

Shropshire Council
Legal and Democratic Services
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: Tuesday, 13 May 2014

Committee:
Strategic Licensing Committee

Date: Wednesday, 21 May 2014
Time: 10.00 am
Venue: Shrewsbury Room - Shirehall

You are requested to attend the above meeting.
The Agenda is attached

Claire Porter
Head of Legal and Democratic Services (Monitoring Officer)

Members of the Committee

Michael Wood (Chairman)
Keith Roberts (Vice Chairman)
Vernon Bushell
Andrew Davies
Peter Cherrington
Steve Davenport
Nigel Hartin
Richard Huffer
Roger Hughes
Robert Macey
Joyce Barrow
Jon Tandy
Robert Tindall
Peter Adams
Simon Jones

Substitute Members of the Committee

Andrew Bannerman
Martin Bennett
Gwilym Butler
Dean Carroll
Ted Clarke
Vince Hunt
John Hurst-Knight
Jane MacKenzie
Mike Owen
William Parr
Vivienne Parry
David Roberts
Tina Woodward
Christian Lea

Your Committee Officer is:

Emily Marshall Committee Officer

Tel: 01743 252726

Email: emily.marshall@shropshire.gov.uk

AGENDA

1 Election of Chairman

To elect the Chairman of the Committee for the ensuing year.

2 Apologies

To receive apologies for absence

3 Appointment of Vice-Chairman

To appoint a Vice-Chairman of the Committee for the ensuing year.

4 Welcome and Introduction from the Chairman

5 Disclosable Pecuniary Interests

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

6 Minutes of Previous Meeting (Pages 1 - 6)

To confirm the Minutes of the meeting held on 19th March 2014.

7 Public Question Time

To receive any questions, statements or petitions from the public, notice of which has been given in accordance with Procedure Rule 14.

8 Review of the Hackney Carriage and Private Hire Licensing Policy (Pages 7 - 160)

Report of the Team Manager Operational Community Safety is attached, marked 8.
Contact: Mandy Beever (0345 6789026)

9 Records of Proceedings - Licensing Act Sub-Committee (Pages 161 - 168)

Copies of the records of proceedings of the Licensing Act Sub-Committee meetings from March May 2014 are attached for the Committee's information.

- 18th March 2014
- 22nd April 2014

Contact: Emily Marshall or Shelley Davies (01743 252726 or 252719)

10 Appointment to Licensing and Safety Sub-Committee

The Committee is asked to confirm the delegated powers of the Licensing and Safety Sub-Committee for the municipal year 2014 to 2015 (see minute 10 of the meeting held on 8th June 2011) and to appoint its membership. Members will be aware that this Sub-Committee's powers are used mainly for dealing with matters concerning hackney

carriage and private hire vehicles and drivers.

11 Licensing Act 2003 & Gambling Act 2005 Delegations and Administrative Matters

The Committee is asked to confirm the delegated powers of the Licensing Act Sub Committee for the municipal year 2014 to 2015 (see minute 11 of the meeting held on 8th June 2011). This Sub-Committee deals with matters concerning applications made under the Licensing Act 2003 and the Gambling Act 2005. The committee will also be asked to confirm the method of appointing members (which can be any three members of this committee).

12 Exercise of Delegated Powers (Pages 169 - 176)

Report of the Team Manager Operational Community Safety is attached, marked 12.
Contact: Mandy Beever (0345 678 9026).

13 Exclusion of the Public and Press

To resolve that in accordance with the provisions of Schedule 12A Local Government Act 1972 and Paragraph 10.4 (5) of the Council's Access to Information Rules, the public and Press be excluded during consideration of the following item.

14 The Local Government (Miscellaneous Provisions) Act 1976 (Pages 177 - 182)

Exempt report of the Service Manager Safer and Stronger Communities is attached, marked Exempt 14
Contact: Frances Darling, Service Manager Safer and Stronger Communities (0345 678 9026)

15 Date of Next Meeting

To note that the next meeting of the Strategic Licensing Committee will be held on 24th September 2014 in the Shrewsbury Room, Shirehall.

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**Committee and Date**

Strategic Licensing
Committee

21st May 2014

Item

6

Public

**MINUTES OF THE STRATEGIC LICENSING COMMITTEE MEETING HELD ON
WEDNESDAY, 19TH MARCH 2014 IN THE SHREWSBURY ROOM,
THE SHIREHALL, SHREWSBURY**

10.00 a.m. – 10.28 a.m.

Responsible Officer Shelley Davies

Email: shelleydavies@shropshire.gov.uk

Telephone: 01743 252719

Present:

Mr M. Wood (Chairman).

Mr P. Adams, Mrs J. Barrow, Mr V. Bushell, Mr P. Cherrington, Mr A. Davies, Mr R. Hughes, Mr K. Roberts (Vice-Chairman) and Mr R. Tindall

37. WELCOME AND INTRODUCTION FROM THE CHAIRMAN

37.1 The Chairman welcomed everyone to the meeting.

38. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

38.1 Apologies for absence were received from Mr S. Davenport and Mr R. Huffer.

39. DISCLOSABLE PECUNIARY INTERESTS

39.1 Members were reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

40. MINUTES

40.1 RESOLVED:

That the Minutes of the meeting held on 18th December 2013 be approved as a correct record and signed by the Chairman.

41. PUBLIC QUESTION TIME

41.1 There were no public questions or statements received.

42. LICENSING ACT SUB-COMMITTEE

42.1 The records of proceedings of the Licensing Act Sub-Committee meetings from November 2013 to March 2014 were received by Members. (Copies attached to the signed minutes).

42.2 RESOLVED:

That the records of proceedings of the Licensing Act Sub-Committee meetings from November 2013 to March 2014 be noted.

43. LICENSING AND SAFETY SUB-COMMITTEE

43.1 Minutes of the Licensing and Safety Sub-Committee meetings from November 2013 to March 2014 were received by Members. (Copies attached to the signed minutes).

43.2 RESOLVED:

That the Minutes of the Licensing and Safety Sub-Committee meetings from November 2013 to March 2014 be noted.

44. HOME OFFICE CONSULTATION – FEES UNDER THE LICENSING ACT 2003

44.1 Consideration was given to a report of the Service Manager – Safer & Stronger Communities in relation to the Home Office Consultation on the move from centrally-set to locally-set fees under the Licensing Act 2003. (Copy attached to the signed minutes).

44.2 The Service Manager – Safer & Stronger Communities explained that running separately, but alongside the consultation was a survey of licensing authority costs in which licensing authorities were being asked for estimates of their costs in performing each of their licensing functions under the Licensing Act 2003.

44.3 The Chairman highlighted his concerns in relation to the current timescale regarding Temporary Event Notices and requested that a comment be included in the response to the consultation stating that the timescale was too short and did not allow Local Authorities the opportunity to comment on Temporary Event Notices.

44.4 RESOLVED:

(1) That a response to the Home Office in respect of the consultation detailing the move from centrally-set to locally set-fees under the Licensing Act 2003 be made, following agreement with the Chairman of the Strategic Licensing Committee, by the Public Protection Service Manager for Safer & Stronger Communities, in her capacity as an officer of the Licensing Authority.

- (2) That the Public Protection Service Manager for Safer & Stronger Communities, in conjunction with the Chairman of the Strategic Licensing Committee, determine whether it was practicable and appropriate to respond to the Home Office's survey of licensing costs and where it was practicable and appropriate to do so that the response be made, following agreement with the Chairman of the Strategic Licensing Committee, by the Public Protection Service Manager for Safer & Stronger Communities, in her capacity as an officer of the Licensing Authority.

45. REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

- 45.1 Consideration was given to a report of the Team Manager - Operational Community Safety which sought Members approval to review the existing Hackney Carriage and Private Hire Licensing Policy. (Copy attached to the signed minutes).
- 45.2 The Team Manager - Operational Community Safety outlined the recommendations as set out in paragraphs 2.1 to 2.4 of the report. The Solicitor advised that the recommendation at paragraph 2.4 of the report be amended to read: 'That the proposed formal consultation document be reported to the Strategic Licensing Committee on 21st May 2014 for approval and the formal consultation be undertaken on the proposed Hackney Carriage and Private Hire Licensing Policy for no less than 12 weeks commencing from June 2014.'
- 45.3 The Team Manager - Operational Community Safety explained that informal consultation would be undertaken at taxi forums during the Easter holidays as requested by the Trade. It was added that the team were consulting as early as possible with an aim for the new policy to be introduced in April 2015.
- 45.4 The Chairman reported that Councillors K. Roberts and A. Davies had agreed to be included in the Rapid Action Group. In response to a question regarding the Rapid Action Group, the Chariman confirmed that it would meet in the Easter period and report back to the next Strategic Licensing Committee due to take place on Wednesday 21st May 2014.

45.5 RESOLVED:

- (1) That the existing Hackney Carriage and Private Hire Licensing Policy be reviewed.
- (2) That Councillors K. Roberts and A. Davies be part of the Rapid Action Group to work with Officers on the completion of the review in consultation with the Trade.
- (3) That Taxi Forums be arranged to allow members of the Trade to put forward issues they had with the existing policy and to provide suggestions for improvements that could be made. (All suggestions would be considered and would form the basis for the proposed Hackney Carriage and Private Hire Licensing Policy to be put forward for formal consultation.)

- (4) That the proposed formal consultation document be reported to the Strategic Licensing Committee on 21st May 2014 for approval and the formal consultation be undertaken on the proposed Hackney Carriage and Private Hire Licensing Policy for no less than 12 weeks commencing from June 2014.

46. EXERCISE OF DELEGATED POWERS

- 46.1 Consideration was given to a report of the Team Manager - Operational Community Safety in relation to delegated powers to issue and amend licences. (Copy attached to the signed minutes).
- 46.2 In response to a query from a Councillor in relation to street collections, the Team Manager - Operational Community Safety explained that a number of charities did not have to give the Council notification that they intended to hold a street collection but added that she would look in to the specific issue raised and if necessary draft a general press release. The Team Manager - Operational Community Safety added that details of street collections were not currently published on the website but there were plans to do this in the future.
- 46.3 In response to a query, the Team Manager - Operational Community Safety gave an update in relation to the recently introduced Scrap Metal Dealers Act, confirming that the policy was working well and that an enforcement exercise in conjunction with the Police had been undertaken on 18th March 2014.

46.4 RESOLVED:

That the report of the Team Manager - Operational Community Safety be noted.

47. DELEGATED OFFICER PROCEDURE (NON 2003 ACT MATTERS)

The Solicitor requested that the Committee approve an amendment to the procedure followed by the officer making decisions under delegated powers as it appeared in Annex B at page D59 of Part 4 of the Council's Constitution "Matters of Procedure for Licensing Officers" ("the procedure"). The delegated power was currently mostly used in connection to applications concerning hackney carriages and private hire vehicles (and drivers) and scrap metal dealers.

The delegated officer was required to consult with a legal advisor and any other officer he or she thought appropriate – see Paragraph 1 of the procedure. Officers considered that there was no longer a necessity for decisions that were adverse to an applicant to be re-considered by a more senior officer and a legal officer for a second time. Therefore the recommendation proposed that the final two sentences of Paragraph 4 of the procedure be removed in order that the particular paragraph just referred to the need to take all relevant matters into account.

47.1 RESOLVED:

That Council be recommended that the procedure followed by the officer making decisions under delegated powers be amended in order that the final two sentences of paragraph 4 of the procedure in Annex B at page D59 of Part 4 of the Council's Constitution "Matters of Procedure for Licensing Officers be removed so the particular paragraph would therefore just refer to the need to take all relevant matters into account.

48. EXCLUSION OF THE PUBLIC AND PRESS

48.1 RESOLVED:

That in accordance with the provisions of Schedule 12A Local Government Act 1972 and Paragraph 10.4 (5) of the Council's Access to Information Rules, the public and press be excluded during consideration of the following item.

49. MINUTES

49.1 RESOLVED:

That the Exempt Minute of the meeting held on 18th December 2013 be approved as a correct record and signed by the Chairman.

50. DATE OF NEXT MEETING

- 50.1 The next meeting of the Strategic Licensing Committee would be held on Wednesday 21st May 2014 at 10.00am in the Shrewsbury Room, Shirehall, Shrewsbury.

CHAIRMAN.....

DATE.....

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<u>Committee and Date</u>
Strategic Licensing Committee
21 st May 2014

<u>Item</u>
8
Public

REQUEST FOR THE REVIEW OF THE HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY.

Responsible Officer Mandy Beever, Team Manager Operational Community Safety
e-mail: Mandy.beever@shropshire.gov.uk Tel: 01743 251702

1. Summary

- 1.1 The existing Hackney Carriage and Private Hire Licensing Policy came into effect from 1st October 2011. The Licensing Service has undergone a number of changes since this time. As a consequence it has been identified that some areas of the policy require amendment in order to facilitate the work the service is undertaking with regard to enforcement and compliance.
- 1.2 On the 19th of March 2014 the Strategic Licensing Committee were consulted in regard to the proposal for reviewing the existing Hackney Carriage and Private Hire Policy, since this time a number of Taxi Forums have been undertaken across the County in order to give the Trade the opportunity to identify areas of the policy that they may have suggestions for improvements which could be made. Taxi Forum Dates and Venues are listed at Appendix E.
- 1.3 A summary of the proposed improvements suggested by the Trade has been collated and is attached at Appendix C.
- 1.4 The current Hackney Carriage and Private Hire Policy has been amended to capture the existing requirements of the Licensing Service the amended version can be found at Appendix D.
- 1.5 It is proposed that if the formal consultation is agreed the consultation will be undertaken using the Council's Website.
- 1.6 At the time of writing this report the Law Commission Consultation on Taxi Legislation had not been published and there has been no formal date released as to when the report will be available or when any changes will come into force. However if this information is released during the period of consultation proposed in this report the information will be included on the Website for consideration.
- 1.7 In addition consideration has been given to the processes followed during previous consultations and the most effective ways to consult with the

Hackney Carriage and Private Hire Trade, resulting in the recommendations below.

2. Recommendation

That the Strategic Licensing Committee:-

- i. Consider and decide which of the improvements to the current Hackney Carriage and Private Hire Policy suggested by the Trade should be included in the policy review.
- ii. Consider and decide if the revised policy document (Appendix D) is suitable for formal review along with or without the improvements suggested by the Trade.
- iii. Agree for formal consultation to be undertaken on the proposed Hackney Carriage and Private Hire Licensing Policy for no less than 12 weeks to commence from June 2014.
- iv. Consider and decide if it would be acceptable for the Law Commission Consultation Report (if made available during the period of this consultation) to be added to the Website as part of the consultation proposed in this report.

REPORT

3. Risk Assessment and Human Rights Act Appraisal

- 3.1 This report is to request Members for permission to formally consult on the revised Hackney Carriage and Private Hire Licensing Policy and therefore a risk assessment has not been carried out.

4. Financial Implications

- 4.1 There will be an initial cost of around £1,000.00 for notifying the Trade in writing of the formal consultation period. This cost could be reduced by using electronic means of communication but currently there is only around 50% of the Trade who have provided an email address.
- 4.2 It will cost around £500.00 to place a full circulation advert in the Shropshire Star.

5. Background

- 5.1 The existing Hackney Carriage and Private Hire Licensing Policy came into effect from the 1st October 2011 as a result of lengthy consultation with Trade Representatives. (Appendix A)

- 5.2 Following the Strategic Licensing Committee meeting held on the 19th of March 2014 a series of Taxi Forums were undertake between the 15th and 24th of April 2014 across the County. This gave an initial opportunity for members of the Trade to put forward any suggestions for improvements to the existing policy. (Notes from those meetings can be found at Appendix B).
- 5.3 A summary of specific points in regard to the suggested improvements the Trade has requested to be made to the existing policy has been put together. (Appendix C)
- 5.4 A revision of the existing policy has been put together for formal consultation. (Appendix D)
- 5.5 At the time of writing this report the Law Commission Consultation on Taxi Legislation had not been published and there has been no formal date released as to when the report will be available or when any changes will come into force. However if this information is released during the period of consultation proposed in this report the information will be included on the Website information for consideration.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

16th March 2011 – Strategic Licensing Committee Report, Common Licence Conditions for Hackney Carriage and Private Hire Vehicles and Drivers.

Minutes from the Strategic Licensing Committee Meeting held on the 16th March 2011.

Minutes from the Strategic Licensing Committee Meeting held on the 8th June 2011.

Minutes from the Strategic Licensing Committee Meeting held on the 13th June 2012.

Minutes from the Strategic Licensing Committee Meeting held on the 5th September 2012.

19th March 2014 – Strategic Licensing Committee Report, Request for the Review of the Hackney Carriage and Private Hire Policies and Associated Documents.

Cabinet Member: Cllr Steve Charmley

Local Member:

Cover all areas of Shropshire

Appendices:

Appendix A – Hackney Carriage and Private Hire Licensing Policies and Associated Documents. (Dated: 01 October 2011)

Appendix B – Notes taken at the Taxi Forums undertaken between the 15th and 24th

of April 2014.

Appendix C – Summary of specific suggestions for improvement points made by the Trade in regard to the current policy drawn from the Taxi Forums undertaken between the 15th and 24th of April 2014.

Appendix D – A copy of the revised policy to be put forward for formal consultation.

Appendix E – Taxi Forum Dates and Venues



Hackney Carriage and Private Hire Licensing Policies and Associated Documents

Dated: 01 October 2011

CONTENTS

POLICIES

SECTION

- 1 Hackney Carriage Vehicle Licence – Conditions of Licence
- 2 Private Hire Vehicle Licence – Conditions of Licence
- 3 Private Hire Operators Licence – Conditions of Licence
- 4 Drivers' Licence – Conditions of Licence
- 5 Guidance Notes

Appendix A Guidance relating to the relevance of convictions and cautions

Appendix B Trailer Guidance

Appendix C Stretched Limousine Guidance

Appendix D Relevance of previous convictions

Appendix E Advertising on Hackney Carriage and Private Hire Vehicles

ASSOCIATED DOCUMENTS

- A Medical Fitness of the Applicant – Notes to accompany Medical Form
- B Medical Examination Report
- C Insulin Treated Diabetes: Private Hire and Hackney Carriage Driver Licence Holders and Applicants
- D Medical Certificate for Hackney Carriage and Private Hire Drivers

SECTION 1

HACKNEY CARRIAGE VEHICLE LICENCE & CONDITIONS OF LICENCE

SHROPSHIRE COUNCIL
HACKNEY CARRIAGE VEHICLE LICENCE
CONDITIONS OF LICENCE

1. Definitions

- 1.1 “authorised officer” has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.
- 1.2 “the Council” means the Council of Shropshire.
- 1.3 “the proprietor” includes a part-proprietor and in relation to a vehicle which is the subject of a hiring agreement, or hire purchase agreement, means the person in possession of the vehicle under the agreement.
- 1.4 “hackney carriage” has the same meaning as in the Town Police Clauses Act 1847.
- 1.5 “vehicle licence” means in relation to a hackney carriage, a licence under sections 37 to 45 of the Town Police Clauses Act 1847.

2. Applicants

- 2.1 The applicant for a vehicle licence must be the person who is the legal owner of the vehicle concerned and entitled to have the ownership of the vehicle registered under the provisions of Regulation 10 of the Road Vehicles (Registration and Licensing) Regulations 2002 in their own name. Prior to licensing and thereafter, as required, satisfactory evidence must be produced in compliance with this requirement.

3. Vehicles

- 3.1 must:
 - (a) Be a Light Passenger Vehicle as defined by section 85 of the Road Traffic Act 1988 and have a minimum of 4 wheels;
 - (b) Provide sufficient means by which any person in the carriage may communicate with the driver;
 - (c) Have a watertight roof or covering;
 - (d) Provide at least two windows on each side of the vehicle of which one window on one side must have a means of opening/closing. Tinted windows will only be permitted in accordance with the manufacturers or specialist coachbuilder’s specification and must comply with the Road Vehicles (Construction & Use) Regulations 1986 as amended.
 - (e) Have seats that are properly cushioned and covered;
 - (f) Have a floor provided with a proper carpet, mat, or other suitable covering.
 - (g) Have fittings and furniture in a clean condition and be well maintained and in every way fit for public service.

- (h) Provide means for securing luggage if the carriage is so constructed as to carry luggage;
- (i) Where tilting passenger seats are fitted the seat must :-
 - Be forward facing
 - Designed for use by an adult
 - Have a three point seatbeltAs specified in the Road Vehicle (Construction and Use) Regulations 1986 (as amended)
- (j) Have a minimum of four passenger doors including an entry/exit point for the driver if a vehicle other than a taxi approved to the specifications of the Public Carriage Office.

4.0 Test Requirements

- 4.1 All vehicles shall meet the Council's fitness requirements and for this purpose will be required to attend a six-monthly MOT inspection (and any other inspection deemed necessary by an authorised officer)
- 4.2 Once the vehicle reached the age of 9 years it is required to have 3 MOT tests per year, tests being spaced evenly throughout the year at four monthly intervals.
- 4.3 MOTs can be undertaken by any 'Nominated Tester' or Authorised Vehicle Examiner at a Vehicle Testing Station appointed under Section 45 of The Road Traffic Act 1988, the cost of all tests being met by the vehicle operator.
- 4.4 Any mechanically operated ramp must undergo a systematic and detailed examination at regular intervals and at least every six months by a competent person in accordance with the Lifting Equipment and Lifting Operations Regulations 1998 to ensure it is fit for purpose. Non-mechanical ramps will be inspected by a licensing officer.
- 4.5 MOT certificates will only be accepted by the Licensing Authority within 10 working days of issue.
- 4.6 If the inspection determines that the vehicle is not fit for the purpose of carrying passengers the proprietor should notify the Licensing Authority soon as reasonably practicable, and in any case within seventy-two hours of the occurrence. The Licensing Authority may at that time suspend the licence and by issue of notice require the proprietor of that hackney carriage to return the plate to them within seven days after the service of that notice.

Trailers

- 4.7 To ensure that a trailer used with a Hackney Carriage (when undertaking the licensable activity) is maintained to an appropriate standard, they are required to be inspected annually with the vehicle to which it relates and issued with a plate that relates to the towing vehicle(s). Advice on trailers can be found in the guidance notes for private hire and hackney carriages at appendix B.
- 4.8 In the event of a proprietor failing to present to the Licensing Authority an MOT test certificate as required in accordance with paragraph 3.2 unless delayed or

prevented by sufficient cause approved by the Licensing Officer, the Licensing Authority may suspend the licence and by issue of notice require the proprietor of that hackney carriage to return the plate to them within seven days after the service of that notice.

5.0 Appearance

Vehicle Licence Plate

- 5.1 The plate identifying the vehicle as a Hackney Carriage as issued by the Council and required to be exhibited on the vehicle pursuant to Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 shall be securely fixed to the outside rear of the vehicle in a conspicuous position, kept clean and displayed at all times and in such a manner as to be easily removable by an authorised Officer of the Council or a constable.

Advertisement

- 5.2 Advertisements are permitted to be carried on the vehicle in accordance with the guidelines set out in Appendix E.
- 5.3 Materials that may be used for advertisements should be of a quality not easily defaced, soiled or detached. Reflective material is not to be used for advertising purposes. The advertisement may be affixed directly onto the body of the vehicle.
- 5.4 Use of magnetic panels is discouraged for anything other than short term use (less than one week) as they lack adequate adhesion.

Roof Signage

- 5.5 All vehicles are required to display a white roof sign bearing the words TAXI on the front and rear in uppercase black lettering of a minimum height of 79mm, width 50mm, stroke width 14mm and spacing between lettering of 11mm. The sign must be capable of being illuminated and mounted across the roof of the vehicle (excepting purpose-built taxis). All lighting to comply with current road vehicle legislation.

6.0 Change of Proprietor

- 6.1 The Proprietor shall give notice to the Council of any transfer in his interest in the hackney carriage to a person other than the proprietor whose name is specified in the licence. Such notice shall be given in writing within fourteen days specifying the name and address of the person to whom the vehicle has been transferred.
- 6.2 Notification shall be given as soon as reasonably practicable, and in any case with 72 hours of the occurrence, of any accident to a licensed vehicle causing damage materially affecting the safety, performance or appearance of the vehicle, or the comfort or convenience of persons carried therein.

7.0 Documentation

- 7.1 Prior to licensing and thereafter, as required, satisfactory evidence must be produced that there is in force for the use of the vehicle a policy of insurance or

such security as complies with the requirements of Part VI of the Road Traffic Act 1988.

7.2 The proprietor must ensure that at all times a list is maintained of all licensed drivers authorised under the policy to drive the vehicle and must make such a list available to an authorised officer of the Council or Constable at all reasonable times, when so required.

7.3 Any authorised officer of the Council or any Constable shall have power at all reasonable times to inspect and examine the vehicle and to request driver identification and insurance details. A drivers badge, certificate of insurance and MOT must be produced either during the inspection, or to a licensing officer within 5 working days.

8.0 Safety Equipment

8.1 There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher complying with the current BS standard and suitable first aid kit complying with the current BS standard, such equipment to be carried in such a position in the vehicle as to be readily visible or in other suitable position, it must be available for immediate use in the event of an emergency.

8.2 Individuals or operators are permitted to install a CCTV camera in a licensed vehicle, in accordance with the appropriate legal framework, but they should first notify the Council of their intention to do so.

9.0 Taximeters

9.1 The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained, as to comply with the following requirements, that is to say:-

- (a) The taximeter shall be fitted with a key, flat, or other device, the turning of which will bring the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter;
- (b) Such key, flat, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- (c) When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity, a fare not exceeding the rate of fare which the proprietor or driver is entitled to demand and take in pursuance of the bylaw in that behalf for the hire of the carriage by distance;
- (d) The word 'FARE' shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
- (e) The taximeter shall be so placed that all the letters and figures on the face thereof shall be at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being illuminated during any period of hiring;

- (f) The taximeter and all fittings thereof shall be so affixed to the carriage with seals and other appliances that it shall be not practicable for any person to tamper with them except by breaking, damaging, or permanently displacing the seals or other appliances.
- (g) The taximeter shall be set to reflect the current table of fares approved by the Council, or to an alternative table of fares that is in all cases lower than the Council approved table. Where the meter is set to an alternative table that table must be prominently displayed in addition to the approved table. A lesser fare than that shown on the taximeter at the end of a journey can be charged.
- (h) When hired, a taximeter should be used for the whole of any journey.
- (i) The taximeter must be set to be calendar controlled.

10.0 Fares

- 10.1 A copy of the Council's current table of fares shall be clearly displayed in the vehicle at all times.

11.0 Alterations to Vehicles

- 11.1 No material alteration or change in specification, design, condition or appearance of the vehicle shall be made at any time without the prior approval of the Council.

12.0 Interior Markings

- 12.1 The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be visible at all times the maximum number of persons licensed to be conveyed therein and the number of the licence.

13.0 Damage to Vehicles

- 13.1 Notification shall be given by the proprietor to the Council as soon as reasonably practicable and in any case within seventy-two hours of the occurrence of any damage to the vehicle. An authorised officer will then, after the vehicle has been inspected decide if the vehicle can continue in service. The Licensing Authority may at that time suspend the licence and by issue of notice require the proprietor of that hackney carriage to return the plate to them within seven days after the service of that notice. A new MOT may be required before the vehicle will be permitted to operate, at the discretion of the licensing officer.

14.0 Zones (Strategic Licensing Committee Decision 08 June 2011 to retain zones refers)

- 14.1 A hackney carriage vehicle would be restricted to working in one zone only. "zone" relates to the areas of Shropshire district boundaries prior to the formation of a Unitary Council, Zone 1: Former District of Bridgnorth Zone 2: Former District of North Shropshire Zone 3: Former Borough of Oswestry Zone 4: Former Borough of Shrewsbury & Atcham Zone 5: Former District of South Shropshire
- 14.2 All vehicles licensed for zone four would be wheelchair accessible.

SECTION 2

**PRIVATE HIRE VEHICLE
LICENCE
&
CONDITIONS OF LICENCE**

SHROPSHIRE COUNCIL
PRIVATE HIRE VEHICLE LICENCE
CONDITIONS OF LICENCE

1.0 Vehicles

Vehicles must not seat more than eight Passengers (not including the driver) and:

- (a) Be a Light Passenger Vehicle as defined by section 85 of the Road Traffic Act 1988 and have a minimum of 4 wheels;
- (b) Provide sufficient means by which any person in the carriage may communicate with the driver;
- (c) Have a watertight roof or covering;
- (d) Provide at least two windows on each side of the vehicle of which one window on one side must have a means of opening/closing. Tinted windows will only be permitted in accordance with the manufacturers or specialist coachbuilder's specification and must comply with the Road Vehicles (Construction & Use) Regulations 1986 as amended.
- (e) Have seats that are properly cushioned and covered;
- (f) Have a floor provided with a proper carpet, mat, or other suitable covering.
- (g) Have fittings and furniture in a clean condition and be well maintained and in every way fit for public service.
- (h) Provide means for securing luggage if the carriage is so constructed as to carry luggage;
- (i) Where tilting passenger seats are fitted the seat must :-
 - Be forward facing
 - Designed for use by an adult
 - Have a three point seatbelt
- (j) Have a minimum of four passenger doors including an entry/exit point for the driver if a vehicle other than a taxi approved to the specifications of the Public Carriage Office.

