

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

Date: Tuesday, 2 December 2014

**Committee:**  
**Strategic Licensing Committee**

**Date:** Wednesday, 10 December 2014  
**Time:** 10.00 am  
**Venue:** Ludlow 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)  
Peter Adams  
Joyce Barrow  
Vernon Bushell  
Steve Davenport  
Andrew Davies  
Peter Cherrington  
Nigel Hartin  
Roger Hughes  
Simon Jones  
Robert Macey  
Vivienne Parry  
Jon Tandy  
Robert Tindall

**Substitute Members of the Committee**

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

Your Committee Officer is:

**Emily Marshall** Committee Officer  
Tel: 01743 252726  
Email: [emily.marshall@shropshire.gov.uk](mailto:emily.marshall@shropshire.gov.uk)

# AGENDA

## 1 Apologies

To receive apologies for absence

## 2 Welcome and Introduction from the Chairman

## 3 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.

## 4 Minutes of Previous Meeting (Pages 1 - 4)

To confirm the minutes of the meeting held on 24<sup>th</sup> September 2014.

## 5 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.

## 6 Safety of Sports Grounds - Annual Report 2014 (Pages 5 - 8)

Report of the Team Manager – Health Prevention/Protection and Public Protection is attached, marked 6.

Contact: Matthew Aldridge (03456789026)

## 7 Licensing Fees and Charges 2015 - 2016 (Pages 9 - 56)

Report of the Senior Commissioner (Public Protection) is attached, marked 7.

Contact: Frances Darling (03456789026).

## 8 Hackney Carriage and Private Hire Licensing Policy (Pages 57 - 346)

Report of the Senior Commissioner (Public Protection) is attached, marked 8.

Contact: Frances Darling (03456789026).

## 9 Exercise of Delegated Powers (Pages 347 - 352)

Report of the Team Manager Operational Community Safety is attached, marked 9.

Contact: Mandy Beever (0345 678 9026).

## 10 Date of the Next Meeting

To note that the next meeting of the Strategic Licensing Committee will be held on

Wednesday, 18<sup>th</sup> March 2015 in the Shrewsbury Room, Shirehall, Shrewsbury.

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Strategic Licensing  
Committee  
10<sup>th</sup> December 2014

Item  
**4**  
Public

**MINUTES OF THE STRATEGIC LICENSING COMMITTEE MEETING HELD ON 24  
SEPTEMBER 2014  
10.00 - 10.37 AM**

**Responsible Officer:** Shelley Davies  
Email: shelley.davies@shropshire.gov.uk Tel: 01743 252719

**Present**

Councillors Keith Roberts (Vice Chairman), Peter Adams, Joyce Barrow, Vernon Bushell, Steve Davenport, Peter Cherrington, Simon Jones, Robert Macey, Jon Tandy and Robert Tindall.

**16 Welcome and Introduction from the Chairman**

The Vice-Chairman welcomed everyone to the meeting.

**17 Apologies**

Apologies for absence were received from Councillors Michael Wood (Chairman), Andrew Davies, Roger Hughes and Nigel Hartin.

**18 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.

**19 Minutes of Previous Meeting**

**RESOLVED:**

That the Minutes of the meeting held on 21<sup>st</sup> May 2014, be approved as a correct record and signed by the Chairman.

**20 Public Question Time**

There were no public questions or statements received.

## 21 Review of Hackney Carriage and Private Hire Licensing Policy

Consideration was given to a report of the Team Manager – Operational Community Safety which sought approval to extend the formal consultation period to review the amended version of the Hackney Carriage and Private Hire Licensing Policy. (Copy attached to the signed minutes).

The Team Manager – Operational and Community Safety outlined the appendices to the reports and referring to Appendix C, indicated that the second bullet point of 3c. 10 should read: All new and renewal vehicle applications submitted on or after 1 April 2017 are required to be NCAP 5 star.

A letter received from Mr David Wilson on behalf of Central Taxis and Diamond Cars was read out to the Committee. (Copy attached to the signed minutes).

The Team Manager Operational and Community Safety responded to queries from Members. She explained that the policy did not require compulsory use of seat belts as some vintage vehicles did not have seat belts fitted and stated that due to the extensive changes made to the original document it would be appropriate to extend the consultation period to allow the trade the opportunity to comment on the new document. The Team Manager – Operational and Community Safety referred to some of the main changes made to the document and agreed that a list of these changes would be circulated at the next meeting in December.

### **RESOLVED:**

1. That the summary of the amendments as set out in Appendix A, with any necessary modifications be agreed following consideration of all the suggested amendments put forward by those who responded to the consultation as set out in Appendix B.
2. That the revised policy document as set out at Appendix C be published for formal consultation for no less than 4 weeks to commence from the 29<sup>th</sup> September 2014.
3. That the Law Commission Consultation Report (if made available during the period of extended consultation) be added to the Website as part of the consultation proposed in this report.

## 22 Exercise of Delegated Powers

Consideration was given to a report of the Team Manager – Operational and Community Safety in relation to delegated powers to issue and amend licences. (Copy attached to the signed minutes).

In response to a query, the Team Manager - Operational Community Safety explained that all scrap metal dealers should be registered under the new legislation and a licence should be displayed in any vehicle used to collect scrap metal. Discussion ensued in relation to the requirement for an upper limit of licensed vehicles. The Team Manager - Operational Community Safety indicated that in

authorities where was an upper limit of licensed vehicles then the vehicle licence became a saleable product.

**RESOLVED:**

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

**23 Records of Proceedings - Licensing Act Sub-Committee**

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

**RESOLVED:**

That the records of proceedings of the Licensing Act Sub-Committee meetings from May to August 2014 be noted.

**24 Appointments to the Licensing and Safety Sub-Committee**

The Committee were asked to confirm the appointment of Mrs V. Parry and to appoint a Conservative substitute member.

**RESOLVED:**

1. That Mrs. V. Parry to the Sub-Committee be appointed to serve as a Member of the Sub-Committee.
2. That the Member suggested as a substitute Member be approached to ask if they would like to serve as a substitute member of the Sub-Committee.

**25 Exclusion of the Public and Press**

**RESOLVED:**

That in accordance with the provisions of Schedule 12A of the 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.

**26 Minutes**

**RESOLVED:**

That the exempt minutes of the meeting held on 21<sup>st</sup> May 2014, be approved as a correct record and signed by the Chairman.

**27 Date of Next Meeting**

It was noted that the next meeting of the Strategic Licensing Committee would be held on Wednesday, 10<sup>th</sup> December 2014 at 10.00 a.m. in the Shrewsbury Room, Shirehall, Shrewsbury.

Signed .....(Chairman)

Date: .....



<u>Committee and Date</u>
Strategic Licensing Committee
10 <sup>th</sup> December 2014

<u>Item</u>
6
Public

## **SAFETY OF SPORTS GROUNDS – ANNUAL REPORT DECEMBER 2014**

**Responsible Officer** Matthew Aldridge - Health Protection and Prevention Team Manager

Email: Email: [matthew.aldridge@shropshire.gov.uk](mailto:matthew.aldridge@shropshire.gov.uk) Tel: 01743 251700

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### **1. Summary**

- 1.1 On 15<sup>th</sup> December 2009 it was agreed that an annual report be given to members of the Strategic Licencing Committee detailing the exercise of delegated functions in respect of the safety of sports grounds, undertaken by the Public Protection service over the past year.
- 1.2 There are no financial, environmental or health and safety implications associated with this report.

### **2. Recommendations**

- 2.1 That the Strategic Licencing Committee note the activities in respect of safety of sports grounds at designated sports grounds and regulated stands in Shropshire.

### **3. Background**

- 3.1 The Safety of Sports Grounds Act 1975, Fire Safety and Safety of Places of Sport Act 1987 and the Regulatory Reform (Fire Safety) Order are enforced by Public Protection.
- 3.2 Under the Safety of Sports Grounds Act 1975, the Council is required to issue Safety Certificates for designated sports grounds which are defined as:  
  
A place where sports or other competitive activities take place in the open air and where accommodation has been provided for spectators, consisting of artificial structures or of natural structures artificially modified for the purpose.
- 3.3 Safety certificates are required in sports grounds that can accommodate more than 10,000 spectators (5000 in the case of Football League grounds) or have a covered stand that holds more than 500 spectators.

- 3.4 The primary purpose of the safety certificate is to set a limit on the safe capacity of a designated ground or regulated stand. The capacity of a sports ground or stadium is calculated on the physical condition of the stadium (the P factor) and the level of safety management (the S factor).
- 3.5 The safety certificate will also detail conditions in respect to safety matters with which the certificate holder must comply if that capacity is to be maintained.
- 3.6 The venues within Shropshire which hold safety certificates are:
- Shrewsbury Town Football Club
  - Ludlow Racecourse
  - New Saints Football Club, Park Hall, Oswestry.

#### **4. Shrewsbury Town Football Club (Greenhous Meadow)**

- 4.1 Inspections have been conducted to verify the safe capacity of the stadium taking account of the physical condition of the stadium and the safety management operations in place (P and S factors). The calculations have been verified and the capacity of the club has been retained at a maximum of 9875 people.
- 4.2 A Safety Advisory Group consisting of West Mercia Police, Shropshire Fire and Rescue, West Midlands Ambulance Service, The Safety of Sports Grounds Authority, Emergency Planning and Public Protection has met twice to routinely address any safety issues associated with football matches at the stadium.
- 4.3 The following official match day inspections were carried out by Public Protection and representatives of the Safety Advisory Group to view the clubs operational procedures in action and to assess compliance with the General Safety Certificate:
- 4.4 Shrewsbury Town vs. Bradford (22/03/2014). An assessment of the safety management operation was held during a high risk police free game. High standards of safety management were seen where stewards were able to contain a safe operation throughout the match.
- 4.5 A special safety certificate was granted for the Capital One cup game between Shrewsbury Town FC and Premier League team Chelsea FC on the 28<sup>th</sup> October 2014. The club requested that temporary stands be placed in the South East and South West corners of the ground to seat an extra 560 home supporters in the ground. Extraordinary Safety Advisory Group meetings were held and it was agreed that the club had in place appropriate safety management procedures to allow the erection of temporary stands.
- 4.6 Shrewsbury Town vs. Chelsea (28/10/2014). A match-day inspection took place of the extra capacity game. This was a policed game and the safety operations were monitored to ensure the safety of the general public. A high

standard of safety management was seen throughout the match including the safe access and egress of supporters.

- 4.7 Special safety certificates were granted for the following events over the past twelve months:
- RAF vs Navy (26<sup>th</sup> March 2014).
  - England vs Ukraine Ladies (8<sup>th</sup> May 2014).

## **5. Ludlow Racecourse**

- 5.1 The racecourse has a regulated stand in which a safety certificate was granted in 2011. Inspections of the racecourse have been undertaken and revised P and S factor assessments have been completed and all site certification has been updated and verified. A new safety certificate is currently being issued.

## **6. New Saints Football Club, Oswestry**

- 6.1 The New Saints (TNS) Football Club was visited in September by Public Protection Officers and a new general safety certificate was granted.
- 6.2 A match day inspection was carried out during the New Saints v Bangor City game on the 05/03/2014. Recommendations were made regarding the formal training and qualification of stewards. A training programme is in place to satisfy this requirement.

<b>Cabinet Member (Portfolio Holder)</b>
Councillor Steve Charmley
<b>Local Member</b>
Covers all areas of the Council
<b>Appendices</b>
None

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Committee and Date  
Strategic Licensing Committee  
10th December 2014

Item  
**7**  
Public

## Licensing Fees and Charges 2015 - 2016

**Responsible Officer** Frances Darling, Senior Commissioner (Public Protection)

e-mail: frances.darling@shropshire.gov.uk

Tel: 01743 25148

### 1. Summary

- 1.1 This report sets out the statutory fees that Shropshire Council is required to charge for specific licences under the Licensing Act 2003 and the Gambling Act 2005.
- 1.2 The report also proposes revised fees for the period 1 April 2015<sup>1</sup> to 31 March 2016 in respect of those licenses and licensing related activities where the authority has the discretion to determine the relevant fees; this includes, but is not limited to hackney carriage and private hire vehicle and drivers licences and to private hire operator licences.

### 2. Recommendations

- 2.1 That the Committee notes the statutory fees that Shropshire Council is required to charge in respect of the specified licences under the Licensing Act 2003 and the Gambling Act 2005 as set out in **Part 1 of Appendix A** and agrees to implement these fees (or if subject to statutory amendment, the relevant amended fees) on the 1 April 2015 and instructs the Head of Public Protection to include the fees in the 2015/16 annual fees and charges report that is presented to the Council and further

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<sup>1</sup> The fees applicable to hackney carriage, private hire vehicle and operator licences may become effective on a date prior to the 1 April 2015. This is because the Council must follow the process prescribed by Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 to vary these fees and the actual date that the fees become legally effective is dependent on whether or not objections are made as part of the prescribed process. Whilst not legally required to do so, the Council has historically applied the same process to hackney carriage and private hire vehicle drivers licences.

instructs the Head of Public Protection to implement, as appropriate, any other statutory fees that may be brought into force during the 2015/16 financial year.

**2.2** That the Committee agrees to implement, with any necessary modification, the proposed fees relevant to those licences and licensing related activities where the authority has the discretion to determine the fees on the 1 April 2015 and instructs the Head of Public Protection to publish, on the Council's website, the intention of the Committee to revise the fees as set out in **Part 2 of Appendix A** and further instructs the Head of Public Protection to include the fees in the 2015/16 annual fees and charges report that is presented to the Council.

**2.3 a)** That the Committee agrees to implement, with any necessary modification, the proposed fees relevant to driver, hackney carriage, private hire vehicle and operator licences as set out in **Part 3 of Appendix A** and instructs the Head of Public Protection, in accordance with the provisions of Section 70 of the Local Government (Miscellaneous Provisions) Act 1976, to publish in the Shropshire Star a notice setting out those fees that it is proposed will be varied and specifying a period from 12 January 2015 to 15 February 2015 (this being not less than 28 days) within which and the manner in which objections to the proposed fees can be made.

**AND**

**b)** Where no objections to the proposed variation in fees are received by 15 February 2015 or if all objections so made are withdrawn by the said date the Committee agrees to implement the proposed variation to the fees on 16 February 2015 or where objections to the proposed variation to the fees are received by 15 February 2015 and are not withdrawn by the said date, the Committee consider the objections at a meeting on the 18 March 2015 with a view to setting the date of 1 April 2015 (being a date not later than 2 months after the 16 February 2015) when the proposed variation to the fees shall come into force with or without further modification.

**2.4** That the Committee instructs the Head of Public Protection to include the proposed fees, as set out in **Part 3 of Appendix A**, in the 2015/16 annual fees and charges report that is presented to the Council and that in respect of those fees that are

subject to a proposed variation that these are recorded in the said annual report as *‘provisional fees under consultation between 12 January 2015 and 15 February 2015; fees to be confirmed by 31 March 2015’*.

## REPORT

### 3. Risk Assessment and Opportunities Appraisal

- 3.1 The Council's fees and charges may be challenged through a number of routes, e.g. service complaints to the Local Government Ombudsman and judicial review.
- 3.2 The consequences of such a challenge are clearly demonstrated in the Court of Appeal judgement given in respect of R Hemming and others v Westminster City Council case (the Hemming case – see paragraph 5.2 below), which involved the licensing of sex shops in Soho and Covent Garden. The judgement has made it clear that local authorities may become liable for substantial costs if it is found that procedures for setting fees have not been correctly followed and if the fees are not reasonable and proportionate to the costs of the licensing procedures.
- 3.3 To reduce the risk of challenge to the Council, officers undertook work in 2013 to develop a financial modelling tool to calculate licensing fees from 2014/15 onwards. The 2014/15 financial year is the baseline year against which fees and charges, in the following two years of a three year cycle, are being compared.
- 3.4 The modelling tool developed in 2013 has been further updated, modified and refined to take account of changes recommended by the Council's finance officers and to reflect the way in which the licensing function is now being resourced. Overall, the tool remains based on drawing together detailed information regarding the costs associated with undertaking the administrative procedures and formalities associated with all licencing procedures, including the costs of investigating the background and suitability of applicants for licences together with the cost of monitoring the compliance of those who are licensed against the conditions of their licences. In addition, it aims to demonstrate that the cost of enforcing the licensing regime against unlicensed operators is not charged to those who are licensed.

- 3.5** An Equalities Impact Needs Assessment has not been undertaken as the report does not concern the implementation of a new policy.
- 3.6** There is no anticipated environmental impact associated with the recommendations in this report.
- 3.7** The recommendations are not at variance with the Human Rights Act 1998 and are unlikely to result in any adverse Human Rights Act implications. The recommendations are in line with current legal procedures laid down in relevant licensing legislation and takes into consideration the provisions of the Services Directive and the implications of the Hemming case judgement that directly affects the setting of licensing fees.
- 3.8** There is no statutory duty on the Council to consult when setting or revising licensing fees with the exception of those fees relating to hackney carriage, private hire vehicles and operators' licences under Section 70 of the Local Government (Miscellaneous Provisions) Act 1976. This duty is reflected in the recommendation set out at paragraph 2.3 above. Historically, the Council has also consulted on driver licence fees and consequently officers recommend that this practice continues. In relation to hackney carriages, the fees for each zone are considered separately. With respect to the remaining discretionary fees, it is suggested that publishing the Committee's intentions, prior to the fees coming into force, will be sufficient and this reflects previous practice.
- 3.9** The Committee's legal authority to agree the recommendations is based within a range of specific licensing legislation together with the delegated functions set out in the Council's constitution. Extracts from the relevant legislation are provided in **Appendix B**. However, due consideration must also be given to the provisions of the Services Directive and the judgement in the Hemming case.

#### **4. Financial Implications**

- 4.1** A task, to capture the detail involved in all licensing procedures where the Council has the discretionary power to set fees, has been undertaken and this continues to evolve through an iterative process to further develop, improve and refine the processes involved. Managers, licensing officers and finance officers have

collaborated in this work. The licensing procedures are considered from receipt of application to the issue of the final licence or permit with both variable and fixed costs being considered. These costs include officer, management and member time spent on licensing administration and monitoring compliance of those operators and vehicles already licensed but excludes time spent on enforcing unlicensed operators/businesses. In addition, a proportion of all indirect costs that can reasonably be attributed to licensing procedures have been included; for example, office accommodation, ICT, travelling, legal costs, advertising, equipment, postage & printing, subscriptions, telephone costs, training and other corporate recharges.

- 4.2** In relation to the consideration of applications, it is reasonable to recover the costs of running the relevant Committees and the Licensing Panel from licensing fees and consequently these costs have been incorporated into the overall figures.
- 4.3** As a result of this work, the proposed fees have been calculated and are set out in **Parts 2 and 3 of Appendix B**.
- 4.4** For comparison purposes, the discretionary fees for 2014/15 charged by Telford & Wrekin Council and Cheshire East Council are included at **Appendix C**. These fees are included for 'bench marking' purposes only and have not directly influenced the calculation of the proposed Shropshire Council fees.
- 4.5** It is accepted that costs can be recovered over a period of time allowing surpluses to be returned to licensees and deficits to be recouped by the Council. This does not mean that fees have to be adjusted every year (although they can be) to reflect immediately previous deficits or surpluses; however, it must be demonstrable over a period of time that only legitimately incurred costs are recovered. The Hemming case judgement makes it clear that not all costs are recoverable and that the costs associated with enforcing unlicensed operators/businesses must be borne by the Council. This will include the costs of providing advice to those who may consider applying for a licence in the future.
- 4.6** The Council has control over those licence fees that it has the discretion to set but only on a cost recovery basis. At this time, officers are satisfied that the income received from these discretionary fees has not generated a surplus or significant

deficit either overall or with respect to individual licence types based on 2013/14 fees and income. Consequently, the discretionary licence fees calculated for 2015/16 are based solely on the costs forecast at the commencement of the 2014/15 financial year for undertaking the administrative procedures and formalities associated with the relevant licencing procedures, including the costs of investigating the background and suitability of applicants for licences together with the cost of monitoring the compliance of those who are licensed against the conditions of their licences.

**4.7** The detailed proposals for the 2015/16 fees are set out in the relevant appendices. The proposed percentage fee variations are summarised below:-

- a) Public health licence fees have increased by 22% where inspection of premises is required; however, there is a decrease of 36% for individuals who wish to register without associated premises.
- b) Boarding and breeding animal licence fees have increased by 11% for new applications. Officer resource is focussed on ensuring compliance is achieved when a business first seeks registration and is, therefore, generally greater than that required to maintain compliance on renewal. Consequently, a new single renewal fee has been introduced, irrespective of the size of the establishment. However, where applicants wish to increase the size of their business to such an extent that the number of animals involved falls within a new category, a new licence will be required and the relevant higher fee will apply.
- c) Dangerous wild animals and riding establishment licence fees have increased by 22% and a new renewal fee has been introduced. This reflects the move to a single licence category compared with three previously. The fee for licensing pleasure boats and vessels has similarly increased by 22%.
- d) Pet shop licences have increased by 8% and a new renewal fee has been introduced.
- e) Zoo licences (new and renewal), on the face of it, have increased significantly. However, this reflects the change from calculating the majority

of the fee on an hourly basis to one which is fully inclusive. This ensures that applicants fully understand the extent of the cost at the outset of the application process and specifically accounts for the extensive inspection regime associated with the whole period of the licence. The 2014/15 basic licence fee was previously based on the licensing process taking 5.5 hours; the revised fee accounts for a total of 21 hours for a new licence and 18 hours for a renewal. This equates to a pro rata hourly rate increase of 19% for a new licence and 13% for a renewal.

- f) With respect to scrap metal dealers, the fee regime was new in 2014/15. Since then a further four licence categories have been developed to reflect the options available within the applicable legislation. The existing collectors licence has increased marginally by 2%. However, a significant increase is proposed for new scrap metal dealer sites. This reflects the increased officer resource required to carry out the necessary compliance checks over the whole licence period.
- g) Both new and renewal sex establishment licence fees have increased significantly. This is largely as a result of the extensive time required by a specialist licensing officers to manage the administrative process; in particular, managing the consultation process which inevitably leads to a significant level of representations and associated work. In previous years, the time taken has been underestimated.
- h) Street trading consent fees have decreased marginally by 2%.
- i) The fees for the distribution of free printed matter have increased significantly for a weekly permit. This reflects the extent of the administrative process that is required initially; however, the proposed increases reduce to 11% as the period of the permit extends from a month to a year.
- j) The fee for producing a copy of the public register under the Licensing Act 2003 and the Gambling Act 2005 reflects the actual costs incurred. It also continues to promote the 'self-service' behaviour shift that is already evident in this area.
- k) For hackney carriage and private hire licence fees, all fees for the replacement of lost/stolen/damaged items and the administrative charge

remain the same as those agreed in 2014/15; the proposed variations are listed below:-

- New drivers badge increased by 17%
- Renewal drivers badge increased by 12%
- Driver knowledge test resit reduced by 26%
- Driver training assessment reduced by 13%
- New private hire vehicle increased by 5%
- Renewal private hire vehicle increased by 8%
- Licence transfer private hire vehicle increased by 10%
- New hackney carriage increased by 3%
- Renewal hackney carriage increased by 1%
- Licence transfer hackney carriage increased 8%
- New and renewal private hire operators increased from 8% (specific increases are dependent on the size of the operation)

- l) All discretionary fees with a statutory maximum for licences granted under the Gambling Act 2005 remain unchanged from those fees agreed in 2014/15.

**4.8** The increases associated with the hackney carriage and private hire licences are linked to the additional resources that are being directed towards increasing the effectiveness of the administration process specifically for safeguarding purposes. In addition, increased compliance checks and investigation work are being carried out by officers who are not based directly within the licensing team. The fees are also affected by the changes made to the way in which average hourly officer rates are now calculated and charged.

**4.9** With reference to the private hire operators licences, the new fee regime (fee level dependent on the size of the operation) that was implemented in 2014/15 is again being proposed for 2015/16. As it will only be the second year of operation, the Council is not yet in a position to fully assess the impact on cost recovery of the new regime for this particular licence type. At this stage, it is anticipated that the regime ought to operate for at least a further two years to enable a robust assessment to be undertaken; however, an early indication of its effectiveness is



likely to be available in late 2015 and this will further inform future fee setting decisions.

- 4.10** Where legislation allows the Council to recover licensing costs, it is important that this is undertaken effectively. Losses that are not funded by other means, including being subsidised by council tax payers, may result in a reduction in the Council's ability to effectively deliver the overall licensing regime in the Shropshire Council area. However, it must be recognised that not all licensing costs are recoverable.

## **5. Background**

- 5.1** The principle of cost recovery under licensing legislation is not limited to the licensing of hackney carriages and private hire vehicles, operators and drivers. It also extends to sex establishments, street trading, acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing, electrolysis, zoos, dog breeding, animal boarding, pet shops, riding establishments, dangerous wild animals, performing animals, scrap metal dealers, pleasure boats/vessels, distribution of free printed matter, together with the issuing of various licences under the Gambling Act 2005.

- 5.2** The principle was confirmed by a Court of Appeal judgement in the case referred to in paragraph 3.2 above; the Hemming case. The judgement held that there were three elements that made up the licensing fees that were subject to challenge. These were:

- (a) the administrative cost of investigating the background and suitability of applicants for licences;
- (b) the cost of monitoring the compliance of those with licences with their terms; and
- (c) the cost of enforcing the licensing regime against unlicensed operators.

- 5.3** Of these three elements, it was held that Westminster City Council was entitled to charge for the first two elements, i.e. the costs of processing the application itself and the costs of monitoring compliance by licence-holders, but was no longer entitled to include the third element, i.e. the costs of enforcement against unlicensed operators, in the fee.

- 5.4** Certain licences under the Gambling Act 2005 incur fees that are deemed to be discretionary but are subject to a statutory maximum. Currently, the Council has set these fees at less than the statutory maximum. For these reasons, all the Gambling Act 2005 licence fees that are subject to a statutory maximum are included in the proposals in **Part 2 of Appendix A**.
- 5.5** Caravan sites are currently licenced by the Council under the Caravan Sites and Control of Development Act 1960, as amended by the Mobile Homes Act 2013. The amendment to the 1960 Act permits the Council to charge fees for the licensing of caravan sites from 1 April 2014; transitional arrangements apply and the Council is required to publish a fees policy prior to setting fees. The Council has not yet adopted a policy; consequently, fees have not been included in **Appendix B**.
- 5.6** The government has recently consulted on its intention to move from centrally set to locally set licence fees under the Licensing Act 2003 and local authorities are now waiting for the outcome of this consultation. In the meantime, we retain the nationally determined statutory fees. On this basis, the Licensing Act 2003 fees are included in **Part 1 of Appendix A**. There are no discretionary Licensing Act 2003 fees proposed in **Part 2 of Appendix A** other than for providing a copy of information contained in an entry in the public register.
- 5.7** The financial modelling tool, referred to in paragraph 3.3, has been set up to allow caravan site and Licensing Act 2003 fees to be incorporated and calculated as and when the Council is in a position to do so both from a policy and a legislative perspective.
- 5.8** As a result of the Hemming judgement and irrespective of the wording in other UK licensing legislation, the costs associated with the licensing procedures that the Council may legally recover in fees consists of administrative costs, the costs of investigating the background and suitability of applicants for licences and the costs of monitoring the compliance of those with licences with their terms. These will certainly include the costs that are directly attributable to licensing procedures and a proportion of indirect costs as referred to in paragraph 4.1 above. The Council must

be in a position to demonstrate that the costs included in any fees calculations are reasonable and proportionate to the cost of the licensing procedures.

**5.9** Fees cannot exceed the cost of the licensing procedures and they cannot be used to recover the costs associated with enforcing the licensing regime against unlicensed operators. In addition, fees cannot be used to finance the delivery of other Council services.

## 6. Additional Information

**6.1** In respect of the discretionary fees proposed in **Part 3 of Appendix A**, namely the setting of fees for hackney carriages, private hire vehicles and operators' licenses, statutory procedures must be followed. Consequently to vary the fees from those currently set, the Council is required to follow specific procedures that allow for objections to be made and considered by the Committee. The recommendation at paragraph 2.3 addresses these statutory procedures.

**6.3** The process that has been undertaken to determine the fees for 2015/16 is an extension of the process that commenced in 2013. This process will continue annually with amendments being made to take account of changes in the law and Council procedures and costs.

<p><b>List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)</b></p> <ul style="list-style-type: none"><li>• Services Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market</li><li>• Provision of Services Regulations 2009 - SI 2009 No 2999</li><li>• Court of Appeal Judgement in the case of R Hemming and others v Westminster City Council - 24 May 2013 - [2013] EWCA Civ 591 Case No. C1/2012/1666</li><li>• Mobile Homes Act 2013</li></ul>
<p><b>Cabinet Member (Portfolio Holder)</b> Councillor Steve Charmley</p>
<p><b>Local Member</b> Not applicable – report has county wide application</p>

**Appendices**

**Appendix A** – Licensing Fees and Charges

**Part 1** – Statutory Fees Gambling Act 2005 & Licensing Act 2003

**Part 2** – Discretionary Fees General Licences & Statutory Maximum Gambling Act 2005 Licences

**Part 3** – Discretionary Fees Drivers, Hackney Carriages, Private Hire Vehicles and Operators' Licences

**Appendix B** – Extracts from relevant licensing legislation providing legal framework within which local authorities may charge licensing fees

**Appendix C** - Licensing Fees 2014/15 - Comparison with Neighbouring Unitary Authorities (discretionary fees only)

## Appendix A Part 1 - Gambling Act 2005 Statutory Fees

<b>Lotteries</b>	<b>£</b>
Small Society Lotteries - new registration	40.00
Small Society Lotteries - renewal of existing registration	20.00
<b>Licensed Premises Permits</b>	
Licensed Premises Gaming Machines - Notice of intention - up to 2 machines	50.00
Licensed Premises Gaming Machine Permits - New	150.00
Licensed Premises Gaming Machine Permits - Variation	100.00
Licensed Premises Gaming Machine Permits - Transfer	25.00
Licensed Premises Gaming Machine Permits - Annual Fee	50.00
Licensed Premises Gaming Machine Permits - Change of Name	25.00
Licensed Premises Gaming Machine Permits - Copy (lost, stolen, damaged)	15.00
<b>Club Gaming/Club Machine Permits</b>	
Club Gaming/Club Machine Permits - New OR Renew	200.00
Club Gaming/Club Machine Permits for holders of club premises certificates - New OR Renew	100.00
Club Gaming/Club Machine Permits - Annual Fee	50.00
Club Gaming/Club Machine Permits - Variation	100.00
Club Gaming/Club Machine Permits - Copy (lost, stolen, damaged)	15.00
<b>Prize Gaming Permits</b>	
Prize Gaming Permits - New OR Renewal	300.00
Prize Gaming Permits - Change of Name	25.00
Prize Gaming Permits - Copy (lost, stolen, damaged)	15.00
<b>Family Entertainment Gaming Centre Gaming Machine Permits</b>	
Family Entertainment Gaming Centre Gaming Machine Permits - New OR Renewal	300.00
Family Entertainment Gaming Centre Gaming Machine Permits - Change of Name	25.00
Family Entertainment Gaming Centre Gaming Machine Permits - Copy (lost, stolen, damaged)	15.00

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Rateable Value Bands	A	B	C	D	E
<b>Initial Application Fee</b>	£100	£190	£315	£450	£635
<b>Annual Fee:</b>	£70	£180	£295	£320	£350
<b>Variation Fee:</b>	£100	£190	£315	£450	£635

All premises are licensable based on the non-domestic rateable value of the property as follows:

Rateable Value	Band
No value up to £4,300	<b>A</b>
£4,301 - £33,000	<b>B</b>
£33,001 - £87,000	<b>C</b>
£87,001 - £125,000	<b>D</b>
£125,001 and Above	<b>E</b>

Band	D (x 2)	E (x 3)
Premises in Bands D & E ( whose primary business is the sale of alcohol)	<b>900</b>	<b>1905</b>
Premises in Bands D & E ( whose primary business is the sale of alcohol) annual charge	<b>640</b>	<b>1050</b>

### **Exceptionally large events:**

Additional Premises Fees can be charged for such events:

Number in attendance at any one time:	Additional Application Fee:	Additional Annual Fee
5,000 to 9,999	<b>£1,000</b>	<b>£500</b>
10,000 to 14,999	<b>£2,000</b>	<b>£1,000</b>
15,000 to 19,999	<b>£4,000</b>	<b>£2,000</b>
20,000 to 29,999	<b>£8,000</b>	<b>£4,000</b>
30,000 to 39,999	<b>£16,000</b>	<b>£8,000</b>
40,000 to 49,999	<b>£24,000</b>	<b>£12,000</b>
50,000 to 59,999	<b>£32,000</b>	<b>£16,000</b>
60,000 to 69,999	<b>£40,000</b>	<b>£20,000</b>
70,000 to 79,999	<b>£48,000</b>	<b>£24,000</b>
80,000 to 89,999	<b>£56,000</b>	<b>£28,000</b>
90,000 and over	<b>£64,000</b>	<b>£32,000</b>

### **Personal Licences, Temporary Events and other fees:**

Type of Application :	Fee:
• Grant or renewal of Personal Licence	<b>£37</b>
• Temporary Event Notice	<b>£21</b>
• Theft, Loss etc of Premises Licence or summary	<b>£10.50</b>
• Provisional Statement (where premises are being built)	<b>£315.00</b>
• Notification of change of name or address	<b>£10.50</b>
• Vary licence to specify individual as premises supervisor	<b>£23</b>
• Transfer of premises licence	<b>£23</b>
• Interim authority notice following death etc. of Licence holder	<b>£23</b>
• Theft, loss etc of Certificate or summary	<b>£10.50</b>
• Notification of change of name or alteration of rules of club	<b>£10.50</b>
• Change of relevant registered address of club	<b>£10.50</b>
• Theft, loss etc, of temporary event notice	<b>£10.50</b>
• Theft, loss etc of Personal Licence	<b>£10.50</b>
• Duty to notify change of name or address	<b>£10.50</b>
• Right of freeholder etc, to be notified of licensing matters	<b>£21</b>
• Minor Variation	<b>£89</b>
• Removal of DPS at Community Premises	<b>£23</b>

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## Item 7 Appendix A Part 2 Discretionary Fees General Licences

2014 - 2015		2015 - 2016			New Charge	Increase			
Licence Type		2014/15 Fee (£)		Licence Type		Proposed 2015/16 Fee (£)		Difference (£)	Difference (%)
<b>Public Health</b>									
Acupuncture Premises, inc. 1 person	135.00		Acupuncture Premises, inc. 1 person	165.00	Additional persons included on same application £34/person	30.00	22%		
Acupuncture Person	107.00		Acupuncture Person (not including premises)	68.00	When application submitted separately from premises application	- 39.00	-36%		
Electrolysis Premises , inc. 1 person	135.00		Electrolysis Premises , inc. 1 person	165.00	Additional persons included on same application (£34/person)	30.00	22%		
Electrolysis Person	107.00		Electrolysis Person (not including premises)	68.00	When application submitted separately from premises application	- 39.00	-36%		
Cosmetic-piercing Premises, inc. 1 person	135.00		Cosmetic-piercing Premises, inc. 1 person	165.00	Additional persons included on same application £34/person	30.00	22%		
Cosmetic-piercing Person	107.00		Cosmetic-piercing Person (not including premises)	68.00	When application submitted separately from premises application	- 39.00	-36%		

## Item 7 Appendix A Part 2 Discretionary Fees General Licences

Tattooing Premises, inc. 1 person	135.00		Tattooing Premises, inc. 1 person	165.00	Additional persons included on same application £34/person	30.00	22%
Tattooing Person	107.00		Tattooing Person (not including premises)	68.00	When application submitted separately from premises application	- 39.00	-36%
<b>Animals</b>							
Animal Boarding (new & renewal) - up to 10 animals	122.00		Animal Boarding (new) - up to 10 animals	135.00		13.00	11%
Animal Boarding (new & renewal) - 11 to 30 animals	129.00		Removed	N/A		N/A	N/A
Animal Boarding (new & renewal) - 31 to 50 animals	137.00		Animal Boarding (new) - 11 to 50 animals	152.00		15.00	11%
Animal Boarding (new & renewal) - 51 to 100 animals	155.00		Removed	N/A		N/A	N/A
Animal Boarding (new & renewal) - 101 to 200 animals	192.00		Animal Boarding (new) - 51 to 200 animals	213.00		21.00	11%
Animal Boarding (new & renewal) - 201 and over animals	227.00		Animal Boarding (new) - 201 and over animals	252.00		25.00	11%
			Animal Boarding (renewal) - applicable to all categories. (NB - where the number of boarding animals increases to such an extent that a different category of licence is applicable, applicants must apply for a new licence and pay the appropriate fee.)	139.00			

## Item 7 Appendix A Part 2 Discretionary Fees General Licences

Animal Breeding (new & renewal) - up to 10 animals	122.00		Animal Breeding (new) - up to 10 animals	135.00		13.00	11%
Animal Breeding (new & renewal) - 11 to 20 animals	126.00		Removed	N/A		N/A	N/A
Animal Breeding (new & renewal) - 21 to 30 animals	129.00		Animal Breeding (new) - 11 to 50 animals	143.00		14.00	11%
Animal Breeding (new & renewal) -31 to 40 animals	133.00		Removed	N/A		N/A	N/A
Animal Breeding (new & renewal) - 41 to 50 animals	137.00		Removed	N/A		N/A	N/A
Animal Breeding (new & renewal) - 51 and over animals	145.00		Animal Breeding (new) - 51 and over animals	161.00		16.00	11%
			Animal Breeding (renewal) - applicable to all categories. (NB - where the number of breeding animals increases to such an extent that a different category of licence is applicable, applicants must apply for a new licence and pay the appropriate fee.)	139.00			
Dangerous Wild Animals (new & renewal) - up to 5 animals	134.00	+ vet fees	Dangerous Wild Animals (new) - where total licensing procedure takes no more than 5.5 hrs	164.00	+ vet fees; if exceed 5.5 hrs + hourly charge for each additional hour or part thereof @ £26/hr	30.00	22%

