



Licensing, Health and Safety and General Purposes Committee

Date:	Wednesday, 18 March 2020
Time:	6.00 p.m.
Venue:	Committee Room 1 - Wallasey Town Hall

Contact Officer: Anne Beauchamp
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AGENDA

1. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Committee are asked to declare any disclosable pecuniary and non pecuniary interests, in connection with any application on the agenda and state the nature of the interest.

2. MINUTES (Pages 1 - 4)

To approve the accuracy of the minutes of the meeting held on 22 January 2020.

3. MINUTES OF THE LICENSING PANEL (Pages 5 - 26)

To approve the accuracy of the minutes of the Licensing Panel meetings held on 15 November 2019, 13 December 2019, two meetings held on 20 December 2019, 24 January 2020, 31 January 2020 and 14 February 2020.

4. REVIEW OF PRIVATE HIRE OPERATOR LICENCE CONDITIONS (Pages 27 - 48)

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LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

Wednesday, 22 January 2020

Present:

Councillors	M Collins	I Lewis
	C Cooke	D Mitchell
	A Corkhill	L Rowlands
	WJ Davies	J Stapleton
	G Davies	P Stuart
	A Hodson	K Greaney

21 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Committee were asked to declare any disclosable pecuniary and non pecuniary interests in connection with any application on the agenda and state the nature of the interest.

No such declarations were made.

22 MINUTES

Resolved –

- (1) That the accuracy of the minutes of the meeting held on 13 November 2019 be approved.
- (2) That the accuracy of the minutes of the meeting held on 20 November 2019 be approved subject to an amendment in relation to Polling Districts in Eastham Ward that “Lyndale Road” should read “Lyndale Avenue”.

23 MEMBERSHIP OF THE LICENSING PANEL

Members of the Committee were invited to replace the fourth Labour Member of the Licensing Panel.

On a motion by the Chair and seconded by Councillor G Davies it was –

Resolved – That Councillor K Greaney be appointed as the fourth Labour Member of the Licensing Panel.

24 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER MEDICAL ASSESSMENTS

The Director of Governance and Assurance reported upon a request received from a representative of the Hackney Carriage and Private Hire trade to review the requirement that Hackney Carriage and Private Hire Drivers undertake a medical

assessment with a General Practitioner in the medical practice to which the individual is registered.

The Licensing Manager reported that the request had been made by a representative of the trade due to the financial costs of having to have a medical assessment with a General Practitioner in the medical practice to which the individual was registered as well as the availability of appointments.

Members were advised that the current policy in respect of the medical requirement for Private Hire and Hackney Carriage Drivers had been adopted by this Committee on 25 March 2015.

The Licensing Manager reported that representations had been made for the Council to accept medical forms that were completed by individuals other than a General Practitioner in the medical practice to which an applicant for a Private Hire or Hackney Carriage Driver Licence or renewal was registered. This included private companies who offered their services to HGV and taxi drivers at a reduced rate. The representations related to the cost incurred in respect of the medical assessment undertaken by a General Practitioner in the medical practice to which the individual was registered and the time it took to get an appointment. Details of requirements set by other local authorities in the City Region were outlined within the report.

It was further reported by officers that the medical assessment undertaken by a General Practitioner in the medical practice to which the individual was registered provided confidence that the full medical records of an individual had been available to the GP making the assessment. There had been circumstances where matters relating to the fitness of an individual may not have been identified should an applicant have taken the medical assessment form to an individual outside the medical practice to which the applicant was registered. It was therefore considered that the current policy was the most effective in determining whether an individual was a fit and proper person to hold a Hackney Carriage or Private Hire Driver Licence.

Mr D Cummins, Unite the Union addressed the Committee and highlighted the difficulties with respect to the availability of General Practitioners within the medical practice to which the licence holder was registered. He believed that should individuals be allowed to go to a GP outside of their own medical practice, this would provide the opportunity to compare costs and complete the medical within the required time period.

In response, the Licensing Manager advised that costs do vary slightly however the average was £102 across different medical practices. Members were advised that it was a matter for them to consider, but were also advised of the risk should the medical assessment be completed by persons other than a General Practitioner in the medical practice to which an individual is registered as full details of the medical condition of that individual may not be revealed.

Members discussed the proposals and risks and also the practicality of whether individuals would need to be registered with the practice at which they would undertake their medical assessment. Members considered the safety of drivers and passengers and it was suggested that the Chair of the Clinical Commissioning Group (CCG) be contacted to provide further information regarding the ability of GPs who

are not located within the practice where individuals are registered to carry out medical assessments for Hackney Carriage and Private Hire Drivers.

On a motion by Councillor I Lewis and seconded by Councillor M Collins it was –

Resolved –

- (1) That the current policy be retained for 12 months.**
- (2) That the Chair of the Clinical Commissioning Group (CCG) be contacted to provide further information regarding the ability of GPs who are not located within the practice where individuals are registered to carry out medical assessments for Hackney Carriage and Private Hire Drivers.**

25 **REVIEW OF HACKNEY CARRIAGE FARES**

The Director of Governance and Assurance submitted a report requesting Members to consider representations received in respect of a proposed increase to the Hackney Carriage fare tariff advertised in accordance with the decision of this Committee on 13 November 2019.

The Licensing Manager reported that a proposal had been considered by this Committee on 13 November 2019 to increase the Hackney Carriage Tariffs that had been submitted by a representative of Unite the Union.

Members were advised that in accordance with the statutory requirement the proposed increase had been advertised for a period of fourteen days. Six objections to the proposed increase had been received by the Licensing Authority and the organiser of the petition that had been submitted to the Committee on 13 November 2019 had requested the petition also be considered, however he had advised that he was unable to attend this meeting.

Mr D Cummins, Unite the Union addressed the Committee, he informed Members that all drivers would not be satisfied, however, he requested that the proposed increase be agreed.

On a motion by Councillor D Mitchell and seconded by Councillor K Greaney it was –

Resolved (9:2) (1 abstention) – That the approval of the proposed increase to the Hackney Carriage fare tariff be recommended to Cabinet.

26 **WIRRAL AWARD 2019**

A report by the Director of Governance and Assurance requested agreement from the Committee that the Wirral Award be conferred on the nominees as recommended by the Wirral Award Working Party held on 18 December 2019. The Wirral Award was intended to confer civic recognition upon individuals or organisations resident or

located in Wirral for an outstanding achievement within the previous twelve months, or for distinguished service to the Borough over a period of twenty years or more.

It was reported that once nominations were agreed, a presentation ceremony would be arranged which would be attended by The Mayor of Wirral, the Leader of the Council, Group Leaders or their nominees, the Chair and spokespersons of the Licensing, Health and Safety and General Purposes Committee or their nominees and the award nominees plus one guest each.

Members considered the recommendations of the Wirral Award Working Party and the nominations which were attached to the report as an exempt appendix.

On a motion by Councillor D Mitchell and seconded by Councillor A Hodson it was -

Resolved –

- (1) That the Wirral Award 2019 be conferred upon those recipients recommended by the Wirral Award Working Party.**
- (2) That the arrangements for the presentation ceremony as set out in paragraph 3.0 of the report be agreed.**

LICENSING PANEL

Friday, 15 November 2019

Present: Councillors M Collins
A Hodson
J Stapleton

69 APPOINTMENT OF CHAIR

In the absence of the Chair it was –

Resolved – That Councillor A Hodson be appointed Chair for this meeting.

70 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Panel were asked to declare any disclosable pecuniary and non pecuniary interests in connection with any application on the agenda and state the nature of the interest.

