



Regulatory and General Purposes Committee

Date:	Wednesday, 15 September 2021
Time:	6.00 p.m.
Venue:	Floral Pavilion, Marine Promenade, New Brighton

Members of the public are encouraged to view the webcast (see below) but for anyone who would like to attend in person, seating is limited therefore please contact us in advance of the meeting if you would like to reserve a seat. All those attending will be asked to wear a face covering (unless exempt) and are encouraged to take a Lateral Flow Test before attending. You should not attend if you have tested positive for Coronavirus or if you have any symptoms of Coronavirus.

This meeting will be webcast at
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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 item 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 17 June 2021.

3. MINUTES OF THE REGULATORY PANEL (Pages 5 - 30)

To approve the accuracy of the minutes of the meetings of the Regulatory Panel held on 11 June, 30 June, 9 July and 13 August 2021.

4. TAXI AND PRIVATE HIRE LICENSING POLICY (Pages 31 - 210)

REGULATORY AND GENERAL PURPOSES COMMITTEE

Thursday, 17 June 2021

Present:

Councillor A Hodson (Chair)

Councillors	C Jones	C O'Hagan
	D Mitchell	C Spriggs
	J Bird	I Williams
	D Burgess-Joyce	KJ Williams
	M Collins	S Williams
	E Gleaves	A Wright
	S Jones	

1 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 item on the agenda and state the nature of the interest.

Councillor Sharon Jones declared a personal interest by virtue of her partner being a Private Hire Driver.

2 MINUTES

Resolved – That the accuracy of the minutes of the meeting held on 23 March 2021 be approved.

3 MINUTES OF THE REGULATORY PANEL

Resolved – That the accuracy of the minutes of the meetings of the Regulatory Panel held on 5 March and 16 April 2021 be approved.

4 APPOINTMENT OF MEMBERS TO THE REGULATORY PANEL AND THE CHARITABLE TRUSTS SUB-COMMITTEE

The Director of Law and Governance submitted a report in respect of the appointment of Members to the Regulatory Panel and the Charitable Trusts Sub-Committee.

It was reported that the Terms of Reference of the Regulatory and General Purposes Committee as contained in the Council's Constitution required this Committee to appoint five of its members, politically balanced, to the Charitable Trusts Sub-Committee which has responsibility for discharging the

Council's functions as corporate trustee of E F Callister Youth Club and Wirral Mayor's Charity.

It was further reported that the Terms of Reference also allowed for the convening of Sub-Committees (Licensing Panels – Regulatory) of between three and five Members of the Regulatory and General Purposes Committee, politically balanced, with the responsibility for the Council's functions to deal with applications, determinations and reviews of licences or registrations and any related matter, in respect of any licensed activity that is the responsibility of the Authority (other than under the Licensing Act 2003 or the Gambling Act 2005).

Members were advised that Panels of three or four Members had been considered but had been judged to be restrictive in terms of achieving sufficient political balance for decision making purposes, therefore a Panel of five Members would be more representative. The allocation of five seats on both the Charitable Trusts Sub-Committee and Licensing Panels (Regulatory) would be 2 Labour, 2 Conservative and 1 Liberal Democrat and it would be for the political groups to decide who they wished to nominate to the places on the Regulatory Panel and the Charitable Trusts Sub-Committee allocated to their group.

Members expressed concerns that they had on occasions been required to withdraw from the Regulatory Panel due to an unexpected conflict of interest and that if the Panel had to be politically balanced, the remaining Members would be unable to consider the application before them. Members highlighted the fact that there was cross-party agreement that they would act in a non-political manner when considering applications and therefore requested that the Director of Law and Governance consider how Regulatory Panels could operate without political proportionality.

On a motion by the Chair and seconded by Councillor Mike Collins it was –

Resolved –

- (1) That the Terms of Reference of the Regulatory Panel and the Charitable Trusts Sub-Committee, as referred to in paragraphs 1.1 and 1.3 of this report be noted.**
- (2) That the Director of Law and Governance (Monitoring Officer) be authorised to carry out the wishes of the Group Leaders in allocating Members to membership of the Charitable Trusts Sub-Committee and to appoint those Members with effect from the date at which the proper officer is advised of the names of such Members.**

- (3) That the Director of Law and Governance (Monitoring Officer) be delegated authority, in consultation with the Chair and Spokespersons, to convene Licensing Panels (Regulatory) as and when required for the purposes of carrying out the Council's functions to deal with applications, determinations and reviews of licences or registrations, and any related matter, in respect of any licensed activity that is the responsibility of the Authority (other than under the Licensing Act 2003 or the Gambling Act 2005).**
- (4) That the Director of Law and Governance be requested to consider how Regulatory Panels could operate without political proportionality.**

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REGULATORY PANEL

Friday, 11 June 2021

Present: Councillor A Hodson (Chair)
Councillors D Mitchell S Williams
I Williams

1 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.

2 PRIVATE HIRE VEHICLE LICENCE APPLICATION - FORD MONDEO, REGISTRATION NUMBER AV60 GME

The Director of Law and Governance reported upon an application received to re-license a Ford Mondeo, registration number AV60 GME, beyond the normal over-age date for a licensed Private Hire Vehicle. The vehicle had been licensed as a Private Hire Vehicle since 28 January 2014 and the licence expired on 22 April 2021. The date of first registration of this vehicle was 25 September 2010. On expiry of a previous licence on 25 September 2020 an application to grant a six month licence was considered under delegated authority and the application was granted. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificates were available for Members.

The proprietor of the vehicle was present at the meeting with his vehicle which Members of the Panel inspected.

Resolved – That the application to license the Ford Mondeo, registration number AV60 GME, as a Private Hire Vehicle be granted for four months subject to repairs being undertaken to the seat and carpets.

3 PRIVATE HIRE VEHICLE LICENCE APPLICATION - FORD FOCUS, REGISTRATION NUMBER LM10 ADV

The Director of Law and Governance reported upon an application received to re-license a Ford Focus, Registration Number LM10 ADV, beyond the normal over-age date for a licensed Private Hire Vehicle. The vehicle had been

licensed as a Private Hire Vehicle since 20 February 2018 and the current licence was due to expire on 16 June 2021. The date of first registration of the vehicle was 16 June 2010. On expiry of a previous licence on 16 June 2020 an application for a six month licence was granted under delegated authority. On 16 December 2020 an application for a six month licence was granted by the Regulatory Panel. The vehicle has been examined at one of the Council's authorised testing stations and the pass certificates were available for Members.

The proprietor of the vehicle was present at the meeting with his vehicle which Members of the Panel inspected.

Resolved – That the application to license the Ford Focus, Registration Number LM10 ADV, as a Private Hire Vehicle be granted for six months.

4 PRIVATE HIRE VEHICLE LICENCE APPLICATION - TOYOTA PRIUS, REGISTRATION NUMBER AU60 ZXW

The Director of Law and Governance reported upon an application received to re-license a Toyota Prius, registration number AU60 ZXW, beyond the normal over-age date for a licensed Private Hire Vehicle.

The proprietor of the vehicle was unable to attend the meeting.

Resolved – That the application be deferred to a future meeting of the Regulatory Panel should the applicant wish to pursue the matter.

5 PRIVATE HIRE VEHICLE LICENCE APPLICATION - TOYOTA AVENSIS, REGISTRATION NUMBER YF11 UAU

The Director of Law and Governance reported upon an application received to re-license a Toyota Avensis, registration number YF11 UAU, beyond the normal over-age date for a licensed Private Hire Vehicle. The vehicle had been licensed as a Private Hire Vehicle since 13 June 2018 and the current licence was due to expire on 12 June 2021. The date of first registration of this vehicle was 6 June 2011. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificates were available for Members.

The proprietor of the vehicle was present at the meeting with his vehicle which Members of the Panel inspected.

Resolved – That the application to re-license a Toyota Avensis, registration number YF11 UAU, as a Private Hire Vehicle be granted for six months.

6 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - MERCEDES C220, REGISTRATION NUMBER DA60 PDV**

The Director of Law and Governance reported upon an application received to re-license a Mercedes C220, registration number DA60 PDV, beyond the normal over-age date for a licensed Private Hire Vehicle. The vehicle had been licensed as a Private Hire Vehicle since 10 April 2019 and the licence expired on 27 February 2021. The date of first registration of the vehicle was 8 July 2010. On expiry of a previous licence on 28 August 2020 an application for a six month licence was granted under delegated authority. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificates were available for Members.

The proprietor of the vehicle was present at the meeting with his vehicle which Members of the Panel inspected.

Resolved – That the application to re-license a Mercedes C220, registration number DA60 PDV, as a Private Hire Vehicle be granted for six months.

7 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - FORD MONDEO, REGISTRATION NUMBER AV11 HNM**

The Director of Law and Governance reported upon an application received to re-license a Ford Mondeo, registration number AV11 HNM, beyond the normal over-age date for a licensed Private Hire Vehicle.

The proprietor of the vehicle was unable to attend the meeting.

Resolved – That the application be deferred to a future meeting of the Regulatory Panel should the applicant wish to pursue the matter.

8 **SCHOOL CONTRACT PRIVATE HIRE VEHICLE LICENCE APPLICATION - IVECO FORD DAILY, REGISTRATION NUMBER WA60 EWB**

The Director of Law and Governance reported upon an application received to re-license an Iveco Ford Daily, registration number WA60 EWB, beyond the normal over-age date for a licensed Private Hire Vehicle. The vehicle will be used exclusively to transport children to and from educational establishments. The vehicle had been licensed as a Private Hire Vehicle since 31 October 2018 and the licence expired on 8 May 2021. The date of first registration of the vehicle was 15 December 2010. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificates were available for Members.

The proprietor of the vehicle was present at the meeting with the vehicle which Members of the Panel inspected.

Resolved – That the application to re-license an Iveco Ford Daily, registration number WA60 EWB be granted for six months subject to the lift being repainted.

9 **SCHOOL CONTRACT PRIVATE HIRE VEHICLE LICENCE APPLICATION - IVECO FORD DAILY, REGISTRATION NUMBER N09 MUP**

The Director of Law and Governance reported upon an application received to re-license an Iveco Ford Daily, registration number N09 MUP, beyond the normal over-age date for a licensed Private Hire Vehicle. The vehicle will be used exclusively to transport children to and from educational establishments. The vehicle had been licensed as a Private Hire Vehicle since 24 January 2019 and the licence expired on 23 January 2021. The date of first registration of the vehicle was 29 July 2009. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificates were available for Members.

The proprietor of the vehicle was present at the meeting with the vehicle which Members of the Panel inspected.

Resolved – That the application to re-license an Iveco Ford Daily, Registration Number NG09 MUP be granted subject to a successful further MOT being completed on the vehicle.

10 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - FORD TOURNEO, REGISTRATION NUMBER YG66 UOF**

The Director of Law and Governance reported upon an application received to license a Ford Tourneo, registration number YG66 UOF, fitted with "privacy glass" as a Private Hire Vehicle outside the current criteria which states that side and rear windows must allow at least 70% of light to be transmitted through.

In September 2017 Members of the Licensing Health and Safety and General Purposes Committee approved criteria for licensing Private Hire Vehicles. A copy of the criteria was attached at Appendix 1 to the report.

Paragraph 36 of the criteria states that: The front windscreen must let at least 75% of light through and all other windows must let at least 70% of light through.

The proprietor of Murphy's Airlink has advised that the company have taken on a new contract for clients who prefer a certain amount of privacy whilst travelling. The company also intend to expand their client base of business customers who prefer more privacy in a vehicle.

Murphy's Airlink state that they undertake longer distance airport and special event transfers and do not undertake standard private hire work.

If the Regulatory Panel approve the vehicle to be licensed as a Private Hire Vehicle outside the current criteria the company intend to purchase the vehicle for transporting their business clients. The vehicle was made available for inspection at the meeting.

Resolved – That the application to grant a licence to a Ford Tourneo, Registration Number YG66 UOF be approved with the following conditions:

- i. All bookings must be made 24 hours in advance.**
- ii. Payment can only be made using an invoicing system.**
- iii. The Private Hire Operator must communicate in advance with the customer by sharing the drivers name, vehicle registration number, licence number and photograph by text or email.**

11 **APPLICATION TO APPROVE A FORD GRAND C-MAX TO CARRY SIX PASSENGERS**

The Director of Law and Governance reported upon an application received to approve the Ford Grand C-Max as a Private Hire Vehicle to carry six passengers and whether to license the Ford Grand C-Max registration number SJ68 KKM to carry six passengers.

In September 2017 Members of the Licensing Health and Safety and General Purposes Committee approved criteria for licensing Private Hire Vehicles. The criteria states that:

- Wirral Council must be satisfied that vehicles licensed as private hire vehicles are suitable in type, size and design for use as private hire vehicles, that it is in a suitable mechanical condition and is safe and comfortable.
- A vehicle that meets the criteria to be licensed as a private hire vehicle must have passed the MOT and Compliance Test in accordance with the Licensing Authority's procedure for testing vehicles before it can be licensed and before each renewal of that licence.

The Ford Grand C-Max is a model which complies with the Council's current criteria for licensing Private Hire Vehicles in that it is suitable in type, size and design, is in a suitable mechanical condition and is safe and comfortable.

The vehicle is fitted with six passenger seats however it has only been considered suitable to carry four passengers due to the positioning of the rear

two seats. A number of Ford C-Max vehicles are currently licensed to carry four passengers, however, the proprietor of the vehicle, Mr Platt, has applied to license a Ford Grand C-Max, registration number SJ68 KKM, to carry six passengers.

The Regulatory Panel was asked to consider whether the Ford Grand C-Max is now a suitable vehicle to be licensed to carry six passengers and whether to license the Ford Grand C-Max registration number SJ68 KKM to carry six passengers. The vehicle was made available to Members for inspection at the meeting.

Resolved –

- (1) That the Ford Grand C-Max may only be licensed to carry four passengers.**
- (2) That the application to approve a Ford Grand C-Max, registration number SJ68 KKM to carry six passengers be refused.**

12 **APPLICATION TO LICENSE THE MG5 EV AS A PRIVATE HIRE VEHICLE**

The Director of Law and Governance reported upon an application to consider whether to license the MG5 EV as a Private Hire Vehicle.

In September 2017 Members of the Licensing Health and Safety and General Purposes Committee approved criteria for licensing Private Hire Vehicles. The criteria states that:

- Wirral Council must be satisfied that vehicles licensed as private hire vehicles are suitable in type, size and design for use as private hire vehicles, that it is in a suitable mechanical condition and is safe and comfortable.
- A vehicle that meets the criteria to be licensed as a private hire vehicle must have passed the MOT and Compliance Test in accordance with the Licensing Authority's procedure for testing vehicles before it can be licensed and before each renewal of that licence.

A copy of the criteria was attached at Appendix 1 to the report. The Regulatory Panel was asked to consider whether the MG5 EV complies with the Council's criteria for licensing Private Hire Vehicles and whether it is a suitable vehicle to be licensed. The vehicle was made available for inspection at the meeting.

Resolved – That the MG5 EV be approved as a vehicle to be licensed as a Private Hire Vehicle.

13 **APPLICATION TO LICENSE THE DYNAMO NISSAN ELECTRIC TAXI AS A HACKNEY CARRIAGE VEHICLE**

The Director of Law and Governance reported upon an application received to license the Dynamo Nissan Electric Taxi as a Hackney Carriage Vehicle.

The current criteria that a Hackney Carriage Vehicle must comply with before being granted a licence includes the following:

- (i) that every vehicle must comply with the Council's Hackney Carriage Vehicle Licence conditions;
- (ii) that every vehicle must be purpose built and built to accommodate wheelchair disabled passengers;
- (iii) that every vehicle must be properly tested and roadworthy to a standard approved by the Council's vehicle inspectors, such testing to include the structural integrity;
- (iv) that all vehicles licensed must be properly insured and that proof of such insurance be shown to the Council either upon application or before issue of licence;
- (v) that every vehicle must be three years old or less from the date of first registration or date of manufacture (whichever is the earlier).

At the meeting of the Licensing, Health and Safety and General Purposes Committee on 25 November 2015 Members resolved that the consideration of applications for the approval of new makes and models of vehicles to be licensed as Hackney Carriage Vehicles be delegated to the Licensing Panel.

The vehicle has EC Vehicle Type Approval to M1 requirements and has been issued with a Vehicle Certification Agency (VCA) certificate. A copy of the certificate was attached at Appendix 1 to the report.

Type Approval is a system for testing and approving motor vehicles and for controlling conformity of production to be consistent with the approved type. Under the type approval system category M1 relates to passenger carrying vehicles having no more than eight seats in addition to the driver's seat. UK law defines a taxi as an M1 vehicle.

The vehicle was made available for inspection at the meeting.

Resolved – That the Dynamo Nissan Electric vehicle be approved as a vehicle to be licensed as a Hackney Carriage Vehicle.

14 **APPLICATION TO LICENSE AN LTI TXII AS A HACKNEY CARRIAGE VEHICLE, REGISTRATION NUMBER DK54 CZH**

The Director of Law and Governance reported upon an application received to license an LTI TXII, registration number DK54 CZH, as a Hackney Carriage Vehicle.

The current criteria that a Hackney Carriage Vehicle must comply with before being granted a licence includes the following:

(i) that every vehicle must comply with the Council's Hackney Carriage Vehicle Licence conditions;

(ii) that every vehicle must be purpose built and built to accommodate wheelchair disabled passengers;

(iii) that every vehicle must be properly tested and roadworthy to a standard approved by the Council's vehicle inspectors, such testing to include the structural integrity;

(iv) that all vehicles licensed must be properly insured and that proof of such insurance be shown to the Council either upon application or before issue of licence;

(v) 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 vehicle had been licensed as a Hackney Carriage Vehicle since before October 2008 and the licence expired on 25 October 2020. The date of first registration of the vehicle was 28 October 2004 and the vehicle is 17 years old. It therefore does not meet the criteria that every vehicle must be three years old or less. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificates were available for Members.

The proprietor of the vehicle was present at the meeting with his vehicle which Members of the Panel inspected.

Resolved – That the application to license an LTI TXII, registration number DK54 CZH, as a Hackney Carriage Vehicle be refused.

15 **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.

16 **HACKNEY CARRIAGE DRIVER LICENCE - WMC**

The Director of Law and Governance submitted a report for Members to consider whether Mr WMC should continue to hold a Hackney Carriage Driver Licence.

Mr WMC attended the meeting with his wife and made representations in respect of complaints made against him.

Members considered the complaints and the response made by Mr WMC and his wife.

Members gave due consideration to all of the representations made and exercised their rights to consider each case on its individual merits in light of the representations made. Members also had regard to the accounts provided.

Resolved – That, in light of the representations made, Mr WMC be allowed to continue to hold a Hackney Carriage Driver Licence.

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REGULATORY PANEL

Wednesday, 30 June 2021

Present: Councillors A Hodson (Chair)
D Burgess-Joyce
C Jones
S Jones
D Mitchell

17 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.

Councillors A Hodson, D Mitchell and D Burgess-Joyce declared a non pecuniary interest in item 2 – Application for a Market Rights Licence, by virtue of being Members of the Economy, Regeneration and Development Committee (minute 55 refers).

18 APPLICATION FOR A MARKET RIGHTS LICENCE

Councillors A Hodson, D Burgess-Joyce and D Mitchell declared a non pecuniary interest in this matter by virtue of being Members of the Economy, Regeneration and Development Committee (minute 54 refers).

Members of the Regulatory Panel considered an application for a Market Rights Licence. The application had been made by the Woodside Area Community Interest Company (“CIC”) and related to land at Woodside Ferry Village, adjacent to Woodside bus station. If granted, this would allow a market to take place at Woodside Ferry Village for a period of no more than two years.

The Licensing Manager advised that the options available to the Panel were to grant Woodside Area CIC a Market Rights Licence or to decline to grant such a licence. Should the Panel choose to grant a Markets Rights Licence it could do so with conditions and may also charge an issue payment representing compensation to the Council for the use of its Charter Rights. The Council’s Commercial Team had not suggested that an issue payment should be levied in this case. If this market is a commercial success and the applicant applies to renew the licence upon its expiry, an issue payment could be considered at that point.

The Licensing Manager informed Members that the Council acquired Birkenhead Market and the associated Charter Rights to hold a market on 2 February 2019. These Charter Rights give the Council the exclusive right to markets and fairs within the common law distance of 6 ²/₃ miles from the boundary of Birkenhead Market (“Charter Area”). The Council currently owns and operates Birkenhead Market in addition to retaining the Charter Rights. These Charter Rights can be used by the Council to manage markets and fairs that take place within the Charter Area. The controlled use of markets can encourage economic and social benefits within communities whilst preventing abuse or over saturation.

The applicant, Woodside Area CIC was established by the Wirral Chamber of Commerce with the objectives to:

- Carry out activities which benefit the community;
- Provide 'meanwhile' space with a view to regeneration in the Woodside Area;
- Benefit inhabitants of the Woodside and surrounding area (including potential job creation, regeneration, support for projects and events that promote economic growth);
- Support small business and 'start up' companies;
- Promote a sustainable and environmentally friendly area to attract visitors;
- Foster networks, collaborations and cluster activities between sectors, businesses, and the community.

Woodside Area CIC had recently identified the opportunity to expand their food and beverage offer at Woodside Ferry Village to include retail units located outside on land adjacent to the Ferry Terminal Building. The application for a Market Rights Licence followed their bid through the Town Deal fund to extend their activities and deliver a retail offer on this under-utilised land.

It was proposed that products sold would be limited to those that are made or created by the sellers. This would ensure that the offer would be different to that of Birkenhead Market which has a more varied offer. Further to this, sellers from the chalets would not be able to secure a long-term licence or pitch and would be able to trade for no more than one week at a time and limited to four times per year.

It was initially proposed that the chalets would be open on Thursday to Sunday increasing to seven days a week through the school holidays. The chalets would be located on Council owned land so it had been provisionally agreed that Woodside Area CIC would occupy the land on a two-year lease at a peppercorn rent. The lease would be contracted out of the provisions of the Landlord and Tenant Act so would not provide Woodside Area CIC with automatic rights to renew.

Woodside Area CIC sought to commence their activity from 1 May 2021 to take advantage of the May bank holiday weekend. Whilst the arrangements were being put in place to agree the 2-year lease, a temporary licence had been granted under delegated authority to cover the activities that took place during the weekend of 1-3 May and then subsequently for the later Bank Holiday weekend of 29-31 May 2021 and the four weekends of June 2021.

In determining the matter, whilst Members had concerns in respect of the sensitivities surrounding Birkenhead Market, they supported the application as they believed it would benefit Birkenhead and assist economically creating further employment. In coming to their decision, Members of the Regulatory Panel paid particular attention to paragraph 3.11 of the report which stated that the application was to allow the operation of 20 wooden chalet style units selling artisan products defined as:

- Made, grown or created within the premises of the seller;
- small scale in production;
- handcrafted using traditional methods; and
- unique and made with creative input.

Resolved –

- (1) That the application for a Market Rights Licence be granted with reference to the plan as applied for as follows:**

Permanent Market Licence:

Sunday to Saturday 11:00 to 19:00

Traders will set up from 09:00 and the site will be clear no later than 20:00.

Duration of Licence:

1 May 2021 to 30 April 2023

- (2) The normal operating days will be Thursday to Sunday for 36 weeks of the year and Sunday to Saturday for 16 weeks of the year covering school holidays.**
- (3) That the application is to allow the operation of 20 wooden chalet style units selling artisan products**
- (4) That officers in Regeneration be informed of the decision of this Panel.**

REGULATORY PANEL

Friday, 9 July 2021

Present: Councillor A Hodson (Chair)
Councillors D Burgess-Joyce D Mitchell
S Jones I Williams

19 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 S Jones declared a personal interest by virtue of her partner being a Private Hire Driver.

20 PRIVATE HIRE VEHICLE LICENCE APPLICATION - VW PASSAT, REGISTRATION NUMBER WN11 VUE

The Director of Law and Governance reported upon an application received to re-license a VW Passat, registration number WN11 VUE, beyond the normal overage date for a licensed Private Hire Vehicle. The vehicle had been licensed as a Private Hire Vehicle since 6 June 2018 and the licence expired on 5 June 2021. The date of first registration of the vehicle was 13 May 2011. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificates were available for Members.

The proprietor of the vehicle was present at the meeting with the vehicle which Members of the Panel inspected.

Resolved – That the application to license the VW Passat, registration number WN11 VUE, as a Private Hire Vehicle be granted for six months.

21 PRIVATE HIRE VEHICLE LICENCE APPLICATION - VAUXHALL ZAFIRA, REGISTRATION NUMBER DK11 UHG

The Director of Law and Governance reported upon an application received to re-license a Vauxhall Zafira, registration number DK11 UHG, beyond the normal overage date for a licensed Private Hire Vehicle. The vehicle had been licensed as a Private Hire Vehicle since 16 February 2015 and the licence was due to expire on 15 July 2021. The date of first registration of the vehicle was 1 March 2011. On expiry of a previous licence on 29 January 2021 an application to grant a six month licence had been granted by the

Regulatory Panel. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificates were available for Members.

The proprietor of the vehicle was present at the meeting with the vehicle which Members of the Panel inspected.

Resolved – That the application to license the Vauxhall Zafira, registration number DK11 UHG, as a Private Hire Vehicle be granted for six months.

22 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - CITROEN RELAY, REGISTRATION NUMBER NJ60 OAE**

The Director of Law and Governance reported upon an application received to re-license a Citroen Relay, registration number NJ60 OAE, beyond the normal overage date for a licensed Private Hire Vehicle. The vehicle had been licensed as a Private Hire Vehicle since 6 August 2018 and the current licence was due to expire on 5 August 2021. The date of first registration of the vehicle was 17 September 2010. On expiry of a previous licence on 5 August 2020 an application to grant a six month licence had been granted under delegated authority. On expiry of this licence on 5 February 2021 an application to grant a six month licence had been granted by the Regulatory Panel. The vehicle is used to undertake work exclusively under and in strict accordance with the terms and conditions of a contract issued by the Council to transport children to and from educational establishments. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificates were available for Members.

The proprietor of the vehicle was present at the meeting with the vehicle which Members of the Panel inspected.

Resolved – That the application to license the Citroen Relay, registration number NJ60 OAE, as a Private Hire Vehicle be granted for six months.

23 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - IVECO FORD DAILY, REGISTRATION NUMBER WA60 EWG**

The Director of Law and Governance reported upon an application received to re-license a Iveco Ford Daily, registration number WA60 EWG, beyond the normal overage date for a licensed Private Hire Vehicle. The vehicle had been licensed as a Private Hire Vehicle since 29 August 2019 and the current licence was due to expire on 1 August 2021. The date of first registration of the vehicle was 22 December 2010. On 29 January 2021 an application to grant a six month licence had been granted by the Regulatory Panel. The vehicle was used to undertake work exclusively under and in strict accordance with the terms and conditions of a contract issued by the Council

to transport children to and from educational establishments. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificates were available for Members.

The proprietor of the vehicle was present at the meeting with the vehicle which Members of the Panel inspected.

Resolved –

(1) That further to inspection by an officer the application to license the Iveco Ford Daily, registration number WA60 EWG, as a Private Hire Vehicle be granted for six months subject to the following works having been completed and evidence of this provided to the Licensing Authority.

- **The step at the rear to be removed or fixed**
- **The step at the side of the vehicle to be fixed**
- **The tyres to be replaced.**

24 APPLICATION TO LICENSE A PEUGEOT E7 AS A HACKNEY CARRIAGE VEHICLE

The Director of Law and Governance reported upon an application received to license a Peugeot E7, registration number SF60 HKY as a Hackney Carriage Vehicle.

On 22 May 2013 Members of the Licensing Health and Safety and General Purposes Committee resolved that in circumstances when a Hackney Carriage Vehicle proprietor wishes to change a Hackney Carriage Vehicle that is currently licensed to a different vehicle, the replacement vehicle must be the same age or less than the vehicle that is currently licensed up to a maximum of ten years old. Vehicles that are ten years old or more must be replaced by a vehicle that is no more than ten years old. The Regulatory Panel had been delegated with the authority to act outside this policy.

In accordance with this resolution, the Regulatory Panel were asked to consider an application submitted by the proprietor of a vehicle that was currently licensed as a Hackney Carriage Vehicle, registration number DG53 AFJ which was 17 years old to change the vehicle on that licence to vehicle registration number SF60 HKY which was 10 and a half years old. The current vehicle was licensed until 21 July 2021.

On 27 June 2021 the vehicle that was currently licensed suffered an electrical fire which had caused excessive damage to the vehicle and the proprietor

subsequently purchased the Peugeot E7, registration number SF60 HKY as a replacement vehicle.

Members of the Regulatory Panel were asked to consider the application and determine whether there was good reason to act outside the current policy and licence the vehicle as a Hackney Carriage Vehicle. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificates were available.

The proprietor of the vehicle was present at the meeting together with his representative from Unite the Union. Members of the Panel inspected the vehicle.

Resolved – That the Peugeot E7, registration number SF60 HKY be licensed as a Hackney Carriage Vehicle subject to a further inspection by a Licensing Officer to ensure the central locking system was working effectively.

25 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - TOYOTA AVENSIS, REGISTRATION NUMBER FP11 BYV**

The Director of Law and Governance reported upon an application received to re-license a Toyota Avensis, registration number FP11 BYV, beyond the normal overage date for a licensed Private Hire Vehicle. The vehicle had been licensed as a Private Hire Vehicle since 12 December 2018 and the licence expired on 4 February 2021. The date of first registration of the vehicle was 9 May 2011. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificates were available for Members.

The proprietor of the vehicle was present at the meeting with the vehicle which Members of the Panel inspected.

Resolved – That subject to the steering column being fixed and evidence of this provided to the Licensing Authority, the application to license the Toyota Avensis, registration number FP11 BYV, as a Private Hire Vehicle be granted for six months.

26 **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.

27 **PRIVATE HIRE DRIVER LICENCE (GSPK)**

The Director of Law and Governance submitted a report for Members to consider whether Mr GSPK should continue to hold a Private Hire Driver Licence.

Mr GSPK attended the meeting and made representations. Members questioned Mr GSPK.

Members considered carefully the representations made by Mr GSPK.

Members gave due consideration to all of 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 GSPK be allowed to continue to hold a Private Hire Driver Licence.**
- (2) That Mr GSPK be issued with a written warning as to his future conduct.**

28 **PRIVATE HIRE DRIVER LICENCE (AL)**

The Director of Law and Governance submitted a report for Members to consider whether Mr AL should continue to hold a Private Hire Driver Licence.

Mr AL attended the meeting and made representations. Members questioned Mr AL.

Members considered carefully the representations made by Mr AL.

Members gave due consideration to all of 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 AL be allowed to continue to hold a Private Hire Driver Licence.**
- (2) That Mr AL be issued with a verbal warning as to his future conduct.**

29 **PRIVATE HIRE DRIVER LICENCE (JSB)**

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

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

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.

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

30 **PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER LICENCE APPLICATION (MDJK)**

The Director of Law and Governance submitted a report for Members to consider whether Mr MDJK should be granted a Private Hire and a Hackney Carriage Driver Licence.

Mr MDJK attended the meeting together with his legal representative and made representations.

The Investigating Officer was also in attendance. Members questioned Mr MDJK and the Investigating Officer.

Members considered carefully the representations made.

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 and safety of the public, a refusal of the application was justified in the circumstances.

Resolved – That Mr MDJK’s application for a Private Hire and a Hackney Carriage Driver Licence be refused.

31 **PRIVATE HIRE DRIVER LICENCE (MDKR)**

The Director of Law and Governance submitted a report for Members to consider whether Mr MDKR should be granted a Private Hire Driver Licence.

Mr MDKR attended the meeting together with his wife and made representations.

Members questioned Mr MDKR.

Members considered carefully the representations made.

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 and safety of the public, a refusal of the application was justified in the circumstances.

Resolved (4:1) – That Mr MDKR’s application for a Private Hire Driver Licence be refused.

32 **PRIVATE HIRE DRIVER LICENCE APPLICATION (CJE)**

The Director of Law and Governance submitted a report for Members to consider whether Mr CJE should be granted a Private Hire Driver Licence.

Mr CJE attended the meeting together with representative from Unite the Union and made representations.

Members questioned Mr CJE.

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 (3:2) – That Mr CJE’s application for a Private Hire Driver Licence be approved.

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REGULATORY PANEL

Friday, 13 August 2021

Present: Councillor A Hodson (Chair)
Councillors D Burgess-Joyce C O'Hagan
D Mitchell KJ Williams

33 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 A Hodson declared a personal interest in respect of Item 7 – Private Hire Driver Licence (EVJ) – by virtue of having been acquainted with the applicant in the past (minute 39 refers).

