WIRRAL

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 e.g. 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 undoubtably 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 Licensing Authority 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 Licensing Authority will undertake in exercising its discretion in carrying out its regulatory functions in respect of the hackney carriage and private hire trade.

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 Licensing Authority will expect all applicants to comply with the requirements set out in this policy.

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

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

An applicant must satisfy the Licensing Authority that they are a fit and proper person to hold a licence and will undergo a number of checks and assessments to assist the Licensing Authority 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 Licensing Authority 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 Licensing Authority. 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 Licensing Authority. Failure to do so is a criminal offence.

Tax Check

Applicants for the grant of a Hackney Carriage or Private Hire Driver Licence are required to complete a Tax Check if they previously held a Hackney Carriage or Private Hire Driver Licence which stopped being valid less than a year ago, or when applying for a Hackney Carriage or Private Hire Driver Licence where the applicant holds one of these licences with another Licensing Authority. All applicants applying to renew a Hackney Carriage or Private Hire Driver Licence are required to complete a Tax Check.

Disclosure and Barring Service (DBS)
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.

DBS Update Service
All individuals who apply for the grant or renewal of a Hackney Carriage or Private Hire Driver Licence **must** register with the DBS Update Service and maintain continuous registration throughout the duration of their licence.

In circumstances where a licence holder is unable to demonstrate continuous registration to the DBS Update Service their licence will be suspended with immediate effect subject to the production of a satisfactory Enhanced DBS Certificate or the Licensing Authority being satisfied that the suspension should be lifted.

Details of how to register with the DBS Update Service can be found at www.gov.uk/dbs-update-service.

The Licensing Authority will undertake routine checks with the DBS Update Service on the status of Enhanced DBS Certificates.

Certificate of Good Conduct
Where an applicant or a licence holder 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.

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 before a licence may be granted.

Medical Assessments
The Licensing Authority has adopted the DVLA Group 2 licence medical standards for licensed drivers.

The medical certificate required by the Licensing Authority 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 (GP) 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 DVLA Group 2 Medical Assessment is required before the grant of a licence and prior to the renewal of that licence.

An annual DVLA Group 2 Medical Assessment is required for drivers aged 65 years and over, or where the DVLA Group 2 medical standards require an annual assessment.

There may be circumstances where the Licensing Authority require an individual to undergo a DVLA Group 2 Medical Assessment during the duration of their licence.

DVLA 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 notify the Licensing Authority within 48 hours of any change to their medical condition as this may restrict their entitlement to drive in accordance with the DVLA Group 2 medical standards.

Application Requirements
When submitting an application for a Private Hire or Hackney Carriage Driver Licence it is an absolute requirement for an applicant to disclose all information requested on the Application Form.

Failure to fully disclose any information as requested 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**.

Licensing 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 Licensing 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 to 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 will consider all offences disclosed on the applicant's Enhanced DBS Certificate, motoring offences, fixed penalties and any 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 and the Licensing Authority 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 will reach the age of 65 during the licence period. In these circumstances the licence will be granted until the day prior to the applicant reaching the age of 65
- 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 Licensing Authority 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 under a contract issued by the Council
The driver must only undertake work exclusively under and in strict accordance with the terms and conditions of a contract issued by the Council. Due to the restriction on the work that can be undertaken by holders of a licence restricted to such contracts, there is no requirement to obtain the VRQ. There is a requirement to complete the MiDAS qualification as detailed below.

Minibus Driver Awareness Scheme (MiDAS) Qualification
This is a requirement in place of the VRQ if a licence is to be restricted to only carrying out work that is subject to a contract issued by the Council. MiDAS is administered by the Community Transport Association (CTA).

Conditions of Licence in respect of Private Hire Drivers working exclusively under a contract issued by the Council
In accordance with Section 51(2) of the Local Government (Miscellaneous Provisions) Act 1976 the Licensing Authority 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 a contract issued by the Council 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:

- V5C in applicant's name, V5C/2 new keeper supplement or purchase invoice from a dealership
- Compliance Test 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 Emissions and Age Policy
A vehicle presented for the grant of a Private Hire Vehicle Licence with Wirral Council must have been compliant with Euro 6 emission standards at the date of first registration.

A Private Hire Vehicle that is 8 years of age or more from the date of first registration will be subject to a licence of no more than 6 months and will therefore be required to pass an MOT and Compliance test every 6 months.

Vehicle Specification
Every vehicle presented for licensing must comply with the Licensing Authority's criteria for licensing private hire vehicles. The criteria for licensing private hire vehicles are set out in **Appendix 5**.

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

Vehicle Signage and Advertising
It is important that the public are 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', unless exempt in accordance with the conditions attached to the Private Hire Vehicle licence. 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.

Device for Calculating Fares
If a device is used for calculating fares, the device must be maintained in good working order.

The device 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 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 7**.

Private Hire Vehicles used exclusively under a contract issued by the Council
Vehicles licensed to undertake work exclusively under and in strict accordance with the terms and conditions of a contract issued by the council cannot be used for any other hire and reward purposes. The Conditions of Licence for Private Hire Vehicles used exclusively under and in strict accordance with the terms and conditions of a contract issued by the council are set out in **Appendix 9.**

Private Hire Vehicles used exclusively to provide an Executive Travel Service
Vehicles licensed to undertake work exclusively to provide an executive travel service cannot be used for any other hire and reward purpose. The **criteria** for vehicles to be licensed as Private Hire Vehicles to undertake exclusive executive hire are set out in **Appendix 6**. The **conditions** to be attached to Private Hire Vehicle licences undertaking exclusive executive hire are set out in **Appendix 8**.

HACKNEY CARRIAGE VEHICLES

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

- V5C in applicant's name, V5C/2 new keeper supplement, or purchase invoice from a dealership
- MOT Certificate
- Compliance Test 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 Emissions and Age Policy
A vehicle presented for the grant of a Hackney Carriage Vehicle Licence with Wirral Council must have been compliant with Euro 5 emission standards at the date of first registration.

A Hackney Carriage Vehicle that is 11 years of age or more from the date of first registration will be subject to a licence of no more than 6 months and will therefore be required to pass an MOT and Compliance test every 6 months.

Vehicle Specification
Every vehicle presented for licensing must comply with the Licensing Authority's criteria for licensing hackney carriage vehicles.

The criteria for licensing hackney carriage vehicles are set out in **Appendix 10**.

Licensing Authorities have a wide range of discretion over the types of vehicles 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 Licensing 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 current rates set by the Licensing Authority. Rates cannot be more than the maximum currently permitted by the Licensing Authority.

The rates set by the Licensing Authority 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 12.**

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.

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 11**.

WHEELCHAIR ACCESSIBLE VEHICLES

Any vehicle to be licensed as a Hackney Carriage Vehicle must be a side loading wheelchair accessible vehicle.

Any vehicle to be licensed as a Private Hire Vehicle that is wheelchair accessible and is a rear loading wheelchair accessible vehicle may only be used to undertake school contract work and must load the wheelchair using a tailgate system.

INSURANCE AND VEHICLE TAX

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 Licensing Authority. There must be continuous insurance 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 tax.

CLOSED CIRCUIT TELEVISION (CCTV) / DASHCAM

CCTV and/or dashcams 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:

- If a vehicle is fitted with CCTV or a dashcam the vehicle proprietor(s) must notify the Licensing Authority.
- If CCTV and/or a dashcam is installed in a Private Hire Vehicle the proprietor of the vehicle must register as a Data Controller with the Information Commissioners Office (ICO) and ensure their registration is kept current at all times that CCTV and/or dashcam is fitted in the vehicle.
- The Data Controller must comply with the Data Protection Act 2018 and the UK General Data Protection Regulations (UK GDPR), and any guidance issued by the Information Commissioners Office (ICO).

- If CCTV and/or a dashcam is installed in a Private Hire Vehicle the proprietor of the vehicle must ensure signs advising that CCTV is in operation are prominently displayed in such a position that it can be seen from both outside and inside the vehicle.
- CCTV and/or dashcam 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.

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 testing stations authorised by Wirral Council. A list of authorised Testing Stations and copies of the testing criteria can be obtained from Wirral Council's website at www.wirral.gov.uk/licensing.

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

Test Failure
If a licensed vehicle fails, the MOT and/or Compliance Test the licence may be suspended by an Authorised Officer.

VEHICLE INSPECTIONS

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 Section 68 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 Licensing Authority'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.

PRIVATE HIRE 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 Licensing Authority must grant a Private Hire 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:

- Proof of right to work in the UK for all applicants/company directors/company secretary
- Basic DBS Certificate for all applicants/company directors/company secretary, unless the applicant holds a Private Hire Driver Licence or Hackney Carriage Driver Licence. The DBS Certificate must be dated no more than 28 days prior to it being presented to the Licensing Authority
- 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
- Template to be used for recording list of drivers
- Template to be used for recording bookings
- Template to be used for recording complaints
- Planning consent, where required, for all premises from which the applicant intends to operate

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.

Tax Check
The applicant for a Private Hire Operator Licence, including all directors of a company or partners in the business are required to complete a Tax Check if they have previously held a Private Hire Operator Licence which stopped being valid less than a year ago, or when applying for a Private Hire Operator Licence the applicant holds a Private Hire Operator Licence with another Licensing Authority.

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 Licensing Authority with a Basic Disclosure and Barring Service Certificate which has been issued no more than 28 days prior to it being presented to the Licensing Authority.

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 Licensing Authority 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 13**.

Private Hire Operators undertaking work exclusively to provide an Executive Travel Service
The conditions of licences in respect of private hire operators undertaking work exclusively to provide an Executive Travel Service are set out in **Appendix 14**.

Private Hire Operators undertaking work exclusively under a contract issued by the Council
The operator must only undertake work exclusively under and in strict accordance with the terms and conditions of a contract issued by the Council. The conditions of licences in respect of private hire

operators undertaking work exclusively under and in strict accordance with the terms and conditions of a contract issued by the Council are set out in **Appendix 15**.

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 16**.

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.

DUTIES OF DRIVERS AND OPERATORS (EQUALITY ACT 2010)

Equality Act 2010

The Equality Act 2010 places the following duties on Private Hire Drivers who do not drive a wheelchair accessible vehicle where the vehicle has been hired by or for a disabled person or by another person who wishes to be accompanied by a disabled person, which are:

- to carry the passenger
- if the passenger is in or has with them a wheelchair, to carry the wheelchair
- if the passenger has with them any mobility aids, to carry the mobility aids
- to take such steps as are reasonable to ensure that the passenger is carried in safety and reasonable comfort
- to give the passenger such mobility assistance as is reasonably required
- to not make, or propose to make, any additional charge for providing mobility assistance

The Equality Act 2010 places the following duties on Hackney Carriage Drivers licensed by Wirral Council where the vehicle has been hired by or for a disabled person or by another person who wishes to be accompanied by a disabled person, which are:

- to carry the passenger whilst in the wheelchair
- if the passenger chooses to sit in a passenger seat, to carry the wheelchair

- if the passenger has with them any mobility aids, to carry the mobility aids
- to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort
- to give the passenger such mobility assistance as is reasonably required
- to not make, or propose to make, any additional charge for providing mobility assistance

In accordance with the Equality Act 2010, the operator of a Private Hire Vehicle commits an offence by failing or refusing to accept a booking for **a** vehicle if the booking is requested by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and the reason for the failure or refusal is**:**

- that the passenger has a disability, or
- to prevent the driver of the private hire vehicle being made subject to a duty which would otherwise be imposed on the driver by **the Equality Act 2010**

The operator of a private hire vehicle commits an offence by making, or proposing to make, an additional charge for the carrying out of any duty imposed on the driver of a Private Hire Vehicle under the Equality Act 2010.

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 provide mobility assistance to disabled passengers 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 provide the mobility assistance duties under Sections 165(4)(e) and 164A(5)(e) of the Equality Act 2010.

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. 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 in addition to a Medical Assessment completed by a General Practitioner.

Exemption Notice
Where a driver has been exempted from the duties under Sections 165(4)(e) and 164A(5)(e) of the Equality Act 2010 of the Equality Act 2010 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 an Exemption Certificate can be found at **Appendix 17**.

Carriage of Assistance Dogs
Under the Equality Act 2010, licensed drivers of Hackney Carriage Vehicles 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 Licensing Authority 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. 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 in addition to a Medical Assessment completed by a General Practitioner.

FEES AND CHARGES

The Licensing Authority 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 any refund.

A list of fees is available on Wirral Council's website at www.wirral.gov.uk/licensing.

LICENCE REGISTERS

In accordance with the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 the Council is required to maintain registers of licences issued under these provisions. These registers can be accessed at www.wirral.gov.uk/licensing.

ENQUIRIES

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 can be contacted by email taxilicensing@wirral.gov.uk.

WIRRAL

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. The purpose of this policy is to explain how the Licensing Authority 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 Licensing Authority will be exercised in accordance with the Council's Constitution. Each application for a licence will be considered on its individual merits.

1.0 INTRODUCTION

1.1 The function of licensing is the safety and protection of the public.

1.2 The overriding aim of the Licensing Authority when carrying out its functions relating to the licensing of Hackney or Private Hire Drivers, Vehicle Proprietors and Private Hire Operators ("operators"), is 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 Licensing Authority that they are a fit and proper person to hold a licence and that is the test to be applied after any applicant has gained any reasonably required qualifications. The onus lies with the applicant or holder of a licence to satisfy the Licensing Authority that they are or remain a fit and proper person. It is a key part of the process of an application when the decision is made, whether by a Licensing Panel or an officer under the 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 Licences for drivers, proprietors and operators of Hackney Carriages and Private Hire Vehicles may only be granted where the Licensing Authority is satisfied that the applicant is a fit and proper person to hold such a licence.

1.5 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.

1.6 This document aims to provide guidance to any person with an interest in Public Hire and Private Hire licensing. In particular, but not exclusively:

- Applicants for Hackney Carriage and Private Hire Licences (drivers, vehicles, and operators)
- Licensing Officers
- Members of the Licensing Panel
- Courts hearing appeals against local authority decisions

1.7 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.

1.8 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 Licensing 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.

1.9 In exercising its powers the Licensing Authority 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

2.0 DISCLOSURE AND BARRING SERVICE (DBS) CRIMINAL RECORD CHECK

2.1 Both Hackney Carriage and Private Hire Drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that all criminal convictions with the exception of "protected convictions" and "protected cautions" can be taken into account by the Licensing Authority in assessing the safety and suitability of an applicant when determining if they are a fit and proper person to hold a Hackney Carriage or Private Hire Driver Licence.