No such declarations were made.

71 EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC

Resolved - That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined by the relevant paragraphs of Part I of Schedule 12A (as amended) to that Act.

72 PRIVATE HIRE DRIVER LICENCE (MAD)

The Director of Governance and Assurance submitted a report for Members to consider whether Mr MAD should continue to hold a Private Hire Driver Licence. Mr MAD attended the meeting and made representations. Members questioned Mr MAD.

Members considered carefully the representations made by Mr MAD.

Members gave due consideration to the representations made and exercised their rights to consider each case on its individual merits in light of the representations made.

Resolved –

- (1) **That Mr MAD be allowed to continue to hold a Private Hire Driver Licence;**
- (2) **A written warning be issued to Mr MAD;**
- (3) **Mr MAD must obtain a Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire)**

- (4) **Mr MAD must register for the course with a training provider in accordance with the timescale determined by officers;**
- (5) **Should Mr MAD fail to obtain the NVQ in accordance with the timescale determined by officers, he must be referred back to the Licensing Panel.**

73 **PRIVATE HIRE DRIVER LICENCE (MFSG)**

The Director of Governance and Assurance submitted a report for Members to consider whether Mr MFSG should continue to hold a Private Hire Driver Licence. Mr MFSG attended the meeting and made representations. Members questioned Mr MFSG.

Members considered carefully the representations made by Mr MFSG.

In determining the matter Members also gave serious consideration to their overriding responsibility in respect of the protection and safety of the public. The Panel applied the principle of proportionality enshrined within the Human Rights Act 1998 and considered that in seeking to ensure the legitimate aim of the protection of the public, a revocation of the licence with immediate effect was justified in the circumstances.

Resolved – That, in the interests of public safety, Mr MFSG’s Private Hire Driver Licence be revoked with immediate effect.

74 **PRIVATE HIRE DRIVER LICENCE (NRPJ)**

The Director of Governance and Assurance submitted a report for Members to consider whether Mr NRPJ should continue to hold a Private Hire Driver Licence. Mr NRPJ attended the meeting and made representations. Members questioned Mr NRPJ.

Members considered carefully the representations made by Mr NRPJ.

Members gave due consideration to the representations made and exercised their rights to consider each case on its individual merits in light of the representations made.

Resolved –

- (1) **Mr NRPJ be allowed to continue to hold a Private Hire Driver Licence;**
- (2) **A written warning be issued to Mr NRPJ;**
- (3) **Mr NRPJ must obtain a Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire)**
- (4) **Mr NRPJ must register for the course with a training provider in accordance with the timescale determined by Officers;**
- (5) **Should Mr NRPJ fail to obtain the NVQ in accordance with the timescale determined by Officers, he must be referred back to the Licensing Panel.**

LICENSING PANEL

Friday, 13 December 2019

Present: Councillors L Rowlands
D Mitchell

Deputy Councillor K Greaney (for Councillor G Wood)

75 APPOINTMENT OF CHAIR

In the absence of the Chair, it was:

Resolved:

That Councillor Les Rowlands be appointed Chair for this meeting.

76 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Panel were asked to declare any disclosable pecuniary and non-pecuniary interests, in connection with any application on the agenda and state the nature of the interest.

No such declarations were made.

77 EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC

Resolved - That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined by paragraph 1 of Part I of Schedule 12A (as amended) to that Act. The Public Interest test had been applied and favoured exclusion.

78 PRIVATE HIRE DRIVER LICENCE (AJC)

The Corporate Director for Business Management reported upon an application received by Mr AJC for the grant of a Private Hire Driver Licence. Mr AJC attended the meeting, accompanied by his solicitor, made representations and answered questions in respect of his application.

Members considered the representations made by Mr AJC as well as other material information relevant to his application. Members had regard to their Policy and on this occasion were not persuaded to act outside their Policy.

Resolved – That Mr AJC’s application for the grant of a Private Hire Driver Licence be refused.

79 **PRIVATE HIRE DRIVER LICENCE (BAR)**

The Corporate Director for Business Management reported upon an application received from Mr BAR for the grant of a Private Hire Driver Licence. Mr BAR attended the meeting, answered questions from councillors and officers and made representations in respect of his application.

Members considered the representations made by Mr BAR as well as other material information relevant to his application. Members had regard to their Policy and on this occasion were not persuaded to act outside their Policy.

Resolved – That Mr BAR’s application for the grant of a Public Hire Driver Licence be refused.

80 **PRIVATE HIRE DRIVER LICENCE (CLS)**

The Corporate Director for Business Management submitted a report for Members to consider whether Mr CLS should continue to hold a Private Hire Driver Licence. Mr CLS attended the meeting and made representations.

Members considered the representations made by Mr CLS in respect of the report. Mr CLS answered questions from Members of the Panel.

Members gave due consideration to Mr CLS’ representations and exercised their right to consider each case on its individual merits in light of the representations made.

Resolved – That Mr CLS be allowed to continue to hold a Private Hire Driver Licence.

81 **PRIVATE HIRE DRIVER LICENCE (KC)**

The Corporate Director for Business Management submitted a report to consider whether Mr KC should continue to hold a Private Hire Driver Licence.

Mr KC did not attend the meeting.

Resolved – That Mr KC be instructed to attend the next meeting of the Licensing Panel on 20 December 2019 and that should he fail to attend the matter may be considered in his absence.

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LICENSING PANEL

Friday, 20 December 2019

Present: Councillors A Hodson
D Mitchell
L Rowlands

Deputy Councillor K Greaney (for P Stuart)

82 APPOINTMENT OF CHAIR

In the absence of the Chair it was –

Resolved – That Councillor Andrew Hodson be appointed Chair for this meeting.

83 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Panel were asked to declare any disclosable pecuniary and non-pecuniary interests, in connection with any application on the agenda and state the nature of the interest.

No such declarations were made.

84 EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC

Resolved - That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined by the relevant paragraphs of Part I of Schedule 12A (as amended) to that Act. The Public Interest test had been applied and favoured exclusion.

85 PRIVATE HIRE DRIVER LICENCE (JPD)

The Corporate Director for Corporate Management reported upon an application received by Mr JPD for the grant of a Private Hire Driver Licence.

Mr JPD attended the meeting, made representations and answered questions in respect of his application.

Members considered the representations made by Mr JPD as well as other material information relevant to his application.

Members had regard to their Policy, and, after careful consideration of the representations made, exercised their right to consider each case on its own merits.

Resolved – That Mr JPD’s application for the grant of a Private Hire Driver Licence be approved.

86 **PRIVATE HIRE DRIVER LICENCE (PSR)**

The Corporate Director for Business Management reported upon an application received from Mr PSR for the grant of a Private Hire Driver Licence.

Mr PSR attended the meeting, made representations and answered questions in respect of his application.

Members gave due consideration to Mr PSR’s representations and exercised their right to consider each case on its individual merits in light of the representations made.

Resolved – That Mr PSR’s application for the grant of a Private Hire Driver Licence be refused.

87 **PRIVATE HIRE DRIVER LICENCE (JCD)**

The Corporate Director for Business Management reported upon an application received from Mr JCD for the grant of a Private Hire Driver Licence.

Mr JCD attended the meeting, made representations and answered questions in respect of his application.

Members gave due consideration to Mr JCD’s representations and exercised their right to consider each case on its individual merits in light of the representations made.

Resolved – That Mr JCD’s application for a Private Hire Driver Licence be approved.

