



# Walsall Council

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## **REPORT OF THE HEAD OF PUBLIC PROTECTION**

### **TO A MEETING OF THE LICENSING AND SAFETY COMMITTEE**

**TUESDAY 24<sup>TH</sup> JANUARY 2006**

### **REPORT ON NEW LICENSING CONDITIONS FOR PRIVATE HIRE / HACKNEY CARRIAGE LICENCE TRADE**

#### **1. PURPOSE OF REPORT**

- 1.1 The purpose of the report is for Members to consider the new conditions that shall be imposed to the grant of licences in respect of drivers of private hire/hackney carriage vehicles, the regulation of limousines, private hire and hackney carriage vehicles and operators of bases.
- 1.2 Following presentation to the Taxi Liaison Group and representation from the trade all the attached conditions have been varied, amended and updated.

#### **2. RECOMMENDATION**

- 2.1 The Committee is recommended to approve the new conditions.

#### **3. FINANCIAL IMPLICATIONS**

- 3.1 There will be financial implications to the Council in implementing these new conditions that will be imposed on existing drivers as well as new drivers in that they will have a right to appeal any of the conditions to the Magistrates Court.

#### **4. POLICY IMPLICATIONS**

- 4.1 None arising directly from this report.

## **5. LEGAL IMPLICATIONS**

- 5.1 The Local Government (Miscellaneous Provisions) Act 1976 allows the Council to attach to the grant of a private hire /hackney carriage vehicle licence such conditions as the local authority consider reasonably necessary.
- 5.2 The Act also allows the council to attach conditions in respect of private hire drivers licences and to operators.
- 5.3 Any person aggrieved by the refusal of the Local Authority to grant such licence(s), or by any conditions specified in the said Licence, may appeal to a Magistrates Court.

## **6. EQUAL OPPORTUNITIES**

- 6.1 None arising directly from this report.

## **7. ENVIRONMENTAL IMPACT**

- 7.1 The new conditions attached to these licences will make the licensing trade safer and more reliable for members of the public.
- 7.2 When attaching conditions to such licences, it is a result of those conditions being necessary in order to make members of the public feel safe whilst travelling in private hire/ hackney carriage vehicles.
- 7.3 It will also provide strict conditions in which licence holders may operate and which also is aimed at protecting members of the public. It is necessary to impose these new conditions in order to provide greater safety, not only to able bodied members of the public but also to vulnerable members of the public.

## **LICENSING AND SAFETY COMMITTEE**

**TUESDAY 24<sup>TH</sup> JANUARY 2006**

### **REPORT ON NEW LICENSING CONDITIONS FOR PRIVATE HIRE / HACKNEY CARRIAGE LICENCE TRADE**

#### **1. BACKGROUND**

1.1 The new conditions are set out as attached:

Appendix :-

1. Conditions attached to the grant of a licence to drive private hire/hackney carriage vehicles.
2. Hackney Carriage Vehicle Licence Conditions
3. Private Hire Operator Licence Conditions.
4. Licence conditions applicable to limousines and special events vehicles.
5. Operator Conditions.

1.2 The new conditions are set following a number of Court Prosecution Cases, Committee Hearings and Challenges and Appeal Hearings, where on occasions gaps and loopholes have been found that permit a person considered not a fit and proper person to hold such a licence to continue to trade to the detriment of public safety.

1.3 The Conditions have not been changed or updated since June 2000 when a report was then presented and approved by this Committee.

1.4 The Conditions support the Councils Vision in that they will:

- a) Strengthen the protection and safety of the general public
- b) Improve the condition and safety of licensed vehicles.
- c) Encourage pride in vehicles by the owners and users.

1.5 The New Conditions are also updated to:

- a) Complement the approved new licensing/plating system
- b) Improve the standards of the trade.
- c) Provide a greater variety of vehicles for use by the customer.

#### **2. CONTACT OFFICER**

2.1 Bruce Corlett – Principal Licensing and Enforcement Officer Ext:2682

## **PRIVATE HIRE OPERATOR LICENCE**

In order to make your application you will need to contact the licensing office to arrange an appointment. You can obtain an application form by post, telephone or you can call in and pick one up from reception.

When you attend the Licensing Office to make your application you must ensure that you bring the following items with you:

1. The completed application forms
2. Valid Planning Permission or Planning Exemption
3. Valid Public Liability Insurance (Premise Risk only)
4. A valid Radio Communications Licence (if applicable)
5. 1 recent passport style photograph of the licence holder and one of the nominated manager(s)
6. The current application fee

**FAILURE TO ATTEND WITH ALL OF THE REQUIRED DOCUMENTS WILL CAUSE A DELAY AS YOUR APPLICATION WILL NOT BE ACCEPTED.**

As the Operator of a Private Hire base you will be responsible for the day to day management of the business. As such you are personally responsible for complying with the conditions of the licence.

As a Private Hire Operator you may have a considerable number of drivers working via your base at any one time. To enable you to make sure the drivers operating via your base are correctly licensed, you are required to ensure that the following details are held for each driver and vehicle operating:

1. A copy of the current Private Hire Drivers Licence
2. A copy of the current Private Hire Vehicle Licence
3. A copy of the valid Certificate of Insurance
4. A copy of the current M.O.T. Certificate

The documents/records should be made readily available, and surrendered if required, to any Authorised Officer of the Local Authority or Police Officer at any time during operating hours.

You should ensure that the driver produces his/her documents before he/she commences work for you and the documents are updated when required.

