

Private Hire Operator Licence Conditions Review

Feedback from consultation with Private Hire Operators

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

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

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

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

complaints received from members of the public.

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

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

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

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