2.0 Test Requirements

- 2.1 All vehicles shall meet the Council's fitness requirements and for this purpose will be required to attend a six-monthly MOT inspection (and any other inspection deemed necessary by an authorised officer)
- 2.2 Once the vehicle reached the age of 9 years it is required to have 3 MOT tests per year, tests being spaced evenly throughout the year at four monthly intervals.

- 2.3 MOTs can be undertaken by any 'Nominated Tester' or Authorised Vehicle Examiner at a Vehicle Testing Station appointed under Section 45 of The Road Traffic Act 1988. The cost of all tests being met by the vehicle operator.
- 2.4 Any mechanically operated ramp must undergo a systematic and detailed examination at regular intervals and at least every six months by a competent person in accordance with the Lifting Equipment and Lifting Operations Regulations 1998 to ensure it is fit for purpose. Non-mechanical ramps will be inspected by a licensing officer.
- 2.5 MOT certificates will only be accepted by the Licensing Authority within 10 working days of issue.
- 2.6 If the inspection determines that the vehicle is not fit for the purpose of carrying passengers the proprietor should notify the Licensing Authority soon as reasonably practicable, and in any case within seventy-two hours of the occurrence. The Licensing Authority may at that time suspend the licence and by issue of notice require the proprietor of that private hire vehicle to return the plate to them within seven days after the service of that notice.

Trailers.

- 2.7 To ensure that a trailer used with a PHV (when undertaking the licensable activity) is maintained to an appropriate standard, they are required to be inspected annually with the vehicle to which it relates and issued with a plate that relates to the towing vehicle(s). Advice on trailers can be found in the guidance notes for private hire and hackney carriages at appendix B.
- 2.8 In the event of an operator failing to present to the Licensing Authority an MOT test certificate as required in accordance with paragraph 2.5 unless delayed or prevented by sufficient cause approved by the Licensing Officer, the Licensing Authority may suspend the licence and by issue of notice require the operator of that hackney carriage to return the plate to them within seven days after the service of that notice.

3.0 Appearance.

- 3.1 The plate identifying the vehicle as a Private Hire Vehicle as issued by the Council and required to be exhibited on the vehicle pursuant to Section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976 (unless exempted by the Council) shall be securely fixed to the outside rear of the vehicle in a conspicuous position, kept clean and displayed at all times and in such a manner as to be easily removable by an authorised Officer of the Council or a constable.

Advertisement

- 3.2 Advertisements are permitted to be carried on the vehicle in accordance with the guidelines set out in Appendix E.
- 3.3 Materials that may be used for advertisements should be of a quality not easily defaced, soiled or detached. Reflective material is not to be used for advertising purposes. The advertisement may be affixed directly onto the body of the vehicle.
- 3.4 Use of magnetic panels is discouraged for anything other than short term use (less than one week) as they lack adequate adhesion.

3.0 Signs and Notices.

3.5 No vehicle shall display a roof sign.

3.6 All vehicles (with the exception of executive style vehicles) will be required to display Council issued signage on the side of the vehicle. This will carry the Council logo, PHV licence number and the words 'Prebooked Only'.

4. Alteration of Vehicles.

4.1 No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the written approval of the Council at any time while the licence is in force.

5.0 Interior Markings.

5.1 The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be visible at all times the maximum number of persons licensed to be conveyed therein and the number of the licence.

6.0 Safety Equipment.

6.1 There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher complying with the current BS standard and suitable first aid kit complying with the current BS standard, such equipment to be carried in such a position in the vehicle as to be readily visible or in other suitable position, it must be available for immediate use in the event of an emergency.

6.2 Individuals or operators are permitted to install a CCTV camera in a licensed vehicle, in accordance with the appropriate legal framework, but they should first notify the Council of their intention to do so.

7.0 Documentation.

7.1 Prior to licensing and thereafter, as required, satisfactory evidence must be produced that there is in force for the use of the vehicle a policy of insurance covering the carriage of passengers for reward or such security as complies with the requirements of Part VI of the Road Traffic Act 1972 along with a satisfactory MOT certificate. The proprietor must ensure that at all times a list is maintained of all licensed drivers authorised under the policy to drive the vehicle and must make such a list available to an authorised officer of the Council or Constable at all reasonable times, when so required.

8.0 Change of Address.

8.1 The proprietor shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place.

9.0 Convictions.

9.1 The proprietor shall within seven days disclose to the Council in writing details of any conviction of any type imposed on him (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of licence.

10.0 Advertisements.

No operator shall cause or permit any advertisement in respect of their business on their private hire vehicles used for that purpose the words "taxi" or "cab" in the singular or plural or hire unless the word "hire" forms part of the company name. or any word or similar meaning or appearance to any of these words, whether alone or as part of another word.

SECTION 3

**PRIVATE HIRE
OPERATORS LICENCE
&
CONDITIONS OF LICENCE**

SHROPSHIRE COUNCIL
PRIVATE HIRE OPERATORS LICENCE
CONDITIONS OF LICENCE

1. Definitions

‘The Act of 1976’ means the Local Government (Miscellaneous Provisions) Act 1976

‘The Council’ means Shropshire Council

‘The Operator’ means the holder of a licence issued under s.55 of the Act of 1976

‘Authorised Officer’ has the same meaning as in s.80 of the Act of 1976

‘Private Hire Vehicle’ has the same meaning as in s.80 of the Act of 1976

‘Hackney Carriage’ has the same meaning as in s.38 of the Town Police Clauses Act 1847

2. Fit and Proper Person

Before the Council will grant a private hire operator’s licence, they must be satisfied that the applicant is fit and proper. All applicants will be required to submit to the Council such information as considered necessary to enable them to determine whether a licence is granted.

3. Criminal Convictions Disclosure

If the applicant is already a licensed hackney carriage/private hire driver with the Council no additional vetting is required.

A Certificate of Good Conduct will be required for applicants who have not been resident in the UK for the previous 5 years. The applicant should obtain this from the appropriate Embassy or Legation, and a translation will be required if it is not provided in English.

In the event that an applicant is not able to obtain a Certificate of Good Conduct, they can submit a statutory declaration with regard to their conduct, which must be completed in the presence of a practising Solicitor.

4. Insurance

Any premises that provide access to members of the public must be covered by public liability insurance. The operator must also obtain information as to any requirement for them to have employer’s liability indemnity.

5. Standards of Service

The operator shall provide prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:

- a) Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.
- b) Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
- c) Ensure that any booking or waiting area provided by the operator has adequate seating facilities.
- d) Ensure that any telephone facilities and radio equipment (for which an OFCOM Radio Licence may be required) are maintained in a sound condition and that any defects are repaired promptly.
- e) Ensure that where applicable, the installation and use of C.C.T.V complies with the requirements of the Data Protection Act.

6. Records of Bookings

An operator accepting a booking remains liable for that booking, even if they sub contract it to another operator. If a booking is sub-contracted to a second operator, this operator must also be licensed by the same council.

Before the commencement of each journey, an operator licensed with the council shall keep records of any hiring they accept, in accordance with s.56 of The Act of 1976. Such records shall be kept either in a ledger with consecutively numbered pages, on individual consecutively numbered record slips, or on a computer database/spreadsheet in an identifiable format. All such records shall be available at all reasonable times to an authorised officer of the council or to any police officer for inspection by them.

The following particulars shall be recorded:

- a) The time and date of each booking
- b) The name of the hirer
- c) How the booking was made (telephone, in person etc)
- d) Time, date and place of pickup
- e) The destination of the hirer
- f) The call sign or registration number of the vehicle used for each booking
- g) The proper name of the driver allocated to the booking

7. Records of Vehicles and Drivers

The operator shall keep and maintain at their licensed premises records of the particulars of all their vehicles and drivers. The records to be kept shall include:

- a) The private hire vehicle or hackney carriage vehicle licence plate numbers.
- b) The vehicle registration numbers.
- c) The names and addresses of the proprietors of each vehicle.
- d) The names and addresses of the private hire and hackney carriage drivers used, and will also ensure that a copy of the drivers licence issued by the council is deposited with them during the period the driver is employed to drive for them.
- e) The badge numbers of the private hire and hackney carriage drivers in their employ.
- f) Copies of current/valid insurance documents for all vehicles.

The above records shall be produced to any authorised officer of the council or to any police officer on request.

8. Retention of Records

All records kept by the operator under sections (8) and (9) above shall be retained for a period of not less than six months for licensing purposes. Other legislation may require records to be kept for a longer period.

9. Vehicles Which May Be Lawfully Used

No operator licensed under the provisions of the Act of 1976 s.55 shall operate any vehicle as a private hire vehicle, unless the same council has licensed that vehicle.

10. Drivers Who May Be Lawfully Used

No operator shall cause, permit or allow any person to drive any vehicle, which the operator is using as a private hire vehicle unless that driver holds a valid private hire drivers licence issued by the Council.

11. Complaints

The operator shall on receipt of a complaint concerning a private hire contract, or purported contract, relating to, or arising from their business, immediately notify the complainant of their right to forward their complaint to the Council.

An operator shall immediately investigate any complaint. The outcome of the complaint shall be notified within a reasonable time, to both the complainant and the Council.

12. Change of Address

The operator shall within seven days disclose to the Council in writing, any change in their home address.

No operator shall commence operating from a new address without first consulting the Council as to the legal requirements of such a change of address.

The operator shall notify the Council of the sale of their business within seven days of such an event taking place.

13. Convictions

The operator shall within seven days disclose to the Council in writing details of any criminal or motoring convictions (including any caution) imposed upon them, or if the operator is a company or partnership, upon any of the directors or partners, during the period of the licence.

14. Advertisements

No operator shall cause or permit any advertisement in respect of their business on their private hire vehicles used for that purpose the words "taxi" or "cab" in the singular or plural or hire unless the word "hire" forms part of the company name. or any word or similar meaning or appearance to any of these words, whether alone or as part of another word.

15. Licence Duration

Operator licences will run for one year or three years.

16. CCTV

Individuals or operators are permitted to install a CCTV camera in a licensed vehicle, in accordance with the appropriate legal framework, but they should first notify the Council of their intention to do so.

SECTION 4

DRIVERS' LICENCE

&

CONDITIONS OF LICENCE

SHROPSHIRE COUNCIL
DRIVERS' LICENCE
CONDITIONS OF LICENCE

Requirements

1. The Council will issue a drivers' badge to all applicants which will permit licensed drivers to drive both hackney carriage and private hire vehicles, unless there is a specific request for a hackney carriage driver badge only.
2. Applicants must have held a full DVLA driving licence or any driving licence deemed to be acceptable under the provisions of the Road Traffic Act 1978 for at least 12 months. This includes European Union (EU) and European Economic Area (EEA) and Northern Irish licences as defined in the Road Traffic Act 1988.
3. All applicants holding driving licences issued by other than the DVLA should produce a certificate to show a driving record from the country of issue.
4. Applicants will be required to provide full details of convictions for any offences, criminal or motoring. Applicants are reminded that the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, lists hackney carriage and private hire drivers to be Regulated Occupations in this Act. The effect of this in relation to hackney carriage and private hire drivers is to render the Rehabilitation of Offenders Act 1974 inapplicable. In short, spent convictions can be taken into account when considering a person's suitability to hold a taxi/private hire/joint driver's licence. Checks will be made with the Criminal Records Bureau and the Driver and Vehicle Licensing Agency (DVLA).
5. A Certificate of Good Conduct will be required for applicants who have not been resident in the UK for the previous 5 years. The applicant would obtain this from the appropriate Embassy or Legation, and a translation will be required if it is not provided in English. In the event that an applicant is not able to obtain a Certificate of Good Conduct, they can submit a statutory declaration with regard to their conduct, which must be completed in the presence of a practising Solicitor.
6. Applicants who have been disqualified from driving for any period, would not normally be considered for a driver licence until a period of 3 years has elapsed from the date that the driving licence has been reinstated. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public.
7. Legislation allows a Local Authority to satisfy itself that an applicant for a licence is physically fit. As drivers carry fare paying passengers/members of the public, this Authority will require a Group 2 medical carried out by any qualified GP. Further information on medicals is contained in the document accompanying the medical form to be completed by the doctor.
8. All new applicants will be required to take and pass a knowledge test in English prior to obtaining a licence. New applicants will also be required to take and pass a driving ability test or hold an advanced motorist qualification.

Conditions of Licence

1. Conduct

The driver shall:

- Be clean and respectable in their dress and person and behave in a civil and orderly manner.
- They shall take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by them.
- They shall not without the express permission of the hirer eat or drink in the vehicle. (Drivers would only be permitted to eat or drink in a vehicle when the vehicle is stationary.)
- At no time cause or permit the sound emitted from any radio/sound recording equipment in the vehicle which they are driving to be an annoyance/nuisance to any person, whether inside or outside the vehicle.
- They shall when requested to do so by a passenger, convey a reasonable amount of luggage.
- They shall afford reasonable assistance in loading and unloading of any luggage.

2. Responsibilities of Driver

- Taximeters

Where taximeters are fitted to vehicles, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had an opportunity to examine the meter and has paid the fare (or credit has been given).

- Fare to be demanded

The driver shall not demand from the hirer a fare in excess of any fare previously agreed between the Operator and the hirer, or if the vehicle is fitted with a taximeter and no previous agreement as to the fare, the fare shown on the face of the taximeter.

- Identification plates

Drivers of licensed vehicles shall not wilfully or negligently cause or suffer any vehicle plate to be concealed from the public view whilst the vehicle is being used for hackney carriage or private hire purposes.

3. Licensed Vehicles

Only driver's who are licensed by the authority that licensed the vehicle are permitted to drive the licensed vehicle. The only exception to this is when the vehicle is having an MOT test and needs to be driven by the MOT examiner or it

is being driven by a qualified mechanic for the purposes of a vehicle service, recovery or maintenance or otherwise permitted by statute.

4. Driver's Badge and Licence

- Such badge must be produced to a Police Officer or an Officer of the Council for inspection on demand.
- The badge must be worn by the driver at all times when driving the licensed vehicle and the badge must be clearly visible.
- Under Section 48 of the Town and Police Clauses Act 1847, all drivers of vehicles licensed for hackney purposes of which they are not the Proprietor, shall before commencing driving that vehicle, deposit a drivers licence with the Proprietor for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.

5. Loss of Driver's Badge

Loss of a driver's badge must be reported immediately to the Council and the local police. An incident number must be obtained from the police and the number given to the Council. The driver must immediately obtain a new driver's badge from the Council for which a fee will be charged. If the original badge is then found, it must be returned to the Council.

6. Passengers

The driver shall not convey or permit to be conveyed in a licensed vehicle, a greater number of persons than prescribed in the vehicle licence. The driver of the licensed vehicle shall only be allowed to carry one person in the front of the vehicle beside the driver unless the vehicle has been specifically designed to carry more. Children under the age of twelve are not permitted to be carried in the front of the vehicle unless they are using the correct child seat or booster. In the event that a child under 12 is carried in the front of a licensed vehicle, the correct child restraint/seat must be used as per the seatbelt/child car seats law that came into effect on 18th September 2006. This applies to a child from their 3rd birthday up to 135 centimetres in height (or 12th birthday, whichever they reach first.)

7. Written Receipts

The driver shall, if required by the hirer of the vehicle, provide a written receipt for any fare paid.

8. Prompt Attendance

Drivers of licensed vehicles who shall have agreed or who have been hired to be in attendance with the vehicle at an appointed time and place, unless delayed/prevented by some sufficient cause, shall punctually attend at such appointed time and place.

9. Convictions – Written Notification Required

A licensed driver must notify the Council, in writing, of any conviction, recorded against them whilst the licence is in force, within seven (7) days of receiving such conviction.

10. Change of Address – Written Notification Required

A licensed driver must notify the Council, in writing, of any change of address within seven (7) days of such change. The driver must also amend the address on their DVLA driving licence and produce their driving licence showing the new address to the Council within seven (7) days of receipt from the DVLA. Both the paper and the plastic photo card licence must be produced. Notification of a change of Operator is also required in writing to the Council within 7 days of such a change.

11. Return of Licence/Badge

A licensed driver shall on ceasing to be licensed as a driver, or when required to do so by an “Authorised Officer of the Council”, return his licence and badge to the Licensing Office of the Council on demand.

12. Vehicles permitted to be driven for Private Hire and Hackney

Only vehicles licensed by the Council are permitted to be used for Hackney and Private Hire Purposes.

14. Animals

Whilst on duty the driver shall not convey in a Hackney Carriage or Private Hire Vehicle any animals belonging to or in the custody of himself or the proprietor or operator of the vehicle without prior permission of the Licensing Authority. Any animal belonging to or in the custody of any passenger may be carried at the driver’s discretion. Assistance and guide dogs must be carried when requested unless the driver holds a medical exemption. Drivers must not impose a charge for carrying assistance dogs. Assistance dogs may be permitted to travel in the front of the vehicle.

15. Touting

A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not be calling out or otherwise importune any person to hire such vehicle and shall not make use of the services of any other person for this purpose.

16. Insurance

A licensed driver is expected to satisfy himself that any hackney carriage or private hire vehicle driven by him is licensed by the Council for that purpose and that there is in force in respect of the vehicle a suitable policy of insurance (to include third party and public hire risks) and that he is authorised under that policy to drive the vehicle.

17. Condition of Vehicle

A licensed driver must not drive a licensed vehicle if he has reason to believe that the vehicle is in an unsafe, dangerous or illegal condition. He is advised to tell the Operator or Proprietor of the vehicle immediately of any defect arising in

the vehicle whilst under his control. In the event that the vehicle is involved in an accident, the accident to be reported to both the Operator or Proprietor and the Council within the guidelines prescribed for reporting accidents for licensed vehicles.

18. Complaints

A licensed driver must advise passengers of their right to refer any complaint to the Council.

19. Medical Fitness

All drivers are required to undertake a medical examination to ensure their fitness to drive. The standards required are as laid down in the DVLA publication "At a Glance Guide to the Current Medical Standards of Fitness to Drive". The standard required is the "Group 2 Entitlement the DVLA medical standards guidance of fitness to drive". Copies of this document can be obtained from the Council's Licensing Section. No grandfather rights are given by the council in relation to medical matters.

Applicants would be screened for fitness before a licence is issued and at five-yearly intervals from age 45, or sooner if stipulated by the examining doctor.

Applicants over the age of 65 or who attain the age of 65 during a licensed period will be required to provide a medical certificate annually.

Medicals can be undertaken by any qualified and registered GP registered with the General Medical Council.

A licensed driver must notify the Council in writing within seven (7) days of any change of medical fitness.

20. Driving Ability Test

All new applicants for a drivers' licence will be required to satisfactorily complete a driving assessment. Existing licensed drivers will be required to satisfactorily complete a driving assessment at the discretion/request of the Licensing Officer.

21. Payment of Fees

In the event that an application for a licence is paid by cheque, the licence will not be valid until such time as the cheque has cleared. In the event that the cheque does not clear and the licence has been issued, the license will be null and void with immediate effect.

SECTION 5

PRIVATE HIRE AND HACKNEY CARRIAGE LICENCE

GUIDANCE NOTES

SHROPSHIRE COUNCIL

PRIVATE HIRE AND HACKNEY CARRIAGE LICENCE

GUIDANCE NOTES

1. Introduction

This document is designed to assist the Hackney Carriage and Private Hire proprietors, operators and drivers and to put the Council's licensing requirements into context.

2. Legislative Framework

The operation of the Council's licensing service is in accordance with and in support of the following Council Policies:

Equal Opportunities Policy

Race Equality Scheme

Enforcement Policy

Data Protection Policy

The licensing of all vehicles, drivers and operators will be in accordance with relevant legislation and licence conditions.

3. Conditions

The Council will adopt any reasonable conditions that it deems necessary and appropriate to ensure that Proprietors, Operators, Drivers and Vehicles comply with these aims and the legislation set down so that the public can travel in a safe, clean and comfortable manner.

4. Administration

The Council's aim is to provide a responsive service to the trade and members of the public at all times during normal office hours.

To assist drivers and operators, the Council will notify all operators and drivers at least 6 weeks before the expiry of a licence.

5. Operators

Operator licences will run for one year or three years.

The Council will require a standard Operator fee.

By way of satisfying the Local Authority that a person who does not hold a hackney carriage/private hire drivers licence is a fit and proper person to hold an operators licence the licensing authority will require an applicant to have a CRB check.

Any premises that provide access to members of the public should be covered by public liability insurance. The operator must also obtain information as to any requirement for them to have employer's liability indemnity.

6. Drivers

The Council's policy is to issue a combined Hackney Carriage/Private Hire Driver's Licence. These licences will run for an initial probationary period of one year followed by a three yearly renewal.

Applicants must have held a full DVLA driving licence for at least 12 months. This includes European Union (EU) and European Economic Area (EEA) and Northern Irish licences as defined in the Road Traffic Act 1988.

All applicants holding driving licences issued by other than the DVLA should produce a certificate to show a driving record from the country of issue.

7. CRB / Certificate of Good Conduct

The Council will administer Criminal Record Bureau (CRB) checks for drivers. CRB checks will be undertaken at every application.

A Certificate of Good Conduct will be required for applicants who have not been resident in the UK for the previous 5 years. The applicant should obtain this from the appropriate Embassy or Legation, and a translation will be required if it is not provided in English.

In the event that an applicant is not able to obtain a Certificate of Good Conduct, they can submit a statutory declaration with regard to their conduct, which must be completed in the presence of a practising Solicitor.

8. Disqualification / Relevance of Convictions

The overriding consideration is the protection of the public. Applications from individuals with a current conviction will be considered in line with Annex A.

9. Medical

To ensure consistency in relation to medical fitness to drive. Members must weigh in the balance when accepting such an amendment that on the one hand the safety of the public should mean that all drivers should have a set minimum standard of medical fitness; and on the other hand a Hackney Carriage driver or Private Hire Vehicle driver might have his licence revoked on medical grounds even though he has been driving safely for years with a medical condition which, because of this amendment, no longer meets the fitness standard.

10. References

To assist the Council in determining whether or not applicants for a licence are suitable, the Council will require two references from either professional or business sources on initial application.

In this respect, the Council will not accept a reference from a family member or the applicant's future employer.

11. Vehicles

The Council does not limit the number of hackney carriage or private hire licences that it will issue.

12. Wheelchair Accessibility/Zones (Strategic Licensing Committee Decision 08 June 2011 to retain zones refers)

- 12.1 A hackney carriage vehicle would be restricted to working in one zone only. "zone" relates to the areas of Shropshire district boundaries prior to the formation of a Unitary Council, Zone 1: Former District of Bridgnorth Zone 2: Former District of

12.2 All vehicles licensed for zone four would be wheelchair accessible.

13. Meters

Hackney Carriage Vehicles will require a tariff meter fitted and tested to ensure that the tariff complies with that agreed by the Council, before a licence is issued. Private Hire Vehicles will not require a meter. However if a meter is fitted it will require calibration over a measured distance.

When hired, a taximeter should be used for the whole of any journey.

14. Revocation or Suspension of Vehicle Licence

Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 states:

(1) Notwithstanding anything in the Act of 1847 or in this Part of this Act, Shropshire Council may suspend or revoke, or (on application therefore under section 40 of the Act of 1847 or section 48 of this Act, as the case may be) refuse to renew a vehicle licence on any of the following grounds –

- (a) that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;
- (b) any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the operator or driver; or
- (c) any other reasonable cause.

(2) Where Shropshire Council suspend, revoke or refuse to renew any licence under this section they shall give to the proprietor of the vehicle notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew the licence within fourteen days of such suspension, revocation or refusal.

(3) Any proprietor aggrieved by a decision of the council under this section may appeal to a magistrates' court.

15. Lost Property

All lost property should be handed by the operator or proprietor to the police, regardless of value.

16. Appearance and General Behaviour

All licensed drivers will maintain a reasonable standard of appearance and will maintain a reasonable standard of behaviour in their dealings with other road users, the general public, other licensed Operators and drivers of hackney carriage and private hire vehicles. Licensed drivers will also co-operate with any reasonable request from an authorised Officer of the Council or any Police Officer.

17. Residential Areas

All licensed drivers must show consideration when driving through a residential area. It is an offence to sound a horn whilst stationary or between the hours of 11.30 p.m. and 7 a.m. in a built up area – see Highway Code Road Vehicles

(Construction and Use) Regulations 1986 – and licensed drivers must remember this when calling at residential properties to pick up passengers.

18. Decision Making

The Council is of a view that consultation with the trade and the community is vitally important. In order to deliver a transparent, accountable and efficient service the Council will keep an open dialogue with the trade. In particular the Council will meet with representatives at regular intervals of approximately six months to exchange views and information. Other ad hoc meetings will be arranged as appropriate.

It is the Council's policy to consult with the trade on all matters affecting the policy or conditions. This will follow the following procedures:

<i>Item</i>	<i>Refer to Taxi Forum</i>	<i>Consultation / notification in writing</i>	<i>Referral to Committee</i>
Discretionary changes to conditions or policy	Yes	Yes	Yes
A change in the law	No	Yes	Yes
Request for review	No	Yes	Yes

19. Reviews

Any licensed Driver or Operator may request a review of any condition or policy at any time.

20. Enforcement

Enforcement action will be undertaken in accordance with the Public Protection – Statement of Enforcement Policy.

21. Hackney Carriage Fares

The Trade will be expected to apply for any change in the hackney carriage fares to be charged. Any proposed changes will be notified to all hackney operators, referred to committee and advertised in the local press before they are adopted.

22. LPG Converted Vehicles

Officers of the Council will need to be satisfied that any vehicle that has been correctly converted.

23. Stretched Limousines

The Council will license stretched limousines as private hire vehicles and subject to additional conditions detailed in Appendix C

DRIVERS' LICENCE

GUIDANCE RELATING TO THE RELEVANCE OF CONVICTIONS AND CAUTIONS

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INTRODUCTION TO THE GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS

1. The purpose of this document is to formulate guidelines which detail the Council's current stance on the relevance of convictions and cautions in respect of applications for the grant of new licences, and the renewal of existing hackney carriage and private hire vehicle driver's operators and proprietor's licences.
2. These guidelines have been produced to assist the regulatory committee in their decision-making and to maintain the consistency of the decisions made. They have also been formulated to provide clearer information to current and potential applicants, with a view to minimising cost and time spent by both Council and the applicant.
3. The aim of these guidelines is not to punish the applicant twice for a conviction or caution, but to ensure that public safety is not compromised.
4. The objective of the licensing regime is to ensure that, so far as possible, those licensed to drive hackney carriages and private hire vehicles are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault customers.
5. These guidelines will be taken into account when dealing with new applications as well as renewal applications for an existing private hire/hackney carriage driver's licence, private hire/hackney carriage vehicle licence, and a private hire operators licence, and also, when considering whether to suspend or revoke an existing licence.

EACH CASE IS TO BE DECIDED ON ITS OWN MERITS.

6. A person is not permitted to apply for a hackney carriage or private hire licence until they have held a driving licence for a minimum of 12 months.

Legislation

7. The Local Government (Miscellaneous Provisions) Act 1976 Section 51 deals with the issue of driver suitability:

“...Council shall not grant a licence to drive a (Private Hire/Hackney Carriage Vehicle) unless they are satisfied that the person is a **fit and proper person** to hold a driver's licence.”
8. Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 states:

...the district council may suspend or revoke or refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds.

1) That he has since the grant of the licence.

i) Been convicted of an offence involving dishonesty
Indecency or violence.

or

ii) Been convicted of an offence under or has failed to comply
with the provisions of the Act of 1847 or of Part of this Act.

or

2) Any other reasonable cause.

Therefore the wording of the legislation makes it clear that the Council may grant a licence **ONLY** if it is satisfied that the person is fit and proper - the onus is on the applicant to prove this, **NOT** the Council to demonstrate that they are not.