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 Licensing Authority 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 Licensing Authority 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 Licensing Authority that they are a fit and proper person to hold such a licence.

2.5 The Licensing Authority 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 Licensing Authority 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.

3.0 FAILURE TO DISCLOSE INFORMATION REQUESTED ON AN APPLICATION FORM

3.1 When completing an application form for a Hackney Carriage or Private Hire Driver Licence it is an absolute requirement to complete all the information requirements, which include but are not limited to the following:

- To inform the Licensing Authority 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 Licensing Authority if you have had any orders or injunctions made by a court issued against you which could give rise to concerns

regarding your fitness and propriety, including details of any sentences upon breach of such orders.

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

3.3 The Licensing Authority 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. The Licensing Authority may also contact other agencies including other Licensing Authorities to obtain information they may hold in order to determine an application.

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

4.0 LICENSING 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 Licensing 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. Any person refused a licence has a right of appeal to the Magistrates' Court against the Licensing Authority's decision within 21 days of being notified of the 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 shown on an Enhanced Disclosure and Barring Services Certificate and may also take into consideration cautions, police warnings and reprimands, fixed penalties as well as any other information provided which gives rise to a concern as to fitness and propriety. The Panel will also consider factors such as whether someone is on police bail pending the outcome of an investigation, whether any criminal proceedings in a court have commenced or whether the applicant is subject to any court orders or injunctions.

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.

5.0 GUIDELINES ON THE RELEVANCE OF PREVIOUS CONVICTIONS

5.1 The Licensing Authority 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 Licensing Authority 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, for example, 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.

6.0 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. This includes any sexual harassment. In addition, the Licensing Authority will not grant a licence to any applicant who is currently on the Sex Offenders Register.

7.0 BARRED LISTS

7.1 A licence will not be granted to a person who is on any barred list.

8.0 VIOLENT OFFENCES

8.1 Violence includes situations where the victim is put in fear, alarm or distress without any physical contact. It is accepted that the concept of violence is wide, but any such behaviour will be of concern. This policy does not differentiate between different levels of violence and recognises violence can be against a person, property, animals or the State.

8.2 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.

8.3 Where an applicant has a conviction for violence 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 Licensing Authority will carefully consider the nature of the offence and the sentence imposed when determining an application.

8.4 Where an applicant has committed more than one violent offence the application will be refused.

8.5 Where the offence of violence was committed against a child or vulnerable adult a licence will never be granted.

9.0 POSSESSION OF A WEAPON

9.1 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.

10.0 PUBLIC ORDER OFFENCES

10.1 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 or the completion of any sentence imposed, whichever is later.

11.0 DRUG OFFENCES

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

11.2 Where an applicant has any conviction for, or related to, the production, import, trade in or 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 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.

11.3 Where an applicant has a conviction 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. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

11.4 If there are indications that an applicant has had a history of, a medical problem associated with possible abuse, misuse or dependence of drugs, the applicant will also be subject to additional medical testing/assessment before the application is considered. If the applicant is found to be dependent on drugs a licence will not be granted unless at least 5 years have elapsed since the dependency ceased.

12.0 OFFENCES INVOLVING ALCOHOL ABUSE, MISUSE OR DEPENDENCY

12.1 Where an applicant has any conviction for or related to drunkenness not in a motor vehicle, a licence will not be granted until at least 5 years have elapsed since either the offence, the date of conviction or the completion of any sentence imposed, whichever is later.

12.2 If the applicant has a number of convictions for drunkenness and or there are indications that an applicant has had a history of a medical problem associated with possible abuse, misuse or dependence on alcohol, the applicant will also be subject to additional medical testing/assessment before the application is considered. If the applicant is found to have been dependent on alcohol a licence will not be granted unless at least 5 years have elapsed since the dependency ceased.

13.0 DISHONESTY OFFENCES

13.1 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.

14.0 PERVERTING THE COURSE OF JUSTICE

14.1 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.

15.0 DISCRIMINATION

15.1 Where an applicant has a conviction involving, or connected with discrimination in any form, including non-compliance with the Equality Act 2010 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. This includes the refusal to carry an assistance dog or to provide mobility assistance.

16.0 EXPLOITATION AND CRIMINAL HARASSMENT

16.1 Where an applicant has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment or criminal harassment of another individual irrespective of whether the victim or victims were adults or children, they will not be granted a licence. This includes but is not limited to the following: slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse or stalking without violence.

17.0 OFFENCES INVOLVING REGULATORY NON-COMPLIANCE

17.1 Regulatory crimes include local authority offences, licensing matters and other offences prosecuted by other authorities. It also includes matters relating to the administration of justice such as failing to surrender to bail, and any other matter where regulations or requirements have been ignored or broken. These offences demonstrate a lack of compliance with legal requirements which would clearly be of concern in relation to Hackney Carriage and Private Hire licensees. Serious consideration will be given as to whether such a person is a safe and suitable person to hold a licence.

17.2 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.

18.0 MOTORING OFFENCES

18.1 An applicant's driving record will be taken into account when considering applications for driver licences. The Licensing Authority 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.

18.2 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.

19.0 DRIVING OFFENCES INVOLVING LOSS OF LIFE

19.1 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 or other similar offences. In such circumstances an application will not be granted.

20.0 DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

20.1 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.

20.2 An applicant with any drug offences may also have to undergo drug testing at their own expense to demonstrate that they are not using controlled drugs.

21.0 USING A HAND-HELD DEVICE WHILST DRIVING

21.1 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.

22.0 SERIOUS MOTORING OFFENCES

22.1 The Licensing Authority 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 where any offence has resulted in injury to any person or damage to property.

22.2 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.

22.3 Any driver who has accumulated 12 or more points on their DVLA licence and has not been disqualified under the totting up procedure by a court as a result of making exceptional hardship arguments shall not be able to advance such arguments before the Licensing Authority as they are not a relevant consideration in determining what action the authority should take. Any such driver will not be licensed for a period of 5 years from the date of the accumulation of the 12 or more points.

22.4 Any driver who has been disqualified as a result of “totting-up” which erases the points when the licence is restored, will not be granted a licence for a period of at least 5 years from the date of the disqualification. Other disqualifications will need to be investigated, the reasons ascertained, and a decision will be made based on the results of that investigation.

23.0 MINOR MOTORING OFFENCES

23.1 A minor motoring 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.

23.2 An applicant with more than 6 penalty points for such offences will be referred to the Panel who will consider whether the applicant is a fit and proper person to hold a licence. In these circumstances the Licensing Panel may also take into consideration any attendance at a Speed Awareness Course.

WIRRAL

PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER DRESS CODE

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.

WIRRAL

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:

- Arrest for any offence, whether subsequently charged with the offence or otherwise
- Investigation into any criminal offence by the Police, a Licensing Authority, or other Regulatory Body
- Interviews conducted under caution
- Investigation into any motoring offence
- Penalty Points on their DVLA Driving Licence
- Notice of Intended Prosecution
- Court Summonses
- Criminal convictions
- Cautions, warnings, or reprimands
- Fixed Penalty Notices
- An order issued by a Court relating to any criminal offence or civil matter
- Any incident which may lead to a complaint being made against the licence holder
- Change in medical condition or 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 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 within 48 hours 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 comply with the Council's Policy relating to the Conduct of Licence Holders which includes but is not limited to the following requirements:

- 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
- address disputes through appropriate legal channels and avoid confrontation
- they do not cause any person to take offence due to their lack of respectability, cleanliness and hygiene in their dress or person
- take all reasonable precautions to ensure the safety of persons conveyed in or alighting from the vehicle

Appendix 3 – Private Hire Driver Licence Conditions

- 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 into 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 and comply with any reasonable request from a Licensing Officer

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.

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.

Appendix 3 – Private Hire Driver Licence Conditions

WIRRAL

PRIVATE HIRE DRIVER LICENCE CONDITIONS

These conditions apply to drivers undertaking work exclusively under a contract issued by the Council.

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.

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:

- Arrest for any offence, whether subsequently charged with the offence or otherwise
- Investigation into any criminal offence by the Police, a Licensing Authority, or other Regulatory Body
- Interviews conducted under caution
- Investigation into any motoring offence
- Penalty Points on their DVLA Driving Licence
- Notice of Intended Prosecution
- Court Summonses
- Criminal convictions
- Cautions, warnings, or reprimands
- Fixed Penalty Notices
- An order issued by a Court relating to any criminal offence or civil matter
- Any incident which may lead to a complaint being made against the licence holder
- Change in medical condition or 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 within 48 hours 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.

Appendix 4 - Private Hire Driver Conditions (Contract)

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

40 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

41 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.

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.

WIRRAL

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 Regulatory 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 EMISSIONS AND AGE POLICY

1. A vehicle presented for the grant of a Private Hire Vehicle Licence with Wirral Council must have been compliant with Euro 6 emission standards at the date of first registration.

2. A Private Hire Vehicle that is 8 years of age or more from the date of first registration will be subject to a licence of no more than 6 months and will therefore be required to pass an MOT and Compliance test every 6 months.

GENERAL CONSTRUCTION

3. The vehicle must be fitted with at least 4 doors and 4 wheels.

4. The vehicle must be capable of carrying at least 4 and not more than 8 passengers in addition to the driver.

5. 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.

6. A vehicle with a top tread for the entrance which exceeds 38cm from the ground must be fitted with a step to allow easy access into and egress from the vehicle. Any vehicle that does not have a step fitted must carry a portable step to be available for passengers. Both a fitted and portable step must be robust to carry the weight of a passenger and covered with a non-slip surface. The step height must be no more than 38cm from the ground. The driver of the vehicle must risk assess the use of a portable step on each occasion it is requested by a passenger.

7. 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.

8. 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.

9. The vehicle presented for approval must, as a minimum, comply with the Road Vehicles (Construction and Use) Regulations 1986 (as amended).

10. The steering wheel must be on the offside of the vehicle.

11. 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.

12. Any vehicle that has been the subject of significant damage rectification repairs will not be licensed unless such repairs have been carried out to the satisfaction of the Licensing Authority.

13. Any vehicle which has been disposed of under an insurance salvage agreement 9 category A or B will not be licensed.

14. 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

15. The vehicle must be free from corrosion, damage, or unsatisfactory repairs.

16. Paintwork must be of a high standard and the quality of the paintwork on all panels must match exactly.

WHEELS AND TYRES

17. Where a vehicle is supplied with alloy wheels, all four road wheels must be of the same type and pattern.

18. 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.

19. 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.

20. Vehicles must not be fitted with tyres that are more than ten years old.

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

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

36. The front windscreen must allow at least 75% of light through, the front side windows must allow at least 70% of light through and the windows rear of the B-pillar must allow a minimum

light transmission of 30%.

37. No windows or glass fitted to the vehicle may have been subject to an enhanced film/after-market tinting post manufacture.

38. 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.

HEATING AND VENTILATION

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

DOORS

40. All doors must be easily accessible to all passengers and capable of being opened from inside.

Where hinged doors are fitted:

41. When the vehicle is stationary, the passenger doors must be capable of being opened from the inside and outside of the vehicle.

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

Where sliding doors are fitted:

43. When the vehicle is stationary, the passenger doors must be capable of being opened from the inside and outside of the vehicle.

44. There must be a sign within the passenger compartment, clearly visible to all passengers, giving instructions on the correct operation of the passenger door.

45. An audible or visual warning system must be fitted in the driver's compartment indicating when any door is open. This system must be in good working order.

Where electric doors are fitted:

46. When the vehicle is stationary, the passenger doors must be capable of being opened from the inside and outside of the vehicle.

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

48. An audible or visual warning system must be fitted in the driver's compartment indicating when any door is open. This system must be in good working order.

49. 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. This door system must be in good working order.

FLOOR COVERING

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

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

LUGGAGE

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

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

WIRRAL

PRIVATE HIRE VEHICLE LICENCE CRITERIA

EXECUTIVE VEHICLES

Private Hire Vehicle Criteria
Executive Vehicles

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 EMISSIONS AND AGE POLICY

1. A vehicle presented for the grant of a Private Hire Vehicle Licence with Wirral Council must have been compliant with Euro 6 emission standards at the date of first registration.

2. A Private Hire Vehicle that is 8 years of age or more from the date of first registration will be subject to a licence of no more than 6 months and will therefore be required to pass an MOT and Compliance test every 6 months.

GENERAL CONSTRUCTION

3. The vehicle must be fitted with at least 4 doors and 4 wheels.

4. The vehicle must be capable of carrying at least 4 and not more than 8 passengers in addition to the driver.

5. 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.

6. A vehicle with a top tread for the entrance which exceeds 38cm from the ground must be fitted with a step to allow easy access into and egress from the vehicle. Any vehicle that does not have a step fitted must carry a portable step to be available for passengers. Both a fitted and portable step must be robust to carry the weight of a passenger and covered with a non-slip surface. The step height must be no more than 38cm from the ground. The driver of the vehicle must risk assess the use of a portable step on each occasion it is requested by a passenger.

7. 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.

8. 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.

9. The vehicle presented for approval must, as a minimum, comply with the Road Vehicles (Construction and Use) Regulations 1986 (as amended).

10. The steering wheel must be on the offside of the vehicle.

11. 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.

12. Any vehicle that has been the subject of significant damage rectification repairs will not be licensed unless such repairs have been carried out to the satisfaction of the Licensing Authority.

13. Any vehicle which has been disposed of under an insurance salvage agreement 9 category A or B will not be licensed.

14. 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

15. The vehicle must be free from corrosion, damage, or unsatisfactory repairs.

16. Paintwork must be of a high standard and the quality of the paintwork on all panels must match exactly.

WHEELS AND TYRES

17. Where a vehicle is supplied with alloy wheels, all four road wheels must be of the same type and pattern.

18. 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.

19. 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.

20. Vehicles must not be fitted with tyres that are more than ten years old.

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

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

36. No windows or glass fitted to the vehicle may have been subject to an enhanced film/aftermarket tinting post manufacture.

37. 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.

HEATING AND VENTILATION

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

DOORS

39. All doors must be easily accessible to all passengers and capable of being opened from inside.

Where hinged doors are fitted:

40. When the vehicle is stationary, the passenger doors must be capable of being opened from the inside and outside of the vehicle.