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LICENSING PANEL

Friday, 20 December 2019

Present: Councillors A Hodson
D Mitchell
L Rowlands
Deputy Councillor K Greaney (for P Stuart)

88 APPOINTMENT OF CHAIR

In the absence of the Chair it was:

Resolved – That Councillor A Hodson be appointed Chair for this meeting.

89 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Panel were asked to declare any disposable pecuniary and non-pecuniary interests, in connection with any application on the agenda and state the nature of the interest.

No such declarations were made.

90 EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC

Resolved - That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined by the relevant paragraphs of Part I of Schedule 12A (as amended) to that Act.

91 PRIVATE HIRE DRIVER LICENCE (KC)

The Corporate Director for Business Management reported upon whether Mr KC remained a fit and proper person to continue to hold a Private Hire Driver Licence.

Mr KC did not attend the meeting. As this was the second time Mr KC had been invited to attend and had failed to do so, Members resolved to continue with the meeting in his absence.

Members considered carefully the evidence provided by the Licensing Officer and determined that Mr KC was not a fit and proper person to continue to hold a Private Hire Driver Licence.

In coming to their determination Members also gave serious consideration to their overriding responsibility in respect of the protection and safety of the public. The Panel applied the principle of proportionality enshrined within the Human Rights Act 1998 and considered that in seeking to ensure the legitimate aim of the protection of

the public the decision made to revoke the licence with immediate effect was justified in the circumstances.

Resolved – That, in the interests of public safety, Mr KC’s Private Hire Driver Licence be revoked with immediate effect.

LICENSING PANEL

Friday, 24 January 2020

Present:

Councillor	P Stuart (Chair)	
Councillors	J Stapleton L Rowlands D Mitchell	M Collins K Greaney

92 APPOINTMENT OF CHAIR

It was resolved that:

Councillor M Collins be appointed Chair for the meeting of the Licensing Panel.

93 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Panel were asked to declare any disclosable pecuniary and non-pecuniary interests, in connection with any application on the agenda and state the nature of the interest.

No such declarations were made.

94 HACKNEY CARRIAGE VEHICLE LICENCE, FORD TOURNEO, REGISTRATION NUMBER MK66 RXU

The Director of Governance and Assurance introduced a report to consider an application to license a Ford Tourneo, registration number MK66 RXU, as a Hackney Carriage Vehicle. The date of the first registration of the vehicle was 23 November 2016. The vehicle had been tested at one of the Council's authorised testing stations.

The current criteria for licensing Hackney Carriage Vehicles included a requirement that:

Every vehicle must be three years old or less from the date of first registration or date of manufacture (whichever is the earlier).

The owner of the vehicle was present at the meeting with his vehicle which members of the Panel inspected. The owner was represented by a Member of Unite the Union

Resolved – That the application to license a Ford Tourneo, registration number MK66 RXU, as a Hackney Carriage Vehicle, be granted.

95 **APPLICATION TO LICENCE AN MG ZSEV AS A PRIVATE HIRE VEHICLE**

The Director of Governance and Assurance introduced a report to consider an application to licence an electrically powered MG ZSEV as a Private Hire Vehicle.

The Council's criteria for licensing Private Hire Vehicles states that:

Any vehicle with a top tread for the entrance which exceeds 38cm must be fitted with a step to allow easy access to and egress from the vehicle. Any vehicle that does not have a step fitted must carry a portable step to be available for use by all passengers.

The top tread for entrance to the MG ZSEV exceeded 38 cm. The Panel were asked to consider whether it was appropriate to licence the vehicle as a Private Hire Vehicle and to do so without the requirement to carry a portable step.

The owner of the vehicle was present at the meeting with his vehicle which members of the Panel inspected. Members questioned the applicant.

Resolved – That the application to licence an MG ZSEV as a Private Hire Vehicle be granted. That the conditions attached to the licence do not include a requirement to carry a portable step.

96 **PRIVATE HIRE VEHICLE LICENCE, BMW 730, REGISTRATION NUMBER W7 EXC**

The Director of Governance and Assurance introduced a report to consider an application to allow a BMW 730, registration number W7 EXC, to be exempt from displaying Private Hire Vehicle plates.

The Council may exempt a vehicle from the requirement to display a plate in accordance with section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976, which states:

“The Council may exempt a vehicle from the requirement to display a plate or drivers from wearing a badge in accordance with section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976, which states:

“(3) Where a licence under section 48 of this Act is in force for a vehicle, the council which issued the licence may, by notice of writing given to the proprietor of the vehicle, provide that paragraph (a) of subsection (6) of that section shall not apply to the vehicle on any occasion specified in the notice or shall not apply to the vehicle on any occasion specified in the notice or shall not apply while the notice is in the vehicle; and on any occasion on which by virtue of this subsection that paragraph does not apply to a vehicle section 54(2)(a) of this Act shall not apply to the driver of the vehicle”.

The owner of the vehicle had held a Private Hire Driver Licence since 7 January 2020 and was present at the meeting. He advised Members that he had made the application to enable him to operate an executive chauffeur business for corporate clients only.

Members questioned the applicant about his business plan and any conditions they may implement.

Resolved – That:

(1) The proprietor of the BMW 730D, registration number W7 EXC be provided with a notice providing an exemption to the requirement to display Private Hire Vehicle Licence plates on the vehicle and to exempt the driver from the requirement to wear a Private Hire Driver Badge.

(2) The vehicle may only be used as a Private Hire Vehicle in circumstances where:

- **The booking has been made 24 hours in advance of the journey**
- **The payment for the journey has been requested through an invoicing system**
- **The following information is communicated to the customer in advance of the journey by email or text message:**
 - Name of the Private Hire Driver**
 - Photograph of the Private Hire Driver**
 - Badge Number of the Private Hire Driver**
 - Registration Number of the Vehicle**

97 EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC

Resolved - That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined by the relevant paragraphs of Part I of Schedule 12A (as amended) to that Act.

98 PRIVATE HIRE DRIVER LICENCE (JDW)

The Director of Governance and Assurance reported upon an application received by Mr JDW for the grant of a Private Hire Driver Licence.

Mr JDW attended the meeting and made representations in respect of his application, which Members considered. Members questioned Mr JDW regarding his application.

Members had regard to their policy, however after careful consideration of the representations made, exercised their right to consider each case on its individual merits and on this occasion, Members were persuaded to act outside of their Policy in determining this application.

Resolved – (5:1) That Mr JDW’s application for the grant of a Private Hire Driver Licence be approved.

99 **PRIVATE HIRE DRIVER LICENCE (MMI)**

The Director of Governance and Assurance reported upon an application received from Mr MMI for the grant of a Private Hire Driver Licence.

Mr MMI attended the meeting and made representations, in respect of his application. Members questioned Mr MMI in respect of his application and considered the representations made by Mr MMI in response.

Members had regard to their policy, however, after careful consideration of the representations made, exercised their right to consider each case on its individual merits and on this occasion, Members were persuaded to act outside of their Policy in determining this application.

Resolved – That Mr MMI’s application for the grant of a Private Hire Driver Licence be approved.

100 **PRIVATE HIRE DRIVER LICENCE (JJG)**

Councillor Les Rowlands left the room before consideration of this item and did not take part in its determination.

The Director of Governance and Assurance reported upon an application from Mr JJG for the grant of a Private Hire Driver Licence.

Mr JJG attended the meeting and made representations, in respect of his application. Members questioned Mr JJG in respect of his application. Members considered the representations made by Mr JJG.

