

CONDITIONS RELATING TO A LICENCE TO OPERATE PRIVATE HIRE VEHICLES

Appendix 3

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

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 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.

3.4 When a booking is sub-contracted to a vehicle predominately working within an area where there are mandatory public safety conditions in place, the vehicle must adhere to those conditions.

Examples of public safety conditions are:

- Internal facing CCTV;
- Panic buttons.

Examples of non-public safety conditions are:

- Excessive livery requirements, such as roof signs;
- Requirements relating to the vehicle colour;
- Engine capacity;
- Vehicle age limits.

Where there is any doubt, the written advice of Licensing Services must be obtained before any journeys are undertaken.

4. MAINTENANCE OF VEHICLES

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

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

5. SPECIFIED DRIVERS

5.1 Individual records for each driver employed by the licence holder are required to be stored 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 that the drivers employed or used by them on private hire business are duly licensed by the Council to drive such vehicles.

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

Driver, the operator shall notify Licensing Services in writing, within 72 hours.

- 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.

PUBLIC COMPLAINTS

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

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

Upon receiving any 'specified complaint' or allegation regarding any person licensed by the 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

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 employees. This shall

include a basic DBS check for all staff and records kept showing the recruitment and decision making processes. Failure to undertake these checks or to keep adequate records shall deem that the Operator may not be a fit and proper person to hold an Operator's licence.

- 10.2 All staff employed in a role where they interact with members of the public shall undergo Child Sexual Exploitation (CSE) and Safeguarding training within 3 months of commencing work for an Operator.
Training dates will be provided by the 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.

FINAL DRAFT