34 PRIVATE HIRE VEHICLE LICENCE APPLICATION - TOYOTA PRIUS, REGISTRATION NUMBER PN61 LDJ

The Director of Law and Governance reported upon an application received to re-license a Toyota Prius, registration number PN61 LDJ, beyond the normal overage date for a licensed Private Hire Vehicle. The vehicle had been licensed as a Private Hire Vehicle since 20 October 2016 and the current licence was due to expire on 1 September 2021. The date of first registration of the vehicle was 1 September 2011. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificates were available for Members.

The proprietor of the vehicle was present at the meeting with the vehicle which Members of the Panel inspected.

Resolved – That the application to license the Toyota Prius, registration number PN61 LDJ, as a Private Hire Vehicle be granted for six months.

35 SCHOOL CONTRACT PRIVATE HIRE VEHICLE LICENCE APPLICATION

The Director of Law and Governance reported upon an application received to license a Ford Transit, registration number YJ03 WXU, beyond the normal overage date for a licensed Private Hire Vehicle. The vehicle would be used exclusively to transport children to and from educational establishments. The date of first registration of the vehicle was 18 July 2003 and the vehicle was therefore 18 years old. The vehicle had been examined at one of the

Council's authorised testing stations and the pass certificates were available for Members.

The proprietor of the vehicle was present at the meeting with the vehicle which Members of the Panel inspected.

Members had regard to the current criteria which states that vehicles must be under 10 years from the date of manufacture or date of first registration, whichever is the earliest and found no good reason to act outside of this Policy.

Resolved – That the application to license the Ford Transit, registration number YJ03 WXU as a Private Hire Vehicle be refused.

36 **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.

37 **PRIVATE HIRE DRIVER LICENCE (BSB)**

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

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

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.

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

38 **PRIVATE HIRE DRIVER LICENCE (DFJG)**

The Director of Law and Governance submitted a report for Members to consider whether Mr DFJG should be granted a Private Hire Driver Licence.

Mr DFJG attended the meeting made representations in respect of his application.

Members questioned Mr DFJG.

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

39 **PRIVATE HIRE DRIVER LICENCE (EVJ)**

Councillor A Hodson declared a personal interest in this matter (minute 33 refers).

The Director of Law and Governance submitted a report for Members to consider whether Mr EVJ should continue to hold a Private Hire Driver Licence.

Mr EVJ attended the meeting and made representations. Members questioned Mr EVJ.

Members considered carefully the representations made by Mr EVJ.

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

Resolved – That Mr EVJ be allowed to continue to hold a Private Hire Driver Licence subject to successfully completing a Driver Awareness Course on a date to be confirmed by the Licensing Team Leader.

40 **PRIVATE HIRE DRIVER LICENCE (GG)**

The Director of Law and Governance submitted a report for Members to consider whether Mr GG should continue to hold a Private Hire Driver Licence.

Mr GG attended the meeting and made representations. Members questioned Mr GG.

Members considered carefully the representations made by Mr GG.

Members gave due consideration to all of 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 GG be allowed to continue to hold a Private Hire Driver Licence.**
- (2) That Mr GG attend an Anger Management Course.**
- (3) That Mr GG be issued with a written warning as to his future conduct.**



REGULATORY AND GENERAL PURPOSES COMMITTEE

15 SEPTEMBER 2021

REPORT TITLE	TAXI AND PRIVATE HIRE LICENSING POLICY
REPORT OF	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

The purpose of this report is for the Committee to adopt a single cohesive Taxi and Private Hire Licensing Policy.

The term taxi is used in this report to refer to hackney carriages which can be hired immediately by hailing on the street or at a rank. Private hire vehicles must be pre booked via a licensed private hire vehicle operator.

This matter affects all Wards within the Borough.

RECOMMENDATION/S

It is recommended that the Committee adopt the single cohesive Taxi and Private Hire Licensing Policy attached in Appendix 1 of this report.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 It is a recommendation of the Department for Transport's Statutory Taxi and Private Hire Vehicle Standards, attached in Appendix 2, that all Licensing Authorities bring together all their policies on taxi and private hire licensing into a cohesive policy document and that this document is made publicly available. This should include, but not be limited to, policies on convictions, a fit and proper persons test, licence conditions and vehicle standards.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 The Licensing Authority could continue to operate under the existing and separate policy documents relating to Taxi and Private Hire Functions.
- 2.2 The Department for Transport, however, expects all Licensing Authorities to implement the recommendations set out in the Statutory Taxi and Private Hire Vehicle Standards unless there is compelling local reason not to do so.
- 2.3 It is considered that there are no compelling local reasons not to adopt the recommendation.

3.0 BACKGROUND INFORMATION

- 3.1 The Policing and Crime Act 2017 (the Act) enables the Secretary of State for Transport to issue Statutory Guidance on exercising Taxi and Private Hire licensing functions to protect children and vulnerable adults from harm when using these services. Section 177(4) of the Act places a statutory duty upon any public authority which has licensing functions under taxi and private hire vehicle legislation to have regard to any such guidance. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes.
- 3.2 In accordance with the provisions within the Act, the Department for Transport (DfT) published the final Statutory Taxi and Private Hire Vehicle Standards in July 2020. This document is attached in Appendix 2 to this report.
- 3.3 On 23 March 2021 a report was presented to this Committee which provided details of the full recommendations set out within the Statutory Taxi and Private Hire Vehicle Standards document and sought approval of proposed actions in response to the recommendations. It was resolved at that meeting that there should be a single and cohesive taxi and private hire licensing policy document.
- 3.4 The Licensing Manager has subsequently brought together the separate policies, criteria and conditions relating to taxi and private hire licensing into one policy document which is attached in Appendix 1 of this report. A list of the existing separate policies, criteria and conditions relating to Hackney Carriage and Private Hire Licensing is attached in Appendix 3 of this report.

3.5 The effect of the policy document attached in Appendix 1 of this report is to consolidate existing policy, criteria and conditions, it does not introduce any new requirements for hackney carriage or private hire trade.

3.6 The Committee is requested to adopt the policy document attached in Appendix 1 of this report.

4.0 FINANCIAL IMPLICATIONS

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

5.0 LEGAL IMPLICATIONS

5.1 The Statutory Taxis and Private Hire Vehicles Standards have been issued under the Policing and Crime Act 2017 and came into effect on 20 July 2020.

5.2 The Town Police Clauses Act 1847 and The Local Government (Miscellaneous Provisions) Act 1976 provide that a district council may set out criteria when undertaking their taxi and private hire licensing functions and may attach to the grant of a licence such conditions as they may consider reasonably necessary.

5.3 The Transport Act 1985 provides that the grant of a Hackney Carriage Licence may be refused for the purpose of limiting the number of Hackney Carriages in respect of which licences are granted if, but only if, the person authorised to grant licences is satisfied that there is no significant demand for the services of Hackney Carriages (within the area to which the licence would apply) which is unmet.

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 The Department for Transport expects the recommendations within the Statutory Taxis and Private Hire Vehicle Standards to be implemented unless there is a compelling local reason not to. There is a risk that the Council could be open to challenge if the new statutory guidance is not followed without sufficient justification. Adhering to the new statutory guidance will mitigate against any challenge to the Council's licensing regime. Failure to adopt the recommendations without good reason could put public safety at risk and in particular it could put children and vulnerable adults at risk of harm should the Council not have in place a robust regime of testing the fitness and propriety of those working in the Hackney Carriage and Private Hire.

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 The one cohesive policy document consolidates existing policies, criteria and conditions that have previously been consulted upon where it has been necessary to do so. There are no new requirements introduced in this policy document.

9.0 EQUALITY IMPLICATIONS

9.1 The Statutory Taxis and Private Hire Vehicle Standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area. The adoption of recommendations made in this document will therefore have a positive impact on equality and diversity specifically for vulnerable individuals and children. The bringing together of the policies, criteria and conditions relating to taxi and private hire licensing should improve accessibility and transparency in respect of the measures in place to protect the public.

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

Yes and the impact review is attached –

<https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impact-assessments>

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 The operating of Taxis and 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 Taxi and Private Hire Licensing Policy

Appendix 2 Statutory Taxis and Private Hire Vehicle Standards

Appendix 3 A list of the existing separate policies, criteria and conditions relating to Hackney Carriage and Private Hire Licensing

BACKGROUND PAPERS

Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance 2010

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Regulatory and General Purposes Committee	23 March 2021

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Statement of Hackney Carriage and Private Hire Licensing Policy

SEPTEMBER 2021

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APPENDICES

Appendix 1	Statement of Policy and Guidelines relating to the Relevance of Convictions when considering applications for Hackney Carriage and Private Hire Licences
Appendix 2	Dress Code
Appendix 3	Private Hire Driver Licence Conditions
Appendix 4	Licence Conditions in respect of Private Hire Drivers who undertake work exclusively under and in strict accordance with the terms and conditions of a contract to transport children to and from educational establishments
Appendix 5	Criteria for licensing Private Hire Vehicles
Appendix 6	Private Hire Vehicle Licence Conditions
Appendix 7	Conditions of Licence in respect of Private Hire Vehicles used exclusively to transport children to and from educational establishments
Appendix 8	Criteria for licensing Hackney Carriage Vehicles
Appendix 9	Hackney Carriage Stands/Ranks
Appendix 10	Hackney Carriage Vehicle Licence Conditions
Appendix 11	Private Hire Operator Licence Conditions
Appendix 12	Conditions of Licences in respect of Private Hire Operators undertaking work exclusively to transport children to and from educational establishments
Appendix 13	Policy relating to the conduct of Private Hire and Hackney Carriage Licence Holders
Appendix 14	Wheelchair Exemption Policy
Appendix 15	List of Fees and Charges

INTRODUCTION

Wirral Council recognises that hackney carriage and private hire vehicles have a specific role to play in an integrated transport system. They are a flexible form of transport that can play an increasingly important role in improving accessibility and sustainable travel. They are used by all social groups and are able to provide safe, secure and comfortable transport, providing an on request 'door to door' service in various circumstances, including where public transport may not be available eg. outside 'normal' hours of operation such as in the evenings or on Sundays, in rural locations or for those with mobility difficulties.

The provision is undoubtedly considered valuable not just by those who work or reside in the borough, but also to our visitors. They are usually the first contact many visitors have with an area and as such it is essential that standards are high so that those accessing the service can be confident of the quality of that service.

The licensing of hackney carriages dates back to 1847 and for private hire vehicles (outside London) to 1976.

The Local Government (Miscellaneous Provisions) Act 1976, as amended ('the 1976 Act') places on Wirral Council, as the council ('the council'), the duty to carry out its licensing functions in respect of the hackney carriage and private hire trades.

This Statement of Licensing Policy is written pursuant to the powers conferred by the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, as amended, and the Transport Act 1985, which place on the council a duty to carry out its licensing functions in respect of hackney carriage vehicles and drivers and private hire vehicles, drivers and operators.

This policy is intended to advise and assist applicants and licence holders on the law relating to the operation of hackney carriages (taxis) and private hire vehicles and to the administrative procedures involved in applying for and renewing licences.

The policy shall apply to all new applications, renewal applications, transfers and other areas connected to the following licences.

- Hackney Carriage Proprietor
- Hackney Carriage Driver
- Private Hire Vehicle Proprietor
- Private Hire Driver
- Private Hire Operator

In carrying out its regulatory functions relating to private hire and hackney carriage licensing, the council will have regard to this policy document.

Notwithstanding the existence of this policy, each application, or enforcement action, will be considered on its own merits.

This policy consolidates a number of documents, combining them into one informative and comprehensive policy. It sets out the requirements and standards which are expected of all those involved in Wirral's hackney carriage and private hire trades.

This policy does not replace the legislation governing hackney carriage and private hire operations, nor does it set out what the legislation is. It gives guidance on this council's particular requirements in complying with that legislation, it is expected that hackney carriage and private hire operations will always be conducted lawfully.

This policy sets out the approach the council will undertake in exercising its discretion in carrying out its regulatory functions whilst considering or making decisions on applications.

Nothing in this policy will undermine the rights of any person to apply for authorisations under the licensing regime and have the application considered on its own individual merits. However the council will expect all applicants to comply with the requirements set out in this policy.

Where it is necessary for the council to deviate from this policy clear reasons for doing so will be provided.

The council will keep this policy under review and will, where appropriate, consult on any proposed revisions contained therein.

HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES

Fit and Proper Person

The council will not grant a licence unless it is satisfied that the applicant is a fit and proper person.

An applicant must satisfy the council that they are a fit and proper person to hold a licence and will undergo a number of checks and assessments to assist the council to determine whether they are a fit and proper person.

The requirements that must be satisfied before a licence may be granted are set out below.

Satisfactory Driving Licence

Applicants must have held a full UK driving licence for at least twelve months when applying for a licence. Applicants are required to obtain a DVLA check code to enable a check to be undertaken on their driving record.

This can be obtained from the DVLA website <https://www.gov.uk/view-driving-licence>

Right to Work

An applicant's right to work in the UK will be checked as part of their licence application, this could include the council checking their immigration status with the Home Office. We may otherwise share information with the Home Office. An applicant must therefore provide a document or document combination that is stipulated as being suitable for this check. Original documents must be provided, such as a passport or biometric residence permit, so that the check can take place. The documents will be copied and the copy retained by the council. The original document will be returned to the applicant. An application will not be considered valid until all the necessary information and original documents have been produced and the relevant fee has been paid.

If there are restrictions on the length of time an applicant may work in the UK, a licence will not be issued for any longer than this period. In such circumstances the check will be repeated each time an application is made to renew or extend a licence. If, during this period, a licence holder is disqualified from holding a licence because they have not complied with the UK's immigration laws, the licence will lapse and it must be returned to the council. Failure to do so is a criminal offence.

Disclosure and Barring Service

Applicants are required to obtain a satisfactory Enhanced Certificate from the Disclosure and Barring Service (DBS) which must be dated no more than two months prior to the grant of a new licence or the expiry date of an existing licence.

A DBS check must be undertaken before a licence is granted and before the renewal of that licence.

All applicants are encouraged to register for the DBS Update Service

Certificate of Good Conduct

Where an applicant has lived outside the United Kingdom for more than three continuous months since the age of 18 years they must obtain a Certificate of Good Conduct authenticated and translated into English by the relevant Embassy or Consulate in order to assess suitability and review any previous convictions.

Knowledge Test

This test includes an assessment of an applicant's knowledge of Wirral, the Highway Code and the legislation relating to hackney carriage and private hire as well as the conditions attached to licences.

There are 4 sections to the test which are as follows:

1. 10 routes
2. 20 spot locations
3. 20 Highway Code / driving standards questions.
4. 20 questions on Private Hire/Hackney Carriage Licence Conditions and legislation

It is a written test with a pass mark of 80% in each section.

An applicant who fails to pass any section or sections of the Knowledge Test must re take the complete Knowledge Test. This re-sit of the test must take place within three months of taking the test for the first time. An individual who fails to pass the test on the second attempt will be prohibited from taking the test for a period of six months.

Oral and Written English Proficiency Test

A lack of language proficiency could impact upon a driver's ability to understand written documents, which include policies and guidance relating to the protection of children and vulnerable adult and may affect their ability to identify and act upon signs of exploitation. Oral proficiency may impact upon the ability of a driver to identify signs of potential exploitation by affecting their ability to communicate with passengers or understand the interaction taking place between passengers in their vehicles.

It is for these reasons that applicants must pass oral and written English proficiency tests before a licence may be granted.

VRQ Qualification

It is a requirement that applicants obtain a Level 2 Certificate in the Introduction to the role of the Professional Taxi and Private Hire Driver before a licence may be granted.

Safeguarding Training

Safeguarding is everyone's responsibility. It is the action taken to promote the welfare of children and vulnerable adults and protect them from harm. All applicants must attend Safeguarding training sessions delivered by the council.

Medical Assessments

The council has adopted the Group 2 licence medical standard for licensed drivers.

The medical certificate required by the council requests medical practitioners to have regard to the guidelines issued by the DVLA on fitness to drive.

The medical assessment must be carried out by a General Practitioner in the medical practice to which the applicant is registered or by a GP or Doctor who has access to their medical records which must be reviewed prior to completion of this assessment.

A Group 2 medical assessment is required before the grant of a licence and prior to the renewal of that licence.

An annual Group 2 medical assessment is required for drivers aged 65 years and over.

Group 2 medical forms must be dated no more than two months prior to the grant of a new licence or the expiry date of an existing licence.

A licence holder must, as soon as is reasonably practicable, notify the council of any newly diagnosed medical condition which may restrict their entitlement to a driver licence requiring a DVLA Group 2 medical standard.

Relevance of Convictions and Cautions

When completing an application form for a Private Hire or Hackney Carriage Driver Licence it is an absolute requirement for an applicant:

- To disclose **ALL** offences, including driving offences and all spent convictions, cautions, Police warnings and reprimands, and fixed penalties in the relevant box on the application form
- To inform the council if they are under investigation in respect of any criminal offence, if they are on police bail pending the outcome of a police investigation or whether any criminal proceedings in the Magistrates, Crown Court or other Tribunal/Court have been commenced against you
- To inform the council if they have had any anti-social behaviour orders (or other orders/injunctions made by a court) issued against them, including details of any sentences upon breach relating to anti-social behaviour.

Failure to fully disclose any of these matters may lead to an application being refused and to a prosecution.

The Council's Statement of Policy and Guidelines relating to the Relevance of Convictions when considering applications for Hackney Carriage and Private Hire Licences provides guidance regarding convictions and is set out in **Appendix 1**.

Regulatory Panel

In circumstances where an applicant has convictions which are outside of the time frames referred to in The Council's Statement of Policy and Guidelines relating to the Relevance of Convictions and/or if there are any concerns about

an applicant being 'fit and proper', the application will be referred to the Regulatory Panel (the Panel) who will consider the application. Applicants will be advised of the procedure which will enable their attendance before the Panel and they will be able to attend the Panel to put their case forward.

Each applicant referred to the Panel will be considered on their individual merits. In those circumstances the Panel will decide whether the applicant is a fit and proper person to hold a licence. In certain cases, the Panel may consider it appropriate to grant a licence before the relevant period has elapsed, for instance where an offence is isolated and the circumstances of its commission are such that the Panel consider it is not relevant to the applicant's suitability to hold a licence. Alternatively, the Panel may consider that, notwithstanding the applicant being free of offences for the relevant period, it would not be appropriate to grant a licence.

The overriding consideration of the Panel will always be to protect the public. Applicants should be aware that the grant of a licence places a significant responsibility on the holder which by the nature of the contact with members of the public requires the holder to be a person proven to be capable of fulfilling the trust placed in them by the hirers of vehicles.

Holding a Hackney Carriage or Private Hire Licence is a responsible position and the Panel takes its public protection role very seriously. The Panel will only issue a licence if satisfied that a person is 'fit and proper'. If in doubt then a licence will not be issued.

When considering applications for Hackney Carriage and Private Hire Driver Licences the Panel can consider all criminal offences, including spent convictions and will also take into consideration cautions, police warnings and reprimands, fixed penalties and any anti-social order (or other order) issued by a court. The Panel will also consider factors such as whether someone is on police bail pending the outcome of an investigation or whether any criminal proceedings in a court have commenced.

Whilst an applicant may have a number of offences that, individually, meet the council's policy guidelines, the overall offending history will be considered when assessing suitability for a licence.

The Statement of Policy and Guidelines relating to the Relevance of convictions when considering applications for Hackney Carriage and Private Hire Licences is set out in **Appendix 1**.

Dress Code and Appearance

It is important that hackney carriage and private hire drivers provide a positive image of the hackney carriage and private hire trade in Wirral through their appearance and dress. This positive image can give customers confidence that they are using a professional service. The council has therefore adopted a dress code which is set out in **Appendix 2**.

Duration of Licences

Driver licences are normally granted for a period of 3 years. However, there may be circumstances where it is considered necessary and appropriate for a licence to be issued for a period of less than 3 years. These may include but are not limited to:

- The applicant is aged 65 years or over
- The driver has a medical condition that requires an annual review

Private Hire Driver Licence Conditions

In accordance with Section 51(2) of the Local Government (Miscellaneous Provisions) Act 1976 the council may attach to the grant of a licence such conditions as they may consider reasonably necessary. A failure to comply with these conditions may result in the suspension or revocation of a Private Hire Driver Licence and prosecution.

The Private Hire Driver Licence Conditions are set out in **Appendix 3**.

Private Hire Drivers working exclusively to transport children to and from educational establishments

The driver must only undertake work exclusively under and in strict accordance with the terms and conditions of a contract issued by the council to transport children to and from educational establishments.

Application Requirements

The requirements for this licence are set out in paragraphs 2.2 to 2.10 above, however, due to the restriction on the work that can be undertaken, there is no requirement to pass the Knowledge Test or obtain the VRQ. There is a requirement to complete the qualification below.

MiDAS qualification

This is a requirement in place of the Knowledge Test and VRQ if a licence is to be restricted to only carrying out work that is subject to a contract issued by the council to transport children to and from educational establishments.

MiDAS is the Minibus Driver Awareness Scheme and is administered by the Community Transport Association. The scheme provides a nationally recognised standard for the assessment and training of minibus drivers and has been designed to enhance minibus driving standards and promote the safer operation of minibuses.

Conditions of Licence in respect of Private Hire Drivers working exclusively to transport children to and from educational establishments

In accordance with Section 51(2) of the Local Government (Miscellaneous Provisions) Act 1976 the council may attach to the grant of a licence such conditions as they may consider reasonably necessary. A failure to comply with these conditions may result in the suspension or revocation of a Private Hire Driver Licence and prosecution.

The licence conditions in respect of private hire drivers who undertake work exclusively under and in strict accordance with the terms and conditions of a contract to transport children to and from educational establishments are set out in **Appendix 4**.

Licence Renewals

It is the responsibility of the licence holder to ensure that a licence is renewed before it expires. If an individual continues to work as a hackney carriage or private hire driver after a licence has expired, an offence is committed which could lead to **prosecution and may** affect the consideration of any further application for a licence.

PRIVATE HIRE VEHICLE LICENCES

Application Requirements

The following documents must be submitted with an application to license a private hire vehicle:

- V5 in applicant's name, V5 new keeper supplement or purchase invoice from a dealership
- Compliance pass certificate
- MOT pass certificate
- Current Insurance certificate / cover note
- Proof of address for each applicant/limited company. This must be either a utility bill, bank/credit card/benefit/council tax statement or central/local government document which is no more than 3 months old

Vehicle Age restrictions

Vehicles must be under 10 years of age from the date of manufacture or date of first registration, whichever is the earliest.

Any vehicle which is more than 9 years and 6 months old will be issued with a licence that will expire on the day before it reaches 10 years old licensed.

Vehicle Specification

Every vehicle presented for licensing must comply with the council's criteria for licensing private hire vehicles.

The criteria for licensing private hire vehicles is set out in **Appendix 5**.

Local licensing authorities have a wide range of discretion over the types of vehicle that they can license as private hire vehicles. Should a make/model of vehicle be presented for licensing that is not currently licensed it will be referred the Regulatory Panel for determination as to whether it should be licensed.

Vehicle Signage and Advertising

It is important that the public are be able to identify and understand the difference between a hackney carriage and private hire vehicle.

Private hire vehicles shall not be permitted to display roof-mounted signs and any signs that include the words 'taxi' or 'cab' or 'for hire'

Vehicle identification plates are a key feature in helping to identify vehicles that are properly licensed. Licensed vehicles shall display identification plates on both the front and rear of the vehicle.

All private hire vehicles must display a mandatory door sign containing the words 'Advance Bookings Only' or 'Private Hire Only'. The design of such sign must also include the name and preferred method of contact of the private hire company. All signs must be a minimum size of 590mm x 220mm.

Fares for Private Hire Vehicles

There are no statutory controls over the fares for private hire vehicles. Fare tariffs for private hire vehicles are set by the private hire operator for whom the driver is working.

Meters/Dataheads

If the private hire vehicle is fitted with a device/meter for calculating the fare the device/meter must be maintained in good working order.

If a meter is to be used to calculate fares it must only be installed by an approved provider. Details of the meter provider and calibration certificate must be supplied to Wirral Council before the meter is used for private hire.

Where a meter is fitted all of its fittings must be fixed to the vehicle with seals or by other means so that it shall not be practicable for any person to tamper with the meter except by breaking, damaging, or permanently displacing the seals and other fittings.

The device/meter used for calculating fares must be set to reflect the fare table of the private hire operator for which work is being undertaken.

The device/meter for calculating fares must not at any time display the words "FOR HIRE" or other words to the same effect.

Private Hire Vehicle Licence Conditions

The Local Government (Miscellaneous Provisions) Act 1976 gives a district council powers to attach to the grant of a Private Hire Vehicle Licence such conditions as they may consider reasonably necessary.

The Private Hire Vehicle Licence conditions are set out in **Appendix 6**.

Private Hire Vehicles used exclusively to transport children to and from educational establishments.

The vehicle must only be used to undertake work exclusively under and in strict accordance with the terms and conditions of a contract issued by the council to transport children to and from educational establishments.

Conditions of Licence

The Conditions of Licence for Private Hire Vehicles used exclusively to transport children to and from educational establishments are set out in **Appendix 7**.

Duration of Licences

Private Hire Vehicle Licences are issued for 12 months until the vehicle reaches 6 years old.

Any vehicle which is more than 9 years and 6 months old will be issued with a licence that will expire on the day before it reaches 10 years old.

HACKNEY CARRIAGE VEHICLES

Limitation of Numbers

In relation to hackney carriage vehicles, the current legal provision on quantity restrictions is set out in section 16 of the Transport Act 1985. This provides that the grant of a hackney carriage licence may be refused, for the purpose of limiting the number of licensed hackney carriage if, but only if, the local authority is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet.

The council is satisfied that there is no significant unmet demand for the services of hackney carriages in Wirral, therefore, the council has set a limit on the number of hackney carriages it licenses to 289. The council will determine whether there is any significant unmet demand at regular intervals.

Application Requirements

The following documents must be submitted with an application to license a hackney carriage vehicle:

- V5 in applicant's name, V5 new keeper supplement or purchase invoice from a dealership
- Compliance pass certificate
- MOT pass certificate
- Current Insurance certificate / cover note
- Proof of address for each applicant/limited company. This must be either a utility bill, bank/credit card/benefit/council tax statement or central/local government document which is no more than 3 months old
- Taximeter calibration certificate

Vehicle Age restrictions

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

In circumstances when a hackney carriage vehicle proprietor wishes to change a hackney carriage vehicle that is currently licensed to a different vehicle, the replacement vehicle must be the same age or less than the vehicle that is currently licensed, up to a maximum of ten years old. Vehicles that are ten years old or more must be replaced by a vehicle that is no more than ten years old

Vehicle Specification

Every vehicle presented for licensing must comply with the council's criteria for licensing hackney carriage vehicles.

The criteria for licensing hackney carriage vehicles is set out in **Appendix 8**.

Local licensing authorities have a wide range of discretion over the types of vehicle that they can license as hackney carriage vehicles. Should a make/model of vehicle be presented for licensing that is not currently licensed it will be referred the Regulatory Panel for determination as to whether it should be licensed.

Plying and Standing for Hire

The driver of a hackney carriage vehicle standing on an appointed rank must, unless they have a reasonable excuse, drive to any place within Wirral Council's area to which he is directed to drive by the hirer.

Licensed hackney carriage vehicles may ply for hire on any street in Wirral Council's area. They may only stand on an appointed taxi rank.

Fares for Hackney Carriage Vehicles

The table of fares issued by Wirral Council must be displayed in a prominent position where it can be easily read by passengers.

The fare must be calculated in accordance with the rates set by the council. Rates cannot be more than the maximum currently permitted by the council.

The rates set by the council are effective within the Borough and up to 4 miles beyond the district boundary. Unless a separate fare has been agreed in advance for a hiring to a destination beyond 4 miles of the district boundary, the fare payable is that shown on the taximeter

Hackney Carriages used under Contracts for Private Hire

When used for private hire purposes hackney carriage vehicles must charge from the pick up point of the hirer to the drop off point and the meter must be used. The fare cannot be any greater than that displayed on the meter.

Hackney Carriage Stands/Ranks

The purpose of hackney carriage stands (taxi ranks) is to provide the public with a set location at which they can hire a licensed hackney carriage. Only hackney carriage vehicles licensed by Wirral Council can stand on a taxi rank. A list of ranks in Wirral is set out in **Appendix 9**.

There is an obligation on drivers when plying for hire in any street and not actually hired to proceed to one of the ranks designated under the 1976 Act. The 1847 Act defines a street as extending to any "road, square, court, alley and thoroughfare, or public passage". Land will only be a street if the public have a right to be there.

Duration of licences

A Hackney Carriage Vehicle Licence is issued for 12 months until the vehicle reaches 10 years old.

Once a vehicle reaches 10 years of age it will be issued with a six month licence requiring an MOT and Compliance test every six months.

Hackney Carriage Vehicle Licence Conditions

The Local Government (Miscellaneous Provisions) Act 1976 gives a district council powers to attach to the grant of a Hackney Carriage Vehicle Licence such conditions as they may consider reasonably necessary. The Hackney Carriage Vehicle Licence conditions are set out in **Appendix 10**.

INSURANCE AND VEHICLE EXCISE LICENCE

All hackney carriage and private hire vehicles must be licensed and insured for that specific purpose.

Proof of current insurance must be submitted with each application for a licence.

Proof of change or renewal of insurance during the course of the licence must also be provided to the council.

The insurance must be continuous for the period of the vehicle licence.

If cover notes are provided they must run consecutively.

The proprietor must produce the current valid certificate of insurance for the vehicle when requested to do so by an Officer.

If the certificate cannot be produced on demand it must be presented within 72 hours to Wirral Council.

The vehicle must be taxed whilst it is licensed and the proprietor must be able to demonstrate that the vehicle has a current valid vehicle excise licence.

CCTV

CCTV may be installed in licensed vehicles to aid the prevention and detection of crime. If CCTV is installed in a vehicle the following conditions apply:

- The data controller must register with the Information Commissioners Office (ICO) and ensure the registration is kept current at all times that CCTV is fitted in the vehicle.
- The data controller must comply with the Data Protection Act 1988, 'CCTV Code of Practice' issued by the Information Commissioners Office (ICO), and any other relevant legislation.
- Signs advising that CCTV is in operation must be prominently displayed outside and inside the vehicle.
- The CCTV system must be capable of recording and storing footage for a minimum period of 14 days.
- The CCTV system must be capable of capturing images that, in low light conditions, must be of sufficient quality to enable identification of any person(s) travelling in the vehicle.
- The CCTV system must provide that the hard disk or memory card is not accessible by the proprietor or driver of the vehicle.
- Footage captured must be made available to the council and the police.
- The CCTV system must provide that the data unit is stored separately from the camera(s) and out of view of person travelling in the vehicle.
- Cameras must not be fitted in locations that are likely to affect the safety of any person travelling in the vehicle, and must be located as securely and

discreetly as possible to avoid passengers travelling in the vehicle from tampering with them.

VEHICLE TESTING

All vehicles must undergo both an MOT and a Compliance test before the grant of a licence or renewal of an existing licence.

Testing must be undertaken at one of the following council authorised testing stations:

- BP Autos, Leigh Road, New Ferry, CH62 1AX
- Inchcape / Dane Volkswagen, Pool Lane, Bromborough, CH62 4UE
- M53 Ford, Green Lane, Birkenhead, CH41 9FD
- Vittoria Motor Services, Vittoria Street, Birkenhead, CH41 3NT
- Walsh Autos, Cleveland Street, Birkenhead, CH41 3QQ
- Wirral Tyre and Commercial, Bassendale Road, Bromborough, CH62 3NX

Copies of the testing criteria can be obtained from via the licensing web pages at www.wirral.gov.uk/licensing

MOT and Compliance test pass certificates must be dated no more than 28 days prior to the grant of a new licence or the expiry date of an existing licence.

Test Failure

If a licensed vehicle fails the MOT and/or Compliance test the licence will be suspended by an Authorised Officer.

VEHICLE INSPECTION

Proprietors of both hackney carriage and private hire vehicles are periodically requested to present their vehicles for inspection by a Licensing Officer. The purpose of the inspection is to ensure the vehicle remains in such a condition that it continues to meet the required standard for use as a licensed vehicle.

Where an officer is not satisfied as to the fitness of the vehicle the officer may suspend it from use under s68 of the Local Government (Miscellaneous Provisions) Act 1976. In order to ascertain its fitness, the authorised officer may require the vehicle to be examined by one of the council's authorised testing stations.

If an officer is not satisfied as to the fitness of the vehicle before the expiration of a period of two months from this suspension, the vehicle licence shall be deemed to have been revoked and a new licence would have to be applied for if wanting to re-license the vehicle.