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

Where sliding doors are fitted:

42. When the vehicle is stationary, the passenger doors must be capable of being opened from the inside and outside of the vehicle.

43. There must be a sign within the passenger compartment, clearly visible to all passengers, giving instructions on the correct operation of the passenger door.

44. An audible or visual warning system must be fitted in the driver's compartment indicating when any door is open. This system must be in good working order.

Where electric doors are fitted:

45. When the vehicle is stationary, the passenger doors must be capable of being opened from the inside and outside of the vehicle.

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

47. An audible or visual warning system must be fitted in the driver's compartment indicating when any door is open. This system must be in good working order.

48. 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. This door system must be in good working order.

FLOOR COVERING

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

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

LUGGAGE

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

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

WIRRAL

PRIVATE HIRE VEHICLE LICENCE CONDITIONS

Private Hire Vehicle Licence Conditions

Legislation gives Local Authorities a wide discretion over the types of vehicles that can be licensed as Private Hire Vehicles and attach appropriate conditions to a Private Hire Vehicle Licence.

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

The Licensing Authority must be satisfied that vehicles licensed by them as Private Hire Vehicles are suitable in type, size, and design for use as Private Hire Vehicles, that the vehicle is in a suitable mechanical condition and is safe and comfortable.

The Licensing Authority 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 all reasonable times permit an Authorised Officer or Police Officer 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 Private Hire Vehicle Licence may be suspended.

Once a Private Hire Vehicle Licence has been issued it remains in force at all times until the licence expires or it is surrendered, suspended, or revoked. Therefore, the vehicle can only be driven by a licensed Private Hire Driver at all times.

In accordance with Section 48(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.

Should any of the below conditions not be complied with, the licence holder may be issued with a Condition Notice or 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 Licensing Authority’s Policy relating to the conduct of Private Hire and Hackney Carriage Licence Holders for further information)

Notwithstanding the below conditions, if there is anything in the construction, form, working, or general appearance of the vehicle which, in the opinion of the Licensing Authority or an Authorised Officer working on behalf of the Licensing Authority, 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.

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.

MATTERS TO BE REPORTED TO THE COUNCIL

CHANGE OF DETAILS

1. The proprietor(s) of a Private Hire Vehicle must notify the Licensing Authority of any change of name, address, telephone number, or email address within 7 days of such change taking place.

2. The proprietor(s) of a Private Hire Vehicle must notify the Licensing Authority of any intention to change the vehicle registration number, prior to any such change taking place. The proprietor(s) shall produce the DVLA Number Plate Authorisation Certificate for the new vehicle registration number, an updated copy of the vehicle's motor insurance showing the new vehicle registration number, a copy of the vehicle's V5C (logbook) showing the new vehicle registration number (if this has been received), and confirmation from the DVLA stating that the new vehicle registration plates can be affixed to the vehicle.

3. The proprietor must notify the Licensing Authority of any change to the vehicle that requires the DVLA to be notified and must provide an updated copy of the V5C within 7 days of such change taking place.

THEFT OF VEHICLE

4. If the vehicle is stolen, the proprietor(s) must notify the Council in writing within 24 hours of such event taking place. The proprietor(s) shall provide to the Council any crime reference number provided to them by the Police.

ACCIDENTS AND DAMAGE TO THE VEHICLE

5. 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(s) or driver of the vehicle to the Licensing Authority within 72 hours of the damage having been sustained. The proprietor(s) or driver of the vehicle must provide details, in writing, of the damage 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. 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(s) or driver of the vehicle to the Licensing Authority as soon as practicable and in any case no later than 72 hours after the collision occurring. The proprietor(s) or driver of the vehicle must provide details, in writing, of the incident 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.

7. 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 and reward until such damage is repaired to the satisfaction of the Licensing Authority. For the avoidance of doubt, slight scratches or stone chips which do not materially affect the safety, performance, or appearance of the vehicle do not have to be reported.

LOST AND STOLEN PLATES

8. If any licence plate is lost or stolen from the vehicle the loss or theft must be reported to the Licensing Authority within 24 hours of such loss taking place.

CONVICTIONS, CAUTIONS, MOTORING OFFENCES AND COMPLAINTS

9. If the proprietor(s) of a Private Hire Vehicle are notified, or are in receipt of any of the following, they must notify the Licensing Authority within 48 hours:

    - Arrest for any offence, whether subsequently charged with the offence or otherwise
    - Investigation into any criminal offence by the Police, a Licensing Authority, or other Regulatory Body
    - Interviews conducted under caution
    - Investigation into any motoring offence
    - Penalty Points on their DVLA Driving Licence
    - Notice of Intended Prosecution
    - Court Summonses
    - Criminal convictions
    - Cautions, warnings, or reprimands
    - Fixed Penalty Notices
    - An order issued by a Court relating to any criminal offence or civil matter
    - Any incident which may lead to a complaint being made against them

TRANSFER OF OWNERSHIP OF VEHICLE

10. If the proprietor(s) of a Private Hire Vehicle wishes to transfer ownership of the vehicle to another person, the proprietor(s) must notify the Licensing Authority in writing of the name and address of the new proprietor within 14 days of the transfer of ownership.

SURRENDER OF LICENCE

11. If at any time during the period of the licence the proprietor(s), for any reason, does not wish to retain the Private Hire Vehicle Licence, the proprietor(s) must immediately surrender the Private Hire Vehicle Licence and return the front and rear plates to the Licensing Authority.

INSURANCE AND VEHICLE TAX

12. At all times the Private Hire Vehicle Licence is in force, there must be a valid insurance policy in place which includes the use of the vehicle as a Private Hire Vehicle. For the avoidance of doubt there must be no gaps in this type of insurance cover, including times when the vehicle is not being used for hire and reward.

13. Details of any change to the insurance held in respect of the vehicle must be reported to the Licensing Authority, including a copy of the insurance policy within 72 hours of any change taking place.

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

15. If the certificate cannot be produced on demand it must be presented within 72 hours to the Licensing Authority.

16. The vehicle must hold the appropriate Vehicle Tax at all times the licence is in force and the proprietor(s) must be able to demonstrate that the vehicle is taxed if requested to do so by an Officer.

GENERAL SPECIFICATIONS

17. 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 the Licensing Authority. This includes the addition of lights, signs, symbols, numbers, or letters inside or outside of the vehicle.

18. The Private Hire Vehicle must comply with the Road Vehicles (Construction and Use) Regulations 1986 (as amended) at all times.

19. A vehicle with a top tread for the entrance which exceeds 38cm from the ground must be fitted with a step to allow easy access into and egress from the vehicle. Any vehicle that does not have a step fitted must carry a portable step to be available for passengers. Both a fitted and portable step must be robust to carry the weight of a passenger and covered with a non-slip surface. The step height must be no more than 38cm from the ground. The driver of the vehicle must risk assess the use of a portable step on each occasion it is requested by a passenger.

EXTERIOR OF THE VEHICLE

20. The vehicle must be maintained with the paintwork, bodywork, fittings, lights, and other mechanical and electrical components locks, and latches in good order in accordance with the Licensing Authority's Vehicle Inspection Policy.

21. The vehicle must be free from corrosion, damage or unsatisfactory repairs.

22. Paintwork must be of a high standard and the quality of the paintwork on all panels must match exactly.

23. The vehicle must be maintained in a mechanical and structural condition which is roadworthy and capable of satisfying the Licensing Authority's inspection at any time during the period of the vehicle licence.

24. The interior and exterior of the vehicle must be maintained in a clean and safe condition.

25. There must be no visible leaks of fuel, oil, or other fluids from the vehicle.

26. The vehicle must not emit excessive smoke from the exhaust.

DOORS SIGNS AND LIVERY

27. 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.

28. 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. 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.

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

INTERIOR OF THE VEHICLE

29. Private Hire Vehicles must be wind and watertight when all doors and windows are closed.

30. All fittings and furniture inside the Private Hire Vehicle must be in a clean and well-maintained condition.

31. 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.

32. If seat covers are used, they must be correctly fitted, in a good and clean condition and free from rips, tears and holes.

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.

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

36. 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 the Licensing Authority.

37. 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

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

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

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 prominent position ensuring that the whole plate is clearly visible at all times. The plate must be fixed in a manner approved by the Licensing Authority 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.

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 prominent position ensuring that the whole plate is clearly visible at all times. The plate must be fixed in a manner approved by the Licensing Authority 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.

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 the Licensing Authority.

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 the Licensing Authority may require must be displayed inside the vehicle as directed.

FARE TABLE AND DEVICE/METER FOR CALCULATING FARES

47. The proprietor(s) 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.

48. 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.

49. 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.

50. If the Private Hire Vehicle is fitted with a device/meter for calculating the fare, the fare recorded thereon must not be cancelled or concealed until the hirer has had an opportunity to examine the device/meter and has paid a fare.

51. If the Private Hire Vehicle is fitted with a device/meter for calculating the fare, the device/meter must be set to reflect the fare prescribed by the Private Hire Operator.

52. When a device/meter for calculating fares is in use the fare and permitted extras must be shown legibly on the face of the device/meter.

ADVERTISEMENTS

53. No advertisements may be displayed on or from the outside of the Private Hire Vehicle.

54. Advertisements may be displayed inside Private Hire Vehicles with prior approval from the Licensing Authority. Advertisements inside the Private Hire Vehicle must not be placed on any window or dashboard.

55. Advertisements must comply with the UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (CAP Code) published by the Advertising Standards Authority (ASA) and the Committee of Advertising Practices (CAP).

56. 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) / DASHCAM

57. CCTV and/or dashcams may be installed in Private Hire Vehicles to aid the prevention and detection of crime. If a vehicle is fitted with CCTV or a dashcam the vehicle proprietor(s) must notify the Licensing Authority.

58. If CCTV and/or a dashcam is installed in a Private Hire Vehicle the proprietor of the vehicle must register as a Data Controller with the Information Commissioners Office (ICO) and ensure their registration is kept current at all times that CCTV and/or dashcam is fitted in the vehicle.

59. The Data Controller must comply with the Data Protection Act 2018 and the UK General Data Protection Regulations (UK GDPR), and any guidance issued by the Information Commissioners Office (ICO).

60. If CCTV and/or a dashcam is installed in a Private Hire Vehicle the proprietor of the vehicle must ensure signs advising that CCTV is in operation are prominently displayed in such a position that it can be seen from both outside and inside the vehicle.

61. CCTV and/or dashcam 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

62. Private Hire Vehicles are not permitted to use roof racks, roof boxes, or trailers, whilst the vehicle is being used for hire and reward purposes.

WHEELS AND TYRES

63. Where a Private Hire Vehicle is fitted with alloy wheels, all four road wheels must be of the same type and pattern.

64. Where a Private Hire Vehicle is fitted with wheels intended to be fitted with wheel trims, all four road wheels must be fitted with wheel trims of the same pattern.

65. 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.

66. Part-worn and remould tyres must comply with the Motor Vehicle Tyres (Safety) Regulations 1994.

67. Vehicles must not be fitted with tyres that are more than ten years old.

68. 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.

69. All tyres, including the spare where applicable, must be properly inflated in accordance with both the vehicle and tyre manufacturer's specifications.

70. 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.

71. All tyres, including the spare where applicable, must be free from cuts and other defects.

72. 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:

    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.

73. 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 and reward purposes other than completing the current journey, if applicable.

DOORS

74. All doors must be easily accessible to all passengers and capable of being opened from inside.

Where hinged doors are fitted:

75. When the vehicle is stationary, the passenger doors must be capable of being opened from the inside and outside of the vehicle.

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

Where sliding doors are fitted:

77. When the vehicle is stationary, the passenger doors must be capable of being opened from the inside and outside of the vehicle.

78. There must be a sign within the passenger compartment, clearly visible to all passengers, giving instructions on the correct operation of the passenger door.

79. An audible or visual warning system must be fitted in the driver's compartment indicating when any door is open. This system must be in good working order.

Where electric doors are fitted:

80. When the vehicle is stationary, the passenger doors must be capable of being opened from the inside and outside of the vehicle.

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

82. An audible or visual warning system must be fitted in the driver's compartment indicating when any door is open. This system must be in good working order.

83. 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. This door system must be in good working order.

WINDOWS

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

85. The front windscreen must allow at least 75% of light through, the front side windows must allow at least 70% of light through and the windows rear of the B-pillar must allow a minimum light transmission of 30%.

86. No windows or glass fitted to the vehicle may have been subject to an enhanced film/after-market tinting post manufacture.

87. 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

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

other defects.

PASSENGERS

89. The proprietor(s) and/or driver 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 whilst the vehicle is being used for hire and reward.

90. The proprietor(s) and/or driver must not cause or permit children under the age of 10 years to be conveyed in the front of the Private Hire Vehicle whilst the vehicle is being used for hire and reward.

The Licensing Authority 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.

WIRRAL

PRIVATE HIRE VEHICLE LICENCE CONDITIONS

EXECUTIVE VEHICLES

Private Hire Vehicle Licence Conditions
Executive Vehicles

Legislation gives Local Authorities a wide discretion over the types of vehicles that can be licensed as Private Hire Vehicles and attach appropriate conditions to a Private Hire Vehicle Licence.

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

The Licensing Authority must be satisfied that vehicles licensed by them as Private Hire Vehicles are suitable in type, size, and design for use as Private Hire Vehicles, that the vehicle is in a suitable mechanical condition and is safe and comfortable.

The Licensing Authority 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 all reasonable times permit an Authorised Officer or Police Officer 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 Private Hire Vehicle Licence may be suspended.

Once a Private Hire Vehicle Licence has been issued it remains in force at all times until the licence expires or it is surrendered, suspended, or revoked. Therefore, the vehicle can only be driven by a licensed Private Hire Driver at all times.

In accordance with Section 48(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.

Should any of the below conditions not be complied with, the licence holder may be issued with a Condition Notice or 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 Licensing Authority’s Policy relating to the conduct of Private Hire and Hackney Carriage Licence Holders for further information)

Notwithstanding the below conditions, if there is anything in the construction, form, working, or general appearance of the vehicle which, in the opinion of the Licensing Authority or an Authorised Officer working on behalf of the Licensing Authority, 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.

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.

MATTERS TO BE REPORTED TO THE COUNCIL

CHANGE OF DETAILS

1. The proprietor(s) of a Private Hire Vehicle must notify the Licensing Authority of any change of name, address, telephone number, or email address within 7 days of such change taking place.

