

Statement of Hackney Carriage and Private Hire Licensing Policy

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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>