

Conditions Relating to a Licence to Operate Private Hire Vehicles

1. ISSUE OF LICENCES

- 1.1 The private hire vehicle operator (operator) shall notify Licensing Services in writing within 7 days~~48 hours~~ of any change of name, address, phone number or email address during the period of the licence. This must be completed via operator.lic@wolverhampton.gov.uk
- 1.2 If the operator is a limited company or partnership any changes in directors or partners, as well as any intention to dissolve, must be notified to Licensing Services within 48 hours.

2. KEEPING OF RECORDS

- 2.1 The operator shall keep a full and accurate record of every booking accepted for~~of~~ a Private Hire Vehicle in a register, stored in accordance with UK GDPR, to include:

- the accessibility needs of the passenger, if disabled, to ensure an appropriate vehicle is provided
- time and date the booking was made
- method of receipt
- time and date required for journey to commence
- customer's name
- ~~particulars of the journey (from and to)~~
- the individual that took the details of the booking (if not recorded by a computer)
- area in which the booking was made and details of operator who accepted the booking
- the area and operator to whom the job is sub-contracted (*if applicable*)
- details of sub-contracted jobs to include the time and date the job was sub-contracted and accepted (*if applicable*)

Where the operator dispatches a vehicle for a booking, they shall keep a full and accurate record of:

- the individual that dispatched the vehicle (if not dispatched by a computer)
- the driver of the vehicle and the vehicle used
- the other drivers that responded to the booking request, including those that were unsuccessful in being allocated the fare
- call sign and or plate number

These registers must be maintained in a bound book with consecutively numbered pages or an appropriate computerised booking system.

Each record is to be completed prior to the dispatch of any vehicle or the undertaking of any part of the journey.

The operator is exempted from the requirement to record destinations details prior to passing a booking to a driver, but only in respect of those bookings made using IVR technology and online apps. The destination must be completed following completion of the fare.

- 2.2 Where an operator accepts a sub-contracted fare-booking from an operator licensed in another Licensing Authority area, then within reason, the operator must comply with requests for records of that fare-booking from authorised officers of the Licensing Authority from the area in which the original booking was taken.

2.3 At all times that an operator is actively dispatching vehicles there shall be an identified phone number on which the operator (or their nominee) is available for contact by authorised officers of the Licensing Authority and the operators shall provide any information requested regarding journeys that have been dispatched and/or booked through the operator.

2.4 The register must be maintained up to date at all times and shall be accessible ~~from~~ at the address from which the business is conducted, as specified in the operator's licence. All records must be kept for a period of not less than 12 months from the date of the last entry in the register or computer record.

2.5 The operator shall provide a police constable or authorised officer with such copies of records from the register as they may request. On site workspace and facilities available for use by these officers must be made available to inspect these records.

2.6 Before commencing trading, the operator shall provide the Council with an emergency contact telephone number that will be ~~be~~ available at all times to the licensing services management team. The purpose of this telephone number will be to advise the operator that they need to attend at the satellite office to provide information that has not been supplied as requested in accordance with condition.

2.62.7 If the operator is unable to attend they shall make arrangements for an authorised officer to gain access to the location of the computer and a log in and password shall be provided to access the computerised register(s) required to be kept by the operator in accordance with conditions 2.1, 3.1 and 3.2 or to urgently obtain information pursuant to a Data Protection Act 1998 (as amended) request.

2.72.8 All requests to provide information by authorised officers shall be prioritised due to their urgency:

- Priority A – These are for matters of a serious nature where there is significant risk to public safety. Within 1 hour of the request being received
- Priority B – These are for matters that require further investigation and have potential to be of a serious matter. Within 4 hours of the request being received
- Priority C – These are for requests for information pertaining to general complaints. Within 24 hours of the request being received
- General request, none prioritised. Within 1 week of the request being received.

Priorities A & B, significant risk to public safety or serious matters, will be determined on a case by case basis by the Licensing Manager or Compliance Service Lead ~~Officer~~.

A named person shall be supplied to be the liaison with the Licensing Authority.

2.82.9 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators are required to evidence that comparable protections are applied by the company-business to which they outsource these functions.

3. SPECIFIED VEHICLES

3.1 The operator shall provide the council on request a schedule of all vehicles which they operate-are partnered with to include the following:

- the registration number of the vehicle
- council licence plate number of the vehicle

- base call sign
- make/model of vehicle

3.2 The operator shall ensure that at all times, full and current records for each vehicle ~~operated-partnered~~ are kept. To include the following:

- a copy/image of the current Private Hire Vehicle Licence
- a digital record of when the current Private Hire Vehicle Licence expires
- a copy/image of the current valid MOT Certificate
- a digital record of when the current valid MOT Certificate expires
- a copy/image of a current valid Private Hire Insurance Certificate or cover note
- a digital record of when the current valid Private Hire Insurance Certificate —expires

3.3 The operator shall ensure that at all times the vehicles ~~operated-booked~~ are duly licensed in accordance with the Local Government (Miscellaneous Provisions) Act 1976.