If there is good reason why a particular time or date is not suitable for the presenting of the vehicle the vehicle proprietor should contact the Licensing Section to advise and request an alternative time and date. Failure to do this may result in further action being taken by the Licensing Section which may include the suspension or revocation of the vehicle licence and the private hire or hackney carriage driver licence.

OPERATORS

Operators of private hire vehicles are required to be licensed under the 1976 Act. No person may operate a vehicle as a private hire vehicle if the vehicle or the driver is unlicensed. "Operate" means, in the course of business, to make provision for the invitation or acceptance of bookings for a private hire vehicle.

The council must grant an operator licence unless the applicant is not a fit and proper person to hold one.

Application Requirements

The following documents must be submitted with an application for a Private Hire Operator Licence:

- UK passport or full birth certificate for all applicants/company directors/company secretary
- Basic Disclosure for all applicants/company directors/company secretary, no more than 28 days old
- Proof of address for each applicant/limited company. This must be either a utility bill, bank/credit card/benefit/council tax statement or central/local government document which is no more than 3 months old
- Template door sign
- Planning consent for all premises from which the applicant intends to operate
- Template to be used for recording list of drivers
- Template to be used for recording bookings

Duration of Licences

Private Hire Operator Licences are normally granted for a period of 5 years. However, there may be circumstances where it is considered necessary and appropriate for a licence to be issued for a period of less than 5 years.

Disclosure and Barring Service (DBS) Checks

The applicant for a Private Hire Operator Licence, including all directors of a company or partners in the business who do not hold a Private Hire or Hackney Carriage Driver Licence must provide the council with a Basic Disclosure and Barring Service Certificate which has been issued no more than 28 days before the date of the grant of a licence.

The holder of a Private Hire Operator Licence including all directors of a

company or partners in the business who do not hold a Private Hire or Hackney Carriage Driver Licence must provide the council with a Basic Disclosure and Barring Service Certificate within 28 days of each anniversary of the licence and upon application for the renewal of the licence.

Private Hire Operator Licence Conditions

The Local Government (Miscellaneous Provisions) Act 1976 gives a district council powers to attach to the grant of a Private Hire Operator Licence such conditions as they may consider reasonably necessary.

The Private Hire Operator Licence conditions are set out in **Appendix 11**.

Private Hire Operators undertaking work exclusively to transport children to and from educational establishments

The operator must only undertake work exclusively under and in strict accordance with the terms and conditions of a contract issued by the council to transport children to and from educational establishments.

Conditions of Licence

The Conditions of Licences in respect of private hire operators undertaking work exclusively to transport children to and from educational establishments are set out in **Appendix 12**.

CONDUCT OF LICENCE HOLDERS

Wirral Council expect licence holders to behave in a fit and proper manner at all times commensurate with their position as licence holders.

Licence holders are expected to avoid confrontation, and to address disputes through the proper legal channels. In no circumstances should they take the law into their own hands.

Licensed drivers and operators are expected to be honest and trustworthy. Drivers deal with cash transactions and valuable property may be left in their vehicles. Drivers often deliver unaccompanied property which gives an indication of the trust that is placed in licensed drivers. It would also be reasonably easy for a dishonest driver to defraud the public by demanding more than the legal fare. Operators are aware of properties being empty when taking bookings for example when the householder is going on holiday. Licence holders must not abuse their position of trust.

Passengers paying for a transport service rely on their driver to get them to their destination safely. Hackney carriage and private hire drivers are considered to be professional drivers and must be fully aware of all Road Traffic legislation and conditions attached to the licence and must always have the appropriate insurance in place. Licensed drivers are expected to drive at all times in accordance with all relevant traffic regulations and the Highway Code, and

should never drive in an aggressive or dangerous manner. This is the case whether passengers are being conveyed in the licensed vehicle or not.

The Policy relating to the conduct of Private Hire and Hackney Carriage Licence Holders is set out in **Appendix 13**.

Any failures on behalf of the licence holder to adhere to the criteria, conditions and regulations pertaining to their licence may be dealt with under delegated authority in accordance with Wirral Council's Constitution and the Council's Enforcement Policy.

EXEMPTION CERTIFICATES

Carriage of Wheelchairs

Equality Act 2010

The Equality Act 2010 places the following duties on the drivers of wheelchair accessible private hire and hackney carriage vehicles:

- Carry a passenger while in a wheelchair
- Not make any additional charge for doing so
- If the passenger chooses to sit in a passenger seat, to carry the wheelchair separately
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- To give the passenger such mobility assistance as is reasonably required.

Exemption Certificates

Some drivers may have a medical condition or a disability or physical condition which makes it impossible or unreasonably difficult for them to provide the sort of physical assistance which these duties require.

Section 166 of the Equality Act 2010 allows the council to exempt a driver from the duties to assist passengers in wheelchairs if we are satisfied that it is appropriate to do so on medical or physical grounds. The exemption will be valid in accordance with the recommendation of a medical professional taking into account the nature of the medical issue. If exempt, the driver will not be required to perform any of the duties to assist wheelchair using passengers.

Application requirements for an Exemption Certificate

Any driver seeking an exemption must complete an application form. An application from a driver seeking a short term exemption must be supported by a Medical Assessment form completed by a General Practitioner in the medical practice to which the driver is registered. A driver seeking a long term exemption may be required to obtain a medical assessment from a Specialist Medical Practitioner.

Exemption Notice

Where a driver has been exempted from the duties under section 165 of the Equality Act 2010 to assist wheelchair using passengers, they must display an exemption notice in the vehicle they are driving in the form and manner prescribed by the regulations.

Only one exemption notice should be displayed in a vehicle at any one time.

The Statement of Policy and Guidelines relating to a Wheelchair Exemption Certificate can be found at **Appendix 14**.

Carriage of Assistance Dogs

Under the Equality Act 2010, licensed drivers of taxis and private hire vehicles are under a duty to carry passengers with guide, hearing and other assistance dogs without additional charge. When carrying such passengers, drivers have a duty to:

- Convey the disabled passenger's dog and allow it to remain under the physical control of the owner; and
- Not to make any additional charge for doing so.

It is best practice to ask the passenger where they want themselves and their dog to sit in the vehicle.

Drivers who have a certifiable medical condition which is aggravated by exposure to dogs may apply to the council for exemption from the duty on medical grounds.

Application requirements for an Exemption Certificate

Any driver seeking an exemption must complete an application form. An application from a driver seeking a short term exemption must be supported by a Medical Assessment form completed by a General Practitioner in the medical practice to which the driver is registered. A driver seeking a long term exemption may be required to obtain a medical assessment from a Specialist Medical Practitioner.

FEES AND CHARGES

The council is entitled to charge fees in respect of the various licences it administers and legislation provides that the fees charged to applicants should cover the cost of application and administration; and in relation to vehicles this extends to inspection, creation / maintenance of hackney stands, administration and enforcement and training.

Licences surrendered prior to their expiry shall not be eligible for a refund of the unexpired portion of the licence.

A list of fees is set out in **Appendix 15**.

PUBLIC REGISTERS

The council is required by the 1847 Act to maintain a register of licences it issues. These and other information can be viewed on our web page www.wirral.gov.uk/licensing

ENQUIRIES/CORRESPONDENCE

Licensing Officers are available to provide advice and guidance to the licensed trade in order to promote the highest level of protection to the public. Licence holders should therefore seek advice if they have any doubt as to how they should comply with the conditions of their licence, or find themselves in a situation where their conduct may be brought into disrepute.

The Licensing Authority may be contacted;

In writing

Licensing Office
PO Box 290
Brighton Street
Wallasey
Wirral
CH27 9FQ

By phone

0151 691 8043

By email

taxilicensing@wirral.gov.uk

Website

<http://www.wirral.gov.uk/licensing>



Statement of Policy and Guidelines relating to the Relevance of Convictions when considering applications for Hackney Carriage and Private Hire Licences

This Policy has been produced having regard to the Statutory Taxi and Private Hire Vehicle Standards issued pursuant to the Policing and Crime Act 2017 as well as guidance published by the Institute of Licensing, April 2018. The purpose of this policy is to explain how the Council will carry out its licensing functions when considering one aspect of whether an applicant is a fit and proper person to hold a licence.

Decision Making

The powers of the Council will be exercised in accordance with the Council's Constitution. Each application for a licence will be considered on its merits, and the Council will provide reasons when an application is refused.

1 INTRODUCTION

- 1.1 The function of licensing is the protection of the public and the Council has an onerous responsibility. In making decisions regarding grant and renewal of licences it is, in effect, holding out the licensee as someone who can be trusted to convey passengers in safety.
- 1.2 The overriding aim of any Council when carrying out its functions relating to the licensing of Hackney or Private Hire Drivers, Vehicle Proprietors and Private Hire Operators (“operators”), must be the protection of the public and others who use, or can be affected by, Hackney Carriage and Private Hire services.
- 1.3 The relevant legislation provides that any person must satisfy the Council that they are a fit and proper person to hold a licence and that is a test to be applied after any applicant has gained any reasonably required qualifications. It is the final part of the process of an application when the decision is made, whether by a committee, sub-committee, panel, or an officer under a Scheme of Delegation. It involves a detailed examination of their entire character in order to make a judgment as to their fitness and propriety.
- 1.4 If a licence holder falls short of the fit and proper standard at any time, the licence should be revoked or not renewed on application to do so.
- 1.5 Licences for drivers, proprietors and operators of Hackney Carriages and Private Hire Vehicles may only be granted where the Council is satisfied that the applicant is a fit and proper person to hold such a licence.
- 1.6 This document is intended to give guidance on one aspect of whether a person is or is not a fit and proper person, namely the situation where a person has committed a criminal offence.
- 1.7 This document aims to provide guidance to any person with an interest in public hire and private hire licensing. In particular, but not exclusively:
 - Applicants for Private Hire and Hackney Carriage Licences (drivers, vehicles, and operators)
 - Licensing Officers
 - Members of the Regulatory Panel
 - Courts hearing appeals against local authority decisions
- 1.8 This guidance will be used for the determination of applications in relation to Hackney Carriage Drivers and Private Hire Drivers, Hackney Carriage and Private Hire Vehicles and Private Hire Operator Licences.
- 1.9 Where Licensing Officers have delegated powers to grant licences they will utilise these guidelines when making a decision to grant a licence. In all cases where applicants fall outside of this policy applications for licences will be referred to the Regulatory Panel (the Panel). Whilst Officers and the Panel will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and, where the circumstances demand, the Panel may depart from the guidelines. In such cases the Panel will give reasons for this departure. Offences not specifically identified in these guidelines may also be considered depending on the circumstances.

1.10 In exercising its powers the Council must ensure:

- That a person is a fit and proper person
- That a person does not pose a threat to the public
- That the public are safeguarded from dishonest persons
- The safeguarding of children, young and vulnerable persons

2 DISCLOSURE AND BARRING SERVICE (DBS) CRIMINAL RECORD CHECK

- 2.1 In respect of applications for Hackney Carriage and Private Hire Driver licences the Council can consider all convictions, including spent convictions as appropriate, in accordance with the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002.
- 2.2 The information given will be treated in confidence and will only be taken into account in relation to the relevant application to assist the Council in determining whether the applicant is a fit and proper person to hold a licence.
- 2.3 Information received from the Disclosure and Barring Service (DBS) will be kept in strict confidence while the licensing process takes its course and will be retained no longer than is necessary, and in any event will be destroyed in accordance with the requirements of the Data Protection Act 2018 and in accordance with good practice after the application is determined or any appeal against such determination is decided.
- 2.4 The disclosure of a criminal record or other information relating to criminal matters will not necessarily debar an applicant from obtaining a licence. In respect of driver applications the Council will consider all information on an enhanced DBS and will take a serious view of any special Police warnings contained therein. Whether or not an applicant will be granted a licence will depend upon whether or not they can satisfy the Council that they are a fit and proper person to hold such a licence.
- 2.5 The Council may not be satisfied that an applicant is a fit and proper person to hold a licence for any good reason. If adequate evidence that a person is a fit and proper person is not adduced or if there is good reason to question or doubt the evidence provided, then that could amount to good reason to refuse a licence.
- 2.6 In considering evidence of an applicant's good character and fitness to hold a licence, where previous offences or other information relating to criminal matters is disclosed, the Council will consider the nature of the offence, the date of offence, the applicant's age when the offence was committed, the penalty imposed and any other factors which might be relevant.

3 FAILURE TO DISCLOSE A CONVICTION

- 3.1 When completing an application form for a Private Hire or Hackney Carriage Driver Licence it is an absolute requirement:
- To disclose **ALL** offences, including driving offences and all spent convictions, cautions, Police warnings and reprimands, and fixed penalties in the relevant box on the application form
 - To inform the Council if you are under investigation in respect of any criminal offence, if you are on police bail pending the outcome of a police investigation or whether any criminal proceedings in the Magistrates, Crown Court or other Tribunal/Court have been commenced against you

- To inform the Council if you have had any anti-social behaviour orders (or other orders/injunctions made by a court) issued against you, including details of any sentences upon breach relating to anti-social behaviour.

3.2 Failure to fully disclose any of these matters may lead to an application being refused and to a prosecution.

3.3 The Council has a responsibility to protect the public and, in this regard, may use information provided to prevent and detect fraud, to enforce legislation and to comply with statutory obligations, and may share the information, for the same purposes, with other services within the Council as well as other organisations.

Please contact us by emailing taxilicensing@wirral.gov.uk if you would like to discuss your application in confidence.

4 REGULATORY PANEL

4.1 In circumstances where an applicant has convictions which are outside of the timeframes referred to in this guidance and/or if there are any concerns about an applicant being 'fit and proper', the application will be referred to the Regulatory Panel who will consider the application. Applicants will be advised of the procedure which will enable their attendance before the Panel and they will be able to attend the Panel to put their case forward. Any person refused a licence has a right of appeal to the Magistrates' Court against the Council's decision within 21 days of being notified of the Council's decision.

4.2 Each applicant referred to the Panel will be considered on their individual merits. In those circumstances the Panel will decide whether the applicant is a fit and proper person to hold a licence. In certain cases, the Panel may consider it appropriate to grant a licence before the relevant period has elapsed, for instance where an offence is isolated and the circumstances of its commission are such that the Panel consider it is not relevant to the applicant's suitability to hold a licence. Alternatively, the Panel may consider that, notwithstanding the applicant being free of offences for the relevant period, it would not be appropriate to grant a licence.

4.3 The overriding consideration of the Panel will always be to protect the public. Applicants should be aware that the grant of a licence places a significant responsibility on the holder which by the nature of the contact with members of the public requires the holder to be a person proven to be capable of fulfilling the trust placed in them by the hirers of vehicles.

4.4 Holding a Hackney Carriage or Private Hire Licence is a responsible position and the Panel takes its public protection role very seriously. The Panel will only issue a licence if satisfied that a person is 'fit and proper'. If in doubt then a licence will not be issued.

4.5 When considering applications for Hackney Carriage and Private Hire Driver Licences the Panel can consider all criminal offences, including spent convictions and will also take into consideration cautions, police warnings and reprimands, fixed penalties and any anti-social order (or other order) issued by a court. The Panel will also consider factors such as whether someone is on police bail pending the outcome of an investigation or whether any criminal proceedings in a court have commenced.

4.6 Whilst an applicant may have a number of offences that, individually, meet the Council's policy guidelines, the overall offending history will be considered when assessing suitability for a licence. The Panel may depart from these guidelines at its discretion subject to the

circumstances. The policy guidelines provide a general guide to applicants on various types of offences.

5 GUIDELINES ON THE RELEVANCE OF PREVIOUS CONVICTIONS

- 5.1 The Council has adopted the following guidelines relating to the relevance of convictions to which it refers in determining applications for licences.
- 5.2 The guidelines do not deal with every type of offence, and do not prevent the Council from taking into account offences not specifically addressed in the guidelines, or other conduct, which may be relevant to an application.
- 5.3 If an applicant has a conviction for an offence not covered by the guidelines, regard will be had to the nature of the offence, the date of offence, the applicant's age when the offence was committed, the penalty imposed and any other factors which might be relevant when deciding whether to grant an application. Offences described in the guidelines and similar offences, though differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the guidelines.
- 5.4 An applicant with a current criminal conviction will not be permanently barred from obtaining a licence, but an applicant will generally be expected to be free from convictions for a number of years, depending on the nature of their particular offences, before a licence will be issued. Each case will be decided on its own merits.
- 5.5 Multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which may be taken into account despite being outside the timeframes referred to in these guidelines. Such cases will generally be referred to the **Panel**.
- 5.6 For the purpose of clarity, reference in these guidelines to "the completion of any sentence" shall be taken to mean the completion of any Community Order, or the end of the term of imprisonment (meaning the date the offender would have been released from custody had they served the full term of imprisonment imposed by the Court whether or not the term of imprisonment was suspended), whichever is later.

6 SEXUAL AND INDECENCY OFFENCES

- 6.1 Where an applicant has a conviction for any offence involving, or connected with, illegal sexual activity a licence will not be granted. In addition, the Council will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

7 VIOLENT OFFENCES

- 7.1 Where an applicant has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed. Where an applicant has committed more than one violent offence then the application will be refused.

Where an applicant has a conviction for violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since either the date of the offence, the date of conviction, or the completion of any sentence imposed, whichever is later. Given the range of offences that involve violence the Council will

carefully consider the nature of the offence and the sentence imposed when determining an application.

8 POSSESSION OF A WEAPON

- 8.1 Where an applicant has a conviction for possession of a weapon or any weapon related offence, a licence will not be granted until at least 7 years have elapsed since either the offence, the date of conviction, or the completion of any sentence imposed, whichever is later.

9 PUBLIC ORDER OFFENCES

- 9.1 Where an applicant has a conviction for a public order offence a licence will not be granted until at least 5 years have elapsed from the date of the offence, the date of conviction or the completion of any sentence imposed, whichever is later. An applicant with more than one such offence in the previous 10 years will be expected to show a period of at least 7 years free of such offences from either the offence, the date of conviction, the date of conviction or the completion of any sentence imposed, whichever is later.

10 DRUG OFFENCES

- 10.1 A serious view is taken of any drug related offence, in particular offences involving possession with intent to supply.
- 10.2 Where an applicant has committed an offence relating to the supply of drugs, or for the production or cultivation of drugs, a licence will not be granted until a period of at least 10 years have elapsed from either the offence, the date of conviction or the completion of any sentence imposed, whichever is later.
- 10.3 Where an applicant has committed an offence for possession of drugs or relating to the possession of drugs a licence will not be granted until at least 5 years have elapsed from either the offence, the date of conviction, or the completion of any sentence imposed, whichever is later.
- 10.4 If there is evidence of persistent drug use or dependency a specialist medical examination or a drugs test may be required at the applicant's expense. If an applicant was an addict then they would generally be required to show evidence of at least 7 years free from drug taking after detoxification treatment.

11 DISHONESTY OFFENCES

- 11.1 Licence holders are expected to be honest and trustworthy. Drivers deal with cash transactions and valuable property may be left in their vehicles. Drivers often deliver unaccompanied property which gives an idea of the trust that is placed in licensed drivers. It would also be reasonably easy for a dishonest driver to defraud the public by demanding more than the legal fare. For all these reasons, a serious view is taken of any offence involving dishonesty. Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since either the offence, the date of conviction, or the completion of any sentence imposed, whichever is later.

12 PERVERTING THE COURSE OF JUSTICE

12.1 Where an applicant has a conviction for any offence where perverting the course of justice is an element of the offence, a licence will not be granted until at least 7 years have elapsed since either the offence, the date of conviction, or the completion of any sentence imposed, whichever is later.

13 DISCRIMINATION

13.1 Where an applicant has a conviction involving, or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since either the offence, the date of conviction, or the completion of any sentence imposed, whichever is later.

14 EXPLOITATION

14.1 Where an applicant has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes but is not limited to the following: slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse.

15 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING OFFENCES

15.1 Where an applicant has been convicted of an offence concerned with or connected to Hackney Carriage or Private Hire activity a licence will not be granted until at least 7 years have elapsed since either the offence, the date of conviction, or the completion of any sentence imposed, whichever is later.

16 MOTORING OFFENCES

16.1 An applicant's driving record will be taken into account when considering applications for driver licences. The Council will consider the nature and volume of motoring offences when considering applications. Hackney Carriage and Private Hire Drivers are professional drivers charged with the responsibility of carrying the public, and as such a higher standard of driving is expected compared to other road users. Multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally. A poor record of driving will raise doubts about an applicant's fitness and indicate a disregard for the law.

16.2 When considering motoring offences the Council will consider the nature and seriousness of the offence(s) and will have regard to the following categories of offences.

16.3 DRIVING OFFENCES INVOLVING LOSS OF LIFE

16.3.1 An extremely serious view is taken of a driving offence resulting in the loss of life. Such offences include causing death by dangerous driving, causing death by careless driving whilst under the influence of drink or drugs, or other similar offences. In such circumstances an application will not be granted.

16.4 DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

16.4.1 A serious view is taken of any motoring offence for driving, attempting to drive, being in charge of a motor vehicle whilst under the influence of alcohol or drugs, and failure to supply a specimen. Where an applicant has a conviction for drink driving or driving under the influence of drugs a licence will not be granted until at least 7 years have elapsed since either the date of the offence, the date of conviction, the completion of any sentence imposed, or the completion of a driving disqualification, whichever is later. An applicant with more than one offence of this type will not be granted a licence.

16.5 SERIOUS MOTORING OFFENCES

16.5.1 Generally, the Council classes a serious motoring offence as having occurred when 6 or more penalty points have been imposed on a DVLA driving licence in respect of any single offence. However, some offences where less than 6 penalty points are imposed may, subject to the circumstances, be classed as a serious offence. Types of offences classed as a serious offence can include, but are not limited to, driving without insurance, dangerous driving, failure to stop after an accident and a driving disqualification under the 'totting up' procedure.

16.5.2 Where an applicant has a conviction for a serious motoring offence, a licence will not be granted until at least 7 years have elapsed since either the date of the offence, the date of conviction, the completion of any sentence imposed, or the completion of a driving disqualification, whichever is later.

16.6 USING A HAND-HELD DEVICE WHILST DRIVING

16.6.1 Where an applicant has a conviction for using a hand-held mobile telephone or hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since either the date of the offence, the date of conviction, the completion of any sentence imposed, or the completion of a driving disqualification, whichever is later.

16.7 MINOR MOTORING OFFENCES

16.7.1 A minor motoring or vehicle related offence is considered to be one which does not involve the loss of life, driving under the influence of drink or drugs and has not resulted in injury to any person or damage to any property including another vehicle and will normally result in less than 6 penalty points being imposed on a DVLA driving licence.

16.7.2 Where an applicant has 7 or more points on their DVLA driving record for minor motoring or similar offences a licence will not be granted until at least 5 years have elapsed since either the date of the offence, the date of conviction, the completion of any sentence imposed, or the completion of a driving disqualification, whichever is later.

If you have any queries regarding your application please contact us by email at taxilicensing@wirral.gov.uk

Dress Code

The purpose of a driver's dress code is to seek a standard of dress that provides a positive image of the hackney carriage and private hire trade in Wirral to enhance a professional image of licensed drivers and ensure that public and driver safety is not compromised.

The Council does not impose such standards by way of conditions to any licence. It is expected, however, that such standards will be maintained at all times.

Acceptable Standard of Dress

- Footwear (shoes/trainers/sandals) shall fit around the heel of the foot
- Clothing shall be kept in a clean condition, free from holes and rips
- Words or graphics on any clothing shall not be of an offensive or suggestive nature which may offend
- Tops must cover the midriff and shoulders
- Trousers
- Jeans
- Shorts shall be smart, knee length style
- Skirts shall be no shorter than knee length

We would recommend that all clothing, as a minimum should be clean, ironed and in good condition.

Unacceptable Standards of Dress

- Bare chests
- Clothing or footwear which is unclean or damaged
- Clothing printed with words, logos or graphics which may offend
- Footwear that prevents the safe operation of the licensed vehicle
- Beach type footwear (e.g. Flip flops and mules)
- Tracksuit tops or bottoms
- Shellsuit tops or bottoms
- Sleeveless tops

General

The above lists are not exhaustive and Authorised Officers of the Council will assess whether standards of dress are acceptable or not. In such instances, the Officer's decision will have effect as though it were included in the above lists and the licensed driver will be required to comply accordingly.

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PRIVATE HIRE DRIVER LICENCE

CONDITIONS

Private Hire Driver Licence Conditions

In accordance with Section 51(2) of the Local Government (Miscellaneous Provisions) Act 1976 the Council may attach to the grant of a licence such conditions as they may consider reasonably necessary. A failure to comply with these conditions of your licence may result in the suspension or revocation of your Private Hire Driver Licence.

If you are aggrieved by any of the requirements contained in these conditions you have the right of Appeal to a Magistrates' Court within 21 days.

Interpretation

"Wirral Council" includes the Regulatory and General Purposes Committee, the Regulatory Panel, and Council Officers.

"Authorised Officer" includes a Council Officer employed by Wirral Council, a Council Officer employed by another Local Authority authorised by Wirral Council, and a Police Officer.

"In writing" includes a written letter, a completed form, and email. The email address for the Licensing Section is taxilicensing@wirral.gov.uk

MATTERS TO BE REPORTED TO THE COUNCIL

- 1 The licence holder must disclose if they are under investigation in respect of any criminal offence, on police bail pending the outcome of an investigation or whether any criminal proceedings in the Magistrates or Crown Court have started against them.
 - 2 The licence holder must notify the Council within 48 hours, details of any:
 - **investigation** into any criminal or motoring offence
 - motoring offences or penalty points received
 - criminal convictions received
 - fixed penalty notices
 - cautions, warning or reprimands received
 - anti-social behaviour order (or other order) issued by a court
 - change in medical condition or long term prescribed medication which may affect ability to drive
- In the case of a motoring endorsement, do not wait for your licence to be returned from the DVLA, Swansea.***
- 3 The licence holder must notify the Council of any change of address within 7 days of such change. In these circumstances the licence holder must produce their Private Hire Driver Licence to the Licensing office who will issue a licence in the new address.
 - 4 The licence holder must notify the Council of any change of telephone number within 7 days of such change.
 - 5 The licence holder must report lost or stolen Private Hire Vehicle Licence plates to the Council immediately on discovering the loss or theft.
 - 6 The licence holder must report lost or stolen Private Hire Driver Licence badges to the Council immediately on discovering the loss or theft.

ACCIDENTS AND DAMAGE TO VEHICLE

- 7 In every case where a private hire vehicle **sustains damage** the details of the vehicle and the damage sustained must be reported by the licence holder to Wirral Council within 72 hours of the damage having been sustained. The licence holder must complete an incident report form or provide details of the incident in an email and arrange for the vehicle to be inspected as appropriate. The insurance certificate covering the date of the damage occurring and current insurance certificate, if different, must be produced.
- 8 In every case where a private hire vehicle is involved in a **road traffic collision**, the details of the collision must be reported by the licence holder to Wirral Council as soon as practicable and in any case no later than 72 hours after the collision occurring. The licence holder must complete an incident report form or provide details of the incident in an email and arrange for the vehicle to be inspected as appropriate. The insurance certificate covering the date of the damage occurring and current insurance certificate, if different, must be produced.
- 9 Where damage to the Private Hire Vehicle materially affects the safety, performance or appearance of the vehicle, until such damage is repaired to the satisfaction of the Licensing Officer the vehicle must not be used for hire.

For the avoidance of doubt, slight scratches and stone chips which do not materially affect the use of the vehicle do not need to be reported.

FITNESS OF DRIVER

- 10 The licence holder must at any time, or at such intervals as the Council may reasonably require, produce a satisfactory medical assessment from a General Practitioner in the medical practice to which they are registered or by a GP or Doctor who has access to their medical records confirming that they meet the Council's medical standards for a licensed Private Hire Driver.
- 11 The licence holder must cease driving any Private Hire Vehicle and contact the Council immediately if they know of any medical condition or medication which may affect their driving ability and the safety of themselves and any passengers.

CONDUCT OF DRIVERS

- 12 The licence holder must at all times when acting in accordance with the Private Hire Driver Licence granted to them, wear such badge as supplied by the Council in such position and manner as to be plainly and distinctly visible at all times.
- 13 In addition the licence holder must display within the vehicle a further identification badge which should be clearly and distinctly visible to all passengers carried within the vehicle. The licence holder must not lend the badge to any other person or cause or permit any other person to wear it.
- The driver's badge should be worn on the top half of the body (eg chest) and should be CLEARLY visible.*
- 14 The licence holder must not wilfully or negligently cause or permit any licence plate or interior display of the Private Hire Vehicle Licence number to be concealed from public view or to be so defaced as to make any figure or information illegible.
- 15 The licence holder must not drive a licensed vehicle in a manner that may intimidate or have the potential to intimidate another road user.

- 16 The licence holder must, on ceasing to be licensed as a driver, when the licence expires and is not renewed, when the licence is suspended or revoked, or when required to do so by an officer of the Council, return the badges to the Wirral Council.
- 17 The licence holder **must not**,
- smoke tobacco or like substances in the vehicle **at any time**
 - eat or drink in the vehicle when carrying passengers, except with the express consent of the hirer.
- 18 The licence holder must not, except with the express consent of the hirer, play a radio receiver or sound reproducing equipment in the vehicle other than for the purpose of receiving messages in connection with the operation of the vehicle.
- 19 The licence holder must at no time cause or permit the noise emitted by any radio equipment or any sound reproducing equipment, installed in the Private Hire vehicle, to be a source of annoyance to any person whether inside or outside the vehicle.
- 20 The licence holder must not operate the horn as a means of signalling that the vehicle has arrived.
- 21 The licence holder must not, while driving or in charge of a private hire vehicle:-
- tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle, or
 - cause or procure any person 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, or
 - offer that vehicle for immediate hire while the licence holder of that vehicle is on a road or other public or
 - accept an offer for the immediate hire of that vehicle while the licence holder of that vehicle is on a road or other public place.
- 22 The licence holder must ensure that there is a current certificate of insurance in force for the vehicle they are driving at all times and that such certificate of insurance allows them to drive the vehicle for private hire purposes.
- 23 The licence holder must produce the current valid certificate of insurance for the private hire vehicle when requested to do so by an Officer.
- 24 If the certificate cannot be produced on demand it must be presented within 72 hours to Wirral Council.
- 25 The licence holder must drive at all times in accordance with all relevant traffic regulations and the highway code and should never drive in an aggressive or dangerous manner.
- 26 The licence holder must ensure that the Private Hire Vehicle driven by them is in a roadworthy condition and is kept in a safe and satisfactory condition at all times.
- 27 The licence holder must ensure that the vehicle is presented in a clean and tidy condition at all times.
- 28 The licence holder must at all times when the vehicle is available or being driven for hire ensure that doorsigns are displayed on doors on both sides of the vehicle, in accordance with private hire vehicle licence conditions.

Notwithstanding the above, the licence holder should ensure that any private hire vehicle they drive complies with private hire vehicle conditions and current legislation. Failure to do so may result in action being taken against you.

- 29 The licence holder must present for inspection any private hire vehicle driven by them when requested by a Licensing Officer. Failure to comply with such request may result in the suspension or revocation of the Private Hire Vehicle Licence and the Private Hire Driver Licence.
- 30 The licence holder must not convey or permit to be conveyed in their vehicle more than the maximum number of persons permitted by the private hire vehicle licence.
- 31 The licence holder must not allow any child apparently under 10 years of age to be conveyed in the front of the vehicle beside the licence holder.
- 32 The licence holder must not permit any person to be conveyed in the vehicle without the consent of the hirer.
- 33 The licence holder who must have agreed or must have been hired to be in attendance with the vehicle at an appointed time and place must, unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at such appointed time and place.
- 34 The licence holder must when requested by a passenger:-
- convey a reasonable quantity of luggage;
 - afford reasonable assistance in loading and unloading luggage;
- 35 The licence holder must at all times when the vehicle is available or being driven for hire:-
- behave in a civil, polite and orderly manner towards every person seeking to hire, or hiring or being conveyed
 - ensure the safeguarding of children, young and vulnerable persons is not put at risk
 - be clean, hygienic and respectable in their dress and person
 - address disputes through appropriate legal channels and avoid confrontation
 - comply with every reasonable requirement of every person hiring or being conveyed in the vehicle
 - take all reasonable precautions to ensure the safety of persons conveyed in or alighting from the vehicle
 - ensure they do not pose a threat to the public
 - ensure the public are safeguarded from dishonest persons
 - ensure they do not bring in to disrepute the integrity of the Council for having granted them a licence
 - ensure the private hire vehicle complies with the fitness standard set out by the Council.
- 36 The licence holder must not initiate or engage in any dialogue of a sexual nature with a passenger.
- 37 The licence holder must not use rude, inappropriate or offensive language.