### Item 7 Appendix A Part 2 Discretionary Fees General Licences

Dangerous Wild Animals (new & renewal) - 5 to 10 animals	150.00	+ vet fees	Removed	N/A		N/A	N/A
Dangerous Wild Animals (new & renewal) - 11 or more animals where total licensing procedure takes no more than 5.5 hrs	150.00	+ vet fees; + hourly charge for each additional hour or part thereof @ £30.96/hr	Removed	N/A		N/A	N/A
			Dangerous Wild Animals (renewal) - where total licensing procedure takes no more than 5.5 hrs	168.00	+ vet fees; if exceed 5.5 hrs + hourly charge for each additional hour or part thereof @ £26/hr	N/A	N/A
Zoos (new and renewal) where total licensing procedure takes no more than 5.5 hrs	134.00	+ vet fees	Zoos (new)	611.00	+ vet fees	477.00	356%
Zoos (new and renewal) where total licensing procedure takes more than 5.5 hrs	134.00	+ vet fees; + hourly charge for each additional hour or part thereof @ £30.96/hr	Removed	N/A		N/A	N/A

### Item 7 Appendix A Part 2 Discretionary Fees General Licences

Zoos (new and renewal) where total licensing procedure takes no more than 5.5 hrs	134.00	+ vet fees	Zoos (renewal)	497.00	+ vet fees	363.00	271%
Zoos (new and renewal) where total licensing procedure takes more than 5.5 hrs	134.00	+ vet fees; + hourly charge for each additional hour or part thereof @ £30.96/hr	Removed	N/A		N/A	N/A
Performing Animals - up to 20 animals	122.00		Performing Animals (indefinite registration) - where total licensing procedure takes no more than 4.5 hrs.	135.00	If exceed 4.5 hrs + hourly charge for each additional hour or part thereof @ £26/hr	13.00	11%
Performing Animals - 21 to 50 animals	137.00		Removed	N/A	N/A	N/A	N/A
Performing Animals - 51 or more animals (where total licensing procedure takes more than 4.5 hrs)	137.00	+ hourly charge for each additional hour or part thereof @ £30.96/hr	Removed	N/A	N/A	N/A	N/A

### Item 7 Appendix A Part 2 Discretionary Fees General Licences

Pet Shops where total licensing procedure takes no more than 4.5 hrs	125.00		Pet Shops (new) where total licensing procedure takes no more than 4.5 hrs.	135.00	If exceed 4.5 hrs + hourly charge for each additional hour or part thereof @ £26/hr	10.00	8%
			Pet Shops (renewal) where total licensing procedure takes no more than 4.5 hrs.	139.00	If exceed 4.5 hrs + hourly charge for each additional hour or part thereof @ £26/hr		
Riding Establishments (new & renewal) - up to 20 animals	134.00	+ vet fees	Riding Establishments (new) - where total licensing procedure takes no more than 5.5 hrs.	164.00	+ vet fees; if exceed 5.5 hrs + hourly charge for each additional hour or part thereof @ £26/hr	30.00	22%
Riding Establishments (new & renewal) - 21 to 50 animals	150.00	+ vet fees	Removed	N/A	N/A	N/A	N/A
Riding Establishments (new & renewal) - 51 or more animals (where total licensing procedure takes more than 5.5 hrs)	154.00	+ vet fees; + hourly charge for each additional hour or part thereof @ £30.96/hr	Removed	N/A	N/A	N/A	N/A
			Riding Establishments (renewal) where total licensing procedure takes no more than 5.5 hrs.	168.00	If exceed 5.5 hrs + hourly charge for each additional hour or part thereof @ £26/hr		

## Item 7 Appendix A Part 2 Discretionary Fees General Licences

<b>Scrap Metal</b>							
Scrap Metal Dealers - Site (new & renewal) - inc. DBS fee	494.00		Scrap Metal Dealer - Site (new & renewal)	759.00		265.00	54%
Scrap Metal Dealers - Collectors (new & renewal) - inc. DBS fee	202.00		Scrap Metal Dealer - Collectors (new & renewal)	206.00		4.00	2%
			Scrap Metal Dealer Site Manager Variation	99.00		N/A	N/A
			Scrap Metal Dealer - Site/Collector Licensee Name - Variation (not transfer of licensee)	37.00		N/A	N/A
			Scrap Metal Dealer - collector to site variation	540.00		N/A	N/A
			Scrap Metal Dealer - site to collector variation	105.00		N/A	N/A
<b>Sex Establishments</b>							
Sex Establishments New	1,159.00		Sex Establishments New	2,921.00		1,762.00	152%
Sex Establishments Renewal	997.00		Sex Establishments Renewal	2,064.00		1,067.00	107%
<b>Street Trading Consents</b>							
Minium charge for up to 7 days	91.00		Minium charge for up to 7 days (the 7 days may be used at any time within a 12 month period commencing from the date the consent is issued, but the dates must be confirmed on application)	89.00		- 2.00	-2%
Each additional day or part thereof	4.00		Each additional day or part thereof (the dates must be confirmed on application)	4.00		-	0%
<b>Distribution of free printed matter</b>							

### Item 7 Appendix A Part 2 Discretionary Fees General Licences

Weekly permit	32.00		Weekly permit	102.00		70.00	219%
Monthly permit	96.00		Monthly permit	166.00		70.00	73%
Annual permit	322.00		Annual permit	357.00		35.00	11%
<b>Miscellaneous</b>							
Pleasure Boats & Vessels	135.00	+ boat inspector fees	Pleasure Boats & Vessels	165.00	+ marine surveyor's report fee	30.00	22%
<b>Gambling Act 2005 and Licensing Act 2003</b>							
Copy of public register entry (per individual entry)	11.00		Copy of public register entry (per individual entry)	33.00		22.00	200%







## Appendix A Part 2 Discretionary Fees with Statutory Maximum - Gambling Act 2005 Licences

Licence Type	2014/15 Fees (£)	Proposed Fees 2015/16 (£)	Difference (£)	Difference (%)
<b>Regional Casino Premises Licence</b>				
Fee in respect of new premises	13,100.00	13,100.00	0.00	0%
Annual Fee	13,000.00	13,000.00	0.00	0%
Fee for application to vary licence	6,500.00	6,500.00	0.00	0%
Fee for application to transfer a licence	5,600.00	5,600.00	0.00	0%
Fee for application to reinstate a licence	5,600.00	5,600.00	0.00	0%
Fee for application for provisional statement	13,100.00	13,100.00	0.00	0%
<b>Large Casino Premises</b>				
Fee in respect of new premises	8,700.00	8,700.00	0.00	0%
Annual Fee	8,700.00	8,700.00	0.00	0%
Fee for application to vary licence	4,350.00	4,350.00	0.00	0%
Fee for application to transfer a licence	1,900.00	1,900.00	0.00	0%
Fee for application to reinstate a licence	1,900.00	1,900.00	0.00	0%
Fee for application for provisional statement	8,700.00	8,700.00	0.00	0%
<b>Small casino premises</b>				
Fee in respect of new premises	6,900.00	6,900.00	0.00	0%
Annual Fee	4,300.00	4,300.00	0.00	0%
Fee for application to vary licence	3,450.00	3,450.00	0.00	0%
Fee for application to transfer a licence	1,500.00	1,500.00	0.00	0%
Fee for application to reinstate a licence	1,500.00	1,500.00	0.00	0%
Fee for application for provisional statement	6,900.00	6,900.00	0.00	0%
<b>Bingo premises licence</b>				
Fee in respect of new premises	2,000.00	2,000.00	0.00	0%
Annual Fee	900.00	900.00	0.00	0%
Fee for application to vary licence	1,200.00	1,200.00	0.00	0%
Fee for application to transfer a licence	950.00	950.00	0.00	0%
Fee for application to reinstate a licence	950.00	950.00	0.00	0%
Fee for application for provisional statement	2,000.00	2,000.00	0.00	0%
<b>Adult Gaming Centre Premises Licence</b>				
Fee in respect of new premises	1,500.00	1,500.00	0.00	0%
Annual Fee	900.00	900.00	0.00	0%

## Appendix A Part 2 Discretionary Fees with Statutory Maximum - Gambling Act 2005 Licences

Fee for application to vary licence	820.00	820.00	0.00	0%
Fee for application to transfer a licence	900.00	900.00	0.00	0%
Fee for application to reinstate a licence	900.00	900.00	0.00	0%
Fee for application for provisional statement	1,500.00	1,500.00	0.00	0%
<b>Betting Premises (track) licence</b>				
Fee in respect of new premises	1,850.00	1,850.00	0.00	0%
Annual Fee	900.00	900.00	0.00	0%
Fee for application to vary licence	790.00	790.00	0.00	0%
Fee for application to transfer a licence	790.00	790.00	0.00	0%
Fee for application to reinstate a licence	790.00	790.00	0.00	0%
Fee for application for provisional statement	1,850.00	1,850.00	0.00	0%
<b>Family Entertainment Centre Premises Licence</b>				
Fee in respect of other premises	1,400.00	1,400.00	0.00	0%
Annual Fee	600.00	600.00	0.00	0%
Fee for application to vary licence	800.00	800.00	0.00	0%
Fee for application to transfer a licence	700.00	700.00	0.00	0%
Fee for application to reinstate a licence	700.00	700.00	0.00	0%
Fee for application for provisional statement	1,400.00	1,400.00	0.00	0%
<b>Betting Premises (other) licence</b>				
Fee in respect of other premises	2,100.00	2,100.00	0.00	0%
Annual Fee	575.00	575.00	0.00	0%
Fee for application to vary licence	1,160.00	1,160.00	0.00	0%
Fee for application to transfer a licence	950.00	950.00	0.00	0%
Fee for application to reinstate a licence	950.00	950.00	0.00	0%
Fee for application for provisional statement	2,100.00	2,100.00	0.00	0%
<b>Applicable to all gaming licences</b>				
Change of circumstances fee - for all gaming licences	45.00	45.00	0.00	0%
Fee for copy licence - for all gaming licences	22.00	22.00	0.00	0%

## Appendix A Part 3 - Discretionary Fees Hackney Carriage and Private Hire Vehicles

Licence Type	2014/15 Fee (£)	Licence Type	Decrease	No change	Increase
			Proposed 2015/16 Fee (£)	Difference (£)	Difference (%)
<b>Drivers</b>					
Driver's Joint Badge New 1 year (inc. DVLA, DBS check, first knowledge test and first driver training assessment)	204.00	Driver's Joint Badge New 1 year (inc. DVLA, DBS check, first knowledge test and first driver assessment)	239.00	35.00	17%
Driver's Badge 3 yr Renewal (inc. DVLA and DBS check)	156.00	Driver's Badge 3 yr Renewal (inc. DVLA and DBS check)	174.00	18.00	12%
Driver's Knowledge Test Resit	77.00	Driver's Knowledge Test Resit	57.00	-20.00	-26%
Driver Badge replacement following damage or loss	10.00	Driver Badge replacement following damage or loss	10.00	0.00	0%
Driver Training assessment	30.00	Driver Training assessment	26.00	-4.00	-13%
<b>Vehicles</b>					
Private Hire Vehicle - new	160.00	Private Hire Vehicle - new	168.00	8.00	5%
Private Hire Vehicle - renewal	167.00	Private Hire Vehicle - renewal	172.00	12.00	8%
Private Hire Vehicle Licence Transfer (transfer of existing licence to a new vehicle)	97.00	Private Hire Vehicle Licence Transfer (transfer of existing licence to a new vehicle)	107.00	10.00	10%
Hackney Carriage Vehicle - new	150.00	Hackney Carriage Vehicle - new	155.00	5.00	3%
Hackney Carriage Vehicle - renewal	157.00	Hackney Carriage Vehicle - renewal	159.00	2.00	1%
Hackney Carriage Licence Transfer (transfer of existing licence to a new vehicle)	87.00	Hackney Carriage Licence Transfer (transfer of existing licence to a new vehicle)	94.00	7.00	8%
Exterior plate replacement following damage or loss	13.00	Exterior plate replacement following damage or loss	13.00	0.00	0%
Internal plate replacement following damage or loss	15.00	Internal plate replacement following damage or loss	15.00	0.00	0%
Fare Card replacement following damage or loss	2.50	Fare Card replacement following damage or loss	2.50	0.00	0%
Private Hire Door Signs (pair)	15.00	Private Hire Door Signs (pair)	15.00	0.00	0%
<b>Additional Administrative Charges</b>					

### Appendix A Part 3 - Discretionary Fees Hackney Carriage and Private Hire Vehicles

License holder transfer/change of details	10.00	License holder transfer/change of details (e.g. change of address/other minor changes)	10.00	0.00	0%
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## **Extracts from relevant licensing legislation providing legal framework within which local authorities may charge licensing fees**

### **Local Government (Miscellaneous Provisions) Act 1982**

Controls sex establishments, street trading, acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis

#### **Sex establishments - Schedule 3 paragraph 19**

An application for the grant, variation, renewal or transfer of a licence under this Schedule shall pay a reasonable fee determined by the appropriate authority.

#### **Street Trading – Schedule 4 paragraph 9**

(1) A district council may charge such fees as they consider reasonable for the grant or renewal of a street trading licence or a street trading consent.

(2) A council may determine different fees for different types of licence or consent and, in particular, but without prejudice to the generality of this sub-paragraph, may determine fees differing according—

(a) to the duration of the licence or consent;

(b) to the street in which it authorises trading; and

(c) to the descriptions of articles in which the holder is authorised to trade.

(3) A council may require that applications for the grant or renewal of licences or consents shall be accompanied by so much of the fee as the council may require, by way of a deposit to be repaid by the council to the applicant if the application is refused.

(4) A council may determine that fees may be paid by instalments.

(5) Where a consent is surrendered or revoked, the council shall remit or refund, as they consider appropriate, the whole or a part of any fee paid for the grant or renewal of the consent.

(6) A council may recover from a licence-holder such reasonable charges as they may determine for the collection of refuse, the cleansing of streets and other services rendered by them to him in his capacity as licence-holder.

(7) Where a licence—

(a) is surrendered or revoked; or

(b) ceases to be valid by virtue of paragraph 4(7) above,

the council may remit or refund, as they consider appropriate, the whole or a part—

(i) of any fee paid for the grant or renewal of the licence; or

(ii) of any charges recoverable under sub-paragraph (6) above.

(8) The council may determine—

(a) that charges under sub-paragraph (6) above shall be included in a fee payable under sub-paragraph (1) above; or

(b) that they shall be separately recoverable.

(9) Before determining charges to be made under sub-paragraph (6) above or varying the amount of such charges the council—

(a) shall give notice of the proposed charges to licence-holders; and

(b) shall publish notice of the proposed charges in a local newspaper circulating in their area.

(10) A notice under sub-paragraph (9) above shall specify a reasonable period within which representations concerning the proposed charges may be made to the council.

(11) It shall be the duty of a council to consider any such representations which are made to them within the period specified in the notice.

#### Acupuncture - Section 14 (6)

A local authority may charge such reasonable fees as they may determine for registration under this section.

#### Tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis – Section 15 (6)

A local authority may charge such reasonable fees as they may determine for registration under this section.

### **Local Government (Miscellaneous Provisions) Act 1976**

#### Controls hackney carriages and private hire vehicles

##### Section 53 - Drivers' licences for hackney carriages and private hire vehicles

(2) Notwithstanding the provisions of the Act of 1847\*, a district council may demand and recover for the grant to any person of a licence to drive a hackney carriage, or a private hire vehicle, as the case may be, such a fee as they consider reasonable with a view to recovering the costs of issue and administration and may remit the whole or part of the fee in respect of a private hire vehicle in any case in which they think it appropriate to do so.

\*Town Police Clauses Act 1847

##### Section 70 - Fees for vehicle and operators' licences

(1) Subject to the provisions of subsection (2) of this section, a district council may charge such fees for the grant of vehicle and operators' licences as may be resolved by them from time to time and as may be sufficient in the aggregate to cover in whole or in part—

(a) the reasonable cost of the carrying out by or on behalf of the district council of inspections of hackney carriages and private hire vehicles for the



purpose of determining whether any such licence should be granted or renewed;

(b) the reasonable cost of providing hackney carriage stands; and

(c) any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.

(2) The fees chargeable under this section shall not exceed—

(a) for the grant of a vehicle licence in respect of a hackney carriage, twenty-five pounds;

(b) for the grant of a vehicle licence in respect of a private hire vehicle, twenty-five pounds; and

(c) for the grant of an operator's licence, twenty-five pounds per annum;

or, in any such case, such other sums as a district council may, subject to the following provisions of this section, from time to time determine.

(3) (a) If a district council determine that the maximum fees specified in subsection (2) of this section should be varied they shall publish in at least one local newspaper circulating in the district a notice setting out the variation proposed, drawing attention to the provisions of paragraph (b) of this subsection and specifying the period, which shall not be less than twenty-eight days from the date of the first publication of the notice, within which and the manner in which objections to the variation can be made.

(b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of twenty-eight days from the date of the first publication thereof be deposited at the offices of the council which published the notice and shall at all reasonable hours be open to public inspection without payment.

(4) If no objection to a variation is duly made within the period specified in the notice referred to in subsection (3) of this section, or if all objections so made are withdrawn, the variation shall come into operation on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever date is the later.

(5) If objection is duly made as aforesaid and is not withdrawn, the district council shall set a further date, not later than two months after the first specified date, on which the variation shall come into force with or without modification as decided by the district council after consideration of the objections.

(6) A district council may remit the whole or part of any fee chargeable in pursuance of this section for the grant of a licence under section 48 or 55 of this Act in any case in which they think it appropriate to do so.

## **Zoo Licensing Act 1981**

### **Controls zoos – Section 15**

(1) Subject to this section, the local authority may charge such reasonable fees as they may determine in respect of—

(a) applications for the grant, renewal or transfer of licences;

(b) the grant, renewal, alteration or transfer of licences;

(2) Any fee charged under paragraph (a) of subsection (1) in respect of an application shall be treated as paid on account of the fee charged under paragraph (b) on the grant, renewal or transfer applied for.

(2A) Subject to this section, the authority may charge to the operator of the zoo such sums as they may determine in respect of reasonable expenses incurred by them—

(a) in connection with inspections in accordance with section 9A and under sections 10 to 12;

(b) in connection with the exercise of their powers to make directions under this Act;

(c) in the exercise of their function under section 16E(4) of supervising the implementation of plans prepared under section 16E(2); and

(d) in connection with the exercise of their function under section 16E(7) or (8).

(2B) The authority's charge under subsection (2A)(d) shall take into account any sums that have been, or will fall to be, deducted by them from a payment under section 16F(7) in respect of their costs.

(3) In respect of any fee or other sum charged under this section, the local authority may, if so requested by the operator, accept payment by instalments.

(4) Any fee or other charge payable under this section by any person shall be recoverable by the local authority as a debt due from him to them.

(5) The local authority shall secure that the amount of all the fees and other sums charged by them under this section in a year is sufficient to cover the reasonable expenditure incurred by the authority in the year by virtue of this Act.

### **Breeding of Dogs Act 1973**

#### **Controls breeding establishments for dogs – Section 3A**

(1) The costs of inspecting premises under this Act and the Breeding of Dogs Act 1991 shall be met by the local authority concerned.

(2) A local authority may charge fees—

(a) in respect of applications for the grant of licences under this Act; and

(b) in respect of inspections of premises under section 1(2A)\* of this Act.

(3) A local authority may set the level of fees to be charged by virtue of subsection (2) of this section—

(a) with a view to recovering the reasonable costs incurred by them in connection with the administration and enforcement of this Act and the Breeding of Dogs Act 1991; and

(b) so that different fees are payable in different circumstances.

\* Section 1(2A)

On receipt of an application by a person to a local authority for the grant of a licence under this Act in respect of any premises—

(a) if a licence under this Act has not previously been granted to the person in respect of the premises, the authority shall arrange for the inspection of the premises by a veterinary surgeon or veterinary practitioner and by an officer of the authority; and

(b) in any other case, the authority shall arrange for the inspection of the premises by a veterinary surgeon or veterinary practitioner or by an officer of the authority (or by both).

## **Animal Boarding Establishments Act 1963**

### **Controls boarding establishments for dogs and cats – Section 1**

(2) Every local authority may, on application being made to them for that purpose by a person who is not for the time being disqualified—

(a) under this Act, from keeping a boarding establishment for animals; or

(b) under the Pet Animals Act 1951, from keeping a pet shop; or

(c), (d) . . . ; or

(e) under the Protection of Animals (Amendment) Act 1954, from having the custody of animals, or

(f) under section 34(2), (3) or (4) of the Animal Welfare Act 2006, or

(g) under subsection (1) of section 40 of the Animal Health and Welfare (Scotland) Act 2006 (asp 11), from an activity mentioned in subsection (2)(a), (b) or (c) of that section,

and **on payment of such fee as may be determined by the local authority**, grant a licence to that person to keep a boarding establishment for animals at such premises in their area as may be specified in the application and subject to compliance with such conditions as may be specified in the licence.

## **Pet Animals Act 1951**

### **Controls pet shops – Section 1**

(2) Every local authority may, on application being made to them for that purpose by a person who is not for the time being disqualified from keeping a pet shop, and **on payment of such fee as may be determined by the local authority**, grant a licence to that person to keep a pet shop at such premises in their area as may be specified in the application and subject to compliance with such conditions as may be specified in the licence.

## **Riding Establishments Act 1964**

## Controls hiring of horses for riding and instruction in riding – Section 1

(2) Every local authority may, on application being made to them for that purpose by a person who is an individual over the age of eighteen years or a body corporate, being a person who is not for the time being disqualified,—

(a) under this Act from keeping a riding establishment; or

(b), (c) . . . ; or

(d) under the Pet Animals Act 1951, from keeping a pet shop; or

(e) under the Protection of Animals (Amendment) Act 1954, from having the custody of animals; or

(f) under the Animal Boarding Establishments Act 1963, from keeping a boarding establishment for animals; or

(g) under section 34(2), (3) or (4) of the Animal Welfare Act 2006; or

(h) under subsection (1) of section 40 of the Animal Health and Welfare (Scotland) Act 2006 (asp 11), from an activity mentioned in subsection (2)(a), (b) or (c) of that section,

grant, **on payment of such fee as may be determined by the local authority** a licence to that person to keep a riding establishment at such premises in their area as may be specified in the application and subject to compliance with such conditions as may be specified in the licence.

## Dangerous Wild Animals Act 1976

### Controls dangerous wild animals as listed in the Act – Section 1

(2) A local authority shall not grant a licence under this Act unless an application for it—

.... and

(e) is accompanied by such fee as the authority may stipulate (being a fee which is in the authority's opinion sufficient to meet the direct and indirect costs which it may incur as a result of the application).

## Performing Animals (Regulation) Act 1925

### Controls performing animals – Section 1

(1) No person shall exhibit or train any performing animal unless he is registered in accordance with this Act.

(2) Every local authority shall keep a register for the purpose of this Act, and any person who exhibits or trains animals as aforesaid on making an application in the prescribed form to the local authority of the district in which he resides, or if he has no fixed place of residence in Great Britain, to the local authority of such one of the prescribed districts as he may choose, and **on payment of such fee as appears to the local authority to be appropriate** shall be registered under

this Act, unless he is a person, who, in pursuance of an order of the court made under this Act, is prohibited from being so registered.

(3) Any application for registration under this Act shall contain such particulars as to the animals and as to the general nature of the performances in which the animals are to be exhibited or for which they are to be trained as may be prescribed, and the particulars so given shall be entered in the register.

(4) The local authority shall give to every person whose name appears on the register kept by them a certificate of registration in the prescribed form containing the particulars entered in the register.

(5) Every register kept under this Act shall at all reasonable times be open for inspection and any person shall be entitled to take copies thereof or make extracts therefrom.

(6) Any person entered on the register shall, subject to the provisions of any order made under this Act by any court, be entitled, on making application for the purpose, to have the particulars entered in the register with respect to him varied, and where any such particulars are so varied the existing certificate shall be cancelled and a new certificate issued.

(7) A copy of every certificate of registration issued by a local authority shall be transmitted by the authority to the Secretary of State and shall be available for inspection at all reasonable times.

(8) A local authority may charge such fees as appear to them to be appropriate for inspection of the register, for taking copies thereof or making extracts therefrom or for inspection of copies of certificates of registration issued by them.

## **Public Health Acts Amendment Act 1907**

### **Controls pleasure boats/vessels - Section 94**

(1) The local authority may grant upon such terms and conditions as they may think fit licences for pleasure boats and pleasure vessels to be let for hire or to be used for carrying passengers for hire, and to the persons in charge of or navigating such boats and vessels, and may charge for each type of licence such annual fee as appears to them to be appropriate.

## **Environmental Protection Act 1990**

### **Controls free printed matter – Schedule 3A paragraphs 3 & 4**

3 (1) A principal litter authority may on the application of any person consent to that person or any other person (identified specifically or by description) distributing free printed matter on any land designated by the authority under this Schedule.

4 (1) A principal litter authority may require the payment of a fee before giving consent under paragraph 3 above.

(2) The amount of a fee under this paragraph is to be such as the authority may determine, but may not be more than, when taken together with all other fees charged by the authority under this paragraph, is reasonable to cover the costs of operating and enforcing this Schedule.

## **Gambling Act 2005**

Statutory fees are prescribed for:-

- small society lotteries (Schedule 11 – Part 5)
- club gaming permits and club machine permits (Schedule 12)
- notification of gaming machines in alcohol licensed premises (Section 282)
- family entertainment centre gaming machine permits (Schedule 10)
- licensed premises gaming machine permits (Schedule 13)
- prize gaming permits (Schedule 14)

And, therefore, the licensing authority has no control over these fees. The following statutory instruments are relevant:-

- Small Society Lotteries (Registration of Non-Commercial Societies) Regulations 2007
- Gambling Act 2005 (Club Gaming and Club Machine Permits) Regulations 2007
- Gaming Machines in Alcohol Licensed Premises (Notification Fee) (England and Wales) Regulations 2007
- Gambling Act 2005 (Family Entertainment Centre Gaming Machine) (Permits) Regulations 2007
- Gambling Act 2005 (Licensed Premises Gaming Machine Permits) (England and Wales) Regulations 2007
- Gambling Act 2005 (Prize Gaming) (Permits) Regulations 2007

The licensing authority must determine the fees, up to certain statutory maximums, that are applicable to premises licences, e.g. adult gaming centres, betting at race tracks, betting shops, bingo premises, casinos and for temporary use notices. The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 and the Gambling (Temporary Use Notices) Regulations 2007 set the relevant statutory maximums. In addition, Section 212 of the Act states:-

(2) .... the authority—

(a) shall determine the amount of the fee,

(b) may determine different amounts for different classes of case specified in the regulations (but may not otherwise determine different amounts for different cases),

(c) shall publish the amount of the fee as determined from time to time, and

(d) shall aim to ensure that the income from fees of that kind as nearly as possible equates to the costs of providing the service to which the fee relates (including a

reasonable share of expenditure which is referable only partly or only indirectly to the provision of that service).

(3) For the purposes of subsection (2)(d) a licensing authority shall compare income and costs in such manner, at such times and by reference to such periods as the authority, having regard to any guidance issued by the Secretary of State, think appropriate.

In addition, where the licensing authority is required to maintain licensing registers, the authority may determine fees for providing access to, making copies of and/or providing information to members of the public from those registers.

#### Premises licences (Section 156)

(1) A licensing authority shall—

(a) maintain a register of premises licences issued by the authority together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

#### Small society lotteries (Schedule 11 Part 5 paragraph 55)

(1) Where a statement is sent to a local authority under paragraph 39 the authority shall—

(a) retain it for at least 18 months,

(b) make it available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of it or part of it to any member of the public on request.

(2) But a local authority may refuse to provide access or a copy unless the person seeking access or a copy pays a fee specified by the authority.

(3) A local authority may not specify a fee under sub-paragraph (2) which exceeds the reasonable cost of providing the service sought (but in calculating the cost of providing a service to a person the authority may include a reasonable share of expenditure which is referable only indirectly to the provision of that service).

#### Club gaming permits and club machine permits (Schedule 12 paragraph 26)

(1) A licensing authority shall—

(a) maintain a register of permits issued by the authority together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

#### Temporary Use Notice (Section 234)

1) A licensing authority shall—

(a) maintain a register of temporary use notices given to them together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

#### Family entertainment centre gaming machine permits (Schedule 10 paragraph 23)

(1) A licensing authority shall—

(a) maintain a register of permits issued by the authority together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

#### Licensed premises gaming machine permits (Schedule 13 paragraph 22)

(1) A licensing authority shall—

(a) maintain a register of permits issued by the authority together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.



## Prize gaming permits (Schedule 14 paragraph 23)

(1) A licensing authority shall—

(a) maintain a register of permits issued by the authority together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

## **Scrap Metal Dealers Act 2013**

Controls buyers/sellers of scrap metal and motor salvage operators (Section 5 Schedule 1 paragraph 6)

(1) An application must be accompanied by a fee set by the authority.

(2) In setting a fee under this paragraph, the authority must have regard to any guidance\* issued from time to time by the Secretary of State with the approval of the Treasury.

\*Scrap Metal Dealers Act 2013: guidance on licence fee charges – issued by Home Office 12 August 2013

## **Licensing Act 2003**

Statutory fees for premises licences, club premises certificates, temporary event notices and personal licences are currently prescribed by the Licensing Act 2003 (Fees) Regulations 2005. The licensing authority has no control over these fees.

In addition, there is a requirement to maintain a register and make it available for inspection without payment but if requested to provide a copy of information contained in the register a fee may be charged under Section 8 of the Act.

(4) If requested to do so by any person, a licensing authority must supply him with a copy of the information contained in any entry in its register in legible form.

(5) A licensing authority may charge such reasonable fee as it may determine in respect of any copy supplied under subsection (4).

## **Caravan Sites and Control of Development Act 1960**

Under the Caravan Sites and Control of Development Act 1960, as amended by the Mobile Homes Act 2013, licensing authorities are permitted to charge fees for the licensing of residential caravan sites with effect from 1 April 2014. Transitional

arrangements will be in place and the licensing authority is required to publish a fees policy. (NB The Council has not yet prepared a fees policy and therefore is currently unable to charge fees in this respect.)

**Licences for which the licensing authority is NOT permitted to charge**

- **House-to-house collections:** House to House Collections Act 1939
- **Street collections:** Police, Factories, etc. (Miscellaneous Provisions) Act 1916

## Appendix C Licensing Fees 2014/15 - Comparison with Neighbouring Unitary Authorities (discretionary fees only)

Licence Type	Telford and Wrekin Council		Shropshire Council		Cheshire East Council	
<b>General Licenses</b>						
Acupuncture Person	86.00		107.00		46.50	
Acupuncture Premises + 1 person	86.00	£30 per additional persons	135.00		110.00	
Ear-piercing Person	86.00		107.00		46.50	
Ear-piercing Premises + 1 person	86.00	£30 per additional persons	135.00		110.00	
Electrolysis Person	86.00		107.00		46.50	
Electrolysis Premises + 1 person	86.00	£30 per additional persons	135.00		110.00	
Tattooing Person	86.00		107.00		46.50	
Tattooing Premises + 1 person	86.00	£30 per additional persons	135.00		110.00	
Animal Boarding	195.00	£175 renewal	122.00	up to £227 depending on no. of animals	121.00	£105.00 on renewal; + vet fees
Animal Breeding	195.00		122.00	up to £145 depending on no. of animals	121.00	£105.00 on renewal; + vet fees
Riding Establishments	190.00	+ vet fees	125.00	+ vet fees	149.00	£115 on renewal; + vet fees
Pet Shops	195.00	£175.00 on renewal	125.00	up to 4.5 hrs	121.00	£105 on renewal; + vet fees
Performing Animals	55.00	for life of animal	122.00	up to £137 depending on no. of animals	94.00	

## Appendix C Licensing Fees 2014/15 - Comparison with Neighbouring Unitary Authorities (discretionary fees only)

Dangerous Wild Animals	275.00	+ vet fees	134.00	up to £150 depending on no, of animals + vet fees	105.00	£94.00 on renewal; + vet fees
Zoo Licences	890.00	+ zoo keeper inspection	134.00	+ vet fees	37.50 per hour	minimum charge £300.00; + vet fees
Pleasure Boats	25.00	+ marine surveyor's report fees	102.00	+ marine surveyor's report fees	No information	
Sex Establishments New	3,000.00		1,159.00		2,280.00	also applicable to variation
Sex Establishments Renewal	1,500.00		997.00		1,140.00	
Sex establishment Transfer	590.00		N/A		500.00	
Scrap Metal Dealer Site	360.00	£195 renewal; £95 variation	492.00		160.00	£10 replacement licence
Scrap Metal Dealer Collector	205.00	£65 renewal; £90 variation	202.00		160.00	£10 replacement licence; £10 additional collectors licence
Street Trading Consents	300.00	£280.00 on renewal; £60 up to a week; £18/day	91.00	up to 7 days; £4/day thereafter)	No information	
Distribution of free printed matter						
a) weekly permit	N/A		32.00		N/A	
b) monthly permit	N/A		96.00		N/A	
c) annual permit	N/A		322.00		N/A	
Admin changes to existing registration/licence	N/A		10.00		20.00	
Copy of public register entry GA/LA	No information		11.00		No information	

## Appendix C Licensing Fees 2014/15 - Comparison with Neighbouring Unitary Authorities (discretionary fees only)

Hackney Carriage / Private Hire Licensing						
Driver's Badge New	217.50	3 years; + £10 badge deposit	204.00	1 year	224.00	3 years
Driver's Badge Renewal	209.50	3 years; + £10 badge deposit	156.00	3 years	162.00	3 years
Private Hire Vehicle per annum	170.00	£160 renew; + £20 plates deposit	160.00	£167 renewal	301.00	
Hackney Carriage Vehicle per annum	170.00	£160 renew; + £10 plate deposit	150.00	£157 renewal	301.00	
Vehicle Test	61.00 HC	48.00 PHV	N/A		78.00	
Private Hire Door Signs (for a pair)	No information		15.00		No Information	
Private Hire Operator	220.00	12 months	86.00	up to £1,304 depending on no. of vehicles (1 year)	347.00	5 years
Private Hire Operator	200.00	12 months; renewal	118.00	up to £2,551 depending on no. of vehicles (3 years)	N/A	
Driver's Knowledge Test Resit	No information		77.00		No information	
Exterior Plate replacement following damage or loss	N/A		13.00		No information	
Driver Badge Replacement following damage or loss	N/A		10.00		No information	
Transfer of a hackney carriage licence (transfer of existing licence to a new vehicle)	N/A		87.00		No information	
Transfer of a private hire licence (transfer of existing licence to a new vehicle)	N/A		97.00		No information	

## Appendix C Licensing Fees 2014/15 - Comparison with Neighbouring Unitary Authorities (discretionary fees only)

Driver Training assessment	No information		30.00		No information	
Transfer vehicle to another operator	N/A		N/A		25.63	
Administrative charge	No information		10.00		No information	
<b>Gambling Act Licences</b>						
<b>Regional Casino Premises Licence</b>						
Fee in respect of new premises	13,050.00		13,100.00		No information	
Annual Fee	13,050.00		13,000.00		No information	
Fee for application to vary licence	6,530.00		6,500.00		6,375.00	
Fee for application to transfer a licence	5,660.00		5,600.00		5,420.00	
Fee for application to reinstate a licence	5,660.00		5,600.00		5,420.00	
Fee for application for provisional statement	13,050.00		13,100.00		11,060.00	
<b>Large Casino Premises</b>						
Fee in respect of new premises	8,700.00		8,700.00		No information	
Annual Fee	8,700.00		8,700.00		No information	
Fee for application to vary licence	4,350.00		4,350.00		4,425.00	
Fee for application to transfer a licence	1,870.00		1,900.00		1,790.00	
Fee for application to reinstate a licence	1,870.00		1,900.00		1,790.00	
Fee for application for provisional statement	8,700.00		8,700.00		7,375.00	
<b>Small casino premises</b>						
Fee in respect of new premises	6,960.00		6,900.00		No information	
Annual Fee	4,350.00		4,300.00		No information	
Fee for application to vary licence	3,480.00		3,450.00		3,540.00	
Fee for application to transfer a licence	1,570.00		1,500.00		1,500.00	
Fee for application to reinstate a licence	1,570.00		1,500.00		1,500.00	
Fee for application for provisional statement	6,960.00		6,900.00		5,900.00	
<b>Bingo premises licence</b>						
Fee in respect of new premises	3,050.00		2,000.00		922.50	
Annual Fee	870.00		900.00		615.00	
Fee for application to vary licence	1,520.00		1,200.00		922.50	
Fee for application to transfer a licence	1,040.00		950.00		358.75	
Fee for application to reinstate a licence	1,040.00		950.00		358.75	

## Appendix C Licensing Fees 2014/15 - Comparison with Neighbouring Unitary Authorities (discretionary fees only)

Fee for application for provisional statement	1,740.00		2,000.00		2,580.00	
<b>Adult Gaming Centre Premises Licence</b>						
Fee in respect of new premises	1,740.00		1,500.00		922.50	
Annual Fee	870.00		900.00		615.00	
Fee for application to vary licence	870.00		820.00		922.50	
Fee for application to transfer a licence	1,040.00		900.00		358.75	
Fee for application to reinstate a licence	1,040.00		900.00		358.75	
Fee for application for provisional statement	1,740.00		1,500.00		1,475.00	
<b>Betting Premises (track) licence</b>						
Fee in respect of new premises	2,180.00		1,850.00		922.50	
Annual Fee	870.00		900.00		615.00	
Fee for application to vary licence	1,090.00		790.00		922.50	
Fee for application to transfer a licence	830.00		790.00		358.75	
Fee for application to reinstate a licence	830.00		790.00		358.75	
Fee for application for provisional statement	2,180.00		1,850.00		2,580.00	
<b>Family Entertainment Centre Premises Licence</b>						
Fee in respect of other premises	1,740.00		1,400.00		922.50	
Annual Fee	650.00		600.00		615.00	
Fee for application to vary licence	870.00		800.00		922.50	
Fee for application to transfer a licence	830.00		700.00		358.75	
Fee for application to reinstate a licence	830.00		700.00		358.75	
Fee for application for provisional statement	1,740.00		1,400.00		1,475.00	
<b>Betting Premises (other) licence</b>						
Fee in respect of other premises	2,610.00		2,100.00		922.50	
Annual Fee	520.00		575.00		600.00	
Fee for application to vary licence	1,310.00		1,160.00		922.50	
Fee for application to transfer a licence	1,040.00		950.00		358.75	
Fee for application to reinstate a licence	1,040.00		950.00		358.75	
Fee for application for provisional statement	2,610.00		2,100.00		2,210.00	
<b>Applicable to all gaming licences</b>						

**Appendix C Licensing Fees 2014/15 - Comparison with Neighbouring Unitary Authorities (discretionary fees only)**

Change of circumstances fee - for all gaming licences	42.00		45.00		50.00	
Fee for copy licence - for all gaming licences	21.00		22.00		25.00	





<u>Committee and Date</u>
Strategic Licensing Committee
10 <sup>th</sup> December 2014

<u>Item</u>
8
Public

## HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

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### 1. Summary

- 1.1 The Council's existing Hackney Carriage and Private Hire Licensing Policy ('the Policy') came into effect on 1 October 2011. It is largely based on the policy that was brought into effect when Shropshire Council was formed in 2009; consequently, the foundation of the Council's current Policy is, in effect, over 5 years old.
- 1.2 The Policy requires updating to reflect the Council's priorities and outcomes for 2014 – 2017, in particular in relation to protecting people from harm, promoting health and managing the environment. In addition, ongoing improvements in licensing practices and procedures need to be embedded within the Policy to further strengthen the application process and to provide the foundations for robust enforcement to increase compliance across the hackney carriage and private hire trade.
- 1.3 To this end, and in accordance with the resolution passed by the Strategic Licensing Committee ('the Committee') on the 24 September 2014, this report sets out the results of the second period of consultation that was undertaken in respect of the Policy and sets out a further revision of the Policy for consideration by the Committee.