2. The proprietor(s) of a Private Hire Vehicle must notify the Licensing Authority of any intention to change the vehicle registration number, prior to any such change taking place. The proprietor(s) shall produce the DVLA Number Plate Authorisation Certificate for the new vehicle registration number, an updated copy of the vehicle's motor insurance showing the new vehicle registration number, a copy of the vehicle's V5C (logbook) showing the new vehicle registration number (if this has been received), and confirmation from the DVLA stating that the new vehicle registration plates can be affixed to the vehicle.

3. The proprietor must notify the Licensing Authority of any change to the vehicle that requires the DVLA to be notified and must provide an updated copy of the V5C within 7 days of such change taking place.

THEFT OF VEHICLE

4. If the vehicle is stolen, the proprietor(s) must notify the Council in writing within 24 hours of such event taking place. The proprietor(s) shall provide to the Council any crime reference number provided to them by the Police.

ACCIDENTS AND DAMAGE TO THE VEHICLE

5. 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(s) or driver of the vehicle to the Licensing Authority within 72 hours of the damage having been sustained. The proprietor(s) or driver of the vehicle must provide details, in writing, of the damage 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. 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(s) or driver of the vehicle to the Licensing Authority as soon as practicable and in any case no later than 72 hours after the collision occurring. The proprietor(s) or driver of the vehicle must provide details, in writing, of the incident 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.

7. 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 and reward until such damage is repaired to the satisfaction of the Licensing Authority. For the avoidance of doubt, slight scratches or stone chips which do not materially affect the safety, performance, or appearance of the vehicle do not have to be reported.

LOST AND STOLEN PLATES

8. If any licence plate is lost or stolen from the vehicle the loss or theft must be reported to the Licensing Authority within 24 hours of such loss taking place.

CONVICTIONS, CAUTIONS, MOTORING OFFENCES AND COMPLAINTS

9. If the proprietor(s) of a Private Hire Vehicle are notified, or are in receipt of any of the following, they must notify the Licensing Authority within 48 hours:

    - Arrest for any offence, whether subsequently charged with the offence or otherwise

- Investigation into any criminal offence by the Police, a Licensing Authority, or other Regulatory Body
- Interviews conducted under caution
- Investigation into any motoring offence
- Penalty Points on their DVLA Driving Licence
- Notice of Intended Prosecution
- Court Summonses
- Criminal convictions
- Cautions, warnings, or reprimands
- Fixed Penalty Notices
- An order issued by a Court relating to any criminal offence or civil matter
- Any incident which may lead to a complaint being made against them

TRANSFER OF OWNERSHIP OF VEHICLE

10. If the proprietor(s) of a Private Hire Vehicle wishes to transfer ownership of the vehicle to another person, the proprietor(s) must notify the Licensing Authority in writing of the name and address of the new proprietor within 14 days of the transfer of ownership.

SURRENDER OF LICENCE

11. If at any time during the period of the licence the proprietor(s), for any reason, does not wish to retain the Private Hire Vehicle Licence, the proprietor(s) must immediately surrender the Private Hire Vehicle Licence and return the front and rear plates to the Licensing Authority.

INSURANCE AND VEHICLE TAX

12. At all times the Private Hire Vehicle Licence is in force, there must be a valid insurance policy in place which includes the use of the vehicle as a Private Hire Vehicle. For the avoidance of doubt there must be no gaps in this type of insurance cover, including times when the vehicle is not being used for hire and reward.

13. Details of any change to the insurance held in respect of the vehicle must be reported to the Licensing Authority, including a copy of the insurance policy within 72 hours of any change taking place.

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

15. If the certificate cannot be produced on demand it must be presented within 72 hours to the Licensing Authority.

16. The vehicle must hold the appropriate Vehicle Tax at all times the licence is in force and the proprietor(s) must be able to demonstrate that the vehicle is taxed if requested to do so by an Officer.

GENERAL SPECIFICATIONS

17. 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 the Licensing Authority. This includes the addition of lights, signs, symbols, numbers, or letters inside or outside of the vehicle.

18. The Private Hire Vehicle must comply with the Road Vehicles (Construction and Use) Regulations 1986 (as amended) at all times.

EXTERIOR OF THE VEHICLE

19. The vehicle must be maintained with the paintwork, bodywork, fittings, lights, and other mechanical and electrical components locks, and latches in good order in accordance with the Licensing Authority's Vehicle Inspection Policy.

20. The vehicle must be free from corrosion, damage or unsatisfactory repairs.

21. Paintwork must be of a high standard and the quality of the paintwork on 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 Licensing Authority'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. Private Hire Vehicles must be wind and watertight when all doors and windows are closed.

27. All fittings and furniture inside the Private Hire 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. 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 the Licensing Authority.

34. 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

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

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

INTERIOR LIGHTING

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

NOTICES

38. Any notice that the Licensing Authority may require must be displayed inside the vehicle as directed.

FARE TABLE AND DEVICE/METER FOR CALCULATING FARES

39. The proprietor(s) 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.

40. 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.

41. 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.

42. If the Private Hire Vehicle is fitted with a device/meter for calculating the fare, the fare recorded thereon must not be cancelled or concealed until the hirer has had an opportunity to examine the device/meter and has paid a fare.

43. If the Private Hire Vehicle is fitted with a device/meter for calculating the fare, the device/meter must be set to reflect the fare prescribed by the Private Hire Operator.

44. When a device/meter for calculating fares is in use the fare and permitted extras must be shown legibly on the face of the device/meter.

ADVERTISEMENTS

45. No advertisements may be displayed on or from the outside of the Private Hire Vehicle.

46. Advertisements may be displayed inside Private Hire Vehicles with prior approval from the Licensing Authority. Advertisements inside the Private Hire Vehicle must not be placed on any window or dashboard.

47. Advertisements must comply with the UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (CAP Code) published by the Advertising Standards Authority (ASA) and the Committee of Advertising Practices (CAP).

48. 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)/DASHCAM

49. CCTV and/or dashcams may be installed in Private Hire Vehicles to aid the prevention and detection of crime. If a vehicle is fitted with CCTV or a dashcam the vehicle proprietor(s) must notify the Licensing Authority.

50. If CCTV and/or a dashcam is installed in a Private Hire Vehicle the proprietor of the vehicle must register as a Data Controller with the Information Commissioners Office (ICO) and ensure their registration is kept current at all times that CCTV and/or dashcam is fitted in the vehicle.

51. The Data Controller must comply with the Data Protection Act 2018 and the UK General Data Protection Regulations (UK GDPR), and any guidance issued by the Information Commissioners Office (ICO).

52. If CCTV and/or a dashcam is installed in a Private Hire Vehicle the proprietor of the vehicle must ensure signs advising that CCTV is in operation are prominently displayed in such a position that it can be seen from both outside and inside the vehicle.

53. CCTV and/or dashcam 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

54. Private Hire Vehicles are not permitted to use roof racks, roof boxes, or trailers, whilst the vehicle is being used for hire and reward purposes.

WHEELS AND TYRES

55. Where a Private Hire Vehicle is fitted with alloy wheels, all four road wheels must be of the same type and pattern.

56. Where a Private Hire Vehicle is fitted with wheels intended to be fitted with wheel trims, all four road wheels must be fitted with wheel trims of the same pattern.

57. 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.

58. Part-worn and remould tyres must comply with the Motor Vehicle Tyres (Safety) Regulations 1994.

59. Vehicles must not be fitted with tyres that are more than ten years old.

60. 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.

61. All tyres, including the spare where applicable, must be properly inflated in accordance with both the vehicle and tyre manufacturer's specifications.

62. 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.

63. All tyres, including the spare where applicable, must be free from cuts and other defects.

64. 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:

    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.

65. 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 and reward purposes other than completing the current journey, if applicable.

DOORS

66. All doors must be easily accessible to all passengers and capable of being opened from inside.

Where hinged doors are fitted:

67. When the vehicle is stationary, the passenger doors must be capable of being opened from the inside and outside of the vehicle.

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

Where sliding doors are fitted:

69. When the vehicle is stationary, the passenger doors must be capable of being opened from the inside and outside of the vehicle.

70. There must be a sign within the passenger compartment, clearly visible to all passengers, giving instructions on the correct operation of the passenger door.

71. An audible or visual warning system must be fitted in the driver's compartment indicating when any door is open. This system must be in good working order.

Where electric doors are fitted:

72. When the vehicle is stationary, the passenger doors must be capable of being opened from the inside and outside of the vehicle.

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

74. An audible or visual warning system must be fitted in the driver's compartment indicating when any door is open. This system must be in good working order.

75. 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. This door system must be in good working order.

WINDOWS

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

77. No windows or glass fitted to the vehicle may have been subject to an enhanced film/after-market tinting post manufacture.

78. 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

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

PASSENGERS

80. The proprietor(s) and/or driver 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 whilst the vehicle is being used for hire and reward.

81. The proprietor(s) and/or driver must not cause or permit children under the age of 10 years to be conveyed in the front of the Private Hire Vehicle whilst the vehicle is being used for hire and reward.

VEHICLE BOOKINGS

82. All bookings for the vehicle must be made at least 24 hours in advance of the journey.

83. Payment for all bookings must be requested through an invoicing system.

84. The operator must communicate with customers for each booking taken, by text or email, with the following information:

    a. Private Hire Driver Name

    b. Private Hire Driver Photograph

    c. Private Hire Driver Badge Number

d. Private Hire Vehicle registration number

85. For the avoidance of doubt, this includes drivers and vehicles undertaking work for bookings subcontracted to other private hire companies.

EXEMPTION NOTICE

86. The exemption notice provided by the Council in respect of displaying Private Hire Vehicle Licence Plates on the vehicle must be retained in the vehicle at all times.

The Licensing Authority 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.

WIRRAL

PRIVATE HIRE VEHICLE LICENCE CONDITIONS

These conditions apply to vehicles used to undertake work exclusively under a contract issued by the Council.

Private Hire Vehicle Licence Conditions

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.

Legislation gives local authorities a wide discretion over the types of vehicles that can be licensed as Private Hire Vehicles and attach appropriate conditions to a Private Hire Vehicle Licence.

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

The Licensing Authority must be satisfied that vehicles licensed by them as Private Hire Vehicles are suitable in type, size, and design for use as Private Hire Vehicles, that the vehicle is in a suitable mechanical condition and is safe and comfortable.

The Licensing Authority 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 all reasonable times permit an Authorised Officer or Police Officer 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 Private Hire Vehicle Licence may be suspended.

Once a Private Hire Vehicle Licence has been issued it remains in force at all times until the licence expires or it is surrendered, suspended, or revoked. Therefore, the vehicle can only be driven by a licensed Private Hire Driver at all times.

In accordance with Section 48(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.

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 Licensing Authority’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 the Licensing Authority or an Authorised Officer working on behalf of the Licensing Authority, 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.

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.

MATTERS TO BE REPORTED TO THE COUNCIL

CHANGE OF DETAILS

1. The proprietor(s) of a Private Hire Vehicle must notify the Licensing Authority of any change of name, address, telephone number or email address within 7 days of such change taking place.

2. The proprietor(s) of a Private Hire Vehicle must notify the Licensing Authority of any intention to change the vehicle registration number, prior to any such change taking place. The proprietor(s) shall produce the DVLA Number Plate Authorisation Certificate for the new vehicle registration number, an updated copy of the vehicles motor insurance showing the new registration number, a copy of the vehicles logbook (V5C) showing the new registration number (if this has been received), and confirmation from the DVLA stating that the new vehicle registration plates can be affixed to the vehicle.

3. The proprietor must notify the Licensing Authority of any change to the vehicle that requires the DVLA to be notified and must provide an updated copy of the V5C within 7 days of such change taking place.

THEFT OF VEHICLE

4. If the vehicle is stolen, the proprietor(s) must notify the Council in writing within 24 hours of such event taking place. The proprietor(s) shall provide to the Council any crime reference number provided to them by the Police.

ACCIDENTS AND DAMAGE TO THE VEHICLE

5. 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(s) or driver of the vehicle to the Licensing Authority within 72 hours of the damage having been sustained. The proprietor(s) or driver of the vehicle must provide details, in writing, of the damage 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. 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(s) or driver of the vehicle to the Licensing Authority as soon as practicable and in any case no later than 72 hours after the collision occurring. The proprietor(s) or driver of the vehicle must provide details, in writing, of the incident 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.

7. 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 and reward until such damage is repaired to the satisfaction of the Licensing Authority. For the avoidance of doubt, slight scratches or stone chips which do not materially affect the safety, performance, or appearance of the vehicle do not have to be reported.

LOST AND STOLEN PLATES

8. If any licence plate is lost or stolen from the vehicle the loss or theft must be reported to the Licensing Authority within 24 hours of such loss taking place.

CONVICTIONS, CAUTIONS, MOTORING OFFENCES AND COMPLAINTS

9. If the proprietor(s) of a Private Hire Vehicle are notified, or are in receipt of any of the following, they must notify the Licensing Authority within 48 hours:

- Arrest for any offence, whether subsequently charged with the offence or otherwise
- Investigation into any criminal offence by the Police, a Licensing Authority, or other Regulatory Body
- Interviews conducted under caution
- Investigation into any motoring offence
- Penalty Points on their DVLA Driving Licence
- Notice of Intended Prosecution
- Court Summonses
- Criminal convictions
- Cautions, warnings, or reprimands
- Fixed Penalty Notices
- An order issued by a Court relating to any criminal offence or civil matter
- Any incident which may lead to a complaint being made against them

TRANSFER OF OWNERSHIP OF VEHICLE

10. If the proprietor(s) of a Private Hire Vehicle wishes to transfer ownership of the vehicle to another person, the proprietor(s) must notify the Licensing Authority in writing of the name and address of the new proprietor within 14 days of the transfer of ownership.

SURRENDER OF LICENCE

11. If at any time during the period of the licence the proprietor(s), for any reason, does not wish to retain the Private Hire Vehicle Licence, the proprietor(s) must immediately surrender the Private Hire Vehicle Licence and return the front and rear plates to the Licensing Authority.

INSURANCE AND VEHICLE TAX

12. At all times the Private Hire Vehicle Licence is in force, there must be a valid insurance policy in place which includes the use of the vehicle as a Private Hire Vehicle. For the avoidance of doubt there must be no gaps in this type of insurance cover, including times when the vehicle is not being used for hire and reward.