FARES AND JOURNEYS

- 38 The licence holder shall cause any statement of fares supplied by the relevant private hire operator to be displayed inside the private hire vehicle in such a position as to be clearly visible at all times to the hirer. If the private hire vehicle is fitted with a device/meter for calculating the fare the device/meter must be maintained in good working order.

- 39 If the private hire vehicle being driven by the licence holder is fitted with a device/meter for calculating the fare, the licence holder must not cause the fare recorded thereon to be cancelled or concealed until the hirer has had an opportunity to examine the device/meter and has paid the fare.
- 40 The licence holder must not demand from a hirer of a Private Hire Vehicle a fare in excess of that prescribed by the Operator or fare table displayed in the vehicle. If the vehicle is fitted with a meter and there has been no previous agreement as to the fare, the licence holder must demand no more than the fare shown on the face of the meter.
- 41 The licence holder must, if required by the hirer of the vehicle, provide a written receipt for any fare paid.
- 42 The licence holder, when hired to drive to any particular destination, must, subject to any directions given by the hirer, proceed to that destination by the shortest practicable route.

LOST PROPERTY

- 43 The licence holder must, immediately after the termination of any hiring, search the vehicle, with reasonable care, for any property which may have been accidentally left therein. If any property accidentally left therein by any person who may have been conveyed in the vehicle is found by or handed to the licence holder they must report it to the Operator. If the item is of significant value it must be taken to the nearest police station situated in the Borough.

THE CARRIAGE OF ANIMALS

- 44 A licence holder must not carry in a private hire vehicle any animal which belongs to, or is being looked after by themselves, or the owner or operator of the vehicle while it is being used as a private hire vehicle. Animals in the custody of passengers may be carried, at the driver's discretion, provided they are restrained in a safe manner
- 45 A licence holder must carry assistance dogs when necessary. These include guide dogs for the blind or partially sighted, hearing dogs for the hard of hearing, and other assistance dogs, which assist disabled people with a physical impairment. Any driver with a medical condition, which may be exacerbated by dogs, may apply for an exemption from this condition. A certificate of exemption can be supplied on production of suitable medical evidence.
- 46 The licence holder must only drive vehicles which are licensed by the Metropolitan Borough of Wirral under Section 48 of the Local Government (Miscellaneous Provisions) Act 1976, as amended.

ALTERATION OF CONDITIONS

- 47 Wirral Council may alter these conditions upon giving 28 days notice in writing to the licence holder that any of these conditions are deleted, any new ones inserted or existing conditions altered. If you are aggrieved, you will have the right to appeal to the Magistrates Court within 21 days of being notified of the proposed change.

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PRIVATE HIRE DRIVER LICENCE

CONDITIONS

(Contract)

Private Hire Driver Licence Conditions

In accordance with Section 51(2) of the Local Government (Miscellaneous Provisions) Act 1976 the Council may attach to the grant of a licence such conditions as they may consider reasonably necessary. A failure to comply with these conditions of your licence or any of the general conditions, regulations or statutes from time to time in force, may result in the suspension or revocation of your Private Hire Driver Licence.

If you are aggrieved by any of the requirements contained in these conditions you have the right of Appeal to a Magistrates' Court within 21 days.

Interpretation

"Wirral Council" includes the Regulatory and General Purposes Committee, the Regulatory Panel, and Council Officers.

"Authorised Officer" includes a Council Officer employed by Wirral Council, a Council Officer employed by another Local Authority authorised by Wirral Council, and a Police Officer.

"In writing" includes a written letter, a completed form, and email. The email address for the Licensing Section is taxilicensing@wirral.gov.uk

CONTRACT

- 1 The driver must only undertake work exclusively under and in strict accordance with the terms and conditions of a contract issued by the Council to transport children to and from educational establishments.

MATTERS TO BE REPORTED TO THE COUNCIL

- 2 The licence holder must disclose if they are under investigation in respect of any criminal offence, on police bail pending the outcome of an investigation or whether any criminal proceedings in the Magistrates or Crown Court have started against them.
- 3 The licence holder must notify the Council within 48 hours, details of any:
 - **investigation** into any criminal or motoring offence
 - motoring offences or penalty points received
 - criminal convictions received
 - fixed penalty notices
 - cautions, warning or reprimands received
 - anti-social behaviour order (or other order) issued by a court
 - change in medical condition or long term prescribed medication which may affect ability to drive

In the case of a motoring endorsement, do not wait for your licence to be returned from the DVLA, Swansea.

- 4 The licence holder must notify the Council of any change of address within 7 days of such change. In these circumstances the licence holder must produce their Private Hire Driver Licence to the Licensing office who will issue a licence in the new address.
- 5 The licence holder must notify the Council of any change of telephone number within 7 days of such change.

- 6 The licence holder must report lost or stolen Private Hire Vehicle Licence plates to the Council immediately on discovering the loss or theft.
- 7 The licence holder must report lost or stolen Private Hire Driver Licence badges to the Council immediately on discovering the loss or theft.

ACCIDENTS AND DAMAGE TO VEHICLE

- 8 In every case where a private hire vehicle **sustains damage** the details of the vehicle and the damage sustained must be reported by the licence holder to Wirral Council within 72 hours of the damage having been sustained. The licence holder must complete an incident report form or provide details of the incident in an email and arrange for the vehicle to be inspected as appropriate. The insurance certificate covering the date of the damage occurring and current insurance certificate, if different, must be produced.
- 9 In every case where a private hire vehicle is involved in a **road traffic collision**, the details of the collision must reported by the licence holder to Wirral Council as soon as practicable and in any case no later than 72 hours after the collision occurring. The licence holder must complete an incident report form or provide details of the incident in an email and arrange for the vehicle to be inspected as appropriate. The insurance certificate covering the date of the damage occurring and current insurance certificate, if different, must be produced.
- 10 Where damage to the Private Hire Vehicle materially affects the safety, performance or appearance of the vehicle, the vehicle must not be used for hire until such damage is repaired to the satisfaction of the Licensing Authority.

FITNESS OF DRIVER

- 11 The licence holder must at any time, or at such intervals as the Council may reasonably require, produce a satisfactory medical assessment from a General Practitioner in the medical practice to which they are registered or by a GP or Doctor who has access to their medical records confirming that they meet the Council's medical standards for a licensed Private Hire Driver.
- 12 The licence holder must cease driving any Private Hire Vehicle and contact the Council immediately if they know of any medical condition or medication which may affect their driving ability and the safety of themselves and any passengers.

CONDUCT OF DRIVERS

- 13 The licence holder must at all times when acting in accordance with the Private Hire Driver Licence granted to them, wear such badge as supplied by the Council in such position and manner as to be plainly and distinctly visible at all times.
- 14 In addition the licence holder must display within the vehicle a further identification badge which should be clearly and distinctly visible to all passengers carried within the vehicle. The licence holder must not lend the badge to any other person or cause or permit any other person to wear it.

The driver's badge should be worn on the top half of the body (eg chest) and should be CLEARLY visible.

- 15 The licence holder must not wilfully or negligently cause or permit any licence plate or interior display of the Private Hire Vehicle Licence number to be concealed from public view or to be so defaced as to make any figure or information illegible.

- 16 The licence holder must not drive a licensed vehicle in a manner that may intimidate or have the potential to intimidate another road user.
- 17 The licence holder must, on ceasing to be licensed as a driver, when the licence expires and is not renewed, when the licence is suspended or revoked, or when required to do so by an officer of the Council, return the badges to the Wirral Council.
- 18 The licence holder **must not**,
- smoke tobacco or like substances in the vehicle **at any time**
 - eat or drink in the vehicle when carrying passengers, except with the express consent of the hirer.
- 19 The licence holder must not, except with the express consent of the hirer, play a radio receiver or sound reproducing equipment in the vehicle other than for the purpose of receiving messages in connection with the operation of the vehicle.
- 20 The licence holder must at no time cause or permit the noise emitted by any radio equipment or any sound reproducing equipment, installed in the Private Hire vehicle, to be a source of annoyance to any person whether inside or outside the vehicle.
- 21 The licence holder must not operate the horn as a means of signalling that the vehicle has arrived.
- 22 The licence holder must not, while driving or in charge of a private hire vehicle:-
- tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle, or
 - cause or procure any person 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, or
 - offer that vehicle for immediate hire while the licence holder of that vehicle is on a road or other public or
 - accept an offer for the immediate hire of that vehicle while the licence holder of that vehicle is on a road or other public place.
- 23 The licence holder must ensure that there is a current certificate of insurance in force for the vehicle they are driving at all times and that such certificate of insurance allows them to drive the vehicle for private hire purposes.
- 24 The licence holder must produce the current valid certificate of insurance for the private hire vehicle when requested to do so by an Officer.
- 25 If the certificate cannot be produced on demand it must be presented within 72 hours to Wirral Council.
- 26 The licence holder must drive at all times in accordance with all relevant traffic regulations and the highway code and should never drive in an aggressive or dangerous manner.
- 27 The licence holder must ensure that the Private Hire Vehicle driven by them is in a roadworthy condition and is kept in a safe and satisfactory condition at all times.
- 28 The licence holder must ensure that the vehicle is presented in a clean and tidy condition at all times.

- 29 The licence holder must ensure the vehicle complies with Wirral Council's Vehicle Inspection Policy.
- Notwithstanding the above, the licence holder should ensure that any private hire vehicle they drive complies with private hire vehicle conditions and current legislation. Failure to do so may result in action being taken against you.***
- 30 The licence holder must present for inspection any private hire vehicle driven by them when requested by a Licensing Officer. Failure to comply with such request may result in the suspension or revocation of the Private Hire Vehicle Licence and the Private Hire Driver Licence.
- 31 The licence holder must not convey or permit to be conveyed in their vehicle more than the maximum number of persons permitted by the private hire vehicle licence.
- 32 The licence holder must not allow any child apparently under 10 years of age to be conveyed in the front of the vehicle beside the licence holder.
- 33 The licence holder must not permit any person to be conveyed in the vehicle without the consent of the hirer.
- 34 Every licence holder who must have agreed or must have been hired to be in attendance with the vehicle at an appointed time and place must, unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at such appointed time and place.
- 35 Every licence holder must comply with every reasonable requirement of every person hiring or being conveyed in the vehicle.
- 36 Every licence holder must when requested by a passenger:-
- convey a reasonable quantity of luggage;
 - afford reasonable assistance in loading and unloading luggage;
- 37 The licence holder must at all times when the vehicle is available or being driven for hire:-
- behave in a civil, polite and orderly manner towards every person seeking to hire, or hiring or being conveyed
 - ensure the safeguarding of children, young and vulnerable persons is not put at risk
 - be clean, hygienic and respectable in their dress and person
 - address disputes through appropriate legal channels and avoid confrontation
 - comply with every reasonable requirement of every person hiring or being conveyed in the vehicle
 - take all reasonable precautions to ensure the safety of persons conveyed in or alighting from the vehicle
 - ensure they do not pose a threat to the public
 - ensure the public are safeguarded from dishonest persons
 - ensure they do not bring in to disrepute the integrity of the Council for having granted them a licence
 - ensure the private hire vehicle complies with the fitness standard set out by the Council.
- 38 The licence holder must not initiate or engage in any dialogue of a sexual nature with a passenger.
- 39 The licence holder must not use rude, inappropriate or offensive language.

LOST PROPERTY

- 45 The licence holder must, immediately after the termination of any hiring, search the vehicle, with reasonable care, for any property which may have been accidentally left therein. If any property accidentally left therein by any person who may have been conveyed in the vehicle is found by or handed to the licence holder they must report it to the Operator. If the item is of significant value it must be taken to the nearest police station situated in the Borough.

THE CARRIAGE OF ANIMALS

- 46 A licence holder must not carry in a private hire vehicle any animal which belongs to, or is being looked after by themselves, or the owner or operator of the vehicle while it is being used as a private hire vehicle. Animals in the custody of passengers may be carried, at the driver's discretion, provided they are restrained in a safe manner
- 47 A licence holder must carry assistance dogs when necessary. These include guide dogs for the blind or partially sighted, hearing dogs for the hard of hearing, and other assistance dogs, which assist disabled people with a physical impairment. Any driver with a medical condition, which may be exacerbated by dogs, may apply for an exemption from this condition. A certificate of exemption can be supplied on production of suitable medical evidence.
- 46 The licence holder must only drive vehicles which are licensed by the Metropolitan Borough of Wirral under Section 48 of the Local Government (Miscellaneous Provisions) Act 1976, as amended.

ALTERATION OF CONDITIONS

- 48 Wirral Council may alter these conditions upon giving 28 days notice in writing to the licence holder that any of these conditions are deleted, any new ones inserted or existing conditions altered. If you are aggrieved, you will have the right to appeal to the Magistrates Court within 21 days of being notified of the proposed change.



PRIVATE HIRE VEHICLE LICENCE

CRITERIA

Private Hire Vehicle Criteria

The legislation gives local authorities a wide discretion over the types of vehicles that can be licensed as private hire vehicles.

Wirral Council must be satisfied that vehicles licensed as private hire vehicles are suitable in type, size and design for use as private hire vehicles, that it is in a suitable mechanical condition and is safe and comfortable.

In this document the "Licensing Authority" means Wirral Council, its Licensing Health and Safety and General Purposes Committee, its Licensing Panel and its Officers.

Although the criteria set out in this document may have been met, approval for the issuing of a licence may be withheld if the Licensing Authority is of the opinion that the vehicle is unsuitable for use as a private hire vehicle to transport members of the public for hire and reward.

A vehicle that meets the criteria to be licensed as a private hire vehicle must have passed the MOT and Compliance Test in accordance with the Licensing Authority's procedure for testing vehicles before it can be licensed and before each renewal of that licence. Further tests and inspections may be carried out as directed by the Licensing Authority or Merseyside Police.

MOT or Compliance Test Pass Certificates submitted more than 28 days after the date of test will not be accepted.

A vehicle licensed as a private hire or hackney carriage vehicle with any other local authority will not be licensed by Wirral Council.

VEHICLE AGE POLICY

1. Vehicles must be under 10 years of age from the date of manufacture or date of first registration, whichever is the earliest.
2. Once a vehicle reaches 6 years of age it will be required to be tested every six months and a six monthly licence will be issued.
3. Any vehicle which is more than 9 years and 6 months old will be issued with a licence that will expire on the day before it reaches 10 years old

GENERAL CONSTRUCTION

4. The vehicle must be fitted with at least 4 doors and 4 wheels
5. The vehicle must be capable of carrying at least 4 and not more than 8 passengers in addition to the driver.
6. The vehicle must be fitted (in addition to the front drivers and passengers doors) with at least two side/rear opening doors and all doors must be easily accessible to all passengers and capable of being opened from inside.
7. 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.
8. The vehicle must comply in all respects with the requirements of the Motor Vehicle (Type Approval) Regulations 1980 and the Motor Vehicle (Type Approval) Regulations (Great Britain) 1984 and be M1 type approved in accordance with European Whole Vehicle Type Approval 70/156/EEC as amended.

9. Any converted vehicles will be required to hold the appropriate low volume type approval certificate in the M1 classification or the appropriate Individual Vehicle Approval Certificate.
10. The vehicle presented for approval must, as a minimum, comply with the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendment or re-enactment thereof.
11. The steering wheel must be on the offside of the vehicle.
12. Unless approved by the Licensing Authority no fittings outside of the manufacturer's specification may be attached to or be carried upon the inside or outside of the vehicle.
13. Any vehicle that has been the subject of significant damage rectification repairs will not be licensed unless such repairs have been carried out in accordance with the manufacturer's specification.
14. Any vehicle which has been disposed of under an insurance salvage agreement 9 category A or B will not be licensed.
15. Where bench seats are fitted to the rear of the vehicle one person will be counted for each complete length of 16" measured in a straight line lengthwise along the front of the seat.

BODYWORK

16. The vehicle must be free from corrosion, damage, or unsatisfactory repairs.
17. Paintwork must be of a high standard and the colour and finish of all panels must match exactly.

WHEELS AND TYRES

18. Where a vehicle is supplied with alloy wheels, all four road wheels must be of the same type and pattern.
19. Where a vehicle is supplied with wheels intended to be fitted with wheel trims, all four road wheels must be fitted with wheel trims of the same pattern.
20. Alloy wheels, wheel rims, and fitted wheel trims must be free from damage and defects which affect the safety, appearance, or integrity of the wheel.
21. Part-worn and remould tyres must comply with the Motor Vehicle Tyres (Safety) Regulations 1994.
22. All tyres, including the spare where applicable, must be the correct size, speed, and load rating for the vehicle as per the manufacturer's specification.
23. All tyres, including the spare where applicable, must be properly inflated in accordance with both the vehicle and tyre manufacturer's specification.
24. All tyres, including the spare where applicable, must have a continuous tread depth of at least 1.6mm across the central three quarters of the breadth of the tyre, and visible tread across the remaining breadth of the tyre.
25. All tyres, including the spare where applicable, must be free from cuts and other defects.
26. The vehicle must carry a method for dealing with a tyre should it become defective. This method must be in accordance with the manufacturer's specification which may be one of the following:

- a. full size spare wheel - which must be the same size and type as the four road wheels and be fitted with a tyre of the same size, speed, and load rating as the four road wheels. Proper tools and equipment for changing the wheel must also be carried.
- b. space saver spare wheel - which must be the correct size and type for the vehicle and be fitted with a tyre of the correct size, speed, and load rating. The tyre must be correctly inflated in accordance with the manufacturer's specifications. Proper tools and equipment for changing the wheel must also be carried.
- c. run-flat tyres - which must be fitted to all four road wheels. Run-flat tyres may only be used if the vehicle is fitted with an appropriate and serviceable tyre pressure monitoring system (TPMS).
- d. emergency tyre sealant and compressor/inflator pack – which must be permanently marked with the vehicle registration number.

ELECTRICAL EQUIPMENT

- 27. Any additional electrical installation to the original vehicle equipment must be adequately insulated and be protected by suitable fuses. Any electrical installation and components within the vehicle must meet the electromagnetic compatibility (EMC) requirements of UNECE Regulation 10 and be marked accordingly.

INTERIOR LIGHTING

- 28. Interior lighting must be provided in accordance with the manufacturer's specification. No additional lighting may be fitted.

SEATS

- 29. Seats must be secure and covered with an appropriate material which must be properly upholstered and in good and clean condition, free from rips, tears and holes.
- 30. If seat covers are used they must be correctly fitted, in a good and clean condition and free from rips, tears and holes.

SEAT BELTS

- 31. Vehicles must be fitted with lap and diagonal seatbelts on all seats, including rear facing seats, as per the manufacturer's specification.
- 32. Seatbelts and seatbelt mechanisms must be in good working order and free from frays, cuts, and other damage, and show no evidence of repair.
- 33. For the avoidance of doubt any cut, frayed or damaged seatbelt must have been replaced and not repaired.

WINDOWS

- 34. Windows must be provided at the sides and at the rear of the vehicle.
- 35. Passenger door windows must be capable of being easily opened by passengers when seated.
- 36. The front windscreen must let at least 75% of light through and all other windows must let at least 70% of light through.

HEATING AND VENTILATION

37. A heating and ventilation system must be provided and must be in good working order.

DOORS

38. All doors must be easily accessible to all passengers and capable of being opened from inside. It must be clear to passengers how to operate the doors of the vehicle.

Hinged and sliding doors

39. When the vehicle is stationary, the passenger doors must be capable of being opened from the inside and outside of the vehicle by one operation of the latch mechanism.

40. Where sliding doors are fitted an audible or visual warning must be fitted in the driver's compartment indicating when any door is open.

41. Where sliding doors are fitted there must be a sign within the passenger compartment, clearly visible to all passengers, giving instructions on the correct operation of the passenger door.

Electric doors

42. Where electric doors are fitted:

- A sign must be clearly displayed inside the vehicle providing instructions on the correct operation of the door opening and closing mechanism.
- The door system design shall incorporate a method to detect an obstruction in the path of a closing door. When an obstruction is detected, the door system shall react in a manner that will allow the obstruction to be released
- A method for detecting an obstruction and preventing the closure of a powered door shall be included as part of the design of the door controls.

FLOOR COVERING

43. The floor of the vehicle must be covered in an appropriate non-slip material which must be free from rips, tears, and holes.

44. All floor covering fitted must be of uniform colour and material.

LUGGAGE

45. There must be provision for the safe carrying of luggage commensurate with the number of passengers being carried in the vehicle.

46. Provision must be made for luggage to be kept separate and secured from the passenger seating area.

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PRIVATE HIRE VEHICLE LICENCE

CONDITIONS

Private Hire Vehicle Licence Conditions

Wirral Council must be satisfied that private hire vehicles operating in Wirral are safe to do so. Wirral Council may require you to present your vehicle for inspection or test during the period that the vehicle is licensed. The proprietor or licensed driver of the vehicle shall at reasonable times permit an Authorised Officer or Police Constable to inspect the vehicle for the purpose of ascertaining its fitness and shall comply with any direction. Should a private hire vehicle fail to be presented for inspection on request by an Authorised Officer, the vehicle licence may be suspended.

Once a vehicle licence has been issued it remains in force at all times until the licence expires or it is surrendered, suspended, or revoked. The vehicle must therefore be driven by a licensed Private Hire Driver at all times.

Should any of the below conditions not be complied with the private hire vehicle licence may be suspended or revoked and legal action may be taken in accordance with relevant legislation. Appropriate action may also be taken against the Private Hire Driver who uses the vehicle for hire and reward. (See the Council's Policy relating to the conduct of Private Hire and Hackney Carriage Licence Holders)

Notwithstanding the below conditions, if there is anything in the construction, form, working or general appearance of the vehicle which, in the opinion of Wirral Council or an authorised officer working on behalf of the Council, renders a vehicle unfit for use as a private hire vehicle, it may be suspended, revoked, or an application to renew a licence may be refused.

A vehicle licensed as a private hire or hackney carriage vehicle with any other local authority will not be licensed by Wirral Council.

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.

Interpretation

"Wirral Council" includes the Regulatory and General Purposes Committee, the Regulatory Panel, and Council Officers.

"Authorised Officer" includes a Council Officer employed by Wirral Council, a Council Officer employed by another Local Authority authorised by Wirral Council, and a Police Officer.

"Proprietor" includes a part-proprietor and, in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement.

"In writing" includes a written letter, a completed form, and email. The email address for the Licensing Section is taxilicensing@wirral.gov.uk

MATTERS TO BE REPORTED TO THE COUNCIL

CHANGE OF DETAILS

1. The proprietor of a private hire vehicle must notify Wirral Council of any change of name, address or contact telephone number within 7 days of such change taking place.
2. The proprietor of a private hire vehicle must notify Wirral Council of any intention to change the vehicle registration number, prior to any such change taking place.

ACCIDENTS AND DAMAGE TO VEHICLE

3. In every case where a private hire vehicle **sustains damage** the details of the vehicle and the damage sustained must be reported by the proprietor or driver of the vehicle to Wirral Council within 72 hours of the damage having been sustained. The proprietor or driver of the vehicle must complete an incident report form or provide details of the incident in an email and arrange for the vehicle to be inspected as appropriate. The insurance certificate covering the date of the damage occurring and current insurance certificate, if different, must be produced.
4. In every case where a private hire vehicle is involved in a **road traffic collision**, the details of the collision must be reported by the proprietor or driver of the vehicle to Wirral Council as soon as practicable and in any case no later than 72 hours after the collision occurring. The proprietor or driver of the vehicle must complete an incident report form or provide details of the incident in an email and arrange for the vehicle to be inspected as appropriate. The insurance certificate covering the date of the damage occurring and current insurance certificate, if different, must be produced.
5. Where damage to the Private Hire Vehicle materially affects the safety, performance or appearance of the vehicle, the vehicle must not be used for hire until such damage is repaired to the satisfaction of the Licensing Authority.

LOST AND STOLEN PLATES

6. If any licence plate is lost or stolen from the vehicle the loss or theft must be reported to the Council immediately.

CONVICTIONS, CAUTIONS, MOTORING OFFENCES AND COMPLAINTS

7. The proprietor of a private hire vehicle must notify Wirral Council within 48 hours, details of any:
 - **investigation** into any criminal or motoring offence
 - criminal convictions received
 - cautions, warnings or reprimands received
 - motoring offences or penalty points received
 - fixed penalty notices
 - anti social behaviour order (or other order) issued by the Court

You must also report to Wirral Council any incidents which may lead to a complaint against you.

TRANSFER OF OWNERSHIP OF VEHICLE

8. If the proprietor of a private hire vehicle wishes to transfer ownership of the vehicle to another person, the proprietor(s) must notify Wirral Council in writing of the name and address of the new proprietor within 14 days of the transfer of ownership. The current proprietor must complete a consent pro-forma and the new proprietor must complete a transfer application form.

SURRENDER OF LICENCE

9. If at any time during the period of the licence the proprietor, for any reason, does not wish to retain the private hire vehicle licence, or transfer the vehicle licence to another person, the proprietor must immediately surrender and return the private hire vehicle licence, window card, and front and rear plates to Wirral Council.

INSURANCE AND VEHICLE EXCISE LICENCE

10. All private hire vehicles must be licensed and insured specifically for use as a private hire vehicle for that specific purpose.
11. Proof of current insurance must be submitted with each application for a licence.
12. Proof of change or renewal of insurance during the course of the licence must also be provided to the Council.
13. The insurance must be continuous for the period of the vehicle licence.
14. If cover notes are provided they must run consecutively.
15. The proprietor must produce the current valid certificate of insurance for the private hire vehicle when requested to do so by an Officer.
16. If the certificate cannot be produced on demand it must be presented within 72 hours to Wirral Council.
17. The vehicle must be taxed whilst it is licensed as a private hire vehicle and the proprietor must be able to demonstrate that the vehicle has a current valid vehicle excise licence.

GENERAL SPECIFICATIONS

18. No material alterations or change in the specification, design, condition or appearance of the private hire vehicle shall be made without the prior approval of Wirral Council. This includes the addition of lights, signs, symbols, numbers, or letters inside or outside of the vehicle.
19. Private hire vehicles must as a minimum comply with the Road Vehicles (Construction and Use) Regulations 1986 (as amended) at all times, unless conditions state otherwise.

EXTERIOR OF THE VEHICLE

20. The vehicle must be free from corrosion, damage or unsatisfactory repairs.
21. Vehicles, including all fittings, lights, and other mechanical and electrical components must be maintained in good working order.

22. The vehicle must be maintained with the paintwork, bodywork, fittings, locks, and latches in good order and to the vehicle manufacturer's standards.
23. Paintwork must be of a high standard and the colour of all panels must match exactly.
24. The vehicle must be maintained in a mechanical and structural condition which is roadworthy and capable of satisfying Wirral Council's inspection at any time during the period of the vehicle licence.
25. The interior and exterior of the vehicle must be maintained in a clean and safe condition.
26. There must be no visible leaks of fuel, oil, or other fluids from the vehicle.
27. The vehicle must not emit excessive smoke from the exhaust.

DOORS SIGNS AND LIVERY

28. A magnetic or adhesive door sign must be affixed on either both front or both rear doors of the vehicle at all times when the vehicle is available for use as a private hire vehicle. The door sign must be measure at least 590mm wide by 220mm tall, be complete in one piece, 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. The word "taxi", "cab", "hire" or any word of similar meaning or appearance to any of those words must not be included.
 - 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.
29. 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:
 - d 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.
 - e the name of the private hire operator for which work is being undertaken. The word "taxi", "cab", "hire" or any word of similar meaning or appearance to any of those words must not be included.
 - f 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.

- g the name of the private hire operator and preferred method of contact may be displayed within the bottom 10 cm of the rear window.

- 30. A magnetic or adhesive sign containing the name of the private hire operator may be displayed on the bonnet or rear of a private hire vehicle.

INTERIOR OF THE VEHICLE

- 31. Private hire vehicles must be wind and water tight when all doors and windows are closed.
- 32. All fittings and furniture inside the private hire vehicle must be in a clean and well maintained condition.
- 33. Seats must be secure and covered with an appropriate material which must be properly upholstered and in good and clean condition, free from rips, tears and holes.
- 34. If seat covers are used they must be correctly fitted, in a good and clean condition and free from rips, tears and holes.
- 35. Seatbelts and seatbelt mechanisms must be in good working order and free from frays, cuts, and other damage.
- 36. If a seatbelt sustains any frays, cuts, or other damage the seatbelt must be replaced - not repaired.
- 37. The floor of the vehicle must be covered in an appropriate non-slip material which must be free from rips, tears and holes.
- 38. Nothing must be placed in front of or on any windows that would obscure the clear vision of the driver or passengers other than those authorised by Wirral Council.
- 39. The private hire driver's badge must be displayed in a prominent position within the vehicle so that all details can easily be read by passengers at all times.

LUGGAGE

- 40. There must be provision for the safe carrying of luggage commensurate with the number of passengers being carried in the vehicle.
- 41. Provision must be made for luggage to be kept separate and secured from the passenger seating area.

ELECTRICAL EQUIPMENT

- 42. Any additional electrical installation to the original vehicle equipment must be adequately insulated and be protected by suitable fuses. Any electrical installation and components within the taxi must meet the electromagnetic compatibility (EMC) requirements of UNECE Regulation 10 and be marked accordingly.

MANDATORY SIGNAGE AND NOTICES

VEHICLE LICENCE PLATES

- 43. The large vehicle licence plate identifying the vehicle as a private hire vehicle (rear plate) must at all times be securely fixed externally to the rear of the vehicle in a

manner approved by Wirral Council in a prominent position ensuring that the whole plate is clearly visible and it does not obscure or alter any of the information printed thereon. For the avoidance of doubt, the mounting of the plate by magnetic or any other semi permanent means, for example cable ties, zip ties or Velcro, is prohibited.

44. The small vehicle licence plate identifying the vehicle as a private hire vehicle (front plate) must at all times be securely fixed externally to the front of the vehicle in a manner approved by Wirral Council in a prominent position ensuring that the whole plate is clearly visible and it does not obscure or alter the information printed thereon.
45. At no time must the licence plates be wilfully or negligently concealed from public view.
46. Vehicle licence plates must be free from damage and must not be altered in any way with regards their appearance or size.
47. The private hire vehicle licence plates remain the sole property of Wirral Council.

VEHICLE IDENTIFICATION CARD

48. The private hire vehicle identification card must be fixed inside the private hire vehicle in such a manner that it is clearly visible to persons inside the private hire vehicle.

INTERIOR LIGHTING

49. All interior lights must be in good working order and be automatically activated upon the opening of a door.

NOTICES

50. Any notice that Wirral Council may require must be displayed inside the vehicle as directed.

FARE TABLE AND DEVICE/METER FOR CALCULATING FARES

51. The proprietor shall cause any statement of fares supplied by the relevant private hire operator to be displayed inside the private hire vehicle in such a position as to be clearly visible at all times to the hirer. If the private hire vehicle is fitted with a device/meter for calculating the fare the device/meter must be maintained in good working order.
52. If a meter is to be used to calculate fares it must only be installed by an approved provider. Details of the meter provider and calibration certificate must be supplied to Wirral Council before the meter is used for private hire.
53. Where a meter is fitted all of its fittings must be fixed to the vehicle with seals or by other means so that it shall not be practicable for any person to tamper with the meter except by breaking, damaging, or permanently displacing the seals and other fittings.
54. The device/meter used for calculating fares must be set to reflect the fare table of the private hire operator for which work is being undertaken.
55. The device/meter for calculating fares must not at any time display the words "FOR HIRE" or other words to the same effect.

56. When the device/meter for calculating fares is in use the fare and permitted extras must be shown legibly on the face of the device/meter.
57. The device/meter for calculating fares must be securely fitted in such a position that the display is clearly visible, and is sufficiently illuminated when in use. It must not be placed in a position that interferes with the driver's vision through the windscreen.
58. Any modifications or planned modifications to the device/meter for calculating fares must be declared to Wirral Council before the device/meter is used.

ADVERTISEMENTS

59. No advertisements may be displayed on or from the outside of the private hire vehicle.
60. Advertisements may be displayed inside private hire vehicles with prior approval from Wirral Council. Advertisements inside the private hire vehicle must not be placed on any window or dashboard.
61. Advertisements must comply with the UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (CAP Code) published by the Advertising Standards Agency (ASA) and the Committee of Advertising Practices (CAP).
62. Any advertisement promoting alcohol, tobacco, the sex industry, or any matters considered inappropriate or controversial are not permitted to be advertised in private hire vehicles.