## **2. Recommendations**

- 2.1** That the Strategic Licensing Committee considers the feedback received as a result of the second period of consultation carried out between 29 September 2014 and 2 November 2014, together with the analysis and officer comments, as set out in **Appendices A, B, C and D**.
- 2.2** That the Strategic Licensing Committee agrees, with any necessary modifications, that the proposed 'Hackney Carriage and Private Hire Policy 2015 – 2019' as set out in **Appendix E** be reported to Cabinet for further consideration and a final decision with respect to adoption and implementation.

## **REPORT**

### **3. Risk Assessment and Human Rights Act Appraisal**

- 3.1** The proposed Policy wholly supports the Council's wider priorities and outcomes associated with keeping people from harm, promoting health, managing the environment and helping people to help themselves.
- 3.2** The Policy specifically takes account of the Council's safeguarding responsibilities, particularly in relation to children and vulnerable adults. The Policy significantly increases the criteria that must be satisfied before a person will be deemed a 'fit and proper person' to drive a hackney carriage or private hire vehicle. The criteria are set against the findings of the Independent Enquiry into Child Sexual Exploitation in Rotherham 1997 – 2013.
- 3.3** Motor vehicle emissions are the primary cause of poor air quality nationally and poor air quality impacts on human health and the environment. The proposed Policy introduces a requirement for hackney carriage and private hire vehicles to meet European Emission Standards. This will have the effect

of reducing levels of air pollution. As a result of adopting the Policy, the Council has the opportunity to lead the local community in terms of demonstrating one of the means by which air quality may be improved and, in so doing, directly reduce the impact that vehicle emissions have on the local environment and human health. The Council's Director of Public Health fully supports actions that improve air quality as air quality is an indicator in the Public Health Outcomes Framework.

- 3.4** Unlike the Licensing Act 2003 and the Gambling Act 2005, the legislation that specifically controls the licensing of hackney carriages and private hire does not contain provisions that directly require the Council to prepare and publish a hackney carriage and private hire licensing policy in a particular manner.
- 3.5** Nevertheless, the Regulators' Code, which has statutory effect by virtue of Section 22 of the Legislative and Regulatory Reform Act 2006, means the Council must have regard to the requirements of the Code. The development of a hackney carriage and private hire licensing policy to guide licensing activities will ensure that the Council satisfies its legal responsibilities with respect to specific elements of the Regulators' Code and will assist the Council to demonstrate that it has had due regard to the Code in relation to this particular area of law.
- 3.6** If the Council fails to prepare and publish such a policy the Council will be open to criticism; in particular from those parties whom the Council seeks to licence. Without a policy, officers and Members will find it extremely difficult to make appropriate and consistent licensing decisions and to take proportionate enforcement action. As a consequence, the Council will face significant difficulty in justifying the way it has reached licensing decisions and taken enforcement action.
- 3.7** This will result in the Council failing to adequately deliver its safeguarding responsibilities and reduce its ability to directly, and in partnership with other agencies, tackle child sexual exploitation. Furthermore, the Council's ability to

control overall compliance of the hackney carriage and private hire trade will be hampered and there is the increased risk of:

- successful appeals by applicants who have had their licences suspended or revoked;
- service complaints to the Local Government Ombudsman;
- judicial review; and
- legal challenge to any criminal proceedings instituted by the Council.

The reputation and professionalism of the Council would clearly be at risk.

- 3.8** Conversely, by preparing and publishing a policy, the Council demonstrates that it takes its hackney carriage and private hire licensing role seriously. It creates transparency for all stakeholders providing the manner in which the Council intends to undertake its hackney carriage and private hire licensing responsibilities. Furthermore, it provides the Council with a basis for a robust defence to any challenges that may be encountered in respect of decisions made and enforcement action taken. It also demonstrates commitment to and compliance with the Regulators' Code.
- 3.9** The proposed policy is consistent with national guidance on hackney carriage and private hire licensing and is deemed to be best practice.
- 3.10** The proposed policy aims to ensure that the human rights of applicants, licence holders and the public who use hackney carriages and private hire services are protected. However, it is recognised that it is a fine balance to ensure that this is achieved for all parties involved. Nevertheless, the policy has been written to assist the Council to comply with the Human Rights Act 1998 and to avoid the risk of adverse Human Rights Act implications as a result of undertaking the hackney carriage and private hire licensing function.
- 3.11** Whilst there is no legal duty specifically placed on the Council to consult with respect to this policy, it is good practice to do so and is in line with the Department for Transport's 'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance' (March 2010). The full extent of the consultation is set out

at paragraph 5.3 below. Responses to the earlier consultation undertaken between 2 June 2014 and 24 August 2014 have previously been considered by the Committee. This report focusses on those responses received as a result of the consultation undertaken between 29 September 2014 and 2 November 2014.

#### **4. Financial Implications**

- 4.1** There are no direct financial implications for the Council as a result of the recommendations set out at paragraph 2 above. However, staff resources will be required to implement and enforce the changes being proposed by the revised Policy.

#### **5. Background**

##### **5.1 General**

- 5.1.1** The Council has a duty to provide for the licensing of hackney carriages under the Town Police Clauses Act 1847 and under the relevant adopted provisions of the Local Government (Miscellaneous Provisions) Act 1976. In addition, the adopted provisions of the 1976 Act mean that the Council must provide for the licensing of private hire drivers, vehicles and operators.

- 5.1.2** Whilst it is recognised that this duty requires an efficient and effective administrative process, the fundamental purpose of the licensing regime is to protect the safety of the public. This means the Council must ensure that only fit and proper persons are licensed to be drivers and operators and that vehicles remain safe and fit for the purpose of transporting fare-paying passengers. The proposed Policy aims to provide the foundation of this protection.

## **5.2 Relevant national reports**

**5.2.1** During the process of review and consultation, officers have been mindful of the Law Commission's review of the legal framework relating to taxis and private hire vehicles across England and Wales. The Law Commission's final report and draft Bill were published on 23 May 2014 and the recommendations have been presented to Government. However, as yet the Government has not responded; consequently, the extent to which the recommendations will be accepted is unknown and no timescales have been published in this respect.

**5.2.2** The review of the Council's Hackney Carriage and Private Hire Licensing Policy is set against the background of the Independent Enquiry into Child Sexual Exploitation in Rotherham 1997 – 2013 undertaken by Alexi Jay OBE. The outcome of the enquiry was published in August 2014. In particular, Members should note that the published report states: *'One of the common threads running through child sexual exploitation across England has been the prominent role of taxi drivers in being directly linked to children who were abused.'*

## **5.3 Consultation**

**5.3.1** The Committee commenced the process of reviewing the Policy in March 2014 when it confirmed that informal engagement with the hackney carriage and private hire trade was to be undertaken through a number of 'Taxi Forum' meetings across the County. During these Forums, held between the 15 April 2014 and 24 April 2014, the trade had the opportunity to identify areas of the Policy where improvements could be made.

**5.3.2** In May 2014 a further report was presented to the Committee with a revised Policy that captured the improvements suggested by the trade, together with changes identified by the licensing service. A decision was made by the Committee to formally consult on the revised Policy for a period of 12 weeks

from 2 June 2014 to 24 August 2014. This was carried out through the Council's website and advertised in the Shropshire Star newspaper.

**5.3.3** In September 2014, the outcome of the 12 week consultation was presented to the Committee, with a further revision of the Policy. The content now focussed more on safeguarding and the environment as well as incorporating the necessary changes to strengthen the application process and provide the means for robust enforcement to increase compliance across the hackney carriage and private hire trades. Consequently, the Committee supported a further period of consultation, not being less than 4 weeks, being undertaken. This was carried out between 29 September 2014 and 2 November 2014 using the Council's website, an additional 'Taxi Forum' meeting held on the 28 October 2014 in Shrewsbury and a further advertisement in the Shropshire Star.

**5.3.4** An analysis of the responses received has been undertaken and the results are set out at **Appendix A**. Each response has been fully considered by officers and a summary has been prepared; this is available at **Appendix B**. The summary details the degree to which the proposed policy has/has not been amended, together with explanatory comments where this is necessary. The actual responses (redacted to remove personal details/information) received are set out at **Appendix C**. The notes taken at the 'Taxi Forum' held in October are produced at **Appendix D**.

**5.3.5** The revised policy, with relevant tracked changes, is set out at **Appendix E**. In addition, the proposed improvements and substantive changes, compared with the current 2011 Policy, are summarised in **Appendix F**.

**5.3.6** The Enterprise & Growth Scrutiny Committee considered the overarching scope and purpose of the proposed Policy at the meeting held on 6 November 2014. There was overall support for the direction of the Policy with respect to ensuring public safety.

## **5.4 Particular issues highlighted by responses to the consultation**

### **European Emission Standards**

**5.4.1** The proposed introduction of European Emission Standards for vehicles is based on the impact that these standards have on reducing pollutants which are of concern in Shropshire. Clean air is essential for a good quality of life. In the past air quality was largely affected by pollution caused by industry. Today it is motor vehicle emissions that are the primary source of air pollution concerns in Shropshire and this follows the national picture.

**5.4.2** Poor air quality has negative effects on the environment in which we live and on human health. Those most at risk are the very young and the elderly, and people already suffering from conditions such as asthma or bronchitis. In high concentrations, air pollution can cause irritation of the eyes, nose and throat, can lead to the worsening of lung and heart diseases, and in very extreme cases it can be associated with the onset of certain cancers. At a local level, air pollution causes soiling and corrosion of buildings and a reduction in the growth of plants. At a global level, it has an adverse and very serious effect on the health of entire ecosystems, as well as being linked to causing acid rain and climate change.

**5.4.3** Poor air quality is a significant public health issue. The burden of particulate air pollution in the UK in 2008 was estimated to be equivalent of nearly 29,000 deaths at typical ages and an associated loss of population life of 340,000 life years lost. In Shropshire 4.2 % of all mortality is calculated as being as a result of air pollution; this equates to around 130 deaths annually. Consequently, measures to reduce levels of particulate air pollution, or to reduce exposure of the population to such pollution, are regarded as an important public health initiative.

**5.4.4** In Shropshire there are five air quality management areas where levels of air pollutants exceed the limits set by legislation. The main contributor to air pollution in each of these areas is vehicle emissions. Areas where air quality



management areas are located and where monitored levels of pollutants are close to legislative target levels include Bridgnorth, Shrewsbury, Ludlow, Ternhill and Pant.

- 5.4.5** It cannot be concluded that the views of the trade are fully represented as a result of the consultation; however, there is an indication that the trade supports the adoption of the European Emission Standards providing sufficient time is permitted for the transition. This support, taken together with the wider implications for public health and the environment, provide a sound basis for introducing this requirement into the Policy. It should be noted that the original timescale has already been extended to take account of direct feedback from the trade.

#### **European New Car Assessment Programme (NCAP)**

- 5.4.6** The proposed introduction of the European New Car Assessment Programme (NCAP) safety ratings for vehicles is based on the impact these standards will have on improving the safety of vehicles driven by the Council's licensed drivers and as a result the increase in public safety.
- 5.4.7** The NCAP organizes crash-tests and provides a realistic and independent assessment of the safety performance of cars sold in Europe. Established in 1997, NCAP is composed of seven European Governments as well as motoring and consumer organisations in every European country. NCAP is a catalyst for encouraging significant safety improvements to new car design.
- 5.4.8** These proposals should not result in any significant burden on the trade as replacement vehicles are likely to be newer vehicles thereby meeting the appropriate standard at the time of manufacture.

## **Vehicle colour**

- 5.4.9** In 2011, during the review of the standards/conditions, the Committee agreed that both hackney carriage and private hire vehicles could be any colour. However, representations were made by specific sectors of the trade, as part of the consultation between June and August this year, requesting that the Council require hackney carriages to be black and private hire vehicles to be any colour other than black.
- 5.4.10** Having a clear distinction between vehicle type on colour has significant benefits for both public safety and enforcement. For example, the public are less likely to attempt to hail a private hire vehicle in the street if they know that only black vehicles (with 'TAXI' roof signs and Council issued hackney carriage plates) are legally permitted to respond to such a hail. This promotes the 'helping the community to help themselves' priority of the Council as the public become more able themselves to reduce the risks associated with hailing private hire vehicles by more easily recognising those vehicles, i.e. hackney carriages, that they ought to hail. (Note: The insurance on private hire vehicles that are not pre-booked is invalid.)
- 5.4.11** However, despite the recognised potential benefits, there is an indication from certain sectors of the trade that this proposal is not supported (but noting the limitations of the conclusions that can be drawn from the responses to the consultation). In addition, it is accepted that there is a certain degree of practical difficulty associated with implementing this element of the policy, i.e. during the transitional period both hackney carriages and private hire vehicles could be black and therefore cause rather than reduce confusion. Consequently, the proposed Policy has been amended to encourage vehicle proprietors, owners and operators to consider this approach on a voluntary basis when replacing and changing vehicles.

## **Zones and wheelchair accessibility**

**5.4.12** The Committee has previously considered the issue of 'Taxi Zones' and in March 2010 recommended that from 1 April 2011 zones be abolished together with the introduction of a single set of unified standards/conditions for hackney carriage licensing for the purpose of forming a single unified taxi licensing arrangement and a common set of standards/conditions for hackney carriages across the administrative area of Shropshire Council.

**5.4.13** The Committee considered and agreed common standards/conditions in March 2011 and these are reflected in the current Policy that came into effect in October 2011. (The standards/conditions have been reviewed as part of the current consultation and further changes are proposed.) However, the abolition of zones failed to progress at that time and this remains the position. This is largely due to the fact that all hackney carriages will be required to become wheelchair accessible and there has been resistance to bring about this change as a result of objections from certain sectors of the trade; albeit there is support from other sectors. The delayed Law Commission report has also hindered progress. The Committee was made aware of these matters through a number of reports during 2011 and 2012.

**5.4.14** As a result (and taking into account the feedback from the consultation), there is no proposal to move to a single zone until the implications of the Law Commission's report and recommendations are fully understood and implemented.

## **6. Conclusions**

**6.1** The primary purpose of the proposed Policy is to address the Council's safeguarding responsibilities as they apply to the licensing of hackney carriage and private hire vehicles, operators and drivers. There is overall support for the robust approach being proposed.

- 6.2** The issues that have generated conflicting views, i.e. vehicle emissions, NCAP safety ratings, vehicle colour and zones/wheelchair accessibility are secondary to the safeguarding purpose of the proposed Policy.
- 6.3** It is proposed to move forward with the European Emission Standards and the NCAP safety ratings.
- 6.4** With respect to vehicle colour and wheelchair accessibility, it is proposed that the Council undertakes a wider programme of collaborative working with the trade to encourage voluntary adoption of these standards.
- 6.5** With respect to the amalgamation of zones, it is accepted that the Government's implementation of the Law Commission's report and recommendations is likely to be key to the direction the Council will wish to take in the future; consequently it is proposed that the current five zones remain in place at this time.

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

- Minutes of the Strategic Licensing Committee Meeting held on the 23 March 2010
- Report entitled 'Common Licence Conditions for Hackney Carriage and Private Hire Vehicles and Drivers' presented to Strategic Licensing Committee on 16 March 2011
- Minutes of the Strategic Licensing Committee Meeting held on the 16 March 2011
- Minutes of the Strategic Licensing Committee Meeting held on the 8 June 2011
- Minutes of the Strategic Licensing Committee Meeting held on the 13 June 2012
- Minutes of the Strategic Licensing Committee Meeting held on the 5 September 2012
- Report entitled 'Request for the Review of the Hackney Carriage and Private

Hire Policies and Associated Documents’ presented to Strategic Licensing Committee on 19 March 2014

- Report entitled ‘Request for the Review of the Hackney Carriage and Private Hire Licensing Policy’ presented to Strategic Licensing Committee on 21 May 2014
- Report entitled ‘Request for the Review of the Hackney Carriage and Private Hire Licensing Policy’ presented to Strategic Licensing Committee on 24 September 2014
- Law Commission Report on ‘Taxi and Private Hire Services’, published May 2014 ([http://lawcommission.justice.gov.uk/docs/lc347\\_taxi-and-private-hire-services.pdf](http://lawcommission.justice.gov.uk/docs/lc347_taxi-and-private-hire-services.pdf))
- Report of the ‘Independent Enquiry into Child Sexual Exploitation in Rotherham 1997 – 2013’ Alexi Jay OBE, published August 2014

**Cabinet Member:** Cllr Steve Charmley

**Local Member:**

Not applicable as issue applicable to whole administrative area of Shropshire Council

**Appendices:**

**Appendix A** - Consultation analysis

**Appendix B** - Summary of the consultation responses with officer comments

**Appendix C** - Redacted consultation responses

**Appendix D** - Notes from ‘Taxi Forum’ held on 28 October 2014

**Appendix E** - Proposed ‘Hackney Carriage and Private Hire Licensing Policy 2015 – 2019’

**Appendix F** - Proposed improvements and substantive changes

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## Analysis of consultation responses

### 1.0 Response rate

#### 1.1 48 responses received:-

- 42 hackney carriage and private hire trade
- 2 Shropshire residents
- 2 Shropshire Council – adult and children’s safeguarding
- 1 Telford & Wrekin Council – licensing team
- 1 disability support group

#### 1.2 Of the 42 trade responses:-

- 15 Oswestry drivers\*
- 8 Shrewsbury drivers\*
- 14 private hire operators (11 Shrewsbury; 3 Church Stretton)
- 5 owners/operators of executive vehicles (4 Shrewsbury; 1 Church Stretton)
- 1 licensing consultant representing 2 private hire operators (Shifnal, Shrewsbury)

\*NB: 3 of these responses were in petition format with multiple signatures; Oswestry (44) and Shrewsbury (11).

#### 1.3 The level of trade responses is put into context in **Table 1** below.

Table 1

Applicant based in:-	LICENCES					CONSULTATION		
	D	PHV	HCV	PHO	Total No.	% of total	No. responses received*	% of total
Zone 1 - Bridgnorth	134	138	31	17	320	8%	1	1%
Zone 2 - North Shropshire	261	262	27	29	579	15%	0	0%
Zone 3 - Oswestry	108	146	95	9	358	9%	59	61%
Zone 4 - Shrewsbury	596	450	104	48	1,198	30%	33	34%
Zone 5 - South Shropshire	133	77	28	26	264	7%	4	4%
Out of Shropshire Council Area	686	552	9	0	1,247	31%	0	0%
<b>Total</b>	<b>1,918</b>	<b>1,625</b>	<b>294</b>	<b>129</b>	<b>3,966</b>	<b>100%</b>	<b>97</b>	<b>100%</b>

\* Trade related responses only incorporating the petition based multiple signatures.

#### 1.4 In summary, licence holders in the areas of Bridgnorth, North Shropshire, South Shropshire and those that are ‘out of area’ are either under or entirely unrepresented; those in Shrewsbury and Oswestry are marginally and overly represented respectively.

## 2.0 Specific issues highlighted

2.1 The majority of responses provided feedback on multiple issues.

2.2 A detailed assessment of the feedback revealed the following:-

a) A total of 544 comments were made, of which 239 (44%) related to requests for clarification on legal and practical matters or were matters upon which officers fully agreed. Where appropriate, the proposed policy has been amended, the details of which can be found in Appendix B to the committee report.

b) The remaining 305 (56%) comments fell into the categories identified in **Table 2** below:-

Table 2

Issue	For	Against	Other comment
Colour of vehicles	19	33	
Amalgamation of zones (de-zoning)	17	69	
Wheelchair accessibility	16	53	
European emission standards	22	7	
Age of vehicles			5
MOTs			4
NCAP safety ratings	3	5	
Executive vehicles			13
Knowledge test			6
Hackney carriage fare cards			1
'Pull back' parking areas	1	1	
Safeguarding			2
Overall support for policy	28	0	

2.3 With respect to the colour of the vehicles, the amalgamation of the zones and wheelchair accessibility, the results were significantly influenced by the petitions submitted by the Shrewsbury and Oswestry drivers. Despite the majority of those who responded being against these proposals, where there was support it was strong; this was based on the opinion that the Council was providing reasonable timescales for the transition. Similar comments were made with respect to the timescales for the introduction of the NCAP safety ratings.

2.4 The support for the introduction of the emission standards resulted from the revised and extended timescales that were put forward by the Council during the consultation period and following the Taxi Forum held on 28/10/14. A number of the comments against the introduction of the emission standards were submitted prior to the extended timescales being published. Those who commented on the age of vehicles supported an 'age policy' as an alternative to introducing the emission standards thus still recognising the need to remove older vehicles from the fleet. In addition, the comments relating to MOTs generally questioned the need for the increased number of MOTs on



older vehicles; this burden will be reduced if the emission standards are introduced.

- 2.5** With respect to the remaining categories, the feedback provided overall support for the approach and direction of the proposed policy and focussed on constructive suggestions and changes (rather than simply a for or against approach to the specific matters). Where appropriate, the suggestions and changes have been incorporated, either fully or in part, into the proposed policy. Specific details are again provided in **Appendix B** to the committee report.

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## Appendix B

### Summary of the Consultation Responses

Appendix Letter/ Document Number	Para. No.	Included in Revised Policy [Y/N, In Part or Supporting Proposals (SP)]	Officer Comments Explanatory Notes
Doc 1	1	N	Comments Noted
Doc 2	1	In Part	Simplified document relating to the proposed changes provided during consultation period. Clarification around what is meant by 'Renewals' has been included.
Doc 2	2	N	Revised consultation document was fundamentally re-written; consequently a direct comparison of each paragraph demonstrating what has been omitted or included was not possible. As a result direct communication with the consultee concerned was made to explain the differences.
Doc 3	1	SP	Comments Noted
Doc 4	1	N	Day Time Ranks – not relevant to this policy and are being considered separately. A specific vehicle age limit is not being considered as part of this policy on the basis that European Emissions Legislation will control the age of the vehicles being licenced.
Doc 4	2	N	The Council's position is outlined at paragraph 3b.37 and there are no proposals to change this. Making annual percentage fare increases would be legally challengeable, is against good practice and would not be in support of changes in the market.
Doc 4	3	N	The standard being applied is more stringent as set out in paragraph 3a.48.

Doc 4	4	N	Knowledge required to pass the 'Knowledge Test' is available through the Policy Document, Highway Code and Maps of the County. The Council expects all applicants to be proactive in researching and familiarising themselves with this information.
Doc 4	5	N	The standard being applied is more stringent as set out in paragraph 3b.23 and 3c.17 to promote the roadworthiness of vehicles.
Doc 4	6	SP	Policy currently requires Hackney Carriages to be black in colour for ease of identification.
Doc 4	7	Y	Amendment made to Appendix A, Paragraph 1.8 to include specific reference to prohibiting racist language or behaviour.
Doc 4	8	In Part	Amendments made to Appendix B, Paragraph 1.9 and Appendix C Paragraph 1.8 to incorporate the means to make compliments in addition to complaints to the Council.
Doc 4	9	N	The minimum period before formal review of the policy is 3 years and will be reviewed during the 4 <sup>th</sup> year. However, the Council is committed to continually reviewing the operation of the policy to take into account changes in legislation and local, regional and national best practice.
Doc 5	1	In Part	The Council has chosen to introduce the European Emission Standards into the policy as part of its priority to protect the environment; however the council has amended the specific requirements in paragraphs 3b.14 and 3c.8 in favour of the trade to take into account a number of comments received from the trade during the consultation. A specific vehicle age limit is not being considered as part of this policy on the basis that European Emissions Legislation will control the age of the vehicles being licenced.
Doc 6	1	N	Comments Noted
Doc 6	2	Y	Paragraph 3c.35 amended and

			Appendix K removed.
Doc 6	3	Y	Paragraph 3c.37 already includes the use of executive plates and paragraph 3c.36 covers the arrangements required for new people applying for the issue of new executive plates.
Doc 6	4	Y	Paragraph 3c.35 amended and Appendix K removed.
Doc 6	5	Y	There is no proposal to overturn or rewrite the policy relating to Executive Vehicles that was agreed in 2012. The current revised policy simply incorporates the relevant requirements.
Doc 6	6	Y	Paragraph 3c.35 amended and Appendix K removed. There is no proposal to overturn or rewrite the policy relating to Executive Vehicles that was agreed in 2012. The current revised policy simply incorporates the relevant requirements.
Doc 6	7	Y	Direct communication with the consultee resulted in the changes to Paragraph 3c.35 and the removal of Appendix K.
Doc 7	1	N	Comments Noted
Doc 7	2, 3, 4	Y	Paragraph 3c.35 amended and Appendix K removed. There is no proposal to overturn or rewrite the policy relating to Executive Vehicles that was agreed in 2012. The current revised policy simply incorporates the relevant requirements.
Doc 8	1	Y	Paragraph 3b.18 (q) (now 3b.16 (q)) amended to make it clear that vehicles will only be plated for a maximum number of passengers less the number of wheelchairs that can be carried.
Doc 8	2	Y	Paragraph 3b.17 amended to remove reference to mechanical and non mechanical ramps and replaced with Vehicle Certification Agency (VCA) and have VCA certification to

			European Whole Vehicle Type Approval (EWWTA) or GB Low Volume Small Type Approval.
Doc 8	3	In Part	Option 1 - A specific vehicle age limit is not being considered as part of this policy on the basis that European Emissions Legislation will control the age of the vehicles being licenced. Option 2 – Implementation of the emissions standards amended providing for extended time frames for the introduction of the standards, in particular more favourable implementation when renewing a vehicle licence but retaining the original implementation date for new applications. Plate Transfers are being treated as new applications and are not categorised as renewing a vehicle licence.
Doc 8	4	In Part	Paragraph 3c.10 has been amended to clarify the rating that must be used. Vehicles where an NCAP Rating is not available will not be licenced. A specific vehicle age limit is not being considered as part of this policy on the basis that European Emissions Legislation will control the age of the vehicles being licenced. Officers recommend that NCAP Ratings will be retained within the policy.
Doc 8	5	N	Disagree with comments made regarding clarity and contradiction on the basis that the wording currently permits what the consultee has requested. The transitional period proposed in the policy is to encourage a phased change to reduce the risk of an unmanageable volume of applications which would have a detrimental impact on wider service provision.
Doc 8	6	In Part	We are not breaking the under 3 years category into sub categories because it is the responsibility of the parent/carer to determine how the child travels. The link to the relevant part of the .gov

			<p>website will not be included in the policy. It is likely to lead to confusion as it incorporates information relevant to the general rules applicable to the use of seatbelts and does not only refer to the rules as it applies to Hackney Carriages and Private Hire Vehicles.</p> <p>The consultee identifies that the 'Child up to 3 years' section of the table that appears on the .gov website does not mention Private Hire Vehicles. However this is incorrect and the relevant legislation makes it clear that Private Hire Vehicles and Hackney Carriages are included in the exemption.</p>
Doc 8	7	In Part	<p>Appendix A Paragraph 1.5 amended to include the supply of a duplicate badge and adhesive holder. This will be included in the cost of the licence. The wording in the policy regarding the location of the duplicate badge in the vehicle is intended as a guide to the required position and the council will take a practicable approach when assessing compliance.</p>
Doc 8	8	N	<p>Paragraph 1.8 outlines the Officers view of the Councils position with respect to designated parking areas for Private Hire Vehicles.</p>
Doc 8	9	N	<p>Paragraph 1.8 outlines the Officers view of the Councils position with respect to designated parking areas for Private Hire Vehicles. We will consider the 'not within the loop of the River Severn' as part of the 2018 review.</p>
Doc 8	10	N	<p>The suggestion made by the consultee is illegal. The concerns that are expressed about poor customer service could be addressed by booking the return journey at the same time as the outward journey.</p>
Doc 9	1	N	Comments Noted
Doc 9	2	N	Comments Noted
Doc 9	3	N	Comments Noted

Doc 10	1	Y	Paragraph 1.2 amended to include everyone's responsibilities for protecting children from harm.
Doc 11	1	N	A verbal response was provided to the questions raised by the consultee.
Doc 12	1	N	Comments Noted
Doc 12	2	N	Consultee has misunderstood the requirements of Appendix C, Paragraph 1.9. Pre-payment is not compulsory; the condition simply permits a sign to be displayed regarding pre-payment if the proprietor chooses to implement a pre-payment system. The relevant paragraph has been amended to clarify this.
Doc 12	3	In Part	Officers of the Council have chosen to introduce the European Emission Standards into the policy as part of its priority to protect the environment; however the council has amended the specific requirements in paragraphs 3b.14 and 3c.8 in favour of the trade to take into account a number of comments received from the trade during the consultation.
Doc 12	4	N	Officers view of the Council's position is that NCAP Ratings will be retained within the policy.
Doc 12	5	N	Comments Noted
Doc 12	6		Supporting comments noted regarding seatbelt provisions.
Doc 13	1	In Part	Officers of the Council have chosen to introduce the European Emission Standards into the policy as part of its priority to protect the environment. However, implementation of the emission standards has been amended to extend the time frames for the introduction of the standards, in particular more favourable implementation when renewing a vehicle licence but retaining the original implementation date for new applications.



			<p>Plate Transfers are being treated as new applications and are not categorised as renewing a vehicle licence.</p> <p>The council has amended the specific requirements in paragraphs 3b.14 and 3c.8 in favour of the trade to take into account a number of comments received from the trade during the consultation.</p>
Doc 13	2	SP	Supporting comment noted regarding the amalgamation of the zones.
Doc 13	3	Y	Paragraph 3b.5 has been amended as requested.
Doc 13	4	N	Officers acknowledge the points made and to a certain extent accepts the arguments set out. However, the amalgamation of zones has been delayed since 2009 and Officers are of the view that further delaying the amalgamation will not be helpful to the trade or to the Council. It is suggested that the confusion will not be any greater than it is now.
Doc 13	5	Y	Paragraph 3b.18(c) has been amended to reflect new additional paragraph with the correct reference.
Doc 13	6	Y	Paragraph 3b.18(l) has been amended to clarify the definition of tilting seats.
Doc 13	7	Y	Paragraph 3b.18(o) has been amended to confirm full size spare wheel required.
Doc 13	8	Y	Paragraph 3b.21 and 3c.25 have been amended to correct the references and make it clear that an annual certificate/report is required for a taximeter.
Doc 14	1	SP	Supporting comments noted regarding safeguarding and transporting children.
Doc 14	2	N	Comments noted.
Doc 14	3	In Part	Officers of the Council have chosen to introduce the European Emission Standards into the policy as part of its priority to protect the environment. However, implementation of the emission standards has been amended to extend the time frames

			for the introduction of the standards, in particular more favourable implementation when renewing a vehicle licence but retaining the original implementation date for new applications. Officers view of the Council's position is that NCAP Ratings will be retained within the policy.
Doc 14	4	N	Comments noted with regard to processing times. Officers of the Council continue to review processes to streamline applications; however, the increasing robustness of the safeguarding checks may result in delays outside the Council's control.
Doc 15	1	N	The position of the Council is that vehicles are either a Private Hire Vehicle undertaking private hire work or a Private Hire Vehicle plated as an Executive Vehicle because the Council has accepted that the business model is solely based on undertaking executive work. The proprietor cannot pick and choose which type of licenced vehicle they operate based on the particular job they are undertaking, this was agreed by the Council in 2012 and has only been repeated in the current policy.
Doc 15	2	N	The Council re-issues the side plates each time the licence is granted to ensure the signs remain clearly legible.
Doc 16	1	N	The Council re-issues the side plates each time the licence is granted to ensure the signs remain clearly legible. It is expected that the vehicle proprietors will replace the old side plates with the new side plates each time they are re-issued to maintain their appearance.
Doc 16	2		The position of the Council is that vehicles are either a Private Hire Vehicle undertaking private hire work or a Private Hire Vehicle plated as an Executive Vehicle because the Council has accepted that the

			business model is solely based on undertaking executive work. The proprietor cannot pick and choose which type of licenced vehicle they operate based on the particular job they are undertaking, this was agreed by the Council in 2012 and has only been repeated in the current policy.
Doc 17	1	Y	Appendix K removed.
Doc 17	2	N	Comments Noted
Doc 17	3	Y	Paragraph 3c.35 has been amended to incorporate executive vehicle specifications as set out by the consultee.
Doc 17	4	Y	Paragraph 3c.35 has been amended to encourage proprietors to contact the licensing team prior to purchasing vehicles to ensure that the vehicle can be licenced as an executive vehicle.
Doc 18	1	Y	Paragraph 3c.35 has been amended to incorporate executive vehicle specifications as set out by the consultee.
Doc 19	1	Y	NCAP rating transition dates to be changed to bring in line with the amendments to the emission periods.
Doc 19	2	N	Officers of the Council acknowledge the points made. However, the amalgamation of zones has been delayed since 2009 and Officers are of the view that further delaying the amalgamation will not be helpful to the trade or to the Council.
Doc 19	3	SP	Consultee supports the introduction of the new front plate.
Doc 19	4	In Part	Officers view is that by having a specified colour for Hackney Carriage Vehicles, this is an additional mechanism to assist the public to distinguish between those vehicles that can be hailed in the street and those that must be pre-booked. Officers acknowledge the suggestions made in regard to publicising the differences.

Doc 20	1	Y	Appendix C, Paragraph 1.4 amended to clarify that front plates are not required by Executive Vehicles.
Doc 21	1	SP	Consultee supports the introduction of the new front plate.
Doc 22	1	N	Officers of the Council acknowledge the points made and accepts that different areas of Shropshire have different market needs. However, servicing these needs does not require the retention of zones. The consultee makes several comments about the need for wheelchair accessible vehicles but fails to provide any specific evidence in this respect.
Doc 22	2	N	The Consultee is suggesting that most of the independent Hackney Carriage Drivers will be put out of business by the wheelchair accessible requirements and as a result the ability to transport people away from Oswestry town centre will be reduced; consequently increasing the risk of antisocial behaviour. The Council is mindful of the financial implications and for this reason has incorporated a three year transitional period into the policy. The Police have indicated there is insufficient hackney carriage and private hire provision at critical periods during the weekend.
Doc 22	3	N	The consultee suggests that the zones are required in order to better control the operation of unlicensed drivers. Officers of the Council disagree with this on the basis that a county wide enforcement program is utilised and this targets specific areas as required.
Doc 22	4	N	Officers of the Council acknowledge the points made and accepts that different areas of Shropshire have different market needs. However, servicing these needs does not require the retention of zones.
Doc 22	5	SP	Consultee supports Hackney Carriages being black (consultees

			existing vehicle is not black) to enable the public to make the distinction between hackney carriages and private hire vehicles.
		N	In respect of the front plate Officers the Council's view is that it is an additional mechanism to assist the public to distinguish between hackney carriages and private hire vehicles. Officers accept that there is an additional cost (approx. £5.00); however it is deemed an acceptable cost given the reason for implementing this requirement i.e. distinguishing between the two different types of vehicles.
		In Part	Overall the consultee supports the introduction of a duplicate driver's badge being displayed in the vehicle. However suggestion has been made that the face of this badge that is visible from the outside of the vehicle includes the vehicle registration number/badge number as an alternative to the external front plate. Officers of the council do not support this suggestion because the details are insufficiently visible to the public and enforcement officers.
Doc 22	6	N	The Consultee is suggesting that the independent Hackney Carriage provision would be reduced because drivers would be forced to move to private hire vehicles as a consequence of the costs associated with maintaining a wheelchair accessible vehicle. In addition the consultee suggests that the reduction in hackney carriage provision will lead to social problems at the weekends. The Council is mindful of the financial implications and for this reason has incorporated a three year transitional period into the policy. The Police have indicated that the social problems already exist and are being exacerbated by insufficient hackney carriage and private hire provision at critical periods.
Doc 22	7	SP	The Consultee fully supports the

			introduction of the European Emission Standards proposals.
Doc 23	1	In Part	Officers of the Council acknowledge the financial implications for new and existing licensees with respect to the introduction of European Emission Standards and NCAP Safety Ratings. However, implementation of the emission standards and NCAP Ratings has been amended to extend the time frames for the introduction of the standards, in particular more favourable implementation when renewing a vehicle licence but retaining the original implementation date for new applications.
Doc 23	2	SP	Hackney Carriage fares charged are not part of the current consultation. However the consultee has indicated that fare cards should be the same for the whole of the Administrative area of Shropshire and this supports the amalgamation of zones.
Doc 23	3	N	Officers view of the Council's position is outlined at paragraph 3b.37 and there are no proposals to change this. Making annual percentage fare increases would be legally challengeable, is against good practice and would not be in support of changes in the market.
Doc 23	4	SP	Consultee supports the implementation of the European Emission Standards with the transitional arrangements imposed.
Doc 24	1	N	Officers of the Council acknowledge the financial implications for new and existing licensees with respect to the amalgamation of the zones and the requirements for wheelchair accessible hackney carriages. As a consequence Officers have considered incorporating a three year transitional period into the policy.
Doc 25	1	In Part	Officers of the Council acknowledge the financial implications for new and existing licensees with respect to the introduction of European Emission Standards. However, implementation of the emission standards has been

			amended to extend the time frames for the introduction of the standards, in particular more favourable implementation when renewing a vehicle licence but retaining the original implementation date for new applications.
Doc 26	1	N	Officers of the Council acknowledge the financial implications for new and existing licensees with respect to the amalgamation of the zones and the requirements for wheelchair accessible hackney carriages. As a consequence Officers have considered incorporating a three year transitional period into the policy. The consultee has referred to the lack of demand for wheelchair accessible vehicles in Oswestry but has provided no supporting evidence.
Doc 27	1	N	Officers of the Council acknowledge the financial implications for new and existing licensees with respect to the amalgamation of the zones and the requirements for wheelchair accessible hackney carriages. As a consequence Officers have considered incorporating a three year transitional period into the policy. Based on the consultee's business model (as set out in their response), they appear to be in a fortunate position in that they have scope to satisfy current customer demand for wheelchair accessible vehicles without having to convert or replace any vehicles.
Doc 27	2	N	Officers view of the Council's position is that by having a specified colour for Hackney Carriage Vehicles, this is an additional mechanism to assist the public to distinguish between those vehicles that can be hailed in the street and those that must be pre-booked. Officers have considered providing a three year transitional period for the implementation of the colour requirements.