Convictions

9. The committee is required to look at any past indicators (convictions, speeding offences etc.) that may affect a person's suitability to hold a hackney carriage/private hire drivers licence and consider the possible implications of granting such a licence.
10. As part of the licence conditions, the applicant is asked to disclose **all** convictions and cautions. Therefore **all** convictions must be disclosed, including spent convictions; the Rehabilitation of Offenders Act 1974 s 4, and Rehabilitation of Offenders Act (Exceptions) Order 2003.
11. In addition, applicants must disclose any recent formal cautions they have received or any pending matters.
12. If a licence has been granted to a person on the basis of false or incomplete information supplied by them the Committee may revoke the Licence and require the applicant to submit a further application which will be considered in the light of the full information now available to the Committee.
13. The disclosure of any conviction will not necessarily detain an applicant from being issued a licence. However, all convictions, spent or live, will be assessed.
14. All hackney carriage and private hire operators, proprietors and drivers must disclose in writing to the Council within 7 days of conviction or caution imposed on him/her during the period of licence.
15. Cautions are included under the definition of convictions and they will also be taken into consideration when reviewing an application. Although these are generally not as serious as convictions, they can give some indication as to an applicant's

character and whether they are a fit and proper person to hold or be granted such a licence.

Patterns

16. A series of offences over a period of time is more likely to give cause for concern than an isolated conviction. A serious view will be taken when applicants show a pattern of offences. If a pattern is found for any offences, for example, the applicant has received four convictions for a violent action, then serious consideration should be made as to the suitability of that person holding a licence.
17. The timescale within which any cautions have been issued could increase the severity of the offence, for example, for violent convictions within the space of a few years could portray the applicant as someone prone to violence.

Rehabilitation Periods

18. These guidelines have separated the various offences affecting such an application into 9 categories, each detailing the period of rehabilitation that must elapse for a particular offence within that category, before an applicant can be considered a fit and proper person to hold licence. After consideration from the committee, if a person does not satisfy these guidelines, then the application should be refused or the licence revoked or suspended until the applicant is able to satisfy them.
19. The Committee cannot hear evidence, or decide, that an applicant did not, in actual fact, commit an offence of which a Court has convicted them. The applicant can, however, explain any mitigating factors, which led to them committing the offence and the Committee, can take these into account in deciding whether the applicant is a fit and proper person to hold a licence.
20. If the applicant or holder of a licence has notified the Council of a conviction but is appealing against it to a higher court the matter may be referred to the Committee for a decision as to whether the licence / application should be suspended until such appeal is heard.

A “Fit and Proper Person”

21. There is no absolute definition as to what constitutes a “fit and proper person”, however, considering the range of passengers that a driver may carry (for example, elderly people, unaccompanied children, the disabled, those who have had too much to drink, lone women and foreign visitors), the Council relies on good sound judgement. Some areas give rise to particular concern, including
 - Honesty and trustworthiness - taxi drivers often have knowledge that a customer is leaving a house empty; they have opportunities to defraud drunken, vulnerable or foreign people or to steal property left in cars, for example, any passenger would expect to be charged the correct fare for a journey and then given the correct change, they would also expect a driver to hand in any article left by a passenger in a vehicle, and also to maintain confidentiality between driver and fare.
 - Not abusive - taxi drivers are often subject to unpleasant or dishonest behaviour. The Council does not consider that this excuses any aggressive

or abusive conduct on the part of the driver. A driver will not be expected to have any convictions or cautions for offences of a violent or threatening nature.

- A good and safe driver - those paying for a transport service rely on their driver to get them to their destination safely. They are professional drivers and should be fully aware of all Road Traffic legislation and conditions attached to the licence.
- They should be expected to have a good knowledge of the area that they are working in.
- Good physical and mental health.
- An ability to read, speak, write and understand English.

“Protecting the Public” Question

22. The over-riding consideration of the members of the Committee is to protect the travelling public; having considered and applied the appropriate guidelines, the following question should be applied:

“Would I allow my daughter or son, granddaughter or grandson, spouse, mother or father, or any other person I care for or any vulnerable person I know, to get into a vehicle with this person alone?”

23. If answer is yes, then a licence should normally be granted. If the Committee have any doubts, then an application must be refused until those doubts can be satisfied through further evidence being supplied. It is the applicant's responsibility to provide sufficient evidence to this effect.

Compliance with Conditions and requirements of Licensing Authority

24. The Committee may take into account an applicant's history while holding a licence, from this or any other authority. The Committee may take into account, in deciding whether a person is a fit and proper person to hold a licence such matters as their record of complaints, or positive comments from members of the public; their compliance with Licence conditions and their willingness to co-operate with Licensing Officers.

The Guidelines

25. To ensure the effective application of these guidelines, a glossary has been incorporated, which attempts to define the various phrases, offences and other terminology used here.

TRAFFIC OFFENCES – NEW APPLICANTS

This section refers to New Applicants only

26. Convictions for traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of an offence will be taken into account. In some cases it may be appropriate to issue a licence together with a strong warning as to future driving conduct. If a significant history of offences is disclosed, refusal of an application may result.
27. All the possible traffic offences have been separated into two categories, minor and major offences, depending on the seriousness of the offence. Below are the guidelines as to the rehabilitation period for a specific number of penalty points awarded for offences within that specific category.

Please note:

28. For guidance information on death by careless or dangerous driving, please refer to the **Violence** section.
29. For information on insurance guidelines, see **Insurance Offences**.
30. For guidance information on drinking and taking drugs whilst driving, see the relevant **Drunkenness** and **Drugs** sections.

Driving Offences

31. Any new applicant who has 9 current penalty points or more on his driving licence should expect their application to be heard at a hearing of the Council's Regulatory Committee. The Regulatory Committee then have the option of deciding the application on it's merits, and may:
- Issue the licence with or without a written warning
 - Issue the licence conditionally upon the applicant completing a Driver Correction Training Course at the driver's expense, within 2 months of their decision (if applicable).
 - Refuse the application.
32. A Licence may only be granted on the condition that the committee are satisfied that the applicant is a fit and proper person.
33. For any minor offences totalling 8 or fewer points on an applicant's licence, a licence may be granted by the Licensing Officer with a formal warning with regards to future conduct.
34. A licence may be granted on the condition that the committee are satisfied that the applicant is a fit and proper person.

35. If the applicant has been convicted of a major traffic offence within 2 years of the receipt of his application, then a licence should not be granted until the applicant has completed a period of 2 years free from conviction.

Medical Offences

36. If the applicant's driving licence has been revoked or refused on medical grounds by the DVLA within the last 5 years or the applicant has received a conviction for driving a vehicle after failing to notify a disability or made a false declaration about fitness and medical health, the application for a hackney carriage or private hire licence should be refused until medical proof of current fitness can be provided.
37. The onus is on the applicant to provide appropriate medical proof from their GP/consultant or authorised practitioner at their own expense, which is to be brought to the committee hearing. The committee should consider issuing a licence if they are satisfied that the report shows a clean bill of health, and that the applicant is a fit person to recommence driving and is deemed to be of no threat to the public.
38. If the committee have any doubts over the applicant's fitness, then the application should be adjourned or refused until further evidence can be produced by the applicant to contest this.

Cautions

39. If an applicant has received a caution for a traffic offence, given the nature of the offence and the profession of a taxi driver, the applicant may be given a warning as to the future conduct.

TRAFFIC OFFENCES – EXISTING LICENCE HOLDERS

This section applies to Existing Licence Holders only.

40. Private hire and hackney carriage drivers are professional drivers and must be aware of the safety of their passengers and the safety of their vehicles at **all** times. Any traffic offences show a lack of responsibility whilst driving either due to the maintenance and safety of their vehicles or in the manner of their driving.
41. Convictions for traffic offences should not prevent a person from proceeding with a renewal of their licence. However, the number, type and frequency of an offence will be taken into account. In some cases it may be appropriate to issue a licence together with a strong warning as to future driving requirements.
42. For guidance information on death by careless or dangerous driving, please refer to the **Violence** section.
43. For the information on Insurance guidelines, see **Insurance Offences**
44. For guidance information on drinking and taking drugs whilst driving, see the relevant **Drunkenness** and **Drugs** sections

Traffic Offences

45. (For a detailed list of offences that fall into this category, see Appendix D)
46. Any existing licence holder who has 9 *Proposed insertion*: current penalty points or more on his driving licence will be expected to go before a Regulatory Committee hearing to explain their convictions. The Regulatory Committee then have the option of deciding the application on its merits, and may
 - Take no further action
 - Give a written warning
 - Require the driver to attend a Driver Correction Training Course at the driver's expense, within 2 months of their decision (if applicable).
 - Suspend the Licence upon conditions or for a period of time
 - Revoke the licence.

Medical Offences

47. If the applicant's driving licence has been revoked or refused on medical grounds by the DVLA or the applicant has received an offence of driving a vehicle after failing to notify a disability or a false declaration about fitness and medical health, the application for renewal hackney carriage or private hire licence should be refused until medical proof of current fitness has been provided.
48. The onus is on the applicant to provide appropriate medical evidence from their GP / consultant or authorised medical practitioner at their own expense, which is to be brought to the committee hearing. The committee should consider issuing a licence if they are satisfied that the report shows that the applicant is a fit person to recommence driving and is deemed to be of no threat to the public.

49. If the committee have any doubts over the applicant's fitness, then the application should be refused until further evidence can be produced by the applicant to contest this.

Cautions

50. If an applicant has received a caution for a traffic offence, given the nature of the offence and the profession of a taxi driver, the applicant may be given a warning as to future conduct.

INSURANCE OFFENCES

51. The Council takes a serious view of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past should not necessarily bar an applicant from being issued a licence.
52. More than one conviction for these offences should raise serious doubts as to an applicant's suitability to hold a hackney carriage or private hire licence. In this instance, at least 3 years should elapse (after restoration of the DVLA driving licence) before an applicant, who has been disqualified from driving for insurance offences, is considered for a hackney carriage or private hire licence.

SEXUAL OFFENCES

53. As hackney carriage and private hire drivers often carry unaccompanied passengers, any new applicants with convictions, or cautions, for soliciting, importuning, indecent exposure, or any sexual offence, should expect their application to be heard at a hearing of the Regulatory Committee. New applicants will normally be refused a licence until they can show a substantial period (usually between 7 and 12 years) free from any conviction.
54. Any current licence holder, declaring a charge, conviction or caution for any sexual offence, will be expected to attend a hearing of the Regulatory Committee. Depending on the nature of the conviction, the Committee may:-
- A) Take no further action
 - B) Issue a written warning
 - C) Suspend the Licence
 - D) Revoke the licence
55. The following guidelines illustrate the council's stance on rehabilitation periods after an applicant has been convicted of a sexual/indecency offence.
56. A strict warning as to future conduct should be issued to any applicant who is granted a licence. **Any existing licence holder charged with or convicted of a sexual offence or issued with a formal caution whilst licensed with the authority, will be required to attend a hearing of the Regulatory Committee.**

57. The following offences are listed under this section together with their rehabilitation periods:

- **Rape** - Licence should be revoked / refused until a minimum period of 12 years after conviction has elapsed.
- **Indecent Assault** - Licence should be revoked/refused until a period of 10 years after conviction has elapsed.
- **Gross Indecency with a Female** - Licence should be revoked / refused until a period 8 years after conviction has elapsed.
- **Gross Indecency with a Male** - Licence should be revoked / refuse until a period of 8 years after conviction has elapsed.
- **Indecent Assault on a Child** - Licence should be revoked / refused until a period of 12 years after conviction has elapsed.
- **Buggery** – Licence should be revoked / until a period of 8 years after conviction has elapsed.

DRUNKENNESS

58. This section has been divided into two separate sections; drink driving with a motor vehicle and drunkenness without a motor vehicle. Both sections apply to new applicants as well as existing licence holders.

(a) With a Motor Vehicle

59. The Council views driving or being in charge of a vehicle whilst under the influence of alcohol as a serious offence.

The offences that apply to this section include:

- Driving or attempting to drive with alcohol above the limit
- In charge of a vehicle, driving or attempting to drive when unfit through drink
- Refusal to provide a specimen of breath or blood for analysis

New Applicants

60. Although an isolated incident will not necessarily debar an applicant, a single conviction for any drink driving offence will require a period of 1 year to elapse after the restoration of their DVLA licence, before being considered for a licence.

61. More than one incident should raise grave doubts as to future behaviour and the applicant's fitness to hold a licence. At least 2 years should elapse (after restoration of the DVLA licence) before an application is considered.

Existing Drivers

62. A driver found guilty of driving passengers for hire and reward whilst under the influence of drink or of refusing to provide a specimen of breath or blood for analysis.

63. Should expect to have his hackney carriage or private hire drivers licence revoked **IMMEDIATELY and a further application should not normally be considered until a period of 5 years has elapsed after restoration of the DVLA licence..**
64. If a driver's licence has been revoked by the DVLA for offences relating to drink driving, but not when driving for hire or reward then any application to renew a hackney carriage or private hire vehicle licence should not be considered until a period of 2 years has elapsed, (after restoration of their DVLA licence).

(b) Without a Motor Vehicle

65. An isolated conviction for drunkenness not associated with a motor vehicle will not necessarily result in an application being refused, however any new application or current licensee should expect to attend a hearing of the Regulatory Committee.
- One or 2 convictions for drunkenness not confined to a year should result in a warning as to future conduct.
 - 2 convictions within a year, a current licence should be suspended for a period of no more than 2 weeks, and a new application may be refused, or granted with a written warning.
 - 3 or more convictions, any current licence should be suspended for a period of no more than a month. Any new application should be refused until a period of 12 months free convictions.

In both cases

66. More than one conviction of drunkenness or refusal to provide a specimen may indicate a medical problem and the applicant may be asked to submit to a medical examination by a medical practitioner nominated by the Council, before the application is entertained. If the results of the examination show the applicant to be an alcoholic, a period of 5 years should lapse after treatment is complete and the committee must agree that, that person is a fit and proper person to hold such a licence before a further application is considered.

DRUG OFFENCES

67. A serious view is taken of any drug related offence. An applicant with a conviction for a drug related offence (including the supply or trafficking of drugs) should be required to show a period of at least 3 years free of convictions before an application is entertained.
68. If the applicant was required to undergo detoxification treatment, a period of 5 years free from conviction after the end of treatment is required. More than one conviction for a drugs related offence should debar an applicant for 7 years at least. In both instances, before a further application is entertained, a specialist medical examination will be required with negative urine/blood screen for drugs or abuse.
69. Any new applicant that has served a custodial sentence for a period of 5 years or more for supplying controlled drugs, and has submitted their application within a period of 5 years from the date of release, should not be considered for a licence.

70. A hackney carriage or private hire driver found guilty of driving whilst under the influence of drugs, or convicted of any other drug-related offence should expect to have their licence revoked immediately. At least five years should elapse from conviction before a new application by that person will be considered.

VIOLENCE

71. As hackney carriage and private hire drivers maintain close contact with the public, any previous convictions for violence will be taken seriously.

(a) An application/licence will normally be refused for the following offences, and where the conviction is **less than 15 years** prior to the date of application:

- Murder
- Manslaughter
- Causing death by reckless driving, including:
- Causing death by reckless driving when unfit through drugs:
- Causing death by careless driving when unfit through drink
- Causing death by careless driving with alcohol level above the limit
- Causing death by careless driving then failing to supply a specimen for analysis
- Manslaughter or culpable homicide while driving a vehicle
- Causing death by dangerous driving

(b) An application/licence should be revoked or suspended where the applicant has a conviction for one of the following offences and where the conviction is **less than 10 years** prior to the date of application:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated

(c) An application/licence should be revoked or suspended where the applicant has a conviction for one of the following offences **and** where the conviction is **less than 8 years** prior to the date of application:

- Grievous bodily harm with intent
- Grievous bodily harm
- Robbery
- Racially-motivated criminal damage
- Racially-motivated s.4 Public Order Act 1986 offence (fear or provocation of violence)
- Racially-motivated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Racially-motivated harassment
- Racially-motivated fear of violence

(d) An application/licence should be revoked or suspended where the applicant has a conviction for one of the following offences **and** where a conviction is

less than 5 years prior to the date of application:

- Common assault
- Common assault which is racially-motivated
- Assault occasioning actual bodily harm
- Assault on the police
- Affray
- Riot
- Obstruction
- Possession of offensive weapon
- Possession of firearm
- Criminal damage
- Violent disorder
- Resisting arrest

More than one offence

72. The above guidelines are applicable to applicants who have been convicted of one offence.
73. If an applicant has been convicted of two or three violent offences, the licence should normally be revoked.
74. If an applicant has a history of violence (four or more convictions of any type of violence) their licence should normally be revoked. If it is a new application, the guidance is to refuse.

Possession of a Weapon

75. If an applicant has been convicted for possession of a weapon or any other weapon-related offence, then serious consideration must be made as to whether this person is fit and proper to hold such a licence.
76. If the applicant has been convicted of wielding or using a weapon at someone, then an application should normally be refused or a licence revoked.

DISHONESTY

77. Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public, for example, by demanding more than the legal fare or giving incorrect change. Overseas visitors can be confused by the change in currency and become “fair game” for an unscrupulous driver. Similarly, any customer can be defrauded by a driver taking them by any other than the shortest route or by them retaining any lost property left in their vehicle.
78. Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. For these reasons a serious view is taken at any convictions involving dishonesty.

An application will normally be expected to be free from convictions of the following offences between 3-5 years prior to the date of application:

- Theft
- Burglary
- Fraud
- Benefit fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception

COMPLAINTS AGAINST DRIVERS

79. Complaints are frequently made against hackney carriage and private hire drivers. Such complaints include refusal to assist a disabled passenger, use of abusive language or refusal to accept a fare. Such complaints should be considered first by the Licensing Officer for consideration as to the nature of the complaint being serious enough to be forwarded to the committee.
80. The committee should consider the history of all complaints made against the driver to assess any patterns. If a problem is inherent, then the Committee should consider whether the driver is fit and proper person to hold such a licence.

CONCLUSION

81. Any applicant having a previous or current conviction should not debar them from obtaining a hackney carriage or private hire licence. However, it is this Council's policy to consider the protection of the public by ensuring all licensed drivers are in good health, are safe and competent driver and are able to maintain their vehicles to an acceptable standard.
82. A man or woman who has committed an offence and who is made to wait for a rehabilitation period to lapse prior to their application being accepted, is more likely to value their licence and act accordingly.
83. Any applicant refused a driver's licence on the grounds that the committee is not satisfied he/she is a fit and proper person to hold such a licence, or who has had their licence suspended or had a condition attached with which they disagree has a right of appeal by way of written complaint, to the magistrates' court within 21 days of the notice of decision

GLOSSARY

<u>Appeal</u>	A means by which a Committee hearing decision can be reviewed by the Magistrates Court or the Crown Court. the decision of the Committee may be upheld or overturned.
<u>Committee</u>	Local Councillors gathered together to discuss the suitability of a person to hold a taxi related licence. Any reference to "Committee" will be classed as the Regulatory Committee for the purposes of Licensing.
<u>Conviction</u>	Judicially determining that someone is guilty of a crime.
<u>Fit and Proper Person</u>	A person who is of no threat to the general public, has a good character and is therefore deemed fit and able to hold a licence.
<u>Hackney Carriages</u>	A vehicle that can carry passengers for hire or reward, can be hailed a prospective passenger and can park on a rank to await the approach of passengers; a car available for public hire.
<u>Mitigating Circumstances</u>	The conditions surrounding a conviction. These conditions may alter the seriousness of a crime.
<u>Plying for Hire</u>	To actively invite or responded to a hail for a taxi with The intent to charge a specific fare for the service.
<u>Private Hire Vehicles</u>	A car which must be pre-booked with a private hire operator. This type of vehicle cannot stand in a rank or ply for hire.
<u>Proprietor</u>	The person in possession of a vehicle which is the subject of a hiring agreement or hire purchase agreement.
<u>Operator</u>	This is the business section, which in this country can cover anything from sole proprietor (not being just a driver or proprietor) up to the largest firm in the country, which runs 2,500 vehicles.
<u>Rehabilitation</u>	The period to which the standing authority feels a person has repented their crimes.
<u>Revoke</u>	To take back something for an indefinite period of time.

Suspend

To hold something away from its owner for a period of Time.

Written Warning

A letter advising that although a conviction was not serious enough to have warranted the suspension or revocation of the licence, the offence committed as unacceptable and has caused concern among the the committee as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the consequences could be much more sever, possibly leading to the suspension of the licence.

Current

For DVLA convictions, current penalty points mean those that the DVLA consider not spent.

Trailer Guidance

Private Hire and Hackney Carriage vehicles licensed by the Council are permitted to tow trailers when undertaking the licensed activity providing that the following conditions are complied with at all times: -

1. The use of trailers is only permitted for vehicles of the multi-passenger type (more than 4 passenger seats) and on pre-arranged journeys where passenger's luggage cannot be safely accommodated within the vehicle.
2. The licensed towing vehicle's insurance must cover the towing of a trailer.
3. Trailers must not be left unattended anywhere on the highway.
4. The speed restrictions applicable to trailers must be observed at all times.
5. A spare wheel for the trailer and adequate tools to change a wheel must be carried at all times by a licensed vehicle whilst towing a trailer.
6. The towing of a trailer by a licensed vehicle shall only permit the conveyance of luggage and belongings owned by a passenger whilst the vehicle is hired by a passenger within the vehicle.
7. The tow bar must comply with the type approval regulations in respect of all tow bars fitted to cars after August 1998.
8. Drivers of vehicles towing trailers must ensure that they have the correct driving licence group to permit them to tow the relevant trailer, as per the DVLA guidance (info 30) Driving Licensing Requirements for Towing Trailers in Great Britain.
9. Trailers must be inspected at initial licensing and annually thereafter by a garage approved by the Council for that purpose.
10. An additional plate will be issued by the Council for each vehicle licensed to tow trailers and the relevant plate must be affixed to the rear of the trailer near the vehicle number plate.
11. Un-braked trailers shall be less than 750 KGs gross weight.
12. Trailers over 750 KGs gross weight shall be braked acting on at least two road wheels.
13. The towing vehicle must have a kerb weight of at least twice the gross weight of the trailer.
14. A suitable lid or other approved means of enclosure shall be fitted to secure the contents within the trailer when in use and to keep it watertight.
15. The maximum permissible length of the trailer shall be 7 metres including the drawbar and coupling.
16. The width of the trailer shall not be greater than the towing vehicle subject to no trailer being wider than 2.3 metres.
17. The maximum length for braked twin axle trailers is 5.54 metres.
18. The trailer must at all times comply with all Road Traffic legislation requirements, in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986.
19. The trailer shall not display any form of sign or advertisement not required or approved by the Council or Road Traffic legislation.

Stretched Limousine Guidance

For the purpose of licensing a limousine by the Council, a limousine is described as a luxurious vehicle that has been stretched by the insertion of an additional section not exceeding 3048 millimetres to extend the length of the vehicle. The vehicle shall be capable of carrying up to but not exceeding eight passengers.

This type of vehicle will be subject to all the private hire vehicle conditions detailed above and will also be required to produce a number of additional documents. The following documentation in original form or certified copies (not photocopies) shall be produced prior to licensing:

- Completed importation documentation – Single Vehicle Approval (SVA) or
- A qualified Vehicle Modifier certificate – (QVM). This is issued by the Coach Builder
- DVLA registration document (V5)
- Insurance documents covering Hire and Reward, Public Liability Insurance and where drivers other than the proprietor are used, Employer Liability Insurance
- Vehicles converted to run on LPG must produce an installation certificate from a LPGA approved UK vehicle conversion company
- Documentation to show the overall weight of the vehicle (as displayed on the vehicle.)

RELEVANCE OF PREVIOUS CONVICTIONS

MAJOR TRAFFIC OFFENCES

AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving while disqualified by order of court
BA20	Attempting to drive while disqualified by order of court
CD10	Driving without due care and attention
CD20	Driving without reasonable consideration for other road users
CD30	Driving without due care and attention or without reasonable consideration for other road users
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death by careless driving when unfit through drugs
CD60	Causing death by careless driving with alcohol level above the limit
CD70	Causing death by careless driving then failing to supply a specimen for analysis
CU80	Using a mobile phone while driving a motor vehicle
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink
DR30	Driving or attempting to drive then failing to supply a specimen for analysis
DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
DR70	Failing to provide specimen for breath test
DR80	Driving or attempting to drive when unfit through drugs
DR90	In charge of a vehicle when unfit through drugs
IN 10	Using a vehicle uninsured against third party risks
LC20	Driving otherwise than in accordance with a licence
LC30	Driving after making a false declaration about fitness when applying for a licence
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or refused on medical grounds
MS50	Motor racing on the highway
MS60	Offences not covered by other codes
UT50	Aggravated taking of a vehicle

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12)

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. IN10 becomes IN16)

MINOR TRAFFIC OFFENCES

MS10 Leaving a vehicle in a dangerous position

MS20 Unlawful pillion riding

MS30 Play street Offences

MS40 Driving with uncorrected defective eyesight or refusing to submit to a test

MS70 Driving with uncorrected defective eyesight

MS80 Refusing to submit to an eyesight test

MS90 Failure to give information as to identity of driver, etc.

MW10 Contravention of Special Road Regulations (excluding speed limits)

PC10 Undefined contravention of Pedestrian Crossing Regulations

PC20 Contravention of Pedestrian Crossing Regulations with moving vehicle

PC30 Contravention of Pedestrian Crossing Regulations with stationary vehicle

TS10 Failing to comply with traffic light signals

TS20 Failing to comply with double white lines

TS30 Failing to comply with a "Stop" sign

TS40 Failing to comply with direction of a constable or traffic warden

TS50 Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)

TS60 Failing to comply with school crossing patrol sign

TS70 Undefined failure to comply with a traffic direction sign

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12)

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. PC10 becomes PC14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. PC10 becomes PC16)

CU10 Using vehicle with defective brakes

CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition

CU30 Using a vehicle with defective tyre(s)

CU40 Using a vehicle with defective steering

- CU50 Causing or likely to cause danger by reason of load or passengers
- SP10 Exceeding goods vehicle speed limit
- SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
- SP30 Exceeding statutory speed limit on a public road
- SP40 Exceeding passenger vehicle speed limit
- SP50 Exceeding speed limit on a motorway
- SP60 Undefined speed limit offence

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12)

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. CU10 becomes CU14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16)

Advertising on Hackney Carriages and Private Hire Vehicles.

Advertisements will not be permitted by Shropshire Council if, in Shropshire Council's reasonable opinion, the advertisement falls within any of the following categories.

- (a) The advertisement does not comply with the law or incites someone to break the law.
- (b) The advertisement does not comply with the British Code of Advertising, Sales Promotion and Direct Marketing.
- (c) The advertisement is likely to cause widespread or serious offence to members of the public on account of the nature of the product or service being advertised the wording or design of the advertisement or by way of inference.
- (d) The advertisement depicts men, women or children in a sexual manner or displays nude or semi-nude figures in an overtly sexual context.

For example, while the use of underdressed people in most underwear advertising may be seen as an appropriate context, gratuitous use of an overtly sexual nature will be unacceptable.

- (e) The advertisement depicts or refers to indecency or obscenity or uses obscene or distasteful language including that set out in a foreign language.
- (f) The advertisement relates to lap-dancing, 'gentlemen's clubs', escort agencies or massage parlours.
- (g) The advertisement depicts direct or immediate violence to anyone shown in the advertisement.
- (h) The advertisement condones or provokes anti-social behaviour.
- (i) The advertisement relates to films that have not been granted permission for public exhibition.
- (j) The advertisement contains images or messages, which relate to matters of public controversy and sensitivity.
- (k) The advertisement refers to or portrays (or gives the impression of portraying) a living person unless the written consent of that person is obtained and is produced to Shropshire Council.
- (l) The advertisement contains negative references to Shropshire Council's services or those services provided or regulated by other Local Authorities.
- (m) The advertisement relates to a political party or parties or a political cause.
- (n) In the case of digital media, the advertisement must not pose a health and safety risk as a result of flickering or other visual imagery.

ASSOCIATED

DOCUMENTS

ASSOCIATED DOCUMENTS



Medical fitness of the applicant Notes to Accompany Medical Form

It is the Council's policy that all drivers undertake a medical examination to ensure their fitness to drive. The standards required are as laid down in the DVLA publication "**At a Glance Guide to the Current Medical Standards of Fitness to Drive**". The standard required is the "Group 2 Entitlement". Copies of this document can be obtained from the Council's Licensing Section.

Applicants would be screened for fitness before a licence is issued and at five-yearly intervals from age 45.

Applicants over the age of 65 or who attain the age of 65 during a licensed period will be required to provide a medical certificate annually.

Medicals can be undertaken by any qualified GP.

Before consulting, the doctor please read the general notes on medical, if you have any of the conditions listed; a licence may be refused or revoked.

If, after reading the notes, you have any doubts about your ability to meet the medical or eyesight standards, consult your practice Doctor/Optician. Before you arrange for this medical form to be completed. The Doctor will normally charge you for completing it. In the event of your application being refused, the fee you pay the Doctor is not refundable. The Council has no responsibility for the fee payable to the Doctor.

Fill in the Consent Form at the end of this form in the presence of the Doctor carrying out the examination.