Members did not consider Mr JJG to be a fit and proper person to be a Private Hire Driver due to the number and nature of the convictions recorded against him and his failure to declare offences when licensed as a Private Hire Driver.

In determining the matter Members also gave serious consideration to their overriding responsibility in respect of the protection and safety of the public. The Panel applied the principle of proportionality enshrined within the Human Rights Act 1998. Members were not persuaded to act outside of their Policy on this occasion.

Resolved – That Mr JJG’s application for the grant of a Private Hire Driver Licence be refused.

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LICENSING PANEL

Friday, 31 January 2020

Present: Councillors J Stapleton L Rowlands
T Norbury D Mitchell
A Hodson

101 APPOINTMENT OF CHAIR

In the absence of the Chair it was –

Resolved – That Councillor K Greaney be appointed Chair for this meeting.

102 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Panel were asked to declare any disclosable pecuniary and non-pecuniary interests, in connection with any application on the agenda and state the nature of the interest.

No such declarations were made.

103 EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC

Resolved - That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined by the relevant paragraphs of Part I of Schedule 12A (as amended) to that Act.

The Public Interest test had been applied and favoured exclusion.

104 PRIVATE HIRE DRIVER LICENCE (RGD)

The Director of Governance and Assurance submitted a report for Members to consider an application received from Mr RGD for the grant of a Private Hire Driver Licence. Mr RGD attended the meeting, answered questions from councillors and officers and made representations in respect of his application.

Members gave due consideration to Mr RGD's representations as well as other material information relevant to his application. Members had regard to their Policy and after careful consideration of the representations made, exercised their right to consider each case on its individual merits in light of the representations made.

Resolved – That Mr RGD's application for the grant of a Private Hire Driver Licence be granted, subject to appropriate conditions.

105 **PRIVATE HIRE DRIVER LICENCE (WLS)**

The Director of Governance and Assurance submitted a report for Members to consider an application received from Mr WLS for the grant of a Private Hire Driver Licence.

Mr WLS did not attend the meeting.

106 **PRIVATE HIRE DRIVER LICENCE (NU)**

The Director of Governance and Assurance submitted a report for Members to consider whether Mr NU should continue to hold a Private Hire Driver Licence. Mr NU attended the meeting and made representations in respect of his application. Members questioned Mr NU.

Members gave due consideration to Mr NU's representations and exercised their right to consider each case on its individual merits in light of the representations made.

Resolved (4:2) –

- (1) That Mr NU be allowed to continue to hold a Private Hire Driver Licence;**
- (2) Mr NU must obtain a Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire)**
- (3) Mr NU must register for the course with a training provider no later than 29 February 2020;**
- (4) Should Mr NU fail to obtain the NVQ by 30 April 2020, his licence would be revoked.**

107 **PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER LICENCES (MDMA)**

The Director of Governance and Assurance submitted a report for Members to consider an application received by Mr MDMA for the grant of a Private Hire Driver Licence.

Mr MDMA attended the meeting and made representations in support of his application.

Members gave due consideration to Mr MDMA's representations and exercised their right to consider each case on its individual merits in light of the representations made.

Resolved – That Mr MDMA's application for the grant of Private Hire and Hackney Carriage Driver Licences be refused.

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LICENSING PANEL

Friday, 14 February 2020

Present:

Councillors

K Greaney

T Norbury

D Mitchell

M Collins

108 **APPOINTMENT OF CHAIR**

In the absence of the Chair, it was:

Resolved:

That Councillor Michael Collins be appointed Chair for this meeting.

109 **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members of the Panel were asked to declare any disclosable pecuniary and non-pecuniary interests in connection with any application on the agenda and state the nature of the interest.

Councillor T Norbury declared a personal interest in minute 114, by virtue of knowing the applicant. He left the room and took no part in this item.

110 **PRIVATE HIRE VEHICLE LICENCE, TOYOTA PRIUS, REGISTRATION NUMBER SD58 CPN**

The Director of Governance and Assurance reported upon an application to re-license a Toyota Prius, registration number SD58 CPN, beyond the normal over-age date for a licensed Private Hire Vehicle. The date of first registration of the vehicle was 30 September 2008. It had been licensed as a Private Hire Vehicle since 21 August 2013 and the current licence was due to expire on 20 February 2020. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificates were available for Members.

The owner of the vehicle was present with his vehicle, which Members of the Panel inspected. The owner answered questions from Members of the Panel.

RESOLVED:

That the application to license the Toyota Prius, registration number SD58 CPN, be granted for a further six months, subject to the steering rack joints being repaired and the rear passenger seats being covered.

111 **APPLICATION FOR A STREET COLLECTION PERMIT**

The Director of Governance and Assurance introduced a report which stated that an application had been made for a Street Collection Permit on behalf of the North West Air Ambulance Charity for Sunday, 29 March 2020. The proposed collection was to be held during the 'Egg Run' event which was to take place adjacent to 'The Dips' in

New Brighton. The application also included a request to collect within the vicinity of The Tap Public House, Eastham.

It was proposed that there would be no more than 15 persons collecting using sealed buckets.

As the request was for a street collection on a day other than a Saturday, the application could not be determined under delegated powers.

Resolved –

- (1) That the application for a Street Collection Permit in respect of the North West Air Ambulance Charity for 29 March 2020 be granted.**
- (2) That the collection will take place in the vicinity of the area where the Egg Run will start, 'The Dips', New Brighton and in the vicinity of The Tap Public House, Eastham.**
- (3) That there be no more than 5 persons collecting using sealed buckets at 'The Dips', New Brighton**
- (4) That there be no more than 5 persons collecting using sealed buckets at 'The Tap' public house, Eastham**

112 APPLICATION FOR A STREET COLLECTION PERMIT

The Director of Governance and Assurance introduced a report which stated that an application had been made for a Street Collection Permit on behalf of the Merseyside and Cheshire Blood Bikes Charity for Sunday, 29 March 2020. The proposed collection was to be held during the 'Egg Run' event which was to take place adjacent to 'The Dips' in New Brighton.

It was proposed that there would be no more than 10 persons collecting using sealed buckets.

As the request was for a street collection on a day other than a Saturday, the application could not be determined under delegated powers.

Resolved –

- (1) That the application for a Street Collection Permit in respect of the Merseyside and Cheshire Blood Bikes charity for 29 March 2020 be granted.**
- (2) That the collection will take place in the vicinity of the area where the 'Egg Run' will start, 'The Dips', New Brighton.**
- (3) That there be no more than 5 persons collecting using sealed buckets at 'The Dips', New Brighton**

113 APPLICATION FOR A STREET COLLECTION PERMIT

The Director of Governance and Assurance introduced a report which stated that an application had been made for a Street Collection Permit on behalf of Claire House

Children's Hospice for Sunday, 29 March 2020. The proposed collection was to be held during the 'Egg Run' event which was to take place adjacent to 'The Dips' in New Brighton.

It was proposed that there would be no more than 15 persons collecting using sealed buckets.

As the request was for a street collection on a day other than a Saturday, the application could not be determined under delegated powers.

Resolved –

- (1) That the application for a Street Collection Permit in respect of Claire House Children's Hospice charity for 29 March 2020 be granted.**
- (2) That the collection will take place in the vicinity of the area where the 'Egg Run' will start, 'The Dips', New Brighton**
- (3) That there be no more than 5 persons collecting using sealed buckets at 'The Dips', New Brighton**

114 EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC

Resolved - That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined by the relevant paragraphs of Part I of Schedule 12A (as amended) to that Act. The Public Interest test had been applied and favoured exclusion.