13. Details of any change to the insurance held in respect of the vehicle must be reported to the Licensing Authority, including a copy of the insurance policy within 72 hours of any change taking place.

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

15. If the certificate cannot be produced on demand it must be presented within 72 hours to the Licensing Authority.

16. The vehicle must hold the appropriate Vehicle Tax at all times the licence is in force and the proprietor(s) must be able to demonstrate that the vehicle is taxed if requested to do so by an Officer.

GENERAL SPECIFICATIONS

17. 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 the Licensing Authority. This includes the addition of lights, signs, symbols, numbers, or letters inside or outside of the vehicle.

18. The Private Hire Vehicle must comply with the Road Vehicles (Construction and Use) Regulations 1986 (as amended) at all times.

EXTERIOR OF THE VEHICLE

19. The vehicle must be maintained with the paintwork, bodywork, fittings, lights, and other mechanical and electrical components locks, and latches in good order in accordance with the Licensing Authority's Vehicle Inspection Policy.

20. The vehicle must be free from corrosion, damage or unsatisfactory repairs.

21. Paintwork must be of a high standard and the quality of the paintwork on 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 Licensing Authority'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. Private Hire Vehicles must be wind and watertight when all doors and windows are closed.

27. All fittings and furniture inside the Private Hire 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. 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 the Licensing Authority.

34. 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.

VEHICLE LICENCE PLATES

35. 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 prominent position ensuring that the whole plate is clearly visible at all times. The plate must be fixed in a manner approved by the Licensing Authority 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.

36. 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 prominent position ensuring that the whole plate is clearly visible at all times. The plate must be fixed in a manner approved by the Licensing Authority 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.

37. At no time must the licence plates be wilfully or negligently concealed from public view.

38. Vehicle licence plates must be free from damage and must not be altered in any way with regards their appearance or size.

39. The Private Hire Vehicle licence plates remain the sole property of the Licensing Authority.

INTERIOR LIGHTING

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

NOTICES

41. Any notice that the Licensing Authority may require must be displayed inside the vehicle as directed.

ADVERTISEMENTS

42. No advertisements may be displayed on or from the outside of the Private Hire Vehicle.

43. Advertisements may be displayed inside Private Hire Vehicles with prior approval from the Licensing Authority. Advertisements inside the Private Hire Vehicle must not be placed on any window or dashboard.

44. Advertisements must comply with the UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (CAP Code) published by the Advertising Standards Authority (ASA) and the Committee of Advertising Practices (CAP).

45. 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) / DASHCAM

46. CCTV and/or dashcams may be installed in Private Hire Vehicles to aid the prevention and detection of crime. If a vehicle is fitted with CCTV or a dashcam the vehicle proprietor(s) must notify the Licensing Authority.

47. If CCTV and/or a dashcam is installed in a Private Hire Vehicle the proprietor of the vehicle must register as a Data Controller with the Information Commissioners Office (ICO) and ensure their registration is kept current at all times that CCTV and/or dashcam is fitted in the vehicle.

48. The Data Controller must comply with the Data Protection Act 2018 and the UK General Data Protection Regulations (UK GDPR), and any guidance issued by the Information Commissioners Office (ICO).

49. If CCTV and/or a dashcam is installed in a Private Hire Vehicle the proprietor of the vehicle must ensure signs advising that CCTV is in operation are prominently displayed in such a position that it can be seen from both outside and inside the vehicle.

50. CCTV and/or dashcam 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

51. Private Hire Vehicles are not permitted to use roof racks, roof boxes, or trailers, whilst the vehicle is being used for hire and reward purposes.

WHEELS AND TYRES

52. Where a Private Hire Vehicle is fitted with alloy wheels, all four road wheels must be of the same type and pattern.

53. Where a Private Hire Vehicle is fitted with wheels intended to be fitted with wheel trims, all four road wheels must be fitted with wheel trims of the same pattern.

54. 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.

55. Part-worn and remould tyres must comply with the Motor Vehicle Tyres (Safety) Regulations 1994.

56. Vehicles must not be fitted with tyres that are more than ten years old.

57. 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.

58. All tyres, including the spare where applicable, must be properly inflated in accordance with both the vehicle and tyre manufacturer's specifications.

59. 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.

60. All tyres, including the spare where applicable, must be free from cuts and other defects.

61. 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:

    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.

62. 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 and reward purposes other than completing the current journey, if applicable.

DOORS

63. All doors must be easily accessible to all passengers and capable of being opened from inside.

Where hinged doors are fitted:

64. When the vehicle is stationary, the passenger doors must be capable of being opened from the inside and outside of the vehicle.

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

Where sliding doors are fitted:

66. When the vehicle is stationary, the passenger doors must be capable of being opened from the inside and outside of the vehicle.

67. There must be a sign within the passenger compartment, clearly visible to all passengers, giving instructions on the correct operation of the passenger door.

68. An audible or visual warning system must be fitted in the driver's compartment indicating when any door is open. This system must be in good working order.

Where electric doors are fitted:

69. When the vehicle is stationary, the passenger doors must be capable of being opened from the inside and outside of the vehicle.

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

71. An audible or visual warning system must be fitted in the driver's compartment indicating when any door is open. This system must be in good working order.

72. 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. This door system must be in good working order.

WINDOWS

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

74. The front windscreen must allow at least 75% of light through, the front side windows must allow at least 70% of light through and the windows rear of the B-pillar must allow a minimum light transmission of 30%.

75. No windows or glass fitted to the vehicle may have been subject to an enhanced film/after-market tinting post manufacture.

76. 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

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

PASSENGERS

78. The proprietor(s) and/or driver 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 whilst the vehicle is being used for hire and reward.

79. The proprietor(s) and/or driver must not cause or permit children under the age of 10 years to be conveyed in the front of the Private Hire Vehicle whilst the vehicle is being used for hire and reward.

WHEELCHAIRS AND RAMPS

Any vehicle that is wheelchair accessible must comply with the following conditions:

80. A ramp or tail-lift for the loading of a wheelchair and the occupant must be made available and maintained in good working order at all times for the safe loading and unloading of passengers.

81. Any passenger ramp that was not fitted to the vehicle at the time of manufacture must comply with BS 6109-2:1989 and have a minimum safe working load (S.W.L.) of 250kg for the loading of a wheelchair and occupant.

82. Anchorages must be provided for the wheelchair and occupant. Anchorages must be either chassis or floor linked and must be maintained in good working order at all times.

83. Restraints must be provided for the occupant which must be independent of the anchorages for the wheelchair and must be maintained in good working order at all times.

84. Anchorages must also be provided for the safe stowage of wheelchairs when not in use, whether folded or otherwise and must be maintained in good working order at all times.

85. An adequate locking device must be fitted to ensure that any ramp does not slip or tilt when in use.

86. The surface of the ramp must be covered with a non-slip material.

87. The edges of any ramp's surface must be marked in a high contrast colour scheme.

88. Ramps which are not permanently fixed to the vehicle must be permanently marked with the vehicle registration number.

ENTRANCE STEP

89. 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. Any vehicle that does not have a step fitted must carry a portable step to be available for passengers. Both a fitted and portable step must be robust to carry the weight of a passenger and covered with a non-slip surface. The step height must be no more than 38cm from the ground. The driver of the vehicle must risk assess the use of a portable step on each occasion it is requested by a passenger.

The Licensing Authority 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.

WIRRAL

HACKNEY CARRIAGE VEHICLE LICENCE CRITERIA

Hackney Carriage Vehicle Criteria

In this document the "Licensing Authority" means Wirral Council, its Regulatory 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 EMISSIONS AND AGE POLICY

1. A vehicle presented for the grant of a Hackney Carriage Vehicle Licence with Wirral Council must have been compliant with Euro 5 emission standards at the date of first registration.

2. A Hackney Carriage Vehicle that is 11 years of age or more from the date of first registration will be subject to a licence of no more than 6 months and will therefore be required to pass an MOT and Compliance test every 6 months.

GENERAL CONSTRUCTION

3. The vehicle must be fitted with at least 4 doors and 4 wheels.

4. The vehicle must be capable of carrying at least 4 and not more than 8 passengers in addition to the driver.

5. In addition to the front driver and passenger doors, the vehicle must be fitted with at least two side/rear opening doors.

6. All vehicles must be purpose built and built to accommodate disabled passengers whilst seated in wheelchairs in the rear passenger compartment.

7. Any vehicle to be licensed as a Hackney Carriage Vehicle must be a side loading wheelchair accessible vehicle.

8. The vehicle must hold European Community Whole Vehicle Type Approval (ECWVTA) or GB Vehicle Type Approval category M1. A vehicle that does not hold M1 type approval must be presented with approved certification that the specific vehicle meets the requirements of M1 category.

9. 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.

10. Vehicles presented for approval must comply with the Road Vehicles (Construction and Use)

Regulations 1986 (as amended).

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 or vehicle converter'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 to the satisfaction of the Licensing Authority.

BODYWORK

14. The vehicle must be free from corrosion, damage, or unsatisfactory repairs.

15. Paintwork must be of a high standard and the quality of the paintwork on all panels must match exactly.

WHEELS AND TYRES

16. Where a hackney carriage vehicle is supplied with alloy wheels, all four road wheels must be of the same type and pattern.

17. 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.

18. 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.

19. Vehicles must not be fitted with tyres which are more than ten years old.

20. Part-worn and remould tyres must comply with the Motor Vehicle Tyres (Safety) Regulations 1994.

21. 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.

22. All tyres, including the spare where applicable, must be properly inflated in accordance with both the vehicle and tyre manufacturer's specifications.

23. 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.

24. All tyres, including the spare, where applicable, must be free from cuts and other defects.

25. 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.

INTERIOR LIGHTING

26. Lighting must be provided for the driver and passengers.

27. Separate lighting controls for both passenger and driver must be provided.

28. Passenger compartment light switches and window controls must be within easy reach of all passengers

29. In the case of the passenger compartment, an illuminated control switch must be fitted in an approved position.

30. Lighting must be provided at floor level to each passenger door and be activated by the opening of the doors.

SEATS

31. Occasional seats must automatically rise when not in use.

32. The rear seat dimensions must be adequate to carry the appropriate number of adult passengers comfortably.

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.

SEAT BELTS

35. 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.

36. Seatbelts and seatbelt mechanisms must be in good working order and free from frays, cuts, and other damage.

37. If a seatbelt sustains any frays, cuts, or other damage the seatbelt must be replaced – not repaired.

DRIVER COMPARTMENT

38. Vehicles must be provided with a means of communication between the passenger and the driver.

39. Vehicles must be fitted with an induction loop system.

PASSENGER COMPARTMENT

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.

WHEELCHAIRS AND RAMPS

43. 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 whilst seated in a wheelchair.

44. Any passenger ramp that was not fitted to the vehicle at the time of manufacture must comply with BS 6109-2:1989 and have a minimum safe working load (S.W.L.) of 250kg for the loading of a wheelchair and occupant.

45. Anchorages must be provided for the wheelchair and occupant. Anchorages must be either chassis or floor linked.

46. Restraints must be provided for wheelchairs and occupants which must be independent of each other.

47. Anchorages must also be provided for the safe stowage of wheelchairs when not in use, whether folded or otherwise.

48. An adequate locking device must be fitted to ensure that the ramp(s) do not slip or tilt when in use.

49. The surface of the ramp must be covered with a non-slip material.

50. The edges of the ramp's surface must be marked in a high-contrast colour scheme.

51. Ramps which are not permanently fixed to the vehicle must be permanently marked with the vehicle registration number.

ENTRANCE STEP

52. The outer edge of the floor at each entrance must be fitted with non-slip high-visibility treads.

53. 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.

WINDOWS

54. Windows must be provided at the sides and at the rear of the vehicle.

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

56. The front windscreen must allow at least 75% of light through, the front side windows must allow at least 70% of light through and the windows rear of the B-pillar must allow a minimum light transmission of 30%.

57. No windows or glass fitted to the vehicle may have been subject to an enhanced film / after-market tinting post manufacture.

58. 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.

HEATING AND VENTILATION

59. 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

60. All doors must be easily accessible to all passengers and capable of being opened from inside.

Where hinged doors are fitted:

61. An automatic locking device must be fitted to passenger doors.

62. 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.

63. The interior door handle must be clearly visible, of a contrasting colour to the interior of the vehicle, and easily accessible to passengers.

64. A hinged door must be capable of being opened to a minimum angle of 90 degrees.

Where sliding doors are fitted:

65. An automatic locking device must be fitted to passenger doors.

66. 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.

67. The interior door handle must be clearly visible, of a contrasting colour to the interior of the vehicle, and easily accessible to passengers.

68. There must be reflective strips on both the front and rear edges of the door.

69. 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.

70. There must be a sign within the passenger compartment, clearly visible to all passengers, giving instructions on the correct operation of the passenger door.

71. An audible or visual warning system must be fitted in the driver's compartment indicating when any door is open. This system must be in good working order.

Where electric doors are fitted:

72. When the vehicle is stationary, the passenger doors must be capable of being opened from the inside and outside of the vehicle

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

74. 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. This door system must be in good working order.

INTERIOR LIGHTBOX

75. A lightbox must be exhibited in a prominent position within the hackney carriage vehicle.

76. The lightbox must display the word 'CAB' in uppercase letters and the vehicle licence number below it.

77. 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

78. The floor of the vehicle must be covered in an appropriate non-slip material which can be easily cleaned.

79. The floor covering must not impede the movement of wheelchairs.

LUGGAGE

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

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

TAXIMETER

82. A calendar-controlled taximeter must be fitted to the vehicle. The taximeter must be calibrated and sealed to show the tariffs set by Wirral Council.

EXTERIOR ROOF LIGHT

83. 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.

84. 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.

WIRRAL

HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS

Hackney Carriage Vehicle Licence Conditions

The legislation gives local authorities a wide discretion over the types of vehicles that can be licensed as Hackney Carriage Vehicles and attach appropriate conditions to a Hackney Carriage Vehicle Licence.

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

The Licensing Authority must be satisfied that vehicles licensed by them as Hackney Carriage Vehicles are suitable in type, size, and design for use as Hackney Carriage Vehicles, that the vehicle is in a suitable mechanical condition and is safe and comfortable.