Notes for Doctor

Please arrange for the patient to be seen and examined to at least the vocational driver medical standards which can be accessed on the DVLA web site www.dvla.gov.uk under the heading 'At a Glance'.

Please complete the Medical Certificate section of this report.

A check list is provided overleaf to assist you as to the vocational standard required.

Applicants who may be asymptomatic at the time of examination should be advised that, if in future they develop symptoms of a condition which could affect safe driving, and they hold any type of driving licence, they must inform the Drivers Medical Group, DVLA, Swansea, SA99 1TU immediately, and the Council.

General Notes on Medicals

Medical standards for drivers of Hackney Carriages and Private Hire Vehicles are higher than those required for car drivers and as such it is advised that applicants should be examined to the standards suggested below.

The following conditions are a bar to the grant of a licence.

1. Epileptic Attack.

Applicants must have been free of epileptic seizures for at least ten years and not have taken anti-epileptic medication during this ten year period.

2. Diabetes.

New applicants on insulin treatment, or existing drivers who become insulin treated. Drivers on insulin treatment who were licensed before 1st April 1991 are dealt with individually and are subject to satisfactory annual Consultant certification.

3. Eyesight.

- (i) Applicants must be able to read in good daylight a number plate at 20.5 metres, (67 feet), and if glasses or corrective lenses are required to do so, these must be worn while driving. In addition applicants must have a visual acuity of at least 6/9 in the better eye; and visual acuity of at least 6/12 in the worst eye; and if these are achieved by correction the uncorrected visual acuity in each eye must be no less than 3/60.
- (ii) A licence will also be refused or revoked if an applicant has uncontrolled diplopia, (double vision), or does not have a normal binocular field of vision.

4. Other Medical Conditions.

In addition to those medical conditions covered by legislation, applicants (or licence holders) are likely to be refused if they are unable to meet the national recommended guidelines in the following cases;

- + Within 3 months of myocardial infarction, any episode of unstable angina, CABG or coronary angioplasty.
- + A significant disturbance of cardiac rhythm occurring within the past 5 years unless special criteria are met.
- + Suffering from or receiving medication for angina or heart failure.
- + Hypertension where the BP is persistently 180 systolic or over, or 100 diastolic or over.
- + A stroke or TIA within the last 12 months.
- + Unexplained loss of consciousness within the past 5 years.

- + Meniere's or other conditions causing disabling vertigo, within the past 1 year, and with a liability to reoccur.
- + Recent severe head injury with serious continuing after effects, or major brain surgery.
- + Parkinson's disease, multiple sclerosis or other 'chronic' neurological disorders likely to affect limb power or co-ordination.
- + Suffering from psychotic illness in the past 3 years, or suffering from dementia.
- + Alcohol dependency or misuse, or persistent drug or substance misuse or dependency in the past 3 years.
- + Insuperable difficulty in communicating by telephone in an emergency.
- + Any other serious medical condition which may cause problems for road safety when driving a Hackney Carriage or Private Hire Vehicle.
- + If major psycho tropic or neuroleptic is being taken.
- + Any malignant condition within the last 2 years likely to metastasise to brain, e.g. Ca lung or malignant melanoma.

Since 2002, licence holders have had a legal duty to carry guide, hearing or other prescribed assistance dogs, accompanying a disabled person, and to do so without charge for the dog. Drivers may only be exempted from these duties on medical grounds. A medical certificate for this purpose is a separate issue to the medical requirements of fitness to drive and is not included in this examination.

Medical Examination Report

To be completed by the Doctor (please use black ink)

- Please answer **all** questions

Please give applicants
weight (kg/st)

Height
(cms/ft)

Please give details of smoking habits, if any

Please give number of alcohol units taken each week

Is the urine sample taken, positive for Glucose? No ☐ Yes ☐ (please tick appropriate box)

Details of specialist(s)/ consultants, including address	1	2	3
Speciality			
Date last seen			
Current medication including exact dosage and reason for each treatment			

1 Vision (Please see Eyesight notes on page 8 and 9 of leaflet INF4D)

Please tick the appropriate box(es) YES NO

- Is the visual acuity **at least** 6/9 in the better eye and at least 6/12 in the other? ☐ ☐
(corrective lenses may be worn) as measured with the full size 6m Snellen chart
- Do corrective lenses have to be worn to achieve this standard? ☐ ☐
If **YES**, is the:-
 - uncorrected acuity at least 3/60 in the right eye? ☐ ☐
 - uncorrected acuity at least 3/60 in the left eye?
(3/60 being the ability to read the 6/60 line of the full size 6m Snellen chart at 3 metres) ☐ ☐
 - correction well tolerated? ☐ ☐

3. Please state the visual acuity **of each eye** in terms of the 6m Snellen chart.

Please convert any 3 metre readings to the 6 metre equivalent.

Uncorrected

Corrected (if applicable)

Right Left Right Left

Please tick the appropriate box(es)

YES NO

4. **Is there a defect in his/her binocular field of vision** (central and/or peripheral)?

☐ ☐

5. Is there diplopia? (controlled or uncontrolled)?

☐ ☐

6. Does the applicant have any other ophthalmic condition?

☐ ☐

If **YES** to 4, 5 or 6, please give details in **Section 7** and enclose any relevant visual field charts or hospital letters.

2 Nervous System

YES NO

1. Has the applicant had any form of epileptic attack?

☐ ☐

(a) If **Yes**, please give date of last attack

(b) If treated, please give date when treatment ceased

2. Is there a history of blackout or impaired consciousness within the last 5 years? ☐ ☐

If **YES**, please give date(s) and details in **Section 7**

☐ ☐

3. Does the applicant suffer from narcolepsy/cataplexy?

☐ ☐

If **YES**, please give details in **Section 7**

4. **Is there a history of, or evidence of any of the conditions listed at a - h below?**

☐ ☐

If **NO**, go to **Section 3**.

If **YES**, please tick the relevant box(es) and give dates and full details at **Section 7**.

(a) Stroke/TIA *please delete as appropriate*

☐

(b) Sudden and disabling dizziness/vertigo within the last 1 year with a liability to recur

☐

(c) Subarachnoid haemorrhage

☐

(d) Serious head injury within the last 10 years

☐

(e) Brain tumour, benign or malignant, primary or secondary

☐

(f) Other brain surgery

☐

(g) Chronic neurological disorders e.g. Parkinson's disease, Multiple Sclerosis

☐

(h) Dementia or cognitive impairment

☐

3. Diabetes Mellitus

	YES	NO
1. Does the applicant have diabetes mellitus? If NO, please proceed to Section 4 If YES, please answer the following questions.	<input type="checkbox"/>	<input type="checkbox"/>
2. Is the diabetes managed by:-		
(a) Insulin?	<input type="checkbox"/>	<input type="checkbox"/>
If YES, please give date started on insulin	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
(b) Oral hypoglycaemic agents and diet?	<input type="checkbox"/>	<input type="checkbox"/>
(c) Diet only?	<input type="checkbox"/>	<input type="checkbox"/>
3. Does the patient test blood glucose at least twice every day?	<input type="checkbox"/>	<input type="checkbox"/>
4. Is there evidence of:-		
(a) Loss of visual field?	<input type="checkbox"/>	<input type="checkbox"/>
(b) Severe peripheral neuropathy, sufficient to impair limb function for safe driving?	<input type="checkbox"/>	<input type="checkbox"/>
(c) Diminished/Absent awareness of hypoglycaemia?	<input type="checkbox"/>	<input type="checkbox"/>
5. Has there been laser treatment for retinopathy?	<input type="checkbox"/>	<input type="checkbox"/>
If YES, please give date(s) of treatment	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
6. Is there a history of hypoglycaemia during waking hours in the last 12 months requiring assistance from a third party?	<input type="checkbox"/>	<input type="checkbox"/>

If YES to any of 4-6 above, please give details in **Section 7**

4 Psychiatric Illness

	YES	NO
Is there a history of, or evidence of any of the conditions listed at 1-6 below?	<input type="checkbox"/>	<input type="checkbox"/>

If NO, please go to **Section 5**

If YES please tick the relevant box(es) below and give date(s), prognosis, period of stability and details of medication, dosage and any side effects in **Section 7**.

NB. If applicant remains under specialist clinic(s) ensure details are completed at the top of page 1.

	YES
1. Significant psychiatric disorder within the past 6 months	<input type="checkbox"/>
2. A psychotic illness within the past 3 years, including psychotic depression	<input type="checkbox"/>
3. Persistent alcohol misuse in the past 12 months	<input type="checkbox"/>
4. Alcohol dependency in the past 3 years	<input type="checkbox"/>
5. Persistent drug misuse in the past 12 months	<input type="checkbox"/>
6. Drug dependence in the past 3 years	<input type="checkbox"/>

5 Cardiac

Please follow the instructions in all Sections (5A – 5G) giving details as required at Section 7.

NB. If applicant remains under specialist cardiac clinic(s) ensure details are completed on page 5.

5A Coronary Artery Disease

	YES	NO
Is there a history of, or evidence of, coronary artery disease?	<input type="checkbox"/>	<input type="checkbox"/>

If, **NO**, proceed to **Section 5B**

If **YES** please answer all questions below and give details at **Section 7** of the form.

- | | | | |
|----|---|---|---|
| 1. | Myocardial Infarction? | <input type="checkbox"/> | <input type="checkbox"/> |
| | If YES , please give date(s) | <input type="text"/> <input type="text"/> | <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> |
| 2. | Coronary artery by-pass graft? | <input type="checkbox"/> | <input type="checkbox"/> |
| | If YES , please give date(s) | <input type="text"/> <input type="text"/> | <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> |
| 3. | Coronary Angioplasty (with or without stent)? | <input type="checkbox"/> | <input type="checkbox"/> |
| | If YES , please give date(s) | <input type="text"/> <input type="text"/> | <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> |
| 4. | Has the applicant suffered from Angina? | <input type="checkbox"/> | <input type="checkbox"/> |
| | If YES , please give the date of the last attack | <input type="text"/> <input type="text"/> | <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> |

Please proceed to next Section 5B

5B Cardiac Arrhythmia

	YES	NO
Is there a history of, or evidence of, cardiac arrhythmia?	<input type="checkbox"/>	<input type="checkbox"/>

If **NO**, proceed to **Section 5C**

If **YES** please answer all questions below and give details at **Section 7** of the form.

- | | | | |
|----|---|--------------------------|--------------------------|
| 1. | Has the applicant had a significant documented disturbance of cardiac rhythm within the past 5 years? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. | Has the arrhythmia been controlled satisfactorily for at least 3 months? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. | Has a cardiac defibrillator device been implanted? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. | Has a pacemaker been implanted? | <input type="checkbox"/> | <input type="checkbox"/> |
| | If YES:- | | |
| | (a) Has the pacemaker been implanted for at least 6 week? | <input type="checkbox"/> | <input type="checkbox"/> |
| | (b) Since implantation, is the patient now symptom free from this condition? | <input type="checkbox"/> | <input type="checkbox"/> |
| | (c) Does the applicant attend a pacemaker clinic regularly? | <input type="checkbox"/> | <input type="checkbox"/> |

Please proceed to next Section 5C

5C Peripheral Arterial Disease

	YES	NO
1. Is there a history or evidence of ANY of the following: If YES please tick ALL relevant boxes below, and give details at Section 7 of the form.	<input type="checkbox"/>	<input type="checkbox"/>
PERIPHERAL ARTERIAL DISEASE	<input type="checkbox"/>	<input type="checkbox"/>
AORTIC ANEURYSM, IF YES:		
(a) Site of Aneurysm: Thoracic <input type="checkbox"/> Abdominal <input type="checkbox"/>		
(b) Has it been repaired successfully?	<input type="checkbox"/>	<input type="checkbox"/>
(c) Is the transverse diameter more than 5cms?	<input type="checkbox"/>	<input type="checkbox"/>
DISSECTION OF THE AORTA, IF YES:		
(a) Has it been repaired successfully?	<input type="checkbox"/>	<input type="checkbox"/>

Please proceed to next Section 5D

5D Valvular/Congenital Heart Disease

	YES	NO
Is there a history of, or evidence, of valvular/congenital heart disease?	<input type="checkbox"/>	<input type="checkbox"/>
If NO, proceed to Section 5E		
If YES please answer all questions below and give details at Section 7 of the form.		
1. Is there a history of congenital heart disorder?	<input type="checkbox"/>	<input type="checkbox"/>
2. Is there a history of heart valve disease?	<input type="checkbox"/>	<input type="checkbox"/>
3. Is there any history of embolism? (not pulmonary embolism)	<input type="checkbox"/>	<input type="checkbox"/>
4. Does the applicant currently have significant symptoms?	<input type="checkbox"/>	<input type="checkbox"/>
5. Has there been any progression since the last licence application? (if relevant)	<input type="checkbox"/>	<input type="checkbox"/>

Please proceed to next Section 5E

5E Cardiomyopathy

	YES	NO
Does the applicant have a history of ANY of the following conditions:	<input type="checkbox"/>	<input type="checkbox"/>
(a) a history of, or evidence of heart failure?		
(b) established Cardiomyopathy?		
(c) a heart or heart/lung transplant?		

If YES to any part of the above, please give full details in Section 7 of the form. If no, proceed to next Section 5F.

5F Cardiac Investigations

	YES	NO
This section must be completed for all applicants.		
1. Has a resting ECG been undertaken?	<input type="checkbox"/>	<input type="checkbox"/>
If YES, does it show:-		
(a) pathological Q waves?	<input type="checkbox"/>	<input type="checkbox"/>
(b) left bundle branch block?	<input type="checkbox"/>	<input type="checkbox"/>
2. Has an exercise ECG been undertaken (or planned)?	<input type="checkbox"/>	<input type="checkbox"/>
If YES, please give date and give details in Section 7	<input type="text"/>	<input type="text"/>
<i>Sight/copy of the exercise test result/report (if done in the last 3 years) would be useful</i>		
3. Has an echocardiogram been undertaken (or planned)?	<input type="checkbox"/>	<input type="checkbox"/>
If YES, please give date <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> and give details in Section 7		
<i>Sight/copy of the echocardiogram result/report would be useful</i>		
4. Has a coronary angiogram been undertaken (or planned)?	<input type="checkbox"/>	<input type="checkbox"/>
If YES, please give date <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> and give details in Section 7		
<i>Sight/copy of the angiogram result/report would be useful</i>		
5. Has a 24 hour ECG tape been undertaken (or planned)?	<input type="checkbox"/>	<input type="checkbox"/>
If YES, please give date <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> and give details in Section 7		
<i>Sight/copy of the 24 hour tape result/report would be useful</i>		
6. Has a myocardial perfusion imaging scan been undertaken (or planned)?	<input type="checkbox"/>	<input type="checkbox"/>
If YES, please give date <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> and give details in Section 7		
<i>Sight/copy of the scan result/report would be useful</i>		

Please proceed to Section 5G

5G Blood Pressure

	YES	NO
This section must be completed for all applicants		
1. Is today's resting systolic pressure 180mm Hg or greater?	<input type="checkbox"/>	<input type="checkbox"/>
2. Is today's resting diastolic pressure 100mm Hg or greater?	<input type="checkbox"/>	<input type="checkbox"/>
3. Is the applicant on anti-hypertensive treatment?	<input type="checkbox"/>	<input type="checkbox"/>

If YES, to any of the above, please supply today's reading

Please answer all questions in this section. If your answer is 'YES' to any questions please give full details in Section 7.

YES NO

1. Is there **currently** a disability of the spine or limbs, likely to impair control of the vehicle? ☐ ☐

2. Is there a history of bronchogenic carcinoma or other malignant tumour, for example, malignant melanoma, with a significant liability to metastasise cerebrally? ☐ ☐

If **YES**, please give dates and diagnosis and state whether there is current evidence of dissemination.

3. Is the applicant profoundly deaf? ☐ ☐

If **YES**,

Is he/she able to communicate in the event of an emergency by speech or by using a device, e.g. a MINICOM/text phone? ☐ ☐

4. Is there a history of either renal or hepatic failure? ☐ ☐

5. Does the applicant have sleep apnoea syndrome? ☐ ☐

If **YES**, has it been controlled successfully? ☐ ☐

6. Is there any other **Medical Condition**, causing excessive daytime sleepiness?

- 6a. If **YES**, please give full details below. ☐ ☐

7. Does the applicant have severe symptomatic respiratory disease causing chronic hypoxia? ☐ ☐

8. Does any medication currently taken cause the applicant side effects which impair his/her safe driving? ☐ ☐

7 Additional Information (Please forward copies of all relevant hospital notes if available)

8 Applicant's consent and declaration

Consent and Declaration

This section **MUST** be completed and must **NOT** be altered in any way.
Please read the following important information carefully then sign the statements below.

Important information about Consent

On occasion, as part of the investigation into your fitness to drive, **Shropshire Council** may require you to undergo a medical examination or some form of practical assessment. In these circumstances, those personnel involved will require your background medical details to undertake an appropriate and adequate assessment. Such personnel might include doctors, orthoptists at eye clinics or paramedical staff at a driving assessment centre. Only information relevant to the assessment of your fitness to drive will be released.

Consent and Declaration

I authorise my Doctor(s) and Specialist(s) to release reports to *Shropshire Council* medical adviser about my condition.

I authorise *Shropshire Council* to disclose such relevant medical information as may be necessary to the investigation of my fitness to drive, to doctors, paramedical staff and Panel members, and to release to my doctor(s) details of the outcome of my case and any relevant medical information.

I declare that I have checked the details I have given on the enclosed questionnaire and that to the best of my knowledge and belief, they are correct.

Signature

Date

Applicant's Details

9 Your details

Your full name	Date of Birth	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Your address	Home telephone number	<input type="text"/>
	Work/Daytime number	<input type="text"/>
E-mail address		

About your GP/Group Practice

GP/Group name
Address
Telephone
E-mail address

Medical Practitioner Details **To be completed by Doctor carrying out the examination**

10 Doctor's details

Name	Surgery Stamp <input type="text"/>
Address	
E-mail address	

GMC Reference Number	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
-----------------------------	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------

Signature of Medical Practitioner

Date

MEDICAL CERTIFICATE FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

Name of driver DOB

Address

.....

Date of examination

- ☐ The applicant meets the DVLA C1 Category group 2 medical standard of fitness and is therefore fit to drive hackney carriage/private hire vehicles.
- ☐ The applicant does not meet the C1 Category group 2 medical standard of fitness and is therefore not fit to drive hackney carriage/private hire vehicles.
- ☐ I find the applicant fit to meet the DVLA C1 Category group 2 but is on insulin for diabetes. You therefore additionally need to satisfy yourself as to the applicant's fitness by means of a hospital consultant's report as specified in the notes below.
- ☐ I have found a possible medical problem but I recommend that you grant him a renewal of his licence for the time being and that you follow my recommendations below regarding further medical evidence.
- ☐ You should require that the driver produces a written statement from his doctor or optician as appropriate stating that:
 - ☐ his blood pressure (on medical treatment if necessary) is not consistently above 180/100
 - ☐ his visual acuity, with glasses if necessary, is at least 6/9 in the better eye and 6/12 in the worse eye
 - ☐ he does not have insulin dependent diabetes, or if he does, he complies with all of your licensing requirements as described below for a person with diabetes on insulin

Doctor's signature.....

Doctor's name (please print).....

Date of examination.....

Surgery Stamp:



Insulin Treated Diabetes:

Private Hire and Hackney Carriage Driver Licence Holders and Applicants

Applicants

Applicants for a private hire or hackney carriage driver licence will be required to satisfy the Licensing Authority that he/she meets the medical requirements which would allow a C1 Group 2 licence to be issued. If found to be suffering from Diabetes Mellitus, applicant will need to provide a medical report from a hospital consultant specialising in diabetes confirming:

- the applicant has been undergoing insulin treatment for over four (4) weeks;
- during the twelve (12) months prior to the date of the licence application, the applicant has not suffered a hypoglycaemic episode requiring the assistance of another whilst driving; and,
- the applicant has a history of responsible diabetic control and is at minimal risk of a hypoglycaemic attack resulting in incapacity.

The applicant will also be required to submit a signed declaration that:

- he/she will comply with the directions for treatment given to him/her by the doctor supervising that treatment;
- immediately report to the Licensing Authority, in writing, any change in diabetic condition; and,
- provide to the Licensing Authority, as and when necessary, evidence that blood glucose monitoring is being undertaken at least twice daily and at times relevant to driving a hackney carriage or private hire vehicle during employment.

Current Licence Holders

Annually the licence holder, if suffering from Diabetes Mellitus, will be required to provide a medical report from a hospital consultant specialising in diabetes confirming:

- that during the preceding 12 months the licensee has not suffered a hypoglycaemic episode requiring the assistance of another whilst driving; and,
- the licensee has a history of responsible diabetic control and is at minimal risk of a hypoglycaemic attack resulting in incapacity.

Licence holders are reminded that the requirements of the declaration signed on the issue of licence remain an obligation.

All current applications involving individuals with insulin treated diabetes will be dealt with under these new requirements.

Applicants for licences previously refused on the basis on insulin treated diabetes can make a fresh application if they believe they can meet the new requirements, as can licensees who have had their licences revoked for that reason.

Notes for the examining doctor:

If the applicant is applying for a new licence, the required medical standard must be met. If an applicant is renewing an existing licence, and the problem which is identified is not of immediate medical concern, such as blood pressure marginally above the DVLA group 2 level; visual acuities marginally worse than the DVLA group 2 level, or glycosuria suggestive of possible diabetes, the candidate should be treated as "provisionally fit" with appropriate advice indicated above.

An applicant who uses insulin for diabetes would normally be considered fit to hold a licence provided that they met the DVLA C1 (small lorry) medical standard as follows:

The applicant submitted a medical report from a hospital consultant specialising in diabetes confirming:

1. the applicant has been undergoing insulin treatment for over 4 weeks,
2. the applicant has not suffered a hypoglycaemic episode, requiring assistance whilst driving, within the preceding 12 months, prior to the date of the licence application,
3. the applicant has a history of responsible diabetic control, and is at minimal risk of a hypoglycaemic attack resulting in incapacity.

The applicant must also submit a signed declaration that:

1. He/she will comply with the directions given to him/her by the doctor supervising the treatment.
2. Immediately report to the licensing authority, in writing, any significant change in their diabetic condition.

Provide to the licensing authority, as and when necessary, evidence that blood glucose monitoring is being undertaken at least twice daily, and at times relevant to driving a Hackney or Private Hire vehicle, during employment.

After completion of medical please send this Certificate and Medical Examination report to the Licensing Department

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**Taxi Forum
Rockspring Community Centre, Ludlow**

15th April 2014, 10.30 – 11.20 am

Present: Mandy Beever, Julie Fildes (note taker), 3 x Drivers.

Apologies:

1. Introduction

Mandy Beever welcomed those present and explained that the reason for the forum was to give those who would be affected by the Council's licensing policy an opportunity to comment on the present policy before it was revised and went before the Licensing Committee.

2. General Issues Raised

- The time taken to process applications
- Relocation of Licensing Officers to Craven Arms
- Reduction in Licensing Fees
- Number of Hackney Carriage rank places in Ludlow
- Unlicensed individuals operating in the area

Agreed:

- that MB would contact the Highways Department and the police to ascertain if there were further suitable locations to site additional Hackney Carriage ranks in Ludlow;
- The Parking Service Team would be made aware of the problems caused through illegal parking on the taxi rank and would be encouraged to take action;
- Information would be made available to the public on the dangers of using unlicensed taxis; and
- Details of unlicensed taxi drivers would be passed to the Council's Investigation Team for action.

3. Comments on the Present Policy

- The dual badging of drivers was discussed. It was noted that different skills were required by Hackney Carriage drivers to those held by private hire drivers.

ACTION

MB

MB

MB

Drivers

- The drivers/operators requested that there should not be an increase in fare tariffs as customers were being deterred from short distance journeys.
- It was stated that any increase in Tariff Fours payable on bigger vehicles disproportionately affected disabled passengers as they were not able to use smaller vehicles.

The meeting closed at 11.20am

TAXI FORUM

Cantern Brook Offices, Stanley Lane, Bridgnorth
Wednesday 16th April 2014,
11.00 am – 1.20 pm

Present:

Representatives from the trade: Drivers x 3

Officers: Mandy Beever [Team Manager, Operational Community Safety]
Jane Palmer [Snr Democratic Services Officer] - notes

		ACTION
1.0	Introduction	
1.1	Mandy Beever welcomed all and explained that the meeting provided an informal opportunity for interested parties to submit any comments that would be taken into consideration as part of the review of the Council's Licensing Policy and to raise any other general and relevant queries/questions.	
1.2	She advised those present of the following notable timescales for the review of the Council's Licensing Policy: <ul style="list-style-type: none">• 18 May – initial report to Strategic Licensing Committee• 2 June 2014 – start of three month consultation period• September 2014 – final report to Strategic Licensing Committee• 26 February 2015 Council – approval of the revised Licensing Policy• 1st April 2015 – new Licensing Policy comes into force	
	Issues Raised	
2.1	Roof signs – these were considered by the trade to be useful as a means of identification of vehicles as 'taxis' to customers. There had been occasions where the lack of roof sign had resulted in loss of trade when a customer had seen the taxi roof sign on the hackney vehicle and the hackney takes the trade!	
2.2	It was noted that private hire companies who were operating in the Telford area sent customers a ring back or a text message advising them of the registration number of the vehicle that would be picking them up; this helped to militate against the loss of trade caused by the inability to display roof signage.	
3.0	Plate numbers – it was considered that these caused confusion –	

some customers thinking the plate number was a telephone number!

- 3.1 MB drew attention to advice received on these issues. She advised that the onus lay with the customer to check that they were getting into a bona fide vehicle and door stickers had been accepted as the method of differentiating between private hire and hackney cabs. She added that the company name was permitted on the door stickers as long as the word 'taxi' was not used.
- 3.2 It was considered that most members of the public did not know and/or understand the difference between hackney and private hire vehicles.
- 4.0 **Hackney carriage ranks** – general consensus that hackneys should operate from ranks. Concern expressed over the current use of the Shifnal rank – who using it, correctly marked etc.
- 4.1 Suggested location for a Bridgnorth taxi rank - from Baileys wine bar to the just before the Town Hall, just past Tesco. Concern expressed that hackney drivers may be reluctant to use a rank and may go as far as changing from hackney operators to private hire.
- 4.2 MB confirmed that she would be happy to pursue the issue of rank installation but the actual installation of the ranks and the suitability of rank location fell within the remit of the highways service – it could be a long drawn out process. A shared bus stop/taxi rank was often easier to get installed.
- 5.0 **Private Hire 'Pull Back Position'** – the current lack of a pull back position for private hire vehicles in Shropshire caused problems as drivers currently parked up in areas where they knew the work was likely to be forthcoming. MB commented that the current lack of pull back condition in the policy allowed private hire drivers to park in any designated, safe place to park.
- 5.1 MB added that the current Shropshire Policy required 'pull back' to a 'safe place' as opposed to a 'pull back to base' as was the case in the Telford area. She added that Telford drivers working in the Shropshire Council area could be covered if the future Shropshire Policy included the Telford pull back areas as a condition.
- 6.0 **Private Hire New Driver Recruitment** – Current difficulties with the recruitment of private hire drivers was reported. It was hoped that County Training may be able to assist in the search for new drivers.
- 6.1 Knowledge Test - MB added that a knowledge test and driver assessment day could be held, comprising ideally 20 drivers.

Concerns were voiced that the out of area policy knowledge test was too rigorous especially given the modern day reliance on GPS navigation systems by most drivers. MB added that the test had a 95% failure rate at the moment.

- 6.2 Driver assessment – MB advised that there was an opportunity for those taking the driver assessment to use the assessor's car as the driver assessment could not be taken in a vehicle used for private hire – this was a private arrangement between the driver being assessed and the assessor and attracted an additional fee of £30 cash.

Other Issues

- 7.0 **Volunteer hospital drivers** – Concerns that local volunteer, hospital drivers have been doing airport runs. MB advised that volunteer drivers provided a service for the infirm and/or elderly and received reimbursement of their expenses only and did not receive individual payment. The service they provided was not classed as 'for hire or reward' and, as such, the drivers were not registered like hackney carriage/private hire drivers.
- 7.1 Responding to further concerns, MB agreed to contact NSL at Telford and let them know that NSL vehicles were blocking access to entrances at PRH that prevented private hire drivers from dropping their customers close to the doors.

Issues regarding the current service

- 8.0 The lack of a **direct telephone line** was highlighted as a particular issue. MB explained the impact of the council's reduced staffing levels in this area.
- 8.1 It was agreed that **communication** between the trade and Council Officers was key and that a clear two way understanding of changes to processes was vital.
- 8.2 **Pre-payment only stickers** - MB agreed that there would be no problem if the trade wished to display the stickers supplied by West Mercia Police stating that prepayment only was accepted between the hours of 7pm and 7am.

