006

The reality of the requirements:

Type of Child Restraint	Weight Range	Approx. Age Range
Rearward-facing baby seat	Group 0 0 - 10kg (22 lbs)	Birth to 6-9 months
	Group 0+ 0 - 13kg (29 lbs)	Birth to 12-15 months
	i-size Not based on weight, but check child's height is within the range for the seat	Up to at least 15 months
Combination seat (Rearward and Forward-facing)	Group 0+ and 1 0-18 kg (40 lbs)	Birth - 4 years
	Group 0+, 1 & 2 Birth to 25 kg (55 lbs)	Birth to 6 years
Forward-facing child seat	Group 1 9-18 kg (20 - 40 lbs)	9 months - 4 years
	Group 1, 2 and 3 9 - 36 kg (20 - 79 lbs)	1 to 11 years
High-backed Booster Seat	Group 2 15 - 25 kg (33 - 55 lbs)	4 to 6 years
High-backed Booster Seat	Group 2 and 3 15 - 36 kg (33 - 79 lbs)	4 to 11 years
Booster Cushion (From 9th February 2017)	Group 3 22 - 36 kg (48 - 79 lbs) and 125cm or taller	6 - 11 years
	Group 2/3 15-36kg These seats will ultimately be phased out as manufacturers comply with the new regulation.	4-12 years

Dogs in Vehicles

Rule 57 of the Highway Code states:

When in a vehicle make sure dogs or other animals are suitably restrained so they cannot distract you while you are driving or injure you, or themselves, if you stop quickly.

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- *This is advisory and not a direct legal requirement in law.*
- *As with child seats there are practical issues which would directly effect PHV and Taxi drivers.*

Sections 168 to 171 of the Equality Act 2010

Taxis and PHV drivers must (unless they have a medical exemption):

- *carry the assistance dog and allow it to remain with their owner*



ANY QUESTIONS?

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Licensing Committee

27 September 2017

Report title	Consultation exercise on proposed amendments to Private Hire Operator / Driver / Vehicle Conditions	
Wards affected	All	
Accountable director	Kevin O'Keefe	
Originating service	Governance	
Accountable employee(s)	Chris Howell	Licensing Manager
	Tel	01902 554554
	Email	chris.howell@wolverhampton.gov.uk
Report to be/has been considered by	N/A	

Recommendation(s) for action or decision:

The 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.

Recommendations for noting:

The Committee is asked to note:

1. An internal consultation with Legal Services and Environmental Health has already been undertaken.

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 last approved at Licensing Committee circa 2008.
- 2.3 There have been many changes with the recent onset of technology within the private hire trade. This together with 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 and endeavours to set them out in plain English.

- 3.2 The changes are summarised below.

Operators

- Clarify requirements for cross border working, ensuring that Public Safety is not compromised.
- Set out access requirements to information held in satellite offices.
- Implement a service level agreement for responding to requests to provide information from authorised officers.
- Staff to undergo CSE training.

Driver

- Insert requirements to comply with traffic regulations to deal with vehicles simply waiting near busy venues so they are nearest to the fare when jobs are being allocated.
- Other minor changes to improve driver conduct and clearly set out requirements.

Vehicle

- Minor changes to improve the vehicle standards

- 3.2 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.

4.0 Financial implications

- 4.1 The proposed CSE training for the staff of private hire operators can be accommodated within the existing private hire budgets. [SR/18092017/W]

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.
[LW/19092017/E]

6.0 Equalities implications

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

7.0 Environmental implications

- 7.1 There are no environmental implications arising from this report.

8.0 Human resources implications

- 8.1 There are no Human Resource implications arising from this report.

9.0 Corporate landlord implications

- 9.1 There are no Corporate Landlord implications arising from this report.

10.0 Schedule of background papers

- 10.1 There are no background papers.

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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 his/her address during the period of the licence.
- 1.2 The holder of this licence must notify Licensing Services in writing **not less than 12 hours** prior to commencing work with a new operator.
- 1.3 The holder of this licence may not change their operator more than once within a 48 hour period.
- 1.4 **A Wolverhampton licensed private hire driver can only drive a Wolverhampton licensed private hire vehicle and work for a Wolverhampton operator.**
- 1.5 **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.**
 - 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.
 - 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.
 - 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 telephone or by radio telephone fitted to that vehicle 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 Vapeing.**
- 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 Sounding of the vehicle horn to alert passengers of the vehicle's arrival is prohibited.
- 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 it to or from the entrance of any building, station or place at which he/she 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 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 his/her 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 cooperate with reasonable requests from compliance staff authorised in other areas.
- 3.810 The holder of this licence shall, unless otherwise requested by the hirer, proceed to the destination by the most direct route.
- 3.9— This licence does not permit the holder to drive a hackney carriage. **See 1.5**

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 his/her Private Hire Vehicle Driver's badge so as to be clearly and distinctly visible at all times whilst he/she is 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 internal, 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 his/her **for the purpose of copying/scanning his/her:-**
- a. Private Hire Vehicle Driver's Licence
 - b. ~~Copy of~~ 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 his/her private hire vehicle driver's licence and badges **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 his/her badge to Licensing Services immediately.