Doc 28	1 to 3	SP	Supporting comments in relation to partnership working and consistencies between the policies and information sharing noted.
Doc 28	4	N	Officers of the Council accept the point made in respect of the knowledge test; however Officers are of the view that it is not practical to incorporate streets and premises located in the Borough of Telford and Wrekin Council within the Shropshire Council's knowledge test because it sets an inappropriate precedent i.e. drivers who are based near to the border of other local authorities who will legitimately carry out journeys other than in the Shropshire Council's administrative area.
Doc 28	5 to 6	SP	Supporting comment in relation to the plying for hire, consistencies between the council's policies for hackney carriage and private hire vehicles in particular wheelchair accessibility.
Doc 28	7	SP	Supporting comments in relation to the number of vehicle MOT tests required.
		N	Officers do not intend to introduce a compliance test on the basis that it is introducing NCAP Safety Ratings to specifically deal with vehicle safety.
		N	The Council's on-going enforcement program will ensure compliance with conditions of licence.
Doc 28	8	SP	Supporting comments in relation to Private Hire Operator premises, compliance and enforcement and the consistencies between both Councils' conditions in relation to drivers licences (in particular paring between bookings), hackney carriage and private hire vehicle licence conditions.
Doc 28	9	Y	Appendix C, Paragraph 1.25 amended to clarify that the insurance required must relate to pre-booking only.
Doc 28	10	SP	Supporting comment with respect to the consistencies between the two councils private hire operators licence conditions.
Doc 28	11	Y	Appendix D, Paragraph 1.9 amended to clarify that the insurance required



			must relate to pre-booking only.
Doc 28	12	SP	Supporting comments noted in relation to the clear line taken on plying for hire, the robustness of the policy in respect of the principles around dealing with convictions and cautions and the clear intended use and licensing of hackney carriages.
Doc 28	13	N	Further to additional comments received from the trade the Council has moved away from direct consistency with Telford and Wrekin Council's conditions as they apply to Executive Vehicles.
Doc 29	1	N	The proposal to retain the application fee even when the licence is not granted is based on the fact that the work required to process the application has been undertaken irrespective of whether the licence has been granted or not.
Doc 29	2	N	Comment noted from the consultee in relation to their specific application. The 'no period of grace' provision would not have been applicable to the example; consequently the applicant would not have been disadvantaged.
Doc 29	3	N	The policy currently states that the notification of licence expiry dates will be ' <u>at least</u> four weeks before the actual expiry date of a licence'. In practice, this is currently around six to eight weeks before the expiry date of the licence.
Doc 29	4	N	The policy allows for applicants to specifically request separate driver licences and the proposal to amalgamate the zones renders the existing knowledge test suitable.
Doc 29	5	N	Officers of the Council are not against the consultee's suggestion; however they are conscious of the additional financial burden that a driving assessment at renewal would incur and does not wish to impose this at this time given the additional financial consequences associated with wheelchair accessible vehicles, European Emission Standards and

			<p>NCAP Safety Ratings.</p> <p>With respect to insuring the safety of the county's roads, Paragraph 3a.36 and 3a.37 permits the Council to request additional driving assessments at anytime if it is deemed appropriate and failure to pass such an assessment allows the Council to revoke or suspend the relevant licence.</p>
Doc 29	6	N	<p>Comments noted in regard to the provision of the Knowledge Test. Officers of the Council continually review the content of the test to ensure that it is fit for purpose and relevant to the whole of the Shropshire Council's administrative area.</p>
Doc 29	7	N	<p>Officers of the Council are not against the consultee's suggestion; however they are conscious of the additional financial burden that a medical upon renewal would impose on the applicant. The policy currently provides for the majority of applicants in good health and Paragraph 3a.42 outlines the requirements for the licence holder to notify the Council within seven days if their medical condition changes.</p> <p>With respect to the GP that ought to be used, the policy (Paragraph 3a.44) only permits the use of an alternative GP where they have confirmed in writing that they have seen the applicant's medical records.</p>
Doc 29	8	Y	<p>The no smoking in vehicles policy does include electronic cigarettes and Appendix A, Paragraph 1.8 has been amended to clarify this. In addition, Appendix D Paragraph 1.14 and Appendix I, Paragraph 1.0 (m) have been amended to reflect this position as it applies to operator's waiting rooms and the advertising of tobacco on vehicles.</p>
Doc 29	9	Y	<p>Appendix B, Paragraph 1.9 and Appendix C, Paragraph 1.8 make it clear that proprietors must provide contact details in licenced vehicles for</p>

			the public to report complaints (this will include overcharging) and compliments of any nature.
Doc 29	10	N	Officers of the Council disagrees with the argument that the wheelchair accessibility requirements will remove a 'taxi service' from rural areas. In practice the hailing of a hackney carriage does not take place in rural areas and such journeys are serviced by private hire vehicles. Officers of the Council's aim is to provide a mixed fleet of vehicles across the whole of the Shropshire Council fleet (Hackney Carriage and Private Hire Vehicles) in support of the transport requirements of disabled (not only wheelchair users) members of the public. The Council's position regarding the availability of wheelchair accessible vehicles is outlined in Paragraph 3b.5.
Doc 29	11	In Part	Officers of the Council acknowledge the financial implications for new and existing licensees with respect to the introduction of European Emission Standards. However, implementation of the emission standards has been amended to extend the time frames for the introduction of the standards, in particular more favourable implementation when renewing a vehicle licence but retaining the original implementation date for new applications. Officers of the Council are in effect introducing emission limits but are doing so through the European Emission Standards rather than detailing these directly within the policy.
Doc 29	12	N	The policy already takes account of the issue identified by the consultee in that vehicles that have been specifically constructed or converted for disability access are exempt from the NCAP Safety Ratings (Paragraph 3b.17 refers).
Doc 29	13	N	The consultee's concerns about missing MOT's due to the vehicle becoming a certain age (9 years) are

			unfounded because the Council provides a reminder when these checks are due. In addition, it is the proprietor's responsibility to put in place the necessary business processes to ensure compliance.
Doc 29	14	N	A specific vehicle age limit is not being considered as part of this policy on the basis that European Emissions Legislation will control the age of the vehicles being licenced.
Doc 29	15	SP	Supporting comments regarding the proposal to require all hackney carriages to be black in colour.
Doc 29	16	N	The position of the Council is that vehicles are either a Private Hire Vehicle undertaking private hire work or a Private Hire Vehicle plated as an Executive Vehicle because the Council has accepted that the business model is solely based on undertaking executive work and does not include school contract work. The proprietor cannot pick and choose which type of licenced vehicle they operate based on the particular job they are undertaking, this was agreed by the Council in 2012 and has only been repeated in the current policy.
Doc 30	1	N	Officers of the Council understand the consultee's concerns around displaying the drivers name on the duplicate drivers badge that will be displayed on the inside of the vehicle; however given that the drivers name can be identified via the badge number and the Public Register removing the name from the badge will not address the safety concern identified by the consultee.
Doc 31	1	N	Officers of the Council acknowledge the financial implications for new and existing licensees with respect to the amalgamation of the zones and the requirements for wheelchair accessible hackney carriages. As a consequence Officers have considered incorporating a three year

			transitional period into the policy.
Doc 31	2	N	Officers of the Council acknowledge the financial implications for new and existing licensees with respect to the amalgamation of the zones and the requirements for wheelchair accessible hackney carriages. As a consequence Officers of the Council have considered incorporating a three year transitional period into the policy.
Doc 31	3	N	Officers view is that by having a specified colour for Hackney Carriage Vehicles, this is an additional mechanism to assist the public to distinguish between those vehicles that can be hailed in the street and those that must be pre-booked. Officers have considered providing a three year transitional period for the implementation of the colour requirements. Officers accept the consultee's concerns that vehicle suppliers may charge a premium for black vehicles; however, there is an equally strong argument that the trade will be in a position to negotiate better prices as a consequence of the vehicle replacement requirements that will be implemented as a result of the European Emission Standards and the NCAP Safety Rating provisions of the policy.
Doc 32	1	N	Officers of the Council acknowledge the points made; however, the amalgamation of zones has been delayed since 2009 and the Council is firmly of the view that further delaying the amalgamation will not be helpful to the trade or to the Council. It is suggested that the concerns that the consultee has regarding the licensing team being unable to undertake their licensing role will be addressed by the Council's practical approach to enforcement to ensure an appropriate response to non compliance with conditions of licence.
Doc 33	1,2,3,	Refer to Doc 19 above – same consultee and the same points	

	5, & 6	reiterated.	
Doc 33	4	SP	Front plate being implemented; no need to consider consultee's alternative suggestion of the inside plate being double-sided.
Doc 34	1	Y	Paragraph 1.10 (now paragraph 1.11) amended to include reference to the health and safety requirements associated with transporting passengers with disabilities.
Doc 35	1	N	Officers of the Council have chosen to introduce the European Emission Standards into the policy as part of its priority to protect the environment. However, implementation of the emission standards has been amended to extend the time frames for the introduction of the standards, in particular more favourable implementation when renewing a vehicle licence but retaining the original implementation date for new applications. Officers have amended the specific requirements in paragraphs 3b.14 and 3c.8 in favour of the trade to take into account a number of comments received from the trade during the consultation.
Doc 36	1	N	The consultee has focussed on the quality of the fuel being the only factor that influences vehicle emissions; this is not correct. The overall specification of the vehicle is the overriding factor that controls emissions and is the reason that Officers of the Council are including the European Emission Standards in the policy.
Doc 36	2	N	Officers of the Council acknowledge the financial implications for new and existing licensees with respect to the introduction of European Emission Standards. However, implementation of the emission standards has been amended to extend the time frames

			<p>for the introduction of the standards, in particular more favourable implementation when renewing a vehicle licence but retaining the original implementation date for new applications.</p> <p>With respect to the consultee's request for financial help in the form of grants, interest free loans etc. this is a business consideration that they need to research for themselves.</p>
Doc 37	1	N	<p>Officers of the Council acknowledge the financial implications for new and existing licensees with respect to the introduction of European Emission Standards. However, implementation of the emission standards has been amended to extend the time frames for the introduction of the standards, in particular more favourable implementation when renewing a vehicle licence but retaining the original implementation date for new applications.</p> <p>The consultee states 'we know we need to do our bit to lower emissions' and then asks the question as to what others are doing in this respect. The introduction of the European Emission Standards into the policy is one of the steps the Council is taking 'to do its bit'.</p>
Doc 37	2	N	<p>The Council's aim is to provide a mixed fleet of vehicles across the whole of the Shropshire Council fleet (Hackney Carriage and Private Hire Vehicles) in support of the transport requirements of disabled (not only wheelchair users) members of the public.</p>
Doc 38	1	N	<p>Officers acknowledge the points made; however, the amalgamation of zones has been delayed since 2009 and Officers are firmly of the view that further delaying the amalgamation will not be helpful to the trade or to the Council. It is suggested that the concerns that the consultee has</p>

			<p>regarding the effect of market forces and the enforcement will be addressed by the Council's practical approach to enforcement.</p> <p>Note: included petition signed by 19 drivers, 5 of whom had responded directly on the same point and therefore total number deemed valid on the petition reduced to 14 respondents.</p>
Doc 38	2	N	<p>Officers of the Council acknowledge the financial implications for new and existing licensees with respect to the amalgamation of the zones and the requirements for wheelchair accessible hackney carriages. As a consequence Officers have considered incorporating a three year transitional period into the policy.</p> <p>Note: included petition signed by 22 drivers, 6 of whom had responded directly on the same point and therefore total number deemed valid on the petition reduced to 16 respondents.</p>
Doc 38	3	SP	<p>Consultee is supporting the transitional arrangements with regard to the incorporation of European Emission Standards.</p>
Doc 38	4	N	<p>The provision of ranks is not relevant to this policy and is being considered separately.</p>
Doc 39	1	SP	<p>Consultee is supporting the amalgamation of the zones.</p>
Doc 39	2	N	<p>The Consultee is suggesting that most of the independent Hackney Carriage Drivers will be put out of business by the wheelchair accessible requirements and as a result the ability to transport people away from Oswestry town centre will be reduced; consequently increasing the risk of antisocial behaviour. The Council is mindful of the financial implications and for this reason has incorporated a three year transitional period into the policy. The Police have indicated</p>



			there is insufficient hackney carriage and private hire provision at critical periods during the weekend.
Doc 39	3	SP	Consultee supports the requirement for a front plate.
Doc 39	4	N	Attached petition objected to amalgamation of zones, colour requirement for hackney carriage vehicles and wheelchair accessibility. Officers acknowledge the points made; however, the amalgamation of zones – wheelchair accessibility has been delayed since 2009 and Officers are of the view that further delaying the amalgamation will not be helpful to the trade or to the Council. Officers view is that by having a specified colour for Hackney Carriage Vehicles, this is an additional mechanism to assist the public to distinguish between those vehicles that can be hailed in the street and those that must be pre-booked. Officers have considered providing a three year transitional period for the implementation of the colour requirements. Note: included petition signed by 33 drivers, 5 of whom had responded directly on the same points and therefore total number deemed valid on the petition reduced to 28 respondents.
Doc 40		Y	Consultee suggested clearer guidelines with regard to emissions.
Doc 41		N	The legal position is that once a vehicle is licenced as a private hire vehicle it is always a Private Hire Vehicle (relevant case law applies). The consultee simply cannot use the vehicle in the way set out in the response. The vehicle licence conditions are worded in such a way as to promote the legal position.
Doc 41	2	N	In respect of the front plate the Council's position is that it is an additional mechanism to assist the public to distinguish between hackney

			carriages and private hire vehicles.
Doc 41	3	N	The location of the Internal plate has been specified to try to ensure consistency across the fleet to support public safety and enforcement. Officers are not aware of the windscreen location causing a problem with MOTs; if officers become aware that vehicles are failing MOTs or this issue is featuring repeatedly in advisory notes the condition will be reviewed.
Doc 42	1	SP	Consultee is supporting the amalgamation of the zones.
Doc 42	2	N	The Consultee is suggesting that most of the independent Hackney Carriage Drivers will be put out of business by the wheelchair accessible requirements and as a result the ability to transport people away from Oswestry town centre will be reduced; consequently increasing the risk of antisocial behaviour. Officers of the Council are mindful of the financial implications and for this reason has considered incorporating a three year transitional period into the policy. The Police have indicated there is insufficient hackney carriage and private hire provision at critical periods during the weekend.
Doc 42	3	SP	Consultee supports the requirement for a front plate.
Doc 43		N	The position of the Council is that vehicles are either a Private Hire Vehicle undertaking private hire work or a Private Hire Vehicle plated as an Executive Vehicle because the Council has accepted that the business model is solely based on undertaking executive work. The proprietor cannot pick and choose which type of licenced vehicle they operate based on the particular job they are undertaking, this was agreed by the Council in 2012 and has only been repeated in the current policy.

Doc 44	1	SP	Overall supporting comment regarding the robustness of the policy and encouraged that this will raise standards within the trade giving more strength/stability in the future. Note: petition included containing 11 signatures in support.
Doc 44	2	SP	Support and welcome majority of the review and the manor in which it was conducted; able to add constructively and listened to.
Doc 44	3	Y	Plate Transfers are being treated as new applications. Officers of the council have amended the specific requirements in paragraphs 3b.14 and 3c.8 in favour of the trade to take into account a number of comments received from the trade during the consultation.
Doc 44	4	SP	Comments in support of the amalgamation of zones, colour and wheelchair accessibility.
Doc 44	5	Y	Officers have reviewed the comments made by the consultee and the alternatives suggestions provided when making the final draft of the proposed policy.
Doc 44	6	Y	Paragraph 3b.5 has been amended as requested.
Doc 44	7	Y	Appendix B, Paragraph 1.24 amended to ensure roof signs contain only the word 'Taxi'.
Doc 44	8	Y	Paragraph 3b.21 and 3c.25 have been amended to correct the references and make it clear that an annual certificate/report is required for a taximeter. Paragraph 3b.21 and 3c.25 have been amended to correct the references and make it clear that an annual certificate/report is required for a taximeter.
Doc 44	9	Y	Paragraph 3b.18(l) has been amended to clarify the definition of tilting seats.
Doc 44	10	Y	Appendix D, Paragraph 1.5 – a new paragraph has been added requiring operators to report to the Council any drivers who they have dismissed.
Doc 45	1	N	Note the point made regarding the

			Law Commission report which the Council is fully aware of; however, the recommendations have not yet been implemented and no timescale has been set by government in this respect.
Doc 45	2	N	The consultee refers to 'high gloss black'; the condition simply requires the vehicle to be 'black' and amendments have been made to reflect this. Officer's view of the Council's position is that by having a specified colour for Hackney Carriage Vehicles, this is an additional mechanism to assist the public to distinguish between those vehicles that can be hailed in the street and those that must be pre-booked. Officers have considered providing a three year transitional period for the implementation of the colour requirements.
Doc 45	3	N	Officers of the Council acknowledge the financial implications for new and existing licensees with respect to the requirements for wheelchair accessible hackney carriages. As a consequence Officers have considered incorporating a three year transitional period into the policy.
Doc 45	4	N	Officers of the Council acknowledge the financial implications for new and existing licensees with respect to the introduction of European Emission Standards. However, implementation of the emission standards has been amended to extend the time frames for the introduction of the standards, in particular more favourable implementation when renewing a vehicle licence but retaining the original implementation date for new applications.
Doc 45	5	Y	Appendix A, Paragraph 1.5 amended to include the supply of a duplicate badge.
Doc 45	6	SP	Consultee supports the requirement for a front plate; however, the suggestion to not include an expiry date is not accepted on the basis that

			no expiry date may lead to abuse.
Doc 45	7	Y	Paragraph 3b.18(l) has been amended to clarify the definition of tilting seats.
Doc 45	8	N	Terms used throughout this document refer to hackney carriage and private hire vehicle in line with current legislation, to ensure consistency and avoid confusion. The changes proposed by the Law Commission will be considered by the Council as and when the government formally consults on any changes.
Doc 45	9	N	Officers of th Council does not expect drivers to sleep in their vehicles. The condition is aimed at ensuring vehicles are not abandoned in dangerous places or causing obstructions.
Doc 46	1	SP	Consultee supports the introduction of the European Emission Standards.
Doc 46	2	SP	Consultee supports the introduction of wheelchair accessibility, a single zone and black hackney carriages (requesting the proposals are brought forward by two years).
Doc 46	3	SP	Consultee supports the introduction of NCAP Safety Ratings by reference to M1 standards.
Doc 46	4	N	Requiring drivers to take a knowledge test annually does not in itself prevent fraud; it is the photographic identification now required that deals with this issue consequently the decision is not to introduce an annual knowledge test.
Doc 46	5	Y	Appendix A, Paragraph 1.20 (now 1.19) has been amended to include the words suggested by the consultee with the aim of reducing the potential for touting.
Doc 46	6	Y	Officers acknowledge the concerns about plying for hire and has included specific reference to the council's interpretation of plying for hire at Paragraph 3a.63 and Appendix E.
Doc 46	7	SP	Consultee supports the policy overall in terms of improving standards and providing a better service for the

			public.
Doc 47	1	In Part	<p>Implementation of the emission standards has been amended to extend the time frames for the introduction of the standards, in particular more favourable implementation when renewing a vehicle licence but retaining the original implementation date for new applications.</p> <p>Plate Transfers are being treated as new applications and are not categorised as renewing a vehicle licence.</p> <p>Officers of the council have amended the specific requirements in paragraphs 3b.14 and 3c.8 in favour of the trade to take into account a number of comments received from the trade during the consultation. It is accepted that the amendments do not go as far as the consultee has requested.</p>
Doc 47	2	Y	<p>Paragraph 3b.17 amended to remove reference to mechanical and non mechanical ramps and replaced with Vehicle Certification Agency (VCA) and have VCA certification to European Whole Vehicle Type Approval (EWWTA) or GB Low Volume Small Type Approval. This addresses the specific concerns of the consultee with respect to the NCAP ratings of wheelchair accessible hackney carriages.</p>
Doc 48	1	SP	<p>Overall supporting comment with respect to the initial revision of the consultation document in that the consultee's responses were largely incorporated as requested.</p>
Doc 48	2	N	<p>Comment will be considered when the policy is reviewed in 2018.</p>
Doc 48	3	Y	<p>Paragraph 1.9 amended to include reference to the Regulators Code (BRDO 14/705 April 2014)</p>
Doc 48	4	Y	<p>Paragraph 1.9 amended to include reference to Department for Transport Taxi and Private Hire Vehicle</p>

			Licensing : Best Practice Guidance (March 2010) and other guidance as may from time to time be issued.
Doc 48	5	N	Comments noted - most recent adoption of the Part II of the Local Government (Miscellaneous Provisions) Act 1976 effective from 27/10/14.
Doc 48	6	Y	Paragraphs 2.4, 2.5 and 2.7 amended to clarify the delegation arrangements.
Doc 48	7	N	Comments noted. Officers of the Council considers Paragraph 2.5 sufficiently ensures that the decision makers discretion is not fettered and allows departure from the policy in accordance with the comment made by Mrs Justice Andrews DBE in the high court case of Pinnington v Transport for London [2013] EWHC3656(Admin).
Doc 48	8	Y	Paragraph 2.6 amended to include the word 'standard' in relation to conditions of licence.
Doc 48	9	Y	Paragraph 3b.32 amended to make it clear that the primary responsibility for the creation of ranks lies with the Highways Service.
Doc 48	10	In Part	The Council's Constitution (Part 4 – Procedure Rules) sets out the manner in which the sub-committee must currently be constituted; this includes the fact that although the number of Members on the sub-committee must be 5 to 6, the Quorum is in fact 3. Paragraph 2.7 of the Policy has been amended to make this clear. Consequently, it is not deemed necessary, at this time, to consider amending the current sub-committee Procedure Rules to change the number of Members from the current requirements to 3; however, when the next Procedure Rules are next considered by the Council, this issue may be further considered.
Doc 48	11	Y	Paragraph 2.8 amended to reflect the actual purpose and constitution of the Licensing Panel, including the role of the solicitor, and to clarify the Panel's role in supporting delegated officers to

			make decisions and to make it clear that Panel itself is not making the decisions.
Doc 48	12	N	Officers of the Council accepts that the specific term 'with immediate effect' relates only to drivers licences; however the practical effect of the way the legislation is written, i.e. it does not make specific reference to any timescales other than the time by which notification of the grounds on which the decision has been made must be given. Consequently, it is the Council's interpretation that vehicle and operator licences may be suspended or revoked with immediate effect where appropriate.
Doc 48	13	Y	Paragraph 2.9 amended to reflect the Council has the power by virtue of duly authorised officers.
Doc 48	14	In Part	Paragraph 2.11 amended to make it clear that the Council will provide the relevant details which have given rise to the need for an officer decision and/or hearing.
Doc 48	15	Y	Paragraph 2.13 amended to accurately reflect the legal position with the respect to the right of appeal.
Doc 48	16	N	Officers of the Council disagrees with the consultee. The first bullet point in Paragraph 3.2 sets out that the application 'is <u>likely</u> to be refused'; it does not state that it <u>will</u> be refused. Consequently, where the applicant provides submissions that indicate they did not know or intend to mislead, this will be given relevant weight by the decision maker.
Doc 48	17	In Part	The second bullet point in Paragraph 3.22 has been amended to make it clear that a proportion of fees will be refunded depending on the work that has been undertaken at the point the applicant withdraws. This is based on the Council's interpretation of the relevant legislation in that there is provision to remit the whole or part of any fee.
Doc 48	18	In Part	The third bullet point in Paragraph 3.22 has been amended to make it



			clear that an application is not valid until a cheque has cleared and the Council will seek to suspend a licence for non payment resulting from a dishonoured cheque.
Doc 48	19	In Part	The purpose of the '6 month cut off' is to reduce the number of applications that hinder the efficiency of the service. However, the fourth bullet point in Paragraph 3.22 has been amended to allow the applicant to re-start the process from the point at which the Council had ceased to progress the application.
Doc 48	20	N	Officers of the Council considered this as part of the revision of the policy and made a decision not to offer this option. It is not persuaded to amend this now.
Doc 48	21	Y	The fifth bullet point in Paragraph 3.22 has been amended to take into account exceptional circumstances.
Doc 48	22	N	The Council is currently in the process of implementing the online Disclosure Service to the licensing function. However, it is not deemed necessary to specifically refer to this in the policy as it is simply an alternative mechanism to provide the DBS Report.
Doc 48	23	Y	A new Paragraph 3.5 has been incorporated to reflect the comments made.
Doc 48	24	Y	A new Paragraph 3.6 has been incorporated to promote subscription to the DBS Subscription Service. The Consultee's request for this to be promoted in guidance, information and letters to applicants and licence holders will be acted on in due course.
Doc 48	25	N	Paragraph 3a.6 is not limited to criminal convictions and the Council will retain the paragraph to allow for further enhanced DBS checks to be undertaken at the licence holder's expense when necessary.
Doc 48	26	Y	Paragraph 3a.10 has been amended to remove the reference to the 2003 Order and insert reference to the amended 1975 Order.

Doc 48	27	Y	Paragraph 3a.11 and 3a.15 amended to refer only to 'traffic offences' with references to 'minor' and 'major' removed.
Doc 48	28	N	The Council's position is that the period of licence has worked satisfactorily since 2009 and therefore does not propose to make changes in this respect.
Doc 48	29	N	On-line payment facilities are currently available to make payments from business debit/credit cards and where registered to an address outside the Council's administrative area.
Doc 48	30	Y	Paragraph 3a.20 and 3a.48 amended to remove any reference to the applicant being required to be at least 21 years old.
Doc 48	31	N	The requirement to hold a driving licence for three years in addition to undergoing a Driver Assessment is to ensure applicants have had sufficient practical road driving experience prior to carrying passengers for hire and reward to reduce the risk of harm to passengers and other road users.
Doc 48	32	N	Officers of the Council accept the Consultee's suggestions are possible; however, it is not the intention to provide this facility because the additional Council resource required outweighs applicants providing the countersigned photograph.
Doc 48	33	In Part	Paragraph 3a.21 bullet point six amended to require the referee to have known the applicant for at least two years; however Officers of the Council remains of the view that future employers are not appropriate referees for this purpose.
Doc 48	34	Y	Paragraph 3a.22 bullet point six amended to reflect correct paragraph numbers.
Doc 48	35	N	Refer to Doc 48 Paragraph Number 22 above.
Doc 48	36	N	Officers of the Council accept the point; however in practice correspondence with the applicant provides specific dates by which the DBS Report should be provided.

Doc 48	37	N	The Council's intends to retain the use of the word 'will' on the basis that an exemption to this is provided by Paragraph 2.5 which allows a departure from the policy.
Doc 48	38	Y	Paragraph 3a.23 has been amended to make it clear that the enforcement measure is either suspension or revocation.
Doc 48	39	Y	Paragraph 3a.24 has been amended to take into account exceptional circumstances.
Doc 48	40	Y	Paragraph 3a.24 has been amended to clarify that it is the Council's intention to encourage early submission of renewal applications to facilitate continuity of the licence.
Doc 48	41	Y	Paragraph 3a.25 has been amended to take into account exceptional circumstances.
Doc 48	42	N	Refer to Doc 48 Paragraph Number 22 above.
Doc 48	43	N	Officers of the Council note the Consultee's comments; however, they do not intend to change the Knowledge Test at this time.
Doc 48	44	N	Officers of the Council note the Consultee's comments; however, they do not intend to change the requirements relating to the Knowledge Test (re-tests) at this time. The Council is focussed on encouraging applicants to undertake the necessary preparation/study to avoid the need for a re-test.
Doc 48	45	Y	Paragraph 3a.30 has been amended to remove the requirement for a 12 month gap before re-applying.
Doc 48	46	Y	Paragraph 3a.31 has been amended to clarify that the requirement can be made by an authorised officer of the Council or the Licensing and Safety Sub Committee.
Doc 48	47	N	The Council is focussed on encouraging applicants to undertake the necessary preparation to avoid the need for a re-test and is therefore retaining Paragraph 3a.34 as written.
Doc 48	48	N	Paragraph 3a.35 has been amended to remove the requirement for a 12

			month gap before re-applying.
Doc 48	49	Y	Paragraph 3a.36 has been amended to clarify that the requirement can be made by an authorised officer of the Council or the Licensing and Safety Sub Committee.
Doc 48	50	Y	Paragraph 3a.38 has been amended to include reference to mental fitness as well as physical fitness.
Doc 48	51	N	If the Council was to do as the Consultee has suggested in respect of the DVLA guidance, the same principle would apply to all referenced documents in the policy and the Council is of the view that it is more helpful to the trade to direct them to at least what is the current document. In addition, the DVLA guidance was only revised in 2014.
Doc 48	52	Y	Paragraph 3a.41 amended to remove references to Appendix G and Appendix G itself has been removed.
Doc 48	53	In Part	Paragraph 3a.44 amended to allow applicants to use 'Medical Practitioners' to carry out medical assessments. It is not clear what the consultee is referring to in terms of accessing those records.
Doc 48	54	Y	Paragraph 3a.44 has been amended to clarify the decision making process.
Doc 48	55	Y	Paragraph 3a.47 has been amended to clarify the Council's position with respect to refusing to grant a licence.
Doc 48	56	Y	See Doc 48 Paragraph number 30 above.
Doc 48	57	Y	Paragraph 3a.50 has been amended to take into account the changes that the DVLA are introducing from 01/04/15.
Doc 48	58	Y	Paragraph 3a.52 has been removed.
Doc 48	59	N	Officers view of the Council's position is that the paragraph remains on the bases that it is simply there to highlight the legal requirements.
Doc 48	60	Y	Paragraph 3a.60 (now amended to 3a. 59) has been amended in line with consultee's suggestion.

Doc 48	61	In Part	Paragraph 3a.62 amended to make reference to the specific act but not the maximum fine.
Doc 48	62	Y	Paragraph and Table at 3a.64 and 3b.47 (now 3b.46) amended to correctly reflect the seatbelt requirements in Hackney Carriage and Private Hire Vehicles.
Doc 48	63	Y	Paragraph 3a.67 (now paragraph 3a.66) amended to accurately reflect the position with respect to overcharging. Paragraph 3b.49 (now paragraph 3b.50) amended to accurately reflect the position with respect to overcharging.
Doc 48	64	Y	The heading of Paragraph 3a.69 amended to read 'Unlicensed Drivers'.
Doc 48	65	N	This is a requirement of the Town Police Clauses Act 1847, section 62. The Council's enforcement approach will deal with the concern raised by the consultee.
Doc 48	66	N	Consultee appears to have misunderstood the requirements. There is no requirement for a current Hackney Carriage proprietor to change their vehicle to a wheelchair accessible one on the date the policy comes into effect; they have until 31/03/18.
Doc 48	67	N	The amalgamation of zones and therefore the requirement for wheelchair accessible vehicles has been delayed since 2009. Officers of the Council are of the view that further delaying the amalgamation will not be helpful to the trade or to the Council. Grandfather rights will encourage the continued use of vehicles to the detriment of the environment and paying passengers.
Doc 48	68	Y	Paragraphs 3b.8 to 3b.10 amended in line with the Consultee's suggestion.
Doc 48	69	Y	Officers of the Council acknowledge the financial implications for new and existing licensees with respect to the introduction of European Emission Standards. However, implementation of the emission standards has been amended to extend the time frames

			for the introduction of the standards, in particular more favourable implementation when renewing a vehicle licence but retaining the original implementation date for new applications.
Doc 48	70	N	Officers of the Council are particularly concerned to ensure a higher level of vehicle safety to protect the public. Requiring compliance with the NCAP testing regime supports this approach.
Doc 48	71	N	Officers view of the Council's position is that by having a specified colour for Hackney Carriage Vehicles, this is an additional mechanism to assist the public to distinguish between those vehicles that can be hailed in the street and those that must be pre-booked.
Doc 48	72	In Part	The words 'as amended' removed from Paragraph 3b.18 (g) on the basis that the reference to the legislation is read as being the most current version.
Doc 48	73	In Part	Paragraph 3b.18 (o) and 3.12 (c) amended to allow the alternatives suggested by the Consultee with the exception of running flat tyres.
Doc 48	74	Y	Comments notes references will be corrected as necessary.
Doc 48	75	Y	Paragraph 3b.21 (fifth bullet point) and 3c.16 (fifth bullet point) have been removed reference evidencing valid Road Tax.
Doc 48	76	N	Officers of the Council disagrees; the bullet points to which the Consultee refers is not duplicitous.
Doc 48	77	Y	Paragraph 3b.22 (now 3b.21) (third bullet point) amended to include the word determined rather than agreed.
Doc 48	78	N	Officers of the Council note the points being made by the Consultee; however, the number of MOT Tests has not been amended during this review of the policy and as indicated by the Consultee, it is envisaged that the introduction of the proposed emission standards will remove vehicles over nine years old, thereby removing the need for three MOT

			Tests per year.
Doc 48	79	Y	Paragraph 3b.23 (now 3b.22) and 3c.17 (sixth bullet point on each) amended in line with Consultee's comment.
Doc 48	80	Y	Paragraph 3b.25 (now 3b.24) has been amended to take into account exceptional circumstances.
Doc 48	81	Y	Paragraph 3b.27 (now 3b.26) and 3c.21 changed to reflect the legal position and have noted the deemed to be revoked provision of the Local Government (Miscellaneous Provisions) Act 1976, section 68.
Doc 48	82	Y	Paragraph 3b.32 amended and a new 3c.26 paragraph inserted to make it clear that legitimate drop off/pick up time will not be deemed as reasonable cause to revoke or suspend a licence.
Doc 48	83	Y	Paragraph 3b.35 (now 3b.34) and 3c.28 (now 3c.29) have been amended to clarify that UK LPG certificates are not required on the basis that the evidence is available on-line.
Doc 48	84	Y	Paragraph 3b.36 (now 3b.35) and 3c.29 (now 3c.30) have been amended to clarify who has the power of suspension.
Doc 48	85	Y	Paragraphs 3b.38 (now 3b.37), 3c.38 (now 3c.39) and 3d.20 amended to make it clear that the conditions must be complied with and the policy can be departed from by the Council.
Doc 48	86	N	The reference to a maximum of three times per year relates to the requirement for a proprietor to present their vehicle to the Council for inspection/testing. Proactive routine inspections instigated by the Council are not deemed to form part of the number detailed in the Local Government (Miscellaneous Provisions) Act 1976, section 50 (1).
Doc 48	87	Y	Paragraphs 3b.44 (now 3b.43) 3c.42 (now 3c.43) amended to insert the word 'also' to make it clear the accident reporting is in addition to the requirements of the Road Traffic Act 1988.

Doc 48	88	Y	Paragraphs 3b.45 (now 3b.44) and 3c.43 (now 3c.44) have been amended to clarify at whose request and to whom documents must be produced.
Doc 48	89	Y	See Paragraph Number 62 above.
Doc 48	90	In Part	Paragraph 3b.48 amended to take into account ownership of private land in relation to the location of ranks. Position in relation to ranks on railway land considered and held not to require reference in the policy at this time.
Doc 48	91	N	Amendments to paragraph 3b.49 (now 3b.48) have resolved the apparent inconsistency referred to.
Doc 48	92	Y	Paragraph 3c.3 amended to clarify the legal position.
Doc 48	93	Y	See Doc 48, Paragraph Number 69 above.
Doc 48	94	N	See Doc 48, Paragraph Number 70 above.
Doc 48	95	N	Position in relation to motorcycles considered and held not necessary to amend vehicle requirements at this time.
Doc 48	96	N	Officers view of the Council's position is that by having a specified colour that Private Hire Vehicles cannot use is an additional mechanism to assist the public to distinguish between those vehicles that can be hailed in the street and those that must be pre-booked.
Doc 48	97	N	Paragraph 3c.13 is required.
Doc 48	98	Y	See Doc 48, Paragraph Number 75 above.
Doc 48	99	N	See Doc 48, Paragraph Number 78 above.
Doc 48	100	Y	Paragraph 3c.19 has been amended to take into account exceptional circumstances.
Doc 48	101	Y	See Doc 48, Paragraph Number 81 above
Doc 48	102	Y	Paragraph 3c.25 amended to include reference to the private hire operator's tariff rather than fares determined by the Council.