3.4 The use of Public Service Vehicle (PSV) driven by a 'Passenger Carrying Vehicle' licensed driver to fulfil a fare, without the informed consent of the booker, is prohibited. The booker must be informed that the driver is subject to different checks and not required to have an enhanced DBS check.

3.5 The operator must accept bookings for, or on behalf of, any disabled person if a suitable vehicle is available.

3.6 Where a private hire vehicle has 'third row' seats (if passengers must move other seats to enter or exit the vehicle), the operator is required to advise passengers in advance that some seats have restricted access and so may be unsuitable for those with mobility difficulties.

4. MAINTENANCE OF VEHICLES

~~4.1 Each Private Hire Vehicle operated by the operator must be regularly maintained and inspected for defects to ensure compliance with the Council's conditions in relation to the licensing of such vehicles.~~

4.1 Where an exclusive relationship exists with a vehicle proprietor and the vehicle's driver, discreet operator signage, approved by Licensing Services, will be permitted on the rear of the vehicle. This signage is to be submitted by the operator to Licensing Services for approval in advance.

~~4.2 The operator shall initially provide and thereafter ensure that Private Hire Vehicles working for them shall at all times display their unique Private Hire Vehicle Operators door sign, which has been approved by Licensing Services, bearing the name telephone number and/or 'App' on each side of the vehicle. The use of magnetic door stickers is prohibited.~~

5. SPECIFIED DRIVERS

5.1 Individual records for each licensed driver partnered with this operator are required to be stored by the operator and be accessible from their premises and kept fully up to date at all times. To include the following:

- a copy/image of their current Private Hire Vehicle Drivers Licence,
- a digital record of when the current Private Hire Vehicle Drivers Licence expires,
- a copy/image of their current DVLA Driving Licence,

- a digital record of when the current DVLA Driving Licence expires,
- their full name, address, email address and contact telephone number.

5.2 The operator shall ensure that at all times drivers ~~used-partnered with~~by them on private hire business are duly licensed by the Council to drive such vehicles.

5.3 When the holder of the licence ceases to ~~use-be partnered with~~ any licensed Private Hire Vehicle Driver, the operator shall notify Licensing Services, via the My Licence Portal, within 72 hours.

5.4 Copies of Private Hire Vehicle Driver licences shall be available for inspection at all times by any Authorised Officer of the Council or Police Constable who may take the licence(s) away from the premises if so required.

~~5.5~~ When the operator is provided with a copy of a Private Hire Vehicle Driver's licence, the operator must validate the driver licence using the online register at <https://iapply.co.uk/wdp/user/public-register-search> or the contactless feature on the driver's badge.

~~5.5~~

~~5.6~~ Where a driver has a medical exemption, a copy of the certificate issued by Licensing Services must be kept on file and provided to any Authorised Officer of the Council on request.

~~5.6~~

~~5.7~~ The operator must notify Licensing Services immediately if a school transport provider excludes a driver from undertaking contract work due to a complaint.

6. STANDARD OF SERVICE

6.1 The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times.

6.2 The operator shall ~~Ee~~ensure that when they dispatch a Private Hire Vehicle ~~has been hired~~, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at the appointed time and place.

~~6.3~~ The operator shall ~~Ee~~ensure that any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting, are kept clean and adequately heated, ventilated and lit. They shall also ensure that any waiting area which they provide has adequate seating facilities.

~~6.4~~ The operator shall ensure that information provided in hard copy in private hire vehicle offices is also readily available in alternative accessible formats, including large print, Braille, and Easy Read.

~~6.5~~ The operator shall ensure that the hirer of the vehicle is provided with the registration number of the vehicle dispatched for the passenger to identify the vehicle.

PUBLIC COMPLAINTS

~~6.36.5~~ Private Hire Operators must have a policy for dealing with complaints by the public.

If that policy requires the recording of complaints the records should be kept and maintained for at least 12 months and shall be available for inspection by authorised officers. The records should contain, as a minimum, the complainants name, contact information and the complaint details.

Upon receiving any 'specified complaint' or allegation regarding any person licensed by the Council, Operators must report the complainants name, contact information and the full details of the complaint. This shall be reported immediately when the licensing office is open or in any other event by email within 48 hours to Licn_comp@wolverhampton.gov.uk

The specified complaints or allegations are:

- Of indecency or of a sexual nature
- Hate crimes
- Terrorism
- Extremism
- Violence
- Drug dealing
- Dishonesty

These categories of offences are detailed within the Council's ~~Hackney Carriage and Private Hire Vehicle Proprietors and Drivers and Private Hire Vehicle Operators, Guidelines Relating to Relevance of Convictions and Breaches of Licence Conditions~~ Guidelines on Fitness and Propriety.

In straight forward terms, allegations of criminal behaviour whilst licensed as a Private Hire Vehicle Driver.