The Licensing Authority may require you to present your vehicle for inspection or test during the period that the vehicle is licensed. The proprietor(s) or licensed driver of the vehicle shall at all reasonable times permit an Authorised Officer or Police Officer to inspect the vehicle 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 Hackney Carriage Vehicle Licence may be suspended.

Once a Hackney Carriage Vehicle Licence has been issued it remains in force at all times until the licence expires or it is surrendered, suspended, or revoked. Therefore, the vehicle can only be driven by a licensed Hackney Carriage Driver at all times.

In accordance with Section 47(1) 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.

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. Appropriate action may also be taken against the Hackney Carriage Driver who uses the vehicle for hire and reward. (See the Licensing Authority’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 the Licensing Authority or an Authorised Officer working on behalf of the Licensing Authority, 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.

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.

MATTERS TO BE REPORTED TO THE LICENSING AUTHORITY

CHANGE OF DETAILS

1. The proprietor(s) of a Hackney Carriage Vehicle must notify Licensing Authority of any change of name, address, telephone number or email address within 7 days of such change taking place.

2. The proprietor(s) of a Hackney Carriage Vehicle must notify the Licensing Authority of any intention to change the vehicle registration number, prior to any such change taking place. The proprietor(s) shall produce the DVLA Number Plate Authorisation Certificate for the new vehicle registration number, an updated copy of the vehicles motor insurance showing the new registration number, a copy of the vehicles logbook (V5C) showing the new registration number (if this has been received), and confirmation from the DVLA stating that the new vehicle registration plates can be affixed to the vehicle.

3. The proprietor must notify the Licensing Authority of any change to the vehicle that requires the DVLA to be notified and must provide an updated copy of the V5C within 7 days of such change taking place.

THEFT OF VEHICLE

4. If the vehicle is stolen, the proprietor(s) must notify the Council in writing within 24 hours of such event taking place. The proprietor(s) shall provide to the Council any crime reference number provided to them by the Police.

ACCIDENTS AND DAMAGE TO THE VEHICLE

5. 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(s) or driver of the vehicle to the Licensing Authority within 72 hours of the damage having been sustained. The proprietor(s) or driver of the vehicle must provide details, in writing, of the damage 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. In every case where a Hackney Carriage Vehicle is involved in a **road traffic collision**, the details of the collision must be reported by the proprietor(s) or driver of the vehicle to the Licensing Authority as soon as practicable and in any case no later than 72 hours after the collision occurring. The proprietor(s) or driver of the vehicle must provide details, in writing, of the incident 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.

7. 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 and reward until such damage is repaired to the satisfaction of the Licensing Authority. For the avoidance of doubt, slight scratches or stone chips which do not materially affect the safety, performance, or appearance of the vehicle do not have to be reported.

LOST AND STOLEN PLATES

8. If any licence plate is lost or stolen from the vehicle the loss or theft must be reported to the Licensing Authority within 24 hours of such loss taking place.

CONVICTIONS, CAUTIONS, MOTORING OFFENCES AND COMPLAINTS

9. If the proprietor(s) of a Hackney Carriage Vehicle are notified, or are in receipt of any of the following, they must notify the Licensing Authority within 48 hours:

- Arrest for any offence, whether subsequently charged with the offence or otherwise
- Investigation into any criminal offence by the Police, a Licensing Authority, or other Regulatory Body
- Interviews conducted under caution
- Investigation into any motoring offence
- Penalty Points on their DVLA Driving Licence
- Notice of Intended Prosecution
- Court Summonses
- Criminal convictions
- Cautions, warnings, or reprimands
- Fixed Penalty Notices
- An order issued by a Court relating to any criminal offence or civil matter
- Any incident which may lead to a complaint being made against them

TRANSFER OF OWNERSHIP OF VEHICLE

10. If the proprietor of a hackney carriage vehicle wishes to transfer ownership of the vehicle to another person, the proprietor must notify the Licensing Authority of the name and address of the new proprietor within 14 days of the transfer of ownership.

SURRENDER OF LICENCE

11. 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 and plates to the Licensing Authority.

INSURANCE AND VEHICLE TAX

12. At all times the Hackney Carriage Vehicle Licence is in force, there must be a valid insurance policy in place which includes the use of the vehicle as a Hackney Carriage Vehicle. For the avoidance of doubt there must be no gaps in this type of insurance cover, including times when the vehicle is not being used for hire and reward.

13. Details of any change to the insurance held in respect of the vehicle must be reported to the Licensing Authority, including a copy of the insurance policy within 72 hours of any change taking place.

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

15. If the certificate cannot be produced on demand it must be presented within 72 hours to the Licensing Authority.

16. The vehicle must hold the appropriate Vehicle Tax at all times the licence is in force and the proprietor(s) must be able to demonstrate that the vehicle is taxed if requested to do so by an Officer.

GENERAL SPECIFICATIONS

17. No material alterations or change in the specification, design, condition or appearance of the Hackney Carriage Vehicle shall be made without the prior approval of the Licensing Authority. This includes the addition of lights, signs, symbols, numbers, or letters inside or outside of the vehicle.

18. The Hackney Carriage Vehicle must comply with the Road Vehicles (Construction and Use) Regulations 1986 (as amended) at all times.

EXTERIOR OF THE VEHICLE

19. The vehicle must be maintained with the paintwork, bodywork, fittings, lights, and other mechanical and electrical components locks, and latches in good order in accordance with the Licensing Authority's Vehicle Inspection Policy.

20. Paintwork must be of a high standard and the quality of the paintwork on all panels must match exactly.

21. The vehicle must be maintained in a mechanical and structural condition which is roadworthy and capable of satisfying the Licensing Authority's inspection at any time during the period of the vehicle licence.

22. The interior and exterior of the vehicle must be maintained in a clean and safe condition.

23. There must be no visible leaks of fuel, oil, or other fluids from the vehicle.

24. The vehicle must not emit excessive smoke from the exhaust.

INTERIOR OF THE VEHICLE

25. Hackney Carriage Vehicles must be wind and watertight when all doors and windows are closed.

26. All fittings and furniture inside the Hackney Carriage Vehicle must be in a clean and well-maintained condition.

27. 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.

28. If seat covers are used they must be correctly fitted, in a good and clean condition and free from rips, tears and holes.

29. Seatbelts and seatbelt mechanisms must be in good working order and free from frays, cuts, and other damage.

30. If a seatbelt sustains any frays, cuts, or other damage the seatbelt must be replaced - not repaired.

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

32. The floor of the vehicle must not impede the movement of wheelchairs.

33. The outer edge of the floor at each entrance must be fitted with non-slip high visibility treads.

34. 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.

35. The driver of the vehicle must ensure that the Hackney Carriage Driver Badge of the driver of the vehicle is displayed in a prominent position so that all details can easily be read by passengers.

36. The method of communication between the driver and passenger compartments must be in good working order.

37. The induction loop system fitted within the vehicle must be in good working order.

38. Occasional seats must rise automatically when not in use.

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.

LUGGAGE

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

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

VEHICLE LICENCE PLATES

44. 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 prominent position ensuring that the whole plate is clearly visible at all times. The plate must be fixed in a manner approved by Licensing Authority 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.

45. 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 at all times. The plate must be fixed in a manner approved by Licensing Authority 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.

46. Vehicle licence plates must be free from damage and must not be altered in any way with regards their appearance or size.

47. At no time must the licence plates be wilfully or negligently concealed from public view.

48. The hackney carriage vehicle licence plates remain the sole property of the Licensing Authority.

INTERIOR LIGHTBOX

49. A lightbox, which is in good working order, must be exhibited in a prominent position within the hackney carriage vehicle.

50. The lightbox must display the word ‘CAB’ in uppercase letters and the vehicle licence number below it.

51. 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

52. Lighting must be provided for the driver and passengers.

53. Separate lighting controls for both passenger and driver must be provided.

54. Passenger compartment light switches and window controls must be within easy reach of all passengers

55. In the case of the passenger compartment, an illuminated control switch must be fitted in an approved position.

56. Lighting must be provided at floor level to each passenger door and be activated by the opening of the doors.

EXTERIOR ROOF LIGHT

57. 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.

58. 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

59. Any notice that the Licensing Authority may require must be displayed inside the vehicle as directed.

TABLE OF FARES

60. The table of fares issued by Licensing Authority displaying the current fares approved by the Licensing Authority must be displayed in a prominent position where it can be easily read by passengers.

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

TAXIMETER

62. The meter for recording the fare must be calendar controlled and must be maintained in good working order.

63. Any meter must only be installed by an approved meter provider. Details of the meter provider and calibration certificate must be supplied to the Licensing Authority before the meter is used for public hire.

64. A taximeter must be fitted to the vehicle, calibrated, and sealed to show the current tariffs set by the Licensing Authority.

65. When the Hackney Carriage Vehicle is not hired the meter must display the words “FOR HIRE” or other words to the same effect.

66. When the taximeter is in use the fare and permitted extras must be shown legibly on the face of the taximeter.

67. The taximeter 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.

68. The taximeter and all 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.

69. The meter must be fitted in such a position that it does not cause an obstruction to the Hackney Carriage Driver or hirer(s).

70. Any modifications or planned modifications to the taximeter must be declared to the Licensing Authority before the meter is used.

ADVERTISEMENTS

71. The proprietor(s) 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.

72. Advertisements must comply with the UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (CAP Code) published by the Advertising Standards Authority (ASA) and the Committee of Advertising Practices (CAP).

73. Any advertisement promoting alcohol, tobacco, the sex industry, or any matters considered inappropriate or controversial are not permitted to be advertised in Hackney Carriage Vehicles.

74. Electronic advertising screens may be used subject to the prior approval by the Licensing Authority.

75. If fitted, the position of the electronic advertising screen must not distract the driver of the vehicle.

76. The position of the electronic screen must be such that it cannot be seen from outside the vehicle.

CLOSED CIRCUIT TELEVISION (CCTV) / DASHCAM

77. CCTV and/or dashcams may be installed in Hackney Carriage Vehicles to aid the prevention and detection of crime. If a vehicle is fitted with CCTV or a dashcam the vehicle proprietor(s) must notify the Licensing Authority.

78. If CCTV and/or a dashcam is installed in a Hackney Carriage Vehicle the proprietor of the vehicle must register as a Data Controller with the Information Commissioners Office (ICO) and ensure their registration is kept current at all times that CCTV and/or dashcam is fitted in the vehicle.

79. The Data Controller must comply with the Data Protection Act 2018 and the UK General Data Protection Regulations (UK GDPR), and any guidance issued by the Information Commissioners Office (ICO).

80. If CCTV and/or a dashcam is installed in a Hackney Carriage Vehicle the proprietor of the vehicle must ensure signs advising that CCTV is in operation are prominently displayed in such a position that it can be seen from both outside and inside the vehicle.

81. CCTV and/or dashcam 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.

WHEELCHAIRS AND RAMPS

82. A ramp for the loading of a wheelchair and the occupant must be made available at all times for the safe loading and unloading of passengers.

83. Any passenger ramp that was not fitted to the vehicle at the time of manufacture must comply with BS 6109-2:1989 and have a minimum safe working load (S.W.L.) of 250kg for the loading of a wheelchair and occupant.

84. Anchorages must be provided for the wheelchair and occupant. Anchorages must be either chassis or floor linked.

85. Restraints must be provided for wheelchairs and occupants which must be independent of each other.

86. Anchorages must also be provided for the safe stowage of wheelchairs when not in use, whether folded or otherwise.

87. An adequate locking device must be fitted to ensure that the ramp(s) do not slip or tilt when in use.

88. The surface of the ramp must be covered with a non-slip material.

89. The edges of the ramp's surface must be marked in a high-contrast colour scheme.

90. Ramps which are not permanently fixed to the vehicle must be permanently marked with the vehicle registration number.

ENTRANCE STEP

91. The outer edge of the floor at each entrance must be fitted with non-slip high-visibility treads.

92. 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

93. 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.

94. 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

95. 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

96. Where a Hackney Carriage Vehicle is fitted with alloy wheels, all four road wheels must be of the same type and pattern.

97. Where a Hackney Carriage Vehicle is fitted with wheels intended to be fitted with wheel trims, all four road wheels must be fitted with wheel trims of the same pattern.

98. 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.

99. Part-worn and remould tyres must comply with the Motor Vehicle Tyres (Safety) Regulations 1994.

100. Vehicles must not be fitted with tyres which are more than ten years old.

101. 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.

102. All tyres, including the spare where applicable, must be properly inflated in accordance with both the vehicle and tyre manufacturer's specifications.

103. 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.

104. All tyres, including the spare where applicable, must be free from cuts and other defects.

105. 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:

    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.

106. 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

107. All doors must be easily accessible to all passengers and capable of being opened from inside.

Where hinged doors are fitted:

108. An automatic locking device must be fitted to passenger doors.

109. 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.

110. The interior door handle must be clearly visible, of a contrasting colour to the interior of the vehicle, and easily accessible to passengers.

111. A hinged door must be capable of being opened to a minimum angle of 90 degrees.

Where sliding doors are fitted:

112. An automatic locking device must be fitted to passenger doors.

113. 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.

114. The interior door handle must be clearly visible, of a contrasting colour to the interior of the vehicle, and easily accessible to passengers.

115. There must be reflective strips on both the front and rear edges of the door.

116. 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.

117. There must be a sign within the passenger compartment, clearly visible to all passengers, giving instructions on the correct operation of the passenger door.

118. An audible or visual warning system must be fitted in the driver's compartment indicating when any door is open. This system must be in good working order.

Where electric doors are fitted:

119. When the vehicle is stationary, the passenger doors must be capable of being opened from the inside and outside of the vehicle

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

121. 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. This door system must be in good working order.

WINDOWS

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

123. The front windscreen must allow at least 75% of light through, the front side windows must allow at least 70% of light through and the windows rear of the B-pillar must allow a minimum light transmission of 30%.

124. No windows or glass fitted to the vehicle may have been subject to an enhanced film / after-market tinting post manufacture.

125. 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

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

PASSENGERS

127. The driver 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.

128. The driver 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.

The Licensing Authority 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.