115 HACKNEY CARRIAGE DRIVER LICENCE (DC)

Councillor Tony Norbury declared a personal interest and did not take part in proceedings.

The Director of Governance and Assurance introduced a report which was to consider whether Mr DC should continue to hold a Hackney Carriage Driver Licence. Mr DC attended the meeting and answered questions from Councillors and officers.

Members considered the representations made by Mr DC and exercised their rights to consider each case on its individual merits in light of the representations made.

Resolved: That:

- (1) Mr DC be allowed to continue to hold a Hackney Carriage Driver Licence.**
- (2) Mr DC must undertake a Driver Awareness Course no later than 6 March 2020;**
- (3) Mr DC be issued with a written warning from Members of the Licensing Panel as to his future conduct.**
- (4) Should Mr DC fail to complete the Driver Awareness Course on or before 6 March 2020, his Hackney Carriage Driver Licence shall be revoked.**

116 **PRIVATE HIRE DRIVER LICENCE (NJD)**

Councillor Norbury returned to the meeting.

The Director of Governance and Assurance reported upon an application received from Mr NJD for the grant of a Private Hire Driver Licence. Mr NJD attended the meeting and made representations in respect of his application.

Members considered the representations made by Mr NJD.

Members had regard to their Policy, however, after careful consideration of the representations made, exercised their rights to consider each case on its own merits.

Resolved – That Mr NJD’s application for the grant of a Private Hire Driver Licence be approved.

117 **PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER LICENCES (ABH)**

The Director of Governance and Assurance submitted a report to consider an application received from Mr ABH for the grant of Private Hire and Hackney Carriage Driver Licences.

Mr ABH did not attend the meeting.

118 **PRIVATE HIRE DRIVER LICENCE (SMKH)**

The Director of Governance and Assurance introduced a report to consider an application received by Mr SMKH for the grant of a Private Hire Driver Licence. Mr SMKH attended the meeting, answered questions from councillors and officers and made representations in respect of his application.

Members considered the representations made by Mr SMKH as well as other material information relevant to his application. Members had regard to their Policy and on this occasion were not persuaded to act outside their Policy.

Resolved – That Mr SMKH’s application for the grant of a Private Hire Driver Licence be refused.

At this point, Councillor Collins left the meeting.

119 **APPOINTMENT OF CHAIR**

Resolved – That Councillor D Mitchell be appointed Chair for the remainder of the meeting.

120 **PRIVATE HIRE DRIVER LICENCE (AA)**

The Director of Governance and Assurance introduced a report to consider whether Mr AA should continue to hold a Private Hire Driver Licence. Mr AA attended the meeting, answered questions from Members and made representations.

Members considered carefully the representations and explanations made by Mr AA regarding the complaint against him. The Panel also considered other evidence, including evidence from the complainant, telephone calls to the taxi operator and a CCTV recording. Members questioned Mr AA in detail and considered his responses at length.

Resolved – That Mr AA be allowed to continue to hold a Private Hire Driver Licence.

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LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

18 MARCH 2020

REPORT TITLE	REVIEW OF PRIVATE HIRE OPERATOR LICENCE CONDITIONS
REPORT OF	DIRECTOR OF GOVERNANCE AND ASSURANCE

REPORT SUMMARY

The purpose of this report is for the Committee to consider revised Private Hire Operator Licence Conditions. Amendments to the conditions relate particularly to the recording of complaints, staff employed by the Operator and booking records.

This matter affects all Wards within the Borough.

RECOMMENDATION/S

That the Committee approve the revised Private Hire Operator Licence Conditions in Appendix 1 of the report.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 A review of the current Private Hire Operator Licence Conditions has been undertaken as it is considered necessary and appropriate to amend the conditions in order to promote a higher level of public safety and ensure that the conditions are clear. The revised conditions have been developed in consultation with colleagues in the City Region Authorities and it is proposed that the revised conditions are adopted by each of the authorities to promote consistency across the City Region.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 It is considered both necessary and appropriate to revise the current Private Hire Operator conditions, therefore it is not considered an option not to revise the conditions.

3.0 BACKGROUND INFORMATION

- 3.1 A review of the current Private Hire Operator Licence Conditions has been undertaken. The aim of the review was to ensure that the licensing conditions were updated to take into account changes in technology and to provide effective protection for members of the public.
- 3.2 The review has been undertaken having regard to draft Statutory Guidelines entitled Taxis and Private Hire Vehicle Licensing: Protecting Users.
- 3.3 The amendments that have been made particularly relate to booking records, the recording of complaints and requirements relating to staff employed by the Operator.
- 3.4 The draft document has been subject to consultation with licensed Private Hire Operators and the other Licensing Authorities in the City Region.
- 3.5 Following this consultation a final draft document has been developed incorporating feedback received from this consultation and this is attached at Appendix 1.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no specific implications arising from this report.

5.0 LEGAL IMPLICATIONS

- 5.1 Section 55(3) of the Local Government (Miscellaneous Provisions) Act 1976 provides that a district council may attach to the grant of a licence such conditions as they may consider reasonably necessary.

6.0 RESOURCE IMPLICATONS: ICT, STAFFING AND ASSETS

6.1 There are no specific implications arising from this report.

7.0 RELEVANT RISKS

7.1 It is intended that the revised conditions will provide an increase in the level of protection to the public using the services of a Private Hire Operator therefore there is a risk to public safety should the revised conditions not be approved.

8.0 ENGAGEMENT/CONSULTATION

8.1 The guiding principles for a fair consultation can be summarised as follows:

- It should be at a time when proposals are at a formative stage;
- Must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and an intelligent response;
- Those consulted should be made aware of the factors that are of decisive relevance to the decision;
- Adequate time should be given for consideration and response;
- The product of the consultation should be conscientiously taken into account by the decision makers in finalising their statutory proposals when the ultimate decision is taken.

8.2 Consultation has taken place with licensed Private Hire Operators through two separate meetings over a period of two months between 6 January 2020 and 25 February 2020. A table showing a summary of the feedback received and action taken in response to the feedback is attached at Appendix 2.

9.0 EQUALITY IMPLICATIONS

9.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

The revised conditions will improve the level of protection to all members of the public.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 The operating of Private Hire Vehicles does contribute to the emission of harmful tailpipe pollutants such as particulates (soot), volatile organic compounds, hydrocarbons, carbon monoxide, ozone, lead, and various oxides of nitrogen.

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APPENDICES

Appendix 1 – Draft Private Hire Operator Licence Conditions

Appendix 2 – A summary of the feedback received from Private Hire Operators

BACKGROUND PAPERS

Taxi and Private Hire Vehicle Licensing: Protecting Users - Statutory Guidance for Licensing Authorities

Current Private Hire Operator Conditions

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Licensing Health and Safety and General Purposes Committee	25 November 2015 21 March 2018



PRIVATE HIRE OPERATOR LICENCE

CONDITIONS

DRAFT

March 2020

PRIVATE HIRE OPERATOR LICENCE CONDITIONS

Holders of Private Hire Operator licences are required to ensure they comply with the following conditions at all times.

Should any of the below conditions be breached, the Private Hire Operator licence may be suspended or revoked and legal action may be taken in accordance with relevant legislation.

Please note where the conditions refer to 'in writing', this includes email. The email address for the Licensing Section is licensing@wirral.gov.uk

These conditions may be revised, amended, or updated from time to time. If this occurs the licensed operator will be advised accordingly and provided with a copy of the amended conditions.