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 Ticket**, incurred during the life of this licence give full details 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. Private Hire Vehicle Drivers have a responsibility to ensure that their operator is aware of such medical condition when they are first employed.
- 11.2 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 3 days, notify the licensing services in writing of any changes to their medical circumstances.
These circumstances are defined as those where it is the duty of the licence holder to notify DVLA of any medical condition which affects the ability or entitlement to drive.

13. TRAFFIC REGULATIONS

- 13.1 The licence holder shall not breach parking restrictions, including waiting on yellow lines.
- 13.2 The licence holder shall not obstruct any road, pavement, or thoroughfare at any time.

The above conditions are subject to change that may be made by the Wolverhampton Licensing Committee. Any such changes will be displayed on the Council's website and shall be the default conditions applicable to all private hire licensed drivers. Licensing Services shall make reasonable endeavour to publicise any change to conditions which can be challenged in the Magistrate Court within 21 days of the Committee date.

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 an efficient, safe, comfortable, tidy and clean condition.

The following shall be adhered to:

- a) the seats of the vehicle shall be properly cushioned and covered.
- b) the floor of the vehicle shall be provided with a properly fitted carpet, mat or other suitable covering.
- c) all paintwork shall be maintained to a high standard in a single colour, free from dents, scratches or rust.
- d) All trim, wheel hubs and glass shall be secure and free from damage
- e) Only factory fitted privacy glass (tinted) will be permitted
- f) there shall be provided the means of carrying and securing luggage in the boot.
- g) ~~the vehicle shall at all times carry a spare pneumatic tyre.~~ All tyres including the spare must comply with the vehicle manufacturers' specification and the requirements of the Road Vehicles (Construction and Use) Regulations.
- h) the proprietor of the vehicle shall 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 approval of the Council 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 be securely fixed to the rear exterior of the vehicle:-

- a) immediately adjacent to the number plate area of the vehicle, but must not obscure the vehicle registration plate.

- 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.
 - c) the plate shall 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.
 - e) **the exterior plate must be securely and permanently affixed to the vehicle**
- 3.2 The Council may specify, from time to time as it sees fit, any other plate, sign or marking, together with the location or manner of fixing, designed to identify it as a Private Hire Vehicle.
- 3.3 ~~As from 1st October 2015,~~ 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.
- 3.4 ~~As from 15 June 2016~~ **The use of magnetic door stickers is prohibited.**
- 3.5 **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 display the interior plate detailing the licence number of the vehicle and the number of passengers permitted to be carried. This shall 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 display the 'warning to all passengers' notices provided by the council 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 the Council.

6. CHANGE OF ADDRESS

The proprietor 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 holder of this licence shall **within 14 days of the date of any conviction, caution or issue of a fixed penalty ticket**, 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 proprietor of the vehicle shall at all times ensure there is in force in relation to the use of the vehicle as a private hire vehicle a valid Policy of Insurance or such security as complies with the requirements of the Part VI of the Road Traffic Act 1988.

8.2 The proprietor of the vehicle must be the proposer of the insurance policy.

8.3 A copy 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 ~~his/her~~ **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.

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 Wolverhampton Licensing services who is currently using the vehicle.**

10.2 The holder acknowledges receipt of this Private Hire Vehicle Licence and plates.

10.3 The holder must conform to all the conditions of this licence.

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

10.5 **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.

- 10.6 The holder of this licence must inform Wolverhampton 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.

The above conditions are subject to change that may be made by the Wolverhampton Licensing Committee. Any such changes will be displayed on the Council's website and shall be the default conditions applicable to all private hire licensed vehicles. Licensing Services shall make reasonable endeavour to publicise any change to conditions which can be challenged in the Magistrates' Court within 21 days of the Committee date.

