

CITY OF  
WOLVERHAMPTON  
COUNCIL

# Non-Statutory Licensing Committee

Wednesday, 27 May 2020

Dear Councillor

## NON-STATUTORY LICENSING COMMITTEE - WEDNESDAY, 27TH MAY, 2020

Please find enclosed final versions of the Private Hire Operator, Driver and Vehicle Conditions as discussed at the meeting of the Non-Statutory Licensing Committee on Wednesday, 27th May, 2020

Agenda No	Item
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4	<b><u>Matters arising (Pages 1 - 14)</u></b>
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If you have any queries about this meeting, please contact the Democratic Services team:

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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 their name, 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.
- 1.3 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.
- 1.4 The holder of this licence may not change their operator more than once within a 48 hour period.
- 1.5 A Wolverhampton licensed private hire driver can only drive a Wolverhampton licensed private hire vehicle and work for a Wolverhampton operator.
- 1.6 This licence does not permit the holder to drive a hackney carriage.
- 1.7 The holder of this licence can only receive bookings from the operator notified to the Council for whom he is currently working.

### **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 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 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.

## 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 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 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. A copy/image of their current Private Hire Vehicle Driver's Licence
  - b. 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.**
- 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, 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 medical condition 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.
- 11.4 The licence holder shall allow the assistance dog to be accommodated within the passenger compartment 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 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.

**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 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](mailto:operator.lic@wolverhampton.gov.uk)

## 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 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 Before commencing trading, the operator shall provide the Council with an emergency contact telephone number that will 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:

- a copy/image of the current Private Hire Vehicle Licence
- a digital record of when the current Private Hire Vehicle Licence expires
- a copy/image of the current valid MOT Certificate
- a digital record of when the current valid MOT Certificate expires
- a 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 licensed driver are required to be stored by the licence holder and be accessible from their premises and kept fully up to date at all times. To include the following:-

- a copy/image of their current Private Hire Vehicle Drivers Licence,
- a digital record of when the current Private Hire Vehicle Drivers Licence expires,
- a copy/image of their current DVLA Driving Licence,
- a digital 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 drivers 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 use any licensed Private Hire Driver, the operator shall notify Licensing Services in writing, within 72 hours.

5.4 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.

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 Council, Operators must report the complainants name, contact information and the full details of the complaint. This shall be reported immediately when the licensing office is open or in any other event by email within 48 hours to [Licn\\_comp@wolverhampton.gov.uk](mailto: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.

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.
- 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 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/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 staff. 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 who are 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 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.

**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.**

## 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 must be adhered to:

- a) the seats of the vehicle shall be properly cushioned and covered,
- b) the floor of the vehicle must 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 must be secure and free from damage,
- e) only manufacturers factory fitted privacy glass (tinted) will be permitted,
- f) The boot must be able to carry luggage securely.
- g) all tyres including the spare/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 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.

### 3. IDENTIFICATION PLATE/EXTERIOR MARKINGS

- 3.1 The plate identifying the vehicle as a Private Hire Vehicle 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 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 Officer,
  - c) the plate 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.
- 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 must display the interior plate detailing the licence number of the vehicle and the number of passengers permitted to be carried. This 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 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. This must be completed via the Councils website.

#### **7. NOTIFICATION OF CONVICTIONS, CAUTIONS AND FIXED PENALTIES**

The proprietor 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 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 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 licence and plates to Licensing Services **within 7 days.**
- 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, 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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