PREMISES

1. Operators must only operate from premises listed on the Private Hire Operator licence.
2. All premises used by the Operator for the purpose of taking bookings must have valid planning permission, where required, and must comply in all other aspects with any rule, byelaw, or regulation governing its use including but not limited to, Health and Safety at Work etc Act 1974, The Regulatory Reform (Fire Safety) Order 2005, and the provision of public liability and employer's liability insurance.
3. All premises used by the operator for the purpose of taking bookings must be kept clean, in good repair, adequately heated, ventilated, and well-lit.
4. Where any passenger waiting area is provided at an Operator's premises adequate seating must be provided. The area and any furniture and fittings must be kept clean and in good repair.
5. Any passenger waiting area provided must be separate from any drivers' rest area and the office / operations room.

LICENSED DRIVERS

6. No operator shall cause, permit, or allow any person to drive any vehicle which the operator is using as a Private Hire Vehicle unless the driver holds a Private Hire Driver licence issued by Wirral Council.

LICENSED VEHICLES

7. No operator shall operate any vehicle as a Private Hire Vehicle unless the vehicle holds a Private Hire Vehicle licence issued by Wirral Council.

DOORSIGNS AND LIVERY

8. A magnetic or adhesive door sign must be affixed on either both front or both rear doors of a vehicle at all times when the vehicle is available for use as a private hire vehicle. The door sign must measure at least 590mm wide by 220mm high and shall contain the following information:
 - a. the words "ADVANCE BOOKINGS ONLY" or "PRIVATE HIRE ONLY" in uppercase letters measuring at least 50% of the height of the name of the operator on the door sign and in all cases at least 30mm high. This wording must be positioned above all other information contained on the door sign
 - b. the name of the Private Hire Operator for which work is being undertaken
 - c. the preferred method of contact of the private hire operator for which work is being undertaken. This may include a telephone number, website address, smartphone/web app name, or similar
9. The Operator must provide each driver with a minimum of two door signs which comply with the above requirements.

10. As an alternative to affixed door signs a Private Hire Vehicle may have the following information displayed as livery on at least both sides of the vehicle:
- a. the words “ADVANCE BOOKINGS ONLY” or “PRIVATE HIRE ONLY” in uppercase letters measuring at least 50% of the height of the name of the operator contained within the livery and in all cases at least 30mm high. This wording must be positioned above all other information contained within the livery
 - b. the name of the Private Hire Operator for which work is being undertaken
 - c. the preferred method of contact of the Private Hire Operator for which work is being undertaken. This may include a telephone number, website address, smartphone/web app name, or similar
11. Any proposed changes to the design of a door sign or livery must be presented to Wirral Council for approval before said change takes place.

INSURANCE

12. Operators must take all reasonable steps to ensure that every vehicle operated by them is at all times covered by an appropriate policy of insurance for carrying out Private Hire work.

13. DRIVER / VEHICLE DETAILS

14. The Operator must maintain at all premises used by them for the purposes of taking bookings, a list of all licensed drivers and vehicles operated by them, which must include:
- a. Full name of the driver
 - b. Date the driver commenced work with the Operator
 - c. Private Hire Driver licence number
 - d. Expiry date of the Private Hire Driver licence
 - e. Call-sign allocated to the driver, if applicable
 - f. Private Hire Vehicle plate number
 - g. Expiry date of Private Hire Vehicle licence
 - h. Vehicle registration number
 - i. Vehicle make and model
15. The driver list must be made available for inspection to an Authorised Officer upon request.
16. Operators holding a licence which permits more than one vehicle to be operated must send a copy of the list of all licensed drivers containing the information above to Wirral Council on the first Monday of each calendar month. The list may be sent via email (taxilicensing@wirral.gov.uk) or in the post.
17. Operators must not use the services of any driver without having noted the details above, ensuring at all times that the driver and the vehicle being used have current licences.

CONTRACT OF HIRE

18. Every contract of hire of a Private Hire Vehicle shall be deemed to be made with the Operator whether or not they provide the vehicle themselves and the Operator shall be liable under the terms of that contract.

BOOKING RECORDS

19. The Operator must make a record of every booking of a Private Hire Vehicle invited or accepted by the Operator, whether by accepting the booking directly or undertaking it at the request of another licensed operator or if it is intended that the booking is to be sub contracted to another Operator.
20. The record of each booking must be made before the start of each journey and must contain the following information:
 - a. Date and time the booking is made
 - b. Name of the passenger
 - c. Pick-up address/location
 - d. Destination address/location (see condition 20)
 - e. The name of the driver / call sign
 - f. The driver's licence number
 - g. The vehicle registration or Private Hire Vehicle licence number
 - h. Remarks, including how the booking was made, fare quoted where applicable
 - i. If the booking has been sub-contracted, the name of the operator from which the work was sub-contracted
21. If the drop-off address/location was not known before the journey commenced, this information must be recorded immediately upon completion of the journey.
22. The record of bookings must be kept on either a computer database which must have the facility for printing records, or in chronological order in a book with consecutively numbered pages./ provided by Wirral Council for the purpose of taking bookings.
23. Any abbreviations used in the record of the booking must be cross referenced in a separate key.
24. The booking record is to be kept as a live record. Advance bookings should be kept as a separate log and include any amendments that are subsequently made, including but not limited to the cancellation of the booking.
25. For clarity, where any bookings are sub-contracted either by the Operator to another licensed Operator or are accepted by the Operator from another Operator a full record of the booking as detailed above including the name of the sub-contractor must be maintained.
26. The record of bookings must be kept for a minimum period of 12 months and must be made available to an Authorised Officer upon request.

CHARGES

27. The Operator must ensure that details of charges are provided on request to any person making a booking, prior to the commencement of any journey.

28. The Operator must provide Wirral Council with a current scale of standard fares and inform Wirral Council, in writing, of any change to the standard scale of fares.
29. The operator must ensure that the fares charged by drivers of Hackney Carriage Vehicles are no more than those set by Wirral Council as shown on the taximeter.

STANDARD OF SERVICE

30. The Operator must provide a prompt, efficient, and reliable service to members of the public at all reasonable times ensuring vehicles attend the appointed time and place unless delayed or prevented by sufficient cause.
31. The Operator must ensure vehicles supplied are of suitable capacity for the number of passengers. This may require more than one vehicle to be supplied in order to comply with this condition. In these circumstances customers must be advised that their booking is subject to more than one vehicle.
32. Where customers indicate they have luggage to be transported in addition to passengers, vehicles supplied must have adequate space for their luggage.

STAFF

33. The Operator must not employ any staff to undertake the role of booking and dispatching vehicles or who will have access to that information, before they have had sight of a Basic Disclosure and Barring Services (DBS) check certificate that has been carried out no more than 28 days prior to the proposed date for the commencement of their employment.
34. The Operator must have in place a written policy relating to circumstances when a DBS certificate shows evidence that an individual applicant wishing to work for them taking bookings and dispatching vehicles or has access to that information, has committed a criminal offence. This policy must be made available to an Authorised Officer on request. The purpose of the policy must be to ensure that any staff employed by the Operator do not pose a risk to the public or the safeguarding of children and vulnerable adults.
35. All staff employed by the Operator for the booking and dispatching of vehicles or has access to that information must undergo safeguarding training provided by the Licensing Authority within two months of starting employment with the Operator.
36. Where the Operator employs staff to make provision for the acceptance of bookings they must ensure that the staff have read, understood, and comply with these conditions and other conditions of relevant licences. A written record confirming this must be kept and made available to Authorised Officers upon request.
37. The Operator must ensure that staff employed to make provision for bookings provide a high standard of customer care at all times.
38. A register of all staff undertaking the bookings and dispatching of vehicles must be maintained which includes: the date they commenced employment with the Operator, evidence that a DBS check was carried out prior to their employment and a record of when they undertook the safeguarding training with the Licensing authority.