CLOSED CIRCUIT TELEVISION (CCTV)

63. CCTV may be installed in private hire vehicles to aid the prevention and detection of crime. If CCTV is installed in a private hire vehicle the following conditions apply:
64. The data controller must register with the Information Commissioners Office (ICO) and ensure the registration is kept current at all times that CCTV is fitted in the vehicle.
65. The data controller must comply with the Data Protection Act 1988, 'CCTV Code of Practice' issued by the Information Commissioners Office (ICO), and any other relevant legislation.
66. Signs advising that CCTV is in operation must be prominently displayed so that it can be seen from both outside and inside the vehicle.
67. The CCTV system must be capable of recording and storing footage for a minimum period of 14 days.
68. The CCTV system must be capable of capturing images that, in low light conditions, must be of sufficient quality to enable identification of any person(s) travelling in the vehicle.
69. The CCTV system must provide that the hard disk or memory card is not accessible by the proprietor or driver of the vehicle.
70. Footage captured must be made available to Wirral Council and the Police upon request.

71. The CCTV system must provide that the data unit is stored separately from the camera(s) and out of view of person travelling in the vehicle.
72. Cameras must not be fitted in locations that are likely to affect the safety or dignity of any person travelling in the vehicle, and must be located as securely and discreetly as possible to avoid passengers travelling in the vehicle from tampering with them.

ROOF RACKS, ROOF BOXES, AND TRAILERS

73. Private hire vehicles are not permitted to use roof racks, roof boxes, or trailers.

WHEELS AND TYRES

74. Where a private hire vehicle is supplied with alloy wheels, all four road wheels must be of the same type and pattern.
75. Where a private hire vehicle is supplied with wheels intended to be fitted with wheel trims, all four road wheels must be fitted with wheel trims of the same pattern.
76. Alloy wheels, wheel rims, and fitted wheel trims must be free from damage and defects which affect the safety, appearance, or integrity of the wheel.
77. Part-worn and remould tyres must comply with the Motor Vehicle Tyres (Safety) Regulations 1994.
78. Vehicles are not permitted to use tyres which are more than ten years old.
79. All tyres, including the spare where applicable, must be the correct size, speed, and load rating for the vehicle as per the manufacturer's specification.
80. All tyres, including the spare where applicable, must be properly inflated in accordance with both the vehicle and tyre manufacturer's specifications.
81. All tyres, including the spare where applicable, must have a continuous tread depth of at least 1.6mm across the central three quarters of the breadth of the tyre, and visible tread across the remaining breadth of the tyre.
82. All tyres, including the spare where applicable, must be free from cuts and other defects.
83. The private hire vehicle must carry a method for dealing with a wheel or tyre should it become defective. This method must be in accordance with the vehicle manufacturer's specification which must be one of the following:
 - full size spare wheel - which must be the same size and type as the four road wheels and be fitted with a tyre of the same size, speed, and load rating as the four road wheels. Proper tools and equipment for changing the wheel must also be carried.
 - space saver spare wheel - which must be the correct size and type for the vehicle and be fitted with a tyre of the correct size, speed, and load rating. The tyre must be correctly inflated in accordance with the manufacturer's specifications. Proper tools and equipment for changing the wheel must also be

carried.

- run-flat tyres - which must be fitted to all four road wheels. Run-flat tyres may only be used if the vehicle is fitted with an appropriate and serviceable tyre pressure monitoring system (TPMS).
- emergency tyre sealant and compressor/inflator pack – which must be permanently marked with the vehicle registration number.

84. If a wheel or tyre becomes defective and one of the above methods is used to rectify the fault this is a temporary measure only. The vehicle must not be used for hire or reward purposes other than completing the current journey, if applicable.

DOORS

85. It must be clear to passengers how to operate the doors of the vehicle.

Where hinged and sliding doors are fitted

86. When the vehicle is stationary, the passenger doors must be capable of being opened from the inside and outside of the vehicle by one operation of the latch mechanism.

87. Where sliding doors are fitted an audible or visual warning must be fitted in the driver's compartment indicating when any door is open.

Where electric doors are fitted

88. Where electric doors are fitted the door system design must incorporate a method to detect an obstruction in the path of a closing door. When an obstruction is detected, the door system must react in a manner that will allow the obstruction to be released.

89. A method for detecting an obstruction and preventing the closure of a powered door must be included as part of the design of the door controls.

90. A sign must be clearly displayed inside the vehicle providing instructions on the correct operation of the door opening and closing mechanism.

WINDOWS

91. All windows must be secure and free from cracks, damage, or other defects.

92. The front windscreen must let at least 75% of light through and all other windows must let at least 70% of light through.

93. Passenger door windows must be capable of being easily opened by passengers when seated.

MIRRORS

94. All mirrors and mirror housing units must be secure and free from cracks, damage, or other defects.

PASSENGERS

95. The proprietor must not cause or permit the vehicle to be used to carry a greater number of passengers than prescribed in the private hire vehicle licence.
96. The proprietor must not cause or permit children under the age of 10 years to be conveyed in the front of the vehicle whilst it is being used for hire and reward.
97. Only one passenger is permitted to be conveyed in the front of the private hire vehicle unless specifically permitted by the licence.

ALTERATION OF CONDITIONS

98. Wirral Council may alter these conditions upon giving 28 days notice in writing to the licence holder that any of these conditions are deleted, any new ones inserted or existing conditions altered. The licence holder, if aggrieved, will have the right to appeal to the Magistrates Court within 21 days of being notified of the proposed change.



PRIVATE HIRE VEHICLE LICENCE

CONDITIONS

(Contract)

Private Hire Vehicle Licence Conditions

Wirral Council must be satisfied that private hire vehicles operating in Wirral are safe to do so. Wirral Council may require you to present your vehicle for inspection or test during the period that the vehicle is licensed. The proprietor or licensed driver of the vehicle shall at reasonable times permit an Authorised Officer or Police Constable to inspect the vehicle for the purpose of ascertaining its fitness and shall comply with any direction. Should a private hire vehicle fail to be presented for inspection on request by an Authorised Officer, the vehicle licence may be suspended.

Once a vehicle licence has been issued it remains in force at all times until the licence expires or it is surrendered, suspended, or revoked. The vehicle must therefore be driven by a licensed Private Hire Driver at all times.

Should any of the below conditions not be complied with the private hire vehicle licence may be suspended or revoked and legal action may be taken in accordance with relevant legislation. Appropriate action may also be taken against the Private Hire Driver who uses the vehicle for hire and reward. (See the Council's Policy relating to the conduct of Private Hire and Hackney Carriage Licence Holders)

Notwithstanding the below conditions, if there is anything in the construction, form, working or general appearance of the vehicle which, in the opinion of Wirral Council or an authorised officer working on behalf of the Council, renders a vehicle unfit for use as a private hire vehicle, it may be suspended, revoked, or an application to renew a licence may be refused.

A vehicle licensed as a private hire or hackney carriage vehicle with any other local authority will not be licensed by Wirral Council.

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.

Interpretation

"Wirral Council" includes the Regulatory and General Purposes Committee, the Regulatory Panel, and Council Officers.

"Authorised Officer" includes a Council Officer employed by Wirral Council, a Council Officer employed by another Local Authority authorised by Wirral Council, and a Police Officer.

"Proprietor" includes a part-proprietor and, in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement.

"In writing" includes a written letter, a completed form, and email. The email address for the Licensing Section is taxilicensing@wirral.gov.uk

MATTERS TO BE REPORTED TO THE COUNCIL

CONTRACT

1. The vehicle must only be used to undertake work exclusively under and in strict accordance with the terms and conditions of a contract issued by the Council to transport children to and from educational establishments.

CHANGE OF DETAILS

2. The proprietor of a private hire vehicle must notify Wirral Council of any change of name, address or contact telephone number within 7 days of such change taking place.
3. The proprietor of a private hire vehicle must notify Wirral Council of any intention to change the vehicle registration number, prior to any such change taking place.

ACCIDENTS AND DAMAGE TO VEHICLE

4. In every case where a private hire vehicle **sustains damage** the details of the vehicle and the damage sustained must be reported by the proprietor or driver of the vehicle to Wirral Council within 72 hours of the damage having been sustained. The proprietor or driver of the vehicle must complete an incident report form or provide details of the incident in an email and arrange for the vehicle to be inspected as appropriate. The insurance certificate covering the date of the damage occurring and current insurance certificate, if different, must be produced.
5. In every case where a private hire vehicle is involved in a **road traffic collision**, the details of the collision must reported by the proprietor or driver of the vehicle to Wirral Council as soon as practicable and in any case no later than 72 hours after the collision occurring. The proprietor or driver of the vehicle must complete an incident report form or provide details of the incident in an email and arrange for the vehicle to be inspected as appropriate. The insurance certificate covering the date of the damage occurring and current insurance certificate, if different, must be produced.
6. Where damage to the Private Hire Vehicle materially affects the safety, performance or appearance of the vehicle, the vehicle must not be used for hire until such damage is repaired to the satisfaction of the Licensing Authority.

LOST AND STOLEN PLATES

7. If any licence plate is lost or stolen from the vehicle the loss or theft must be reported to the Council immediately.

CONVICTIONS, CAUTIONS, MOTORING OFFENCES AND COMPLAINTS

8. The proprietor of a private hire vehicle must notify Wirral Council within 48 hours, details of any:
 - **investigation** into any criminal or motoring offence
 - criminal convictions received
 - cautions, warnings or reprimands received
 - motoring offences or penalty points received
 - fixed penalty notices
 - anti social behaviour order (or other order) issued by the Court

You must also report to Wirral Council any incidents which may lead to a complaint against you.

TRANSFER OF OWNERSHIP OF VEHICLE

9. If the proprietor of a private hire vehicle wishes to transfer ownership of the vehicle to another person, the proprietor(s) must notify Wirral Council in writing of the name and address of the new proprietor within 14 days of the transfer of ownership. The current proprietor must complete a consent pro-forma and the new proprietor must complete a transfer application form.

SURRENDER OF LICENCE

10. If at any time during the period of the licence the proprietor, for any reason, does not wish to retain the private hire vehicle licence, or transfer the vehicle licence to another person, the proprietor must immediately surrender and return the private hire vehicle licence, window card, and front and rear plates to Wirral Council.

INSURANCE AND VEHICLE EXCISE LICENCE

11. All private hire vehicles must be licensed and insured specifically for use as a private hire vehicle for that specific purpose.
12. Proof of current insurance must be submitted with each application for a licence.
13. Proof of change or renewal of insurance during the course of the licence must also be provided to the Council.
14. The insurance must be continuous for the period of the vehicle licence.
15. If cover notes are provided they must run consecutively.
16. The proprietor must produce the current valid certificate of insurance for the private hire vehicle when requested to do so by an Officer.
17. If the certificate cannot be produced on demand it must be presented within 72 hours to Wirral Council.
18. The vehicle must be taxed whilst it is licensed as a private hire vehicle and the proprietor must be able to demonstrate that the vehicle has a current valid vehicle excise licence.

GENERAL SPECIFICATIONS

19. No material alterations or change in the specification, design, condition or appearance of the private hire vehicle shall be made without the prior approval of Wirral Council. This includes the addition of lights, signs, symbols, numbers, or letters inside or outside of the vehicle.
20. Private hire vehicles must as a minimum comply with the Road Vehicles (Construction and Use) Regulations 1986 (as amended) at all times, unless conditions state otherwise.

21. Vehicles, including all fittings, , lights, and other mechanical and electrical components must be maintained in accordance Wirral Council's Vehicle Inspection Policy.

EXTERIOR OF THE VEHICLE

22. The vehicle must be free from corrosion, damage or unsatisfactory repairs.
23. Vehicles, including all fittings, lights, and other mechanical and electrical components must be maintained in good working order.
24. The vehicle must be maintained with the paintwork, bodywork, fittings, locks, and latches in good order and to the vehicle manufacturer's standards.
25. Paintwork must be of a high standard and the colour of all panels must match exactly.
26. The vehicle must be maintained in a mechanical and structural condition which is roadworthy and capable of satisfying Wirral Council's inspection at any time during the period of the vehicle licence.
27. The interior and exterior of the vehicle must be maintained in a clean and safe condition.
28. There must be no visible leaks of fuel, oil, or other fluids from the vehicle.
29. The vehicle must not emit excessive smoke from the exhaust.

INTERIOR OF THE VEHICLE

30. The vehicle must be wind and water tight when all doors and windows are closed.
31. All fittings and furniture inside the vehicle must be in a clean and well maintained condition.
32. Seats must be secure and covered with an appropriate material which must be properly upholstered and in good and clean condition, free from rips, tears and holes.
33. If seat covers are used they must be correctly fitted, in a good and clean condition and free from rips, tears and holes.
34. Seatbelts and seatbelt mechanisms must be in good working order and free from frays, cuts, and other damage.
35. If a seatbelt sustains any frays, cuts, or other damage the seatbelt must be replaced - not repaired.
36. The floor of the vehicle must be covered in an appropriate non-slip material which must be free from rips, tears and holes.
37. Nothing must be placed in front of or on any windows that would obscure the clear vision of the driver or passengers other than those authorised by Wirral Council.
38. The private hire driver's badge must be displayed in a prominent position within the vehicle so that all details can easily be read by passengers at all times.

ELECTRICAL EQUIPMENT

39. Any additional electrical installation to the original vehicle equipment must be adequately insulated and be protected by suitable fuses. Any electrical installation and components within the taxi must meet the electromagnetic compatibility (EMC) requirements of UNECE Regulation 10 and be marked accordingly.

MANDATORY SIGNAGE AND NOTICES

VEHICLE LICENCE PLATES

40. The large vehicle licence plate identifying the vehicle as a private hire vehicle (rear plate) must at all times be securely fixed externally to the rear of the vehicle in a manner approved by Wirral Council in a prominent position ensuring that the whole plate is clearly visible and it does not obscure or alter any of the information printed thereon. For the avoidance of doubt, the mounting of the plate by magnetic or any other semi permanent means, for example cable ties, zip ties or Velcro, is prohibited.
41. The small vehicle licence plate identifying the vehicle as a private hire vehicle (front plate) must at all times be securely fixed externally to the front of the vehicle in a manner approved by Wirral Council in a prominent position ensuring that the whole plate is clearly visible and it does not obscure or alter the information printed thereon.
42. At no time must the licence plates be wilfully or negligently concealed from public view.
43. Vehicle licence plates must be free from damage and must not be altered in any way with regards their appearance or size.
44. The private hire vehicle licence plates remain the sole property of Wirral Council.

INTERIOR LIGHTING

45. All interior lights must be in good working order and be automatically activated upon the opening of a door.

NOTICES

46. Any notice that Wirral Council may require must be displayed inside the vehicle as directed.

ADVERTISEMENTS

47. No advertisements may be displayed on or from the outside of the private hire vehicle.
48. Advertisements may be displayed inside private hire vehicles with prior approval from Wirral Council. Advertisements inside the private hire vehicle must not be placed on any window or dashboard.
49. Advertisements must comply with the UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (CAP Code) published by the Advertising Standards Agency (ASA) and the Committee of Advertising Practices (CAP).
50. Any advertisement promoting alcohol, tobacco, the sex industry, or any matters considered inappropriate or controversial are not permitted to be advertised in private

hire vehicles.

CLOSED CIRCUIT TELEVISION (CCTV)

51. CCTV may be installed in private hire vehicles to aid the prevention and detection of crime. If CCTV is installed in a private hire vehicle the following conditions apply:
52. The data controller must register with the Information Commissioners Office (ICO) and ensure the registration is kept current at all times that CCTV is fitted in the vehicle.
53. The data controller must comply with the Data Protection Act 1988, 'CCTV Code of Practice' issued by the Information Commissioners Office (ICO), and any other relevant legislation.
54. Signs advising that CCTV is in operation must be prominently displayed so that it can be seen from both outside and inside the vehicle.
55. The CCTV system must be capable of recording and storing footage for a minimum period of 14 days.
56. The CCTV system must be capable of capturing images that, in low light conditions, must be of sufficient quality to enable identification of any person(s) travelling in the vehicle.
57. The CCTV system must provide that the hard disk or memory card is not accessible by the proprietor or driver of the vehicle.
58. Footage captured must be made available to Wirral Council and the Police upon request.
59. The CCTV system must provide that the data unit is stored separately from the camera(s) and out of view of person travelling in the vehicle.
60. Cameras must not be fitted in locations that are likely to affect the safety or dignity of any person travelling in the vehicle, and must be located as securely and discreetly as possible to avoid passengers travelling in the vehicle from tampering with them.

ROOF RACKS, ROOF BOXES, AND TRAILERS

61. Private hire vehicles are not permitted to use roof racks, roof boxes, or trailers.

WHEELS AND TYRES

62. Where a private hire vehicle is supplied with alloy wheels, all four road wheels must be of the same type and pattern.
63. Where a private hire vehicle is supplied with wheels intended to be fitted with wheel trims, all four road wheels must be fitted with wheel trims of the same pattern.
64. Alloy wheels, wheel rims, and fitted wheel trims must be free from damage and defects which affect the safety, appearance, or integrity of the wheel.
65. Part-worn and remould tyres must comply with the Motor Vehicle Tyres (Safety) Regulations 1994.

66. Vehicles are not permitted to use tyres which are more than ten years old.
67. All tyres, including the spare where applicable, must be the correct size, speed, and load rating for the vehicle as per the manufacturer's specification.
68. All tyres, including the spare where applicable, must be properly inflated in accordance with both the vehicle and tyre manufacturer's specifications.
69. All tyres, including the spare where applicable, must have a continuous tread depth of at least 1.6mm across the central three quarters of the breadth of the tyre, and visible tread across the remaining breadth of the tyre.
70. All tyres, including the spare where applicable, must be free from cuts and other defects.
71. The private hire vehicle must carry a method for dealing with a wheel or tyre should it become defective. This method must be in accordance with the vehicle manufacturer's specification which must be one of the following:
 - full size spare wheel - which must be the same size and type as the four road wheels and be fitted with a tyre of the same size, speed, and load rating as the four road wheels. Proper tools and equipment for changing the wheel must also be carried.
 - space saver spare wheel - which must be the correct size and type for the vehicle and be fitted with a tyre of the correct size, speed, and load rating. The tyre must be correctly inflated in accordance with the manufacturer's specifications. Proper tools and equipment for changing the wheel must also be carried.
 - run-flat tyres - which must be fitted to all four road wheels. Run-flat tyres may only be used if the vehicle is fitted with an appropriate and serviceable tyre pressure monitoring system (TPMS).
 - emergency tyre sealant and compressor/inflator pack – which must be permanently marked with the vehicle registration number.
72. If a wheel or tyre becomes defective and one of the above methods is used to rectify the fault this is a temporary measure only. The vehicle must not be used for hire or reward purposes other than completing the current journey, if applicable.

DOORS

73. It must be clear to passengers how to operate the doors of the vehicle.

Where hinged and sliding doors are fitted

74. When the vehicle is stationary, the passenger doors must be capable of being opened from the inside and outside of the vehicle by one operation of the latch mechanism.
75. Where sliding doors are fitted an audible or visual warning must be fitted in the driver's compartment indicating when any door is open.

Where electric doors are fitted

76. Where electric doors are fitted the door system design must incorporate a method to detect an obstruction in the path of a closing door. When an obstruction is detected, the door system must react in a manner that will allow the obstruction to be released.
77. A method for detecting an obstruction and preventing the closure of a powered door must be included as part of the design of the door controls.
78. A sign must be clearly displayed inside the vehicle providing instructions on the correct operation of the door opening and closing mechanism.

WINDOWS

79. All windows must be secure and free from cracks, damage, or other defects.
80. The front windscreen must let at least 75% of light through and all other windows must let at least 70% of light through.
81. Passenger door windows must be capable of being easily opened by passengers when seated.

MIRRORS

82. All mirrors and mirror housing units must be secure and free from cracks, damage, or other defects.

PASSENGERS

83. The proprietor must not cause or permit the vehicle to be used to carry a greater number of passengers than prescribed in the private hire vehicle licence.
84. The proprietor must not cause or permit children under the age of 10 years to be conveyed in the front of the vehicle whilst it is being used for hire and reward.
85. Only one passenger is permitted to be conveyed in the front of the private hire vehicle unless specifically permitted by the licence.

ALTERATION OF CONDITIONS

86. Wirral Council may alter these conditions upon giving 28 days notice in writing to the licence holder that any of these conditions are deleted, any new ones inserted or existing conditions altered. The licence holder, if aggrieved, will have the right to appeal to the Magistrates Court within 21 days of being notified of the proposed change.

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HACKNEY CARRIAGE VEHICLE LICENCE

CRITERIA

Hackney Carriage Vehicle Criteria

In this document the “Licensing Authority” means Wirral Council, its Licensing Health and Safety and General Purposes Committee, its Licensing Panel and its Officers.

Although the criteria set out in this document may have been met, approval for the issuing of a licence may be withheld if the Licensing Authority is of the opinion that the vehicle is unsuitable for public use.

Although the Licensing Authority may extend its approval of any particular type of hackney carriage vehicle to all other hackney carriage vehicles conforming to the design of that type the Licensing Authority may withdraw such general approval if, in their opinion, any unsuitable features arise.

The criteria set out in this document are made under Section 47 of the Local Government (Miscellaneous Provisions) Act 1976.

MOTs and compliance test pass certificates will only be accepted up to 28 days from the date of the test.

A vehicle licensed as a private hire or hackney carriage vehicle with any other local authority will not be licensed by Wirral Council.

VEHICLE AGE POLICY

1. Every vehicle presented for licensing for the first time must be three years old or less from the date of first registration or date of manufacture (whichever is the earlier).
2. In circumstances when a Hackney Carriage Vehicle proprietor wishes to change a Hackney Carriage Vehicle that is currently licensed to a different vehicle, the replacement vehicle must be the same age or less than the vehicle that is currently licensed, up to a maximum of ten years old. Vehicles that are ten years old or more must be replaced by a vehicle that is no more than ten years old
3. Once a vehicle reaches 10 years of age it will be required to be tested every six months and a six monthly licence will be issued.

GENERAL CONSTRUCTION

4. All vehicles must be purpose built and built to accommodate disabled passengers in wheelchairs in the rear passenger compartment.
5. All vehicles must comply in all respects with the requirements of the Motor Vehicle (Type Approval) Regulations 1980 and the Motor Vehicle (Type Approval) Regulations (Great Britain) 1984. Every new vehicle offered for approval must comply in all respects with the British and European vehicle regulations and be M1 type approved in accordance with European Whole Vehicle Type Approval 70/156/EEC as amended. Those vehicles which do not hold M1 type approval must be presented with approved certification that the specific vehicle meets the requirements of M1 category.
6. All vehicles must have separate driver and rear passenger compartments, separated by a transparent partition in accordance with the manufacturer or vehicle converter’s original specification.
7. Vehicles presented for approval must comply with the Road Vehicles (Construction and

Use) Regulations 1986 and any subsequent amendment or re-enactment thereof.

8. The steering wheel must be on the offside of the vehicle.
9. Unless approved by the Licensing Authority no fittings outside of the manufacturer's or vehicle converter's specification may be attached to or be carried upon the inside or outside of the vehicle.
10. Any vehicle that has been the subject of significant damage rectification repairs will not be licensed unless such repairs have been carried out in accordance with the manufacturer's or vehicle converter's specification.

BODYWORK

11. The vehicle must be free from corrosion, damage, or unsatisfactory repairs.
12. Paintwork must be of a high standard and the colour and finish of all panels must match exactly.

WHEELS AND TYRES

13. Where a hackney carriage vehicle is supplied with alloy wheels, all four road wheels must be of the same type and pattern.
14. Where a hackney carriage vehicle is supplied with wheels intended to be fitted with wheel trims, all four road wheels must be fitted with wheel trims of the same pattern.
15. Alloy wheels, wheel rims, and fitted wheel trims must be free from damage and defects which affect the safety, appearance, or integrity of the wheel.
16. Part-worn and remould tyres must comply with the Motor Vehicle Tyres (Safety) Regulations 1994.
17. All tyres, including the spare where applicable, must be the correct size, speed, and load rating for the vehicle as per the manufacturer's specification, and be compatible with the taximeter.
18. All tyres, including the spare where applicable, must be properly inflated in accordance with both the vehicle and tyre manufacturer's specifications.
19. All tyres must have a continuous tread depth of at least 1.6mm across the central three quarters of the breadth of the tyre, and visible tread across the remaining breadth of the tyre.
20. All tyres, including the spare, where applicable, must be free from cuts and other defects.
21. The hackney carriage vehicle must carry a method for dealing with a tyre should it become defective. This method must be in accordance with the manufacturer's specification which may be one of the following:
 - full size spare wheel - which must be the same size and type as the four road wheels and be fitted with a tyre of the same size, speed, and load rating as the four road wheels. Proper tools and equipment for changing the wheel must also be carried.
 - space saver spare wheel - which must be the correct size and type for the vehicle and be fitted with a tyre of the correct size,

speed, and load rating. The tyre must be correctly inflated in accordance with the manufacturer's specifications. Proper tools and equipment for changing the wheel must also be carried.

- run-flat tyres - which must be fitted to all four road wheels. Run-flat tyres may only be used if the vehicle is fitted with an appropriate and serviceable tyre pressure monitoring system (TPMS).
- emergency tyre sealant and compressor/inflator pack – which must be permanently marked with the vehicle registration number.

ELECTRICAL EQUIPMENT

22. Any additional electrical installation to the original vehicle equipment must be adequately insulated and be protected by suitable fuses. Any electrical installation and components within the taxi must meet the electromagnetic compatibility (EMC) requirements of UNECE Regulation 10 and be marked accordingly.

FUEL SYSTEMS

23. A device must be provided whereby the supply of fuel to the engine may be immediately cut off.
24. A manually operated device must have its location together with the means of operation and 'off' position clearly marked on the outside of the vehicle. In the case of a vehicle fitted with an automatic inertia fuel cut off switch, no markings are required.

INTERIOR LIGHTING

25. Lighting must be provided for the driver and passengers.
26. Separate lighting controls for both passenger and driver must be provided.
27. Passenger compartment light switches and window controls must be within easy reach of all passengers
28. In the case of the passenger compartment, an illuminated control switch must be fitted in an approved position.
29. Lighting must be provided at floor level to each passenger door and be activated by the opening of the doors.

SEATS

30. Seats must be secure and covered with an appropriate material which must be properly upholstered and in good and clean condition, free from rips, tears and holes.
31. If seat covers are used they must be correctly fitted, in a good and clean condition and free from rips, tears and holes.

SEAT BELTS

32. Vehicles must be fitted with lap and diagonal seatbelts on all seats, including rear facing seats, as per the manufacturer or vehicle converter's specification.
33. Seatbelts and seatbelt mechanisms must be in good working order and free from frays, cuts, and other damage.
34. If a seatbelt sustains any frays, cuts, or other damage the seatbelt must be replaced – not repaired.

DRIVER COMPARTMENT

35. Vehicles must be provided with a means of communication between the passenger and the driver.
36. Vehicles must be fitted with an induction loop system.

PASSENGER COMPARTMENT

37. Occasional seats must automatically rise when not in use.
38. The rear seat dimensions must be adequate to carry the appropriate number of adult passengers comfortably.
39. Suitable means must be provided to assist persons to rise from the rear seat with particular attention to the needs of elderly and disabled persons.
40. Colour contrasting grab handles must be placed at door entrances to aid passenger access to and egress from the vehicle.
41. Colour contrasting sight patches are required on all passenger seats.

WHEELCHAIRS & RAMPS

42. Hackney carriage vehicles must be built to accommodate disabled passengers in wheelchairs and must be so equipped in order that disabled passengers in wheelchairs may be carried comfortably and safely.
43. Anchorages must be provided for the wheelchair and occupant. Anchorages must be either chassis or floor linked.
44. Restraints must be provided for wheelchairs and occupants which must be independent of each other.
45. Anchorages must also be provided for the safe stowage of wheelchairs when not in use, whether folded or otherwise.
46. A BS 6109 compatible ramp with a safe working load (S.W.L.) of 300kg for the loading of a wheelchair and occupant must be available for the safe loading and unloading of passengers.
47. An adequate locking device must be fitted to ensure that the ramp(s) do not slip or tilt when in use.
48. The surface of the ramp must be covered with a non-slip material.

49. The edges of the ramp's surface must be marked in a high-contrast colour scheme.
50. Ramps which are not permanently fixed to the vehicle must be permanently marked with the vehicle registration number.

ENTRANCE STEP

51. The outer edge of the floor at each entrance must be fitted with non-slip high-visibility treads.
52. The top tread for any entrance must not exceed 38 cm above ground level when the vehicle is un-laden, except as detailed in criteria 53.
53. Where the top tread for the entrance exceeds 38 cm then an intermediate step must be provided at each entrance into the passenger compartment. The intermediate step must not extend outwards beyond the vertical line of the vehicle's wing mirrors. The step must be covered with a suitable non-slip surface with the edges of the step highlighted yellow.

WINDOWS

54. Windows must be provided at the sides and at the rear of the vehicle.
55. Passenger door windows must be capable of being easily opened by passengers when seated. The control for opening a door window must be clearly identified so as not to be mistaken for any other control.
56. The front windscreen must let at least 75% of light through and all other windows must let at least 70% of light through.

HEATING AND VENTILATION

57. A heating and ventilation system must be provided for the driver and passengers with independent controls for the driver and passengers and must be in good working order.

DOORS

58. Where hinged doors are fitted:
 - An automatic locking device must be fitted to passenger doors.
 - When the vehicle is stationary, the passenger doors must be capable of being opened from the inside and outside of the vehicle by one operation of the latch mechanism.
 - The interior door handle must be clearly visible, of a contrasting colour to the interior of the vehicle, and easily accessible to passengers when the door is in the fully open or closed position.
 - A hinged door must be capable of being opened to a minimum angle of 90 degrees.

59. Where sliding doors are fitted:

- An automatic locking device must be fitted to passenger doors.
- When the vehicle is stationary, the passenger doors must be capable of being opened from the inside and outside of the vehicle by one operation of the latch mechanism.
- The interior door handle must be clearly visible, of a contrasting colour to the interior of the vehicle, and easily accessible to passengers when the door is in the fully open or closed position.
- There must be reflective strips on both the front and rear edges of the door.
- There must be an illuminated sign bearing the words "Door Open" clearly visible from the rear of the vehicle. This sign must be automatically linked to the passenger doors in order that when either door handle is activated to open the door, the sign is illuminated.
- There must be a sign within the passenger compartment, clearly visible to all passengers, giving instructions on the correct operation of the passenger door.
- An audible or visual warning must be fitted in the driver's compartment indicating when any door is open.

60. Where electric doors are fitted:

- A sign must be clearly displayed inside the vehicle providing instructions on the correct operation of the door opening and closing mechanism.
- The door system design shall incorporate a method to detect an obstruction in the path of a closing door. When an obstruction is detected, the door system shall react in a manner that will allow the obstruction to be released
- A method for detecting an obstruction and preventing the closure of a powered door shall be included as part of the design of the door controls.

INTERIOR LIGHTBOX

61. A lightbox must be exhibited in a prominent position within the hackney carriage vehicle.
62. The lightbox must display the word 'CAB' in uppercase letters and the vehicle licence number below it.
63. The lightbox must be wired to the ignition so that it will remain lit at all times the vehicle ignition is turned on.

FLOOR COVERING

64. The floor of the vehicle must be covered in an appropriate non-slip material which can be easily cleaned.
65. The floor covering must not impede the movement of wheelchairs.

LUGGAGE

66. There must be provision for the safe carrying of luggage commensurate with the number of passengers being carried in the vehicle.
67. Provision must be made for luggage to be kept separate and secured from the passenger seating area.

TAXIMETER

68. A taximeter must be fitted to the vehicle, calibrated, and sealed to show the tariffs set by Wirral Council.

EXTERIOR ROOF LIGHT

69. An illuminated roof-sign displaying the word 'TAXI' must be securely fitted to the roof of the hackney carriage vehicle in such a position that it is clearly visible from the front of the vehicle by day and night.
70. The roof-sign must be connected to the taximeter so that when the vehicle is available for hire the sign is illuminated and it is not illuminated when hired.