Doc 48	103	Y	See Doc 48, Paragraph Number 83 above.
Doc 48	104	Y	Paragraph 3c.29 (now 3c.30) has been amended to clarify who has the power of suspension.
Doc 48	105	Y	Paragraph 3c.21 (now 3c.22) has been amended to clarify what is meant by certified copies and photocopies making it clear who can certify documents.
Doc 48	106	Y	Paragraph 3c.32 has been amended to remove the word 'importation'.
Doc 48	107	Y	Paragraph 3c.37 (now 3c.38) first bullet point removed and consequently the requirement in relation to tinted windows is now the same as standard private hire vehicles.
Doc 48	108	Y	See Doc 48, Paragraph Number 85 above.
Doc 48	109	N	The reference to a maximum of three times per year relates to the requirement for a proprietor to present their vehicle to the Council for inspection/testing. Proactive routine inspections instigated by the Council are not deemed to form part of the number detailed in the Local Government (Miscellaneous Provisions) Act 1976, section 50 (1).
Doc 48	110	Y	See Doc 48, Paragraph Number 88 above.
Doc 48	111	Y	Paragraph and Table at 3c.45 (now 3c.46) amended to correctly reflect the seatbelt requirements in Hackney Carriage and Private Hire Vehicles.
Doc 48	112	Y	Paragraph 3c.46 (now 3c.47) amended to include the words 'stop and park'.
Doc 48	113	N	Comments noted.
Doc 48	114	Y	Paragraphs 3d.7 and 3d.8 have been amended to reflect the legal position with respect to DBS requirements in relation to private hire operators.
Doc 48	115	Y	Paragraph 3d.11 amended to confirm that planning consent is not a prerequisite to the grant of an operators licence.

Doc 48	116	Y	Paragraph 3d.18 changed to reflect the legal position and have noted the deemed to be revoked provision of the Local Government (Miscellaneous Provisions) Act 1976, section 68.
Doc 48	117	Y	See Doc 48, Paragraph Number 85 above.
Doc 48	118	Y	Paragraph and Table at 3d.23 amended to correctly reflect the seatbelt requirements in Private Hire Vehicles (and Hackney Carriages).
Doc 48	119	Y	A new paragraph 4.3 inserted strongly encouraging cooperation with officers from other authorities.
Doc 48	120	In Part	Paragraph 4.1 amended to include the Council's website page detailing where the 'Better Regulation and Enforcement Policy' can be found rather than appending a copy of this policy.
Doc 48	121	Y	Additional contact details provided as suggested in respect of the website address and the making of payments.
Doc 48	122	Y	It has been made clear that conditions are only attached to private hire vehicle drivers licences throughout Appendix A.
Doc 48	123	Y	Paragraph 3a.3 sets out the Council's position with respect to issuing separate licences.
Doc 48	124	Y	Appendix A, Paragraph 1.0 has been amended to remove the reference to 'not finite'.
Doc 48	125	Y	Appendix A, Paragraph 1.3 amended to confirm criminal offence includes driving/motoring offences.
Doc 48	126	Y	Appendix A, Paragraph 1.5 amended so that the requirement is now that a duplicate is issued by the Council.
Doc 48	127		Appendix A, Paragraph 1.7 (fifth bullet point) – irrespective of the whether a fixed fare is charged or not the Council wants drivers to transport passengers by the shortest practicable route.
Doc 48	128	Y	Appendix A, Paragraph 1.8 (bullet point 7 rather than the second bullet point to which the Consultee refers) has been amended to include reference to 'insured'.

Doc 48	129	N	Appendix A, Paragraph 1.8 (bullet point 8 rather than the third bullet point to which the Consultee refers) The Council's enforcement approach will deal with the concern raised by the consultee.
Doc 48	130	N	Comment noted – not actioned.
Doc 48	131	Y	Appendix A, Paragraph 1.13 has been amended to take into account the changes that the DVLA are introducing from 01/04/15.
Doc 48	132	Y	Appendix A, Paragraph 1.14 condition relating to roof signs on hackney carriages removed.
Doc 48	133	Y	Appendix A, Paragraph 1.15 (now 1.14) has been amended to remove the words 'hackney carriage'.
Doc 48	134	Y	Appendix A, Paragraph 1.18 (now 1.17) amended to include the missing word 'paying'.
Doc 48	135	N	Appendix A, Paragraph 1.19 (now 1.18) to be retained as part of the Council's commitment to working in partnership with Telford & Wrekin Council to assist enforcement.
Doc 48	136	N	Appendix A, Paragraph 1.22 (now 1.21) Understand the point made by the consultee; however, officers take the view that if a decision is made to fit a taximeter to a private hire vehicle then the driver is required to use the meter in the same way as hackney carriages to avoid unnecessarily confusing passengers over what they are being charged and the potential for increasing complaints as a result. If operators do not wish to operate in this manner, then they have the option to ensure taximeters are not fitted to vehicles and they can then agree fares in both ways described by the consultee.
Doc 48	137	Y	Appendix A, Paragraph 1.25 (now 1.24) amended in accordance with consultee's suggestion.
Doc 48	138	In Part	Appendix A, Paragraph 1.28 (now 1.27) amended to encourage drivers to advise passengers to complain to the relevant private hire operator but

			the condition retains the requirement that drivers must advise passengers that they may also complain direct to the Council.
Doc 48	139	Y	Appendix B, Paragraph 1.0 has been amended to remove the reference to 'not finite'.
Doc 48	140	Y	Appendix B, Paragraph 1.3 has been amended to delete the requirement to provide a UK LPG certificate on the basis that the evidence is available on-line.
Doc 48	141	Y	Appendix B, Paragraph 1.7 has been amended in line with suggestion made by consultee.
Doc 48	142	Y	Appendix B, Paragraph 1.9 amended to clarify who needs to be able to see the interior markings.
Doc 48	143	In Part	Appendix B, Paragraph 1.19 amended to remove the reference to hackney carriage drivers being required to comply with the condition and instead puts an onus on proprietors to take steps to encourage drivers to adopt the practices described when using ranks.
Doc 48	144	In Part	Appendix B, Paragraph 1.23 amended to put an onus on the proprietor to take steps to ensure the condition is complied with.
Doc 48	145	N	Appendix B, Paragraph 1.24 - comments noted; however, this condition does not prevent the switching off of the roof sign at any time the driver chooses not to be available for hire.
Doc 48	146	N	Comment noted, but decision made to retain the condition as set out in Appendix B, Paragraph 1.27.
Doc 48	147	N	Comment noted, but decision made to retain the condition as set out in Appendix B, Paragraph 1.29.
Doc 48	148	N	Comment noted, but decision made to retain the condition as set out in Appendix B, Paragraph 1.32.
Doc 48	149	Y	Appendix B, Paragraph 1.33 amended to clarify that 'criminal' includes driving/motoring offences.
Doc 48	150	Y	Appendix C, Paragraph 1.0 has been amended to remove the reference to

			'not finite'.
Doc 48	151	N	Appendix C, Paragraph 1.2 is not a duplicate of Paragraph 1.29. 1.2 deals with the results found when a vehicle is subject to any test and 1.29 deals with accident/damage that may occur during the period of a licence. Consequently 1.2 retained as originally drafted.
Doc 48	152	Y	Appendix C, Paragraph 1.3 has been amended to delete the requirement to provide a UK LPG certificate on the basis that the evidence is available on-line.
Doc 48	153	Y	Appendix C, Paragraph 1.4 (consultee appears to incorrectly refer to Paragraph 1.7) amended to take into account the legal exemption applicable to the displaying of plates when a vehicle is hired for a period of more than 24 hours.
Doc 48	154	In Part	The way in which Appendix C, Paragraph 1.9 has been interpreted by the consultee has indicated there is a lack of clarity with the way in which this condition has been written. The intention was simply to permit a sign to be displayed regarding pre-payment if the proprietor chooses to implement a pre-payment system. The relevant paragraph has been amended to clarify this and to remove the restriction on the specific hours that pre-payment may be required.
Doc 48	155	N	Appendix C, Paragraph 1.20 Understand the point made by the consultee; however, officers take the view that if a decision is made to fit a taximeter to a private hire vehicle then the driver is required to use the meter in the same way as hackney carriages to avoid unnecessarily confusing passengers over what they are being charged and the potential for increasing complaints as a result. If operators do not wish to operate in this manner, then they have the option to ensure taximeters are not fitted to vehicles and they can then agree fares in both ways described by the

			consultee.
Doc 48	156	N	Appendix C, Paragraph 1.29 is not a duplicate of Paragraph 1.2. 1.2 deals with the results found when a vehicle is subject to any test and 1.29 deals with accident/damage that may occurs during the period of a licence. Consequently 1.29 retained as originally drafted.
Doc 48	157	Y	Appendix C, Paragraph 1.31 amended to clarify that 'criminal' includes driving/motoring offences.
Doc 48	158	Y	Appendix C, Paragraph 1.0 has been amended to remove the reference to 'not finite'.
Doc 48	159	In Part	Appendix D, Paragraph 1.2 amended. It was not the intention of the Council to require operators to undertake the same checks as the Council is required to do; however, it is the intention that operators take greater responsibility for the drivers they operate to this effect the condition has been amended to clarify this position.
Doc 48	160	Y	Appendix D, Paragraph 1.5 deleted and amendments made to paragraph 1.4 to clarify that the operator must retain a copy of the driver's licence.
Doc 48	161	Y	Appendix D, Paragraph 1.7 (now 1.6) has been amended to clarify what operators are required to do in respect of ensuring drivers are aware of the offence of touting under section 167 of the Criminal Justice and Public Order Act 1994.
Doc 48	162	N	Appendix D, Paragraph 1.10 (now 1.9) is retained on the basis that the condition is written in a wider context than the basic statutory requirement, i.e. it not only states that insurance is required (which is the statutory provision), but also sets down the minimum financial level required, which is not a statutory provision.
Doc 48	163	N	Appendix D, Paragraph 1.12 (now 1.11) has been considered again in light of the consultee's comments; however, a decision has been taken not to modify the wording at this time.
Doc 48	164	N	Appendix D, Paragraph 1.14 (now

			1.13) – comments noted; however, principle of retaining conditions for standards of service is retained at this time.
Doc 48	165	Y	Appendix D, Paragraph 1.14 (now 1.13) (first bullet point) amended to remove the reference to providing adequate ‘telephone facilities and staff’ and replaced with reference to ‘adequate ICT, facilities and staff, as appropriate’.
Doc 48	166	N	Appendix D, Paragraph 1.15 (now 1.14) – comments noted; however, as the Deregulation Bill has not yet received Royal Assent (and there is not yet any timescale in place), this condition remains as drafted.
Doc 48	167	N	Appendix D, Paragraph 1.19 (now 1.18) (e) – paragraph reconsidered decision made to retain the condition as written.
Doc 48	168	N	Appendix D, Paragraph 1.21 (now 1.20) – comments noted; however, the condition will remain as a mechanism to ensure operators maintain accurate records of who they employ and the vehicles used.
Doc 48	169	N	Appendix D, Paragraph 1.22 (now 1.21) – comments noted; however, the condition will remain as a mechanism to ensure operators maintain accurate records of who they employ.
Doc 48	170	Y	Appendix D, Paragraph 1.29 (now 1.28) amended as suggested by the consultee.
Doc 48	171	N	Appendix D, Paragraph 1.32 (now 1.31) has not been amended as suggested by the consultee. The condition is included to assist the Council to monitor potential concerns and to enable action to be taken where necessary; the Council is not only concerned with matters that the operator cannot resolve to a customer’s satisfaction as there may still be issues of concern from a licensing perspective that the Council would want to address. It is expected that operators will take a pragmatic approach in determining what is a

			complaint vs a query. The condition can be reviewed at a future date if necessary.
Doc 48	172	N	Appendix D, Paragraph 1.34 (now (1.33) – comments noted; however, the condition is retained on the basis that it is deemed reasonable to make it clear that there is this expectation and that there are potential implications for an operator if they do not comply with reasonable requests, directions or instructions.
Doc 48	173	N	Appendix D, Paragraph 1.35 (now 1.34) – comments noted; however, the condition is retained as there is a need to prevent operators ‘pushing the boundaries’ around the use of such words. With respect to the examples given by the consultee, there are alternative search engine mechanisms that operators can use to assist customers to search for a private hire operator via the internet without having to have the words referred to or in directories as they can appear under relevant listings again without using the actual words in the business names, etc.
Doc 48	174	Y	Appendix D, Paragraph 1.41 (NOW 1.40) amended to clarify that ‘criminal’ includes driving/motoring offences.
Doc 48	175	In Part	Appendix E – comments noted but the Appendix will be retained to aid enforcement and raise compliance; however, the Appendix has been amended to make it clear that other circumstances may amount to unlawful ‘plying for hire’ and that all cases will be judged on their own facts.
Doc 48	176	N	Appendix F, Paragraph 1.3 comments noted.
Doc 48	177	Y	Appendix F, Paragraph 1.14 amended to make it clear that suspension is not an interim measure.
Doc 48	178	Y	Appendix G deleted and Paragraphs 3a.38 and 3a.41 amended to provide relevant GOV.UK website link and to remove references to Appendix G.



## Additional Public Protection Amendments

Paragraph Number	Amendments Made
1.0	Amended to clarify all preceding policies superseded by the revised policy
1.2	Sixth bullet point added to reflect concern for environmental impact.
3d.13	Typographical error corrected.
Appendix C, 1.16	The word 'kab' included as an example of similar meaning.
Appendix D, 1.35	The word 'kab' included as an example of similar meaning.
2.15	New paragraph added to reinforce the Council's regulatory role.
Part 3, Title	Typographical error corrected.
3.7 (was 3.5)	Amended to make it clear that the Licensing and Passenger Transport teams will share information.
3a.4	Amended to make it clear that the applicant is required to meet all the criteria to be deemed to be a fit and proper person.
3a.6	The word 'may' has been replaced with the word 'will'.
3a.15	The words 'within 7 days' added for clarification.
Appendix E, 1.0 (d)	Example included providing clarification of meaning.
Appendix D, 1.5	Amended to require operators to report the misconduct of drivers. (The requirement was put forward by a Safeguarding Officer from Telford and Wrekin Council.)
Appendix B, 1.9 bullet point 3 and Appendix C, 1.8 bullet point 3	Amended to take account of accessing the Council via social media.
Appendix B, 1.22 and Appendix C, 1.20 3 <sup>rd</sup> bullet point	Words inserted to make it clear that meter must be used irrespective of whether a fare is agreed prior to the commencement of the journey.
Appendix I, 1 <sup>st</sup> Bullet Point	Additional bullet point added to clarify the check required to ensure the driver can legally tow a trailer.

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[REDACTED]

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**From:** [REDACTED]  
**Sent:** 29 September 2014 14:42  
**To:** Taxis  
**Subject:** Comments

Hello

① At the time of writing this I do not have the time to read through the whole document. However, there is one thing that concerns me and that is the growing number of taxis waiting at Shrewsbury Station. Many of the local taxi drivers are finding it harder and harder to get fares for the vehicles in order to earn a living, simply because licenses have been granted to many taxi drivers from as far away as Birmingham. I also know of many of the 'outside' taxi' drivers taking people the long way to their home simply because they don't know their way around. I know a couple of the taxi drivers by sight, and if ever I need to use a taxi I only get in theirs. The other taxi drivers don't like this approach, but I prefer local taxi drivers, and in this tough environment it should be local jobs for local people.

Yours sincerely

[REDACTED]

**From:** [REDACTED]  
**Sent:** 29 September 2014 19:16  
**To:** [REDACTED]  
**Subject:** Re: Hack. ney Carriage and Private Hire Policy Extended Consultation Period

- ① Dear Mandy Beever. Can I congratulate your department on submitting a well written proposed policy . But I've been asked by drivers If it possible to have a clearer (Simplified) printable document relating to the proposed changes to the policy. Ive been asked, When it states renewals does it refer to renewed vehicles or licences ?
- ② The committee documents provided don't clearly state what has been omitted or submitted for existing operators -driver's after April 2015 - HC -PH vehicles colour/ signage/ Way /emissions/ additional costs - singage / lanyard/ First aid boxes fire extinguishers This would be most helpful Yours [REDACTED]

Sent from Samsung Mobile  
----- Original message -----

**From:** [REDACTED]  
**Date:** 26/09/2014 12:00 (GMT+00:00)  
**To:** Taxis  
**Subject:** Hackney Carriage and Private Hire Policy Extended Consultation Period

Good Morning,  
Please find attached information in regard to the Hackney Carriage and Private Hire Policy extended consultation period.  
In addition, the Licensing Service will be hosting a Taxi Forum to discuss any issues that the trade may have with the proposed policy document the forum will be held on Tuesday the 28<sup>th</sup> of October 2014 in the Council Chamber, Shirehall, Shrewsbury, Shropshire SY2 6ND at 11am, all trade representatives are welcome to attend but we would ask that if you do want to come along you email [Taxis@shropshire.gov.uk](mailto:Taxis@shropshire.gov.uk) to confirm you are attending.  
Kind Regards

*Shropshire Council Licensing Service*  
Tel: 0345 678 9026  
Email: [Taxis@shropshire.gov.uk](mailto:Taxis@shropshire.gov.uk)

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[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 29 September 2014 21:30  
**To:** Taxis  
**Subject:** Response to Licensing policy documents consultation

① I am a user, from time to time, of taxis and private hire vehicles. Having read the documents on the proposed policy, I am impressed by the care that is taken to ensure all aspects of safety for passengers, and believe that the requirements are also fair to, and would benefit, owners/operators/drivers.  
Yours faithfully,  
[REDACTED]

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 05 October 2014 15:21  
**To:** Taxis  
**Subject:** Our view

Hi Mandy as formal meeting we have been part of this new policy recommendations as it stand we do need some changes

- ① 1- if council are thinking to more new version of vehicles then please can we have some day time ranks to pay back to lander just putting up higher stander and making drivers buy new cabs Is not fare on this matter we are happy with ten year age limit .
  - ② 2- we are happy with fare card and will like council to make annual % increase as every where it's happening .
  - ③ 3.any one like to apply for any taxi or private hire test should have least two year old uk driving licence .
  - ④ 4.it important to have a Knowledge text folder any one who wish to apply for new test .
  - ⑤ 5- there should be one MOT per year as every where else in country .
  - ⑥ 6- The colour should be black so it's easy to identify Hackney carriage .
  - ⑦ 7-no racism or tolerance to any body as we have had some issues in past policy must have something to stop or happening in future .
  - ⑧ 8-all diver must have compliment book all time in there cabs if any one like to make complaint or good comment driver should provide it to passenger then we have good view about service behave and fare .
  - ⑨ 9-policy shouldn't be change every 3 years it's should have more time.
- And if we think any thing else we will write to you in the time limit given thanks
- [REDACTED]

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 08 October 2014 11:56  
**To:** Taxis  
**Subject:** taxi forum

① hi mand 98 percent of trade thinks the work is not there to invest in euro 5;;; haw ever there seem to be an agreement the we would agree to the 10 year age limit bought forward starting april 2015;;;

[Redacted]

From: [Redacted]  
Sent: 10 October 2014 10:19  
To: [Redacted]  
Cc: [Redacted]  
Subject: Re: New Taxi Policy due April 2015

Dear [Redacted]

Thanks for your comments.

- ① I am glad that you remember the thought process behind what was decided about the executive cars.
- ② The proposed policy certainly does seem to completely alter what was decided through a consultation and cabinet process and I would question why we are being asked to consider such a drastic changes to an already Council agreed working model for executive cars.
- ③ I would like to ask who has come up with the idea to go against what has been agreed by Council, where instead of looking at what type of work we are doing, we are now asked to drive Bentley Continentals. Is there even a licensed Bentley continental in this country? Let alone little old Shrewsbury.
- ④ Unfortunately I have not been involved in the consultation process so far as I was under the false impression that general Private Hire and Hackney policies were being reviewed. To be honest, I had not imagined that Executive policies would even be considered so soon after we had gone through such a formal process to get the current policy in place.

[Redacted]  
Sent from my iPhone

On 10 Oct 2014, at 09:32, [Redacted]

Dear [Redacted]

I haven't been directly involved in all the detailed work on this so I was not aware of any significant changes around the executive cars position or that we had had any detrimental feedback. As you know, when we considered the original executive cars element we worked very closely with you and your fellow executive car operators to find a pragmatic solution to the issues you raised at the time. If the proposed changes alter this position we need to consider this carefully. I recall we moved away from trying to define specific types of executive vehicle and focused more on the business model which differs substantially from the standard 'taxi' operation and this was agreed by the Committee as you point out. I have copied Mandy and Frances Darling in and your comments will be included as part of the extended consultation. Were you able to comment on the first consultation? I am sure either Frances and Mandy will get back to you asap. Mandy is on leave this week so please leave it with me for the time being.

Regards

[Redacted]  
[Redacted]

Head of Public Protection  
Shropshire Council  
Shirehall  
Abbey Foregate  
Shrewsbury



Shropshire  
SY2 6ND  
Tel: 01743 253868  
Mob: 079 90 08 52 21  
Web: [www.shropshire.gov.uk](http://www.shropshire.gov.uk)

From: [REDACTED]

Sent: 09 October 2014 19:35

To: Paul McGreary

Subject: New Taxi Policy due April 2015

Dear Paul,

I am writing to you as I spoke to you when the policy was decided upon for the issue of Executive plates for Taxis in this area.

I am sure that you will remember that the Council decided that they could not have a policy where they would decide what cars would be executive cars and which would not. That to do this would mean a constant review of vehicles on the road. A constant review of new cars that were placed on the market to decide whether they would be classed as executive or not. It was thought that the Council would need to employ a full time member of staff purely to review vehicles and that it was purely down to a matter of opinion as to what is an executive level car and what was not.

It was decided that the council would issue Executive plates based on the type of work that the Operator was carrying out and the Council went to great lengths to decide what rules would be put in place for new people applying for the issue of such plates.

You can imagine my concern to hear that in the new policy, there is now a list of vehicles that the council has decided will be classed as Executive cars and only these will be allowed to carry Executive plates. This list is totally unreasonable. Most of the cars listed would cost a minimum of £45000 to purchase. The list, for example, specifies a Ford Galaxy people carrier. Why does this list exclude a Volkswagen Sharon, which is basically the same vehicle as the Galaxy. So whose decision is it to include one and exclude the other.

I would ask that firstly, someone please look into the fact that we have policies agreed and in place for Executive cars. Why do we now have a situation where the policies that we agreed, after much consultation with the Licensing staff and yourself, can be overturned and rewritten. Plus, its not actually that long ago that these policies were put in place.

Secondly, this is Shrewsbury, we have a history here of charging much less than the trade charges in such places as Birmingham, Manchester and London. How we are expected to afford to run the type of vehicles listed is beyond me and all other Operators that I have spoken to, on this subject. As I have already said though. After agreeing a policy for the issue of Executive plates, I do not feel that this policy should be being reviewed again.

I would welcome your comments on this matter as soon as possible and would welcome, as we did previously, a meeting with yourself and Mandy Beever, to discuss this, if required.

--  
[REDACTED]

\*\*\*\*\*  
\*\*\*\*

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For more information, please refer to

<http://www.shropshire.gov.uk/privacy.nsf>

\*\*\*\*\*  
\*\*\*\*

**From:** [REDACTED]  
**Sent:** 11 October 2014 13:41  
**To:** Taxis  
**Subject:** Licensing Policy 2015-2019  
**Attachments:** taxi policy.docx

To Whom it may concern

I write to you with reference to the recently published 'Hackney Carriage and Private Hire Licensing Policy 2015-2019'.

Please find below, my comments relating to each numbered section.

① Page 23 (3b.7)

These vehicles should be wheelchair accessible at all times ie. If the vehicle has to have seats removed to accommodate a wheelchair, this should not be classed as wheelchair accessible due to the fact that if they are flagged down by a member of the public, they would not be able to accommodate the wheelchair without going somewhere to remove the seats first.

Therefore, when plated, the vehicle should only be plated with the number of seats available when a wheelchair is in situ.

② Page 25 (3b.17)

This section mentions the use of mechanically operated ramps and non-mechanical ramps. What specifically are mechanical and non-mechanical ramps?

Do you mean ramps that are permanently fitted to vehicles and removable ramps? Maybe clearer wording in this section would help.

③ Page 33 (3c.8)

Here we would like to see one of two options replacing this section.

Option 1 – The reinstatement of the 10 year rule, where no vehicle is allowed to be older than 10 years, with increased MOTs for nine year old vehicles (3 a year instead of 2).

Option 2 – Delay in the implementation of the emissions standards requirements by 1 standard. Also add Plate Transfer to the Renewal lines: ie.

	Period	European Emission Standard
Renewal & Plate Transfers	1 April 2015 to 31 March 2017	Euro 3
New	1 April 2015 to 31 March 2018	Euro 5
Renewal & Plate Transfers	1 April 2017 onwards	Euro 4

New	1 April 2018 onwards	Euro 5 & 6
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If the policy is introduced as it stands at the moment, here at [REDACTED] we would have to replace 40-50 vehicles in the next year or so. Extending the time frames would give our drivers etc the chance to plan and purchase the required standard of vehicle. Many would probably look towards the next step of requirements anyway, to avoid having to change their vehicles again.

④ Page 34 (3c.10)

It is not clear enough as to which NCAP safety standard the vehicle must adhere to. NCAP safety standards are split into several categories, and often an overall rating is not given.

For instance, a Vauxhall Zafira has a 5 star rating for adults, 4 star for children and 2 star for pedestrians.

Some vehicles are not on the euro ncap website, what would happen to these?

All cars in the UK have to be at a certain safety level, otherwise they would not be allowed on our roads. By introducing an age restriction on cars, you would automatically be ensuring the vehicles are meeting the majority of safety standards, without having the additional paperwork and time spent finding the NCAP standards ratings.

Our recommendation/request is for the requirement to meet NCAP safety standards be removed at this time.

⑤ Page 35 (3c.13)

This section is very unclear and contradicts itself. If you want all Private Hire vehicles as non-black, then why not just set a fixed date for the vehicles to be changed.

We would recommend that the date be 1<sup>st</sup> April 2017 to 31<sup>st</sup> March 2018. By the vehicles plate renewal date for that year, all private hire vehicles must not be black.

We have recently had 4 or 5 nearly new vehicles introduced to our fleet that are black. Insisting that they change these vehicles in the next year would be unreasonable, particularly when it was the Councils decision to allow black vehicles as private hire (something that previously was not allowed under SABC).

⑥ Page 40 (3c.45)

In the section for child up to 3 years, you state that children under 3 need not be restrained.

The child under 3 years section needs to be broken down further, ie upto 1 year, then 2-3 years.

Child development at 0-3 years is very immense. Upto 1 year(ish) the child will not be able to sit up, do these travel on parents laps?

Clear guidance on the laws need to be visible in this policy. On the government website :

<https://www.gov.uk/rules-drivers-motorcyclists-89-to-102/seat-belts-and-child-restraints-99-to-102>

The child under 3 section for rear seat passengers refers only to a taxi, and does not mention Private Hire vehicles. It is only after a child's 3<sup>rd</sup> birthday that Private Hire is mentioned.

⑦ Page 53 (Appendix a)

We agree with this in principle, but a photocopy of the drivers badge would be unacceptable, as the copy would get very dirty, ripped etc.

We would recommend that the council supply a secondary badge for each driver (similar to the drivers badge, but not just a badge, in case these get lost. Perhaps a laminated card version that could not be used as an actual badge).

We would also recommend the Council provide adhesive holders for these copies, that can be stuck to the dashboard of the vehicle, so the public can clearly see and read. If these copies of the drivers badge go on the windscreen where the tax disc used to be, then we will be running out of space, as you are asking for the vehicles internal plate to go in exactly the same place.

If the council request a second drivers badge for display, then the council should provide these at the council's own cost, along with the holders for the vehicle.

⑧ Page 56 (Appendix a 1.19)

When not in receipt of a booking, all Shropshire plated vehicles should return to designated parking areas within the Shropshire administrative area, and all Telford & Wrekin plated vehicles should return to Telford & Wrekin parking areas.

This would enable the Shropshire Council to better control and observe vehicles that they are responsible for, as the vehicles will be physically located in their administrative areas.

⑨ Page 56 (Appendix a1.20)

We would like to see the return of the rules that mean all vehicles must leave Shrewsbury town centre (within the river loop) once dropped off. Vehicles could utilise the towns 2 main out-of-centre car parks (Frankwell & Abbey Foregate).

As it stands at the moment vehicles are allowed to park up anywhere they please (suitably safe [appendix e 1.0f p77]) when awaiting bookings, which means that certain firms are using this to their advantage and parking up in places extremely visible to the public eg The Square during daytimes, and often the Barker Street car parks outside Montgomerys Tower in the evenings. This is encouraging touting and illegal journeys. If we have a 'not with-in the loop' rule, it will be easier for the Council to police as the only vehicles that should be parked in Shrewsbury town centre will be those that already have a booking and are waiting for their customer.

⑩ Page 77 (Section 1.0)

If a customer is already in one of our vehicles on a pre-booked journey with us, they should be able to ask the driver to book their return journey on their behalf over the two way radio.

The customer has already decided to use our company because they are already on a journey with us. Many of the customers who already do this are elderly and do not possess mobile phones. The driver refusing to do this on their behalf would possibly come across as bad customer service and would inconvenience our customers.

We agree that customers should not be able to walk up to a driver on the street and ask them to make a booking on their behalf.

If you have any questions or queries then please do not hesitate in contacting me.

Unfortunately I will not be able to attend scheduled meeting at the end of October, but I shall send a representative along

Kindest regards

[REDACTED]

On Behalf of [REDACTED]

Please confirm receipt of this email.

Please find attached a word document copy of our comments

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Kindest regards

[Redacted]  
On Behalf of [Redacted]

**From:** [REDACTED] Adult.Protection  
**Sent:** 14 October 2014 12:07  
**To:** Frances Darling; [REDACTED]  
**Cc:** Mandy Beever  
**Subject:** RE: Hackney Carriage and Private Hire Licensing Policy

Afternoon Francis,

These are my additional comments following your revision.

- ① Pg 32 23. It is the applicant responsibility to provide sufficient evidence to this effect. (as directed by the committee)?? Otherwise this appears to be a bit open-ended
- ② Pg 13 9. Convictions. Should this include cautions, community resolution orders etc.
- ③ Pg 30 Applicant must disclose any "recent" cautions – what does recent mean? This may be open to interpretation of the individual.

Thank you

[REDACTED]  
 Adult Safeguarding Operational Coordinator  
 01743 255810

[REDACTED]  
[www.shropshire.gov.uk](http://www.shropshire.gov.uk)

---

**From:** Frances Darling  
**Sent:** 10 October 2014 11:45  
**To:** [REDACTED].Protection; [REDACTED]  
**Cc:** Mandy Beever  
**Subject:** Hackney Carriage and Private Hire Licensing Policy

Just a quick reminder that the above policy is now back out for further consultation until the 2 November – see link below. The policy has been substantially revised and reformatted and consequently I would very much appreciate your feedback from a safeguarding perspective.

<http://new.shropshire.gov.uk/get-involved/hackney-carriage-and-private-hire-licensing-policy-2015-2019/>

Regards  
 Frances

Frances Darling  
 Senior Commissioner  
 Public Protection

**From:** [REDACTED]  
**Sent:** 16 October 2014 11:23  
**To:** Frances Darling; [REDACTED]  
**Cc:** Mandy Beever; [REDACTED]  
**Subject:** RE: Hackney Carriage and Private Hire Licensing Policy

Hi

- ① Given the particularly high profile, I would like to see something specific about Child Sexual Exploitation in the document for taxi drivers and firms – The national Taxi Association has demonstrated a commitment to this on their website – link below

So something like – (maybe after 1.2)

Safeguarding children - the action we take to promote the welfare of children and protect them from harm - is everyone's responsibility. Everyone who comes into contact with children and families has a role to play.

#### Child Sexual Exploitation and Trafficking of Children

Sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive something' (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing, and/or another or others performing on them, sexual activities, violence, coercion and intimidation are commonly, involved in exploitative relationships.

Shropshire's Safeguarding Children's Board is tackling child sexual exploitation and trafficking, by working together with key partners like West Mercia Police, children's social care, schools, health services, and the youth offending team, as well as specialist child sexual exploitation organisations such as the National Working Group.

Through agencies working together and sharing information, we aim to prevent sexual exploitation, disrupt the activities of perpetrators, protect children and young people and prosecute perpetrators of sexual exploitation. Sharing information with West Mercia Police and Children's Social Care helps to protect young people from harm.

Safeguarding children and young people is everyone's business. Taxi drivers are in a good position to help identify victims of sexual exploitation and may come into contact with children and young people who are transported in taxis.

<http://www.national-taxi-association.co.uk/?p=6953>

<http://www.safeguardingshropshireschildren.org.uk/scb/index.html>

**Mandy Beever**

---

**From:** [REDACTED]  
**Sent:** 17 October 2014 07:41  
**To:** Mandy Beever  
**Subject:** changes for existing drivers

Dear Mandy Beever.

- ① Could you confirm if these proposals are correct for existing licenced vehicles.
- 1 : April 2015 removal of the 5 Zones across the county:
  - 2 : All vehicles on licence renewal from April 2015 to be euro 4 compliant..
  - 3: All taxis on licence renewal from April 2015 must be high gloss black in colour:
  - 4 : All taxis on licence renewal after April 2015 must be wheel chair accessible:.
  - 5 : All private hire must not be black on licence renewal after April 2015 & euro 4 compliant.
  - 6 :All licenced vehicles on renewal after April 2017 to be euro 5 compliant.
  - 7 : All licenced vehicles by April 2018 to be euro 6 compliant
- When do you need agenda items in by for taxi forum Tuesday 28th October.
- [REDACTED]

**Mandy Beaver**

**From:** [REDACTED]  
**Sent:** 20 October 2014 20:09  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Licensing policy consultation Shropshire Council proposiam

- ① Hi After reading the Licensing Policy that is under consultation i have a number of points that i would like to object to as running a small private hire business in a town of just over 4000 people, we have two minibuses, one people carrier & three cars, most of our work is contract work along with airport transfers and very little general taxi type work, i feel that the council keeps bringing in changes that keep squeezing the private hire trade, first the number boxes on the roof, then making it very difficult for a new driver to get a licence to drive a car for us, with the drivers test that is as strict as the day when people passed their driving test for the first time as one driver told me, we have had two people not bothered as they were scared of the test and time taken that are carried out by the council. This is why we struggle to get anyone interested in driving for us.
- ② I am against the policy where any booking between the hours of 7 PM & 7 AM having to take pre payment will lose us work as people are against paying card charges as our system does so, we have taken card booking for several years but this ties the telephone line up on a busy night when people are trying to get through to book a run, also if charged for a run like the other night where the customer said Church Stretton to Shrewsbury and was charged accordingly, then the run was to Shawbury and there was a confrontation with the customer and driver as they had paid all that they were going to, so i can not see this working.
- ③ I am STRONGLY against the Emissions Euro 4 and then Euro 5, if the vehicle passes the emissions controls that is in place for that particular vehicles for a Ministry of Transport test then that should be good enough, this is been put in to eliminate older cars on the road, what the council need to realise is that we are small business that will always change our vehicles when they are getting to the stage where the reliability is getting to the suspect stage, we change all our vehicles at around 200.000miles and there is plenty of use still in them as we have sold them on to people who have used them for years, as a small business with a turnover of £65000 a year we buy our cars around five years old with 60 to 70.000 miles on and service these every three months, we check them over every week by our resident mechanic, this makes a business that gives two people full time and four part time positions and is a living for my wife and myself, our turnover is not enough to be in a position to buy cars to come up to these emissions that you require, to come up to standards we would need to spend around £70.000, if the council are imposing these requirements then they should be organising grants to taxi business, if we were to not meet the requirements and cease trading we would be putting two full time people and four part time drivers and one mechanic out of work .
- ④ My comment regarding the N Caps 5 Star is a joke because a 2002 Vauxhall Vectra has a 4 star N Cap rating when a 2009 Vectra has a 3.5 star rating so i feel that there will be very few cars that would be good enough even if operators had a clue when buying a new car, i spoke to a Vauxhall salesman who could not tell me any information on what safety or emission ratings are for their range of cars .
- ⑤ I have been to business forums and read in the papers that a comment from Keith Barrow that Shropshire Council is supporting small business and trying to help them survive and grow, all i can see is that in this policy you are going to cripple the small business that service Shropshire and the small towns, Shropshire council sold off most of their school vehicles and tender the work out to taxi & Private hire firms, if these business cease trading what will the council do ?
- ⑥ I do feel that the seatbelt laws for Children is a good plan and is laid out very well.  
 Many Thanks for taking the time to read this.

**Mandy Beever**

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**From:** [REDACTED]  
**Sent:** 21 October 2014 10:45  
**To:** Mandy Beever  
**Subject:** Policy review  
**Attachments:** Policy review recomendations.docx; Emission requirements.pdf

Hi Mandy

- ① I don't know if [REDACTED] has given you the paperwork I showed him the other day, but if not here is a copy. The euro emission chart is a suggestion from the trade in Shrewsbury, although following the theme you have created in the policy review, With the addition of plate transfers, it is revised slightly as we feel what has been recommended is not financially viable for the trade in Shrewsbury at this time. So we have moved most of it back by 12 months, to create a more viable lead in to your suggestions. But retaining the level for New applicants would go some way to stemming the flow into the trade, Similar principle to Birmingham's policy. Maybe you would like to bear in mind Chichester's u turn on their euro 5 policy they had to do due to loosing such a large quantity of cabs from the trade, they have now revised there policy back to euro 4. We hope you will consider making these adjustments to the policy rather than changing what has been proposed to an age limit.
- ② As stated also our concerns over de zoning, we are not against it we would just like to see a level playing field when it is done.
- Regards  
[REDACTED]

- ③ 3b.5, Addition of Immediately, to ensure that vehicles are wheelchair accessible on hailing, Not wheelchair accessible if they have to remove seats and have to store them outside of the vehicle

All hackney carriages must be immediately capable of providing for at least one wheelchair.