COMPLAINTS

39. The Operator must have a complaints management system which is used to record and monitor all complaints received from members of the public.
40. In any part of the premises to which the public have access, and or on the website used for the purpose of taking bookings, the Operator shall prominently display a notice advising who complaints should be directed to in the first instance and the method for doing so.
41. On receipt of a complaint, the Operator must document in an electronic form or bound book with consecutively numbered pages the following information:

- a. date and time the complaint was received
- b. name and contact details of the complainant
- c. name of driver(s) against whom the complaint has been made
- d. private hire driver licence number
- e. vehicle registration number and licence number (plate number)
- f. details of the complaint including the date of the incident
- g. details of the actions taken by the Operator in response to the complaint
- h. date investigation was completed
- i. outcome of complaint
- j. date complaint was reported to the Licensing Authority

42. The complaint records referred to above shall be held and secured at the Operator's business address and shall be made available to an Authorised Officer at all reasonable times.

43. Details of any complaint that may constitute an offence or breach of a licence condition by any driver or which include but is not limited to reference to any of the following allegations must be reported to Wirral Council within 72 hours:

- Sexual misconduct, sexual harassment or inappropriate sexual attention
- Inappropriate sexual conversation
- Inappropriate conversation, this may include but is not limited to reference to religion or any of the protected categories under The Equality Act 2010.
- Physical abuse
- Verbal abuse
- Behaviour that contravenes The Equality Act 2010
- Dishonesty
- Driving standards
- A pattern of overcharging

44. The Operator must keep records of complaints for a minimum period of three years.

RADIO EQUIPMENT

45. An Operator using radio equipment must hold the relevant Business Radio User Licence issued by Ofcom, and must make this licence available to an Authorised Officer upon request.

46. Any radio equipment used by operators must be maintained in good working order

LOST PROPERTY

47. The Operator must keep a record of lost property handed in to them by any driver.

48. The Operator must make the record of lost property available to an Authorised Officer upon request.

CONVICTIONS

49. The Operator must notify Wirral Council within 72 hours, in writing, details of any;

- a. investigation into any criminal offence
- b. warnings received

- c. cautions received
- d. criminal convictions received

50. If the Operator is a limited company the above condition relates to any and all of its directors and/or company secretary.

CHANGE OF ADDRESS

51. The operator must notify Wirral Council, in writing, any change of their private address, or in the case of a limited company, any change to the registered office address, within 7 days of the change taking place.

If you are aggrieved by any of the requirements contained in the below conditions you have the right of appeal to a Magistrates' Court within 21 days of the issue of the licence to which these conditions are attached.

Private Hire Operator Licence Conditions Review
Feedback from consultation with Private Hire Operators

CONDITION	SUMMARY OF COMMENTS	RESPONSE TO COMMENTS
<p>DOORSIGNS</p> <p>8. A magnetic or adhesive door sign must be affixed on either both front or both rear doors of a vehicle at all times when the vehicle is available for use as a private hire vehicle. The door sign must measure at least 590mm wide by 220mm high and shall contain the following information:</p> <p>a. the words “ADVANCE BOOKINGS ONLY” or “PRIVATE HIRE ONLY” in uppercase letters measuring at least 50% of the height of the name of the operator on the door sign and in all cases at least 30mm high. This wording must be positioned above all other information contained on the door sign</p> <p>b. the name of the Private Hire Operator for which work is being undertaken</p> <p>c. the preferred method of contact of the private hire operator for which work is being undertaken. This may include a</p>	<p>Doorsigns are an advert for the company and not a safety issue.</p> <p>Any unlicensed driver can arrange for doorsigns and licence plates to be made and displayed on an unlicensed vehicle. Other measures should be taken to ensure that a licensed vehicle is identified as such on all four sides of the vehicle.</p>	<p>Doorsigns on Private Hire Vehicles identify the Operator and provide a safeguarding function as they give confidence to the customer that they have got the vehicle they booked and enable the public to know who the Operator is should they wish to report a matter relating to the vehicle or a journey they have had through that particular Operator. There has been no amendment to this condition from the current conditions.</p>

<p>telephone number, website address, smartphone/web app name, or similar</p> <p>9. The Operator must provide each driver with a minimum of two door signs which comply with the above requirements.</p>		
<p>INSURANCE</p> <p>12. Operators must take all reasonable steps to ensure that every vehicle operated by them is at all times covered by an appropriate policy of insurance for carrying out Private Hire work. The Operator must have on record, details of the expiry date of the insurance relating to all vehicles that they operate and have a system in place to remove a vehicle from their system should the insurance of that vehicle expire.</p>	<p>There are concerns regarding holding insurance details. A number of drivers obtain insurance weekly and this is difficult to keep track of, particularly when a Private Hire Operator has a large number of vehicles.</p> <p>A driver can obtain a 12 month insurance policy and cancel it after a few days. Or the driver may default on the monthly payments. The operator will not find out.</p>	<p>It is accepted that individuals may cancel or change insurance on a regular basis, therefore there will be no amendment to the current condition.</p>
<p>BOOKING RECORDS</p> <p>18. The Operator must make a record of every booking of a Private Hire Vehicle invited or accepted by the Operator, whether by accepting the booking directly or undertaking it at the request of another licensed operator or if it is intended that the booking is to be sub contracted to another Operator.</p>		