HACKNEY CARRIAGE STANDS

	Location	No of HCVs	Hours Operational	Landmark
1.	Argyle Street, Birkenhead	10	00:00 – 06:00	Frescos
2.	Atherton Street, New Brighton	2	24hrs	New Brighton Station
3.	Borough Road, Birkenhead	5	24hrs	Pyramids Shopping Centre
4.	Cloughton Road, Birkenhead	9	24hrs	Known as “Miltos Rank”
5.	Conway Street, Birkenhead	12	00:00 – 06:00	The Beach / Cool Room
6.	Europa Boulevard, Birkenhead	3	24hrs	Conway Park Station
7.	Exmouth Street, Birkenhead	3	24hrs	ASDA
8.	Grange Road West, Birkenhead	2	24hrs	The Little Theatre
9.	Grange Road, Birkenhead	11	24hrs	House of Fraser
10.	Hamilton Street, Birkenhead	10	24hrs	Hamilton Square Station
11.	High Street, Bromborough	2	24hrs	Post Office
12.	Hoylake Road, Moreton	3	24hrs	Heron Foods
13.	Liscard Crescent, Liscard	6	24hrs	McDonalds
14.	Liscard Village, Liscard	2	19:00 – 00:00	Royal Oak Public House
15.	Marine Promenade, New Brighton	5	24hrs	Master Mariner (Wetherspoons)
16.	Old Chester Road, Bebington	2	24hrs	Bebington Station
17.	Oliver Street East, Birkenhead	2	00:00 – 06:00	Temple / Wirral Ways to Recovery
18.	Oliver Street, Birkenhead	12	24hrs	ASDA
19.	The Quadrant, Hoylake	5	21:00 – 01:00	Hoylake Station
20.	Victoria Place, Seacombe	2	24hrs	Seacombe Ferry
21.	Wallasey Road, Liscard	5	24hrs	The Clairville (Wetherspoons)
22.	Wallasey Road, Liscard	7	24hrs	The Beer Keg
23.	Woodchurch Road, Prenton	2	24hrs	Sainsbury's
24.	Woodside, Birkenhead	2	24hrs	Coach pick up point
25.	Victoria Parade, New Brighton	2	00:00 – 06:00	Pier House
26.	Station Road, Birkenhead	2	24hrs	Birkenhead North Station
27.	Hind Street, Birkenhead	3	24hrs	Birkenhead Central Station

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HACKNEY CARRIAGE VEHICLE LICENCE

CONDITIONS

Hackney Carriage Vehicle Licence Conditions

Wirral Council need to be satisfied that hackney carriage vehicles operating in Wirral are safe to do so. Wirral Council may require you to present your vehicle for inspection or test during the period which the vehicle is licensed. The proprietor of the vehicle shall at reasonable times permit an Authorised Officer or Police Constable to inspect the vehicle or any taximeter affixed to it for the purpose of ascertaining its fitness and shall comply with any direction. Should a hackney carriage vehicle fail to be presented for inspection on request by an Authorised Officer, the vehicle licence may be suspended.

Once a vehicle licence has been issued it remains in force at all times until the licence expires or it is surrendered, suspended, or revoked.

Should any of the below conditions not be complied with the hackney carriage vehicle licence may be suspended or revoked and legal action may be taken in accordance with relevant legislation.

Notwithstanding the below conditions, if there is anything in the construction, form, working or general appearance which, in the opinion of Wirral Council, renders a vehicle unfit for use as a hackney carriage vehicle, it may be suspended, revoked, or an application to renew a licence may be refused.

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

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.

Provision must be made for luggage to be kept separate and secured from the passenger seating area.

MATTERS TO BE REPORTED TO THE COUNCIL

CHANGE OF DETAILS

1. The proprietor of a hackney carriage vehicle must notify Wirral Council of any change of name, address or contact telephone number within 7 days of such change taking place.
2. The proprietor of a hackney carriage vehicle must notify Wirral Council of any intention to change the vehicle registration number, prior to any such change taking place.

ACCIDENTS AND DAMAGE TO VEHICLE

3. In every case where a hackney carriage vehicle **sustains damage** the details of the vehicle and the damage sustained must be reported by the proprietor or driver of the vehicle to Wirral Council within 72 hours of the damage having been sustained. The proprietor or driver of the vehicle must complete an incident report form or provide details of the incident in an email and arrange for the vehicle to be inspected as appropriate. The insurance certificate covering the date of the damage occurring and current insurance certificate, if different, must be produced.
4. In every case where a hackney carriage vehicle is involved in a **road traffic collision**, the details of the collision must reported by the proprietor or driver of the vehicle to Wirral Council as soon as practicable and in any case no later than 72 hours after the collision occurring. The proprietor or driver of the vehicle must complete an incident report form or provide details of the incident in an email and arrange for the vehicle to be inspected as appropriate. The insurance certificate covering the date of the damage occurring and current insurance certificate, if different, must be produced.
5. Where damage to the Hackney Carriage Vehicle materially affects the safety, performance or appearance of the vehicle, the vehicle must not be used for hire until such damage is repaired to the satisfaction of the Licensing Authority.

INSURANCE AND VEHICLE EXCISE LICENCE

6. All hackney carriage vehicles must be licensed and insured specifically for use as a hackney carriage vehicle for that specific purpose.
7. Proof of current insurance must be submitted with each application for a licence.
8. Proof of change or renewal of insurance during the course of the licence must also be provided to the Council.
9. The insurance must be continuous for the period of the vehicle licence.
10. If cover notes are provided they must run consecutively.
11. The proprietor must produce the current valid certificate of insurance for the hackney carriage vehicle when requested to do so by an Officer.
12. If the certificate cannot be produced on demand it must be presented within 72 hours to Wirral Council.
13. The vehicle must be taxed whilst it is licensed as a hackney carriage vehicle and the proprietor must be able to demonstrate that the vehicle has a current valid vehicle excise licence.

CONVICTIONS, CAUTIONS, AND MOTORING OFFENCES

14. The proprietor of a hackney carriage vehicle must notify Wirral Council within 48 hours, details of any:

- **investigation** into any criminal or motoring offence
- criminal convictions received
- cautions, warnings or reprimands received
- motoring offences or penalty points received
- fixed penalty notices
- anti social behaviour order (or other order) issued by the Court

You must also report to Wirral Council any incidents which may lead to a complaint against you.

TRANSFER OF OWNERSHIP OF VEHICLE

15. If the proprietor of a hackney carriage vehicle wishes to transfer ownership of the vehicle to another person, the proprietor must notify Wirral Council of the name and address of the new proprietor within 14 days of the transfer of ownership. The current proprietor must complete a consent pro-forma; the new proprietor must complete a transfer application form.

SURRENDER OF LICENCE

16. If at any time during the period of the licence the proprietor, for any reason, does not wish to retain the hackney carriage vehicle licence, or transfer the vehicle licence to another person, the proprietor must immediately surrender and return the hackney carriage vehicle licence, window card, and plate to Wirral Council.

RECORDS TO BE KEPT BY THE PROPRIETOR OF THE VEHICLE

HACKNEY CARRIAGE DRIVER LICENCE

17. The proprietor must retain the Hackney Carriage Driver licence (or copy thereof) of each driver of the vehicle, and must return the licence (or copy thereof) to the driver when the driver ceases to work for him.
18. If the proprietor has cause for complaint and is unwilling to release the licence to the driver, then the licence must be returned to the Licensing Authority within 24 hours of the driver having requested it. Such return must be accompanied by a written complaint setting out the subject matter of the dispute or complaint.

GENERAL

EXTERIOR OF THE VEHICLE

19. Vehicles, including all fittings, lights, and other mechanical and electrical components must be maintained in a good working order in accordance with Wirral Council's Vehicle Inspection Policy.
20. The vehicle must be maintained with the paintwork, bodywork, fittings, locks, and latches in good order and to the vehicle manufacturer or authorised converter's standard.
21. Paintwork must be of a high standard and the colour of all panels must match exactly.

22. The vehicle must be maintained in a mechanical and structural condition which is roadworthy and capable of satisfying the Council's inspection at any time during the period of the vehicle licence.
23. The interior and exterior of the vehicle must be maintained in a clean and safe condition.
24. There must be no visible leaks of fuel, oil, or other fluids from the vehicle.
25. The vehicle must not emit excessive smoke from the exhaust.

INTERIOR OF THE VEHICLE

26. Hackney carriage vehicles must be wind and water tight when all doors and windows are closed.
27. All fittings and furniture inside the hackney carriage vehicle must be in a clean and well maintained condition.
28. Seats must be secure and covered with an appropriate material which must be properly upholstered and in good and clean condition, free from rips, tears and holes.
29. If seat covers are used they must be correctly fitted, in a good and clean condition and free from rips, tears and holes.
30. Seatbelts and seatbelt mechanisms must be in good working order and free from frays, cuts, and other damage.
31. If a seatbelt sustains any frays, cuts, or other damage the seatbelt must be replaced - not repaired.
32. The floor of the vehicle must be covered in an appropriate non-slip material which must be free from rips, tears and holes.
33. The floor of the vehicle must not impede the movement of wheelchairs.
34. The outer edge of the floor at each entrance must be fitted with non-slip high visibility treads.
35. A heating and ventilation system with independent controls for the driver and passengers must be maintained in working order to allow passengers to travel in comfort.
36. The proprietor of the vehicle must ensure that the hackney carriage driver's badge of the driver of the vehicle is displayed in a prominent position so that all details can easily be read by passengers.
37. The method of communication between the driver and passenger compartments must be in good working order.
38. The induction loop system fitted within the vehicle must be in good working order.
39. Occasional seats must rise automatically when not in use.
40. Suitable means must be provided to assist persons to rise from the rear seat with particular attention to the needs of elderly and disabled persons.

41. Colour contrasting grab handles must be placed at door entrances to aid passenger access to and egress from the vehicle.
42. Colour contrasting sight patches are required on all passenger seats.

LUGGAGE

43. There must be provision for the safe carrying of luggage commensurate with the number of passengers being carried in the vehicle.
44. Provision must be made for luggage to be kept separate and secured from the passenger seating area.

ELECTRICAL EQUIPMENT

45. Any additional electrical installation to the original vehicle equipment must be adequately insulated and be protected by suitable fuses. Any electrical installation and components within the taxi must meet the electromagnetic compatibility (EMC) requirements of UNECE Regulation 10 and be marked accordingly.

MANDATORY SIGNAGE AND NOTICES

VEHICLE LICENCE PLATE

46. The large vehicle licence plate identifying the vehicle as a hackney carriage vehicle (rear plate) must at all times be securely fixed externally to the rear of the vehicle in a manner approved by Wirral Council in a prominent position ensuring that the whole plate is clearly visible and it does not obscure or alter any of the information printed thereon. For the avoidance of doubt, the mounting of the plate by magnetic or any other semi permanent means, for example cable ties, zip ties or Velcro, is prohibited.
47. The small vehicle licence plate identifying the vehicle as a hackney carriage vehicle (front plate) must at all times be securely fixed externally to the front of the vehicle in a prominent position ensuring that the whole plate is clearly visible and it does not obscure or alter the information printed thereon.
48. At no time must the licence plates be wilfully or negligently concealed from public view.
49. The hackney carriage vehicle licence plates remain the sole property of Wirral Council.

VEHICLE IDENTIFICATION CARD

50. The hackney carriage vehicle window card must be fixed inside the hackney carriage vehicle on the nearside of the partition in such a manner that it is clearly visible to persons inside the hackney carriage vehicle.

INTERIOR LIGHTBOX

51. A lightbox, which is in good working order, must be exhibited in a prominent position within the hackney carriage vehicle.
52. The lightbox must display the word 'CAB' in uppercase letters and the vehicle licence number below it.
53. The lightbox must be wired to the ignition so that it will remain lit at all times the vehicle ignition is turned on.

INTERIOR LIGHTING

54. Lighting must be provided for the driver and passengers.
55. Separate lighting controls for both passenger and driver must be provided.
56. Passenger compartment light switches and window controls must be within easy reach of all passengers
57. In the case of the passenger compartment, an illuminated control switch must be fitted in an approved position.
58. Lighting must be provided at floor level to each passenger door and be activated by the opening of the doors.

EXTERIOR ROOF LIGHT

59. An illuminated roof-sign displaying the word 'TAXI' must be securely fitted to the roof of the hackney carriage vehicle in such a position that it is clearly visible from the front of the vehicle by day and night.
60. The roof-sign must be connected to the taximeter so that when the vehicle is available for hire the sign is illuminated and it is not illuminated when hired.

NOTICES

61. Any notice that Wirral Council may require must be displayed inside the vehicle as directed.

TABLE OF FARES

62. The table of fares issued by Wirral Council must be displayed in a prominent position where it can be easily read by passengers.
63. The fare must be calculated in accordance with the rates set by the Council. Rates cannot be more than the maximum currently permitted by the Council.

TAXIMETER

64. The meter for recording the fare must be calendar controlled and must be maintained in good working order.
65. Any meter must only be installed by an approved meter provider. Details of the meter provider and calibration certificate must be supplied to the Wirral Council before the meter is used for public hire.
66. The meter must be set to reflect the current tariff of fares as determined by Wirral Council.
67. When the hackney carriage vehicle is not hired the meter must display the words "FOR HIRE" or other words to the same effect.
68. When the meter is in use the fare and permitted extras must be shown legibly on the face of the meter.
69. The meter must be securely fitted in such a position that the display is clearly visible to any passenger being carried in the hackney carriage vehicle, and is sufficiently illuminated when in use.

70. The meter and all of its fittings must be fixed to the vehicle so that it cannot be practicable for any person to tamper with the meter except by breaking, damaging, or permanently displacing the seals and other fittings.
71. The meter must be fitted in such a position that it does not cause an obstruction to the hackney carriage driver or hirer(s).
72. Any modifications or planned modifications to the meter must be declared to Wirral Council before the meter is used.

ADVERTISEMENTS

73. The proprietor shall not cause or permit any sign, symbol, notice, or advertisement to be displayed in, on, or from the vehicle, except with the prior approval of the Licensing Authority. Where advertisements are displayed without prior approval an Authorised Officer can require the advertisement to be removed.
74. Advertisements must comply with the Code of Advertising Practice.
75. Any advertisement promoting alcohol, tobacco, the sex industry, or any matters considered inappropriate or controversial are not permitted.
76. Electronic screens may be used subject to the prior approval by Wirral Council.
77. The position of the screen must not distract the driver of the vehicle.
78. The position of the screen must be such that it cannot be seen from outside the vehicle.

CLOSED CIRCUIT TELEVISION (CCTV)

CCTV may be installed in hackney carriage vehicles to aid the prevention and detection of crime. If CCTV is installed in a hackney carriage vehicle the following conditions apply:

79. The data controller must register with the Information Commissioners Office (ICO) and ensure the registration is kept current at all times that CCTV is fitted in the vehicle.
80. The data controller must comply with the Data Protection Act 1988, 'CCTV Code of Practice' issued by the Information Commissioners Office (ICO), and any other relevant legislation.
81. Signs advising that CCTV is in operation must be prominently displayed outside and inside the vehicle.
82. The CCTV system must be capable of recording and storing footage for a minimum period of 14 days.
83. The CCTV system must be capable of capturing images that, in low light conditions, must be of sufficient quality to enable identification of any person(s) travelling in the vehicle.
84. The CCTV system must provide that the hard disk or memory card is not accessible by the proprietor or driver of the vehicle.
85. Footage captured must be made available to the Licensing Authority and the Police.
86. The CCTV system must provide that the data unit is stored separately from the camera(s) and out of view of person travelling in the vehicle.
87. Cameras must not be fitted in locations that are likely to affect the safety of any person travelling in the vehicle, and must be located as securely and discreetly as possible to avoid passengers travelling in the vehicle from tampering with them.

WHEELCHAIRS AND RAMPS

88. Anchorages provided for the wheelchair and occupant must be secure.
89. Restraints for wheelchairs and occupants must be free from any damage which may affect their safe use.
90. A BS 6109 compatible ramp with a safe working load (S.W.L.) of 300kg for the loading of a wheelchair and occupant must be available at all times for the safe loading and unloading of passengers.
91. The ramp must be free from any damage and in good working order.
92. The non-slip material on the surface of the ramp must be free from rips, tears, or damage.
93. The edges of the ramp's surface must be marked in a high-contrast colour scheme.
94. Ramps which are not permanently fixed to the vehicle must be permanently marked with the vehicle registration number.

ENTRANCE STEP

95. The outer edge of the floor at each entrance must be fitted with non-slip high-visibility treads.
96. Where the top tread for the entrance exceeds 38cm above ground level when the vehicle is un-laden then an intermediate step must be provided at each entrance into the passenger compartment. The intermediate step must not extend outwards beyond the vertical line of the vehicle's wing mirrors. The step must be covered with a suitable non-slip surface with the edges of the step highlighted yellow.

CONVEYANCE OF ANIMALS

97. The proprietor of the vehicle must ensure that any driver is aware of their duty under Section 168 of the Equality Act 2010 to convey an assistance dog, if requested, together with a passenger unless the driver is already the holder of and is displaying an exemption notice.
98. Whilst the vehicle is being used for hire and reward purposes the proprietor shall not convey, or permit a driver to convey, in the vehicle any animal belonging to, or in the custody of themselves or the proprietor or operator of the vehicle unless by way of a genuine hire and reward journey paid for by that custodian.

ROOF RACKS, ROOF BOXES, AND TRAILERS

99. Hackney carriage vehicles are not permitted to use roof racks, roof boxes, or trailers whilst being used for hire and reward purposes.

WHEELS AND TYRES

100. Where a hackney carriage vehicle is supplied with alloy wheels, all four road wheels must be of the same type and pattern.
101. Where a hackney carriage vehicle is supplied with wheels intended to be fitted with wheel trims, all four road wheels must be fitted with wheel trims of the same pattern.

102. Alloy wheels, wheel rims, and fitted wheel trims must be free from damage and defects which affect the safety, appearance, or integrity of the wheel.
103. Part-worn and remould tyres must comply with the Motor Vehicle Tyres (Safety) Regulations 1994.
104. Vehicles are not permitted to use tyres which are more than ten years old.
105. All tyres, including the spare where applicable, must be the correct size, speed, and load rating for the vehicle as per the manufacturer's specification, and be compatible with the taximeter.
106. All tyres, including the spare where applicable, must be properly inflated in accordance with both the vehicle and tyre manufacturer's specifications.
107. All tyres, including the spare where applicable, must have a continuous tread depth of at least 1.6mm across the central three quarters of the breadth of the tyre, and visible tread across the remaining breadth of the tyre.
108. All tyres, including the spare where applicable, must be free from cuts and other defects.
109. The hackney carriage vehicle must carry a method for dealing with a wheel or tyre should it become defective. This method must be in accordance with the vehicle manufacturer's specification which must be one of the following:
 - full size spare wheel - which must be the same size and type as the four road wheels and be fitted with a tyre of the same size, speed, and load rating as the four road wheels. Proper tools and equipment for changing the wheel must also be carried.
 - space saver spare wheel - which must be the correct size and type for the vehicle and be fitted with a tyre of the correct size, speed, and load rating. The tyre must be correctly inflated in accordance with the manufacturer's specifications. Proper tools and equipment for changing the wheel must also be carried.
 - run-flat tyres - which must be fitted to all four road wheels. Run-flat tyres may only be used if the vehicle is fitted with an appropriate and serviceable tyre pressure monitoring system (TPMS).
 - emergency tyre sealant and compressor/inflator pack – which must be permanently marked with the vehicle registration number.
110. If a wheel or tyre becomes defective and one of the above methods is used to rectify the fault this is a temporary measure only. The vehicle must not be used for hire or reward purposes other than completing the current journey, if applicable.

FUEL SYSTEMS

111. A device must be provided whereby the supply of fuel to the engine may be immediately cut off.
112. A manually operated device must have its location together with the means of operation and 'off' position clearly marked on the outside of the vehicle. In the case of a vehicle fitted with an automatic inertia fuel cut off switch, no markings are required.

DOORS

113. Where hinged doors are fitted:
 - a. An automatic locking device must be fitted to passenger doors.

- b. When the vehicle is stationary, the passenger doors must be capable of being opened from the inside and outside of the vehicle by one operation of the latch mechanism.
 - c. The interior door handle must be clearly visible, of a contrasting colour to the interior of the vehicle, and easily accessible to passengers when the door is in the fully open or closed position.
 - d. A hinged door must be capable of being opened to a minimum angle of 90 degrees.
114. Where sliding doors are fitted:
- a. An automatic locking device must be fitted to passenger doors.
 - b. When the vehicle is stationary, the passenger doors must be capable of being opened from the inside and outside of the vehicle by one operation of the latch mechanism.
 - c. The interior door handle must be clearly visible, of a contrasting colour to the interior of the vehicle, and easily accessible to passengers when the door is in the fully open or closed position.
 - d. There must be reflective strips on both the front and rear edges of the door.
 - e. There must be an illuminated sign bearing the words "Door Open" clearly visible from the rear of the vehicle. This sign must be automatically linked to the passenger doors in order that when either door handle is activated to open the door, the sign is illuminated.
 - f. There must be a sign within the passenger compartment, clearly visible to all passengers, giving instructions on the correct operation of the passenger door.
 - g. An audible or visual warning must be fitted in the driver's compartment indicating when any door is open.
115. Where electric doors are fitted:
- a. A sign must be clearly displayed inside the vehicle providing instructions on the correct operation of the door opening and closing mechanism.
 - b. The door system design shall incorporate a method to detect an obstruction in the path of a closing door. When an obstruction is detected, the door system shall react in a manner that will allow the obstruction to be released
 - c. A method for detecting an obstruction and preventing the closure of a powered door shall be included as part of the design of the door controls.

WINDOWS

116. All windows must be secure and free from cracks, damage, or other defects.
117. The front windscreen must let at least 75% of light through and all other windows must let at least 70% of light through.
118. Passenger door windows must be capable of being easily opened by passengers when seated. The control for opening a door window must be clearly identified so as not to be mistaken for any other control.

MIRRORS

119. All mirrors and mirror housing units must be secure and free from cracks, damage, or other defects.

INSURANCE

120. The proprietor must produce the current valid certificate of insurance for the hackney carriage vehicle when requested to do so by an Authorised Officer. If the certificate cannot be produced on demand it must be presented within 7 days to Wirral Council.

PASSENGERS

121. The proprietor must not cause or permit the vehicle to be used to carry a greater number of passengers than prescribed in the hackney carriage vehicle licence.
122. The proprietor must not cause or permit passengers to be carried in the front of the vehicle unless specifically permitted by the licence.
123. The proprietor must not cause or permit children under the age of 10 years to be conveyed in the front of the vehicle whilst it is being used as a hackney carriage vehicle.

ALTERATION OF CONDITIONS

124. Wirral Council may alter these conditions upon giving 28 days notice in writing to the licence holder that any of these conditions are deleted, any new ones inserted or existing conditions altered. The licence holder, if aggrieved, will have the right to appeal to the Magistrates Court within 21 days of being notified of the proposed change.

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PRIVATE HIRE OPERATOR LICENCE

CONDITIONS

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. 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.

DRIVER / VEHICLE DETAILS

13. 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
14. The driver list must be made available for inspection to an Authorised Officer upon request.
15. 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.
16. 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

17. 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

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.
19. 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 6)
 - 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
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.
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.
22. Any abbreviations used in the record of the booking must be cross referenced in a separate key.
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.
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.
25. 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

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.
27. The Operator must provide Wirral Council with a current scale of fares on request.
28. The operator must ensure that the fares charged by drivers of Hackney Carriage Vehicles are no

greater than those set by Wirral Council as shown on the taximeter.

STANDARD OF SERVICE

29. 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.
30. 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.
31. Where customers indicate they have luggage to be transported in addition to passengers, vehicles supplied must have adequate space for their luggage.

STAFF

32. The Operator must not employ any staff before they have had sight of a Basic Disclosure and Barring Service (DBS) check certificate that has been carried out no more than 28 days prior to the proposed date for the commencement of their employment.
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.
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 Council within two months of starting employment with the Operator.
35. 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.
36. The Operator must ensure that staff employed to make provision for bookings provide a high standard of customer care at all times.
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 Council.

COMPLAINTS

38. The Operator must have a complaints management system which is used to record and monitor all 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)
- 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 Council

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.

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:

- sexual misconduct, sexual harassment or inappropriate sexual attention
- inappropriate sexual conversation
- inappropriate conversation
- physical abuse
- verbal abuse
- behaviour that contravenes The Equality Act 2010 (ie. discrimination)
- dishonesty
- driving standards
- a pattern of overcharging

43. The Operator must keep records of complaints for a minimum period of 12 months.

RADIO EQUIPMENT

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

LOST PROPERTY

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

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

CONVICTIONS

47. The Operator must notify Wirral Council within 48 hours, in writing, details of any;

- a. investigation into any criminal offence
- b. warnings received
- c. cautions received
- d. criminal convictions received

48. If the Operator is a limited company the above condition relates to any and all of its directors and/or company secretary. If it is a partnership then Condition 47 applies to all partners.

49. The Council must be notified of any change in directors or partners involved in the Private Hire Operator business within 48 hours of any change coming into effect.
50. The holder of a Private Hire Operator Licence, including all directors of a company or partners in the business who do not hold a Private Hire or Hackney Carriage Driver Licence must provide the Council with a Basic Disclosure and Barring Service Certificate within 28 days of each anniversary of the licence and upon application for the renewal of the licence.

CHANGE OF ADDRESS

51. The operator must notify the 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 THESE 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

(Contract)

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**PRIVATE HIRE OPERATOR LICENCE****CONDITIONS****1.0 CONTRACT**

The operator must only undertake work exclusively under and in strict accordance with the terms and conditions of a contract issued by the Council to transport children to and from educational establishments.

2.0 RECORDS

2.1 The Operator must keep a daily record of each journey undertaken in accordance with the contract issued by the Council. The record must include:

- (i) Details of the schedule of the journey
- (ii) The registration number and licence number of the vehicle used
- (iii) The name of the driver of the vehicle

The record must be kept in a manner approved by the Licensing Authority.

2.2 It is the responsibility of the Operator to ensure that the records are kept in a legible manner.

2.3 The records must be made available to an Authorised Officer of the Council on request.

3.0 VEHICLE INSPECTIONS

3.1 All vehicles operated must be subject to a daily walk around check.

3.2 All vehicles operated must be subject to maintenance/safety checks at least every 8 weeks. These checks must be of the same standard as those required under the PSV licensing regime. A record must be kept of these checks and must be made available to an Authorised Officer of the Council on request.

4.0 LEDGER OF DRIVERS

4.1 The Operator must keep a ledger of drivers who may at any time drive a vehicle operated by them.

4.2 The ledger must be made available to an Authorised Officer of the Council on request.

Failure to regularly update such records may be construed as knowledge of a driver being unlicensed.

5.0 OPERATING PREMISES

- 5.1 The Operator must only operate from premises declared to the Council and shall not operate from those premises until such time as an Operator's Licence is issued for those premises.
- 5.2 The Operator must notify the Council of the address of every office proposed to be used by them for the purpose of taking bookings, and must within seven days notify the Council in writing of any change in the address.
- 5.3 All such offices or any other premises used by the Operator for the purposes of their business must have in force in respect of it, a valid planning permission and must comply in all other respects with any rule, byelaw or regulation governing its use, including but not limited to Health and Safety at Work Regulations, Fire Regulations and the provision of Public Liability and Employers Liability Insurance.

6.0 CHANGE OF PRIVATE ADDRESS

- 6.1 The Operator must notify the Council in writing of any change of his private address during the period of the licence within seven days of such change taking place.

7.0 COMPLAINTS

- 7.1 The Operator must, on receipt of a complaint concerning one of his vehicles or drivers, notify the Children and Young Peoples Department and the Licensing Authority, within 48 hours of receipt.

8.0 UNLICENSED DRIVER

- 8.1 The Operator must not 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 current licence issued by the Council under Section 51 Private Hire Driver's Licence of the Local Government (Miscellaneous Provisions) Act 1976.

9.0 UNLICENSED VEHICLE

- 9.1 The Operator shall not operate any vehicle as a Private Hire Vehicle unless the said vehicle has been licensed by the Council under the provisions of Section 48 of the Local Government (Miscellaneous Provisions) Act 1976.

10.0 CONVICTIONS

- 10.1 The Operator shall within seven days notify to the Council in writing **details of any prosecutions pending/conviction/caution** imposed on them (or, if the Operator is a company, on any of its directors) during the period of the licence.

The Operator must comply at all times with the above conditions and in the course of operating within the terms of their Operator's licence must comply with any other conditions of relevant licences.

IF YOU ARE AGGRIEVED BY ANY OF THE REQUIREMENTS CONTAINED IN THE ABOVE CONDITIONS YOU HAVE THE RIGHT OF APPEAL TO A MAGISTRATES' COURT WITHIN 21 DAYS

Licensing
Town Hall
Brighton Street
Wallasey
CH44 8ED



Policy relating to the conduct of Private Hire
And
Hackney Carriage Licence Holders

1 INTRODUCTION

- 1.1 This policy has been produced in accordance with the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 (as amended).
- 1.2 This policy relates to the general conduct of licence holders.
- 1.3 It also relates to circumstances where a licence holder may have received penalty points for a driving offence, is under investigation in respect of any criminal offence, on police bail pending the outcome of an investigation or circumstances that have led to criminal proceedings in the Magistrate's or Crown Court or the conviction of an offence.
- 1.4 For the purpose of clarity any reference to licence holder in this document includes Hackney Carriage Drivers, Private Hire Drivers, Hackney Carriage Vehicle Proprietors, Private Hire Vehicle Proprietors and Private Hire Operators.
- 1.5 This Policy will be used for the determination of whether a current licence holder remains fit and proper to hold a licence.
- 1.6 This document aims to provide guidance to any person with an interest in public hire and private hire licensing. In particular, but not exclusively:
- Private Hire and Hackney Carriage Drivers and Private Hire Operators
 - Licensing Officers
 - Members of the Regulatory Panel
 - Magistrates hearing appeals against local authority decisions
- 1.7 Where Licensing Officers have delegated powers to consider the fitness and propriety of a current licence holder they will utilise this Policy when making a decision. Cases may also be referred to the Licensing Panel. Whilst Officers and the Regulatory Panel will have regard to the Policy, each case will be considered on its individual merits and, where the circumstances demand, the Regulatory Panel may depart from the Policy. Offences and circumstances not specifically identified in this Policy may also be considered depending on the circumstances.
- 1.8 In exercising its powers the Council will expect licence holders to conduct themselves in a manner which demonstrates that:
- they remain fit and proper to hold a licence
 - they do not pose a threat to the public
 - the public are safeguarded from dishonest persons
 - the safeguarding of children, young and vulnerable persons is not put at risk
 - they do not cause any person to take offence at their actions or words
 - they do not cause any person to believe their actions or language are inappropriate
 - they do not cause any person to fear for their physical safety
 - they do not cause any person to doubt their integrity

- they do not cause any person to take offence due to their lack of respectability, cleanliness and hygiene in their dress or person
- they comply with every reasonable requirement of every person hiring or being conveyed in the vehicle
- they ensure that the private hire vehicle complies with the fitness standard set out by the Council
- they do not bring in to disrepute the integrity of the Council for having granted such a person a licence
- they adhere to the conditions and regulations pertaining to the licence

1.9 Should a licence holder conduct themselves in such a way that is in conflict with any of the above this may lead the Council to consider they are no longer a fit and proper person to hold a licence.

2 DECISION MAKING

2.1 The powers of the Council will be exercised in accordance with the Council's Constitution. This means that where an officer has the delegated authority to act they will do so. In circumstances where an officer does not have such delegation the matter will be referred to the Licensing Panel. This does not preclude an officer referring a matter to the Regulatory Panel when it is considered appropriate to do so. Each case will be considered on its own merits, and the Council will provide reasons for all decisions made when a licence is suspended or revoked.

2.2 Decisions will be made in accordance with the Council's Enforcement Policy where appropriate. The priority of the Council when determining the most appropriate action will be the protection of the Public.

3 DISCLOSURE AND BARRING SERVICE

3.1 Hackney Carriage and Private Hire Driver licences are normally issued for a period of three years. Disclosure and Barring Service (DBS) checks are undertaken before the grant of a licence and every three years before a licence can be renewed.

3.2 Private Hire Operator licences are normally issued for a period of five years. A Basic Disclosure is required before the grant of a licence and every five years before the licence can be renewed.

3.3 Licence holders can subscribe to the DBS update service which enables them to reuse a DBS certificate by allowing the Council to go online and carry out a status check to find out if the information on the certificate is current and up to date.

3.4 Licence holders may be required to have further checks through the Disclosure and Barring Service at the discretion of the Council.

4 MEDICAL REQUIREMENTS

4.1 Hackney Carriage and Private Hire Drivers are required to undertake a medical examination on initial application for a licence and thereafter every three years, with checks being undertaken annually from age 65.

- 4.2 The medical examination must be undertaken by a General Practitioner in the medical practice to which the driver is registered.
- 4.3 The standards applied to the medical examination are the Group 2 medical standards applied by the DVLA.