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 A LICENCE TO OPERATE PRIVATE HIRE VEHICLES

1. ISSUE OF LICENCES

- 1.1 The ~~proprietor~~ **Licensed Operator/Company Director(s)** shall notify Licensing Services, in writing within 7 days of any change of his/her 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, ~~details~~ to include:-

- time and date of booking
- method of receipt
- time required
- 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**
- **the area and operator to whom the job is sub-contracted**
- **details of sub-contracted jobs to include the time and date the job was sub-contracted and accepted**

These records 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 holder of the licence must be able to identify from their records which private hire vehicle has undertaken any particular job.

- 2.2 Where an operator accepts a sub-contracted fare from another operator the journey records must be recorded as in accordance with these conditions. However, operators are also required to record the operator from which the fare was sub-contracted from, the time at which this took place and that the sub-contracted fare was accepted. Please note that these records may be generated digitally.
- 2.3 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.
- 2.4 At all times 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.
- 2.5 The register must be maintained up to date at all times, and shall be retained at the

address from which the business is conducted as specified in the operators 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.

- 2.6 The register(s) ~~or~~ shall be available at any time without notice by an Authorised Officer of the Council or a Police Constable who shall be empowered to take away the register(s) and/or reports produced from an appropriate computerised booking system from the premises if required.
- 2.7 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.
- 2.8 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. **1 hour**
 - Priority B – These are for matters that require further investigation and have potential to be of a serious matter. **4 hours**
 - Priority C – These are for requests for information pertaining to general complaints. **24 hours**
 - General request, none prioritised. **1 week.**

Priority 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** ~~with~~ a schedule of all vehicles which he/she operates 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. ~~Each file shall~~ **To** include the following:
- **an image** of the current Private Hire Vehicle Licence
 - **an image** of the current valid MOT Certificate
 - **an image** of a current valid Private Hire Insurance Certificate or cover note
- 3.3 The holder of this licence shall ensure that at all times the vehicles operated ~~by him/her~~ 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 bearing the name, telephone number and/or 'App' on each side of the vehicle which has been approved by Licensing Services. 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 the licence holder's premises and kept fully up to date at all times. Each file ~~must~~ To include the following:-

- the current an image of Private Hire Vehicle Drivers Licence
- an image of DVLA Driving Licence
- full name, address, and ~~contact details~~ 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 him/her 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. ~~and for this purpose shall in particular:-~~
- 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. He/she shall also ensure that any waiting area which he/she provide has adequate seating facilities.

7. CONVICTIONS, CAUTIONS AND FIXED PENALTIES

- 7.1 The holder of this licence shall within 14 days disclose to Licensing Services in writing details of any conviction, caution or fixed penalty imposed on him/her or, if the holder of this licence is a company or partnership, any conviction, caution or fixed penalty imposed on the company or any of the directors or partners during the

period of the licence.

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.

All vehicle insurance documents must state that the insurance covers the driver for the carriage of Passengers for hire or reward whether or not the operator is the owner/proprietor of the vehicle.

A copy/~~scan~~ 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 EQUIPEMENT

- 9.1 The holder of this licence shall not conduct his/her business from any premises unless any ~~the~~ necessary planning permission under the Town and Country Act 1990 ~~as amended~~ has first been obtained, ~~where applicable~~, for the premises from which the business will operate.
- 9.2 ~~If applicable an Operator must obtain a~~ A licence for radio equipment under the wireless Telegraphy Act 1949 or any other relevant statutory provision.
- 9.3 Council House Tenants must also obtain permission from ~~the Housing Department~~ **Wolverhampton Homes**.

10. Operational Matters

- 10.1 All staff employed in a role where they interact with members of the public shall be subject to an Enhanced Disclosure Barring Service (DBS) check and records kept by the Operator. All DBS checks that reveal convictions shall be brought to the attention of the licensing authority.
- 10.2 All staff employed in a role where they interact with members of the public shall undergo CSE and Safeguarding training within 3 months of commencing work for an Operator.
Allocated dates will be provided by the licensing authority on a quarterly basis and it is up to the Operator to ensure staff attend. Training will be provided free of charge.
- 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. DISPLAY OF TERMS AND CONDITIONS~~

- ~~11.1 The holder/s of this licence shall at all times keep on his/her premises a copy of these conditions and shall make them available for inspection by members of the~~

public who are either actual or potential fare paying passengers.

11. LICENSING

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

11.2 The holder acknowledges receipt of this Private Hire Operators Licence.

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

The above conditions are subject to change that may be made by the Licensing Committee. Any such changes will be displayed on the Council's website and shall be the default conditions applicable to all private hire licensed Operators. Licensing Services shall make reasonable endeavour to publicise any change to conditions which can be challenged in the Magistrate Court within 21 days of the Committee date.

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.

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