<p>19. The record of each booking must be made before the start of each journey and must contain the following information:</p> <ul style="list-style-type: none"> a. Date and time the booking is made b. Name of the passenger c. Pick-up address/location d. Destination address/location (see condition 20) e. The name of the driver f. The driver's licence number g. The vehicle registration or Private Hire Vehicle licence number h. Remarks, including how the booking was made, fare quoted where applicable i. If the booking has been sub-contracted, the name of the operator from which the work was sub-contracted <p>20. If the drop-off address/location was not known before the journey commenced, this information must be recorded immediately upon completion of the journey.</p>	<p>Although our digital booking/dispatch system allows us to do this automatically at the moment-we do not feel it is justifiable that we could be in breach of our terms and conditions of licensing if we have an issue with our system or if we move to a system that cannot do this automatically.</p> <p>A booking may be made several weeks in advance, particularly in respect of an airport booking. Operators undertaking this type of work operate in a different way to other operators.</p> <p>Passengers do not always identify the exact drop off location and may change their mind part way through the journey.</p> <p>The requirement for the driver's name is considered unnecessary as drivers are usually issued with a unique call sign which can be traced back to them.</p> <p>An operator will always know the final destination.</p>	<p>The details set out in this condition follow the requirements set out in the draft Statutory Guidance.</p> <p>Reference is made separately in the conditions in respect of advance bookings.</p> <p>Reference is made in the conditions regarding records being updated immediately after the journey if this is necessary.</p> <p>Reference is made to a key being provided should abbreviations be used. This will be made clearer to include call signs. The use of a call sign in the booking records will also be made permissible.</p>
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<p>21. The record of bookings must be kept on either a computer database which must have the facility for printing records, or in chronological order in a book with consecutively numbered pages./ provided by Wirral Council for the purpose of taking bookings.</p> <p>22. Any abbreviations used in the record of the booking must be cross referenced in a separate key.</p> <p>23. The booking record is to be kept as a live record. Advance bookings should be kept as a separate log and include any amendments that are subsequently made, including but not limited to the cancellation of the booking.</p> <p>24. For clarity, where any bookings are sub-contracted either by the Operator to another licensed Operator or are accepted by the Operator from another Operator a full record of the booking as detailed above including the name of the sub-contractor must be maintained.</p> <p>25. The record of bookings must be kept for a minimum period of 12 months and</p>	<p>This is most likely wording - but with its current wording we'd be in breach of the conditions if we had to go to paper/pen and we put callsign before the pickup address (as it isn't on Wirral council approved format). To have a format preferred by Wirral council is one thing(and useful), but to make it a condition of licence is excessive.</p>	<p>Most Operators will record bookings on a computer database. This condition provides assistance to those Operators that do not have such a system as a pre printed book will be provided by the Licensing Authority.</p>
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<p>must be made available to an Authorised Officer upon request.</p>		
<p>CHARGES</p> <p>26. The Operator must ensure that details of charges are provided on request to any person making a booking, prior to the commencement of any journey.</p> <p>27. The Operator must provide Wirral Council with a current scale of fares and inform Wirral Council, in writing, of any change to the scale of fares they intend to charge prior to the changes taking effect.</p> <p>28. The operator must ensure that the fares charged by drivers of Hackney Carriage Vehicles are no more than those set by Wirral Council as shown on the taximeter.</p>	<p>It is not considered necessary to notify the Council with a table of fares and when changes are made to that table.</p>	<p>It is accepted that some Operators may change fares in response to demand, therefore the condition will be amended to make reference to a scale of standard fares. The purpose of this condition is to assist investigations relating to possible overcharging by an individual driver.</p>
<p>STAFF</p> <p>32. The Operator must not employ any staff before they have had sight of a Basic Disclosure and Barring Services</p>	<p>There are concerns regarding the DBS requirement as this could delay the start date for new employees. Concerns were</p>	<p>This proposed condition is in line with the draft Statutory Guidance. The Guidance also sets out that it is for the Operator to</p>

<p>(DBS) check certificate that has been carried out no more than 28 days prior to the proposed date for the commencement of their employment.</p> <p>33. The Operator must have in place a written policy relating to circumstances when a DBS certificate shows evidence that an individual applicant wishing to work for them taking bookings and dispatching vehicles or has access to that information, has committed a criminal offence. This policy must be made available to an Authorised Officer on request. The purpose of the policy must be to ensure that any staff employed by the Operator do not pose a risk to the public or the safeguarding of children and vulnerable adults.</p> <p>34. All staff employed by the Operator for the booking and dispatching of vehicles or has access to that information must undergo safeguarding training provided by the Licensing Authority within two months of starting employment with the Operator.</p> <p>35. Where the Operator employs staff to make provision for the acceptance of</p>	<p>also expressed regarding the employment of current staff following a DBS check should a decision be made to terminate their employment. Also concern expressed should the Operator continue to employ an individual with a conviction and an authorised Officer consider that this individual posed a threat.</p> <p>The term, 'Authorised Officer' is extremely vague. If the AO has had no experience in employment situations or in DBS checking, they would be able to make decisions that would affect our business.</p> <p>In principle this is an understandable requirement for staff to undergo safeguarding training. What we object to is the requirement for the training to be completed exclusively by Wirral Council. – as there is no requirement in LGMSPA 1976 or the guidance from DfT that states it must be provided by the local authority.</p>	<p>develop their own Policy in respect of the consideration of the fitness and propriety of individuals should any convictions appear on a Basic Disclosure and Barring Certificate. It is not the role of the Authorised Officer to direct or implement such a policy.</p> <p>This refers to an officer within the council who has been authorised to undertake specific duties under particular legislation.</p> <p>The Licensing Authority have developed a comprehensive safeguarding training session which has been well received by those attending. The provision of the course by the Licensing Authority ensures consistency across all licensed Operators.</p>
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<p>bookings they must ensure that the staff have read, understood, and comply with these conditions and other conditions of relevant licences. A written record confirming this must be kept and made available to Authorised Officers upon request.</p> <p>36. The Operator must ensure that staff employed to make provision for bookings provide a high standard of customer care at all times.</p> <p>37. A register of all staff undertaking the bookings and dispatching of vehicles must be maintained which includes: the date they commenced employment with the Operator, evidence that a DBS check was carried out prior to their employment and a record of when they undertook the safeguarding training with the Licensing Authority</p>	<p>Ignoring the fact that we can deliver Safeguarding training as a training centre, there are other safeguarding courses available and we fail to see why our staff are restricted to just Wirral Council's.</p> <p>We will need to pay staff to attend these courses and potentially transport them there/back. Whereas we could train them inhouse and not incur (or significantly reduce) these costs.</p> <p>There are therefore, concerns regarding staff having to take time out for safeguarding training and the cost implications if staff have to attend a session located away from their place of work.</p>	<p>Training can be delivered at the premises of the Operator which will minimise the time away from their normal duties. There is no charge for the training.</p>
<p>COMPLAINTS</p> <p>38. The Operator must have a complaints management system which is used to record and monitor all</p>		

complaints received from members of the public.

39. In any part of the premises to which the public have access, and or on the website used for the purpose of taking bookings, the Operator shall prominently display a notice advising who complaints should be directed to in the first instance and the method for doing so.

40. On receipt of a complaint, the Operator must document in an electronic form or bound book with consecutively numbered pages the following information:

- a. date and time the complaint was received
- b. name and contact details of the complainant
- c. name of driver(s) against whom the complaint has been made
- d. private hire driver licence number
- e. vehicle registration number and licence number (plate number)

<p>f. details of the complaint including the date of the incident</p> <p>g. details of the actions taken by the Operator in response to the complaint</p> <p>h. date investigation was completed</p> <p>i. outcome of complaint</p> <p>j. date complaint was reported to the Licensing Authority</p> <p>41. The complaint records referred to above shall be held and secured at the Operator's business address and shall be made available to an Authorised Officer at all reasonable times.</p> <p>42. Details of any complaint that may constitute an offence or breach of a licence condition by any driver or which include but is not limited to reference to any of the following allegations must be reported to Wirral Council within one working day:</p> <ul style="list-style-type: none"> • Sexual misconduct, sexual harassment or inappropriate sexual attention • Inappropriate sexual conversation • Inappropriate conversation 	<p>It was identified that a list of specific complaints that are of concern to the Council should be included in the conditions rather than the conditions just referring to all complaints. Not all complaints need to be reported to the Council. All complaints could mean anything from someone saying I didn't like the interior of the vehicle to a genuine breach of licence.</p> <p>The list should include possible examples of the types of complaint.</p> <p>The requirement to report a complaint within one working day was considered unreasonable.</p>	<p>The conditions will provide a list and where necessary examples.</p> <p>It is accepted that the Operator may require further time to establish details of the complaint therefore reference to one working day will be amended accordingly.</p>
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<ul style="list-style-type: none">• Physical abuse• Verbal abuse• Behaviour that contravenes The Equality Act 2010• Dishonesty• Driving standards• A pattern of overcharging <p>Or</p> <p>Details of all complaints must be reported to Wirral Council within one working day.</p> <p>43. The Operator must keep records of complaints for a minimum period of 12 months.</p>	<p>The current requirement of three years should be maintained until there is confidence that the council is receiving the appropriate level of information from Operators.</p>	<p>The current three year requirement will remain.</p>
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