5 FAILURE TO REPORT MATTERS

- 5.1 Licence holders must disclose if they are under investigation in respect of any criminal offence, on police bail pending the outcome of an investigation or whether any criminal proceedings in the Magistrate's or Crown Court have started against them.
- 5.2 In accordance with licence conditions licence holders must notify the Council within 48 hours, details of any:
- motoring offences or penalty points received
 - fixed penalty notices
 - cautions, warning or reprimands received
 - anti-social behaviour order (or other order) issued by a court
 - criminal convictions received
 - change in medical condition or long term prescribed medication which may affect ability to drive
- 5.3 Licence conditions also require that a licence holder must notify the Council within 7 days details of any:
- change of address
 - change of contact telephone number
- 5.4 Licence holders must also report to the Council any incidents which may lead to a complaint against them.
- 5.5 If a licence holder is found to have failed to disclose any of the above or other matters which may affect their fitness and propriety to hold a licence it will be regarded very seriously by the Council as the Council will have been denied the opportunity to promptly consider whether the licence holder remains fit and proper to hold a licence. Failure to properly disclose any of these matters may lead to a licence being suspended or revoked and may also lead to prosecution.
- 5.6 An existing licence holder who is subject to an ongoing police investigation or criminal proceedings may, subject to the circumstances, have their licence suspended or revoked if it is in the interest of the public and the Council is no longer satisfied that they are a 'fit and proper' person. If it is in the interest of public safety such suspension or revocation will have immediate effect.
- 5.7 The Council has a responsibility to protect the public and, in this regard, may use information provided to prevent and detect fraud, to enforce legislation and to comply with statutory obligations, and may share the information, for the same purposes, with other organisations

6 EXPECTED STANDARDS OF BEHAVIOUR

- 6.1 Wirral Council expect licence holders to behave in a fit and proper manner at all times commensurate with their position as licence holders.
- 6.2 Licence holders are expected to avoid confrontation, and to address disputes through the proper legal channels. In no circumstances should they take the law into their own hands.
- 6.3 Licensed drivers and operators are expected to be honest and trustworthy. Drivers deal with cash transactions and valuable property may be left in their vehicles. Drivers often deliver unaccompanied property which gives an indication of the trust that is placed in licensed drivers. It would also be reasonably easy for a dishonest driver to defraud the public by demanding more than the legal fare. Operators are aware of properties being empty when taking bookings for example when the householder is going on holiday. Licence holders must not abuse their position of trust.
- 6.4 Passengers paying for a transport service rely on their driver to get them to their destination safely. Hackney Carriage and Private Hire Drivers are considered to be professional drivers and must be fully aware of all Road Traffic legislation and conditions attached to the licence and must always have the appropriate insurance in place. Licensed drivers are expected to drive at all times in accordance with all relevant traffic regulations and the Highway Code, and should never drive in an aggressive or dangerous manner. This is the case whether passengers are being conveyed in the licensed vehicle or not.
- 6.5 Licensing Enforcement Officers carry out the day to day compliance and enforcement functions of Wirral Council's Licensing Section. This is done through compliance checks for adherence to the regulations and conditions pertaining to the driver, vehicle, and operator licences.
- 6.6 Licensing Enforcement Officers investigate complaints received from members of the public and partner agencies such as Merseyside Police. Complaints received by the Licensing Section regarding the conduct of licence holders will be investigated and appropriate action will be taken in accordance with this Policy and Wirral Council's Enforcement Policy.
- 6.7 Any failures on behalf of the licence holder to adhere to the criteria, conditions and regulations pertaining to their licence may be dealt with under delegated authority in accordance with Wirral Council's Constitution and the Council's Enforcement Policy.
- 6.8 Matters which may be investigated include, but are not limited to, the following:
- conduct of a licence holder
 - poor driving standards
 - breach of conditions of licence
 - poor condition of a licensed vehicle
 - failing to present a licensed vehicle for inspection
 - change in a licence holder's medical condition
 - failure to convey passengers in wheelchairs

- failure to convey passengers with assistance dogs
 - inappropriate use of social media
 - providing false information to the Licensing Section
 - failure to report matters to the Licensing Section as required by regulations or conditions of licence
 - abusive manner towards Licensing Officers
 - any behaviour of a licence holder that is in conflict with those listed in paragraph 1.8 of this Policy
- 6.9 Licence holders must advise the Licensing Section of any incident which they believe may lead to a complaint against them. Failure to do so could lead to action being taken which may include a licence being suspended or revoked. In circumstances where it is considered to be in the interest of public safety the licence will be revoked with immediate effect.
- 6.10 It is Wirral Council's policy to provide advice and guidance to the licensed trade in order to promote the highest level of protection to the public. Licence holders should therefore seek advice if they have any doubt as to how they should comply with the conditions of their licence, or find themselves in a situation where their conduct may be brought into disrepute.
- 6.11 Misconduct will generally involve behaviour which falls below the standard expected of a licensed driver. This may relate to the conduct of the driver or their standard of driving. Misconduct of a licensed driver may involve the use of rude, inappropriate or unreasonable language, inappropriate behaviour, or dishonest practices. It may also include circumstances where a driver may have been arrested or cautioned for an offence but where no further action was taken or criminal conviction imposed. In these circumstances the licence holder may be referred to the Regulatory Panel who will consider whether the licence holder remains a fit and proper person to hold a licence.
- 6.12 Wirral Council is particularly concerned about conversations of a sexual nature between licensed drivers and passengers.
- 6.13 Whilst it should be obvious that it is completely unacceptable for a licensed driver to engage in sexual activity of any kind with a passenger, Wirral Council is of the firm view that there is also no excuse, justification, or reason, for a licensed taxi or private hire driver to engage in any form of conversation with passengers of a sexual nature even if the conversation is instigated by the passenger, or that the driver just thought the conversation to be 'banter'.
- 6.14 It is completely inappropriate in the context of an individual being licensed to convey members of the public, and even though it may appear that the passenger is not objecting to such conversation, in reality this may well be because they feel uncomfortable and uncertain how to react, or afraid as to their personal well-being if they were to object or refuse to engage with the conversation. Such conversations are particularly inappropriate where the passenger is a young person or is vulnerable through intoxication, disability, or any other reason.
- 6.15 Wirral Council will be firm in dealing with any licensed driver who takes advantage of his position to indulge in such conversations, and will take robust action where necessary.

7 COURSE OF ACTION TAKEN BY THE LICENSING SECTION

- 7.1 Licensed drivers and operators have close regular contact with the public and a firm line will be taken with those who commit an act of violence, are found to operate without the appropriate insurance being in place, demonstrate dishonest behaviour or cause a passenger to feel unsafe whilst in a licensed vehicle.
- 7.2 The course of action taken by Wirral Council will be proportionate to the incidents or allegations being investigated. Action taken by the Licensing Section may include the issuing of a written warning, or the suspension or revocation of a licence under delegated powers. In circumstances where it is considered to be in the interest of public safety the licence will be revoked with immediate effect. In certain circumstances the matter may be referred to the Licensing Panel.
- 7.3 The Licensing Section's overriding concern is to protect the public from unscrupulous and dishonest practices and ensure public confidence is maintained in the honesty and integrity of licence holders.
- 7.4 A licence holder who has shown a propensity to fail to adhere to the conditions and regulations pertaining to their licence should expect to have action escalated to the highest level to protect the public.
- 7.5 In all cases the history of the licence holder, including the existence of previous complaints, any advice and warnings previously issued, and the circumstances surrounding any alleged incident, will be taken into account. These matters will be used to determine the most appropriate course of action deemed necessary and proportionate in the circumstances.
- 7.6 Even if a complaint appears to be isolated or is the first recorded against a licence holder, having taken all matters into consideration, Wirral Council may deem it appropriate and proportionate to revoke or suspend the driver's licence and may decide that, in the interests of public safety, such decision should have immediate effect
- 7.7 The Council may not be satisfied that a licence holder remains a fit and proper person to hold a licence for any good reason. If adequate evidence that a person is a fit and proper person is not adduced or if there is good reason to question or doubt the evidence provided, then that could amount to good reason to refuse to renew a licence or to revoke the licence.
- 7.8 In considering evidence of a licence holder's good character and fitness to hold a licence the Council will consider the nature of the conduct as well as the impact of this conduct on the public, the nature of the offence and the penalty imposed, and any other factors which might be relevant.

8 REGULATORY PANEL

- 8.1 In circumstances where a licence holder has committed an offence whilst holding a licence and is seeking to have their licence renewed they will be referred to the Regulatory Panel for their application to be considered. There may also be other circumstances where there are concerns about a licence holder being 'fit and proper'

to continue to hold a licence when they will be referred to the Regulatory Panel who will consider the matter. These circumstances may arise following complaints about the licence holder or conduct is such that the officer considers it appropriate to refer the matter to the Regulatory Panel. Licence holders will be advised of the procedure that will be applied at the Regulatory Panel where they will have the opportunity to attend and put their case forward.

- 8.2 Each licence holder referred to the Regulatory Panel will be considered on their individual merits. In those circumstances the Licensing Panel will decide whether the licence holder remains a fit and proper person to hold a licence. In certain cases, the Panel may consider it appropriate to allow a licence holder to continue to hold a licence, for instance where an offence is isolated and the circumstances of its commission are such that the Panel consider it is not relevant to the licence holder's suitability as a Private Hire or Hackney Carriage Driver or Private Hire Operator.
- 8.3 In some circumstances the Regulatory Panel may consider the licence holder remains a fit and proper person to continue to hold a licence however the Panel may impose a sanction on the licence holder, for example issue the licence holder with a warning or referral to a driver awareness course.
- 8.4 The overriding consideration of the Regulatory Panel will always be to protect the public. Licence holders should be aware that the grant of a licence places a significant responsibility on the holder which by the nature of close contact with members of the public requires the holder to be a person proven to be capable of fulfilling the trust placed in them by the hirers of vehicles
- 8.5 Being a licensed Hackney Carriage or Private Hire Driver or Private Hire Operator is a responsible position and the Council takes its public protection role very seriously. The Council will only allow a licence holder to continue to hold a licence if they are satisfied that they are 'fit and proper'.

9 CRIMINAL RECORD CHECK

- 9.1 In determining whether to grant a Private Hire or Hackney Carriage Driver Licence or Private Hire Operator Licence the Council will have considered any convictions, including spent convictions as appropriate, in accordance with the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002.
- 9.2 Information from the Disclosure and Barring Service (DBS) or Disclosure Scotland will again be required before the renewal of a licence and will be kept in strict confidence while the licensing process takes its course and will be retained no longer than is necessary and in any event will be destroyed in accordance with the requirements of the Data Protection Act 1998 and in accordance with good practice after the application is determined or any appeal against such determination is decided.
- 9.3 The disclosure of a criminal record or other information relating to criminal matters will not necessarily debar a licence holder from continuing to hold a licence. The Council will however consider all information on an enhanced DBS and Disclosure Scotland and will take a serious view of any special Police warnings contained therein. Whether or not a licence holder will be allowed to continue to hold a licence will depend upon whether or not they can satisfy the Council that they remain a fit and proper to hold such a licence.

10 RELEVANCE OF CONVICTIONS

- 10.1 The Council has adopted the following Policy relating to the relevance of convictions for current licence holders.
- 10.2 The policy does not deal with every type of offence, and does not prevent the Council from taking into account offences not specifically addressed in the policy, or other conduct, which may be relevant.
- 10.3 If a licence holder has a conviction for an offence not covered by the policy regard will be had to the nature of the offence, the penalty imposed and any other factors which might be relevant. Offences described in the policy and similar offences, though differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the policy.

11 RENEWAL APPLICATIONS

- 11.1 It is the responsibility of the licence holder to ensure that a licence is renewed before it expires. If an individual continues to work as a hackney carriage or private hire driver, or continues to operate private hire vehicles after a licence has expired, an offence is committed which could lead to **prosecution and may** affect the consideration of any further application for a licence.

12 NO RIGHT TO WORK

- 12.1 A Private Hire or Hackney Carriage Driver Licence or Private Hire Operator Licence is only granted if an applicant has the right to work in the UK. If a licence holder's right to work has been revoked or has expired their licence will lapse.

13 LICENSING OFFENCES

- 13.1 A serious view will be taken of any licensing offences committed by a licence holder whilst being the holder of a Hackney Carriage or Private Hire Driver, Proprietor or Operator licence. The following are examples of licensing offences which may be committed by licence holders. Licence holders have a responsibility to ensure they are aware of the law regarding hackney carriage and private hire. If a licence holder is unsure they should contact the Licensing Section for advice.
- 13.2 This Policy does not deal with every type of offence, and does not prevent the Council from taking into account offences not specifically addressed in the Policy, or other conduct, which may be relevant.

14 FAILURE TO WEAR OR DISPLAY BADGES

- 14.1 A serious view will be taken should a licence holder fail to comply with the requirement to wear or display the badges issued by the Licensing Section to identify the individual as a licensed driver. As this is a matter which can impact on the safety of the public the licence holder should expect their licence to be suspended with immediate effect until they are able to comply with the legal requirement.

15 PLYING FOR HIRE

- 15.1 There is a clear distinction between public hire and private hire. Only licensed hackney carriage vehicles, driven by hackney carriage drivers, can be flagged down on the street. The offence of 'plying for hire' is committed when a licensed private hire driver makes a private hire vehicle available for public hire.
- 15.2 It is not appropriate for private hire drivers to park in prominent positions without a pre-booked journey having been provided to them by the relevant private hire operator. Examples of such locations include, but are not limited to areas where people are likely to congregate, locations with a high level of footfall, near bars or nightclubs, or near a taxi rank. If witnessed by a Licensing Enforcement Officer, or evidence is made available to a Licensing Enforcement Officer, the licensed driver should expect further action to be taken which would include the checking of booking records held by the relevant private hire operator. If practicable this action would also include a full inspection of the driver and vehicle against the conditions relating to both licences.
- 15.3 The Licensing Authority conducts operations to check if private hire drivers are knowingly plying for hire. If a licensed driver is found to be committing this offence during such an operation, they should expect the matter to result in a prosecution against them in the Courts. The licence holder should also expect their private hire driver licence to be revoked with immediate effect.

16 FAILURE TO PRESENT A LICENSED VEHICLE FOR INSPECTION

- 16.1 Proprietors of both Hackney Carriage and Private Hire vehicles are periodically requested to present their vehicles for inspection by a Licensing Officer. The purpose of the inspection is to ensure the vehicle remains in such a condition that it continues to meet the required standard for use as a licensed vehicle.
- 16.2 If there is good reason why a particular time or date is not suitable for the presenting of the vehicle the vehicle proprietor should contact the Licensing Section to advise and request an alternative time and date. Failure to do this may result in further action being taken by the Licensing Section which may include the suspension or revocation of the vehicle licence and the Private Hire or Hackney Carriage Driver licence.

17 MOTORING OFFENCES

- 17.1 The receipt of any penalty points must be reported to the Licensing Section.
- 17.2 A licence holder's driving record will be taken into account and the Council will consider the nature and volume of motoring offences. A poor record of driving could raise doubts about a licence holder's fitness and propriety to continue to hold a licence and indicate a disregard for the law.
- 17.3 The action taken by the Licensing Section will range from a written warning up to the revocation of the Private Hire or Hackney Carriage driver licence.
- 17.4 Any person who tots up **more than 6 penalty points** on their DVLA driving licence will be referred to the Licensing Panel.

17.5 When considering motoring offences the Council will consider the nature and seriousness of the offence(s) and will have regard to the following:

18 DRIVING OFFENCES INVOLVING LOSS OF LIFE

18.1 An extremely serious view is taken of a driving offence resulting in the loss of life. Such offences include causing death by dangerous driving, causing death by careless driving whilst under the influence of drink or drugs, or other similar offences. In such circumstances a licence will generally be revoked with immediate effect.

19 DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

19.1 Licence holders who commit an act of, or are being investigated for an allegation of, driving under the influence of alcohol or drugs, or where a licence holder has been disqualified from driving as a result of such an offence will generally have their licence revoked with immediate effect.

20 DRIVING WITHOUT INSURANCE

20.1 A licensed Private Hire or Hackney Carriage Driver who does not have valid appropriate insurance in place will generally have their licence revoked with immediate effect

21 OTHER SERIOUS TRAFFIC OFFENCES

21.1 Generally, the Council class a serious traffic offence when 6 or more penalty points have been imposed on a DVLA driving licence in respect of any single offence. However, some offences where less than 6 penalty points are imposed may, subject to the circumstances, be classed as a serious offence. Offences which could lead to a driving disqualification will be treated as a serious offence. In such circumstances a licence holder will generally have their licence revoked with immediate effect. Types of offences classed as a serious offence in addition to the above include, dangerous driving, failure to stop after an accident and a driving disqualification under the 'totting up' provisions whereby a driving licence is endorsed with 12 points or more.

22 MISCELLANEOUS TRAFFIC OFFENCES

22.1 Generally individual traffic offences where less than six penalty points are imposed on a DVLA driving licence will not prevent a person from being allowed to continue to hold a licence. A licence holder with more than 6 penalty points for such offences will be referred to the Regulatory Panel who will consider whether the licence holder remains a fit and proper person to continue to hold a licence. Failure to report the imposition of points on a DVLA licence may result in a Private Hire or Hackney Carriage Driver licence being revoked.

OTHER OFFENCES

23 SEXUAL AND INDECENCY OFFENCES

23.1 Licence holders who commit an act or are being investigated for an allegation of indecent exposure, indecent assault, importuning or any sexual offence, or commit an

offence in relation to the above matters will generally have their licence revoked with immediate effect.

23.2 Any licence holder who is registered under the sex offenders notification requirements on the Sex Offenders Register will generally have their licence revoked with immediate effect.

24 VIOLENT OFFENCES

24.1 A licence will generally be revoked with immediate effect if a licence holder commits an act of violence, is being investigated for, or is charged with or convicted of an offence of violence whilst holding a licence.

24.2 Offences involving violence include:

- | | |
|--|------------------------|
| ▪ Assault occasioning actual bodily harm | ▪ Grievous Bodily Harm |
| ▪ Assault on police | ▪ Common assault |
| ▪ Assault with intent to rob | ▪ Wounding |
| ▪ Battery | ▪ Wounding with intent |
| ▪ Robbery | ▪ Arson |
| ▪ Violent disorder | ▪ Riot |

25 POSSESSION OF AN OFFENSIVE WEAPON

25.1 A licence holder who commits an offence of possessing an offensive weapon, is being investigated for, or is charged with or convicted of an offence of possession of an offensive weapon, including a firearm, will generally have their licence revoked with immediate effect.

26 PUBLIC ORDER OFFENCES

26.1 Licence holders who commit public order offences or are being investigated for, or have been charged with or convicted of an act of public disorder will be referred to the Regulatory Panel who will consider whether the licence holder remains fit and proper to continue to hold the licence.

26.2 Public order offences include:

- | | |
|--|---|
| ▪ Affray | ▪ Drunk and disorderly |
| ▪ Criminal damage | ▪ Disorderly behaviour |
| ▪ Using threatening, abusive or insulting words or behaviour | ▪ Causing harassment, alarm or distress |

27 DRUG OFFENCES

27.1 A serious view is taken of any drug related offence, in particular offences involving possession with intent to supply.

27.2 Where a licence holder commits a drug related offence or is being investigated for, or has been charged with or convicted of such an offence their licence will generally be revoked with immediate effect.

28 DISHONESTY OFFENCES

28.1 A serious view is taken of any offence or actions involving dishonesty. A licence holder who commits a dishonesty offence or is proven to act dishonestly will generally have their licence revoked.

28.2 Offences involving dishonesty include:

- Theft
- Fraud
- handling or receiving stolen goods
- conspiracy to defraud
- taking a vehicle without consent
- perverting the course of justice
- Burglary
- benefit fraud
- forgery
- obtaining money or property by deception

29 RACIALLY AGGRAVATED OFFENCES

29.1 Licence holders who commit a racially aggravated offence, are being investigated for or been charged with or convicted of a racially aggravated offence will generally have their licence revoked with immediate effect.

29.2 Offences involving racial aggravation include:

- Racially-aggravated criminal damage (s.30 Crime and Disorder Act 1998)
- Racially-aggravated s.4 Public Order Act 1986 offence (fear of provocation of violence) (s.31(1)(a) Crime and Disorder Act 1998)
- Racially-aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress (s.31(1)(b) Crime and Disorder Act 1998)
- Racially-aggravated s.5 Public Order Act 1986 offence (harassment, alarm or distress) (s.31(1)(c) Crime and Disorder Act 1998)
- Racially-aggravated s.2 Protection from Harassment Act 1997 offence (harassment) (s.32(1)(a) Crime and Disorder Act 1998)
- Racially-aggravated s.4 Protection from Harassment Act 1997 offence (putting people in fear of violence) (s.32(1)(b) Crime and Disorder Act 1998)

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**STATEMENT OF POLICY AND GUIDELINES
RELATING TO A WHEELCHAIR EXEMPTION
CERTIFICATE**

INTRODUCTION

The Government is committed to an accessible public transport system in which disabled people can enjoy the same opportunities to travel as other members of society. Hackney Carriage and Private Hire Vehicles are a vital link in the accessible transport chain and it is important that disabled people who use wheelchairs have confidence that the driver of a Hackney Carriage or Private Hire Vehicle will assist them at no extra charge.

The Equality Act 2010 places the following duties on the drivers of wheelchair accessible Private Hire and Hackney Carriage Vehicles:

- Carry a passenger while in a wheelchair
- Not make any additional charge for doing so
- If the passenger chooses to sit in a passenger seat, to carry the wheelchair separately
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- To give the passenger such mobility assistance as is reasonably required.

EXEMPTION CERTIFICATES

Some drivers may have a medical condition or a disability or physical condition which makes it impossible or unreasonably difficult for them to provide the sort of physical assistance which these duties require.

Section 166 of the Equality Act 2010 allows the Licensing Authority to exempt a driver from the duties to assist passengers in wheelchairs if we are satisfied that it is appropriate to do so on medical or physical grounds. The exemption will be valid in accordance with the recommendation of a medical professional taking into account the nature of the medical issue. If exempt, the driver will not be required to perform any of the duties to assist wheelchair using passengers.

APPLICATION PROCESS FOR AN EXEMPTION CERTIFICATE

Any driver seeking an exemption must complete an application form. An application from a driver seeking a short term exemption must be supported by a Medical Assessment form completed by a General Practitioner in the medical practice to which the driver is registered. In accordance with Statutory Guidance a driver seeking a long term exemption may be required to obtain a medical assessment from a Specialist Medical Practitioner.

The application will be considered by a Licensing Officer. There may be circumstances where the officer considers it appropriate to refer the application to the Regulatory Panel.

If the exemption application is successful then the Licensing Authority will issue an exemption certificate and provide an exemption notice for the driver to display in their vehicle. If the exemption application is unsuccessful the Licensing Authority will inform the applicant of the reason/s for the refusal within 14 days of the decision.

A driver may appeal against the decision of the Licensing Authority to refuse to issue an exemption certificate. That appeal should be made to the Magistrates Court within 28 days beginning with the date of the refusal.

Where a driver has been exempted from the duties under section 165 of the Equality Act 2010 to assist wheelchair using passengers, they must display an exemption notice in the vehicle they are driving in the form and manner prescribed by the regulations. If the notice is not displayed then the driver could be prosecuted if they do not comply with the duties under section 165 of the Equality Act 2010. Only one exemption notice should be displayed in a vehicle at any one time.

Wirral Council Private Hire and Hackney Carriage Licence fees

Private Hire / Hackney Carriage Driver

	Duration	Fee
Application Fee	n/a	£64
Disclosure and Barring Service (DBS) Fee	n/a	£44
Driver licence	3 years	£132
Driver licence	1 year	£50
Replacement/copy driver licence	n/a	£10
Replacement driver badge	n/a	£10
Grant of a second driver licence	to expiry of first licence	£35
Renewal of second driver licence	to expiry of first licence	£25
Change of address - inc replacement licence(s)	n/a	£10

Private Hire Operator

	Duration	Fee
1 vehicle	5 years	£528
2 – 10 vehicles	5 years	£934
11 – 50 vehicles	5 years	£1,177
51+ vehicles	5 years	£1,419
Each additional premises	n/a	£58

Private Hire / Hackney Carriage Vehicle licence

	Duration	Fee
Private Hire Vehicle – New	1 year	£192
Private Hire Vehicle – New	6 months*	£105
Private Hire Vehicle – Renewal	1 year	£187
Private Hire Vehicle – Renewal	6 months*	£100
Hackney Carriage Vehicle - New	1 year	£192
Hackney Carriage Vehicle - New	6 months^	£105
Hackney Carriage Vehicle - Renewal	1 year	£187
Hackney Carriage Vehicle - Renewal	6 months^	£100
Transfer of Licence	n/a	£23
Change of vehicle	n/a	£35
Replacement Vehicle Licence	n/a	£10
Replacement Vehicle Plate(s)	n/a	£35
Replacement plate fixing bracket	n/a	£5

* private hire vehicles are licensed for 6 months once the vehicle is 6 years old

^ hackney carriage vehicles are licensed for 6 months once the vehicle is 10 years old

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Department
for Transport

Statutory Taxi & Private Hire Vehicle Standards

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1. Introduction

- 1.1 There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers; data from [Greater Manchester](#) and [Merseyside](#) suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported. These figures do not however account for the under reporting of crime which is estimated to be as high as 83 percent in the [Crime Survey for England and Wales](#).
- 1.2 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. For the purposes of this document, a child is defined as anyone who has not yet reached their 18th birthday; and the term “vulnerable individual” has the same meaning as the definition of a ‘vulnerable adult’ for the purpose of section 42 of the [Care Act 2014](#), which applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):
- (a) has needs for care and support (whether or not the authority is meeting any of those needs),
 - (b) is experiencing, or is at risk of, abuse or neglect, and
 - (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- 1.3 Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.**
- 1.4 It should be noted that as policing and criminal justice is not a devolved matter, the Statutory Taxi and Private Hire Vehicle Standards issued under the Policing and Crime Act 2017 will continue to have effect in Wales although responsibility for taxi and private hire vehicle policy was devolved to the Welsh Assembly in April 2018. Should the Welsh Government introduce legislation to regulate on these issues, the standards in this document would, cease to apply.

- 1.5 All local authorities and district councils that provide children's and other types of services, including licensing authorities, have a statutory duty to make arrangements to ensure that their functions and any services that they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This means that licensing authorities should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children. This includes clear whistleblowing procedures, safe recruitment practices and clear policies for dealing with allegations against people who work with children, as set out in the [Working Together to Safeguard Children](#) statutory guidance.
- 1.6 The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).
- 1.7 The standards in this document replace relevant sections of the Best Practice Guidance issued by the Department in 2010, where there is a conflict between the Statutory Taxi and Private Hire Vehicle Standards and the Best Practice Guidance the Department issue on taxi and private hire vehicle licensing, the standards in this document take precedence.

Terminology

Taxis are referred to in legislation, regulation and common language as 'hackney carriages', 'black cabs' and 'cabs'. The term '**taxi**' is used throughout this document and refers to all such vehicles. Taxis can be hired immediately by hailing on the street or at a rank.

Private hire vehicles include a range of vehicles including minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services. All private hire vehicle journeys must be pre-booked via a licensed private hire vehicle operator and are subject to a 'triple licensing lock' i.e. the operator fulfilling the booking must use vehicles and drivers licensed by the same authority as that which granted its licence. The term 'private hire vehicle' is used throughout this document to refer to all such vehicles.

2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards

- 2.1 The past failings of licensing regimes must never be repeated. The Department has carefully considered the measures contained in the Statutory Taxi and Private Hire Vehicle Standards and recommend that these should be put in to practice and administered appropriately to mitigate the risk posed to the public. The purpose of setting standards is to protect children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles.
- 2.2 The Government set out in the [Modern Crime Prevention Strategy](#) the evidence that where Government, law enforcement, businesses and the public work together on prevention, this can deliver significant and sustained cuts in certain crimes. That is good news for victims and communities and it makes clear economic sense too. Educating the public on the risks of using unlicensed drivers and vehicles, how to identify the licensed trade and appropriate measure to take when using these services will protect help all passengers, more information is annexed to this document (Annex - Staying safe: guidance for passengers).
- 2.3 The Strategy committed to protect children and young people from the risk of child sexual abuse and exploitation (CSAE), by working with local authorities to introduce rigorous taxi and private hire vehicle licensing regimes. Both the [Jay](#) and [Casey](#) reports on CSAE highlighted examples of taxi/private hire vehicle drivers being directly linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused, or sexually exploited.
- 2.4 The Casey Report made clear that weak and ineffective arrangements for taxi and private hire vehicle licensing had left the children and public at risk. The Department for Transport has worked with the Home Office, Local Government Association (LGA), personal safety charities, trade unions and trade bodies,

holding workshops, forums, and sharing evidence and good practice with local authorities to assist in the setting of the standards.

- 2.5 This document is published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 following consultation in accordance with section 177(5).
- 2.6 The document sets out a framework of policies that, under section 177(4), licensing authorities “**must have regard**” to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.
- 2.7 “Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. **Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated.** It is not a question of box ticking; the standards must be considered rigorously and with an open mind.
- 2.8 Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence. **In the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these.** The Department has undertaken to monitor the effectiveness of the standards in achieving the protection of children and vulnerable adults (and by extension all passengers).
- 2.9 The Statutory Taxi and Private Hire Vehicle Standards does not purport to give a definitive statement of the law and any decisions made by a licensing authority remain a matter for that authority.

3. Administering the Licensing Regime

Licensing policies

- 3.1 The Department recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards.
- 3.2 When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated. This was highlighted in the [report by Dame Louise Casey CB](#) of February 2015 on safeguarding failings.

“It will be evident from this report that in many cases the activities of perpetrators take place in spheres which are regulated by the Council – taxis have been the focus of particular concern. Persistent and rigorous enforcement of the regulatory functions available to the council, including the placing of conditions on private hire taxi operator licences where appropriate, would send a strong signal that the trade is being monitored and would curtail the activities of opportunistic perpetrators whereby taxi drivers have solicited children to provide sex in return for cigarettes, alcohol or a fare free ride.”

- 3.3 The long-term devastation caused by CSAE was summarised in the same report:

“Victims suffer from suicidal feelings and often self-harm. Many become pregnant. Some have to manage the emotional consequences of miscarriages and abortions while others have children that they are unable to parent appropriately. The abuse and violence continues to affect victims into adulthood. Many enter violent and abusive relationships. Many suffer poor mental health and addiction.”

- 3.4 Rotherham Metropolitan Borough Council ('Rotherham Council') provides an example of how the systematic review of policies and procedures and the implementation of a plan to drive improvements in practice can result in a well-functioning taxi and private hire vehicle sector that is rebuilding local confidence in the industry. The history of past failings here and elsewhere is well known, but it is the transparency and resolution that Rotherham Council has demonstrated and the high standards they now require that are rebuilding public confidence.
- 3.5 One of the key lessons learned is that it is vital to review policies and reflect changes in the industry both locally and nationally. **Licensing authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.**

Duration of licences

- 3.6 A previous argument against issuing licences for more than a year was that a criminal offence might be committed, and not notified, during this period; this can of course also be the case during the duration of a shorter licence. This risk can be mitigated for drivers by authorities to undertaking regular interim checks. To help authorities monitor licensees' suitability, licensing authorities should engage with their police force to ensure that when the police believe a licensee presents a risk to the travelling public they use their Common Law Police Disclosure powers (see paragraphs 4.9 - 4.11) to advise them.
- 3.7 The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length at three years for taxi and private hire vehicle drivers and five years for private hire vehicle operators. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand; they should not be issued on a 'probationary' basis.

Whistleblowing

- 3.8 It is in the application of licensing authority's policies (and the training and raising of awareness among those applying them) that protection will be provided. Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. **Licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.**

A report into the licensing of drivers by South Ribble Borough Council highlights the implications of not applying the agreed policies. In early August 2015, concerns were raised regarding decisions to renew the licences of drivers where there were potential incidents of child sexual exploitation. An internal review concluded that there had been failings in local investigatory procedures which might have affected the ability of the General Licensing Committee to make proper decisions, and information sharing with the police and data recording was not satisfactory.

- 3.9 The external investigation in South Ribble concluded “that there had been a lack of awareness and priority given to safeguarding and the safety of taxi [and private hire vehicle] passengers in the manner in which licensing issues were addressed”. We are pleased to note that the [report](#) concludes, “The Council have been active at every stage in responding to issues and concerns identified. It has taken steps to address operational issues in the licensing function and has engaged fully with other agencies in so doing. In the light of the above, it is not necessary to make any further recommendations.”
- 3.10 It is hoped that all licensing authorities will have learnt from these mistakes but to prevent a repeat, **local authorities should ensure they have an effective ‘whistleblowing’ policy and that all staff are aware of it.** If a worker is aware of, and has access to, effective internal procedures for raising concerns then ‘whistleblowing’ is unlikely to be needed.
- 3.11 The Public Interest Disclosure Act 1998 (PIDA), commonly referred to as whistleblowing legislation, provides protection for those that have a reasonable belief of serious wrongdoing, including failure to comply with professional standards, council policies or codes of practice/conduct. The PIDA is part of employment law. In the normal course of events, if a worker reveals information that his employer does not want revealed it may be a disciplinary offence. If someone leaked their employer’s confidential information to the press, they might expect to be dismissed for that. The PIDA enables workers who ‘blow the whistle’ about wrongdoing to complain to an employment tribunal if they are dismissed or suffer any other form of detriment for doing so. It is a qualified protection and certain conditions would have to be met for the worker to be protected. More information is available online for [employees](#) and [employers](#).