- ④ 3b.6 De Zoning

Raises considerable concern over public safety, and vehicle identity. Current policy states in Shrewsbury must be wheelchair accessible, making them identifiable from private hire saloon cars, If de zoning takes place before the whole county is compliant ie Black and wheelchair accessible, considerable confusion is going to occur if saloon cars are allowed to come into town to work as taxis, then by 2018 these saloon cars will have disappeared again.

Therefore we would like one of the 2 following options to be considered as alternatives.

1, De Zoning does not take place until April 2018 by which time all hackney plated vehicles will be black and wheelchair accessible, eliminating the interim confusion that will occur.

2, De Zoning takes place in April 2015 only for vehicles that are compliant with the whole administrative area policy, ie if vehicles are black and wav then they can operate county wide.

If they are not compliant ie a white saloon car, then they must remain zoned until that vehicle is replaced with a compliant vehicle.

- ⑤ 3b.18(c)

Reference to paragraph 3b.7 ? 3b.7 does not exist so incorrect reference.

- ⑥ 3b.18(L)

Tilting Seat, designed to be used by an adult.?

Needs a clearer definition.

- ⑦ 3b.18(o)

Full size spare wheel ie not space saver

- ⑧ 3b.21

References to other paragraphs incorrect

Certificate/report for Meter (how often ?) should be annually.

	Period	Oldest European Emission Standard that can be plated
Renewal	1st April 2015-31st March 2016	Euro 3
Transfer	1st April 2015-31st March 2016	Euro 4
New	1st April 2015-31st March 2016	Euro 5
Renewal	1st April 2016-31st March 2017	Euro 4
Transfer	1st April 2016-31st March 2017	Euro 4
New	1st April 2016-31st March 2017	Euro 5
Renewal	1st April 2017-31st March 2018	Euro 4
Transfer	1st April 2017-31st March 2018	Euro 5
New	1st April 2017-31st March 2018	Euro 5
Renewal	1st April 2018-31st March 2019	Euro 5
Transfer	1st April 2018-31st March 2019	Euro 5
New	1st April 2018-31st March 2019	Euro 6
Renewal	1st April 2019-31st March 2020	Euro 5
Transfer	1st April 2019-31st March 2020	Euro 5
New	1st April 2019-31st March 2020	Euro 6
Renewal	1st April 2020-31st March 2021	Euro 5
Transfer	1st April 2020-31st March 2021	Euro 6
New	1st April 2020-31st March 2021	Euro 6

As a Rough guide      Euro 3 2001-2006  
                                  Euro 4 2006-2011  
                                  Euro 5 2011-2015  
                                  Euro 6 2015 on

Saloon cars seem to take up the earlier than light commercials

Of which most Hackney vehicles are based upon

N.B No Euro 6 spec hackney is commercially available at this point in time



Mandy Beever

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From: [REDACTED]  
Sent: 22 October 2014 15:49  
To: Licensing  
Cc: [REDACTED]  
Subject: Formal Consultation on the Revised Hackney Carriage & Private Hire Licensing Policy

Dear Sir/Madam,

[REDACTED] would like to make the following contributions to the consultation on the revised Hackney Carriage & Private Hire Licensing Policy (concluding on November 2<sup>nd</sup> 2014):

- ① 1. The Council recognises the over-riding duty of the licensing authority to protect the safety and welfare of the public and, in that regard, it is pleased to see the clear specifications proposed in respect of transporting children (Sections 3b47 and 3d23).
- ② 2. However, the Council would like the Licensing Committee to re-consider some of the new extremely high requirements in respect of Emissions (Sections 3c8). These requirements could have a seriously detrimental effect on the future of small taxi firms in the rural areas of the county. This town has recently lost one of its two taxi firms upon the retirement of the owner and we can ill-afford to lose the remaining firm. By the very nature of their business, they are not able to afford the frequent replacement of their vehicles in the same way as larger town-based firms but they are scrupulous in maintaining their vehicles to Ministry of Transport standards, because their livelihood depends upon it.
- ③ 3. While, of course, the Council applauds the efforts to drive down emissions, it has to be done at a pace at which manufacturers can apply the new requirements, with a time-lag that enables small taxi firms to comply with second-hand vehicles. It is, therefore, premature to institute these stringent new European Emission Standards, especially as they are currently discretionary and not mandatory, so, for example, they are not being proposed in neighbouring Telford & Wrekin. The European New Car Assessment Programme 4 star requirement (Section 3c10) is particularly questionable as, for example, older Vauxhall Vectra cars meet the requirement but newer cars do not.
- ④ 4. The final concern of the Council relates to the time it currently takes to complete a licensing application. It can now take 3 months or more before an applicant can sit the required driving test. This delay is a serious deterrent to any part-time taxi-driver applicant of whom there is a fair turn-over in small taxi-firms and this is a significant local employment opportunity. Without compromising standards in any way, it is hoped that the application process can be speeded up.

The Council hopes that the Licensing Committee will have due regard to these concerns when finalising the revised Licensing Policy requirements.

Yours faithfully,

LICENSING

27 OCT 2014

RECEIVED



Operator License No. [REDACTED]  
 Driver License No. [REDACTED]  
 Current Vehicle Taxi License No. [REDACTED]  
 Vehicle. Skoda Superb [REDACTED]

Licensing Team  
 Public Protection  
 Shropshire Council  
 Shirehall  
 Shrewsbury  
 SY2 6ND

Re: Hackney Carriage and Private Hire Licensing Policy 2015 – 2019

Dear Sirs,

- ① As a Licensed Operator and Driver I am deeply concerned about an item that appears on the new 'proposed' policy. ie clause 1.22 referring to the Council issued signs.

I currently work with various people, such as... [REDACTED] and myself. To supplement this work, in the quiet times, I work with [REDACTED] here in Shrewsbury, so I have to have the Council issued Blue Door Signs, which I currently attach via Magnet.

All the jobs that I take on without [REDACTED] aswell as myself are in the Executive category, ie. Buisness/executive clients, long distance travel, airports/seaport transfers. I pride myself in how I look for all jobs, shirt and tie. My vehicle is always in top condition, inside and out.

To have these Blues signs permanently stuck to the side of my car, is just ridiculous. I have attended weddings in the past, (pic attached), my car has looked wonderful, I really can't imagine how \*\*\*\* it would look, if these signs had to be on it !! This car is also my personnel, private vehicle, aswell as used for my nature of business.

- ② I wonder if it has been observed in recent times, how these Blue signs fade after continued car washing, and how they also peel. That can't send a good sign to potential customers, whoever you work for..?

You might in the end suggest that I just have an Executive Plate, but ofcourse, I would not be able to do local work....

You might think that this one issue is very petty, but it might just force me out of the trade.



Yours faithfully

[Redacted signature]

**Mandy Beaver**

---

From: [REDACTED]  
 Sent: 27 October 2014 10:31  
 To: Taxis  
 Subject: FW: Taxi forum Tuesday 28/10/14

Kind Regards

[REDACTED]  
 [REDACTED]  
 Public Protection (Licensing)  
 Shropshire Council  
 Shirehall  
 Abbey Foregate  
 Shrewsbury  
 Shropshire  
 SY2 6ND  
 Tel: 0345 6789026  
 Fax: 01743 254114  
 Email: [taxis@shropshire.gov.uk](mailto:taxis@shropshire.gov.uk)  
 Web: [www.shropshire.gov.uk](http://www.shropshire.gov.uk)

The Hackney Carriage and Private Hire Policy Consultation for 2015-2019 is live [click here](#) Please note the closing date for comments is 2nd November 2014

**\*\*Please note all our application forms have been revised as of 01.10.14 please make sure you download the latest copy from our website\*\***

-----Original Message-----

From: [REDACTED]  
 Sent: 26 October 2014 19:35  
 To: Licensing  
 Subject: Taxi forum Tuesday 28/10/14

Thank you for email regarding forum, I will be attending.

- ① One issue I personally have a problem with is the proposed insistence on blue council door signs being stuck to the doors of all vehicles permanently. At present at personal cost I have my stickers mounted on magnets and attached to my doors this enables me to remove all door furniture at the end of every shift and clean both the car and door furniture keeping all in Presteigne condition. If the licensing team, who I realise are under considerable pressure due to cutbacks, had time to check the condition of blue signs already being 'permanently attached' they may have noticed the fact that many of them are faded and rather tatty looking and indeed some are peeling off, probably due to there poor quality, therefore I would be interested in why the team appear to be taking another backward step in the presentation of private hire vehicles in the Shrewsbury area!
- ② A second point on this matter is that some of the work I undertake with my own vehicle is of an executive type including weddings and I am sure that you will realise that most wedding party's prefer a clean limousine for their rather special occasion! Therefore by insisting that these door signs are stuck to my vehicle the licensing team will be causing me to loose out on a lucrative side of my business.

I look forward to a lively forum on Tuesday.

Regards [REDACTED] private hire.

Sent from my iPhone

**Mandy Beever**

---

**From:** Frances Darling  
**Sent:** 15 October 2014 09:09  
**To:** Mandy Beever  
**Subject:** FW: Executive Plate Policy

Please can you file in the consultation feedback folder. I will forward the emails that Mr Rhodes sent into Paul initially that give the full picture. They would also probably be part of the overall feedback, but we can discuss the detail after 2 Nov.

Thanks  
Frances

Frances Darling  
Senior Commissioner  
Public Protection

**From:** [REDACTED]  
**Sent:** 14 October 2014 14:27  
**To:** Frances Darling  
**Subject:** Executive Plate Policy

Dear Frances,

I was very pleased to receive your phone call on Monday morning concerning the policy for Executive plates going forward.

- ① Following our conversation, I am glad to hear that you are happy to remove the proposed list of Executive cars that was drawn up and that we can continue to have plates issued, based on the type of work that the cars are doing. As you know this is the basis under which agreement was reached via Council Cabinet approval only two years ago.

As you requested, I am therefore mailing you to put forward the proposal, as we discussed, that plates will continue to be issued on the basis that was previously agreed.

Hence,



② 1. Executive plates will only be issued to businesses undertaking Executive type work, where they are not carrying out any work that may be seen as standard Private Hire fares. New Businesses applying for Executive plates will only be granted them for a period of six months. At this point the Council will review and decide whether to continue.

③ I am conscious, following our talk, that you wish to ensure that the standard of Executive vehicles is kept to a good level and I would agree with this. I would therefore suggest that,

2. Where a company qualifies for Executive plates the cars must meet the following standards.

A, they must be classed as a large family vehicle and can be saloon, hatch, estate car, or people carrier. B, The spec of the vehicle, regardless of make, must meet the mid level trim or above specification for that particular car.

④ The Licensing team should have discretion when granting plates to such vehicles and perhaps when drivers are considering a vehicle change, they should speak to the team to get approval before purchase. Whilst I understand that this policy is due to come into force next April, I am not aware if there are any cars that at present are Executive plated that would not meet this criteria. If there are, then perhaps they should be allowed to continue until the car is replaced, at which point, the new policy would become effective.

I hope that the above meets with your approval and follows along with what we discussed, but please call me should you wish to discuss anything further.

I would be grateful if you could confirm receipt of this mail, also confirm that you are happy with the contents and also that this will be adopted for Executive plates going forward.

Thanks again for your call and I look forward to hearing from you soon.

--  
Regards

[Redacted signature block]

**Mandy Beever**

---

**From:** [REDACTED]  
**Sent:** 28 October 2014 13:01  
**To:** Mandy Beever  
**Subject:** Executive car policy

Hi Mandy.

① Following the forum meeting I would like to clarify a point regarding the above.

Whilst I am very pleased that the proposed list for executive cars has been removed I don't think we can have a situation where cars are looked at on an individual basis.

We need to have a standard set that the trade can work to, which is why I proposed that we allow exec plates on vehicles classed as large family cars with a spec of medium level or above. This gives a general guideline to work to and if anyone requires clarification before purchase they can contact licensing directly.

[REDACTED]  
Sent from my iPhone

Mandy Beaver

---

From: [REDACTED]  
Sent: 28 October 2014 15:18  
To: Taxis  
Subject: Consultation meeting

Hello, first of all thank you for letting me attend the meeting today.  
My views on the new policy are as follows.

- ① I welcome the amendments to the emissions proposals as it gives me more time to save for a different vehicle, my aim is euro 5. Currently I run a euro 3. I think the time scale for ncap ratings should be relevant to this, as most euro 3 vehicle's will only be ncap 3, as is mine. So lengthening the time for emission requirements is good, but the vehicle will be cancelled out by the stricter ncap ratings. This should be looked at seriously before making any decisions.
- ② Regarding zones I think they should be left as they are. Each area is different, and in Oswestry there isn't the demand for wheelchair accessible Hackney carriages. Wheelchair users pre book if they need one or use Dial a ride.
- ③ The new plate on the front of the vehicle is a very good idea for potential customers to identify what type of cab is in front of them. How soon would these be available?
- ④ I don't think it should matter about the colour of the vehicle because if they have the new plate on the front stating what type of cab it is and a taxi light on the roof that should be clear enough. Perhaps run an article in local papers explaining the difference between the two and the consequences of flagging down a private hire to make the public more aware?

Once again thank you for today and I look forward to seeing the outcome of all of this.

[REDACTED]  
Badge no [REDACTED]

Hackney plate no [REDACTED] zone [REDACTED]  
[REDACTED]  
[REDACTED]



**Mandy Beever**

---

**From:** [REDACTED]  
**Sent:** 28 October 2014 15:56  
**To:** Mandy Beever  
**Subject:** Re: Executive car policy


Thanks very much Mandy.

- ① Can I please clarify one point that I forgot to ask about this morning. Front plates. Is it the intention that they will have to be displayed on exec cars? I am hopeful that the answer is no, as we are not carrying out local work and therefore don't have the requirement to be easily identifiable to the public in a town environment.

Thanks.

[REDACTED]  
Sent from my iPhone

- > On 28 Oct 2014, at 14:22, Mandy Beever <[mandy.beever@shropshire.gov.uk](mailto:mandy.beever@shropshire.gov.uk)> wrote:  
>  
> Good Afternoon [REDACTED]  
>  
> Thank you for your email, I will include this within the recommendation going forward.  
>  
> Kind Regards  
>  
> Mandy  
>  
> Mandy Beever  
> Transactional Manager  
> Public Protection  
> Shropshire Council  
> Shirehall  
> Abbey Foregate  
> Shrewsbury  
> Shropshire  
> SY2 6ND  
>  
> Tel: 01743 251702  
> Mobile: 07990 085378  
> Email: [mandy.beever@shropshire.gov.uk](mailto:mandy.beever@shropshire.gov.uk)  
> Web: [www.shropshire.gov.uk](http://www.shropshire.gov.uk)  
>  
>  
>  
> -----Original Message-----  
> From: [REDACTED]  
> Sent: 28 October 2014 13:01  
> To: Mandy Beever  
> Subject: Executive car policy  
>  
> Hi Mandy.  
>  
> Following the forum meeting I would like to clarify a point regarding the above.

- >
- > Whilst I am very pleased that the proposed list for executive cars has been removed I don't think we can have a situation where cars are looked at on an individual basis.
- >
- > We need to have a standard set that the trade can work to, which is why I proposed that we allow exec plates on vehicles classed as large family cars with a spec of medium level or above. This gives a general guideline to work to and if anyone requires clarification before purchase they can contact licensing directly.
- >
- > 
- > Sent from my iPhone
- > \*\*\*\*\* If you are not the intended recipient of this email please do not send it on to others, open any attachments or file the email locally. Please inform the sender of the error and then delete the original email. \*\*\*\*\*

Mandy Beever

Doc 21

**From:** [REDACTED]  
**Sent:** 28 October 2014 16:25  
**To:** Licensing  
**Cc:** Taxis  
**Subject:** front mounted plate

Dear sir or madam,

① after attending today's public consultation meeting at shirehall, I asked Mandy if it would be possible to purchase a front mounted plate with all my vehicle details. Although I understand it has yet to be approved, I put it to Mandy that I would like to set a precedent and be the first in the county to have the new plate. she replied that I should apply in writing .

below are all my current details:

private hire licence number [REDACTED]

vehicle registration number [REDACTED]

vehicle type [REDACTED]

expiry date [REDACTED]

licensed to carry 4 passengers

driver licence number [REDACTED]

expiry date [REDACTED]

I will be more than happy to pay the £5 fee which I will pay to Kate when I collect it from her at her next visit to Oswestry

Many thanks,

[REDACTED]

**Mandy Beever**

---

**From:** [REDACTED]  
**Sent:** 29 October 2014 11:45  
**To:** Mandy Beever  
**Subject:** Policy Proposal for Hackney and Private Hire

Dear Mandy,

After appearing at the meeting yesterday and discussing the new proposals being suggested by Shropshire Council for Licensing I would like to suggest to the council some ideas which would I think benefit Hackney and Private Hire drivers.

**Zones**

① **Point 1**

I believe that unifying the zones would not be a good idea as different areas in Shropshire have different situations and needs. For example in Shrewsbury where the town is larger and there is more scope for investing (new wheelchair vehicles). I also think that in this area there is a greater need for wheelchair accessible vehicles as there is in the area of Oswestry (Zone 3).

I believe that the needs of everyone should be taken into account and the majority of the people in my area (Oswestry) there is a very small fraction of people asking for a wheelchair accessible vehicle.

I would also like to point out that there are Private Hire companies in this area that do have wheelchair accessible vehicles and that most of, in fact all the people who need this sort of service know this.

② **Point 2**

The are in Oswestry (Zone 3) there are many independent Hackney carriage Drivers that only work at weekends and thus implementing these new Proposal would put most of these drivers out of Business as it would not be Financial viable to Acquire a Wheelchair accessible vehicle. This in my opinion would put the town of Oswestry in Great danger at night as I believe these independent Drivers bring a good Service to Oswestry and also help the Police by Transporting the people away from the Town centre quickly and economically, therefore diffusing any situation that could arise in the town Centre.

**Point 3**

③ I believe that keeping the zones as they are will also Deter unlicensed Drivers from operating as Most Drivers in our area (Oswestry) know or see each other and I think keeping the Zones small and compact, these areas can be better controlled.

④ **Point 4**

I believe that keeping the Zones as they are and adapting to each Zone (as each Zone has Different needs) is a much better way of keeping the wants and needs to the people of these zones in better perspective. I believe that Listening and Treating each Zone individually is much better for the Drivers of these Zones and also for the paying public and I feel will be in the Long Run more efficient.

⑤ **Hackney Carriage Proposal**

As A Hackney carriage Driver I agree that Hackney carriages should be easier to be spotted by the public and I have no issues with the vehicles being black (at the moment my hackney Carriage is silver). I also believe that that fitted a plate to the front would not be the answer as I have never seen anyone look at the front of my vehicle to make sure its a Hackney carriage. (this would be really an unnecessary cost for the Council and driver) we have roof signs which are lit at night. I feel that we could introduce a badge that could be fitted to the dash Board of the vehicle with a picture and badge number of the driver so people could see clearly who the Driver is. We could also print both sides of the badge that's fixed in the front window so people can also see from inside and outside what the number plate and badge number of the vehicle is. I feel that this would be more constructive and I know it will cost me as a Driver in General more but it would also stop the unlicensed drivers as people will be aware after a period of time that these

badges are fitted to the front of the dash. As a driver I have had nobody in the years I have been Driving (10 years) looked at my badge at night as they do not know or even can see my picture on the badge. I believe that having a picture and badge number on the dash would be a really good constructive idea to go forward.

The only concern I have is every hackney carriage Driver must have a wheelchair accessible vehicle.

⑥ Point 1

In my Area (Zone 3) there is not enough wheelchair Transport work to justify in my eyes to Acquire a Wheelchair Vehicle would be too high, also maintaining this vehicle would be expensive, Lifts and and so on, Hence I would be forced to make a Financial decision and be forced to go Private hire which a lot of Drivers would do. So Bringing in this Proposal would actually reduce the Hackney carriage vehicles in our area (Zone 3) and that could bring social Problems at the weekends as there would be lack of Hackney carriage vehicles.

⑦ Emissions

I have as a driver no problem at all about the emissions Proposal as I feel its an important issue, plus I believe that Hackney carriage and Private Hire Vehicles should be of a certain standard (have two vehicles and the oldest is 4 years old) and its frustrating seeing old vehicles which really shouldn't be used for transporting people. We must do more for the environment which I totally agree. I also think the time Limit you are giving the drivers to change their old vehicles is constructive and helpful.

I hope I have helped you with the ideas of your proposals and hope that the proposals of keeping the zones intact stays as its more constructive.

It was pleasant to see you Mandy Beever yesterday and put a picture to the email and to find someone that listens to the arguments on both sides

Kind Regards  


Mandy Beever

---

From: [REDACTED]  
Sent: 29 October 2014 14:59  
To: Taxis  
Subject: Taxi new policy

Hi Mandy about yesterday's meeting I would like to suggest few things

- ① 1- if we are asking new person for brand new cab for plate that is very hard for people getting on to find a job it's not fair as few people have got least up three or more plates in there name so they can renew three plates on old cabs but a new comer can't at least if he or she are complying with policy that should be ok .
- ② 2- fair cards should be same in all Shropshire as we cover work from whole Shropshire it will be very confusing for public wich are in other zones .
- ③ 3 -there should be fare % fare increase every year as it's hard living in place .
- ④ 4-And people they got few plates should be given time on one vehicle only so we can get rid of old bangers .

Thanks [REDACTED]

Mandy Beever

---

From: [REDACTED]  
Sent: 29 October 2014 17:44  
To: Licensing  
Subject: New rules regarding wheelchair access taxis

To whom it may concern

① I am writing to request that you reconsider the new taxi rules, that will come into play very shortly, that make it compulsory for our cars to have wheelchair access for all our customers. I am a taxi driver in Oswestry, Shropshire and I am very concerned about my job and my future income because of this.

I am in possession of my own taxi vehicle and it is a well running car that is perfect for my job and I have little intention of replacing it any time soon, the vehicles that you are requesting us to have for wheelchair access is out of my price range completely and I could not possibly afford one and I am not in a financial position to replace my own vehicle. There are plenty of drivers that have wheelchair access cars in my area and do not see the need for this to be a requirement of every driver, there are not enough disabled people using taxis in Oswestry for this to warrant every driver being wheelchair accessible.

By bringing in this new rule I will not be able to afford a new vehicle and will, as a result, lose my job that I have relied on for many years, I will be unable to work under these new rules which will cause me to lose my home and would very likely put me out on the streets which is a situation I do not want to be in after years of building up a business.

Thank you for reading and considering my words and I look forward to your reply,

All the Best

[REDACTED]  
Tel: [REDACTED]

Mob: [REDACTED]

Email: [REDACTED]



Mandy Beever

---

From: [REDACTED]  
Sent: 29 October 2014 20:42  
To: Mandy Beever  
Subject: Transport forum feedback

Hi Mandy

① Thank you for the most informative session on Tuesday, it helped to clarify some issues that I had not fully understood from reading the document.

The only issue that I would like to raise relates to the phase in periods for the emissions targets, specifically for larger wheelchair access vehicles (mini-bus type vehicles with tail lifts).

My primary business is catering for the SEN needs for council contracted school transport. Due the nature of the requirements on these contracts most of the vehicles are larger vehicles that are often specifically set up for the needs of the contract - as such they are usually not suitable for other hire work and rely on the income generated from the council contracts to cover their operating costs. All councils have been under pressure to reduce costs over the past few years, and this pressure is passed down to transport contracts which have been squeezed each year to ensure that councils keep their costs as low as possible.

The requirement to now purchase new / newer vehicles to meet the newly proposed standards (and I fully understand the motivations for these changes), will result in a situation where the operators of these vehicles are likely to need to generate an additional daily income of around £20 to £25 per day to cover the increased expense of these higher cost vehicles (bearing in mind that a properly kitted SEN mini-bus costs between £30 000 and £40 000 new - Euro 6!). This would have to come from daily rates charged to the council for the services provided.

Many of the vehicles providing this type of capability are older vehicles that have relatively low mileage due to the nature of the work that they do. I have purchased many buses that are 10 years old with around 60 000 miles on the clock, and they only travel around 20 000 miles a year at most on school contracts, which gives them another 7 to 10 years service life if properly cared for. These are commercial vehicles designed for higher mileage than regular cars, and as such would be expected to have a longer life span than a regular car based vehicle.

These vehicles are cost effective to purchase and run (around 20% - 25% of the cost of a new vehicle), and these savings carry through to the daily rates charged for using the vehicle. In addition, from a business perspective one needs to operate a vehicle for as long as possible in order to maximise the return on the asset and to warrant investing in the first place. As most of us purchase these vehicles outright we usually only make money on them later in their operating life as in the first few years we are recovering the purchase costs.

New vehicles will require financing, which is costly and can be difficult to obtain when often the council contracts are short term in nature with no guarantee for 4 - 5 year revenue streams which the finance companies are looking for if they are to approve finance.

I would ask that you look at the possibility of a longer phase in period for this type of larger vehicle category, with renewal for diesels at the Euro 3 level being up to 31 March 2017 or preferably 2018. This would mean that by this stage there will be a greater number of more affordable Euro 6 vehicles on the market as they will have been in production for 3 years or more - and these are the vehicle that will make commercial sense to purchase at this stage as they will have a longer working life and will meet the ultimate efficiency target that the council is looking to achieve. This will result in more affordable council contract



prices and will enable operators a longer period to provide for the costs of converting their fleets to newer vehicles.

I understand that the issue outlined above relates to my specific circumstance, however I am sure that I am not alone in looking to find a way to financially make the transition that is being proposed while still operating at a profit which will enable me to remain in this industry and continue to provide work for the 27 people on my staff.

Thank you for giving us the opportunity to voice our opinions on the proposed changes, and I look forward to seeing the final draft proposals.

Regards

[Redacted]  
Owner / Operator  
[Redacted]  
Bus. Phone: [Redacted]  
Mobile: [Redacted]  
Email: [Redacted]

Mandy Beever

---

From: [REDACTED]  
Sent: 29 October 2014 23:32  
To: Mandy Beever  
Subject: Hackney Carriage and Private Hire Policy Extended Consultation Period

[REDACTED]

- ① There is no alternative for me but to keep the zones and the way I operate in Oswestry. There are more than sufficient wheelchair assessable vehicles in Oswestry to cater for the requirements needed. As you would appreciate one hat does not fit all situations if the Council accept the wheelchair assessable vehicles and we all work under one zone. I would not be able to afford a new vehicle therefore I would have to retire from taxi work leaving the town with one less taxi and many more to follow as expressed at the meeting. There is a general consensus in Oswestry that it would be uneconomical to buy a wheelchair assessable vehicle as there are not sufficient customers in Oswestry to make it economically viable. In the daytime you have dial a ride subsidised by the Council and a good cheap bus service.. There is little demand by the general public for taxis midweek in the evenings. There is only demand for taxis at weekends in the evenings from 10pm Friday/Saturday being the main days to work.
- [REDACTED]

Mandy Beever

From: [REDACTED]  
Sent: 30 October 2014 08:47  
To: Licensing; Mandy Beever; Steve Charmley; Kate Roberts; Keith Barrow  
Subject: FORMAL OBJECTIONS

Dear Shropshire Council.

① I am writing to you to formally object to your proposed changes to the current Policy for Licensed Vehicles. We have been operating Taxis & Private Hire Vehicles in the Oswestry & Border areas since 1988. We have a mixed fleet of vehicles & our operating base is on [REDACTED]. Our vehicles range from top of the range Mercedes Executive Cars, Minibuses & Wheelchair Access Vehicles. Our main day to day operation focuses on transporting students to & from [REDACTED], [REDACTED] & other special need centres throughout Shropshire & Powys areas. Together with [REDACTED] & Shropshire Council P.T.S our other main customer is [REDACTED]. The students & staff members from [REDACTED] often request an executive type car as they often have to undertake long distance journeys & prefer a more comfortable vehicle. Whilst nearly all of our other day to day customers are disabled. In more recent years [REDACTED] have attracted students with behavioural challenges as opposed to more physical challenges. As a result of this there are very few students in wheelchairs these days. In fact 3 or 4 during this current term.

Our other main customers are [REDACTED] & [REDACTED] who we sub contact to. So in short our customers require a mixed fleet of vehicles to cater for many different needs. If you impose a wheelchair only policy this would greatly impact on our business in us not being able to meet the customer requirements.

② Since the new policy was implemented in 2011 we have invested significantly in modernising our fleet of vehicles to comply with it. Most of our vehicles are Silver in colour and we simply could not repaint them.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Mandy Beaver

---

**From:** [REDACTED]  
**Sent:** 30 October 2014 13:40  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** FW: Hackney Carriage and Private Hire Policy Consultation  
**Attachments:** TWC Response 02 11 14.pdf

Hi Karen

I see from Frances' Out of Office she is not back until 3<sup>rd</sup> November. Please find attached our response to your Consultation which ends on 2<sup>nd</sup> November.

Many thanks

[REDACTED]  
[REDACTED]  
Principal Licensing Officer  
Telford & Wrekin Council  
Health, Wellbeing and Public Protection  
Public Protection (Environmental Health, Licensing & Trading Standards)  
Darby House  
Telford  
TF3 4JA

Telephone: [REDACTED]  
Fax: [REDACTED]  
[www.telford.gov.uk](http://www.telford.gov.uk)

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**From:** [REDACTED]  
**Sent:** 30 October 2014 13:34  
**To:** [Frances.darling@shropshire.gov.uk](mailto:Frances.darling@shropshire.gov.uk)  
**Cc:** [REDACTED]  
**Subject:** Hackney Carriage and Private Hire Policy Consultation

Hi Frances

Thank you for inviting us to comment on the above document. Please find attached Telford & Wrekin Council's response.

Kind regards

[REDACTED]  
[REDACTED]  
Principal Licensing Officer  
Telford & Wrekin Council  
Health, Wellbeing and Public Protection  
Public Protection (Environmental Health, Licensing & Trading Standards)

Darby House  
Telford  
TF3 4JA

Telephone: [REDACTED]  
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Any views expressed in this message are those of the individual sender, except where the sender specifies and with authority, states them to be the views of Telford & Wrekin Council.

The content of this email has been automatically checked in conjunction with the relevant policies of Telford & Wrekin Council.

## Shropshire Council – Review of Hackney Carriage and Private Hire Licensing Policy 2015 - 2019

Please find below a corporate response from Telford & Wrekin Council to the current consultation on Shropshire Council's Review of Hackney Carriage and Private Hire Licensing Policy.

Telford & Wrekin Council once again welcomes the opportunity to respond to Shropshire Council's Consultation. It is extremely important to us to make comment to a Policy that has possible public safety implications within our Borough.

We are particularly keen to comment on this policy as Shropshire Council now licence a significant number of vehicles and drivers that operate in the Borough.

### Part 2. Licensing Principles, Process and Delegation

#### ① Working in Partnership

Telford & Wrekin Council is pleased to work in partnership with Shropshire Council and welcome this written inclusion.

### Part 3. Licensable Activities

#### ② Hackney Carriage and Private Hire Vehicle Drivers

Telford & Wrekin Council welcomes the consistencies between this policy and its own Hackney Carriage and Private Hire Policy.

#### ③ Fit and Proper Person

We welcome the inclusion of information sharing with Telford & Wrekin council.

#### ④ Knowledge Test

However, as with the previous draft policy, why does Shropshire Council not include the streets and premises located within the Borough of Telford & Wrekin in the Street Knowledge Test? It is this Council's opinion that it is not sufficient for drivers licensed by Shropshire Council to only have knowledge of locations within its own administrative area when many drivers mostly operate in Telford.

#### ⑤ We welcome the robust line taken by Shropshire Council on the issue of Plying for Hire.

#### ⑥ Hackney Carriages Private Hire Vehicles

Telford & Wrekin Council welcomes the consistencies between the two Councils' policies and in particular the requirement for Hackney Carriages to be accessible vehicles.

### ⑦ **MOT Requirements**

We welcome the proposed number of tests which vehicles will be required to undertake each year. Telford & Wrekin Council asks Shropshire Council to reconsider introducing a Compliance Test in the interests of vehicle safety and ensuring compliance with Shropshire Council's conditions of licence.

### ⑧ **Private Hire Operators**

Telford & Wrekin Council welcome this robust policy and in particular in relation to Private Hire Operator premises, compliance and enforcement.

## **Appendix A**

### **Hackney Carriage/Private Hire Vehicle Drivers Licence – Conditions of Licence**

Telford & Wrekin Council welcomes the consistencies between the conditions of both Councils and in particular the condition relating to *Parking between bookings*.

## **Appendix B**

### **Hackney Carriage Vehicle Licence Conditions of Licence**

Telford & Wrekin Council welcomes the consistencies between the licence conditions of both Councils.

## **Appendix C**

### **Private Hire Vehicle Licence Conditions of Licence**

Telford & Wrekin Council welcomes the consistencies between the licence conditions of both Councils.

### ⑨ **Insurance**

1.25 We ask Shropshire Council to consider specifying that the insurance must be for "hire and reward by pre booking only", i.e. for private hire.

## **Appendix D**

### **Private Hire Operator Licence – Conditions of Licence**

- ⑩ Telford & Wrekin Council welcomes the consistencies between the licence conditions of both Councils.

#### **Insurance**

- ⑪ 1.9 Telford & Wrekin Council asks Shropshire Council to consider specifying that the insurance must be for "hire and reward by pre booking only", i.e. for private hire.

#### **Appendix E**

#### **⑫ Plying for Hire**

Telford & Wrekin Council welcomes the clear line taken by Shropshire Council on the issue of Plying for Hire.

#### **Appendix F**

##### **Relevance of Criminal Convictions and Cautions**

This is the basis upon which a person is licensed. Telford & Wrekin Council welcomes this robust policy.

#### **Appendix G**

##### **Additional Medical Fitness Guidance**

Telford & Wrekin Council has no comment to make.

#### **Appendix H**

##### **Intended Use and Licensing of Hackney Carriages**

Telford & Wrekin Council welcomes this clear policy.

#### **Appendix I**

##### **Advertising on Hackney Carriage and Private Hire Vehicles**

Telford & Wrekin Council has no comment to make.

#### **Appendix J**

##### **Conditions Applicable to the Use of Trailers**

Telford & Wrekin Council has no comment to make.



⑬ Appendix K

**Guide to Executive Vehicles and Trim Levels**

Telford & Wrekin Council welcomes the consistency between both Councils.

30/10/2014

Mandy Beever

---

From: [REDACTED]  
Sent: 30 October 2014 22:51  
To: [REDACTED]  
Subject: Consultation  
Attachments: Hackney Carriage consultation11.doc

Hi Richard

Can you add this word document to the taxi consultation please. i hope i have got this in to you in time.

cheers in advance

regards

[REDACTED]

[REDACTED]

[REDACTED]

## Hackney Carriage &amp; Private Hire Consultation

- ① 3.2 My first point is about all licence fees payable at the time of application are non refundable. I do not agree with this due to if a licence is not granted the fee should be refundable.
- ② 3.2 When a licence expires there are no period of grace. I had a problem with yourselves when I had to chase and chase an application for a plate renewal where the renewal forms had been sent in 6 weeks before it was due. I nearly ended up off the road with no fault of my own.
- ③ 3.3 Renewal applications need to come out sooner than 4 weeks before a licence expires. This will give us a little more time to sort out all the information needed to complete an application. I believe that they should be sent out 6 – 8 weeks before expiry.
- ④ 3a.3 We need to pull away from issuing joint badge and go back to issuing the correct licence for the specific vehicle they will be driving. The Hackney licence should have a stricter knowledge test so that the drivers do not overcharge a customer by mistake by taking the wrong route. Joint badges should be issued if a person is going to drive both Hackney Carriage & Private Hire.
- ⑤ 3a.22 To make our county roads a safer place for all, upon renewal of licence a driving assessment should be taken by everyone.
- ⑥ 3a.27 We need to improve our knowledge test to make it a lot easier for the general public to have faith in our transport service. We have local knowledge of our area but this does not mean we have a county knowledge.
- ⑦ 3a.38 I believe we should be making sure that all applicants should take a medical on renewal of a licence to drive either a Hackney Carriage or Private Hire vehicles. This medical should be carried out by their own GP and not just any old doctor. GP's know more about the applicant than some random doctor.
- ⑧ 3a.65 The smoking ban in vehicles, does this include e-cigs or just conventional cigarettes. This needs to be policed to stop people smoking in their vehicles. In other countries they include filters fitted to the vehicles that can be checked to see if people are smoking in the vehicle.
- ⑨ 3a.67 Over charging is a problem, which needs to be policed. We need to advertise where the general public can report this offence. At present they don't know who to inform or how to inform about overcharging.
- ⑩ 3b.6/7 Wheelchair accessibility in the rural area will rob the general public of its important taxi service. Most rural services the Hackney Carriage vehicles are the only taxi's these people have access to and by changing these to wheelchair access will be detrimental to the service that is provided in these areas. Wheelchair accessible vehicles are slightly higher off the ground so it makes it a lot harder for some people to get in. A lot of wheelchair uses pre-plan their journeys, plus a lot of them have their own vehicles. The majority of disabled people are not in a wheelchair and

therefore just having wheelchair accessible vehicles is causing them to be discriminated against. I believe we need a mixed fleet of Hackney Carriage vehicles across the county to cater for this people and to manage the ranks. Also I believe that any Hackney Owner that has more than 1 vehicle should be allowed to have a saloon car to allow for them to be able to cover all eventualities, only as long as they retain a wheelchair accessible vehicle at all times.

- ⑪ 3b.14 We all know that we need to do more over emissions of our vehicles, but the changes you want to do are too quick and not financially possible. These changes would cause a lot of financial hardship for a lot of people who cannot just go out and arrange finance to pay for a vehicle. Are you going to help these people with low interest loans?

As from July 2008 the emissions levels dropped from 3.0 to 1.5 for a diesel-engined vehicle. So as it stands a brand new vehicle bought today is 1.5 and a vehicle bought in September 2008 both have to pass the 1.5 level on emissions.

Also some of the Hybrid cars and some diesel cars that have a euro 4 emissions tag are better on emissions than some euro 5. So what are we doing going backwards.

A better plan would be is to introduce an emissions limit rather than go for a European system that is floored. This is a lot easier for us to afford to change, plus it is a lot easier to inforce plus for us to easily understand what vehicles to but and not to buy.