All complaint records shall be immediately available at the request of an Authorised Officer or Police Officer at all reasonable times, this includes any and all details relating to the complaint and the driver.

7. CONVICTIONS, CAUTIONS AND FIXED PENALTIES

7.1 The operator shall give full details to Licensing Services via operator.lic@wolverhampton.gov.uk **within 48 hours** of:

- a) being released after any arrest;
- b) being charged with any offence;
- c) being convicted of any offence;
- d) being cautioned for any offence;
- e) being issued with a Fixed Penalty Notice;
- f) being interviewed by the Police, including a voluntary interview;
- e)g) receiving a notice of intended prosecution;

during the life of this licence. (If the operator is a company or partnership, full details should be given for any of the above imposed on the company, directors, ~~secretary~~ or partners during the period of the licence)

7.2 If the operator is a company or partnership, details of any changes in directors or partners shall be provided to Licensing Services via operator.lic@wolverhampton.gov.uk within 7 days.

~~7.3 If the operator is a company or partnership, when a new director or partner joins, the new director or partner must provide a basic DBS certificate dated within the last three months to Licensing Services. If it is proposed that a new director or partner joins, a basic DBS certificate dated within the last three months must be provided to Licensing Services in advance, who will then decide whether the proposed operator is fit and proper.~~

~~7.6~~
~~7.7.3~~

~~7.8~~7.4 The operator shall provide a basic DBS certificate to Licensing Services on every anniversary of the date of licence grant, during the life of the licence. The certificate shall be dated no older than 3 months prior to submission. (If the operator is a company or partnership, a certificate must be provided for each director and partner).

~~7.9~~7.5 The operator must notify Licensing Services within 48 hours if they are granted a private hire vehicle operator licence with any other licensing authority during the course of this licence. They must also notify Licensing Services within 48 hours if that licence is reviewed, suspended or revoked.

8. INSURANCE

8.1 The operator shall ensure at all times, that every private hire vehicle ~~they dispatch-se~~operated shall be covered by a Certificate of Insurance or cover note indemnifying the proprietor of the said vehicle within the provisions of Part VI of the Road Traffic Act 1988.

8.2 All vehicle insurance documents must state that the insurance covers the driver for the carriage of passengers for hire or reward whether or not the operator is the owner/proprietor of the vehicle.

8.3 In relation to vehicles owned/licensed by the operator (fleet):
A copy/image of the current valid certificate of insurance or cover note(s) relating to each vehicle which shows those persons entitled to drive the vehicle must be retained by the operator on the premises specified on the licence.

~~8.4 The operator shall ensure at all times, that there is appropriate public liability insurance cover in place.~~

9. PLANNING PERMISSION AND LICENCE FOR RADIO EQUIPMENT

9.1 The operator shall not conduct their business from any premises unless the necessary planning permission under the Town and Country Act 1990, as amended, has been obtained, where applicable, for the premises from which the business will operate.

9.2 If applicable an Operator must obtain a licence for radio equipment under the wireless Telegraphy Act 1949 or any other relevant statutory provision.

9.3 Permission is to be obtained from any landlord or lender that may contractually prohibit the use of the premises for business purposes.

10. OPERATIONAL MATTERS

10.1 The operator shall apply a fit and proper test to all ~~of their~~ staff with access to customers' sensitive information. This shall include a basic DBS check, or equivalent criminal record check if staff are not UK-based, for all staff and records kept showing the recruitment and decision-making processes. Failure to undertake these checks or to keep adequate records shall deem that the Operator may not be a fit and proper person to hold an Operator's licence.

10.2 All staff who are in a role where they interact with members of the public shall undergo Child Sexual Exploitation (CSE) and Safeguarding training within 3 months of commencing work for an Operator. Training dates will be provided by the council on a quarterly basis and it is up to the Operator to ensure their staff attend.

10.3 The operator shall provide a video conferencing facility (i.e. Microsoft Teams e.g. Skype) and an appropriate room in order to facilitate driver reviews. A driver has the right to be accompanied by a solicitor or representative, if they wish, and this must be accommodated.

10.4 The operator and all staff in customer facing roles and people managing service delivery must be trained in disability awareness, or have their knowledge and skills assessed, and be encouraged through targeted and general communications to uphold the highest standards of customer service.

10.5 Operator websites and digital booking platforms (e.g. apps) must comply with the WCAG 2.1 accessibility standard to Level AA and with the principles of the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018 as a minimum.

10.6 The operator shall make provision for the secure storage of lost property (which may contain personal data) left in vehicles and securely dispose of this within six months. There will be a system where all property is logged, including a receipt given to the driver and details of the customer who collects it.

11. LICENSING

11.1 Regular trade working groups are held throughout the year and all Operators are encouraged to attend or send a suitable representative.

Please note that should you feel aggrieved by any of the conditions in this licence then you have the right of appeal to the Magistrates Court within 21 days from the date when this licence is issued.