Consultation at the local level

- 3.12 Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades’ customers. Examples are groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. the Campaign for Better Transport and other transport providers), women’s groups, local traders, and the local multi-agency safeguarding arrangements. It may also be helpful to consult with night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy’s activities.
- 3.13 Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas; and **licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change.** Many areas convene regional officer consultation groups or, more formally, councillor liaison meetings; this should be adopted by all authorities.

Changing licensing policy and requirements

- 3.14 **Any changes in licensing requirements should be followed by a review of the licences already issued.** If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not however to suggest that licences should be automatically revoked overnight, for example if a vehicle specification is changed it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.
- 3.15 Where a more subjective change has been introduced, for example an amended policy on previous convictions, a licensing authority must consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, licensing authorities should consider doing so. Licensing authorities should record the reasons for any deviation from the policies in place.

4. Gathering and Sharing Information

- 4.1 Licensing authorities must consider as full a range of information available to them when making a decision whether to grant a licence and to meet their ongoing obligation to ensure a licensee remains suitable to hold a licence.

The Disclosure and Barring Service

- 4.2 The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales. The DBS also maintains the lists of individuals barred from working in regulated activity with children or adults. The DBS makes independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person within the workplace. The DBS enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children.
- 4.3 Enhanced certificates with a check of the barred lists include details of spent and unspent convictions recorded on the Police National Computer (PNC), any additional information which a chief officer of police believes to be relevant and ought to be disclosed, as well as indicating whether the individual is barred from working in regulated activity with children or adults. Spent convictions and cautions are disclosed on standard and enhanced certificates according to rules set out in legislation. Convictions which resulted in a custodial sentence, and convictions or cautions for a specified serious offence such as those involving child sexual abuse will always be disclosed on a standard or enhanced certificate. Full details of the disclosure rules, and those offences which will always be disclosed, are available from the [DBS](#). As well as convictions and cautions, an enhanced certificate may include additional information which a chief police officer reasonably believes is relevant and ought to be disclosed. Chief police officers must have regard to the [statutory guidance](#) issued by the Home Office when considering disclosure. A summary of the information provided at each level of DBS checks is annexed to this document (Annex – Disclosure and Barring Service information).
- 4.4 It should be noted that licensing authorities must not circumvent the DBS process and seek to obtain details of previous criminal convictions and other information that may not otherwise be disclosed on a DBS certificate. Whilst data protection legislation (not just the Data Protection Act 2018 or General Data Protection Regulation (GDPR)) gives individuals (or data subjects) a 'right of access' to the personal data that an organisation holds about them, it is a criminal offence to require an individual to exercise their subject access rights so as to gain information about any convictions and cautions. This could potentially lead to the authority receiving information to which it is not entitled. The appropriate way of accessing an individual's criminal records is through an enhanced DBS and barred lists check.

The Disclosure and Barring Service Update Service

- 4.5 Subscription to the DBS Update Service allows those with standard and enhanced certificates to keep these up to date online and, with the individual's consent, allows nominees to check the status of a certificate online at any time. Subscription to the service removes the need for new certificates to be requested, reduces the administrative burden and mitigates potential delays in relicensing.
- 4.6 The DBS will search regularly to see if any relevant new information has been received since the certificate was issued. The frequency varies depending on the type of information; for criminal conviction and barring information, the DBS will search for updates on a weekly basis. For non-conviction information, the DBS will search for updates every nine months.
- 4.7 Licensing authorities are able to request large numbers of status checks on a daily basis. The DBS has developed a Multiple Status Check Facility (MSCF) that can be accessed via a web service. The MSCF enables organisations to make an almost unlimited number of Status Checks simultaneously. Further information on the MSCF is available from the [DBS](#).
- 4.8 Should the MSCF advise that new information is available the DBS certificate should no longer be relied upon and a new DBS certificate requested.

Common Law Police Disclosure

- 4.9 The DBS is not the only source of information that should be considered as part of a fit and proper assessment for the licensing of taxi and private hire vehicle drivers. Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger.
- 4.10 Common Law Police Disclosure replaced the Notifiable Occupations Scheme (NOS) in March 2015 and focuses on providing timely and relevant information which might indicate a public protection risk. Information is passed on at arrest or charge, rather than on conviction which may be some time after, allowing any measures to mitigate risk to be put in place immediately.
- 4.11 This procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies. **Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.**

Licensee self-reporting

- 4.12 Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so. This must not

however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities. Should an authority place an obligation on licensees to notify under these circumstances, authorities should also ensure appropriate procedures are in place to enable them to act in a suitable timeframe if and when needed.

- 4.13 Importantly, a failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

Referrals to the Disclosure and Barring Service and the Police

- 4.14 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. **A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS.** The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the [DBS](#).

- 4.15 The Department recommends that licensing authorities should make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- an individual has satisfied the '[harm test](#)'; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity;

if the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

- 4.16 These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should further applications to other authorities be made. Further information on referrals to DBS is [available](#).

Working with the Police

- 4.17 The police are an invaluable source of intelligence when assessing whether a licensing applicant is a 'fit and proper' person. It is vital that licensing authorities have a partnership with the police service to ensure that appropriate information is shared as quickly as possible. As part of building an effective working relationship between the licensing authority and the police, **action taken by the licensing authority as a result of information received should be fed-back to the police.** Increasing the awareness among police forces of the value licensing authorities place on the information received, particularly on non-conviction intelligence, will assist furthering these relationships and reinforce the benefits of greater sharing of information.
- 4.18 This relationship can be mutually beneficial, assisting the police to prevent crime. The police can gain valuable intelligence from drivers and operators, for example, the identification of establishments that are selling alcohol to minors or drunks, or the frequent transportation of substance abusers to premises.
- 4.19 To aid further the quality of the information available to all parties that have a safeguarding duty, a revocation or refusal on public safety grounds should also be advised to the police.

Sharing licensing information with other licensing authorities

- 4.20 As has been stated elsewhere in this document, obtaining the fullest information minimises the doubt as to whether an applicant or licensee is 'fit and proper'. An obvious source of relevant information is any previous licensing history. **Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.** Licensing authorities should explicitly advise on their application forms that making a false statement or omitting to provide the information requested may be a criminal offence.
- 4.21 The LGA's Councillors' [Handbook on taxi and private hire vehicle licensing](#) advises that those responsible for licensing should "*communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistency and robustness in decision-making. By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities.*". While this approach may aid consistency and robustness in decision-making within regions, it has obvious inherent limitations as it is unlikely such protocols could be established between all licensing authorities. The LGA commissioned the National Anti-Fraud Network to develop a national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as 'NR3'). **Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.**

- 4.22 For these processes to be beneficial, all licensing authorities must keep a complete and accurate record as to the reasons for refusal, suspension or revocation of a licence in order that this might be shared if requested and appropriate to do so.
- 4.23 Data protection legislation provides exemption from the rights of data subjects for the processing of personal data in connection with regulatory activities. This includes taxi and private hire vehicle licensing. The exemption applies only to information processed for the core regulatory activities of appropriate organisations; it may not be used in a blanket manner. The exemption applies only to the extent that the application of the rights of data subjects to the information in question would be likely to prejudice the proper discharge of the regulatory functions. The Information Commissioner's Office has published [guidance](#) to assist organisations to fully understand their obligations and suggest good practice.
- 4.24 If notification under paragraph 4.20 or 4.21 of a refused or revoked licence is disclosed, the relevant licensing authority should be contacted to establish when the licence was refused, suspended or revoked and the reasons why. In those circumstances, the relevant licensing authority must consider whether it should disclose any information in relation to the previous decision, consistent with its obligations under data protection legislation. If information is disclosed, it can then be taken into account in determining the applicant's fitness to be licensed. The relevance of the reason for refusing/revoking a licence must be considered. For example, if any individual was refused a licence for failing a local knowledge test, it does not have any safeguarding implications. Conversely, a revocation or refusal connected to indecency would. Licensing authorities should not simply replicate a previous decision, authorities must consider each application on its own merits and with regard to its own policies.
- 4.25 Should a licensing authority receive information that a licence holder did not disclose the information referred to in paragraph 4.20, for example by checking the NR3 register, the authority should consider whether the non-disclosure represents dishonesty and should review whether the licence holder remains 'fit and proper'.

Multi-agency Safeguarding Hub (MASH)

- 4.26 Multi-Agency Safeguarding Hubs are a way to improve the safeguarding response for children and vulnerable adults through better information sharing and high quality and timely safeguarding responses. MASHs (or similar models) should operate on three common principles: information sharing, joint decision making and coordinated intervention.
- 4.27 The Home Office report on [Multi Agency Working and Information Sharing](#) recommended that effective multi-agency working still needs to become more widespread. The Children's Commissioner's 2013 [Inquiry into Child Sexual Exploitation in Gangs and Groups](#) found that both police and local authorities still identified the inability to share information as a key barrier to safeguarding children from sexual abuse and exploitation.

4.28 All licensing authorities should operate or establish a means to facilitate the objectives of a MASH (i.e. the sharing of necessary and relevant information between stakeholders). As has been emphasised throughout this document, one of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that decisions on licensing individuals are made with the fullest knowledge possible.

Complaints against licensees

4.29 Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence. **All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.** Such a system will help authorities to build a fuller picture of the potential risks an individual may pose and may tip the 'balance of probabilities' assessment that licensing authorities must take.

4.30 Licensees with a high number of complaints made against them should be contacted by the licensing authority and concerns raised with the driver and operator (if appropriate). Further action in terms of the licence holder must be determined by the licensing authority, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.

4.31 To ensure that passengers know who to complain to, licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that should be available on their website. Ways to make complaint to the authority should be displayed in all licensed vehicles. This is likely to result in additional work for the licensing authority but has the advantage of ensuring consistency in the handling of complaints. Currently, it is more likely that a complaint against a taxi driver would be made directly to the licensing authority whereas a complaint against a private hire vehicle driver is more likely to be made to the operator. An effective partnership in which operators can share concerns regarding drivers is also encouraged.

4.32 Importantly, this approach will assist in the directing of complaints and information regarding the behaviour of drivers who may be carrying a passenger outside of the area in which the driver is licensed to the authority that issued the licence. In order for this to be effective licensing authorities must ensure that drivers are aware of a requirement to display information on how to complain and take appropriate sanctions against those that do not comply with this requirement.

4.33 In terms of investigating complaints CCTV footage of an incident can provide an invaluable insight, providing an 'independent witness' to an event. This can assist in the decision whether to suspend or revoke a licence. The potential benefits of mandating CCTV in vehicles is discussed in paragraphs 7.7 - 7.12.

Overseas convictions

- 4.34 The DBS cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed. Therefore, a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas; the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK. It should however be noted that some countries will not provide an 'Certificate of Good Character' unless the individual has been resident for six months or more
- 4.35 Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process (. It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant. As with all licensing decisions, each case must be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please see the Home Office [guidance](#).
- 4.36 Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the annex to this document (Annex – Assessment of previous convictions), licensing authorities should advise the applicant to seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

5. Decision Making

Administration of the licensing framework

- 5.1 A policy is only effective if it is administered properly. The taxi and private hire vehicle licensing functions of local councils are non-executive functions i.e. they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee or an officer – which should be set out within a clear scheme of delegation. In London the taxi and private hire vehicle licensing function is undertaken by Transport for London.
- 5.2 Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly.

Training decision makers

- 5.3 **All individuals that determine whether a licence is issued should be required to undertake sufficient training.** As a minimum, training for a member of a licensing committee should include: licensing procedures, natural justice, understanding the risks of CSAE, disability and equality awareness and the making of difficult and potentially controversial decisions. Training should not simply relate to procedures, but should include the use of case study material to provide context and real scenarios. All training should be formally recorded by the licensing authority and require a signature from the person that has received the training. Training is available from a number of organisations including the Institute of Licensing and Lawyers in Local Government; the LGA may also be able to assist in the development of training packages.
- 5.4 Public safety is the paramount consideration but the discharge of licensing functions must be undertaken in accordance with the following general principles:
- policies should be used as internal guidance, and should be supported by a member/officer code of conduct.
 - any implications of the Human Rights Act should be considered.
 - the rules of natural justice should be observed.
 - decisions must be reasonable and proportionate.
 - where a hearing is required it should be fairly conducted and allow for appropriate consideration of all relevant factors.
 - decision makers must avoid bias (or even the appearance of bias) and predetermination.
 - data protection legislation.

5.5 When a decision maker has a prejudicial interest in a case, whether it be financial or a personal relationship with those involved they should declare their interest at the earliest opportunity; this must be prior to any discussions or votes and, once declared, they must leave the room for the duration of the discussion or vote.

The regulatory structure

5.6 It is recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board. This model is similar to that frequently adopted in relation to other licensing matters. To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorised council officers via a transparent scheme of delegation.

5.7 It is considered that this approach also ensures the appropriate level of separation between decision makers and those that investigate complaints against licensees, and is the most effective method in allowing the discharge of the functions in accordance with the general principles referred to in 5.4. In particular, the Committee/Board model allows for:

- Each case to be considered on its own merits. It is rare for the same councillors to be involved in frequent hearings – therefore the councillors involved in the decision making process will have less knowledge of previous decisions and therefore are less likely to be influenced by them. Oversight and scrutiny can be provided in relation to the licensing service generally, which can provide independent and impartial oversight of the way that the functions are being discharged within the authority.
- Clear separation between investigator and the decision maker – this demonstrates independence, and ensures that senior officers can attempt to resolve disputes in relation to service actions without the perception that this involvement will affect their judgement in relation to decisions made at a later date.

5.8 Avoidance of bias or even the appearance of bias is vital to ensuring good decisions are made and instilling and/or maintaining confidence in the licensing regime by passengers and licensees.

5.9 Unlike officers, elected members are not usually involved in the day to day operation of the service and as such do not have relationships with licence holders that may give the impression that the discharge of a function is affected by the relationship between the decision maker and the licence holder.

5.10 Some licensing authorities may decide to operate a system whereby all matters are delegated to a panel of officers; however, this approach is not recommended and caution should be exercised. Decisions must be, and be seen to be, made objectively, avoiding any bias. In addition, it may be more difficult to demonstrate compliance with the principles referred to above due to the close

connection between the officers on the panel, and those involved in the operational discharge of the licensing functions.

- 5.11 Whether the structure proposed is introduced or an alternative model is more appropriate in local circumstances, the objective should remain the same - to separate the investigation of licensing concerns and the management of the licence process. Regardless of which approach is adopted, **all licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence.** It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.

Fit and proper test

- 5.12 Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

- 5.13 If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.
- 5.14 Licensing authorities have to make difficult decisions but (subject to the points made in paragraph 5.4) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

Criminal convictions and rehabilitation

- 5.15 In considering an individual's criminal record, licensing authorities must consider each case on its merits, but they should take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime. In order to achieve consistency, and to mitigate the risk of successful legal challenge, licensing authorities should have a clear policy for the consideration of criminal records. This should include, for example, which offences would prevent an applicant from being licenced regardless of the period elapsed in all but truly exceptional circumstances. In the case of lesser offences, a policy should consider the number of years the authority will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

- 5.16 Annexed to this document are the Department's recommendations on the assessment of previous convictions (Annex – Assessment of previous convictions). This draws on the work of the Institute of Licensing, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on determining the suitability of taxi and private hire vehicle licensees.
- 5.17 These periods should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence. Authorities are however reminded that applicants are entitled to a fair and impartial consideration of their application.

6. Driver Licensing

Criminality checks for drivers

- 6.1 Licensing authorities are entitled to request an enhanced criminal record certificate with check of the barred lists from the DBS for all driver licence holders or applicants. The DfT's 2019 [survey of taxi and private hire vehicle licensing authorities](#) shows that all licensing authorities in England and Wales have a requirement that an enhanced DBS check is undertaken at first application or renewal.
- 6.2 All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2). All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.
- 6.3 Driving a taxi or private hire vehicle is not, in itself, a regulated activity for the purposes of the barred list. This means that an individual subject to barring would not be legally prevented from being a taxi or private hire vehicle driver but the licensing authority should take an individual's barred status into account alongside other information available. **In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list.** Should a licensing authority consider there to be exceptional circumstances which means that, based on the balance of probabilities they consider an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion should be recorded.
- 6.4 Drivers working under an arrangement to transport children may be working in 'regulated activity' as defined by the [Safeguarding Vulnerable Groups Act 2006](#). It is an offence to knowingly allow a barred individual to work in regulated activity. The [guidance on home-to-school travel and transport](#) issued by the Department for Education should be considered alongside this document. Please see [guidance](#) on driver DBS eligibility and how to apply.

Safeguarding awareness

- 6.5 Licensing authorities should consider the role that those in the taxi and private hire vehicle industry can play in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.

6.6 All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training. This is often produced in conjunction with the police and other agencies. These programmes have been developed to help drivers and operators:

- provide a safe and suitable service to vulnerable passengers of all ages;
- recognise what makes a person vulnerable; and
- understand how to respond, including how to report safeguarding concerns and where to get advice.

6.7 Since 2015, the Department for Education (DfE) has run a nationwide campaign – *‘Together, we can tackle child abuse’* which aims to increase public understanding of how to recognise the signs to spot and encourage them to report child abuse and neglect. The DfE continues to promote and raise awareness of the campaign materials through its [online toolkit](#), for local authorities, charities and organisations for use on their social media channels.

‘County lines’ exploitation

6.8 County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”.

6.9 Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to transport (and store) drugs and money between locations. Children aged between 15-17 make up the majority of the vulnerable people involved in county lines, but they may also be much younger. We know that both girls and boys are groomed and exploited and offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims. Children exploited by county lines gangs may have vulnerabilities besides their age, such as broader mental health issues, disrupted or chaotic homes, substance misuse issues, being excluded from school or frequently going missing.

6.10 The National Crime Agency’s 2018 county lines threat assessment set out that the national road network is key to the transportation of county lines victims, drugs and cash; with hire vehicles being one of the methods used for transportation between locations.

6.11 Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation. Firstly, they should be aware of the following warning signs:

- Children and young people travelling in taxis or private hire vehicles alone;

- travelling at unusual hours (during school time, early in the morning or late at night);
- travelling long distances;
- unfamiliar with the local area or do not have a local accent;
- paying for journeys in cash or prepaid.

6.12 The Home Office is working with partners to raise awareness of county lines and has provided [material](#) to help taxi and private vehicle hire staff to identify victims and report concerns to protect those exploited through this criminal activity.

6.13 Drivers (or any person) should be aware of what to do if they believe a child or vulnerable person is at risk of harm. If the risk is immediate they should contact the police otherwise they should:

- use the local safeguarding process, the first step of which is usually to contact the safeguarding lead within the local authority;
- call Crime Stoppers on 0800 555 111.

Language proficiency

6.14 A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

6.15 A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.

7. Vehicle Licensing

7.1 As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime.

Criminality checks for vehicle proprietors

7.2 Enhanced DBS and barred list checks are not available for vehicle licensing. **Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the ‘fit and proper’ threshold.

7.3 However, it is important that authorities acknowledge that in many cases individuals that license a vehicle may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking to licence a vehicle to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately.

7.4 A refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire vehicle operator licence; these decisions must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant’s full consent has been given.

7.5 Private hire vehicle operator and vehicle licences may be applied for by a company or partnership; licensing authorities should apply the ‘fit and proper’ test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators and those to whom a vehicle licence should be required to advise the licensing authority of any change in directors or partners.

7.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas so other checks must be considered where and applicant has lived or worked overseas (see paragraph 4.34 - 4.36).

In-vehicle visual and audio recording – CCTV

7.7 Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. It is unfortunately the case that no matter how complete the information available to licensing authorities is when assessing whether to issue any taxi or private hire vehicle licence, nor how robust the policies in place are and the rigor with which they are applied, it will never completely remove the possibility of harm to passengers by drivers.

7.8 The Department's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:

- deterring and preventing the occurrence of crime;
- reducing the fear of crime;
- assisting the police in investigating incidents of crime;
- assisting insurance companies in investigating motor vehicle accidents.

7.9 All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.

7.10 While only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. In addition, the evidential benefits of CCTV may increase the level of reporting of sexual offences. According to the [Crime Survey for England and Wales](#) only 17 percent of victims report their experiences to the police, 28 percent of rape or sexual assault victims indicated that a fear they would not be believed as a factor in them not reporting the crime. The evidential benefits CCTV could provide are therefore an important factor when considering CCTV in vehicles.

7.11 The mandating of CCTV in vehicles may deter people from seeking a taxi or private hire vehicle licence with the intent of causing harm. Those that gain a licence and consider perpetrating an opportunistic attack against a vulnerable unaccompanied passenger may be deterred from doing so. It is however unfortunately the case that offences may still occur even with CCTV operating.

7.12 CCTV systems that are able to record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers (or

drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

- 7.13 Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review. More information and guidance on assessing the impacts of CCTV and on an authority mandating CCTV is annexed to this document (Annex – CCTV guidance).

Stretched Limousines

- 7.14 Licensing authorities are sometimes asked to license small (those constructed or adapted to carry fewer than nine passengers) limousines as private hire vehicles, these vehicles may be used for transport to 'school proms' as well as for adult bookings. It is suggested that licensing authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. It is the Department's view that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle thereby excluding these services from the scope of the private hire vehicle regime and the safety benefits this provides. A blanket policy of excluding limousines may create an unacceptable risk to the travelling public, as it may lead to higher levels of unsupervised operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators.
- 7.15 Stretched large limousines which clearly seat more than eight passengers should not be licensed as private hire vehicles because they are outside the licensing regime for private hire vehicles. However, in some circumstances a vehicle with space for more than eight passengers can be licensed as a private hire vehicle where the precise number of passenger seats is hard to determine. In these circumstances, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than eight passengers, bearing in mind that refusal may encourage illegal private hire operation.

8. Private Hire Vehicle Operator Licensing

8.1 As with driver licensing, the objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.

Criminality checks for private hire vehicle operators

8.2 Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. **Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the 'fit and proper' threshold.

8.3 However, it is important that authorities acknowledge that in many cases individuals that license as a private hire vehicle operator may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking a private hire vehicle operator licence to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately

8.4 Refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence; this decision must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

8.5 A private hire vehicle operator licence may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective

private hire vehicle operators should be required to advise the licensing authority of any change in directors or partners.

- 8.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas. Further information on assessing the suitability of those that have spent extended periods in overseas is provided in paragraphs 4.34 - 4.36.

Booking and dispatch staff

- 8.7 Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.
- 8.8 Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. **Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.**
- 8.9 Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a [responsible organisation](#) to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.
- 8.10 The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.
- 8.11 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

8.12 Licensing authorities should also require operators or applicants for a licence to provide their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

Record keeping

8.13 Section 56 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#) requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. **Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:**

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

8.14 This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that booking records should be retained for a minimum of six months.

8.15 Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

Use of passenger carrying vehicles (PCV) licensed drivers

8.16 PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. **The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such**

as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.

- 8.17 Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

9. Enforcing the Licensing Regime

9.1 Implementing an effective framework for licensing authorities to ensure that as full a range of information made available to suitably trained decision makers that are supported by well-resourced officials is essential to a well-functioning taxi and private hire vehicle sector. These steps will help prevent the licensing of those that are not deemed 'fit and proper' but does not ensure that those already licensed continue to display the behaviours and standards expected.

Joint authorisation of enforcement officers

9.2 Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of enforcement powers regardless of which authority within the agreement the officer is employed by and which issued the licence. This will mitigate the opportunities for drivers to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the [LGA Councillors' handbook](#).

Setting expectations and monitoring

9.3 Licensing authorities should ensure that drivers are aware of the policies that they must adhere and are properly informed of what is expected of them and the repercussions for failing to do so. Some licensing authorities operate a points-based system, which allows minor breaches to be recorded and considered in context while referring those with persistent or serious breaches to the licensing committee. This has the benefit of consistency in enforcement and makes better use of the licensing committee's time.

9.4 The provision of a clear, simple and well-publicised process for the public to make complaints about drivers and operators will enable authorities to target compliance and enforcement activity (see paragraphs 4.29 - 4.33). This will provide a further source of intelligence when considering the renewal of licences and of any additional training that may be required. It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety.

Suspension and revocation of driver licences

9.5 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides a licensing authority with the ability to suspend or revoke a driver's licence on the following grounds: -

(a) that he has since the grant of the licence—

- (i) been convicted of an offence involving dishonesty, indecency or violence; or
- (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;
- (aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- (b) any other reasonable cause

9.6 Licensing authorities have the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately. [Guidance for licensing authorities](#) to prevent illegal working in the taxi and private hire vehicle sector has been issued by the Home Office. As with the initial decision to license a driver, this determination must be reached based on the balance of probabilities, not on the burden of beyond reasonable doubt.

9.7 Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.

9.8 A decision to revoke a licence does not however prevent the reissuing of a licence should further information be received that alters the balance of probability of a decision previously made. The decision to suspend or revoke was based on the evidence available at the time the determination was made. New evidence may, of course, become available later.

9.9 New evidence may be produced at an appeal hearing that may result in the court reaching a different decision to that reached by the council or an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted or, if the licence was revoked, an expedited re-licensing process used.

9.10 A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training. In this instance the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety.

Annex – Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Offences involving violence against the person

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Sexual offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

Dishonesty

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Using a hand-held device whilst driving

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Annex – Disclosure and Barring Service information

Table 1: Information included in criminal record checks

Information included	Type of check			
	Basic check	Standard DBS check	Enhanced DBS check	Enhanced DBS (including barred list) check
Unspent convictions	Yes	Yes	Yes	Yes
Unspent cautions ¹	Yes	Yes	Yes	Yes
Spent convictions ²	No	Yes	Yes	Yes
Spent cautions ^{1 & 2}	No	Yes	Yes	Yes
Additional police Information ³	No	No	Yes	Yes
Barred list(s) Information ⁴	No	No	No	Yes

1. Does not include fixed penalty notices, penalty notices for disorder or any other police or other out-of-court disposals.
2. Spent convictions and cautions that have become protected under the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975, as amended, are not automatically disclosed on any level of certificate. Further guidance is available [the DBS filtering guide](#).
3. This is any additional information held by the police which a chief police officer reasonably believes to be relevant and considers ought to be disclosed.
4. This is information as to whether the individual concerned is included in the children's or adults' barred lists maintained by the Disclosure and Barring Service (DBS).

Annex – CCTV Guidance

It is important to note that, in most circumstances, a licensing authority which mandates the installation of CCTV systems in taxis and private hire vehicles will be responsible for the data – the data controller. It is important that data controllers fully consider concerns regarding privacy and licensing authorities should consider how systems are configured, should they mandate CCTV (with or without audio recording). For example, vehicles may not be exclusively used for business, also serving as a car for personal use - it should therefore be possible to manually switch the system off (both audio and visual recording) when not being used for hire. Authorities should consider the Information Commissioner's view on this matter that, in most cases, a requirement for continuous operation is unlikely to be fair and lawful processing of personal data.

The Home Office '[Surveillance Camera Code of Practice](#)' advises that government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is:

- in pursuit of a legitimate aim;
- necessary to meet a pressing need;
- proportionate;
- effective, and;
- compliant with any relevant legal obligations

The Code also sets out 12 guiding principles which, as a 'relevant authority' under section 33(5) of the [Protection of Freedoms Act 2012](#), licensing authorities must have regard to. It must be noted that, where a licence is granted subject to CCTV system conditions, the licensing authority assumes the role and responsibility of 'System Operator'. The role requires consideration of all guiding principles in this code. The failure to comply with these principles may be detrimental to the use of CCTV evidence in court as this may be raised within disclosure to the Crown Prosecution Service and may be taken into account.

The Surveillance Camera Commissioner (SCC) has provided guidance on the Surveillance Camera Code of Practice in its '[Passport to Compliance](#)' which provides guidance on the necessary stages when planning, implementing and operating a surveillance camera system to ensure it complies with the code. The Information Commissioner's Office (ICO) has also published a [code of practice](#) which, in this context, focuses on the data governance requirement associated with the use of CCTV such as data retention and disposal, which it is important to follow in order to comply with the data protection principles. The SCC provides a [self-assessment tool](#) to assist operators to ensure compliance with the principles set out in the Surveillance Camera Code of Practice. The SCC also operate a [certification scheme](#); authorities that obtain this accreditation are able to clearly demonstrate that their systems conform to the SCC's best practice and are fully compliant with the Code and increase public confidence that any risks to their privacy have been fully considered and mitigated.

The [Data Protection Act 2018](#) regulates the use of personal data. Part 2 of the Data Protection Act applies to the general processing of personal data, and references and supplements the General Data Protection Regulation. Licensing authorities, as data controllers, must comply with all relevant aspects of data protection law. Particular attention should be paid to the rights of individuals which include the right to be informed, of access

and to erasure. The ICO has provided detailed [guidance](#) on how data controllers can ensure compliance with these.

It is a further requirement of data protection law that before implementing a proposal that is likely to result in a high risk to the rights and freedoms of people, an impact assessment on the protection of personal data shall be carried out. The ICO recommends in [guidance](#) that if there is any doubt as to whether a Data Protection Impact Assessment (DPIA) is required one should be conducted to ensure compliance and encourage best practice. A DPIA will also help to assess properly the anticipated benefits of installing CCTV (to passengers and drivers) and the associated privacy risks; these risks might be mitigated by having appropriate privacy information and signage, secure storage and access controls, retention policies, training for staff how to use the system, etc.

It is essential to ensure that all recordings made are secure and can only be accessed by those with legitimate grounds to do so. This would normally be the police if investigating an alleged crime or the licensing authority if investigating a complaint or data access request. Encryption of the recording to which the licensing authority, acting as the data controller, holds the key, mitigates this issue and protects against theft of the vehicle or device. It is one of the guiding principles of data protection legislation, that personal data (including in this context, CCTV recordings and other potentially sensitive passenger information) is handled securely in a way that 'ensures appropriate security', including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

All passengers must be made fully aware if CCTV is operating in a vehicle. Given that audio recording is considered to be more privacy intrusive, it is even more important that individuals are fully aware and limited only to occasions when passengers (or drivers) consider it necessary. The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button. As well as clear signage in vehicles, information on booking systems should be introduced. This might be text on a website, scripts or automated messages on telephone systems; the Information Commissioner's Office (ICO) has issued guidance on privacy information and the right to be informed on its website.

Annex - Staying Safe: Guidance for Passengers

Licensing authorities should provide guidance to assist passengers in identifying licensed vehicles and the increased risks of using unlicensed vehicles. The guidance might include advice on:

- how to tell if a taxi or private hire vehicle is licensed.

Educate the public in the differences between taxis and private hire vehicles e.g.:

- a taxi can be flagged down or pre-booked.
- a private hire vehicle that has not been pre-booked should not be used as it will not be insured and may not be licensed.
- what a private hire vehicle should look like e.g. colour, signage, licence plates etc.
- the benefit of pre-booking a return vehicle before going out.
- arrange to be picked up from a safe meeting point.
- requesting at the time of booking what the fare is likely to be.

When using a private hire vehicle, passengers should always:

- book with a licensed operator.
- confirm their booking with the driver when s/he arrives.
- note the licence number.
- sit in the back, behind the driver.
- let a third party know details of their journey.

When using a taxi, passengers should where possible:

- use a taxi rank and choose one staffed by taxi marshals if available.

A list of the existing separate policies, criteria and conditions relating to Hackney Carriage and Private Hire Licensing

- Statement of Policy and Guidelines relating to the Relevance of Convictions when considering applications for Hackney Carriage and Private Hire Licence
- Policy relating to the conduct of Private Hire and Hackney Carriage Licence Holders
- The criteria for licensing Hackney Carriage and Private Hire Vehicles
- Private Hire Driver Licence Conditions
- Private Hire Vehicle Licence Conditions
- Private Hire Operator Licence Conditions
- Licence Conditions in respect of Private Hire Drivers who undertake work exclusively under and in strict accordance with the terms and conditions of a contract to transport children to and from educational establishments
- Conditions of Licence in respect of Private Hire Vehicles used exclusively to transport children to and from educational establishments
- Conditions of Licences in respect of Private Hire Operators undertaking work exclusively to transport children to and from educational establishments
- Hackney Carriage Vehicle Licence Conditions
- Dress Code
- Wheelchair Exemption Policy
- List of Fees and Charges

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