



# 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](mailto: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.**