- ⑫ The Ncap Ratings will cause a problem with all wheelchair accessible vehicles due to them being modified after manufacture by the various coach building companies.
- ⑬ 3b.25 What we should do is reduce all vehicles to 2 Mot's a year rather than have a change after a vehicle gets to a certain age. His is a lot easier for us to make sure we follow legislation and not miss a Mot due to a vehicle becoming a certain age without us realising.
- ⑭ We should put an age limit back onto all Hackney Carriage & Private Hire vehicles. I Propose that we should be looking at these sort of age limits.

Hackney Carriage	12-14 Years
Private Hire	10-12 Years

If a private hire vehicle is Wheelchair Accessible vehicle it should be entitled to follow the Hackney Carriage age limit.

- ⑮ We need to return to a one-colour livery for all Hackney Carriage Vehicles and that should be black as it is recognised by the general public
- ⑯ Also I believe that Executives Plates for Private Hire Vehicles should also cover School Contract work as well as the airports, seaports etc. If the vehicle doesn't deal with the general public as a large why not allow the executive plate to be used.

Mandy Beever

---

From: [REDACTED]  
Sent: 30 October 2014 23:30  
To: Taxis  
Subject: Taxi Licensing Policy

Good morning Mandy/Licensing Team

Further to my previous email sent a few weeks ago, there is also another suggestion that I would like to add.

①

The drivers badge that you wish to have in the vehicle should display the follow info only:

Driver photo

Driver badge number

Expiry date

Council logo

"If in doubt" contact details of council

The drivers name should NOT be displayed.

We are away travelling in Australia at the moment and have been talking to a lot of taxi drivers, they used to have their names on the display badges but had it removed due to safety and security for the driver, as it is far too easy to find and contact people on facebook and other social media now.

The drivers badges for dashboard display here in aus are approx 2-3 times the size of the drivers badges we have at the moment, and are displayed in a plastic holder on the dashboard, which they can easily remove the badge when changing vehicles etc

Thanks

Kindest regards

[REDACTED]  
[REDACTED]

① of 2

LICENSING

30 OCT 2014

RECEIVED

PLATE No [REDACTED]

D.P. No [REDACTED]

28-Oct 2014

I'm writing to inform you I disagree with parts of the Consultation about Hackney Carriage conditions 3B.5 + 3B.6

① I disagree in having wheel chair accessible Taxis because the expense outweighs the usage we would get in Zone 3. One of the taxis from St Martin bought New in 2005 has used the ramps three time in nine years. Two of my passengers how use wheel chair use my mats and their chair go in the Boot

3.B.6

② We should keep the ZONES as we have all got diffrant needs from Shrewsbury

P.T.O

(2)

3-B-18

- (3) We should be any colour because there will be a better choice cars than just Black if its just one ~~color~~ Colour they would charge more because of availability,

Your Faithfully

30/11/14

RECEIVED  
31 OCT 2014  
LICENSING

DEAR MANDY

① AS DISCUSSED WITH YOURSELF THE WHOLE DIR-ZONE ISSUE FOR SURAPSURIC IN MY OPION AS THE OWNER OF 3 SHACKNEY TAXIS IN CERTAIN ZONE 4 AREA IS A VILLY BAD IDEA FOR MY TRADE AND FAR MORE IMPORTANTLY NOT SAFE FOR THE PUBLIC.

SO IF IN THEIR INFINITE WISDOM THE COMMITTEE DECIDE TO GO AHEAD WITH DIR-ZONE ECUNO THEY PLEASE NOT PUT IT INTO PRACTISE UNTIL 2016 WHEN ALL TAXIS ARE BLACK, WHEELCHAIR FRIENDLY AND COMPLANT WITH FUDO EMISSIONS AND NO BLACK SALOON PHICE CARS ETC, I FEEL THAT IF THIS IS NOT DONE I BELIEVE THAT MANDY AND HER TEAM WILL NOT BE ASKE TO DO THE JOB THERE ARE THERE TO DO AS ALL THEIR TIME WILL BE TAKEN UP WITH COMPLAINTS FROM TRADE AND PUBLIC ALIKE ABOUT WRONG TAXIS IN WRONG PLACES DOING THE WRONG WORK I HOPE MY WRITING IS READABLE BUT MORE IMPORTANT YOU UNDERSTAND AND AGREE

YOURS SINCERELY





Dear Sir/Madam

Here are my views on the new licensing policy proposals.

- ① I welcome the amendments to the emissions proposals as it gives me more time to save for a different vehicle and get as much as I can out of my current vehicle, my aim is euro 5. This will also give other drivers time to catch up.
- ② I think the time scale for ncap ratings should be relevant to the revised emission ratings as most who own a euro 3 vehicle will only be ncap 3. So lengthening the time for emission requirements is good, but the vehicle will be cancelled out by the stricter ncap ratings. This should be looked at seriously before making any decisions.
- ③ Regarding zones I think they should be left as they are. Each area is different, and in Oswestry there isn't the demand for wheelchair accessible Hackney carriages. Wheelchair users pre book if they need one or use Dial a ride.
- ④ The new plate on the front of the vehicle is a very good idea for potential customers to identify what type of cab is in front of them. How soon would these be available? The alternative is to have the inside plate double sided.
- ⑤ I don't agree it should matter about the colour of the vehicle, because if they have the new additional plate on the front or a double sided one in the window stating what type of cab it is and a taxi light on the roof that should be clear enough.
- ⑥ Perhaps run an article in local papers explaining the difference between the two and the consequences of flagging down a private hire to make the public more aware?

Many thanks

LICENSING

31 OCT 2014

RECEIVED

Mandy Beever

---

From: [REDACTED]  
Sent: 10 November 2014 16:11  
To: Mandy Beever  
Subject: FW: taxi

[REDACTED]  
Operations Manager – Health and Community Protection  
Public Protection  
Shropshire Council

Working Days: Monday - Thursday

Tel: [REDACTED]  
Mobile: [REDACTED]  
Web: [www.shropshire.gov.uk](http://www.shropshire.gov.uk)

From: [REDACTED]  
Sent: 31 October 2014 09:40  
To: Karen Collier  
Subject: taxi

Hi

I would like to ask that a reform in the policy to be discussed as a concern with the carrying of oxygen in hire cars

I help run Telford Breathe Easy for British Lung charity no [REDACTED]

One of our ladies a widow in her 70 s dependant on taxis in Telford was refused to be taken to our hospital for an appointment, she will not tell us which taxi service as she is frightened she would be declined by more

Having spoken to [REDACTED] Hackney and Licencing and [REDACTED] M.P they are going to ask their taxi companies to carry out a risk assessment to be able to carry oxygen safely'

This I would like your committee to recommend, because according to [REDACTED] and [REDACTED] its up to their drivers discretion and my reply is that for every drivers descretion involving oxygen we could use the law of discrimination against the disabled.

Telford council is forwarding guidance to the oxygen problem to their licenced taxis

could this please be done be included in your new policy .

Many thanks indeed

[REDACTED]  
[REDACTED]

Mandy Beever

---

From: [REDACTED]  
Sent: 31 October 2014 12:30  
To: Richard Price  
Cc: [REDACTED]  
Subject: add on to licensing policy

① Hi Richard i would like adding to the consultation that i have just spent four days down in London where everything should be clean because of the pollution from cars etc, i noticed that the age of taxis in the city were as old from 1996 and were working well so why should Shropshire try enforcing emission laws where we don't have the pollution problem that London does. Sorry my mind boggles.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Mandy Beever

---

From: [REDACTED]  
Sent: 31 October 2014 13:55  
To: Taxis  
Subject: public consultation submission

Dear sir or madam,

Following the meeting at shire hall and a telephone conversation ,with a member of staff of the taxi licensing team, I am submitting some of my ideas pertaining to the issue of improvement in vehicle emissions and the replacement of vehicles which will no longer meet EU targets as from 2015.

- ① It occurred to me that the cost of fuel which is used by taxis within the county of Shropshire varies quite remarkably.  
The fuel price which taxi firms and individuals have to pay is often a factor in what quality of fuel is purchased.  
In a nutshell if the price of higher quality fuel was pegged at the lower end of the pricing range, and Shropshires taxi operatives had access to it ,possibly via a card scheme or other effective means of distribution the overall emissions from taxis would at a stroke be noticeably reduced. I find it ironic that the producers of fuel only seem interested in putting profits before any other consideration, and that the people who are using large quantities in order to earn a living are the ones who are expected to foot the bill for a cleaner environment. The elephant in the room as I put it to the team member I spoke to.
- ② The other point I had wished to raise is that as we have all been made aware of the need to replace vehicles in category E3 within the next twelve months or so, many drivers and individuals do not have access to credit or other forms of finance and will struggle to afford to go and purchase replacement vehicles. Initially I had wondered if any form of grants or other types of payments could be made available from the European union to help towards the cost of vehicle replacement, or similarly an interest free loan to individuals who could prove their inability to obtain credit or other means of financing such a purchase.

thankyou for your consideration.

yours sincerely,  
[REDACTED]

**Mandy Beever**

---

**From:** [REDACTED]  
**Sent:** 31 October 2014 14:53  
**To:** Richard Price  
**Subject:** Re: Consultation

Hi Richard

- ① Just something I would like to add to the consultation that I forgot at the time. If this policy is passed I need to change both my vehicles sooner than I wanted to. To comply with this policy I would have to change both my vehicles. To replace my wheelchair accessible vehicle to bring to a euro5 spec would cost me £15,000 and to replace my car which I use for elderly and other disabled people will cost £12,000 to the spec I already own. so a total of £27,000.

My question to the people who drew up this document is policy is how can you justify putting me and many people like me into such financial hardship by trying to fund such an increase. At the moment our takings are down on what we expect to take due to various reasons. Plus the current economic climate is next great to be trying to fund new vehicles. We know we need to do our bit to lower emissions but what about the delivery vehicles, contractors vehicles and the general public. Our vehicles are a drop in the ocean compared with these.

- ② Also something to add on the wheelchair accessibility vehicles in all zones. A lot of the work I used to do before I became ill has gone. We have [REDACTED] our what ever they are called now, they cover a majority of the work to and from the hospitals for the disabled people one due to it being free and it is automatically booked when an appointment is generated. Plus dial a ride picks up a lot due to it being a lot cheaper than using a wheelchair taxi. The demand has gone due to these 2 organisation, the people left are what I call working wounded. People with bad mobility who do not use a wheelchair, but use walking frames or sticks. These people struggle to get into nearly all these wheelchair accessible vehicles and prefer to use a normal car for ease and comfort. If we change to all vehicles with accessible vehicles we lose this work as Hackney Carriage operators. So as well as making us pay silly money to change our vehicles we are losing some of our income. This is unfair and unjust, when all we want to do is serve our community and try and make a living.

Or do you want us to join the ranks of the jobless and claim benefits that you have to pay, due to you implementing this policy

Can you add this to the consultation for me Richard. I thank you in advance.

Regards

[REDACTED]  
[REDACTED]  
[REDACTED]

# LICENSING

- 1 NOV 2014

## RECEIVED

HI-MANDY

① AFTER MEETING ON 28/10/14 THE PROPOSALS THAT THE COUNCIL WANT TAXI DRIVERS IN OSWESTRY TO DO WOULD MEAN WE WOULD LOOSE ZONE 3 WHICH WE DO NOT WANT. THIS WILL NOT WORK BECAUSE OTHER ZONES WILL BE COMING INTO OSWESTRY . IF THERE IS A PROBLEM WITH A CUSTOMER YOU WILL NOT KNOW WHO AS PICKED THEM UP..

② AS FOR THE HACKNEY CARS GOING TO WHEEL CHAIR BUSES I AM AFRAID THIS IS NOT GOING TO WORK FOR OSWESTRY . AS THIS WILL COST US TO MUCH MONEY TO DO THIS. AS WE RUN 8 SEATERS .I HAVE ONE HACKNY WHICH GOES ON THE RANK TO MAKE THAT TO A 7SEATER WITH W/C TO LOOSE ONE SEAT WILL MAKE IT VERY HARD ON A SATURDAY NIGHT

WE TRY TO MAKE ALL OUR VEHICLES SUITABLE FOR ALL JOBS TO GET THE BEST SERVICE FOR OUR CUSTOMERS. THERE NO WAY PEOPLE CAN AFFORD THIS. AS WE HAVE 6 W/C VEHICLE WE HAVE TO MINIMISE THE COST AS MUCH AS POSSIBLE.

③ AS FOR EURO 4 THEN 5 TO 6 WHICH IS FAIR ON GIVEING TIME TO DO BECASE THIS WILL COST A LOT OF MONEY. BUT WE HAVE GOT TIME TO UP GRADE VEHICLES TO NEADS OF THE COUNCIL WHEN CHANGES VEHICLES .

④ MAY I BRING TO YOUR ATTENTION OVER THE RANCKS . I UNDER STAND THAT SOME PEOPLE ARE TRYING TO GET A RANK ON THE BUS STOP OPPOSITE MY OFFICE. THIS WOULD BE DEPRECATE.IT WOULD BE VERY DANGEROUS AS MY DRIVERS COME ON TO THE FORECOURT IN FRONT OF THE OFFICE REGULAR I PAY RENT FOR MY OFFICE AND FORECOURT ON [REDACTED] AND I CAN FORSEE ACCIDENTS HAPPENING IF THIS IS THE CASE . I HOPE THIS DOSE NOT HAPPEN I THINCK THIS IS VERY UNFAIR TO ME AND MY DRIVERS .

[REDACTED]

For the attention of Mandy Beever, Shropshire Licensing Office.

- ① At the Consultation Meeting in Oswestry this year, we voted for the abolition of the zones but did not anticipate that all hackneys would have to be wheelchair accessible to be in line with Shrewsbury. Since 1988 Oswestry has always been 97% saloon car hackney. If it is passed that we must be wheelchair accessible then you can say goodbye to the hackney carriages in Oswestry as having to buy those types of vehicles would be too much of a financial burden. It would also cause more anti-social behaviour in the town as more people would be milling around the town taking transport home.


There are at present 180 hackney cabs in Shropshire and only 65 are wheelchair accessible. This shows two things:-

1. It shows that there is no big demand for them.
2. They are far too expensive to run in a rural areas.

If a large number of hackneys disappear this will more than likely cause a financial burden to the Council and loss of Council staff.

- ③ Regarding the new front plate for all the taxis in Shropshire, we in Oswestry found that it was one of the best things that we, the drivers, persuaded the Council to implement. It made it easier to district.

The Council are always concerned with public safety with not much regard for the TAXI DRIVER'S SAFETY. Since private hire have lost their roof signs it is nearly impossible to identify them. If the plates were introduced for the front of the private hire vehicles especially it would give them a greater degree of safety than they have at the moment, as they would be easily identified and in case of any problems other drivers would be able to assist rather than drive by – especially at night when drivers are at their most vulnerable. The front plates only need to have the number and the vehicle registration. There is no need to put the expiry date on, thereby the plates will only need to be changed when the driver changes his/her vehicle. The other advantage to having these front plates would be that the Council Enforcement Officers in the day and night time would more easily be able to spot a private hire vehicle than they are at the moment.

  
LICENSED TAXI DRIVER SINCE 1991 AND AN OPERATOR FOR 16 YEARS.

1<sup>st</sup> November 2014



LICENSING  
- 1 NOV 2014  
RECEIVED



**Mandy Beever**

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**From:** [REDACTED]  
**Sent:** 01 November 2014 03:21  
**To:** Mandy Beever  
**Subject:** Even more emission confusion

Hi Mandy,

① Thanks for the forum this week, I found it very useful, but I still would like to point out that your air quality man (sorry forgot his name) although clearly very knowledgeable and diplomatic, and I am pleased he has understood what I meant by a transfer, and hope you will consider including this in the policy.

Although the information he gave us about euro emission dates is wrong, please do not think I am being pedantic about this, as I am only trying to point out our time line of buying a euro 5 vehicle is shorter than portrayed, by at least 16 months.

Only new models of vehicle were required to be euro5 in 2009, existing models were not required to meet this standard until 2011 although I find conflicting information as to what the actual date was, some websites say 1<sup>st</sup> Jan others 1<sup>st</sup> Sept.

I have attached links to websites that reference this information

Therefore a vehicle registered in between these dates could be either euro 4 or 5 depending what model it is and when the manufacturer updated the engine. Also to add to the confusion there is the reference on these web sites to vehicles that fit a specific need, of which have a later date again to comply.

Are the vehicles used as the base model for the likes of cab direct to build an E7 in this category ? if they are then again this will shorten the timeline for us.

Sorry about all this technical stuff but as you can appreciate we need the facts so that we know what we can buy to comply, from the meeting it could be perceived that if we bought a vehicle built in 2009 we would comply, but these facts may suggest that in fact we need to buy a vehicle later than 2012 to comply, this relates to a large cost difference. Also bearing in mind that our market to purchase from is far more limited, as we have to buy specifically converted vehicles, far more complicated than the choice available on the open market for a saloon car were emission standards appear to be taken up much sooner.

And to be fair I am finding this confusing let alone for some at the meeting that didn't even appear to be on the same page.

Regards

[REDACTED]  
<http://www.euractiv.com/transport/euro-5-emissions-standards-cars-linksdossier-188319>  
<http://www.interregs.com/spotlight.php?id=59>



**Mandy Beever**

**From:** [REDACTED]  
**Sent:** 01 November 2014 16:58  
**To:** Mandy Beever  
**Subject:** Hackney Carriage and Private Hire Licensing Policy 2015 - 2019

Attn: Mandy Beever

Licensing Team  
 Public Protection  
 Shropshire Council  
 Shirehall  
 Shrewsbury  
 SY2 6ND  
 Dear Mandy,

① Further to my communication to your team recently, (hand delivered), with ref to the above mention subject and subsequent consolation period which is about to finish. I wonder if it was possible to have an exemption from having the Blue Council Plates from being stuck to side of my vehicle. I'm sure that there won't be many people, either bothered or thinking about this, with the exception of [REDACTED], who also partakes in the same type of business as myself. He has also sent your team an email recently.

② Also, I'm not quite sure why we now have to have signs fitted to the front of our vehicles...? And can't really see people, hypothetically, coming out of a nightclub bending down to see if it is licensed vehicle, all they're interested in, surely is a lift home with there chosen company, that should be on the side of the vehicle. Having said all that, I don't do that type of work.

I'm sorry, I'm not trying to be negative in these issues, but I don't want the Blue Signs stuck to side of my vehicle, I definitely don't want a license plate attached to the front of my vehicle; and for them to be on all the time is mad. I don't want people to know what I do for a living when I go away on holiday !

Let me give you an hypothetical situation...

Say you work for a company, and they tell you that you now have to wear a uniform for work...you agree. After the first day, you go home and find out that you can't take it off, it seems to be stuck on you...You have to go and visit friends, family, even sleep in your new uniform. How would that make you feel..?

I know that is taking things to the extreme, BUT...!! This is my car own personal vehicle, licensed as a Private Hire vehicle, yes. But still, mine. I bought it for the job, to get more trade aswell as the running around town etc. It's working, but not with all these new signs it won't. I don't mind being plated up whilst I work in town, and futher afield with NO Blue Signs, but when I'm not working it returns as my vehicle.

③ I just also was wandering why we have now got to have the internal sign at the bottom of the windscreen, aswell as a copy of our badges. Last year, when I took my previous vehicle for an MOT, I was told that I couldn't anything in the corner of my windscreen, SATNAV etc....what might they suggest now..?

Mandy, sorry about all that, I wanted to mention a lot of this at the meeting last Tuesday, but I'm not very good with speaking out at said meetings. Plus the fact the meeting got taken over by the Imissions / disability / Hackney issues. My issues seemed ever so small in comparison, but they still affect me in a big way, as you see.

I don't know if I and also [REDACTED] could have a private meeting with you and anybody else with ref to what I have said....?

Your faithfully

[REDACTED]  
 Operator License No. [REDACTED]

Driver License No. [REDACTED]

**Mandy Beever**

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**From:** [REDACTED]  
**Sent:** 01 November 2014 21:19  
**To:** Mandy Beever

- ① At the Consultation Meeting in Oswestry this year, we voted for the abolition of the zones but did not anticipate  
② that all hackneys would have to be wheelchair accessible to be in line with Shrewsbury. Since 1988 Oswestry has always been 97% saloon car hackney. If it is passed that we must be wheelchair accessible then you can say goodbye to the hackney carriages in Oswestry as having to buy those types of vehicles would be too much of a financial burden. It would also cause more anti-social behaviour in the town as more people would be milling around the town taking transport home.

There are at present 180 hackney cabs in Shropshire and only 65 are wheelchair accessible. This shows two things:-  
1. It shows that there is no big demand for them.  
2. They are far too expensive to run in rural areas.

If a large number of hackneys disappear this will more than likely cause a financial burden to the Council and loss of Council staff.

- ③ Regarding the new front plate for all the taxis in Shropshire, we in Oswestry found that it was one of the best things that we, the drivers, persuaded the Council to implement. It made it easier to differentiate between the hackneys and private hire and easier to spot any other unauthorised taxis working in our district.

The Council are always concerned with public safety with not much regard for the TAXI DRIVER'S SAFETY. Since private hire have lost their roof signs it is nearly impossible to identify them. If the plates were introduced for the front of the private hire vehicles especially it would give them a greater degree of safety than they have at the moment, as they would be easily identified and in case of any problems other drivers would be able to assist rather than drive by - especially at night when drivers are at their most vulnerable. The front plates only need to have the number and the vehicle registration. There is no need to put the expiry date on, thereby the plates will only need to be changed when the driver changes his/her vehicle. The other advantage to having these front plates would be that the Council Enforcement Officers in the day and night time would more easily be able to spot a private hire vehicle than they are at the moment.

[REDACTED]

[REDACTED]

**Mandy Beever**

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**From:** [REDACTED]  
**Sent:** 02 November 2014 11:17  
**To:** Mandy Beever  
**Subject:** Proposal for private hire plates and door signs.

Hi Mandy.

① During Tuesdays forum I spoke to Jamie Tawn regarding private hire signage and he advised me to send an email directly to yourself. As I have previously stated my objection to the blue stickers being permanently attached (stuck to front doors) is two fold. Firstly the vehicle I currently operate in was purchased both for local work and also executive and wedding party work and I am sure that you appreciate that some of this work would be limited by the door stickers. With this in mind when issued with the stickers, at my own expense, I have them put on to magnets which are then attached to the vehicle at all times when working locally. Secondly by having the signs attached by magnets it allows them to be removed when required for cleaning purposes during or at the end of a shift, this allows both the vehicle and the signage to be kept in prestige condition. Observing certain other vehicles which have door signage permanently stuck to the doors it has come to my attention that many of them have become faded and grubby around the edges, some of them are actually peeling away and do not set a good image for the presentation of Shropshire private hire as a whole. I believe that this is the direct result of these signs being permanently stuck to the vehicles whilst being cleaned, often at car wash stations where the brushes cause the damage.

I originally intended to broach this subject at the forum but thought you all dealt admirably with the main point of the forum under difficult circumstances.

I would be more than happy to meet at your convenience to discuss my issue and would like to thank you for your time considering this issue.

Regards [REDACTED]

[REDACTED] Private hire.

Sent from my iPhone

**Mandy Beever**

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**From:** [REDACTED]  
**Sent:** 02 November 2014 14:28  
**To:** Taxis  
**Subject:** Hackney and private hire policy consultation response  
**Attachments:** Consultation response.pdf; Emission requirements.pdf; Response to Hackney and private hire policy consultation.pdf

Please find attached our response to the hackney and private hire policy consultation  
3 attachments, 1 response to consultation, 2 supporting diagram for emissions, 3 page of signatures supporting this document

Regards  
[REDACTED]

① We believe the proposed policy is a more robust policy that will raise the standards of our trade giving us more strength and stability for the future.

**Suggested Euro Emission Standards including transfer, that are sustainable by the trade**

	Period	Oldest European Emission Standard that can be plated
Renewal	1st April 2015-31st March 2016	Euro 3
Transfer	1st April 2015-31st March 2016	Euro 4
New	1st April 2015-31st March 2016	Euro 5
Renewal	1st April 2016-31st March 2018	Euro 4
Transfer	1st April 2016-31st March 2018	Euro 4
New	1st April 2016-31st March 2018	Euro 5
Renewal	1st April 2018-31st March 2022	Euro 5
Transfer	1st April 2018-31st March 2022	Euro 5
New	1st April 2018-31st March 2022	Euro 6

As a Rough guide      Euro 3 2001-2006  
                                  Euro 4 2006-2011  
                                  Euro 5 2011-2015  
                                  Euro 6 2015 on

Saloon cars seem to take on the standard earlier than light commercials

Of which most Hackney vehicles are based upon

N.B No Euro 6 spec hackney is commercially available at this point in time

Response to Hackney and private hire policy consultation

This response is the opinion of all the undersigned zone 4 Hackney drivers.

- ② As active drivers within the Shrewsbury zone 4 area we are in support and welcome most of the policy review, and the manner in which it has been conducted, unlike previous occasions this time we have been able to add constructively to the policy as members of the trade, and we have been listened too.

Although we do have some points of concern that we would still like to raise and be considered.

- ③ 1, The amended Euro Emission Proposal we find far more acceptable than the first version, although we would like to see the transfer category added to the proposal.

Adding the category of a vehicle transfer to a euro 4 vehicle until march 2018 would allow drivers of older vehicles a more progressive step towards the target euro 5 vehicle, helping those that are not in a financial position to invest in a euro 5 initially. And allowing a transfer to euro5 until 2020.

Bearing in mind that Hackney type wheelchair accessible vehicles are considerably more expensive than a typical saloon car that could be used for private hire.

As this policy is going to require a major re investment by the trade we are seeking some safeguards that the trade will not be flooded with new comers and therefore potentially reducing our earning ability.

Therefore as the attached diagram shows, for a transfer of an already existing plate the step up to the target of euro 5 are smaller and would take a little longer than the requirement for a new comer, but this would slow the ingress into the trade, with only people that are prepared to make a substantial investment being able to enter the trade, therefore going some way to retaining our profitability, and stop the current situation of our trade being flooded by making very low investment to get into the trade and flooding the ranks on a Friday and Saturday night, as the investment is currently so low it is being used as a secondary income, although not necessarily wrong in itself it does have a significant impact on the earning potential for full time drivers. i.e. the ones you are asking to make the greatest investment.

n.b.

Some back ground information on the above issue.

Although euro 5 emission regulations came out in 2009 for NEW model vehicles, it was not legislation for existing production vehicles until 1<sup>st</sup> Sept 2011, and most light commercial vehicles tend to not comply until almost the legislation date unlike saloon cars that in some cases comply years in advance. As most suitable wheelchair accessible vehicles are based on light commercials we in the hackney trade are finding that we are having to buy vehicles 2 years younger to comply with the proposed policy when compared to saloon cars used by private hire under the same policy, this in itself has its own financial implications.

i.e, An E7 hackney vehicle was not available with a euro 5 engine until 2011, there are currently no vehicles suitable to use as a hackney under this policy with a euro 6 engine as it is not legislation until 1<sup>st</sup> September 2015, no manufacturer produces one at this point in time.

Hence we are not disagreeing with the policy rather asking for a little more time to comply in order to make it financially viable.



④ 2, De Zoning

We are not against de zoning, and fully support black livery and wheelchair accessibility being rolled out across the county.

Initially it is going to upset the status quo but do accept it is part of progress and will eventually settle to be the norm.

⑤ But we are concerned about the vehicle identity and public safety issue of de zoning in April 2015, 3 years before the common identity of Black and wheelchair accessible has been achieved.

The public in Shrewsbury who can currently identify the difference between a Private Hire saloon car and a wheelchair accessible hackney.

If this policy goes ahead, it will allow saloon car hackneys to work in Shrewsbury for the next 3 years then they will revert back to what is now familiar, so 2 changes in 3 years is not consistent with clarifying the issue.

Therefore we would strongly recommend firstly achieving the goal in this policy of a common identity i.e. Black Livery and Wheelchair Accessibility by March 2018, when this is achieved de zone in April 2018, this would be far safer for the public and less confusing for all concerned.

⑥ 3, the addition of the word immediately added to section 3b.5 of the policy to ensure that a vehicle is available to hire on flagging for a wheelchair user.

Some vehicles are wheelchair accessible when seats are removed from the vehicle, in the case of a wheelchair accessible hackney we think this type of vehicle unsuitable, as a wheelchair user should be able to flag and get in.

⑦ 4, Only the word Taxi be used on roof signs, as the use of company names and telephone numbers again confuses the issue of what is it a hackney for hire or a private hire.

⑧ 5, The policy states meters should be certified, but has no suggestion of when or how often this must be done:

This should be done annually as vehicle repairs and wear and tear can affect the accuracy.

⑨ 6, Tilting Seats

The policy states tilting seats must be forward facing!

Although all full spec hackneys have rear facing seats with a fold down base, this is to create sufficient floor space when carrying a wheelchair.

The assumption is made that this is referring to forwards or rearwards as opposed to sideways, but could be misinterpreted so needs to be clearer as to what it references.

⑩ 7,

There are a number of "known" drivers within the trade that have been "sacked" by an operator due to gross misdemeanours, they then re appear at another company.



An operator should have the responsibility of having to report such events to the council, so that the council is aware of such characters, rather than them just moving from one company to the next unchecked.

We believe the proposed policy is a more robust policy that will raise the standards of our trade giving us more strength and stability for the future.

**Mandy Beever**

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**From:** [REDACTED]  
**Sent:** 02 November 2014 21:32  
**To:** Taxis  
**Cc:** Mandy Beever  
**Subject:** objections to Shropshire Councils proposal to changes to taxi & private hire vehicles  
**Attachments:** changes to taxi policy objections.docx; taxi front plate OBC CUT.jpg

[REDACTED] (Shropshire licenced driver [REDACTED])

Dear Councillors / officers.

- ① The Law commission have spent many years drawing up a national standard for taxis, private hire vehicles and drivers (800 + pages) The LAW REFORM TAXI & PRIVATE HIRE .After the next election it will be implemented, Shropshire council have decided to make some radical changes before the paper is set in law? Some of the proposed changes to Shropshire council's policy go against the law commission's proposals and I am asking if these three big changes can be deferred until the government put them into statute.

**THE LAW COMMISSION:** *"More than 3000 responses were received following the Law Commission's consultation in April 2012. In recognition of the level of concern of stakeholders in relation to possible changes to the licensing regime, the Law Commission has published a draft policy outlining the key decisions they have reached following the consultation"*

I object to three main details of Shropshire Councils proposal to changes to taxi & private hire vehicles on cost.

- ② 1: All taxis must be high gloss black in colour Private Hire must not be black.

The council are proposing that the colour of a vehicle will help in identifying it as a taxi, but this proposal would be very restrictive, costly, & unnecessary to vehicle owners. This proposal has previously been rejected by Shropshire Councils Strategic licensing committee back in 2011.

*THE LAW COMMISSION TAXI AND PRIVATE HIRE SERVICES. Recommend clear uniform signage*

Recommendation 43

"Signage requirements for private hire vehicles should form part of the national standards determined by the Secretary of State. The Secretary of State should impose requirements that aim to ensure that the public are able to distinguish easily between taxis and private hire vehicles".

- ③ 2) The council are proposing that all taxis must be wheel chair accessible: This policy would have great financial implications for the trade and discriminates against disabled non wheel chair bound passengers as wheel chair accessible vehicles are difficult to get in as they are higher than normal saloon type vehicles & less accessible .

*THE LAW COMMISSION TAXI AND PRIVATE HIRE SERVICES.*

**Recommendation 62**

**"We recommend that taxi and private hire drivers be required to undergo disability awareness training of a standard set by the Secretary of State.**

1.33 Taxis and private hire vehicles provide vital transport links for many older or disabled persons as well as people with reduced mobility. Providers of transport services have a legal obligation not to discriminate against disabled people, and local authorities are subject to a duty to promote equality in the exercise of their functions.

1.34 We consider how to promote safety for disabled passengers through, perhaps, introducing a separate licence category for wheelchair accessible vehicles and vehicles adapted for other disabilities. We considered the merits of introducing national quotas of accessible taxis but suggest that such a system does not appear workable”.

**Provisional proposal 60**

**“We do not propose to introduce national quotas of wheelchair accessible”**

- ④ 3) All vehicles to be Euro 4 compliant after April 2015 (on licence renewal)

If this policy is adopted I would have to replace all of my vehicles within the next 9 months and would not be financially viable for me to continue in business as the cost of a 3 year old vehicle to comply with Euro standard would be in excess of £15,000 per vehicle. Please note that salon car type vehicles were manufactured to meet Euro immersions 3 years before commercial vehicles eg wheel chair accessible vehicles.

General observations within the proposed policy

**Driver's badge and licence**

- ⑤ 1.5 Drivers must display a photocopy of their driver's badge, issued by the Council, on the inside of the windscreen of the vehicle (where the tax disc used to appear) so as to be plainly visible at all times to fare paying passengers'. (Page 218) for taxi and private hire drivers.

The council are asking drivers to photo copy and display council issued licences, should be discouraged in my opinion as can lead to abuse..

- ⑥ Front plate the council are proposing that all PH / Taxis to display a council issued front plate .To save money and administration it may be worth while considering the attached image of Oswestry Borough Councils example which does not include an expiry date and could be used for the whole life of the licenced vehicle (see Attached image )

- ⑦ The council are proposing to refuse vehicles that have a rear facing fold down seat, this condition would rule out many purpose designed taxi vehicles including the iconic London cab.

⑧ Terms of reference.

To help remove any confusion the word HACKNEY, MINICAB, CAB should be replaced with TAXI & PRIVATE HIRE

*THE LAW COMMISSION TAXI AND PRIVATE HIRE SERVICES.*

*. Recommendation (4)*

we recommend that the term "hackney carriage" should be replaced in legislation with the word "taxi". The term "private Hire vehicle" should remain unchanged.

*(discrim3.25 In our consultation paper we proposed removing references to "hackney carriages" from the statute book).*

⑨ *Section 1:8 proposed policy states that "The driver MUST NOT when driving a hackney carriage or private hire vehicle . Leave their vehicle unattended in any street or public place or venue"*

Do the council expect drivers to sleep in their vehicles? This may contravene *Article 8 – Right to respect for private and family life*

*1. Everyone has the right to respect for his private and family life, his home and his correspondence.*

*2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.*

██████████ (Licenced Shropshire taxi driver) ██████████



**TRY  
JUNGIL**

**FACTOR  
CARP**

**THIS PLATE BELONGS TO  
OSWESTRY  
BOROUGH COUNCIL**

**LIGEN**

**RE**



**Mandy Beever**

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From: [REDACTED]  
 Sent: 02 November 2014 22:34  
 To: Mandy Beever  
 Subject: RE: Hackney Carriage and Private Hire Policy Extended Consultation Period

Hi Mandy

I would like to make a few comments on behalf of myself and more than 50 Shropshire dual badge drivers that i represent and a spokesperson i am for, regarding the new consultation.

I was the Co-founder of Telford and Shropshire Taxi and Private hire drivers association.

- ① First of all it was the wrong decision of shropshire council to remove the 10 year age limit on vehicles a few years ago which has led to a lot of old taxi & private hire vehicles some old has 20 years old been on the road,

which is a disgrace, which has led to Shropshire having some of the worse standard, condition and quality of Taxi and Private hire vehicles in the Country. Also probably highest pollution in the country.

A lot of drivers think the Council should have gone ahead with the original proposal instead of bowing to pressure from a few individuals who only think about themselves instead of public safety, Health and safeguarding the public.

If the amended proposal goes through there still will be vehicles about 15 years old on the road in 2019 and for that

reason the Council should stick with the original proposal. There should be no renewals for Euro 3 vehicles after 1-4-2015.

The Euro 3 pollution levels are very high. Also the council should bring forward the proposal for all

- ② hackneys to be wheel  
 ③ chair access and black and one zone by 2 years, bringing them in 2018 is 3 and half years away is to long.  
 ④ All Hackneys should be Full Hackney Spec with M1 European body Type Approval.  
 ⑤ The Council should require all drivers to under take a new knowledge test upon renewal of their badge because  
 there was a lot of fraud committed during the issue of new badges a few years.  
 ⑥ The Council should have in place in Private Hire vehicle conditions that a Private Hire Vehicle should not be parked  
 near a public resource i.e Bars, Nightclubs, Restaurants, Cafes etc.  
 ⑦ At the moment the streets of Shrewsbury Town Centre are littered with Private Hire Vehicles parked nearly in all the streets, Plying for Hire which is a Criminal Offence.  
 ⑧ Me and my brother have 8 Private/Hackney Vehicles which all will have to be changed next year if the original proposal  
 goes through which we are happy with and a lot of other drivers are also, if that means the Standard will be better in Shropshire.  
 We hope the council takes into account what's better for the public of Shropshire who use Taxi and Private hire Services.

Kind Regards

Mandy Beever

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**From:** [REDACTED]  
**Sent:** 02 November 2014 23:35  
**To:** Mandy Beever  
**Subject:** Re: Hackney Carriage and Private Hire Policy Extended Consultation Period

Dear Mandy,

In response to the proposed new Hackney Carriage and Private Hire Policy, I would like to raise the following points:-

- ① Whilst I welcome the amendment allowing vehicles to be Euro 3 if the licence is being renewed before April 2016, I would like to see this extended to include both transfers and new plates.

It is important to include transfers as a driver may need to change their vehicle during the period upto April 2016 for any number of reasons including but not limited to an accident or mechanical taking their current vehicle temporarily or permanently out of action. The current proposal means a driver then has to outlay potentially considerably more to replace this vehicle for an event that could be outside of his or her control.

I would also like to see the period in which a new plated vehicle can be Euro 3 emissions standard extended to April 2016 as my business is growing quite rapidly focusing on wheelchair accessible transport which I believe to be an important service within the Shropshire area. My plans were to expand my fleet by 3 to 4 cars over the next 2 years to meet the demand for this type of transport, however, if I can only put new plates on a euro 5 emissions standard vehicle, I will probably have to reduce this to one vehicle due to the increased cost. I believe this will have a detrimental effect not only on my business but, more importantly on the service I can provide for wheelchair users.