The meeting closed at 1.20p.m.

TAXI FORUM

Raven House, Market Drayton
Wednesday 22nd April 2014,
11.15am – 12.00pm

Present:

Representatives from the trade: 2 x Operators

Representatives from the Police: Sgt. Claire Greenaway
PC Michael Sturland

Officers: Mandy Beever [Team Manager, Operational Community Safety]
Tim Ward [Committee Officer] - notes

	ACTION
1.0 Introduction	
1.1 Mandy Beever welcomed all and explained that the meeting provided an informal opportunity for interested parties to submit any comments that would be taken into consideration as part of the review of the Council's Licensing Policy and to raise any other general and relevant queries/questions.	
1.2 She advised those present of the following notable timescales for the review of the Council's Licensing Policy: <ul style="list-style-type: none">• 18 May – initial report to Strategic Licensing Committee• 2 June 2014 – start of three month consultation period• September 2014 – final report to Strategic Licensing Committee• 26 February 2015 Council – approval of the revised Licensing Policy• 1st April 2015 – new Licensing Policy comes into force	
2.0 Issues Raised	
2.1 Age of Vehicles – Were there any plans to reduce the age of vehicles allowed to be licensed?	
2.2 MB advised that there were currently no plans and if a reduction was introduced there would be a three to five year lead in period to allow companies to plan accordingly.	
2.3 Problem with Cross Border Working – currently a driver licensed in one area was not allowed to drive a taxi licensed in another area which caused problems when relief drivers were needed.	

- 2.4 MB advised that this was currently being considered as part of a national consultation being carried out by the Law Commission which was due to report in May. She added that any recommendations arising from this would need to be incorporated into the Council's policies.
- 2.5 **Were any changes proposed to the licensing process for new drivers?**
- 2.6 MB advised that there were no plans to change the process but this topic had been raised prior to the meeting in Shrewsbury where a suggestion had been made to split the current joint drivers badge and possibly introduce a zone specific drivers test for Hackney Carriage drivers.
- 3.0 **Other Points Raised**
- 3.1 **Tendering List** – when is the tendering list reviewed and how is a company able to be added to the list?
- 3.2 MB advised that this was not dealt with by the Licensing Team and the company should contact the Transport Team at Shirehall.
- 3.3 **Timing of MOTs** – currently executive hire cars needed to be MOT'd every six months and very often this did not fit in with servicing schedules which meant the car was out of service twice. Was there any way of changing timescales so that the car was only in the garage once?
- 3.4 MB advised that this may be possible and that the company should contact the licensing department to discuss the matter further.
- 3.5 Taxi companies commented that, whilst it was a little inconvenient to have to travel to Shirehall for licensing matters, the closure of the Wem office had not caused too many problems and they were generally happy with the service received from the Licensing team.

The meeting closed at 12.00p.m.

**Taxi Forum
Shirehall, Shrewsbury**

**23rd April 2014
11.00 am – 1.25 pm**

Present: Mandy Beever (Team Manager, Operational Community Safety)
Shelley Davies (Committee Officer)
Sgt. Ben Tanfield and 2 other Police Officers (West Mercia Police)
22 Drivers

ACTION

1. Introduction

1.1 Mandy Beever welcomed all and explained that the meeting provided an informal opportunity for interested parties to submit any comments that would be taken into consideration as part of the review of the Council's Licensing Policy and to raise any other general and relevant queries/questions.

- 1.2**
- 21 May – initial report to Strategic Licensing Committee
 - 2 June 2014 – start of three month consultation period
 - September 2014 –report to Strategic Licensing Committee
 - 26 February 2015 Council – approval of the revised Licensing Policy
 - 1st April 2015 – new Licensing Policy comes into force

2. Issues raised by West Mercia Police

Sgt Ben Tanfield stated that there were no major issues to report and he considered that the police and the taxi trade had a good working relationship but the following minor issues had been highlighted by officers and he wanted to note that there may be future enforcement in relation to these issues:

- Parking in Roushill by the doctors surgery;
- Parking in Church Street and St Marys place on the one way system;
- Parking on the zigzags by Waitrose;
- Using Princess Street and Market Street as a cut through;
- Keeping badges in pockets and not on display; and
- Not wearing seatbelts when there is no passenger.

Agreed:

That the Police and Licensing Team issue joint guidance in relation to the following issues:

- The use of Seat belts

**MB
BT**

- The use of Car Seats
- What the Police can do if a fare is not paid
- Specific areas of town where can/cannot drop off

Agreed:

That the comments in relation to Police vehicles using taxi ranks, particularly the Buttermarket rank and the Station rank on Football match days be passed on the relevant Officers.

BT

Agreed:

That a notice that drivers can display in their vehicle be produced to inform passengers how they can complain.

MB

3. Questions put forward by Shrewsbury Drivers for discussion

Taxi Marshalls every weekend to be paid for by the Hackney Carriage Fees:

- Marshalls generally worked well but some were not very efficient.
- The drivers advised that they would require financial information in relation to this issue before could make a decision.
- The cost should be added to every licence not just Hackney Carriage licences.
- Some drivers felt that funding would be better used for enforcement than Taxi Marshalls.

Introduce an upper limit on vehicle numbers licensed.

- For Hackney Carriages this would be a good idea as it was difficult at present to make a living.
- The Private Hire Vehicle drivers agreed that this would be welcomed due to the influx of drivers around 2010/11.

Separate Knowledge Test for Hackney Carriage Drivers that is more difficult than the current one, to reduce numbers of awarded licences.

- Drivers were in support of this and felt that the large influx of drivers was due to the Shropshire test being much easier than other Councils.

Remove the current Joint Drivers Licence and Knowledge Test and replace it with a separate Private Hire and Hackney Drivers Badges

- The majority of drivers were fully supportive of this idea.

- One group of drivers felt that the joint badge gave drivers a choice but there should be a specific test for Hackney Drivers.
- It was questioned if you could still drive a Private Hire vehicle if had a Hackney Carriage badge.

Replace the current Knowledge Test with a specific Zone Test for the Hackney Drivers application and a County Wide Knowledge Test for Private Hire Driver Applicants

- Drivers were fully supportive of this idea and agreed that the Hackney Carriage test should be more difficult and zone specific.

Remove Zones and make all Shropshire Hackney Vehicles Wheelchair Accessible.

- Drivers stressed that they did not want the zones removed.

Consider specific types of vehicles for Private Hire and Hackney use being introduced

- It was agreed that there should be a list of vehicles suitable to be used as a Hackney Carriage and these vehicles should not be used as Private Hire Vehicles.

Introduce a 10 year upper age limit on vehicles

- Some drivers felt that the 10 year upper age limit was fair.
- The majority of drivers felt that the upper age limit was of no benefit and it was the standard of testing that was important and the age of the vehicle was not relevant.
- A visual test should be included as well as the MOT.
- If a vehicle was over 10 years it should have 2 MOTS per year.
- Drivers requested that this question be asked at the remaining forums.
- In response to a query, MB confirmed that once a vehicle had reached the age of 9 years it was required to have 3 MOT tests per year, tests being spaced out evenly throughout the year at four monthly intervals.

Provide a Guidance Leaflet with the New Driver Application form outlining the level of knowledge expected to pass the test

- It was agreed that this was a good idea.

Make the new policy more enforceable

- It was agreed that this was a good idea and drivers suggested that the officers used to do the enforcement were swapped around and they get used to certain officers.
- Enforcement officers should check that the correct tariff was being used.
- Covert enforcement was required.
- There should be random alcohol/drugs tests.
- Enforcement officers need to have knowledge of policy.

Private Hire Vehicle Door and Roof Signs

- The signs that were shown during the previous consultation were different those produced.
- The colour of the roof sign was irrelevant and this should be removed from the policy.
- A number of Private Hire Vehicles still have a roof signs, magnetic door signs and refer to themselves as taxis

Create a clearer identity difference between Hackney Carriages and Private Hire Vehicles

- It was suggested that Hackney Carriages should be black in colour as they were previous.
- It was added that this would have to be phased in as some drivers had now bought vehicles in a different colour.
- More publicity was required to educate the public on the difference.
- Private Hire Vehicles should not park up in the street they should return to base.

Calendar controlled meters in Hackney Carriages

- Some drivers felt that the Sunday tariff was unnecessary and noted that they used tariff 1 on a Sunday instead - which they would not be able to do if they had a calendar locked meter.
- Drivers noted that they could use the Sunday tariff but charge

less for the journey but preferred to use tariff 1 as the customers become alarmed when they see the meter going up.

- The majority were in favour of calendar controlled meters but not calendar locked meters.

Different Tariff Card fees for Zone 4

- A large number of drivers stated that they did not want the Sunday rate as it was putting off customers.
- Some drivers did want to retain the Sunday rate as they feel that they should be paid more for working on a Sunday.
- MB stated that if drivers wanted a change to the tariff card for Zone 4 they would need to formally request this.

General Issues

Wheelchair Accessible Vehicles

Drivers considered that the wording in the policy required amendment as it currently just referred to the requirement to be wheelchair accessible. It was suggested that a test be introduced to ensure that the vehicle could legally transport a wheelchair. Additionally it was noted that the vehicle should be wheelchair accessible at all times.

Meters in Private Hire Vehicles

It was questioned if meters could be put in Private Hire Vehicles to avoid pricing wars and enable customers to use the company they prefer rather than the cheapest. MB stated that it was not possible to do this as the legislation states that the private hire companies set the fees themselves.

Spare Tyres

It was pointed out that some new vehicles do not have a spare tyre and suggested that the policy should state that Hackney Carriage and Private Hire Vehicles have to carry a spare tyre.

Height of access to vehicle

It was pointed out that there should be a maximum height to step into a vehicle as some members of the public especially elderly people cannot get into some vehicles.

The meeting closed at 1.25pm

**Taxi Forum
Council Chamber, Oswestry**

**24th April 2014
11.00 am – 1.35 pm**

Present:

Trade Representatives: 6 Drivers/Operators

Police Representative: PC Mark Moth (West Mercia Police)

Officers: Mandy Beever (Team Manager, Operational Community Safety)
Kate Roberts (Public Protection Officer)
Julie Fildes (Committee Officer)

	ACTION
1. Introduction	
1.1 Mandy Beever welcomed all and explained that the meeting provided an informal opportunity for interested parties to submit any comments that would be taken into consideration as part of the review of the Council's Licensing Policy and to raise any other general and relevant queries/questions.	
1.2 MB confirmed that email invitations had been sent to all drivers and operators who had provided email addresses. She also confirmed that Members of the Strategic Licensing Committee had been invited to attend the forums.	
1.3 MB outlined the expected time line for the introduction of the revised licensing policy: <ul style="list-style-type: none">• May – initial report to Strategic Licensing Committee• June 2014 – start of three month consultation period• September 2014 –report to Strategic Licensing Committee• January 2015 – report to Cabinet• February 2015 Council – approval of the revised Licensing Policy• 1st April 2015 – new Licensing Policy comes into force	
1.4 Drivers challenged the timing of the policy review before the details contained in the Law Commission: Deregulation Bill, expected to be published on 23 rd May 2014, were known.	
1.5 MB explained that the Council Policies were scheduled for review every three years. The review of the Licensing Policy had already been postponed due to the expected publication of the Law Commission report on various dates in 2013. It had not been considered feasible to wait further as the	

current policy had limitations which needed to be addressed and resolved. She continued that this was not a new policy but a revision of the existing policy to improve clarity and enforcement powers.

2. Issues Raised in Relation to the Licensing Policy Document

2.1 Removal of Zones

- Drivers were in support of the removal of the zones which they considered restricted their trade and public access to their service.
- It was commented that operators had accepted a single county wide tariff on the understanding that de-zoning of the county would follow.

2.2 Requirement for vehicles older than 9 years to undergo a MOT every 16 weeks

- Drivers' views differed on this point. Whilst some supported the additional vehicle test, others argued that age was no indication of usage and the requirement for additional MOTs should be based on this.
- A driver proposed that the vehicles should have an MOT twice a year or every 15,000 miles, whichever came first.
- MB confirmed that the Council did not have access to DVLA records which confirmed vehicle mileage.

2.3 The driving assessment

- A number of drivers queried the requirement for all drivers to undergo a driving assessment. An operator stated that the DVLA confirmed a driver's competence through the issuing of the Driving Licence. MB replied that this was not always an indication of a sufficient level of competence to carry paying passengers.
- A driver proposed that new drivers should only undertake a driving assessment test if there were concerns regarding their driving ability.
- MB confirmed that there was no formal procedure for appealing against failure of the tests and suggested that the drivers may wish to propose the introduction of an appeals procedure if they were so minded.
- MB confirmed that the driving assessors were qualified

to Level 6 of ADI, whereas most driving school instructors were qualified to Level 5. The appointment and tendering process for driving assessors was discussed.

2.4 The knowledge test

- The drivers requested that the knowledge test should be revised to be more zone specific.
- A driver stated that some of the questions in the knowledge test were ambiguous and poorly worded and requested that they be reviewed.
- MB confirmed that a candidate could only sit the knowledge test three times. A driver complained that the wording of the letter notifying the candidate of failure was insensitive.

2.5 Vehicle signage

- The drivers enquired about the re-introduction of roof signage, and stated that they were in favour of it. Also the re-introduction of plates displayed on the front and rear of the vehicle. This was cited as a matter of driver safety.

2.6 Disabled Access to Hackney Carriages

- MB confirmed that most Hackney Carriages in Shrewsbury were wheelchair accessible.
- The Drivers stated that they did not want this policy adapted across the county as a mixed fleet of cars was more suitable for disabled people. They stated that to accommodate wheel chairs, cars needed to be higher which meant that they were inaccessible to many disabled people and to some elderly customers.

2.7 Access to Officers

- Drivers commented that the policy required that any reportable incident be reported immediately. This was not possible when the incident happened outside office hours. Drivers requested that the policy be re-worded to reflect this.

2.8 Meters

- A driver stated that the policy referred to mechanical meters which were no longer used and did not state that they should be calendar controlled and locked to prevent tampering.

<p>Agreed: That the wording of the test failure notification letter be reviewed.</p>	<p>MB</p>
<p>Agreed: that drivers and operators would forward all suggested amendments on the Licensing Policy to MB for consideration.</p>	<p>Drivers/ Operators</p>
<p>3 Licensing Sub-Committees</p>	
<p>3.1 MB confirmed that Councillor Steve Charmley was the Portfolio Holder with responsibility for the Licensing function and Councillor Michael Wood was the Chairman of the Strategic Licensing Committee.</p>	
<p>3.2 In response to a query MB explained that there was still a Licensing and Safety Sub-committee, although some of its responsibilities had been delegated to the Officer Panel which comprised Licensing Officers and a Solicitor. Drivers were no longer invited to attend the panel in person but had the opportunity to submit written representations. Drivers suggested that all applications should be dealt with by the sub-committee.</p>	
<p>3.3 A driver queried the procedure for removing the taxi license from a driver suspected of unacceptable behaviour. MB confirmed that where a complaint was made, the Licensing and Safety sub-committee had recourse to review a driver's taxi licence. She continued that it was difficult to take action where there were no complaints or prosecution and, in such cases, advice had been sought from the local police.</p>	
<p>3.5 MB asked that if any Drivers or Operators had evidence of inappropriate behaviour by any driver that they bring this to the attention of the Licensing Team and Police so that action could be taken.</p>	<p>Drivers/ Operators</p>
<p>3.5 MB continued that the Licensing Team worked closely with the police and received regular intelligence reports and had undertaken extensive work on safeguarding issues with both officers and members.</p>	
<p>3.6 Drivers requested that a secret shopper exercise be undertaken in the town to check that all firms were charging correctly and behaving appropriately.</p>	<p>MB/ Investigation team</p>
<p>4 Taxi Ranks</p>	
<p>4.1 A driver asked for information to be sent out to all drivers on the correct operation of the rolling taxi rank in Willow Street. Other drivers disputed that it was a rolling taxi rank, there</p>	

was a general discussion regarding its status as a rolling taxi rank, taxi rank or taxi bay.

- 4.2** There was discussion regarding the siting of additional ranks in the town, including daytime ranks. MB explained that this was a highways department responsibility but she would be happy to act as a coordinator between the highways department, the police and drivers to identify potential additional sites.
- 4.3** Drivers asked for clarification on private hire vehicles using the rank in Willow Street to pick up and drop off passengers
- 4.4** It was stated that the Oswestry Town Plan had supported the need for more taxi ranks within the town.

Agreed: that MB would look into the status of the taxi rank on Willow Street and send out information to drivers if necessary.

MB

Agreed: that drivers would contact MB with proposed locations for additional taxi ranks.

**Drivers/
Operators**

5 Taxi Marshals

- 5.1** In general, the drivers reported a positive experience with the Taxi Marshalls the previous weekend.
- 5.2** A driver asked that it be made clear to the marshals that the driver of the vehicle made the decision on who was carried and requested that the marshals obtain the driver's consent before helping passengers into the vehicle.

MB

6 Progress with On-line Applications and Payments

- 6.1** MB advised that the Council was in the process of changing its computer systems to allow on-line applications and payments, but the Information Commissioners Office had caused this to be postponed pending the introduction of further security steps to the software application. The launch date for this service was still to be announced.
- 6.2** Operators were reassured to hear that the on-line system would run alongside the traditional application methods.

7 DBS Update Service

- 7.1** MB confirmed that this service was not yet running in the County and drivers still needed to apply for the DBS as part of the application process.

7.2 In response to a query MB stated that DBS appointments for applicants were offered on one day a week, this would be increased according to demand. She confirmed that the license was only issued once the DBS response had been received and it was not possible to give a definitive timescale for this.

7.3 A driver stated that Powys had already adopted the DBS update service and applications were processed in a matter of days. He urged Shropshire Council to follow suit.

8 Licensing Staff Provision for Zone 3 Oswestry

8.1 MB confirmed that licensing officer, Kate Roberts, was based in the Oswestry office every day except Wednesdays. She was able to offer appointments for licensing matters on Thursday mornings.

8.2 MB stated that from 1st May licensing enforcement would be controlled by the Council's Investigation Team, formerly Trading Standards.

9 Greater Transparency within Licensing Fee Calculations

9.1 In response to a question on the setting of fees MB confirmed that licensing fee levels were based on a detailed analysis of costs that had been undertaken in 2013. She also confirmed that it was not Shropshire Council's intention to make profit from the fees charged, but the costs of the service needed to be covered.

9.2 MB continued that the renewal process had an additional step which was the reason for the higher cost of renewals.

9.3 An operator complained that the Licensing fee was charged at the start of the application procedure and this might be six weeks before the application was granted. He asked if this could be revised or a discount given for early payment.

10 Hospital Contracts

10.1 The drivers maintained that since the awarding of the Hospital contract to provide transport services to the Gobowen Hospital the legislation relating to Licensing had changed and drivers were working without licences contrary to the law. They asked that advice be sought from the Council's Solicitors and Strategic Licensing Committee on this matter.

11 Future Consultation

- 11.1** Drivers asked for the introduction of a twice yearly newsletter and annual Taxi Forum.

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Appendix C

1. Dual Badging of drivers was discussed. It was noted that different skills were required by Hackney Carriage drivers to those held by private hire drivers.

1a. Remove the current Joint Drivers Licence and Knowledge Test and replace it with a separate Private Hire and Hackney Drivers Badges.

1b. Separate Knowledge Test for Hackney Carriage Drivers that is more difficult than the current one, to reduce numbers of awarded licences.

1c. Replace the current Knowledge Test with a specific Zone Test for the Hackney Drivers application and a County Wide Knowledge Test for Private Hire Driver Applicants.

1d. Drivers requested that the knowledge test should be revised to be more zone specific.

1e. Were any changes proposed to the licensing process for new drivers.

2. Removal of Zones.

- Oswestry drivers were in support of the removal of the zones which they considered restricted their trade and public access to their service.
- Shrewsbury drivers stressed that they did not want the zones removed.
- It was commented that operators had accepted a single county wide tariff on the understanding that de-zoning of the county would follow.

3. Disabled Access to Hackney Carriages.

- The Drivers stated that they did not want this policy adapted across the county as a mixed fleet of cars was more suitable for disabled people. They stated that to accommodate wheel chairs, cars needed to be higher which meant that they were inaccessible to many disabled people and to some elderly customers.

4. Wheelchair Accessible Vehicles.

- Drivers considered that the wording in the policy required amendment as it currently just referred to the requirement to be wheelchair accessible. It was suggested that a test be introduced to ensure that the vehicle could legally transport a wheelchair. Additionally it was noted that the vehicle should be wheelchair accessible at all times.

5. Meters.

- A driver stated that the policy referred to mechanical meters which were no longer used and did not state that they should be calendar controlled and locked to prevent tampering.

6. Roof signs – these were considered by the trade to be useful as a means of identification of vehicles as ‘taxis’ to customers. There had been occasions where the lack of roof sign had resulted in loss of trade when a customer had seen the taxi roof sign on the hackney vehicle and the hackney takes the trade!

- 6a.** Drivers enquired about the re-introduction of roof signage, and stated that they were in favour of it. Also the re-introduction of plates displayed on the front and rear of the vehicle. This was cited as a matter of driver safety.

6b.Create a clearer identity difference between Hackney Carriages and Private Hire Vehicles.

- It was suggested that Hackney Carriages should be black in colour as they were previous.
- It was added that this would have to be phased in as some drivers had now bought vehicles in a different colour.

6c.Private Hire Vehicle Door and Roof Signs.

- The signs that were shown during the previous consultation were different those produced.
- The colour of the roof sign was irrelevant and this should be removed from the policy.

7. Consider specific types of vehicles for Private Hire and Hackney use being introduced.

- Drivers’ views differed on this point. Whilst some supported the additional vehicle test, others argued that age was no indication of usage and the requirement for additional MOTs should be based on this.
- A driver proposed that the vehicles should have an MOT twice a year or every 15,000 miles, whichever came first.

8. Height of access to vehicle.

- It was pointed out that there should be a maximum height to step into a vehicle as some members of the public especially elderly people cannot get into some vehicles.

9. Plate numbers – it was considered that these caused confusion – some customers thinking the plate number was a telephone number!

10. Private Hire ‘Pull Back Position’ – the current lack of a pull back position for private hire vehicles in Shropshire caused problems as drivers currently parked up in areas where they knew the work was likely to be forthcoming. MB commented that the current lack of pull back condition in the policy allowed private hire drivers to park in any designated, safe place to park.

11. Age of Vehicles – Were there any plans to reduce the age of vehicles allowed to be licensed?

11a. Introduce a 10 year upper age limit on vehicles.

12. Introduce an upper limit on vehicle numbers licensed.

13. The driving assessment.

- A number of drivers queried the requirement for all drivers to undergo a driving assessment. An operator stated that the DVLA confirmed a driver’s competence through the issuing of the Driving Licence. MB replied that this was not always an indication of a sufficient level of competence to carry paying passengers.
- A driver proposed that new drivers should only undertake a driving assessment test if there were concerns regarding their driving ability.

14. Taxi Marshalls every weekend to be paid for by the Hackney Carriage Fees.

15. Make the new policy more enforceable.

16. Spare Tyres.

- It was pointed out that some new vehicles do not have a spare tyre and suggested that the policy should state that Hackney Carriage and Private Hire Vehicles have to carry a spare tyre.

17. Access to Officers.

- Drivers commented that the policy required that any reportable incident be reported immediately. This was not possible when the incident happened outside office hours. Drivers requested that the policy be re-worded to reflect this.

18. Future Consultation. Drivers asked for the introduction of a twice yearly newsletter and annual Taxi Forum.

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Hackney Carriage and Private Hire Licensing Policies

Dated: Revised 21st May 2014

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SECTION 1

HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS

SHROPSHIRE COUNCIL
HACKNEY CARRIAGE VEHICLE LICENCE
CONDITIONS OF LICENCE

1. Definitions

- 1.1 “authorised officer” has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.
- 1.2 “the Council” means the Council of Shropshire.
- 1.3 “the proprietor” includes a part-proprietor and in relation to a vehicle which is the subject of a hiring agreement, or hire purchase agreement, means the person in possession of the vehicle under the agreement.
- 1.4 “hackney carriage” has the same meaning as in the Town Police Clauses Act 1847.
- 1.5 “vehicle licence” means in relation to a hackney carriage, a licence under sections 37 to 45 of the Town Police Clauses Act 1847.

2. Applicants

- 2.1 The applicant for a vehicle licence must be the person who is the legal owner of the vehicle concerned and entitled to have the ownership of the vehicle registered under the provisions of Regulation 10 of the Road Vehicles (Registration and Licensing) Regulations 2002 in their own name. Prior to licensing and thereafter, as required, satisfactory evidence must be produced in compliance with this requirement.

3. Vehicles

- 3.1 must:
 - (a) Be a Light Passenger Vehicle as defined by section 85 of the Road Traffic Act 1988 and have a minimum of 4 wheels;
 - (b) Provide sufficient means by which any person in the carriage may communicate with the driver;
 - (c) Have a watertight roof or covering;
 - (d) Provide at least two windows on each side of the vehicle of which one window on one side must have a means of opening/closing. Tinted windows will only be permitted in accordance with the manufacturers or specialist coachbuilder’s specification and must comply with the Road Vehicles (Construction & Use) Regulations 1986 as amended.
 - (e) Have seats that are properly cushioned and covered;
 - (f) Have a floor provided with a proper carpet, mat, or other suitable covering.
 - (g) Have fittings and furniture in a clean condition and be well maintained and in every way fit for public service.
 - (h) Provide means for securing luggage if the carriage is so constructed as to carry luggage;
 - (i) Where tilting passenger seats are fitted the seat must :-
 - Be forward facing
 - Designed for use by an adult

- Have a three point seatbelt

As specified in the Road Vehicle (Construction and Use) Regulations 1986 (as amended).

- (j) Have a minimum of four passenger doors including an entry/exit point for the driver if a vehicle other than a taxi approved to the specifications of the Public Carriage Office.

4.0 Test Requirements

- 4.1 All vehicles shall meet the Council's fitness requirements and for this purpose will be required to attend a six-monthly MOT inspection (and any other inspection deemed necessary by an authorised officer)
- 4.2 Once the vehicle reached the age of 9 years it is required to have 3 MOT tests per year, tests being spaced evenly throughout the year at four monthly intervals.
- 4.3 MOTs can be undertaken by any 'Nominated Tester' or Authorised Vehicle Examiner at a Vehicle Testing Station appointed under Section 45 of The Road Traffic Act 1988, the cost of all tests being met by the vehicle operator.
- 4.4 All vehicles fitted with a mechanically operated ramp must comply with the requirements of undergo a systematic and detailed examination at regular intervals and at least every six months by a competent person in accordance with the Lifting Operations and Lifting Equipment Regulations 1998 to ensure it is fit for purpose.

It is the responsibility of the vehicle operator to ensure that non-mechanical ramps comply with the relevant requirements of the Provision and Use of Work Equipment Regulations 1998. Licensing Officers will check that the provision of non-mechanical ramps is being maintained by the vehicle operator.

- 4.5 MOT certificates will only be accepted by the Licensing Authority within 10 working days of the date of issue from the MOT Testing Centre.
- 4.6 If the inspection determines that the vehicle is not fit for the purpose of carrying passengers the proprietor should notify the Licensing Authority soon as reasonably practicable, and in any case within seventy-two hours of the occurrence. The Licensing Authority may at that time suspend the licence and by issue of notice require the proprietor of that Hackney Carriage to return the plate to them within seven days after the service of that notice.
- 4.7 In the event of a proprietor failing to present to the Licensing Authority an MOT test certificate as required above, unless delayed or prevented by sufficient cause approved by the Licensing Officer, the Licensing Authority may suspend the licence and by issue of notice require the proprietor of that hackney carriage to return the plate to them within seven days after the service of that notice.

Trailers

- 4.8 To ensure that a trailer used with a Hackney Carriage (when undertaking the licensable activity) is maintained to an appropriate standard, they are required to be inspected annually with the vehicle to which it relates and issued with a plate that relates to the towing vehicle(s). Advice on trailers can be found in the guidance notes for private hire and hackney carriages at [Appendix B](#).

5.0 Appearance

Vehicle Licence Plate

- 5.1 The plate identifying the vehicle as a Hackney Carriage as issued by the Council and required to be exhibited on the vehicle pursuant to Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 shall be securely fixed to the outside rear of the vehicle in a conspicuous position, kept clean and fully displayed at all times and in such a manner as to be easily removable by an Authorised Officer of the Council or a Constable.

Advertisement

- 5.2 Advertisements are permitted to be carried on the vehicle in accordance with the guidelines set out in Appendix E.
- 5.3 Materials that may be used for advertisements should be of a quality not easily defaced, soiled or detached. Reflective material is not to be used for advertising purposes. The advertisement may be affixed directly onto the body of the vehicle.
- 5.4 The use of magnetic panels for this purpose is discouraged for anything other than short term use (less than one week) as they lack adequate adhesion.