WIRRAL

HACKNEY CARRIAGE VEHICLE STANDS

HACKNEY CARRIAGE STANDS

	Location	No of HCVs	Hours Operational	Landmark
1.	Argyle Street, Birkenhead	10	00:00 – 06:00	Fresco (opposite Future Yard)
2.	Atherton Street, New Brighton	2	24hrs	New Brighton Railway Station
3.	Borough Road, Birkenhead	5	24hrs	Pyramids Shopping Centre
4.	Claughton Road, Birkenhead	9	24hrs	Known as “Miltons Rank”
5.	Conway Street, Birkenhead	12	00:00 – 06:00	The Beach / Cool Room
6.	Europa Boulevard, Birkenhead	3	24hrs	Conway Park Railway 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 Railway 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 (Wetherspoon)
16.	Old Chester Road, Bebington	2	24hrs	Bebington Railway 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 Railway Station
20.	Victoria Place, Seacombe	2	24hrs	Seacombe Ferry Terminal
21.	Wallasey Road, Liscard	5	24hrs	The Clairville (Wetherspoon)
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 Railway Station
27.	Hind Street, Birkenhead	3	24hrs	Birkenhead Central Railway Station

APPENDIX 13

WIRRAL

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 taxilicensing@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. The address or addresses listed on the Private Hire Operator Licence from which the Operator may carry on business in connection with Private Hire Vehicles must be located within the borough of Wirral.

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. 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.

4. Any passenger waiting area provided must be separate from any drivers' rest area and the office / operations room.

LICENSED DRIVERS

5. 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

6. 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

7. 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

8. The Operator must provide each driver with a minimum of two door signs which comply with the above requirements.

9. 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

10. 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

11. 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

12. The Operator must maintain 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

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

14. 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 set out in condition 13 to Wirral Council on the first Monday of each calendar month. The list must be sent via email to taxilicensing@wirral.gov.uk

15. 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

16. 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

17. 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 subcontracted to another Operator.

18. 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. Date and time of requested pick-up

    c. Name of the passenger

    d. Pick-up address/location

    e. Destination address/location

    f. The name of the driver

    g. The driver's licence number

    h. The vehicle registration or Private Hire Vehicle Licence number

    i. Remarks, details of any passenger requirements, and the fare quoted where applicable

    j. If the booking has been sub-contracted, the name of the operator from which the work was sub-contracted

    k. The name of any individual that took the booking or dispatched the vehicle

19. If the drop-off address/location was not known before the journey commenced, this information must be recorded immediately upon completion of the journey.

20. 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.

21. Any abbreviations used in the record of the booking must be cross referenced in a separate key.

22. 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.

23. 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.

24. 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

25. 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.

26. The Operator must provide Wirral Council with a current scale of fares on request.

27. 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

28. 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.

29. 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.

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

STAFF

31. 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.

32. 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.

33. All staff employed by the Operator for the booking and dispatching of vehicles or have access to that information must undergo training in respect of the safeguarding of children and vulnerable adults who may use Private Hire Vehicles. This training must be undertaken by the employee within two months of starting employment with the Operator. A copy of the training material and a written record that the training has been undertaken by staff must be made available to an Authorised Officer upon request.

34. 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 an Authorised Officer upon request.

35. The Operator must ensure that staff employed to make provision for bookings provide a high standard of customer care at all times.

36. All staff employed by the Operator for the booking and dispatching of vehicles or have access to that information must undergo training in respect of the responsibilities of the Operator under the Equality Act 2010. A copy of the training material and a written record that the training has been undertaken by staff must be made available to an Authorised Officer upon request.

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 safeguarding training.

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, or on the website used for the purposeof 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 against whom the complaint has been made

    d. Private Hire Driver Licence number

    e. Vehicle Registration and Private Hire Vehicle Licence number

    f. Details of the complaint including relevant dates/times

    g. Details of the actions taken by the Operator in response to the complaint

    h. Date investigation was completed by the Operator

    i. Outcome of the complaint

    j. Date complaint was reported to the Council

41. The complaint records referred to above must be made available to an Authorised Officer on request.

42. Details of any complaint that may constitute an offence or breach of a licence condition by any driver must be reported to Wirral Council within one working day of the Operator receiving the complaint. Complaints regarding misconduct must also be reported to Wirral Council within one working day of the Operator receiving the complaint. This includes, but is not limited to, allegations of the following:

- sexual misconduct
- sexual harassment
- inappropriate sexual attention
- inappropriate sexual conversation
- inappropriate conversation
- physical assault/abuse
- verbal abuse
- unsolicited contact with a passenger
- behaviour that contravenes The Equality Act 2010 (i.e. discrimination)
- dishonesty
- poor driving standards
- a pattern of overcharging

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

44. When reporting a complaint to Wirral Council the Operator must provide the information listed in Condition 18 of these conditions, as well as the following:

    a. Date and time the complaint was received by the Operator

    b. Name and contact details of the complainant

    c. Name of driver against whom the complaint has been made

    d. Private Hire Driver Licence number

    e. Private Hire Vehicle Licence number and vehicle registration

    f. Details of the complaint including relevant dates/times

    g. Details of the actions taken by the Operator in response to the complaint

    h. Map showing the route taken by the driver (where available)

    i. Copies of any communication (including audio recordings of telephone calls where available) between the Operator and the **driver**

    j. Copies of any communication (including audio recordings of telephone calls where available) between the Operator and the **complainant**

    k. Date investigation was completed by the Operator

    l. Outcome of the complaint

    m. Full details of any previous complaints or concerns regarding the conduct of the driver who is subject to the complaint

LOST PROPERTY

45. The Operator must keep a record of lost property reported to them by any driver or passenger.

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

MATTERS TO BE REPORTED TO THE COUNCIL

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

    - Arrest for any offence, whether subsequently charged with the offence or otherwise
    - Investigation into any criminal offence by the Police, a Licensing Authority, or other Regulatory Body
    - Interviews conducted under caution
    - Notice of Intended Prosecution
    - Court Summonses
    - Criminal convictions
    - Cautions, warnings, or reprimands
    - Fixed Penalty Notices
    - An order issued by a Court relating to any criminal offence or civil matter
    - Any incident which may lead to a complaint being made against the licence holder

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, in writing, 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 Wirral Council with a Basic Disclosure and Barring Service (DBS) Certificate within 28 days of each anniversary of the licence being issued and upon application for the renewal of the licence.

CHANGE OF ADDRESS

51. The Operator must notify Wirral Council, in writing, any change of their 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.

WIRRAL

PRIVATE HIRE OPERATOR LICENCE CONDITIONS

EXECUTIVE VEHICLES

PRIVATE HIRE OPERATOR LICENCE CONDITIONS
EXECUTIVE VEHICLES

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 taxilicensing@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. The address or addresses listed on the Private Hire Operator Licence from which the Operator may carry on business in connection with Private Hire Vehicles must be located within the borough of Wirral.
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. 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.
4. 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.

INSURANCE

8. 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

9. The Operator must maintain 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

10. The driver list must be made available for inspection to an Authorised Officer upon request.

11. 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 set out in condition 13 to Wirral Council on the first Monday of each calendar month. The list must be sent via email to taxilicensing@wirral.gov.uk

12. 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

13. 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.

VEHICLE BOOKINGS

14. All bookings must be made at least 24 hours in advance of the journey.

15. Payment for all bookings must be requested through an invoicing system.

16. The operator must communicate with customers for each booking taken, by text or email, with the following information:

    - Private Hire Driver Name
    - Private Hire Driver Photograph
    - Private Hire Driver Badge
    - Private Hire Vehicle registration number

17. For the avoidance of doubt, this includes drivers and vehicles undertaking work for bookings subcontracted to other private hire companies.

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. Date and time of requested pick-up
    c. Name of the passenger
    d. Pick-up address/location
    e. Destination address/location
    f. The name of the driver
    g. The driver's licence number
    h. The vehicle registration or Private Hire Vehicle Licence number
    i. Remarks, including how the booking was made, fare quoted where applicable
    j. If the booking has been sub-contracted, the name of the operator from which the work was sub-contracted
    k. The name of any individual that took the booking or dispatched the vehicle

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. Any amendments to the advanced bookings that are subsequently made, including but not limited to the cancellation of the booking must be recorded.

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 have access to that information must undergo training in respect of the safeguarding of children and vulnerable adults who may use Private Hire Vehicles. This training must be undertaken by the employee within two months of starting employment with the Operator. A copy of the training material and a written record that the training has been undertaken by staff must be made available to an Authorised Officer upon request.

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.

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 against whom the complaint has been made
    d. Private Hire Driver Licence number
    e. Vehicle Registration and Private Hire Vehicle Licence number
    f. Details of the complaint including relevant dates/times
    g. Details of the actions taken by the Operator in response to the complaint
    h. Date investigation was completed by the Operator

i. Outcome of the complaint
j. Date complaint was reported to the Council

41. The complaint records referred to above must be made available to an Authorised Officer on request.

42. Details of any complaint that may constitute an offence or breach of a licence condition by any driver must be reported to Wirral Council within one working day of the Operator receiving the complaint. Complaints regarding misconduct must also be reported to Wirral Council within one working day of the Operator receiving the complaint. This includes, but is not limited to, allegations of the following:

- sexual misconduct
- sexual harassment
- inappropriate sexual attention
- inappropriate sexual conversation
- inappropriate conversation
- physical assault/abuse
- verbal abuse
- unsolicited contact with a passenger
- behaviour that contravenes The Equality Act 2010 (i.e. discrimination)
- dishonesty
- poor driving standards
- a pattern of overcharging

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

44. When reporting a complaint to Wirral Council the Operator must provide the information listed in Condition 19 of these conditions, as well as the following:

a. Date and time the complaint was received by the Operator
b. Name and contact details of the complainant
c. Name of driver against whom the complaint has been made
d. Private Hire Driver Licence number
e. Private Hire Vehicle Licence number and vehicle registration
f. Details of the complaint including relevant dates/times
g. Details of the actions taken by the Operator in response to the complaint
h. Map showing the route taken by the driver (where available)
i. Copies of any communication (including audio recordings of telephone calls where available) between the Operator and the **driver**
j. Copies of any communication (including audio recordings of telephone calls where available) between the Operator and the **complainant**
k. Date investigation was completed by the Operator
l. Outcome of the complaint
m. Full details of any previous complaints or concerns regarding the conduct of the driver who is subject to the complaint

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.

MATTERS TO BE REPORTED TO THE COUNCIL

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

- Arrest for any offence, whether subsequently charged with the offence or otherwise
- Investigation into any criminal offence by the Police, a Licensing Authority, or other Regulatory Body
- Interviews conducted under caution
- Notice of Intended Prosecution
- Court Summonses
- Criminal convictions
- Cautions, warnings, or reprimands
- Fixed Penalty Notices
- An order issued by a Court relating to any criminal offence or civil matter
- Any incident which may lead to a complaint being made against the licence holder

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 Wirral Council with a Basic Disclosure and Barring Service (DBS) 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.

WIRRAL

PRIVATE HIRE OPERATOR LICENCE CONDITIONS

These conditions apply to operators undertaking work exclusively under a contract issued by the Council.

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 taxilicensing@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.

CONTRACT

1. The operator must only undertake work exclusively under and in strict accordance with the terms and conditions of a contract issued by the Council.

RECORDS

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

    a. Details of the schedule of the journey
    b. The registration number and licence number of the vehicle used
    c. The name of the driver of the vehicle

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

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

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

VEHICLE INSPECTIONS

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

6. 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.

LEDGER OF DRIVERS

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

8. 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.

OPERATING PREMISES

9. 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.

10. 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.

11. 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.

CHANGE OF ADDRESS

12. The Operator must notify Wirral Council, in writing, any change of their address, or in the case of a limited company, any change to the registered office address, within 7 days of the change taking place.

COMPLAINTS

13. The Operator must have a complaints management system which is used to record and monitor all complaints received from members of the public.

14. 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 against whom the complaint has been made
    d. Private Hire Driver Licence number
    e. Vehicle Registration and Private Hire Vehicle Licence number
    f. Details of the complaint including relevant dates/times
    g. Details of the actions taken by the Operator in response to the complaint
    h. Date investigation was completed by the Operator
    i. Outcome of the complaint
    j. Date complaint was reported to the Council

15. The complaint records referred to above must be made available to an Authorised Officer on request.

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

17. On receipt of a complaint the Operator must notify Wirral Council's Assisted Travel Service at sendchildrenstransport@wirral.gov.uk or sendadultstransport@wirral.gov.uk and the Licensing Authority taxilicensing@wirral.gov.uk within 48 hours of receipt.

18. When reporting a complaint to Wirral Council the Operator must provide the information listed in Condition 14 of these conditions, as well as the following:

    a. Date and time the complaint was received by the Operator
    b. Name and contact details of the complainant
    c. Name of driver against whom the complaint has been made
    d. Private Hire Driver Licence number
    e. Private Hire Vehicle Licence number and vehicle registration

f. Details of the complaint including relevant dates/times
g. Details of the actions taken by the Operator in response to the complaint
h. Map showing the route taken by the driver (where available)
i. Copies of any communication (including audio recordings of telephone calls where available) between the Operator and the driver
j. Copies of any communication (including audio recordings of telephone calls where available) between the Operator and the complainant
k. Date investigation was completed by the Operator
l. Outcome of the complaint
m. Full details of any previous complaints or concerns regarding the conduct of the driver who is subject to the complaint

UNLICENSED DRIVER

19. 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.

UNLICENSED VEHICLE

20. 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.

MATTERS TO BE REPORTED TO THE COUNCIL

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

- Arrest for any offence, whether subsequently charged with the offence or otherwise
- Investigation into any criminal offence by the Police, a Licensing Authority, or other Regulatory Body
- Interviews conducted under caution
- Notice of Intended Prosecution
- Court Summonses
- Criminal convictions
- Cautions, warnings, or reprimands
- Fixed Penalty Notices
- An order issued by a Court relating to any criminal offence or civil matter
- Any incident which may lead to a complaint being made against the licence holder

22. 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.

23. The Council must be notified, in writing, of any change in directors or partners involved in the Private Hire Operator business within 48 hours of any change coming into effect.

24. 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 Wirral Council with a Basic Disclosure and Barring Service (DBS) Certificate within 28 days of each anniversary of the licence being issued and upon application for the renewal of the 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 of the issue of the licence to which these conditions are attached.

WIRRAL

POLICY RELATING TO THE CONDUCT OF HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE HOLDERS

1.0 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 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. The policy also relates to circumstances where a licence holder may have committed a Road Traffic Offence or been non-compliant with the conditions of their licence or other regulatory requirements relating to being the holder of a Hackney Carriage or Private Hire Licence or has been the subject of complaints.