N.B. YOU HAVE OVERALL RESPONSIBILITY FOR ANY ACTIVITIES UNDERTAKEN BY DRIVERS/PROPRIETORS WORKING THROUGH YOUR BUSINESS.

### **PERSONS IN CHARGE**

The Licensee must ensure that any person left in charge of the base:

- Is over 21 years of age
- Is nominated by the Licensee and notified in writing to the Licensing Office
- Must have knowledge of the business and have access to all records kept on the premises

Walsall MBC will refuse your application or take action in relation to an existing licence if:-

- The premises nominated do not have valid planning permission or proof that an exemption has been issued, or there is a breach of planning conditions
- The nominated premises are not located within Walsall MBC
- You are not in day to day control of the business
- You have ever previously held a Private Hire/Hackney Carriage Licence that has been revoked or refused
- You lack knowledge of the Private Hire trade and are unaware of the licence conditions
- You have not produced all documents/information requested by the Licensing Office
- You have exhibited behaviour which in the opinion of the Authority is inconsistent with that expected of a Walsall MBC licence holder
- The full fee has not been paid
- You have not kept adequate booking registers/driver and vehicle documentation as requested by the Authority

We will normally suspend, revoke or refuse to renew your licence if you are in breach of any of the conditions/legislation relating to the licence.

## **LICENCE CONDITIONS RELATING TO A PRIVATE HIRE OPERATORS LICENCE**

The Licence is granted, subject to all licensed operators and designated managers complying with the following conditions of Walsall Metropolitan Borough Council and the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

- 6.1 No person licensed under the Local Government (Miscellaneous Provisions) Act 1976 shall operate any vehicle in the controlled district of Walsall MBC:
  - i. if the vehicle does not have a licence issued under section 48 or
  - ii. the driver does not hold a licence to drive issued by Walsall MBC
- 6.2 Any change of home address or home telephone number must be reported to the Licensing Office in writing within 7 days following any such changes.
- 6.3 The licensee shall ensure that the following details are recorded for every Private Hire booking clearly and legibly into a register, to be approved by the Authority:-
  - Name of hirer
  - Time and point of pick up
  - Destination of passengers
  - Private Hire plate number of vehicle used
  - Call sign of the driver carrying out the booking
  - Any fare agreed
- 6.4 Licensee(s) must ensure that all records are made readily available to any Authorised Officer of the Local Authority or Police Officer at any time during operating hours and surrendered if so required.
- 6.5 The Licence is specific to those persons named on the licence and cannot be transferred or sold to a third party.
- 6.6 Incoming telephone calls shall not be diverted to a telephone located anywhere other than the controlled district of Walsall.

- 6.7 The licensee shall ensure that all conditions of planning permission and radio communications licences are fully complied with in every respect.
- 6.8 The licensee will ensure that a record of complaints is kept along with any action taken.
- 6.9 The licensee will ensure that all records are kept for a minimum period of 6 months.
- 6.10 The licence holder shall not advertise in any form anything other than the full trading name specified on the operators licence.
- 6.11 The Licensing Office shall have the right to refuse to register any trading name that is likely to cause confusion to the general public, or is similar to a trading name registered to another licensed operator. The trading name shall not incorporate the words 'taxi', 'hire' or 'cab'.
- 6.12 The Licensee shall maintain the following records for every vehicle and driver operating via the licensed base:-
- A copy of the current Private Hire Drivers Licence
  - A copy of the current Private Hire Vehicle Licence
  - A copy of a valid Certificate of Insurance
  - A copy of the current MOT Certificate
- 6.13 It is the responsibility of the licensee to ensure that:-
- Any driver employed holds a current Private Hire Drivers Licence
  - Any driver employed wears the Walsall Private Hire Drivers badge in the prescribed manner
  - Any driver employed conforms to all conditions in every respect
  - They return to the Licensing Office the 'Base Copy' of the Private Hire Drivers Licence within 7 days of a driver ceasing to work via the base

- 6.14 The licensee shall provide a prompt and efficient service and ensure that:-
- Vehicles are clean inside and out
  - Drivers are suitably dressed (vests and shorts or torn and dirty garments are not appropriate)
  - Drivers attend bookings punctually at the appointed time unless delayed by unforeseen circumstances
  - Any lost property handed in by the driver is either returned to the owner or handed in at the nearest Police Station and advised to the Licensing Office.
- 6.15 Any fixed penalties, cautions or convictions of the licensee (s) must be reported to the Licensing office in writing within 7 days of the notification of the penalty, caution or conviction.
- 6.16 The licensed premises must always have in force a policy of Public Liability Insurance – Premise Risk only.
- 6.17 The licensee(s) must ensure that there is a valid Radio Communications Licence held for the operating base at all times (if applicable).
- 6.18 The licensee must ensure that any person left in charge of the base
- a) Is over 21 years of age
  - b) Is nominated by the licensee and notified in writing to the Licensing Office
  - c) Is fully aware of all conditions relating to the operation of a private hire base particularly in those conditions relating to the keeping and maintaining of records for drivers and vehicles.
- 6.19 No licensee may use the words taxi, cab or hackney carriage or any combination thereof in any advertising manner or media.
- 6.20 Any advertising should use only the words licensed private hire.
- 6.21 If the licensee of a firm operates a hackney carriage vehicle from his/her base for which there is in force at all times a current and valid hackney carriage licence then a nominal proportion of the advertising may include such words.



6.22 If a cheque is tendered that subsequently 'bounces' the licence holder will be subject to a supplementary administration charge as detailed on current fees scale and no further cheques will be accepted.

If any person contravenes the provisions or conditions he/she may be guilty of offence and face conviction.