Roof Signage

- 5.5 All vehicles are required to display a white roof sign bearing the words TAXI on the front and rear in uppercase black lettering of a minimum height of 79mm, width 50mm, stroke width 14mm and spacing between lettering of 11mm. The light in the sign must be switched on when the Hackney Carriage is available for hire and switched off when the Hackney Carriage is not available for hire. The sign must be permanently mounted across the roof of the vehicle except in respect of purpose-built taxis.

6.0 Change of Proprietor

- 6.1 The Proprietor shall give notice to the Council of any transfer in his interest in the hackney carriage to a person other than the proprietor whose name is specified in the licence. Such notice shall be given in writing within 14 days specifying the name and address of the person to whom the vehicle has been transferred.
- 6.2 Notification shall be given as soon as reasonably practicable, and in any case with 72 hours of the occurrence, of any accident to a licensed vehicle causing damage materially affecting the safety, performance or appearance of the vehicle, or the comfort or convenience of persons carried therein.

7.0 Documentation

- 7.1 Prior to licensing and thereafter, as required, satisfactory evidence must be produced that there is in force for the use of the vehicle a policy of insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1988.
- 7.2 The proprietor must ensure that at all times a list is maintained of all licensed drivers authorised under the policy to drive the vehicle and must make such a list

available to an Authorised Officer of the Council or Constable at all reasonable times, when so required.

- 7.3 Any Authorised Officer of the Council or any Constable shall have power at all reasonable times to inspect and examine the vehicle and to request driver identification and insurance details. A drivers badge, certificate of insurance and MOT must be produced either during the inspection, or to a Licensing Officer within 5 working days.

8.0 Safety Equipment

- 8.1 Individuals or operators are permitted to install a CCTV camera in a licensed vehicle, in accordance with the appropriate legal framework, but they should first notify the Council in writing of their intention to do so.

9.0 Taximeters

- 9.1 The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained, as to comply with the following requirements, that is to say:-
- (a) The taximeter shall be fitted with a key, flat, or other device, the turning of which will bring the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter;
 - (b) Such key, flat, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
 - (c) When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity, a fare not exceeding the rate of fare which the proprietor or driver is entitled to demand and take in pursuance of the bylaw in that behalf for the hire of the carriage by distance;
 - (d) The word 'FARE' shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
 - (e) The taximeter shall be so placed that all the letters and figures on the face thereof shall be at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be illuminated during any period of hiring;
 - (f) The taximeter and all fittings thereof shall be so affixed to the carriage with seals and other appliances that it shall be not practicable for any person to tamper with them except by breaking, damaging, or permanently displacing the seals or other appliances.
 - (g) The taximeter shall be set to reflect the current table of fares approved by the Council, or to an alternative table of fares that is in all cases lower than the Council approved table. Where the meter is set to an alternative table that table must be prominently displayed in addition to the approved table. A lesser fare than that shown on the taximeter at the end of a journey can be charged.

- (h) When hired, a taximeter should be used for the whole of any journey.
- (i) The taximeter must be set to be calendar controlled.

10.0 Fares

- 10.1 A copy of the Council's current table of fares shall be clearly displayed in the vehicle at all times.

11.0 Alterations to Vehicles

- 11.1 No material alteration or change in specification, design, condition or appearance of the vehicle shall be made at any time without the prior approval of the Council.

12.0 Interior Markings

- 12.1 The proprietor shall display the internal plate provided by the Council at all times inside the vehicle in such a position as to be visible by passengers when inside the vehicle.

13.0 Damage to Vehicles

- 13.1 Notification shall be given by the proprietor to the Council as soon as reasonably practicable and in any case within seventy-two hours of the occurrence of any damage to the vehicle. An Authorised Officer will then, after the vehicle has been inspected decide if the vehicle can continue in service. The Licensing Authority may at that time suspend the licence and by issue of notice require the proprietor of that Hackney Carriage to return the plate to them within seven days after the service of that notice. A new MOT may be required before the vehicle will be permitted to operate, at the discretion of the Licensing Officer.

14.0 Change of Address

- 14.1 The proprietor shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place.

15.0 Convictions

- 15.1 The proprietor (or, if the proprietor is a company or partnership, on any of the directors or partners during the period of licence.) shall within 72 hours disclose to the Council in writing if they are subject to any of the following:-

- Arrests
- Warnings
- Cautions
- Charges
- Convictions

16.0 Zones (Strategic Licensing Committee Decision 08 June 2011 to retain zones refers)

- 16.1 A hackney carriage vehicle would be restricted to working in one zone only. "zone" relates to the areas of Shropshire district boundaries prior to the formation of a

Unitary Council, Zone 1: Former District of Bridgnorth Zone 2: Former District of North Shropshire Zone 3: Former Borough of Oswestry Zone 4: Former Borough of Shrewsbury & Atcham Zone 5: Former District of South Shropshire

16.2 All vehicles licensed for zone four would be wheelchair accessible.

SECTION 2

PRIVATE HIRE VEHICLE LICENCE CONDITIONS

SHROPSHIRE COUNCIL
PRIVATE HIRE VEHICLE LICENCE
CONDITIONS OF LICENCE

1.0 Vehicles

Vehicles must not seat more than eight Passengers (not including the driver) and:

- (a) Be a Light Passenger Vehicle as defined by section 85 of the Road Traffic Act 1988 and have a minimum of 4 wheels;
- (b) Provide sufficient means by which any person in the carriage may communicate with the driver;
- (c) Have a watertight roof or covering;
- (d) Provide at least two windows on each side of the vehicle of which one window on one side must have a means of opening/closing. Tinted windows will only be permitted in accordance with the manufacturers or specialist coachbuilder's specification and must comply with the Road Vehicles (Construction & Use) Regulations 1986 as amended.
- (e) Have seats that are properly cushioned and covered;
- (f) Have a floor provided with a proper carpet, mat, or other suitable covering.
- (g) Have fittings and furniture in a clean condition and be well maintained and in every way fit for public service.
- (h) Provide means for securing luggage if the carriage is so constructed as to carry luggage;
- (i) Where tilting passenger seats are fitted the seat must :-
 - Be forward facing
 - Designed for use by an adult
 - Have a three point seatbelt

In accordance with the manufacturers or specialist coachbuilder's specification and must comply with the Road Vehicles (Construction & Use) Regulations 1986 as amended.

- (j) Have a minimum of four passenger doors including an entry/exit point for the driver if a vehicle other than a taxi approved to the specifications of the Public Carriage Office.

2.0 Test Requirements

- 2.1 All vehicles shall meet the Council's fitness requirements and for this purpose will be required to attend a six-monthly MOT inspection (and any other inspection deemed necessary by an Authorised Officer)
- 2.2 Once the vehicle reached the age of 9 years it is required to have 3 MOT tests per year, tests being spaced evenly throughout the year at four monthly intervals.

- 2.3 MOTs can be undertaken by any 'Nominated Tester' or Authorised Vehicle Examiner at a Vehicle Testing Station appointed under Section 45 of The Road Traffic Act 1988. The cost of all tests being met by the vehicle operator.
- 2.4 All vehicles fitted with a mechanically operated ramp must comply with the requirements of undergo a systematic and detailed examination at regular intervals and at least every six months by a competent person in accordance with the Lifting Operations and Lifting Equipment Regulations 1998 to ensure it is fit for purpose. A copy of all documentation should be available for inspection by an Authorised Officer of the Council upon request.
- 2.5 It is the responsibility of the vehicle operator to ensure that non-mechanical ramps comply with the relevant requirements of the Provision and Use of Work Equipment Regulations 1998.
- 2.6 Licensing Officers will undertake checks to ensure that non-mechanical ramps are being provided for use by Zone 4 Hackney Carriages.
- 2.7 MOT certificates will only be accepted by the Licensing Authority within 10 working days of the date of issue from the MOT Testing Centre.
- 2.8 If the inspection determines that the vehicle is not fit for the purpose of carrying passengers the proprietor should notify the Licensing Authority soon as reasonably practicable, and in any case within seventy-two hours of the occurrence. The Licensing Authority may at that time suspend the licence and by issue of notice require the proprietor of that private hire vehicle to return the plate to them within seven days after the service of that notice.
- 2.9 In the event of an operator failing to present to the Licensing Authority an MOT test certificate as required unless delayed or prevented by sufficient cause approved by the Licensing Officer, the Licensing Authority may suspend the licence and by issue of notice require the operator of that hackney carriage to return the plate to them within seven days after the service of that notice.

Trailers

- 2.10 To ensure that a trailer used with a PHV (when undertaking the licensable activity) is maintained to an appropriate standard, they are required to be inspected annually with the vehicle to which it relates and issued with a plate that relates to the towing vehicle(s). Advice on trailers can be found in the guidance notes for private hire and hackney carriages at Appendix B.

3.0 Appearance

Vehicle Licence Plate

- 3.1 The plate identifying the vehicle as a Private Hire Vehicle as issued by the Council and required to be exhibited on the vehicle pursuant to Section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976 (unless exempted by the Council) shall be securely fixed to the outside rear of the vehicle in a conspicuous position, kept clean and fully displayed at all times and in such a

manner as to be easily removable by an Authorised Officer of the Council or a Constable.

Advertisement

- 3.2 Advertisements are permitted to be carried on the vehicle in accordance with the guidelines set out in **Appendix E**.
- 3.3 Materials that may be used for advertisements should be of a quality not easily defaced, soiled or detached. Reflective material is not to be used for advertising purposes. The advertisement may be affixed directly onto the body of the vehicle.
- 3.4 The use of magnetic panels is discouraged for anything other than short term use (less than one week) as they lack adequate adhesion.

Signs and Notices

- 3.5 No vehicle shall display a roof sign.
- 3.6 All vehicles (with the exception of executive style vehicles) will be required to fix the Council issued signage on the front drivers door and the front passengers door of the vehicle using the adhesive backed signage provided. This will carry the Council logo, PHV licence number and the words 'Prebooked Only'. The use of magnetic panels is prohibited. The removal of this signage is prohibited whilst the vehicle is licenced by Shropshire Council. In the event that a side plate is lost it is the responsibility of the proprietor to notify the Council within 72 hours and obtain a replacement.

4. Alteration of Vehicles

- 4.1 No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the written approval of the Council at any time while the licence is in force.

5.0 Interior Markings

- 5.1 The proprietor shall display the internal plate provided by the Council at all times inside the vehicle in such a position as to be visible by passengers when inside the vehicle.

6.0 Safety Equipment

- 6.1 Individuals or operators are permitted to install a CCTV camera in a licensed vehicle, in accordance with the appropriate legal framework, but they should first notify the Council in writing of their intention to do so.

7.0 Documentation

- 7.1 Prior to licensing and thereafter, as required, satisfactory evidence must be produced that there is in force for the use of the vehicle a policy of insurance covering the carriage of passengers for reward or such security as complies with the requirements of Part VI of the Road Traffic Act 1972 along with a satisfactory MOT certificate. The proprietor must ensure that at all times a list is maintained of all licensed drivers authorised under the policy to drive the vehicle and must

make such a list available to an authorised officer of the Council or Constable at all reasonable times, when so required.

8.0 Damage to Vehicles

- 8.1 Notification shall be given by the proprietor to the Council as soon as reasonably practicable and in any case within seventy-two hours of the occurrence of any damage to the vehicle. An Authorised Officer will then, after the vehicle has been inspected decide if the vehicle can continue in service. The Licensing Authority may at that time suspend the licence and by issue of notice require the proprietor of that Private Hire Vehicle to return the plate to them within seven days after the service of that notice. A new MOT may be required before the vehicle will be permitted to operate, at the discretion of the Licensing Officer.

9.0 Change of Address

- 9.1 The proprietor shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place.

10.0 Convictions

- 10.1 The proprietor shall within 72 hours disclose to the Council in writing if they receive any of the following:-

- Arrests
- Warnings
- Cautions
- Charges
- Convictions

11.0 Advertisements

No operator shall cause or permit any advertisement in respect of their business on their private hire vehicles used for that purpose the words "taxi" or "cab" in the singular or plural or hire unless the word "hire" forms part of the company name. or any word or similar meaning or appearance to any of these words, whether alone or as part of another word.

SECTION 3

PRIVATE HIRE OPERATORS LICENCE CONDITIONS

SHROPSHIRE COUNCIL
PRIVATE HIRE OPERATORS LICENCE
CONDITIONS OF LICENCE

1. Definitions

‘The Act of 1976’ means the Local Government (Miscellaneous Provisions) Act 1976

‘The Council’ means Shropshire Council

‘The Operator’ means the holder of a licence issued under s.55 of the Act of 1976

‘Authorised Officer’ has the same meaning as in s.80 of the Act of 1976

‘Private Hire Vehicle’ has the same meaning as in s.80 of the Act of 1976

‘Hackney Carriage’ has the same meaning as in s.38 of the Town Police Clauses Act 1847

2. Fit and Proper Person

Before the Council will grant a Private Hire Operator’s licence, they must be satisfied that the applicant is fit and proper. All applicants will be required to submit to the Council such information as considered necessary to enable them to determine whether a licence is granted.

3. Disclosure and Barring Service (DBS)

If the applicant is already a licensed hackney carriage/private hire driver with the Council no additional vetting is required.

A Certificate of Good Conduct will be required for applicants who have not been resident in the UK for the previous 5 years. The applicant should obtain this from the appropriate Embassy or Legation, and a translation will be required if it is not provided in English.

In the event that an applicant is not able to obtain a Certificate of Good Conduct, they can submit a statutory declaration with regard to their conduct, which must be completed in the presence of a practising Solicitor.

4. Insurance

Any premises that provide access to members of the public must be covered by public liability insurance. The operator must also obtain information as to any requirement for them to have employer’s liability indemnity.

5. Operator’s Premises

- 5.1 Operators Licences are only applicable to and issued in respect of the physical premises from which the Operators business will be run. The physical premises must fall within the administrative area of Shropshire Council. All Private Hire bookings taken by the Operator must be received at and drivers of Private Hire Vehicles instructed to fulfil the bookings from within those premises and no other. All records that may be required to be retained by the Operator shall be held within this same business premises for inspection by the Council. This is applicable even where the home or registered office address of the Operator is also recorded within the Licence.

6. Standards of Service

The operator shall provide prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:

- a) Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.
- b) Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
- c) Ensure that any booking or waiting area provided by the operator has adequate seating facilities.
- d) Ensure that any telephone facilities and radio equipment (for which an OFCOM Radio Licence may be required) are maintained in a sound condition and that any defects are repaired promptly.
- e) Ensure that where applicable, the installation and use of C.C.T.V complies with the requirements of the Data Protection Act 1998.

7. Records of Bookings

An operator accepting a booking remains liable for that booking, even if they sub contract it to another operator. If a booking is sub-contracted to a second operator, this operator must also be licensed by the same council.

Before the commencement of each journey, an operator licensed with the council shall keep records of any hiring they accept, in accordance with s.56 of The Act of 1976. Such records shall be kept either in a ledger with consecutively numbered pages, on individual consecutively numbered record slips, or on a computer database/spreadsheet in an identifiable format. All such records shall be available at all reasonable times to an authorised officer of the council or to any police officer for inspection by them.

The following particulars shall be recorded:

- a) The time and date of each booking
- b) The name of the hirer
- c) How the booking was made (telephone, in person etc)
- d) Time, date and place of pickup
- e) The destination of the hirer
- f) The call sign or registration number of the vehicle used for each booking
- g) The proper name of the driver allocated to the booking

8. Records of Vehicles and Drivers

The operator shall keep and maintain at their licensed premises records of the particulars of all their vehicles and drivers. The records to be kept shall include:

- a) The private hire vehicle or hackney carriage vehicle licence plate numbers.

- b) The vehicle registration numbers.
- c) The names and addresses of the proprietors of each vehicle.
- d) The names and addresses of the private hire and hackney carriage drivers used, and will also ensure that a copy of the drivers licence issued by the council is deposited with them during the period the driver is employed to drive for them.
- e) The badge numbers of the private hire and hackney carriage drivers in their employ.
- f) Copies of current/valid insurance documents for all vehicles.

The above records shall be produced to any authorised officer of the council or to any police officer on request.

9. Retention of Records

All records kept by the operator under sections (6) and (7) above shall be retained for a period of not less than six months for licensing purposes. Other legislation may require records to be kept for a longer period.

10. Vehicles Which May Be Lawfully Used

No operator licensed under the provisions of the Act of 1976 s.55 shall operate any vehicle as a private hire vehicle, unless the same council has licensed that vehicle.

11. Drivers Who May Be Lawfully Used

No operator shall cause, permit or allow any person to drive any vehicle, which the operator is using as a private hire vehicle unless that driver holds a valid private hire drivers licence issued by the Council.

12. Complaints

The operator shall on receipt of a complaint concerning a private hire contract, or purported contract, relating to, or arising from their business, immediately notify the complainant of their right to forward their complaint to the Council.

An operator shall immediately investigate any complaint. The outcome of the complaint shall be notified within a reasonable time, to both the complainant and the Council.

13. Change of Address

The operator shall within 7 days disclose to the Council in writing, any change in their home address.

No operator shall commence operating from a new address without first consulting the Council as to the legal requirements of such a change of address.

The operator shall notify the Council of the sale of their business within 7 days of such an event taking place.

14. Convictions

The operator shall within 72 hours disclose to the Council in writing details of any criminal or motoring convictions (including any caution) imposed upon them, or if the operator is a company or partnership, upon any of the directors or partners, during the period of the licence.

15. Advertisements

No operator shall cause or permit any advertisement in respect of their business on their private hire vehicles used for that purpose the words "taxi" or "cab" in the singular or plural or hire unless the word "hire" forms part of the company name, or any word or similar meaning or appearance to any of these words, whether alone or as part of another word.

16. Licence Duration

Operator licences will run for one year or three years.

17. CCTV

Individuals or operators are permitted to install a CCTV camera in a licensed vehicle, in accordance with the appropriate legal framework, but they should first notify the Council in writing of their intention to do so.

SECTION 4

DRIVERS' LICENCE CONDITIONS

SHROPSHIRE COUNCIL
DRIVERS' LICENCE
CONDITIONS OF LICENCE

Requirements

1. The Council will issue a drivers' badge to all applicants which will permit licensed drivers to drive both hackney carriage and private hire vehicles, unless there is a specific request for a hackney carriage driver badge only.
2. Applicants must have held a full DVLA driving licence or any driving licence deemed to be acceptable under the provisions of the Road Traffic Act 1988 for at least 12 months. This includes European Union (EU) and European Economic Area (EEA) and Northern Irish licences as defined in the Road Traffic Act 1978.
3. All applicants holding driving licences issued by other than the DVLA should produce a certificate to show a driving record from the country of issue.
4. Applicants will be required to provide full details of convictions for any offences, criminal or motoring. Applicants are reminded that the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, lists hackney carriage and private hire drivers to be Regulated Occupations in this Act. The effect of this in relation to hackney carriage and private hire drivers is to render the Rehabilitation of Offenders Act 1974 inapplicable. In short, spent convictions can be taken into account when considering a person's suitability to hold a taxi/private hire/joint driver's licence. Checks will be made with the Disclosure and Barring Service (DBS) and the Driver and Vehicle Licensing Agency (DVLA).
5. A Certificate of Good Conduct will be required for applicants who have not been resident in the UK for the previous 5 years. The applicant would obtain this from the appropriate Embassy or Legation, and a translation will be required if it is not provided in English. In the event that an applicant is not able to obtain a Certificate of Good Conduct, they can submit a statutory declaration with regard to their conduct, which must be completed in the presence of a practising Solicitor.
6. Applicants, who have been disqualified from driving for any period, would not normally be considered for a driver licence until a period of 3 to 5 years has elapsed from the date that the driving licence has been reinstated. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public.
7. Legislation allows a Local Authority to satisfy itself that an applicant for a licence is physically fit. As drivers carry fare paying passengers/members of the public, this Authority will require a Group 2 medical examination carried out by any registered General Practitioner (GP). Further information on medicals is contained in the document accompanying the medical form to be completed by the GP.
8. All new applicants will be required to take and pass a knowledge test in English prior to obtaining a licence. The applicant is able to take the Knowledge Test up to a maximum of 3 times per application, subject to an additional re-test fee being paid for the second and third attempt. Where an applicant fails the knowledge test three times, the application will be refused, subject to a Manager who has responsibility for Licensing permitting a further test or tests where the circumstances are considered appropriate. Once an appointment has been

allocated the applicant is required to give 2 clear working days notice to cancel their appointment otherwise they will be required to pay for the appointment.

9. New applicants will also be required to take and pass a Driving Assessment or hold an advanced motorist qualification. The applicant is able to take the Driving Assessment up to a maximum of 3 times per application, subject to an additional re-test fee being paid for the second and third attempt. Where an applicant fails the Driving Assessment three times, the application will be refused, subject to a Manager who has responsibility for Licensing permitting a further assessment or assessments where the circumstances are considered appropriate.
- 10.

Conditions of Licence

1. Conduct

The driver shall:

- Be clean and respectable in their dress and person and behave in a civil and orderly manner.
- They shall take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by them.
- They shall not without the express permission of the hirer eat or drink in the vehicle. (Drivers would only be permitted to eat or drink in a vehicle when the vehicle is stationary.)
- At no time smoke or permit passengers to smoke in their vehicle as defined in The Smoke-Free (Exemptions and Vehicles) Regulations 2007.
- At no time cause or permit the sound emitted from any radio/sound recording equipment in the vehicle which they are driving to be an annoyance/nuisance to any person, whether inside or outside the vehicle.
- They shall when requested to do so by a passenger, convey a reasonable amount of luggage.
- They shall afford reasonable assistance in loading and unloading of any luggage.

2. Responsibilities of Driver

- Taximeters

Where taximeters are fitted to vehicles, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had an opportunity to examine the meter and has paid the fare (or credit has been given).

- Fare to be demanded

The driver shall not demand from the hirer a fare in excess of any fare previously agreed between the Operator and the hirer, or if the vehicle is fitted with a taximeter and no previous agreement as to the fare, the fare shown on the face of the taximeter.

- Identification plates

Drivers of licensed vehicles shall not wilfully or negligently cause or suffer any vehicle plate to be concealed from the public view whilst the vehicle is being used for hackney carriage or private hire purposes.

3. Licensed Vehicles

Only driver's who are licensed by the authority that licensed the vehicle are permitted to drive the licensed vehicle. The only exception to this is when the vehicle is having an MOT test and needs to be driven by the MOT examiner or it is being driven by a qualified mechanic for the purposes of a vehicle service, recovery or maintenance or otherwise permitted by statute.

4. Driver's Badge and Licence

- 4.1 Such badge must be produced to a Police Officer or an Officer of the Council for inspection on demand.
- 4.2 The badge must be worn by the driver at all times when driving the licensed vehicle and the badge must be clearly visible.
- 4.3 Under Section 48 of the Town and Police Clauses Act 1847, all drivers of vehicles licensed for hackney purposes of which they are not the Proprietor, shall before commencing driving that vehicle, deposit a drivers licence with the Proprietor for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.

5. Loss of Driver's Badge

Loss of a driver's badge must be reported immediately to the Council and the local Police. An incident number must be obtained from the Police and the number given to the Council. The driver must immediately obtain a new driver's badge from the Council for which a fee will be charged. If the original badge is then found, it must be returned to the Council.

6. Passengers

- 6.1 The driver shall not convey or permit to be conveyed in a licensed vehicle, a greater number of persons than prescribed in the vehicle licence. The driver of the licensed vehicle shall only be allowed to carry one person in the front of the vehicle beside the driver unless the vehicle has been specifically designed to carry more.

Seat Belts

- 6.2 Children under the age of twelve are not permitted to be carried in the front of the vehicle unless they are using the correct child seat or booster. In the event that a child under 12 is carried in the front of a licensed vehicle, the correct child restraint/seat must be used as per the seatbelt/child car seats law that came into effect on 18th September 2006. This applies to a child from their 3rd birthday up to 135 centimetres in height (or 12th birthday, whichever they reach first.)

7. Written Receipts

The driver shall, if required by the hirer of the vehicle, provide a written receipt for any fare paid.

8. Prompt Attendance

Drivers of licensed vehicles who shall have agreed or who have been hired to be in attendance with the vehicle at an appointed time and place, unless delayed/prevented by some sufficient cause, shall punctually attend at such appointed time and place.

9. Convictions – Written Notification Required

A licensed driver must disclose to the Council in writing if they receive any of the following:-

- Arrests
- Warnings
- Cautions
- Charges
- Convictions

10. Change of Address – Written Notification Required

A licensed driver must notify the Council, in writing, of any change of address within 7 days of such change. The driver must also amend the address on their DVLA driving licence and produce their driving licence showing the new address to the Council within 7 days of receipt from the DVLA. Both the paper and the plastic photo card licence must be produced.

10.1 Notification of a change of Operator is also required in writing to the Council within 7 days of such a change.

11. Return of Licence/Badge

A licensed driver shall on ceasing to be licensed as a driver, or when required to do so by an “Authorised Officer of the Council”, return his/her licence and badge to the Licensing Office of the Council on demand.

12. Vehicles permitted to be driven for Private Hire and Hackney

Only vehicles licensed by the Council are permitted to be used for Hackney and Private Hire Purposes.

14. Animals

Whilst on duty the driver shall not convey in a Hackney Carriage or Private Hire Vehicle any animals belonging to or in the custody of himself/herself or the proprietor or operator of the vehicle without prior permission of the Licensing Authority. Any animal belonging to or in the custody of any passenger may be carried at the driver's discretion. Assistance and guide dogs must be carried when requested unless the driver holds a medical exemption. Drivers must not impose a charge for carrying assistance dogs. Assistance dogs may be permitted to travel in the front of the vehicle.

15. Touting

A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not be calling out or otherwise importune any person to hire such vehicle and shall not make use of the services of any other person for this purpose.

16. Insurance

A licensed driver is expected to satisfy himself that any hackney carriage or private hire vehicle driven by him is licensed by the Council for that purpose and that there is in force in respect of the vehicle a suitable policy of insurance (to

include third party and public hire risks) and that he/she is authorised under that policy to drive the vehicle.

17. Condition of Vehicle

A licensed driver must not drive a licensed vehicle if he/she has reason to believe that the vehicle is in an unsafe, dangerous or illegal condition. He/she is advised to tell the Operator or Proprietor of the vehicle immediately of any defect arising in the vehicle whilst under his/her control. In the event that the vehicle is involved in an accident, the accident to be reported to both the Operator or Proprietor and the Council within the guidelines prescribed for reporting accidents for licensed vehicles.

18. Complaints

A licensed driver must advise passengers of their right to refer any complaint to the Council.

19. Medical Fitness

- 19.1 All drivers are required to undertake a medical examination to ensure their fitness to drive. The standards required are as laid down in the DVLA publication "At a Glance Guide to the Current Medical Standards of Fitness to Drive". The standard required is the "Group 2 Entitlement the DVLA medical standards guidance of fitness to drive". Copies of this document can be obtained from the Council's Licensing Section. No grandfather rights are given by the council in relation to medical matters.
- 19.2 Applicants would be screened for fitness before a licence is issued and at five-yearly intervals from age 45, or sooner if stipulated by the examining doctor.
- 19.3 Applicants over the age of 65 or who attain the age of 65 during a licensed period will be required to provide a medical certificate annually.
- 19.4 Medicals can be undertaken by any qualified and registered GP registered with the General Medical Council.
- 19.5 A licensed driver must notify the Council in writing within seven (7) days of any change of medical fitness.

20. Driving Assessment/Knowledge Test

All new applicants will be required to take and pass a knowledge test in English prior to obtaining a licence. The applicant is able to take the Knowledge Test up to a maximum of 3 times per application, subject to an additional re-test fee being paid for the second and third attempt. Where an applicant fails the knowledge test three times, the application will be refused, subject to a Manager who has responsibility for Licensing permitting a further test or tests where the circumstances are considered appropriate.

- 20.1 All new applicants will also be required to take and pass a Driving Assessment or hold an advanced motorist qualification. The applicant is able to take the Driving Assessment up to a maximum of 3 times per application, subject to an additional re-test fee being paid for the second and third attempt. Where an applicant fails the Driving Assessment three times, the application will be refused, subject to a Manager who has responsibility for Licensing permitting a further assessment or assessments where the circumstances are considered appropriate.

- 20.2 Existing licensed drivers will be required to satisfactorily complete a driving assessment at the discretion/request of the Licensing Officer.

21. Submitting an Application and Payment of Fees

- 21.1 Applications are required to be submitted to the Council complete with all supporting documentation and payment in full. If an application is received without all of the supporting documentation and payment the Licensing Service will not process the application until such a time as the additional information and payment has been received. In the event that an application for a licence is paid by cheque, the licence will not be valid until such time as the cheque has cleared. In the event that the cheque does not clear and the licence has been issued, the license will be null and void with immediate effect.