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 Licensing 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 (the Panel). Whilst Officers and the Panel will have regard to the policy, each case will be considered on its individual merits and, where the circumstances demand, the Panel may depart from the policy. Offences and circumstances not specifically identified in this policy may also be considered.

1.8 In exercising its powers the Licensing Authority 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 licensed vehicle
- they ensure that the licensed vehicle complies with the fitness standard set out by the Council
- they do not bring into 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 and comply with any reasonable request from a Licensing Officer

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 Licensing Authority to consider they are no longer a fit and proper person to hold a licence.

2.0 DECISION MAKING

2.1 The powers of the Licensing Authority 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 Panel. This does not preclude an officer referring a matter to the Panel when it is considered appropriate to do so. Each case will be considered on its own merits, and the Licensing Authority will provide reasons for all decisions made when a licence is suspended or revoked or not renewed.

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

3.0 DISCLOSURE AND BARRING SERVICE UPDATE SEVICE

3.1 All individuals who apply for the grant or renewal of a Hackney Carriage or Private Hire Driver Licence **must** register with the DBS Update Service and maintain continuous registration throughout the duration of their licence.

3.2 In circumstances where a licence holder is unable to demonstrate continuous registration to the DBS Update Service their licence will be suspended with immediate effect subject to the production of a satisfactory Enhanced DBS Certificate or the Licensing Authority being satisfied that the suspension should be lifted.

4.0 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 when their licence is due for renewal, normally every three years, with checks being undertaken annually from the age of 65.

4.2 The medical examination must be undertaken by a General Practitioner in the medical practice to which the driver is registered or by a General Practitioner or Doctor who has access to the driver's medical records.

4.3 The standards applied to the medical examination are the Group 2 medical standards applied by the DVLA.

4.4 Hackney Carriage and Private Hire Drivers must notify the Licensing Authority within 48 hours of any change to their medical condition that may restrict their entitlement to drive in accordance with the DVLA Group 2 medical standards.

5.0 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 Licence holders must notify the Licensing Authority within 48 hours, details of any:

- Arrest for any offence, whether subsequently charged with the offence or otherwise
- Investigation into any criminal offence by the Police, a Licensing Authority, or other Regulatory Body
- Interviews conducted under caution
- Investigation into any motoring offence
- Penalty Points on their DVLA Driving Licence
- Notice of Intended Prosecution
- Court Summonses
- Criminal convictions
- Cautions, warnings, or reprimands
- Fixed Penalty Notices
- An order issued by a Court relating to any criminal offence or civil matter
- Any incident which may lead to a complaint being made against the licence holder

5.3 Licence holders must notify the Licensing Authority within 7 days details of any:

- change of residential address
- change of email address
- change of contact telephone number

5.4 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 Licensing Authority as the Licensing Authority 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 or not being renewed and may also lead to prosecution.

5.5 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 or not renewed if it is in the interest of the public and the Licensing Authority 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.

5.6 The Licensing Authority 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. The Licensing Authority may also contact other relevant officers in the council or other agencies for information should it be considered appropriate to do so.

6.0 EXPECTED STANDARDS OF BEHAVIOUR

6.1 The Licensing Authority 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 adhere to the statutory speed limits 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 the Licensing Authority. 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 Authority 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

- failure to comply with a reasonable request from a Licensing Officer
- inappropriate use of social media
- providing false information to the Licensing Authority
- failure to report matters to the Licensing Authority as set out in this policy or 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
- asking a passenger for their contact or social media details
- asking personal or intimate questions
- inappropriate physical contact with passengers or an invasion of their personal space

6.9 Licence holders must advise the Licensing Authority 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, revoked or not renewed. In circumstances where it is considered to be in the interest of public safety the licence will be revoked with immediate effect.

6.10 The Licensing Authority will 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, and includes but is not limited to matters listed in paragraph 6.8 of this policy. 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 Licensing Panel who will consider whether the licence holder remains a fit and proper person to hold a licence.

6.12 The Licensing Authority is particularly concerned about conversations of a sexual nature between licensed drivers and passengers as well as inappropriate contact through social media.

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, the Licensing Authority is of the firm view that there is also no excuse, justification, or reason, for a Hackney Carriage 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 The Licensing Authority will be firm in dealing with any licensed driver who takes advantage of their position to indulge in such conversations or engage in inappropriate communication with passengers and will take robust action where necessary.

7.0 COURSE OF ACTION TAKEN BY THE LICENSING SECTION

7.1 The course of action taken by the Licensing Authority will be proportionate to the incidents or allegations being investigated. Action taken by the Licensing Authority 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 Panel.

7.2 The Licensing Authority's overriding concern is the safety of the public and to protect the public from unscrupulous and dishonest practices. The Licensing Authority seeks to ensure public confidence is maintained in the honesty and integrity of licence holders.

7.3 A licence holder who has shown a propensity to fail to adhere to the conditions and regulations pertaining to their licence and the standards set out in this policy should expect to have action escalated to the highest level to protect the public.

7.4 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.

7.5 Even if a complaint appears to be isolated or is the first recorded against a licence holder, having taken all matters into consideration, the Licensing Authority 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.

7.6 The Licensing Authority 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.

7.7 In considering evidence of a licence holder's fitness to hold a licence the Licensing Authority 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.

8.0 LICENSING 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 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 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 Panel. Licence holders will be advised of the procedure that will be applied at the Panel where they will have the opportunity to attend and put their case forward.

8.2 Each licence holder referred to the Panel will be considered on their individual merits. In those circumstances the 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 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 attend a course or assessment.

8.4 The overriding consideration of the 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 Licensing Authority takes its public protection role very seriously. The Licensing Authority will only allow a licence holder to continue to hold a licence if they are satisfied that they are 'fit and proper'.

9.0 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 on an enhanced Disclosure and Barring Certificate. This may include spent convictions as appropriate, in accordance with the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002.

9.2 Licensing Officers will conduct routine checks with the DBS Update Service every 6 months to identify if there is any new information recorded against an individual. Any licensed driver who has not subscribed to the Update Service will be required to submit an application for a DBS Certificate.

9.3 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 2018 and in accordance with good practice after the application is determined or any appeal against such determination is decided.

9.4 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 Licensing

Authority 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 Licensing Authority that they remain a fit and proper to hold such a licence.

10.0 RELEVANCE OF CONVICTIONS

10.1 The Licensing Authority 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 Licensing Authority 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.

11.0 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 will be taken into account in the consideration of any further application for a licence.

12.0 NO RIGHT TO WORK

12.1 A Hackney Carriage or Private Hire Driver 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.

13.0 OFFENCES INVOLVING REGULATORY NON-COMPLIANCE

13.1 Regulatory crimes include local authority offences, licensing matters and other offences prosecuted by other authorities. It also includes matters relating to the administration of justice and any other matter where regulations or requirements have been ignored or broken. These offences demonstrate a lack of compliance with legal requirements which would clearly be of concern in relation to Hackney Carriage and Private Hire licensees. Serious consideration will be given as to whether such a person is a safe and suitable person to continue to hold a licence. A licence holder who commits such offences will have their licence revoked.

14.0 LICENSING OFFENCES

14.1 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 Authority for advice.

14.2 This policy does not deal with every type of offence and does not prevent the Licensing Authority from taking into account offences not specifically addressed in the policy, or other conduct, which may be relevant.

15.0 FAILURE TO WEAR OR DISPLAY BADGES

15.1 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 Authority 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.

16.0 PLYING FOR HIRE

16.1 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.

16.2 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.

16.3 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.

17.0 FAILURE TO PRESENT A LICENSED VEHICLE FOR INSPECTION

17.1 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.

17.2 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 Authority to advise and request an alternative time and date. Failure to do this may result in further action being taken by the Licensing Authority which may include the suspension or revocation of the vehicle licence and the Hackney Carriage or Private Hire Driver licence.

18.0 MOTORING OFFENCES

18.1 The driving record of a Hackney Carriage and Private Hire Driver will be taken into account when considering whether a licence holder remains fit and proper to continue to hold a licence. 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 a licence holder 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 a licence holder's fitness and propriety and indicate a disregard for the law.

18.2 The holder of a Hackney Carriage or Private Hire Driver Licence must notify the Licensing Authority if they are under investigation for any motoring offence. The subsequent receipt of any penalty points or attendance at a Speed Awareness Course must also be reported to the Licensing Authority.

18.3 A licence holder's driving record will be taken into account and the Licensing Authority will consider the nature and volume of motoring offences. A poor record of driving will raise doubts about a licence holder's fitness and propriety to continue to hold a licence and indicate a disregard for the law.

18.4 The action taken by the Licensing Authority will range from a written warning up to the revocation of the Hackney Carriage or Private Hire Driver licence.

18.5 Any person who tots up **more than 6 penalty points** on their DVLA driving licence will be referred to the Panel.

18.6 When considering motoring offences, the Licensing Authority will consider the nature and seriousness of the offence(s) and will have regard to the following:

19.0 DRIVING OFFENCES INVOLVING LOSS OF LIFE

19.1 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 or other similar offences. In such circumstances a licence will be revoked with immediate effect.

20.0 DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

20.1 A Hackney Carriage or Private Hire Driver who commits an act of, or is 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 have their licence revoked with immediate effect.

21.0 DRIVING WITHOUT INSURANCE

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

22.0 OTHER SERIOUS MOTORING OFFENCES

22.1 The Licensing Authority class a serious motoring 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 Hackney Carriage or Private Hire Driver will 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 where any offence has resulted in injury to any person or damage to property.

23.0 MISCELLANEOUS MOTORING OFFENCES

23.1 Generally individual motoring 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 Hackney Carriage or Private Hire Driver with more than 6 penalty points for such offences will be referred to the Panel who will consider whether the licence holder remains a fit and proper person to continue to hold a licence. In these circumstances the Licensing Panel may also take into consideration any attendance at a Speed Awareness Course. Failure to report the imposition of points on a DVLA licence or that a driver has attended a Speed Awareness Course may result in a Hackney Carriage or Private Hire Driver licence being revoked, if it is considered to be in the interest of public safety the licence will be revoked with immediate effect.

23.2 It is considered that drivers who commit parking, obstruction and other such motoring offences that do not attract penalty points are not displaying a professional approach to their work. Persistent offenders will be referred to the Panel who will consider whether they remain fit and proper to continue to hold a licence.

24.0 SEXUAL AND INDECENCY OFFENCES

24.1 Licence holders who commit an act or are being investigated for an allegation of any offence involving or connected with illegal sexual activity or any form of indecency or sexual harassment, will have their licence revoked with immediate effect.

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

25.0 VIOLENT OFFENCES

25.1 The concept of violence is wide and includes situations where the victim is put in fear, alarm or distress without any physical contact. A licence will 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.

26.0 POSSESSION OF AN OFFENSIVE WEAPON

26.1 A licence holder who is being investigated for or is charged with or convicted of an offence of possession of an offensive weapon or any other weapon related offence, will have their licence revoked with immediate effect.

27.0 PUBLIC ORDER OFFENCES

27.1 A licence holder who is being investigated for or has been charged with or convicted of an act of public disorder or similar offence that is not in itself an act of violence will have their licence revoked with immediate effect if it is considered appropriate to do so in the

interest of public safety. In circumstances where this is not considered to be the case the matter will be referred to the Panel who will consider whether the licence holder remains fit and proper to continue to hold the licence.

28.0 OFFENCES INVOLVING DRUGS / ABUSE, MISUSE OR DEPENDENCY ON DRUGS

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

28.2 Where a licence holder is being investigated for or has been charged with or convicted of any drug related offence their licence will be revoked with immediate effect.

28.3 If there are indications that a Hackney Carriage or Private Hire Driver has taken controlled drugs they will be required to undergo drugs testing at their own expense. If it is found that they have been using controlled drugs their Hackney Carriage or Private Hire Driver licence will be revoked with immediate effect.

29.0 OFFENCES INVOLVING ALCOHOL / ABUSE, MISUSE OR DEPENDENCY ON ALCOHOL

29.1 A licence Holder who is being investigated for or is charged or convicted of a crime involving or related to drunkenness not in a motor vehicle, will have their licence revoked with immediate effect.

29.2 If there are indications that a Hackney Carriage or Private Hire Driver is dependent on alcohol they will be required to undergo a medical assessment if it is identified that they have an alcohol dependency the Hackney Carriage or Private Hire Driver licence will be revoked with immediate effect.

30.0 DISHONESTY OFFENCES

30.1 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 have their licence revoked.

31.0 OFFENCES INVOLVING DISCRIMINATION

31.1 Licence holders who are being investigated for or have been charged with or convicted of any offence involving or connected with discrimination in any form, including non-compliance with the Equality Act 2010 may have their licence revoked with immediate effect. This includes the refusal to carry an assistance dog or to provide mobility assistance.

32.0 EXPLOITATION AND CRIMINAL HARASSMENT

32.1 Where a Hackney Carriage or Private Hire Driver is being investigated for, or is charged or convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment or criminal harassment of another individual irrespective of whether the victim or victims were adults or children, their licence will be revoked with immediate effect. This includes but is not limited to the following: slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse or stalking without violence.

APPENDIX 17

WIRRAL

STATEMENT OF POLICY AND GUIDELINES RELATING TO EXEMPTION CERTIFICATES

DUTY TO PROVIDE REASONABLE ASSISTANCE

Hackney Carriage and Private Hire Vehicles are a vital link in providing an accessible transport chain and it is important that disabled people who require mobility assistance 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 Private Hire and Hackney Carriage Drivers where the vehicle has been hired by or for a disabled person or by another person who wishes to be accompanied by a disabled person:

- To give a passenger such mobility assistance as is reasonably required
- To carry a passenger while in a wheelchair
- If the passenger chooses to sit in a passenger seat, to carry the wheelchair
- If the passenger has with them any mobility aids, to carry the mobility aids
- To load the passenger's luggage
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort
- To not make any additional charge for providing mobility assistance

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 provide mobility assistance to disabled passengers 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 provide the mobility assistance duties under Sections 165(4)(e) and 164A(5)(e) of the Equality Act 2010.

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 mobility assistance duties under section 165 and 164A of the Equality Act 2010 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 and 164A of the Equality Act 2010.

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

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 assistance dogs without additional charge. When carrying such passengers, drivers have a duty to:

- Carry a disabled person's assistance dog and allow it to remain with that person
- 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. 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.