22. Renewal of a Hackney Carriage and Private Hire Drivers Licence - Renewal

- 22.1 Upon completion of a Hackney Carriage and Private Hire Drivers Licence Renewal Form it is the responsibility of the applicant to provide the Council with the Disclosure and Barring Service (DBS) Report within 7 days of the date of receipt. Failure to provide the DBS Report will result in the Drivers Licence being suspended or ultimately revoked.

SECTION 5

PRIVATE HIRE AND HACKNEY CARRIAGE LICENCE

GUIDANCE NOTES

SHROPSHIRE COUNCIL
PRIVATE HIRE AND HACKNEY CARRIAGE LICENCE
GUIDANCE NOTES

1. Introduction

This document is designed to assist the Hackney Carriage and Private Hire proprietors, operators and drivers and to put the Council's licensing requirements into context.

2. Legislative Framework

The operation of the Council's licensing service is in accordance with and in support of the following Council Policies:

Equal Opportunities Policy

Race Equality Scheme

Better Regulation and Enforcement Policy

Data Protection Policy

The licensing of all vehicles, drivers and operators will be in accordance with relevant legislation and licence conditions.

3. Conditions

The Council will adopt any reasonable conditions that it deems necessary and appropriate to ensure that Proprietors, Operators, Drivers and Vehicles comply with these aims and the legislation set down so that the public can travel in a safe, clean and comfortable manner.

4. Administration

The Council's aim is to provide a responsive service to the trade and members of the public at all times during normal office hours.

To assist drivers and operators, the Council will notify all operators and drivers at least 6 weeks before the expiry of a licence.

5. Operators

Operator licences will run for one year or three years.

The Council will require an Operators fee.

By way of satisfying the Local Authority that a person who does not hold a Hackney Carriage and Private Hire Drivers Licence is a fit and proper person to hold an Operators Licence the Licensing Authority will require an applicant to have a Disclosure and Barring Service (DBS) check.

Any premises that provide access to members of the public should be covered by public liability insurance. The operator must also obtain information as to any requirement for them to have employer's liability indemnity.

6. Drivers

The Council's policy is to issue a combined Hackney Carriage and Private Hire Driver's Licence. These licences will run for an initial probationary period of one year followed by a three yearly renewal.

Applicants must have held a full DVLA driving licence for at least 12 months. This includes European Union (EU) and European Economic Area (EEA) and Northern Irish licences as defined in the Road Traffic Act 1978.

All applicants holding driving licences issued by other than the DVLA should produce a certificate to show a driving record from the country of issue.

7. DBS / Certificate of Good Conduct

The Council will administer Disclosure and Barring Service (DBS) checks for drivers. DBS checks will be undertaken at every application.

A Certificate of Good Conduct will be required for applicants who have not been resident in the UK for the previous 5 years. The applicant should obtain this from the appropriate Embassy or Legation, and a translation will be required if it is not provided in English.

In the event that an applicant is not able to obtain a Certificate of Good Conduct, they can submit a statutory declaration with regard to their conduct, which must be completed in the presence of a practising Solicitor.

8. Disqualification / Relevance of Convictions

The overriding consideration is the protection of the public. Applications from individuals with a current conviction will be considered in line with **Annex A**.

9. Medical

To ensure consistency in relation to medical fitness to drive the Council must assess the balance when accepting such an amendment that on the one hand the safety of the public should mean that all drivers should have a set minimum standard of medical fitness; and on the other hand a Hackney Carriage driver or Private Hire Vehicle driver might have his/her licence revoked on medical grounds even though he/she has been driving safely for years with a medical condition which, because of this amendment, no longer meets the fitness standard.

10. References

To assist the Council in determining whether or not applicants for a licence are suitable, the Council will require two references from either professional or business sources on initial application.

In this respect, the Council will not accept a reference from a family member or the applicant's future employer.

11. Vehicles

The Council does not limit the number of Hackney Carriage or Private Hire Licences that it will issue.

12. Wheelchair Accessibility/Zones (Strategic Licensing Committee Decision 08 June 2011 to retain zones refers)

12.1 A hackney carriage vehicle would be restricted to working in one zone only. "zone" relates to the areas of Shropshire district boundaries prior to the formation of a Unitary Council, Zone 1: Former District of Bridgnorth Zone 2: Former District of North Shropshire Zone 3: Former Borough of Oswestry Zone 4: Former Borough of Shrewsbury & Atcham Zone 5: Former District of South Shropshire

12.2 All vehicles licensed for zone four would be wheelchair accessible.

13. Taximeters

- 13.3 Hackney Carriage Vehicles will require a tariff meter fitted and tested to ensure that the tariff complies with that agreed by the Council, before a licence is issued. Private Hire Vehicles will not require a meter.
- 13.2 When hired, a taximeter should be used for the whole of any journey.

14. Revocation or Suspension of Vehicle Licence

- 14.1 Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 states: Notwithstanding anything in the Act of 1847 or in this Part of this Act, Shropshire Council may suspend or revoke, or (on application therefore under section 40 of the Act of 1847 or section 48 of this Act, as the case may be) refuse to renew a vehicle licence on any of the following grounds –
- (a) that the Hackney Carriage or Private Hire Vehicle is unfit for use as a Hackney Carriage or Private Hire Vehicle;
 - (b) any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the operator or driver; or
 - (c) any other reasonable cause.
- 14.2 Where Shropshire Council suspend, revoke or refuse to renew any licence under this section they shall give to the proprietor of the vehicle notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew the licence within fourteen days of such suspension, revocation or refusal.
- 14.3 Any proprietor aggrieved by a decision of the council under this section may appeal to a Magistrates' Court.

15. Lost Property

All lost property should be handed by the Operator or Proprietor to the Police, regardless of value.

16. Appearance and General Behaviour

All licensed drivers will maintain a reasonable standard of appearance and will maintain a reasonable standard of behaviour in their dealings with other road users, the general public, other licensed Operators and drivers of hackney carriage and private hire vehicles. Licensed drivers will also co-operate with any reasonable request from an Authorised Officer of the Council or any Police Officer.

17. Residential Areas

All licensed drivers must show consideration when driving through a residential area. It is an offence to sound a horn whilst stationary or between the hours of 11.30 p.m. and 7 a.m. in a built up area – see Highway Code Road Vehicles (Construction and Use) Regulations 1986 – and licensed drivers must remember this when calling at residential properties to pick up passengers.

18. Decision Making

- 18.1 The Council is of a view that consultation with the trade and the community is vitally important. In order to deliver a transparent, accountable and efficient service the Council will keep an open dialogue with the trade. In particular the Council will meet with representatives at intervals upon request from the trade or alternatively when the Council deem it necessary to exchange views and information on changes to the service provision or legislation. (Other ad hoc meetings can be arranged as necessary).

It is the Council's policy to consult with the trade on all matters affecting the policy or conditions. This will follow the following procedures:

<i>Item</i>	<i>Refer to Taxi Forum</i>	<i>Consultation / notification in writing/email</i>	<i>Referral to Committee</i>
Discretionary changes to conditions or policy	Yes	Yes	Yes
A change in the law	No	Yes	Yes
Request for review	No	Yes	Yes

19. Reviews

Any licensed Driver or Operator may request a review of any condition or policy at any time.

20. Enforcement

Enforcement action will be undertaken in accordance with the Better Regulation and Enforcement Policy.

21. Hackney Carriage Fares

The Trade will be expected to apply for any change in the Hackney Carriage Fares to be charged. Any proposed changes will be notified to all Hackney Operators, referred to Committee and advertised in the local press before they are adopted.

22. LPG Converted Vehicles

- 22.1 Officers of the Council will need to be satisfied that any vehicle has been converted correctly prior to a licence being issued; checks will be made with the UKLPG Vehicle Register.
- 22.2 In the event that an LPG Conversion has been undertaken on a vehicle during a current licenced period the proprietor of that vehicle will be required to notify the Council within 7 days of the conversion and provide the LPG Conversion Certificate.

- 22.3 The proprietor is required to produce the vehicle for inspection upon request from the Council.

23. Stretched Limousines

The Council will license stretched limousines as private hire vehicles and subject to additional conditions detailed in [Appendix C](#)

DRIVERS' LICENCE

GUIDANCE RELATING TO THE RELEVANCE OF CONVICTIONS AND CAUTIONS

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INTRODUCTION TO THE GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS

1. The purpose of this document is to formulate guidelines which detail the Council's current stance on the relevance of convictions and cautions in respect of applications for the grant of new licences, and the renewal of existing hackney carriage and private hire vehicle driver's operators and proprietor's licences.
2. These guidelines have been produced to assist the regulatory committee in their decision-making and to maintain the consistency of the decisions made. They have also been formulated to provide clearer information to current and potential applicants, with a view to minimising cost and time spent by both Council and the applicant.
3. The aim of these guidelines is not to punish the applicant twice for a conviction or caution, but to ensure that public safety is not compromised.
4. The objective of the licensing regime is to ensure that, so far as possible, those licensed to drive hackney carriages and private hire vehicles are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault customers.
5. These guidelines will be taken into account when dealing with new applications as well as renewal applications for an existing private hire/hackney carriage driver's licence, private hire/hackney carriage vehicle licence, and a private hire operators licence, and also, when considering whether to suspend or revoke an existing licence.

EACH CASE IS TO BE DECIDED ON ITS OWN MERITS.

6. A person is not permitted to apply for a hackney carriage or private hire licence until they have held a driving licence for a minimum of 12 months.

Legislation

7. The Local Government (Miscellaneous Provisions) Act 1976 Section 51 deals with the issue of driver suitability:

“...Council shall not grant a licence to drive a (Private Hire/Hackney Carriage Vehicle) unless they are satisfied that the person is a **fit and proper person** to hold a driver's licence.”

8. Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 states:

...the district council may suspend or revoke or refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds.

- 1) That he has since the grant of the licence.

- i) Been convicted of an offence involving dishonesty
Indecency or violence.
- or
- ii) Been convicted of an offence under or has failed to comply
with the provisions of the Act of 1847 or of Part of this Act.
- or
- 2) Any other reasonable cause.

Therefore the wording of the legislation makes it clear that the Council may grant a licence ONLY if it is satisfied that the person is fit and proper - the onus is on the applicant to prove this, NOT the Council to demonstrate that they are not.

- 3) The Council is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the licensing authority or other licensing authorities, and information disclosed by the police under the Home Office scheme for reporting offences committed by notifiable occupations.
- 4) It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence. The licence will normally be refused.

Convictions

- 9. The committee is required to look at any past indicators (convictions, speeding offences etc.) that may affect a person's suitability to hold a hackney carriage/private hire drivers licence and consider the possible implications of granting such a licence.
- 10. As part of the licence conditions, the applicant is asked to disclose **all** convictions and cautions. Therefore **all** convictions must be disclosed, including spent convictions; the Rehabilitation of Offenders Act 1974 s 4, and Rehabilitation of Offenders Act (Exceptions) Order 2003.
- 11. In addition, applicants must disclose any recent cautions they have received or any pending matters.
- 12. If a licence has been granted to a person on the basis of false or incomplete information supplied by them the Committee may revoke the Licence and require the applicant to submit a further application which will be considered in the light of the full information now available to the Committee.
- 13. The disclosure of any conviction will not necessarily detain an applicant from being issued a licence. However, all convictions, spent or live, will be assessed.

14. All hackney carriage and private hire operators, proprietors and drivers must disclose in writing to the Council within 72 hours of conviction or caution imposed on him/her during the period of licence.
15. Cautions are included under the definition of convictions and they will also be taken into consideration when reviewing an application. Although these are generally not as serious as convictions, they can give some indication as to an applicant's character and whether they are a fit and proper person to hold or be granted such a licence.

Patterns

16. A series of offences over a period of time is more likely to give cause for concern than an isolated conviction. A serious view will be taken when applicants show a pattern of offences. If a pattern is found for any offences, for example, the applicant has received four convictions for a violent action, then serious consideration should be made as to the suitability of that person holding a licence.
17. The timescale within which any cautions have been issued could increase the severity of the offence, for example, for violent convictions within the space of a few years could portray the applicant as someone prone to violence.

Rehabilitation Periods

18. These guidelines have separated the various offences affecting such an application into 9 categories, each detailing the period of rehabilitation that must elapse for a particular offence within that category, before an applicant can be considered a fit and proper person to hold licence. After consideration from the committee, if a person does not satisfy these guidelines, then the application should be refused or the licence revoked or suspended until the applicant is able to satisfy them.
19. The Committee cannot hear evidence, or decide, that an applicant did not, in actual fact, commit an offence of which a Court has convicted them. The applicant can, however, explain any mitigating factors, which led to them committing the offence and the Committee, can take these into account in deciding whether the applicant is a fit and proper person to hold a licence.
20. If the applicant or holder of a licence has notified the Council of a conviction but is appealing against it to a higher court the matter may be referred to the Committee for a decision as to whether the licence / application should be suspended until such appeal is heard.

A "Fit and Proper Person"

21. There is no absolute definition as to what constitutes a "fit and proper person", however, considering the range of passengers that a driver may carry (for example, elderly people, unaccompanied children, the disabled, those who have had too much to drink, lone women and foreign visitors), the Council relies on good sound judgement. Some areas give rise to particular concern, including
 - Honesty and trustworthiness - taxi drivers often have knowledge that a customer is leaving a house empty; they have opportunities to defraud drunken, vulnerable or foreign people or to steal property left in cars, for

example, any passenger would expect to be charged the correct fare for a journey and then given the correct change, they would also expect a driver to hand in any article left by a passenger in a vehicle, and also to maintain confidentiality between driver and fare.

- Not abusive - taxi drivers are often subject to unpleasant or dishonest behaviour. The Council does not consider that this excuses any aggressive or abusive conduct on the part of the driver. A driver will not be expected to have any convictions or cautions for offences of a violent or threatening nature.
- A good and safe driver - those paying for a transport service rely on their driver to get them to their destination safely. They are professional drivers and should be fully aware of all Road Traffic legislation and conditions attached to the licence.
- They should be expected to have a good knowledge of the area that they are working in.
- Good physical and mental health.
- An ability to read, speak, write and understand English.

“Protecting the Public” Question

22. The over-riding consideration of the members of the Committee is to protect the travelling public; having considered and applied the appropriate guidelines, the following question should be applied:

“Would I allow my daughter or son, granddaughter or grandson, spouse, mother or father, or any other person I care for or any vulnerable person I know, to get into a vehicle with this person alone?”

23. If answer is yes, then a licence should normally be granted. If the Committee have any doubts, then an application must be refused until those doubts can be satisfied through further evidence being supplied. It is the applicant’s responsibility to provide sufficient evidence to this effect.

Compliance with Conditions and requirements of Licensing Authority

24. The Committee may take into account an applicant’s history while holding a licence, from this or any other authority. The Committee may take into account, in deciding whether a person is a fit and proper person to hold a licence such matters as their record of complaints, or positive comments from members of the public; their compliance with Licence conditions and their willingness to co-operate with Licensing Officers.

The Guidelines

25. To ensure the effective application of these guidelines, a glossary has been incorporated, which attempts to define the various phrases, offences and other terminology used here.

TRAFFIC OFFENCES – NEW APPLICANTS

This section refers to New Applicants only

26. Convictions for traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of an offence will be taken into account. In some cases it may be appropriate to issue a licence together with a strong warning as to future driving conduct. If a significant history of offences is disclosed, refusal of an application may result.
27. All the possible traffic offences have been separated into two categories, minor and major offences, depending on the seriousness of the offence. Below are the guidelines as to the rehabilitation period for a specific number of penalty points awarded for offences within that specific category.

Please note:

28. For guidance information on death by careless or dangerous driving, please refer to the **Violence** section.
29. For information on insurance guidelines, see **Insurance Offences**.
30. For guidance information on drinking and taking drugs whilst driving, see the relevant **Drunkenness** and **Drugs** sections.

Driving Offences

31. Any new applicant who has 9 current penalty points or more on his driving licence should expect their application to be heard at a hearing of the Council's Regulatory Committee. The Regulatory Committee then have the option of deciding the application on its merits, and may:
- Issue the licence with or without a written warning
 - Issue the licence conditionally upon the applicant completing a Driver Correction Training Course at the driver's expense, within 2 months of their decision (if applicable).
 - Refuse the application.
32. A Licence may only be granted on the condition that the committee are satisfied that the applicant is a fit and proper person.
33. For any minor offences totalling 8 or fewer points on an applicant's licence, a licence may be granted by the Licensing Officer with a formal warning with regards to future conduct.
34. A licence may be granted on the condition that the committee are satisfied that the applicant is a fit and proper person.
35. If the applicant has been convicted of a major traffic offence within 2 years of the receipt of his application, then a licence should not be granted until the applicant has completed a period of 2 years free from conviction.

Medical Offences

36. If the applicant's driving licence has been revoked or refused on medical grounds by the DVLA within the last 5 years or the applicant has received a conviction for driving a vehicle after failing to notify a disability or made a false declaration about fitness and medical health, the application for a hackney carriage or private hire licence should be refused until medical proof of current fitness can be provided.
37. The onus is on the applicant to provide appropriate medical proof from their GP/consultant or authorised practitioner at their own expense, which is to be brought to the committee hearing. The committee should consider issuing a licence if they are satisfied that the report shows a clean bill of health, and that the applicant is a fit person to recommence driving and is deemed to be of no threat to the public.
38. If the committee have any doubts over the applicant's fitness, then the application should be adjourned or refused until further evidence can be produced by the applicant to contest this.

Cautions

39. If an applicant has received a caution for a traffic offence, given the nature of the offence and the profession of a taxi driver, the applicant may be given a warning as to the future conduct.

TRAFFIC OFFENCES – EXISTING LICENCE HOLDERS

This section applies to Existing Licence Holders only.

40. Private hire and hackney carriage drivers are professional drivers and must be aware of the safety of their passengers and the safety of their vehicles at **all** times. Any traffic offences show a lack of responsibility whilst driving either due to the maintenance and safety of their vehicles or in the manner of their driving.
41. Convictions for traffic offences should not prevent a person from proceeding with a renewal of their licence. However, the number, type and frequency of an offence will be taken into account. In some cases it may be appropriate to issue a licence together with a strong warning as to future driving requirements.
42. For guidance information on death by careless or dangerous driving, please refer to the **Violence** section.
43. For the information on Insurance guidelines, see **Insurance Offences**
44. For guidance information on drinking and taking drugs whilst driving, see the relevant **Drunkenness** and **Drugs** sections

Traffic Offences

45. (For a detailed list of offences that fall into this category, see Appendix D)
46. Any existing licence holder who has 9 current penalty points or more on his/her driving licence will be expected to go before a Regulatory Committee hearing to explain their convictions. The Regulatory Committee then have the option of deciding the application on its merits, and may
 - Take no further action
 - Give a written warning
 - Require the driver to attend a Driver Correction Training Course at the driver's expense, within 2 months of their decision (if applicable).
 - Suspend the Licence upon conditions or for a period of time
 - Revoke the licence.

Medical Offences

47. If the applicant's driving licence has been revoked or refused on medical grounds by the DVLA or the applicant has received an offence of driving a vehicle after failing to notify a disability or a false declaration about fitness and medical health, the application for renewal hackney carriage or private hire licence should be refused until medical proof of current fitness has been provided.
48. The onus is on the applicant to provide appropriate medical evidence from their GP / consultant or authorised medical practitioner at their own expense, which is to be brought to the committee hearing. The committee should consider issuing a licence if they are satisfied that the report shows that the applicant is a fit person to recommence driving and is deemed to be of no threat to the public.
49. If the committee have any doubts over the applicant's fitness, then the application should be refused until further evidence can be produced by the applicant to contest this.

Cautions

50. If an applicant has received a caution for a traffic offence, given the nature of the offence and the profession of a taxi driver, the applicant may be given a warning as to future conduct.

INSURANCE OFFENCES

51. The Council takes a serious view of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past should not necessarily bar an applicant from being issued a licence.
52. More than one conviction for these offences should raise serious doubts as to an applicant's suitability to hold a hackney carriage or private hire licence. In this instance, at least 3 years should elapse (after restoration of the DVLA driving licence) before an applicant, who has been disqualified from driving for insurance offences, is considered for a hackney carriage or private hire licence.

SEXUAL OFFENCES

53. As hackney carriage and private hire drivers often carry unaccompanied passengers, any new applicants with convictions, or cautions, for soliciting, importuning, indecent exposure, or any sexual offence, should expect their application to be heard at a hearing of the Regulatory Committee. New applicants will normally be refused a licence until they can show a substantial period (usually between 7 and 12 years) free from any conviction.
54. Any current licence holder, declaring a charge, conviction or caution for any sexual offence, will be expected to attend a hearing of the Regulatory Committee. Depending on the nature of the conviction, the Committee may:-
- A) Take no further action
 - B) Issue a written warning
 - C) Suspend the Licence
 - D) Revoke the licence
55. The following guidelines illustrate the council's stance on rehabilitation periods after an applicant has been convicted of a sexual/indecency offence.
56. A strict warning as to future conduct should be issued to any applicant who is granted a licence. **Any existing licence holder charged with or convicted of a sexual offence or issued with a formal caution whilst licensed with the authority, will be required to attend a hearing of the Regulatory Committee.**

57. The following offences are listed under this section together with their rehabilitation periods:

- **Rape** - Licence should be revoked / refused until a minimum period of 12 years after conviction has elapsed.
- **Indecent Assault** - Licence should be revoked/refused until a period of 12 years after conviction has elapsed.
- **Gross Indecency with a Female** - Licence should be revoked / refused until a period 12 years after conviction has elapsed.
- **Gross Indecency with a Male** - Licence should be revoked / refuse until a period of 12 years after conviction has elapsed.
- **Indecent Assault on a Child** - Licence should be revoked / refused until a period of 12 years after conviction has elapsed.
- **Assault By Penetration** – Licence should be revoked / until a period of 12 years after conviction has elapsed.

DRUNKENNESS

58. This section has been divided into two separate sections; drink driving with a motor vehicle and drunkenness without a motor vehicle. Both sections apply to new applicants as well as existing licence holders.

(a) With a Motor Vehicle

59. The Council views driving or being in charge of a vehicle whilst under the influence of alcohol as a serious offence.

The offences that apply to this section include:

- Driving or attempting to drive with alcohol above the limit
- In charge of a vehicle, driving or attempting to drive when unfit through drink
- Refusal to provide a specimen of breath or blood for analysis

New Applicants

60. Although an isolated incident will not necessarily debar an applicant, a single conviction for any drink driving offence will require a period of 1 year to elapse after the restoration of their DVLA licence, before being considered for a licence.

61. More than one incident should raise grave doubts as to future behaviour and the applicant's fitness to hold a licence. At least 2 years should elapse (after restoration of the DVLA licence) before an application is considered.

Existing Drivers

62. A driver found guilty of driving passengers for hire and reward whilst under the influence of drink or of refusing to provide a specimen of breath or blood for analysis.

63. Should expect to have his hackney carriage or private hire drivers licence revoked **IMMEDIATELY and a further application should not normally be considered until a period of 5 years has elapsed after restoration of the DVLA licence.**
64. If a driver's licence has been revoked by the DVLA for offences relating to drink driving, but not when driving for hire or reward then any application to renew a hackney carriage or private hire vehicle licence should not be considered until a period of 2 years has elapsed, (after restoration of their DVLA licence).

(b) Without a Motor Vehicle

65. An isolated conviction for drunkenness not associated with a motor vehicle will not necessarily result in an application being refused, however any new application or current licensee should expect to attend a hearing of the Regulatory Committee.
- One or 2 convictions for drunkenness not confined to a year should result in a warning as to future conduct.
 - 2 convictions within a year, a current licence should be suspended for a period of no more than 2 weeks, and a new application may be refused, or granted with a written warning.
 - 3 or more convictions, any current licence should be suspended for a period of no more than a month. Any new application should be refused until a period of 12 months free of convictions.

In both cases

66. More than one conviction of drunkenness or refusal to provide a specimen may indicate a medical problem and the applicant may be asked to submit to a medical examination by a medical practitioner nominated by the Council, before the application is entertained. If the results of the examination show the applicant to be an alcoholic, a period of 5 years should lapse after treatment is complete and the committee must agree that, that person is a fit and proper person to hold such a licence before a further application is considered.

DRUG OFFENCES

67. A serious view is taken of any drug related offence. An applicant with a conviction for a drug related offence (including the supply or trafficking of drugs) should be required to show a period of at least 3 years free of convictions before an application is entertained.
68. If the applicant was required to undergo detoxification treatment, a period of 5 years free from conviction after the end of treatment is required. More than one conviction for a drugs related offence should debar an applicant for 7 years at least. In both instances, before a further application is entertained, a specialist medical examination will be required with negative urine/blood screen for drugs or abuse.
69. Any new applicant that has served a custodial sentence for a period of 5 years or more for supplying controlled drugs, and has submitted their application within a period of 5 years from the date of release, should not be considered for a licence.

70. A hackney carriage or private hire driver found guilty of driving whilst under the influence of drugs, or convicted of any other drug-related offence should expect to have their licence revoked immediately. At least five years should elapse from conviction before a new application by that person will be considered.

VIOLENCE

71. As hackney carriage and private hire drivers maintain close contact with the public, any previous convictions for violence will be taken seriously.

(a) An application/licence will normally be refused for the following offences, and where the conviction is **less than 15 years** prior to the date of application:

- Murder
- Manslaughter
- Causing death by reckless driving, including:
 - Causing death by reckless driving when unfit through drugs:
 - Causing death by careless driving when unfit through drink
 - Causing death by careless driving with alcohol level above the limit
 - Causing death by careless driving then failing to supply a specimen for analysis
- Manslaughter or culpable homicide while driving a vehicle
- Causing death by dangerous driving

(b) An application/licence should be revoked or suspended where the applicant; has a conviction for one of the following offences and where the conviction is **less than 10 years** prior to the date of application:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated

(c) An application/licence should be revoked or suspended where the applicant has a conviction for one of the following offences **and** where the conviction is **less than 8 years** prior to the date of application:

- Grievous bodily harm with intent
- Grievous bodily harm
- Robbery
- Racially-motivated criminal damage
- Racially-motivated s.4 Public Order Act 1986 offence (fear or provocation of violence)
- Racially-motivated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Racially-motivated harassment
- Racially-motivated fear of violence

(d) An application/licence should be revoked or suspended where the applicant has a conviction for one of the following offences **and** where a conviction is **less than 5 years** prior to the date of application:

- Common assault
- Common assault which is racially-motivated
- Assault occasioning actual bodily harm
- Assault on the police
- Affray
- Riot
- Obstruction
- Possession of offensive weapon
- Possession of firearm
- Criminal damage
- Violent disorder
- Resisting arrest

More than one offence

72. The above guidelines are applicable to applicants who have been convicted of one offence.
73. If an applicant has been convicted of two or three violent offences, the licence should normally be revoked.
74. If an applicant has a history of violence (four or more convictions of any type of violence) their licence should normally be revoked. If it is a new application, the guidance is to refuse.

Possession of a Weapon

75. If an applicant has been convicted for possession of a weapon or any other weapon-related offence, then serious consideration must be made as to whether this person is fit and proper to hold such a licence.
76. If the applicant has been convicted of wielding or using a weapon at someone, then an application should normally be refused or a licence revoked.

DISHONESTY

77. Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public, for example, by demanding more than the legal fare or giving incorrect change. Overseas visitors can be confused by the change in currency and become “fair game” for an unscrupulous driver. Similarly, any customer can be defrauded by a driver taking them by any other than the shortest route or by them retaining any lost property left in their vehicle.
78. Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. For these reasons a serious view is taken at any convictions involving dishonesty.

An application will normally be expected to be free from convictions of the following offences between 3-5 years prior to the date of application:

- Theft
- Burglary
- Fraud
- Benefit fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception

COMPLAINTS AGAINST DRIVERS

79. Complaints are frequently made against hackney carriage and private hire drivers. Such complaints include refusal to assist a disabled passenger, use of abusive language or refusal to accept a fare. Such complaints should be considered first by the Licensing Officer for consideration as to the nature of the complaint being serious enough to be forwarded to the committee.
80. The committee should consider the history of all complaints made against the driver to assess any patterns. If a problem is inherent, then the Committee should consider whether the driver is fit and proper person to hold such a licence.

CONCLUSION

81. Any applicant having a previous or current conviction should not debar them from obtaining a hackney carriage or private hire licence. However, it is this Council's policy to consider the protection of the public by ensuring all licensed drivers are in good health, are safe and competent driver and are able to maintain their vehicles to an acceptable standard.
82. A man or woman who has committed an offence and who is made to wait for a rehabilitation period to lapse prior to their application being accepted, is more likely to value their licence and act accordingly.
83. Any applicant refused a driver's licence on the grounds that the committee is not satisfied he/she is a fit and proper person to hold such a licence, or who has had their licence suspended or had a condition attached with which they disagree has a right of appeal by way of written complaint, to the Magistrates' Court within 21 days of the notice of decision

GLOSSARY

<u>Appeal</u>	A means by which a Committee hearing decision can be reviewed by the Magistrates Court or the Crown Court. the decision of the Committee may be upheld or overturned.
<u>Committee</u>	Local Councillors gathered together to discuss the suitability of a person to hold a taxi related licence. Any reference to "Committee" will be classed as the Regulatory Committee for the purposes of Licensing.
<u>Conviction</u>	Judicially determining that someone is guilty of a crime.
<u>Fit and Proper Person</u>	A person who is of no threat to the general public, has a good character and is therefore deemed fit and able to hold a licence.
<u>Hackney Carriages</u>	A vehicle that can carry passengers for hire or reward, can be hailed a prospective passenger and can park on a rank to await the approach of passengers; a car available for public hire.
<u>Mitigating Circumstances</u>	The conditions surrounding a conviction. These conditions may alter the seriousness of a crime.
<u>Plying for Hire</u>	To actively invite or respond to a hail for a taxi with the intent to charge a specific fare for the service.
<u>Private Hire Vehicles</u>	A car which must be pre-booked with a private hire operator. This type of vehicle cannot stand in a rank or ply for hire.
<u>Proprietor</u>	The person in possession of a vehicle which is the subject of a hiring agreement or hire purchase agreement.
<u>Operator</u>	This is the business section, which in this country can cover anything from sole proprietor (not being just a driver or proprietor) up to the largest firm in the country, which runs 2,500 vehicles.
<u>Rehabilitation</u>	The period to which the standing authority feels a person has repented their crimes.
<u>Revoke</u>	To take back something for an indefinite period of time.
<u>Suspend</u>	To hold something away from its owner for a period of time.

Written Warning

A letter advising that although a conviction was not serious enough to have warranted the suspension or revocation of the licence, the offence committed as unacceptable and has caused concern among the the committee as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the consequences could be much more severe, possibly leading to the suspension of the licence.

Current

For DVLA convictions, current penalty points mean those that the DVLA consider not spent.

Trailer Guidance

Private Hire and Hackney Carriage vehicles licensed by the Council are permitted to tow trailers when undertaking the licensed activity providing that the following conditions are complied with at all times: -

1. The use of trailers is only permitted for vehicles of the multi-passenger type (more than 4 passenger seats) and on pre-arranged journeys where passenger's luggage cannot be safely accommodated within the vehicle.
2. The licensed towing vehicle's insurance must cover the towing of a trailer.
3. Trailers must not be left unattended anywhere on the highway.
4. The speed restrictions applicable to trailers must be observed at all times.
5. A spare wheel for the trailer and adequate tools to change a wheel must be carried at all times by a licensed vehicle whilst towing a trailer.
6. The towing of a trailer by a licensed vehicle shall only permit the conveyance of luggage and belongings owned by a passenger whilst the vehicle is hired by a passenger within the vehicle.
7. The tow bar must comply with the type approval regulations in respect of all tow bars fitted to cars after August 1998.
8. Drivers of vehicles towing trailers must ensure that they have the correct driving licence group to permit them to tow the relevant trailer, as per the DVLA guidance (info 30) Driving Licensing Requirements for Towing Trailers in Great Britain.
9. Trailers must be inspected at initial licensing and annually thereafter by a garage approved by the Council for that purpose.
10. An additional plate will be issued by the Council for each vehicle licensed to tow trailers and the relevant plate must be affixed to the rear of the trailer near the vehicle number plate.
11. Un-braked trailers shall be less than 750 KGs gross weight.
12. Trailers over 750 KGs gross weight shall be braked acting on at least two road wheels.
13. The towing vehicle must have a kerb weight of at least twice the gross weight of the trailer.
14. A suitable lid or other approved means of enclosure shall be fitted to secure the contents within the trailer when in use and to keep it watertight.
15. The maximum permissible length of the trailer shall be 7 metres including the drawbar and coupling.
16. The width of the trailer shall not be greater than the towing vehicle subject to no trailer being wider than 2.3 metres.
17. The maximum length for braked twin axle trailers is 5.54 metres.
18. The trailer must at all times comply with all Road Traffic legislation requirements, in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986.
19. The trailer shall not display any form of sign or advertisement not required or approved by the Council or Road Traffic legislation.

Stretched Limousine Guidance

For the purpose of licensing a limousine by the Council, a limousine is described as a luxurious vehicle that has been stretched by the insertion of an additional section not exceeding 3048 millimetres to extend the length of the vehicle. The vehicle shall be capable of carrying up to but not exceeding eight passengers.

This type of vehicle will be subject to all the private hire vehicle conditions detailed above and will also be required to produce a number of additional documents. The following documentation in original form or certified copies (not photocopies) shall be produced prior to licensing:

- Completed importation documentation – Single Vehicle Approval (SVA) or
- A qualified Vehicle Modifier certificate – (QVM). This is issued by the Coach Builder
- DVLA registration document (V5)
- Insurance documents covering Hire and Reward, Public Liability Insurance and where drivers other than the proprietor are used, Employer Liability Insurance
- Vehicles converted to run on LPG must produce an installation certificate from a LPGA approved UK vehicle conversion company
- Documentation to show the overall weight of the vehicle (as displayed on the vehicle.)

RELEVANCE OF PREVIOUS CONVICTIONS

MAJOR TRAFFIC OFFENCES

- AC10 Failing to stop after an accident
- AC20 Failing to give particulars or to report an accident within 24 hours
- AC30 Undefined accident offences

- BA10 Driving while disqualified by order of court
- BA20 Attempting to drive while disqualified by order of court

- CD10 Driving without due care and attention
- CD20 Driving without reasonable consideration for other road users
- CD30 Driving without due care and attention or without reasonable consideration for other road users
- CD40 Causing death through careless driving when unfit through drink
- CD50 Causing death by careless driving when unfit through drugs
- CD60 Causing death by careless driving with alcohol level above the limit
- CD70 Causing death by careless driving then failing to supply a specimen for analysis
- CU80 Using a mobile phone while driving a motor vehicle

- DD40 Dangerous driving
- DD60 Manslaughter or culpable homicide while driving a vehicle
- DD80 Causing death by dangerous driving

- DR10 Driving or attempting to drive with alcohol level above limit
- DR20 Driving or attempting to drive while unfit through drink
- DR30 Driving or attempting to drive then failing to supply a specimen for analysis
- DR40 In charge of a vehicle while alcohol level above limit
- DR50 In charge of a vehicle while unfit through drink
- DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
- DR70 Failing to provide specimen for breath test
- DR80 Driving or attempting to drive when unfit through drugs
- DR90 In charge of a vehicle when unfit through drugs

- IN 10 Using a vehicle uninsured against third party risks

- LC20 Driving otherwise than in accordance with a licence
- LC30 Driving after making a false declaration about fitness when applying for a licence
- LC40 Driving a vehicle having failed to notify a disability
- LC50 Driving after a licence has been revoked or refused on medical grounds

- MS50 Motor racing on the highway
- MS60 Offences not covered by other codes

- UT50 Aggravated taking of a vehicle

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12)

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. IN10 becomes IN16)

MINOR TRAFFIC OFFENCES

MS10 Leaving a vehicle in a dangerous position

MS20 Unlawful pillion riding

MS30 Play street Offences

MS40 Driving with uncorrected defective eyesight or refusing to submit to a test

MS70 Driving with uncorrected defective eyesight

MS80 Refusing to submit to an eyesight test

MS90 Failure to give information as to identity of driver, etc.

MW10 Contravention of Special Road Regulations (excluding speed limits)

PC10 Undefined contravention of Pedestrian Crossing Regulations

PC20 Contravention of Pedestrian Crossing Regulations with moving vehicle

PC30 Contravention of Pedestrian Crossing Regulations with stationary vehicle

TS10 Failing to comply with traffic light signals

TS20 Failing to comply with double white lines

TS30 Failing to comply with a "Stop" sign

TS40 Failing to comply with direction of a constable or traffic warden

TS50 Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)

TS60 Failing to comply with school crossing patrol sign

TS70 Undefined failure to comply with a traffic direction sign

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12)

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. PC10 becomes PC14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. PC10 becomes PC16)

CU10 Using vehicle with defective brakes

CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition

CU30 Using a vehicle with defective tyre(s)

CU40 Using a vehicle with defective steering

CU50 Causing or likely to cause danger by reason of load or passengers

SP10 Exceeding goods vehicle speed limit

SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30 Exceeding statutory speed limit on a public road
SP40 Exceeding passenger vehicle speed limit
SP50 Exceeding speed limit on a motorway
SP60 Undefined speed limit offence

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12)

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. CU10 becomes CU14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16)

Advertising on Hackney Carriages and Private Hire Vehicles.

Advertisements will not be permitted by Shropshire Council if, in Shropshire Council's reasonable opinion, the advertisement falls within any of the following categories.

- (a) The advertisement does not comply with the law or incites someone to break the law.
- (b) The advertisement does not comply with the British Code of Advertising, Sales Promotion and Direct Marketing.
- (c) The advertisement is likely to cause widespread or serious offence to members of the public on account of the nature of the product or service being advertised the wording or design of the advertisement or by way of inference.
- (d) The advertisement depicts men, women or children in a sexual manner or displays nude or semi-nude figures in an overtly sexual context.

For example, while the use of underdressed people in most underwear advertising may be seen as an appropriate context, gratuitous use of an overtly sexual nature will be unacceptable.

- (e) The advertisement depicts or refers to indecency or obscenity or uses obscene or distasteful language including that set out in a foreign language.
- (f) The advertisement relates to lap-dancing, 'gentlemen's clubs', escort agencies or massage parlours.
- (g) The advertisement depicts direct or immediate violence to anyone shown in the advertisement.
- (h) The advertisement condones or provokes anti-social behaviour.
- (i) The advertisement relates to films that have not been granted permission for public exhibition.
- (j) The advertisement contains images or messages, which relate to matters of public controversy and sensitivity.
- (k) The advertisement refers to or portrays (or gives the impression of portraying) a living person unless the written consent of that person is obtained and is produced to Shropshire Council.
- (l) The advertisement contains negative references to Shropshire Council's services or those services provided or regulated by other Local Authorities.
- (m) The advertisement relates to a political party or parties or a political cause.
- (n) In the case of digital media, the advertisement must not pose a health and safety risk as a result of flickering or other visual imagery.

Appendix E

Local Taxi Forum Events

The purpose of the forum is to provide local drivers with information about local issues and the opportunity to raise any concerns you may have about your own geographical area.

In addition I would like to discuss any comments you may have about the current Hackney Carriage and Private Hire Licensing Policy, the information gathered will then be considered and will form the basis for the proposed Hackney Carriage and Private Hire Licensing Policy to be put forward for formal consultation.

The forums have been arranged as follows:

- Tuesday 15th April 2014, 10:30 until 12:30 in the Rocksprings Community Centre, Ludlow.
- Wednesday 16th April 2014, 11:00 until 13:00 in Canern Brook Office, Stanley Lane, Bridgnorth.
- Tuesday 22nd April 2014, 11:00 until 13:00 in Raven House, Market Drayton.
- Wednesday 23rd April 2014, 11:00 until 13:00 in the Council Chamber, Shirehall, Abbey Foregate, Shrewsbury.
- Wednesday 23rd April 2014, 18:00 until 21:00 in the Council Chamber, Shirehall, Abbey Foregate, Shrewsbury.
- Thursday 24th April 2014, 11:00 until 13:00 in the Council Chamber, Castle View, Oswestry.

Each venue has a limited number of spaces and therefore the spaces will be offered on a first come first served basis. If you would like to attend please email Taxis@shropshire.gov.uk with the venue you would like to attend along with your full name, address and licence number.

If you would like to submit any items for the agenda you must email them to Taxis@shropshire.gov.uk by no later than 4pm on Friday the 11th of April 2014, please note only agenda items specific to each local area will be included.

If you do not have access to email or require any further information please telephone Licensing on 0345 678 9026.

Mrs A Beever

Team Manager - Operational Community Safety

Public Protection and Enforcement

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**Committee and Date**

Strategic Licensing
Committee

21st May 2014

Item

9

Public

**MINUTES OF THE LICENSING ACT SUB-COMMITTEE MEETING HELD ON
TUESDAY, 18TH MARCH 2014 IN THE LUDLOW ROOM, SHIREHALL,
SHREWSBURY.**

10.00 a.m. – 10.39 a.m.

Responsible Officer Emily Marshall

Email: emily.marshall@shropshire.gov.uk

Telephone: 01743 252726

Councillors: Joyce Barrow
Peter Cherrington
Keith Roberts

30. ELECTION OF CHAIRMAN

RESOLVED:

That Councillor Peter Cherrington be elected Chairman of the Licensing Act Sub-Committee for the duration of the meeting.

31. DISCLOSABLE PECUNIARY INTERESTS

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

32. APPLICATION FOR A PREMISES LICENCE

Consideration was given to an application for a Premises Licence in respect of Off Licence/Grocery Store, 45-46 High Street, Broseley, TF12 5EZ.

Mr G. White (Solicitor – Shropshire Council), Ms L. Prince (Solicitor – Shropshire Council (observing)), Mr S. Ditton (Public Protection Officer (Specialist)), Mr and Mrs P. S. Sandhu (Applicants), Mrs O'Reily (Objector), Mrs Challenor (local resident) and Mr Taylor (local resident) were present.

Mrs Sandhu (The Applicant) presented the case to the Sub-Committee. Mrs Sandhu stated that she wanted allay the fears of local residents/objectors and proceeded to outline the steps that they would be taking to ensure that the business operated in accordance with the Licensing Objectives.

In response to questions from Members of the Sub-Committee and Interested Parties, the applicant confirmed that:

- Deliveries would be made via the gates to the rear of the premises, so that delivery vehicles were not causing an obstruction and taking up parking spaces at the front of the premises;
- The Sunday opening hours would be reviewed once the amount of trade was known and they were willing to adjust these hours depending on the level of trade;
- They were local to Broseley and had been involved in the family retail business since 1987; and
- There was not currently a grocery shop operating from the premises.

The Public Protection Officer (Specialist) addressed the Sub-Committee, confirming that the application had been accepted as a valid application and that during the statutory consultation period relevant representations had been received.

The Interested Parties (Objectors) addressed the Sub-Committee, stating that the population of Broseley was small and that at the current time there were 13 premises with a licence to sell alcohol within the town. Mr Taylor stated that he was concerned that an additional premise would have a damaging effect on social cohesion and the financial viability of existing businesses within the town. A lack of parking along the street was also a concern in this particular location, as the road was narrow and this would be worsened with the opening of an additional premise. Mr B Taylor explained that as a town centre resident he expected there to be a degree of noise, however he felt that an opening time of 6.00 a.m. on a Sunday was unacceptable.

The Chairman invited all parties to sum up and make any final comments prior to the Sub-Committee making a decision on the application.

Members of the Sub-Committee retired to consider the application, in private, at 10.21 a.m. and reconvened at 10.37 a.m. to announce their decision.

RESOLVED:

That the application for a premises licence for Off Licence/Grocery Store, 45-46 High Street, Broseley, TF12 5EZ be **granted** for the following days, hours and licensable activity:

Supply of alcohol off the premises

Monday to Saturday – 06:00 to 23:00

Sunday 08:00 to 23:00

Opening Hours

Monday to Saturday – 06:00 to 23:00

Sunday 08:00 to 23:00

And in accordance with the following operating schedule:

Prevention of Crime and Disorder

Digital colour CCTV inside and outside premises operating and recording at all times when licensable activities are taking place. Images retained for a minimum of 31 days and made available in a viewable format to the Police and Licensing Authority on request.

Prevention of Public Nuisance

1. Litter bin outside premises – emptied regularly.
2. Leave quietly notices above the door requesting customers to leave quietly and respect the neighbours.

Protection of Children from Harm

1. Challenge 25 Policy applied.
2. Refusals book maintained and made available to responsible authorities on request.
3. The till will have a proof of age prompt for alcohol.
4. Proof of ID by passport, photo card driving licence and/or PASS approved photo card.
5. Signage at points of sale.

Reasons: The Sub-Committee had considered all the representations that had been made by all parties before and at the hearing and were satisfied that the application satisfactorily promoted the licensing objectives with the exception of the times which had been requested. The Sub-Committee heard the concerns regarding the Sunday opening hours and shared those concerns. The Sub-Committee therefore considered that it was appropriate to restrict the opening hours/time for sale of alcohol on Sunday to 08:00 hours until 23:00 hours. The matters set out in the operating schedule (detailed above) were to be made conditions on the licence. The setting of these conditions was an appropriate and proportionate measure to take for the furtherance of the licensing objectives.

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**Committee and Date**

Strategic Licensing
Committee

21st May 2014

Item

9

Public

Minutes of the meeting held on 22 April 2014

**2.00 - 3.05 pm in the Bridgnorth Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND**

Responsible Officer: Shelley Davies

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Present

Councillors Vernon Bushell, Peter Cherrington and Andrew Davies

33 Election of Chairman**RESOLVED:**

That Councillor Andrew Davies be elected Chairman of the Licensing Act Sub-Committee for the duration of the meeting.

34 Disclosable Pecuniary Interests

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

35 Application for a Premises Licence

Consideration was given to an application for a Premises Licence in respect of The Clementines, Station Road, Baschurch SY4 2BB.

Ms L. Prince (Solicitor – Shropshire Council), Mrs K. Roberts (Public Protection Officer - Specialist), Mr K. Douley (Applicant), Councillor N. Bardsley (Local Member), Mr P. Thorpe (Local Resident) and Mrs J. Thorpe (Local Resident) were present.

Mr Douley (The Applicant) presented the case to the Sub-Committee. Mr Douley responded to the objections received from local residents and confirmed that the business would operate in accordance with the Licensing Objectives.

In response to questions from the Public Protection Officer (Specialist), Members of the Sub-Committee and Interested Parties, the applicant confirmed that:

- The type of restaurant had not been finalised but he was currently in discussion with a company that intended to open a pizzeria type restaurant;

- The premises was currently for sale and it would not be himself managing the business;
- The conditions set out in the operating schedule would be a condition of the sale;
- The premises would close at 10.30 p.m. on Sundays;
- The music played in the restaurant would be ambient and the volume would be restricted by legislation;
- There would be limited space outside the premises if the building was extended in accordance with the approved plans and therefore it was unlikely that there would be outside tables and chairs;
- Alcohol sales would be predominantly on site but he had applied for the licence to include the supply of alcohol off the premises to enable customers to purchase alcohol with their takeaway;
- It would not be the type of premises to sell cans of beer but customers were entitled to buy alcohol from the restaurant and consume in the same way as if they had bought the alcohol from an off-licence;
- A music licence was not advertised in the same way as a Premises licence;
- Until the property was sold he was unable to confirm who would be responsible for the property alarm;
- There was no street lighting condition requested by Shropshire Council Highways when the planning application was determined;
- He considered CCTV to be beneficial and if he remained as the property owner he would install CCTV; and
- There was no formal 'drinking up time' but the restaurant would be closed at 11pm so alcohol could not be ordered at 11pm.

The Public Protection Officer (Specialist) addressed the Sub-Committee, confirming that the application had been accepted as a valid application and that during the statutory consultation period relevant representations had been received.

The Interested Parties (Objectors) addressed the Sub-Committee, outlining the concerns that had been raised by local residents. Councillor N. Bardsley stated that he considered the application to be premature. The applicant was unlikely to be the person managing the business and therefore was unable to answer a number of questions in relation to the application and he could not guarantee how the business would be run.

The Chairman invited all parties to sum up and make any final comments prior to the Sub-Committee making a decision on the application.

Members of the Sub-Committee retired to consider the application, in private, at 2.52 p.m. and reconvened at 3.02 p.m. to announce their decision.

RESOLVED:

That the application for a premises licence for the Clementines, Station Road, Baschurch, SY4 2BB be granted for the following days, hours and licensable activity:

Recorded Music - indoors

Monday to Saturday – 08:00 to 23:00

Sunday – 10:00 to 22:30

Supply of alcohol on the premises

Monday to Saturday – 08:00 to 22:30

Sunday – 10:00 to 22:00

Supply of alcohol off the premises

Monday to Saturday – 08:00 to 23:00

Sunday – 10:00 to 22:30

Opening Hours

Monday to Saturday – 08:00 to 23:00

Sunday – 10:00 to 22:30

And in accordance with the following operating schedule:

Prevention of Crime and Disorder

The premises will be alarmed.

Prevention of Public Nuisance

1. Recorded music played at a level so as to be inaudible from outside the premises.
2. Deliveries as far as possible at reasonable times of day.

Protection of Children from Harm

1. Challenge 25 Policy applied.
2. Refusals book maintained and made available to responsible authorities on request.
3. Proof of ID by passport, photo card driving licence and/or PASS approved photo card.
4. Signage at points of sale.

Reasons: The Sub-Committee had considered all the representations that had been made by all parties before and at the hearing and were satisfied that the Operating Schedule was sufficient to promote the licensing objectives. The Sub-Committee had concerns in relation to the lack of 'drinking up time' and therefore considered that it was appropriate to restrict the hours for the supply of alcohol on the premises to allow 30 minutes 'drinking up time' prior to the closure of the premises. The matters set out in the operating schedule (detailed above) were to be made conditions on the licence. The setting of these conditions was an appropriate and proportionate measure to take for the furtherance of the licensing objectives.

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Committee and Date

Strategic Licensing
Committee

21st May 2014

Item

12

Public

EXERCISE OF DELEGATED POWERS

Responsible Officer Mandy Beever, Team Manager Operational Community Safety
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1. Summary

- 1.1 Licensing officers have been given delegated powers to issue or amend licences, providing no objections have been received in the case of licences issued under the Licensing Act or with regard to general and public health licences.
- 1.2 Further, procedures have been approved for officers with direct line management responsibility for Licensing to use their delegated powers to, amend, revoke or refuse driver and vehicle licences.
- 1.3 This report gives details of the licences issued, variations that have been made and the enforcement action undertaken between 1st of March 2014 to the 2nd of May 2014 and a summary of applications considered by committee. I note that this report contains only two months of data rather than the usual three due to the period of time between the Strategic Licensing Committee meetings held.

2. Recommendations

- 2.1 That members note the position as set out in the report.

REPORT

3. Risk Assessment and Opportunities Appraisal

- 3.1 This is an information report giving Members information on the work undertaken by the Licensing Team and Committee and therefore a risk assessment and opportunities appraisal has not been carried out.

4. Financial Implications

- 4.1 There are no financial implications associated with this report.

5. Background

- 5.1 Information regarding the issue of licences by Officers under delegated powers is reported to Committee on a quarterly basis.
- 5.2 Officers use their delegated powers in a number of situations, including where:
 - a) A licence has been requested and there have been no objections raised by interested parties or Responsible Authorities.
 - b) The application has met the Council's policy criteria for accepting an application.
 - c) There are vehicle applications for new or renewal licenses and revocation of licences where the operating criteria as set by the Hackney Carriage and Private Hire Licence policy or Out of Area policy is not met and the officer does not consider there to be any special reason for an exception to be made.
 - d) There are driver's applications for new or renewal licences or revocation of licences where the criteria as set by the Hackney Carriage and Private Hire Licence policy is not met and the officer does not consider there to be any special reason for an exception to be made.
- 5.3 The table in Appendix A shows the complete range of licences issued by the licensing team during the period of the 1st of March 2014 to the 2nd May 2014. During this period the total number of licences processed was 789.
- 5.4 The Table in Appendix B shows that there were no Licensing and Safety Sub-Committee Meetings held between the 1st of March 2014 and the 2nd of May 2014.
- 5.5 The Licensing Act activities at Sub Committee have also been given in Appendix C.
- 5.6 The Taxi Operator Fleet Checks undertaken between the 1st of March 2014 and the 2nd of May 2014, results are provided in Appendix D.
- 5.7 Following the decision at the Strategic Licensing Committee on 21st March 2012, vehicles and driver applications are now being considered by Officers using delegated powers. Evidence is obtained by the officers through interview with the applicants, to ascertain where they intend to operate to a material extent and to also obtain agreement that they will keep records if a licence is granted. In relation to Driver Applications where the decision is 'minded to refuse', a letter is sent to the applicant giving them an opportunity to make written representations stating any exceptional circumstances that they wish to be taken into consideration. This is in line with the rules of natural justice which state that there is a right to be heard before a decision is made.

5.8 The number of licences and actions determined by this process is as follows:-

Driver	Granted	Granted and/or warning letter	Letter Council is 'Minded to refuse' or 'Suspend'	Refused /Revoked	To refer to Committee
New	3			1	
Renewal		2			
Conduct	1	2			
Vehicle	Granted	Granted subject to keeping records	Letter sent stating Council is 'Minded to refuse'	Refused	To refer to Committee
New		1			
Renewal				2	
Condition					

6. Conclusion

6.1 During the last two months the work load for the Licensing team continues to be high the team have been working hard to maintain the flow of applications whilst changing over processing systems.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder)

Councillor Steve Charmley

Local Member

Cover all areas of Shropshire

Appendices

A – Licences issued 1st of March 2014 to the 2nd of May 2014.

B – Number of hackney Carriage / Private Hire Vehicle applications considered at the Licensing and Safety Sub-Committees from 1st of March 2014 to the 2nd of May 2014.

C – Hearings held for licensed premises at the Licensing Act Sub-Committees from 1st of March 2014 to the 2nd of May 2014.

D – Taxi Operator Fleet Checks undertaken between the 1st of March 2014 and the 2nd of May 2014.

APPENDIX A

Licences issued – 1st March 2014 to the 2nd May 2014.

General Licensing	Total
Acupuncture Personal	
Acupuncture Premises	
Animal Boarding	
Animal Breeding	8
Caravan Sites	3
Cosmetic Piercing Personal	8
Cosmetic Piercing Premises	
House to House Collection	10
Pet Shops	
Riding Establishments	9
Scrap Metal Site	8
Scrap Metal Collector	1
Sex Shop	1
Street Collection	27
Street Trading Consent	6
Tattooing Personal	1
Tattooing Premises	
Electrolysis	
Dangerous Wild Animals	
Zoo	
Performing Animals	1
Total Applications General	83

Taxi Licensing	Total
Hackney Carriage N	15
Hackney Carriage R	59
Joint HC/PH Driver N	3
Joint HC/PH Driver R	10
Private Hire Operator N	
Private Hire Operator R	1
Private Hire Vehicle N	53
Private Hire Vehicle R	149
Hackney Vehicle Transfer	43
Private Hire Vehicle Transfer	18
Private Hire Licensee Transfer	3
Total Taxi Applications	354

Gambling Act 2005	Total
Bingo Premise Licence	
Betting Premise Licence	
Licensed Premise Gaming Machine Permit	5
Notification of Intent to have gaming machines	
Club Machine Permits	
Occasional Use Licence	2
Adult Gaming Centre	
Small Society Lotteries	9
Change of Promoter	
Annual Fee	3
Total Gambling Act 2005 Applications	19

Licensing Act 2003	Total
Club Certificate with alcohol	
Personal Alcohol	44
Premises Licence	
Temp Event Notice no Alcohol	5
Temp Event Notice with Alcohol	255
Minor Variation Application	
DPS Change/Variation	4
Transfer Application	3
Annual Fee	22
Premises Review	
Premises Lic with Alcohol - Full Variation	
Premises Lic without Alcohol - Full Variation	

Total Applications

789

Total Lic Act Applications General	333
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APPENDIX B

Licensing and Safety Sub-Committee Meetings – 1st March 2014 to the 2nd May 2014.

Date of Meeting	Scheduled/ Additional	Item	Time	Decisions
None				

APPENDIX C

Licensing Act Sub-Committees. Hearings held for licensed premises from 1st March 2014 to the 2nd May 2014.

Date	Premises	Type of application	Councillors	Meeting Venue	Decision	Review Requested by
18 th March 2014	Off Licence/ Grocery Store, 45-46 High Street, Broseley	New Premises	Councillors J. Barrow, P. Cherrington, K Roberts	Shirehall	Granted	
22 nd April 2014	Clementines, Station Road, Baschurch, SY4 2BB	New Premises	Councillors V Bushell, P Cherrington, A Davies	Shirehall	Granted	

APPENDIX D

Taxi Operator Fleet Checks undertaken between the 1st March 2014 and the 2nd of May 2014.

Inspection Date	Total Number of Vehicles in Fleet	Total Number of Vehicles Inspected	Advisory Note	No Action Required
15/03/14	8	8	1	7

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By virtue of paragraph(s) 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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