When a vehicle is purchased and plated it will also be important to be able to plan the time period in which this vehicle can be operated as a taxi so I believe it is fair to guarantee any vehicle plates upto April 2016 has a minimum lifespan of 3 years with regards to renewal allowing the driver or company to write off or recoup the cost of the vehicle over a reasonable period of time.

- ② I also have concerns over the following clause relating to ncap safety ratings: -

"requirements of 3b.16 do not apply to hackney carriages that have been constructed or converted for disability access, i.e. where the vehicle has been a mechanically operated ramp and fittings to secure wheelchairs to the floor in accordance with the Department for Transport specifications. Vehicles that utilise non mechanical ramps do not constitute the vehicle being specifically constructed or converted for disability access."

Many of the Hackney Carriage drivers believe that this means all wheelchair accessible Hackney Carriages are exempt from the ncap safety rating proposals but I read it as though we are only exempt if we have mechanical ramps.

I cannot think of any of Hackney Carriage that has 'mechanically operated ramps' which means they do not constitute the vehicle being 'specifically constructed or converted for disability access' under the wording in your proposed policy which also means these vehicles can still be expected to meet ncap standards. Although we have had assurance from Licencing that this is not the case I still think the wording is ambiguous leaves us open to being subjected to the ncap safety standards if the council chooses to impose them. Could I therefore request that the wording is amended to include any Hackney plated vehicle offering full wheelchair access.

I hope you take my points into consideration when reviewing and finalising your proposals.

Kind regards,  
[REDACTED]



Licensing  
Shropshire Council  
Shirehall  
Abbey Foregate  
Shrewsbury  
SY2 6ND

Our Ref:  
Your Ref:  
Date: 2 November 2014  
Please ask for:

By First Class post and email to:  
taxis@shropshire.gov.uk

Dear Sir / Madam,

**Hackney Carriage and Private Hire Licensing Policy  
Consultation response of**

I act on behalf of the two  
largest private hire companies in the county.

Please accept this letter as their joint response to the further consultation in relation to the proposed revised / new Hackney Carriage and Private Hire Licensing Policy.

- ① Before proceeding to comment on the current consultative document, my clients would like to express their thanks to officers and Members for incorporating almost all of their suggestions to the previous consultation in the current version of the document.

In the hope that it assists, we shall directly relate our comments to paragraph numbers under headings for the relevant section and sub-sections or appendices.

**Part 1 - Introduction**

**Review of the Policy**

- ② 1.8 Whilst it is appreciated the Council is not proposing to consider the provision and mandatory use of designated parking areas for private hire vehicles when waiting for bookings until it next reviews policy in 2018, it is suggested that to introduce such measures would be a regressive move and undermine the Council's endeavours to reduce exhaust emissions by adopting Euro Emission standards (paras 3b.14 – 3b.15 and 3c.8 – 3c.9)

## **Legislative framework**

- ③ 1.9 As the Council acknowledged and accepted our comments in response to the previous consultation in respect of the Regulators' Code (BDRO 14/705) that came into force on 6 April 2014, it is assumed that the failure to refer to it in this paragraph is merely an inadvertent oversight.
- ④ We also assume that a failure to refer to the Department for Transport (DfT) 'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance' (March 2010) and to other guidance and letters issued from time to time by the DfT is similarly an inadvertent oversight, especially as the Regulators' Code, para 3.1 requires regulators to take an evidence based approach to determining policy, which would seem to require regard to be given to the guidance of government departments and other bodies.

## **Part 2 – Licensing principles, process and delegation**

### **Introduction**

- ⑤ 2.0 The assertion that the Council has adopted Part II of the Local Government (Miscellaneous Provisions) Act 1976 is patently untrue. It is accepted that the five former district councils that were subsumed into Shropshire Council on unification on 1 April 2009 may have adopted the said Act in all or part of their respective areas, but to date the Council has failed to disclose evidence of any such adoptions. If the Act was adopted throughout the whole of each former district council, the Council should detail those adoptions.

If the Council has inherited a situation that turns out not to be as it had understood – i.e. the 1976 Act has not been adopted throughout the whole of the Council's area – the Council will have to deal with the financial and other consequences of that situation in order that it can move things forward constructively.

### **Licensing process and delegation of functions**

- ⑥ 2.4 The description of the arrangements for the delegation of functions in relation to hackney carriage and private hire vehicle licensing give the (potentially false) impression that the delegations may be unlawful.

The Local Government Act 1972, s 101(1)(a) permits a local authority to arrange for the discharge of any of their functions by a committee, sub-committee or an officer of the authority.

If the Council has made express delegations to the Strategic Licensing Committee, the Licensing and Safety Sub-committee, the Licensing Panel (of officers) and individual officers it is misleading to state that the Council has "further delegated authority", because it is the Strategic Licensing Committee that could have "further delegated authority" to the Licensing and Safety Sub-committee or an officer and, if to the Licensing and Safety Sub-committee, it could have "further delegated authority" to an officer by virtue of subsection (2) of the said section.

In the circumstances, the Council is asked to either amend the wording of the paragraph to clearly and accurately describe the delegation of authority or, if it appears to be potentially ultra vires, to review and, if necessary, correct the position and revise the paragraph, as necessary.

⑦

The paragraph closes by stating that all applications will be determined "in accordance with this Policy". It is suggested that would require the policy to be applied as if a rigid set of rules that would fetter the decision-makers discretion. In the circumstances, it is suggested the correct approach would be for decision-makers "to have regard to this Policy".

The Council is also respectfully referred to the decision of the High Court in *Pinnington v Transport for London* [2013] EWHC 3656 (Admin). Whilst the case is undoubtedly unique on its facts there are principles of general effect.

In particular, Mrs Justice Andrews DBE held that a licensing authority may depart from its policy in circumstances that are less than 'exceptional circumstances' (para 20) and that, whilst policy considerations are of importance, the policy has to be applied in a manner that is consistent with the proper approach to the underlying issue (statutory test), i.e. is the applicant a 'fit and proper person' to be licensed as a driver (para 17).

Please also see comments below in relation to paragraph 2.8.

### **Committees and licensing panel**

⑧

2.6 It is assumed that the reference to "conditions of licence" should be a reference to "standard conditions of licence", because individual applications would not normally (or possibly ever) be determined by the Strategic Licensing Committee.

⑨

In the event that the Strategic Licensing Committee also has responsibility for the creation of taxi ranks that should also be stated

herein. If responsibility for the creation of taxi ranks rests with another part of the Council that should be expressly stated somewhere within this part of the policy.

### **Licensing and Safety Sub-committee**

- ⑩ 2.7 The Council is asked to consider whether the Licensing and Safety Sub-committee might be similarly constituted to the sub-committees that determine applications under the Licensing Act 2003 and Gambling Act 2005, i.e. consist of only three Members. A sub-committee of even five or six Members can be unnecessarily intimidating to an applicant or driver.

By virtue of the Local Government and Housing Act 1989, s 17 a local authority can, subject to complying with the requirements of regulations and no Member voting against such proposal, disapply the requirement for political balance of a sub-committee.

### **Licensing Panel**

- ⑪ 2.8 Whilst not opposed to the concept of an officer panel, it appears the creation of same may be unlawful. The Local Government Act 1972, s 101 empowers an authority to delegate a function to an officer, not a committee or panel of officers.

Even if it were lawful to create an officer panel, the inclusion of officers from other bodies and a licensing officer would seem to have the effect of making those officers judges in their own cause or, at the very least, creating the appearance of bias. In re Pinochet [1999] UKHL 1, the House of Lords, for the first time ever, overturned a decision of the Appellate Committee because it may have appeared that Lord Hoffman was biased because of his association with a part of the Amnesty International organisation when another part had been involved in the proceedings as an Interested Party.

When an application or disciplinary matter is considered by the Licensing and Safety Sub-committee there is a clear separation between the role of the licensing officer (and, if appropriate, police officers or officers of other bodies) and the decision-making body whereas the officer panel appears to be prosecutor, judge, jury and executioner!

It appears that it is also intended that a solicitor should be a member of the officer panel, as opposed to being its independent legal adviser. If a solicitor is to be a member of such an officer panel (if such an officer panel is lawful), it is suggested that there ought to be a second solicitor to be the panel's independent legal adviser.

## Decisions

- ⑫ 2.10 As written, the appearance is given that the Council has the power to suspend or revoke with immediate effect all licences – vehicles, drivers and operators – whereas that power extends to only drivers' licences.
- ⑬ Whilst is acknowledged that there is a power to suspend a vehicle licence with immediate effect, it should be noted and acknowledged that power is not available to the Council itself, but to a duly authorised officer.
- ⑭ 2.11 The Council is asked to clearly and unequivocally state that it will disclose all evidence, including that from its own officers with responsibility for safeguarding and the police, to an applicant or licence holder in order that they may have a proper opportunity of considering and responding to those matters by way of written submission or verbal representation at a hearing.
- ⑮ 2.13 Parties aggrieved by a decision of the Council do not have an absolute right of appeal. The right of appeal arises only in relation to refusals to grant or renew a licence and to suspend or revoke a licence. There is no right of appeal against a (written) warning or a requirement to undertake a course, text, etc, although such decisions may, of course, be made the subject of: (i) a formal complaint to the Council and, if necessary, to the Local Government Ombudsman; or (ii) a claim for judicial review.

## Part 3 –Licensable activities

### Licensable activities

#### Introduction

- ⑯ 3.2 In relation to the first bullet point it is suggested that refusal should only be considered when the failure to provide information and / or to provide false information was made "knowingly and with the intention of misleading".

For example, an applicant may fail to disclose a caution for a minor offence, because they never appreciated they had been cautioned and were told by the police the matter would not be recorded on their criminal record and they did not discover that was not the case until they received their DBS certificate after making their application to the Council in which they had failed to disclose the caution.



17

The second bullet point wrongly asserts that licence fees are non-refundable. Fees are only payable under the Local Government (Miscellaneous Provisions) Act 1976, ss 53 and 70 on grant of a licence. As a matter of administrative convenience, it is accepted that it is practical to require payment on application, but should a licence be refused or the applicant choose to withdraw their application at any stage, they are entitled to the refund of the licence fee.

Arguably, because the current licence fee for a new driver's licence includes a knowledge test, if an applicant were then to withdraw their application they would be entitled to a refund of the full fee, because that part relating to the knowledge test is an integral part of the licence fee.

18

In relation to the third bullet point, the Council does not have the power to render a licence "null and void with immediate effect" for non-payment resulting from a dishonoured cheque. The Council's powers are only the statutory powers of suspension and revocation, which it is unlikely to be able to rely upon in such circumstances. If such an approach were lawful it would be potentially unfair, not just draconian.

Take by way of an example: The applicant writes out a cheque in payment for a licence fee when there are sufficient funds in the account to honour that payment, but before it is paid the applicant's spouse, who does not realise a cheque has been written, makes a payment by debit card which clears more quickly than the earlier written cheque. In such circumstances the applicant has not acted dishonestly so suspension or revocation on the grounds of dishonesty would not be justified.

In any event, such occurrences should be exceptionally rare. A new applicant who has to undergo a criminal record check and pass the Council's knowledge test is unlikely to be capable of being granted a licence until many weeks after the cheque was presented. In relation to renewal applications, the Council requests that they are received at least 10 days before expiry of the current licence (paragraphs 3a.24, 3b.25 and 3c.19) so should not be in a position of issuing a licence until it is known that payment by cheque has been honoured.

19

In relation to the fourth bullet point, it is respectfully asked whether closing an application after six months achieves anything, let alone whatever objective the Council is hoping to achieve?

If an application is made and not determined within six months (or any other period of time) the Council cannot simply close the application, although it could determine the application on the information then available to it and would, in all probability, refuse the application. However, the applicant would then have a right of appeal to the magistrates' court. If by the date of the final hearing the applicant were then able to produce the outstanding information that showed them to be a fit and proper person the court would be bound to allow their appeal and may be prepared to make an order for costs against the Council, because it would not necessarily be seen to have acted fairly.

If the applicant did not pursue an appeal, they would, as referred to above, be entitled to a refund of the licence fee they had paid on application.

- 20 In relation to the fifth bullet point, the Council is asked to consider exempting a former licence holder from having to retake the knowledge test and driving assessment (if their previous licence had not been revoked) if they apply for a new licence within a specified period of time, such as 3 months of the date of expiry of their previous licence, which would be consistent with the approach taken by Telford & Wrekin Borough Council.
- 21 In relation to the final bullet point, the Council's refusal to entertain applications made after the expiry of the previous licence is contrary to the decision of *Collins J in R (on the application of Exeter City Council) v Sandle* [2011] EWHC 1403 (Admin).

#### **Criminal record disclosure**

3.4 Whilst referenced to paragraph 3.4 these comments relate to matters that are not addressed by either paragraph 3.4 or 3.5.

- 22 The Council is asked to extend the DBS (Disclosure and Barring Service) online disclosure service, which it is believed is used by other parts of the Council, to the licensing function because it is quicker than the traditional paper process still used by the licensing function.

Whilst the cost is slightly higher it is believed the time that it saves officers would result in the total costs to an applicant being no higher than they are at present and, even if that were not the case, the modest increase in costs would be more than justified by the speed of processing by the DBS.

23 The Council is also asked to expressly state that it will accept Enhanced DBS disclosure certificates issued for another purpose (as long as it is to the same standard) within three months of the issue date and at any time as long as the applicant has subscribed to the DBS update service, which would enable the Council to check that there has been no change to the information contained in the certificate.

24 The Council is also asked to promote subscription to the DBS update service in this policy and in guidance, information and letters to driver applicants and licence holders, because that would simplify licence renewals for drivers and the Council as long as the information contained on the Enhanced DBS disclosure certificate remained up-to-date.

### **Hackney Carriage and Private Hire Vehicle Drivers**

#### **Fit and proper person**

25 3a.6 In the event that a driver is convicted of a criminal offence during the period of their licence it should be unnecessary for the Council to request or require the driver to obtain, at their own expense, a further Enhanced DBS disclosure certificate, because both the driver and the police (under the Notifiable Occupation Scheme) should report matters to the Council in any event.

#### **Criminal record disclosure**

26 3a.10 The reference to the exemption order is wrong. It should have been a reference to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended). That order was amended by The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, art 5(4)(e) included "taxi driver" in Part IV of Schedule 1 to the 1975 Order.

27 3a.11 This paragraph refers to "major traffic offences" whereas paragraph 3a.15 refers only to "minor traffic offences". At the very least the two paragraphs appear to conflict with each other. It is suggested that both paragraphs should simply refer to "traffic offences", which would avoid the need to define them as "minor" or "major", which has not been done anywhere within the policy.



## Non-conviction information

(27)  
Cont.

3a.15 See comments above relating to paragraph 3a.11.

## Period of licence

(28)

3a.18 As the Council has the power to suspend or revoke a driver's licence with immediate effect, if it appears that the interests of public safety require the suspension or revocation to have immediate effect, there would appear to be nothing to be gained by the grant of an initial probationary licence for the period of one year.

It is further suggested that the two licences should be separated and different tests and periods of licence should apply.

In particular, because conditions can be attached to a private hire vehicle driver's licence it is suggested that licences should continue to be issued for three years.

Similarly, if a driver holds both a hackney carriage driver's licence and a private hire vehicle driver's licence, being that currently issued by the Council, the licence should also be issued for three years, because of the conditions attached to the private hire vehicle licence.

However, if a driver chooses to have only the hackney carriage driver's licence, no conditions can be attached, although the driver may be subject to requirements of local byelaws, their licence could be limited to one year, subject to the provisions of the Deregulation Bill, if enacted.

## Application process

(29)

3a.19 Please refer to paragraph 3.2 above in relation to fees being only payable on the grant of a licence.

The Council is also asked to secure improvements to its online payment facilities, because it is currently unable to process payments made using a business debit / credit card and / or registered to an address outside of the Council's administrative area.

## New applications

30 3a.20 Whilst most applicants will be over the age of 21 years, not least because of the requirement for an applicant to have held a full category B driving licence for at least three years, it is suggested that to refuse to accept applications from anyone under 21 years of age would amount to unlawful age discrimination contrary to the Equality Act 2010, ss 5, 13 and 31.

31 As the Council requires all applicants to undergo a driver assessment it is difficult to appreciate why the Council also requires a driver to have held a full category B driving licence for three years.

The approach we suggest on behalf of our clients is entirely consistent with the Department for Transport's Best Practice Guidance, paragraphs 69 and 70. In view of the requirements placed on the Council by the Regulators' Code, the Council is asked to give very careful consideration to these matters.

32 3a.21 In relation to the third bullet point in respect of a passport sized photograph of the applicant / driver, it is suggested that it would be preferable if the Council were itself to take a digital photograph of each applicant / driver which would avoid the need to have passport type photographs, let alone having to have them certified as being a true likeness of the applicant / driver.

An applicant / driver has to produce documentary proof of their identity and address, including photo identification, to officers for the purposes of their DBS application. Having established the individual's identity, the officer could take a digital photograph of the applicant / driver. Once taken the digital image could be electronically attached to the individual's electronic records, which would eliminate the chances of passport-sized photographs being misplaced or lost.

33 In relation to the sixth bullet point regarding character references it is suggested that there should be a requirement that the referee has known the applicant for at least two years, but that there should not be a prohibition on a future employer providing a reference. As a matter of fact, private hire operators are not usually employers, because drivers are usually self-employed, but putting that technicality aside, there would appear to be no good reason why such a person should

not provide a reference for someone they may have known for many years.

### Renewal applications

3a.22 In relation to the third bullet point, see the comments above in relation to 3a.21, third bullet point concerning passport sized photographs.

34

In relation to the last bullet point, the references to sa.37 and 3a.46 ought to be 3a.38 and 3a.47 respectively, but subject to further changes that may result from this consultation.

35

3a.23 In relation to the requirement for a driver to produce their new DBS certificate in relation to a renewal application, the need to have sight of the certificate would be reduced if the Council extended the use of the online service to the licensing function, because when a certificate were blank the Council would be notified of that electronically by the DBS.

If the Council extended the online DBS service to the licensing function, the Council would only need to ask for those drivers whose certificates were not blank and / or who had not previously subscribed to the update service to produce their new Enhanced DBS disclosure certificate. As the Council would know when a certificate had been issued, it could then write to those drivers requesting them to produce their DBS certificate by a specified date. The use of terms like "within 7 days of the date of receipt" are imprecise and uncertain, whereas a letter requiring production by "no later than 12 midday on Monday, 3 November 2014" is certain and unambiguous.

36

37

The Council asserts that a failure to produce a DBS disclosure certificate "within 7 days of the date of receipt . . . will result in the driver's licence being suspended or ultimately revoked". Firstly, the use of the word "will" fetters the Council's discretion and changes a matter of policy into a rule. The Council may say "may" or even "will usually", but must allow for an exemption to the policy.

38

In this regard, the Council also wrongly asserts that a driver's licence could be "suspended or ultimately revoked" which, in the context of the sentence as a whole, gives the impression that suspension would be the Council's usual first enforcement measure to secure production of the DBS disclosure certificate

and that, if that did not result in it being produced, the Council would then proceed to revoke the driver's licence.

A Council cannot use suspension as an interim measure following the ruling of Singh J in R (on the application of Singh) v Cardiff City Council [2012] EWHC 1852 (Admin), para 105.

39 3a.24 As referred to in respect of the final bullet point of paragraph 3.2 above, the Council must, at the very least, have regard to the judgment of Collins J in R (on the application of Exeter City Council) v Sandle [2011] EWHC 1403 (Admin).

40 However, it is also suggested that it could not have been the intention of Parliament that the renewal of a licence of a driver (vehicle proprietor or private hire operator) that was simply not processed by a local authority before the expiry of their existing licence should be prevented from continuing to exercise the rights of their previous licence simply because of the local authority's administrative failure. After all, if the local authority had determined to refuse the renewal of a driver's licence (vehicle proprietor or private hire operator) they would be entitled, by virtue of the Local Government (Miscellaneous provisions) Act 1976, s 77, to continue to exercise the rights of their previous licence, despite the decision to refuse to renew it. It is respectfully submitted that a failure to determine a renewal application cannot result in a more detrimental outcome for the driver than would have been the case if their application for renewal had been refused.

41 3a.25 The Council is again respectfully referred to the judgment of Collins J in R (on the application of Exeter City Council) v Sandle [2011] EWHC 1403 (Admin).

#### **Arranging DBS, knowledge test and driver assessment**

42 3a.26 As referred to above, the Council is asked to extend online DBS applications to the licensing function, which it is hoped would serve to reduce the amount of time demanded of officers and staff to undertake the administrative parts of the licensing application process.

#### **Knowledge test**

43 3a.27 On the basis that a topographical knowledge test, such as this, is not required for private hire vehicle drivers in London it is difficult to accept that there is an empirical evidential need for such a test in the largely rural county of Shropshire.

However, as suggested previously within this and the response to the previous consultation, the Council could administer different tests for hackney carriage a private hire vehicle drivers.

It is suggested that all drivers should take a test that assesses the applicant's ability to understand English; undertake simple mathematics to calculate fares and change; licensing laws and rules; customer care; disability awareness; and route planning.

Applicants for a London private hire vehicle driver's licence are required to pass a topographical skills assessment to demonstrate that they can plan a route between two or more locations.

Upon passing such test all applicants would be entitled to a private hire driver's licence to which the Council could legitimately attach conditions, if the applicant was in all other regards a fit and proper person.

Anyone who then wanted to hold a hackney carriage driver's licence could then take the topographical knowledge test of streets, locations, attractions, entertainment venues and general geography of the Council's administrative area.

With regards to this particular test, it is understood that currently 94 per cent of candidates fail the test, resulting in the large number of re-tests, which inevitably has a significant impact on the time demands of officers and staff.

As a matter of fact, currently fewer candidates each year pass Birmingham City Council's knowledge test than Birmingham University awards doctorates! It is a matter of great concern that Shropshire Council's current knowledge test is almost as difficult to pass as that administered by Birmingham City Council.

Whilst standards need to be set and maintained, it is respectfully submitted that if the test is too difficult and / or the pass mark is set too high, the result will be an influx of out-of-district hackney carriages and / or a proliferation of illegal bogus taxi driver working the streets of Shropshire. In its Best Practice Guidance (March 2010), paragraph 75 the Department for Transport cautions local authorities against creating barriers to entry to the trade.



The Council will also appreciate that at paragraph 76 of the said Best Practice Guidance, the Department for Transport also suggests that topographical knowledge tests are unnecessary for private hire vehicles, although, like us, they also suggest a test of an applicant's ability to read a map and plan a route.

To reduce officer time, tests could be administered using computer software that would generate questions randomly from a pool developed by officers and mark the candidate's answers in much the same way as theory and hazard awareness tests are administered by the DSA (Driving Standards Agency).

- (44) 3a.29 If the tests were modified, as our clients request, it would be hoped that there would no longer be a need for such a high volume of re-tests, although re-tests are an inevitable part of administering a test set at an appropriate level.

However, if the number of re-tests were reduced one would hope that it would not be necessary to impose a limit on the number of times a candidate can take a test. In the event that a limit still had to be applied, it would seem inherently unfair to count as a failure a candidate's failure to take the test, whether they had cancelled that test or simply failed to attend for it. After all, the price of non-attendance or late cancellation is forfeiture of the fee.

- (45) 3a.30 A council cannot refuse to accept an application. The Council could, however, accept an application and then, if appropriate, refuse the application, but that would then expose the Council to the litigation risks of an appeal to the magistrates' court.

- (46) 3a.31 It is assumed that this paragraph relates to requirements that might be made by the Council in relation to a disciplinary finding by the Licensing and Safety Sub-committee (or the officer Licensing Panel if, despite our concerns of its lawfulness, the Council preservers with such a decision-making body).

#### **Road safety and ability test (driver assessment)**

- (47) 3a.34 As in relation to the knowledge test, it would seem inherently unfair to count as a failure a candidate's failure to take the test, whether they had cancelled that test or simply failed to attend for it. After all, the price of non-attendance or late cancellation is forfeiture of the fee.

- (48) 3a.35 See the comments made in relation to paragraph 3a.30 above.
- (49) 3a.36 See the comments made in relation to paragraph 3a.31 above.

#### Medical requirements

- (50) 3a.38 It is suggested that this should refer to "mentally and physically fit" and not just "physically fit".
- (51) Whilst the current version of the DVLA publication "At a Glance Guide to the Current Medical Standards of Fitness to Drive" is that of May 2014, it is suggested that it would be more prudent to simply refer to the document, leaving it for the reader to ascertain which version is then the current version.
- (52) 3a.41 Whilst we shall address Appendix G in further detail in due course, it is suggested that it and reference to it ought to be removed from the policy, because it is neither current now nor likely to be in the future. The current guidance is the current guidance and, with all due respect, should be left as just that.
- (53) 3a.44 Although the policy recognises that not all GPs are prepared to carry out private medical assessments, whether that be for the DVLA, the Council or anyone else, the current arrangements can cause substantial delays in securing the provision of medical records by an applicant's / driver's GP to another medical practitioner in another surgery / practice. That is because medical records are still often a combination of old paper records and modern electronic records. Doctors can charge a maximum fixed fee of £10 for the provision of electronic medical records and a maximum of £50 for copying and postage in relation to paper only records or a combination of paper and electronic records. If the Council were to require a medical practitioner to have access to only the applicant's / driver's medical records those records could be quickly, cheaply and easily passed to another medical practitioner. There would be no lowering of the standard, because the details any serious or chronic condition, illness or allergy, etc would be included in the electronic records.

This approach has been accepted by North Tyneside Council who seem not to have encountered any difficulties as a result of its implementation. Conversely, a medical practitioner conducting tests on behalf of many applicants would suggest that he were more likely to diagnose previously undiagnosed conditions, such as diabetes, because he would not rely upon his knowledge of the applicant when their own GP may do so.

(54) The Council asserts that the decision of its own Medical Officer will be final. Unless that officer is delegated authority to suspend or revoke a driver's licence the said Medical Officer has no authority to make any such decision. In the circumstances it will be for another officer, Licensing Panel or the Licensing and Safety Sub-committee to make a decision and, of course, their decisions are only final, subject to the statutory rights of appeal.

(55) 3a.47 In relation to an applicant with a disability, the Council is wrong to assert that it "reserves the right to refuse to grant a licence if deemed appropriate to do so", if an applicant qualifies for a medical exemption from carrying assistance dogs or to give assistance to a person in a wheelchair. With the very greatest of respect, if an applicant meets the medical standard and suffers an allergy from dogs it would be wrong to refuse their application for a licence.

#### **DVLA and other relevant driving licences**

(56) 3a.48 See the comments made in relation to paragraph 3a.20 above.

(57) 3a.50 From 1 January 2015 the DVLA will no longer issue the paper counterpart. As this policy will not come into force until 1 April 2015, the Council might like to revise this paragraph to reflect how it will manage checking driving records.

The DVLA has already launched an online facility by which an individual can already check their own driving record – see <https://www.viewdrivingrecord.service.gov.uk/driving-record/licence-number?> And it is understood a facility to share this information with a third party is to be introduced.

Alternatively the Council may wish to subscribe to the DVLA's online checking service or access those records through a third party provider, such as Intelligent Data Solutions.

(58) 3a.52 The objective of this paragraph is unclear.

If it is intended to reassure drivers that copies of their driving licence will not be provided to anyone else, it would be prudent to state that no documents would be provided to others, subject to any legal obligation to do so.

If the intention is to advise drivers that the Council will not furnish a driver with a copy of their own driving licence, the Council could not legally refuse to do so, if an application was



made under the subject access provisions of the Data Protection Act 1998.

### **Journeys**

- 59 3a.59 Whilst this sentence unnecessarily repeats the provisions of the Local Government (Miscellaneous Provisions) Act 1976, s 69, unfortunately, as satellite navigation devices have made abundantly clear over recent years, there are shortest and quickest routes and these are rarely the same!

Any guidance the Council has as to how a driver should ensure that every journey they make is always the shortest in distance and quickest in time would be gratefully received.

Alternatively, the Council might prefer to simply remove this paragraph from its policy.

### **Vehicles permitted to be driven for private hire and hackney carriage purposes**

- 60 3a.60 It is respectfully suggested that the sentence should be modified, so as to read: "Only vehicles licensed by the Council are permitted to be used for hackney carriage or private hire purposes, as specified by the vehicle licence."

### **Touting**

- 61 3a.62 It is suggested that it should be stated that doing as described is a criminal offence, contrary to the Criminal Justice and Public Order Act 1994, s 167 and attracts a maximum fine of £2,500. As this is a recordable offence fingerprints and DNA samples may be taken.

### **Transporting children**

- 62 3a.64 This paragraph and the table therein reflects the position that applies to ordinary motor cars, but not that which applies to hackney carriages and private hire vehicles by virtue of The Motor Vehicles (Wearing of Seatbelts) Regulations 1993 (as amended). The position is correctly stated in Appendix A: Hackney Carriage / Private Hire Vehicle Drivers Licence – Conditions of Licence, paragraph 1.17.

### **Overcharging**

- ⑥③ 3a.67 This paragraph does not accurately reflect the true position, which is correctly described in paragraph 3b.49 in relation to long journeys, i.e. those that go outside the zone / district, as the case may be, in respect of which a higher fare was agreed before the journey commenced.

### **Unauthorised drivers**

- ⑥④ 3a.69 It is suggested that the heading should refer to "Unlicensed drivers", because, as confirmed by paragraph 3a.61 there are circumstances in which an unlicensed person is "authorised" to drive a hackney carriage.

### **Unattended vehicles**

- ⑥⑤ 3a.70 This paragraph seems to prohibit a driver from ever leaving his vehicle in any street or public place or venue. Quite what the Council is seeking to achieve is unclear, but whatever its objective is, the Council is asked to recognise that the majority of licensed vehicles are also the driver's own car, which they use personally.

## **Hackney Carriages**

### **Relevant licensable area**

- ⑥⑥ 3b.7 Although this does not affect my clients, the transitional arrangements are incomprehensible. That having been said, it cannot be reasonable to require a hackney carriage proprietor to have to change their vehicle to a wheelchair accessible one on the day the policy comes into effect, which appears potentially to be the only meaning that could be ascribed to the first bullet point.

- ⑥⑦ That having been said, for the benefit of the travelling public, would it not be better to grant grandfather rights to all currently licensed saloon hackney carriages and to simply provide that new licences will only be granted in respect of wheelchair accessible vehicles?

To approach matters in such a manner would ensure that the Council retained a mixed fleet of hackney carriages that would best serve wheelchair users; people with limited mobility who cannot climb into wheelchair accessible vehicles; and the visually impaired who often prefer to use a saloon car, because

they are more familiar with the height, size and seating of such a vehicle.

### **Intended use of vehicles**

- ⑥8 3b.8 The paragraph is an oversimplification of the policy appearing at Appendix H. For example, this paragraph would preclude from licensing a vehicle that was going to spend 60 per cent of its time plying for hire in Shropshire and the rest of the time undertaking pre-booked work (referred to as private hire) across the border in Wales. Conversely, the policy would permit the licensing of the vehicle as a hackney carriage, because it was intended that it would spend the majority of its time plying for hire in Shropshire.

Rather than attempting to summarise the intended use policy in a couple of short paragraphs it is suggested it would be more appropriate for the Council to simply highlight the fact that it has such a policy and that anyone who does not intend to use their vehicle to only ply for hire in Shropshire should pay particular attention to the policy appearing at Appendix H.

### **Emissions**

- ⑥9 3b.14 It should firstly be noted that the European Emissions Standards came into force on different dates for passenger cars and light vehicles.

In relation to passenger cars, Euro 4 came into force in January 2005, Euro 5 came into force in September 2009 and Euro 6 only came into force in September 2014.

In relation to light commercial vehicles, different dates apply to vehicles of different weights and fuel types. By and large, Euro 4 did not come into force until January 2006, Euro 5 until September 2010 and Euro 6 will not come into force until September 2015.

In view of the fact that wheelchair accessible vehicles are likely to be derived from light commercial vehicles, the Council might like to allow such vehicles to remain licensed until later dates than it does in relation to passenger cars.

The Council is asked to reconsider the dates from which these various standards apply and to remove the inconsistencies between the licensing of 'new' vehicles and the renewal of licensed vehicles.

For example in relation to passenger cars, the Council might simply require that any vehicle licensed after 1 September 2016 is Euro 4; after 1 September 2018 is Euro 5; and after 1 September 2021 is Euro 6.

The effect of the above would be to reduce the maximum age of vehicles from 11 years to 9 years to 7 years. Whilst the Council might still regard a vehicle of 7 years of age to be old for a licensed vehicle, it should be born in mind that, if a vehicle is coming out of service at 7 years of age, it has probably been in service since it was 4 or 5 years of age.

Whilst these changes are not opposed, the Council is asked to have proper regard for the financial implications for owner-drivers.

### **Safety**

70

- 3b.16 The Council is asked to remove this paragraph in its entirety, because all vehicles are constructed to European standards of construction and safety. As a consequence of this, not all vehicles are subject to European New Car Assessment Programme (NCAP) testing and even those that are tested are not necessarily tested as soon as they come to the market.

For example, the Mercedes-Benz V class vehicles that include the Vito (and Vito London Taxi) have just been awarded the top rating of five stars, despite the fact that model of vehicle appears to have been in production for a number of years.

Unless the Council has empirical evidence that there is a need in Shropshire for vehicles to meet these standards, it is respectfully submitted that introducing these standards along with the emissions standards will restrict the number of types available to a very small number, which may not be best suited to being used as hackney carriages (or private hire vehicles).

### **Other Requirements**

71

- 3b.18 In relation to paragraph (c), there is no need for the Council to require hackney carriages to be black gloss in colour and conversely for private hire vehicles not to be.

In 2011 the Council introduced a means of distinguishing hackney carriages and private hire vehicles, namely the requirements that hackney carriages were to have roof signs and private hire vehicles were not to do so.

This decision was unsuccessfully challenged by a private hire operator (one of my clients) in the magistrates' court. Having already changed its policy on these matters once and successfully defended that decision in the magistrates' court, it would seem indulgent for the Council, once again, to move the goalposts at the expense of the trade when doing so would only contribute to the public's confusion.

72

In relation to paragraph (g), parenthesis ought to appear around "as amended" after the "Road Vehicles (Construction & Use) Regulations 1986".

73

In relation to paragraph (o), the majority of the vehicles that meet the emission standards (and safety standards) the Council proposes are not equipped with a spare pneumatic tyre. The Council is asked to clarify whether it requires a pneumatic tyre or compliance with whatever provision is made by the vehicle manufacturer, whether that is a full size or space saving tyre, tyre repair kit, etc.

Rather than recount the arguments to allow a variety of different means of effecting a temporary repair and / or getting a vehicle to a place of safety, please see the attached documents concerning this matter, including the minutes detailing the decision of North Tyneside Council's Regulation and Review Committee on 12 September 2013.

The Council may appreciate from the Minutes that North Tyneside Council had earlier in 2013 refused to renew a licence for a vehicle it had licensed for a number of years, because it had no spare wheel (and, as it happens, had never had one). As a result of that matter being subject of an appeal, North Tyneside Council undertook an urgent review of its policy, adopted its new policy and renewed the licence thereby rendering the appeal as purely academic.

#### **Application process**

74

3b.21 It appears that the paragraphs cross referenced in some of the bullet points are probably wrong, but are not corrected herein in the hope that paragraph numbers will change, because of changes suggested herein.

75

The fifth bullet point fails to recognise that vehicle excise duty may be made by telephone and direct debit, which would make it difficult, if not impossible, for the Council to appreciate for what period excise licence has been purchased. In the

circumstances, it may be most appropriate to leave the enforcement of this matter to other agencies, because the council has not been provided with the means to undertake such checks effectively.

### **Taximeters**

76 3b.22 The second and last bullet points appear to be duplicitous.

77 The third bullet point misleadingly refers to "fares agreed by the Council" when it is assumed the Council means "set", "fixed" or "determined".

### **MOT requirements**

78 3b.23 The third bullet point has the effect of requiring a vehicle to undergo four tests in a 12 month period, which is unlawful contrary to the Local Government (Miscellaneous Provisions) Act 1976, s 50(1), even though the Council states only three tests would be required.

To best illustrate the point, please consider the following example. A vehicle is tested on 1 April 2014 and granted a new licence. It is tested again on 1 August and 1 December 2014, but in order to apply for the renewal of the licence that is to expire on 31 March 2015, the vehicle must undergo a fourth test on or before 31 March 2015.

Furthermore, as already indicated in relation to paragraph 3b.14, a vehicle is unlikely to attain the age of 9 when licensed by the Council, because of the Council's proposed emissions standards.

79 The last bullet point should make it clear that the period of 72 hours of "receipt of the written request".

### **Renewal of licence**

80 3b.25 See previous comments in relation to in R (on the application of Exeter City Council) v Sandle [2011] EWHC 1403 (Admin).

### **Vehicle not fit for the conveyance of passengers**

81 3b.27 This paragraph seems confused. An authorised officer (and not the Council) may suspend a vehicle licence under the Local Government (Miscellaneous Provisions) Act 1976, s 68. If suspended the licence is deemed revoked under s 60, if not



restored within two months. On the other hand, the Council may suspend under s 60, but in that case it cannot require the return of the plate under s 58 of the said Act.

### **Ranks**

- 82 3b.32 The Council is asked to distinguish between a hackney carriage (or private hire vehicle) driver stopping for only as long as necessary to drop off or pick up a fare and those who may be parked illegally or creating an obstruction.

The Council is respectfully referred to the judgment in R (on the application of Makda) v The Parking Adjudicator [2010] EWHC 3392 (Admin).

### **LPG converted vehicles**

- 83 3b.35 As was stated by the Council in its previous version of this policy, there is no longer a LPGA certificate. A vehicle can be checked against the online register by entering its registration number at <http://www.drivelpg.co.uk>

- 84 3b.36 See the comments in relation to paragraph 3b.27, because the powers of suspension are confused between those that can be exercised by an authorised officer and by the Council itself.

### **Licence conditions**

- 85 3b.38 The Council wrongly asserts that conditions are in addition to the requirements of the policy. Whereas the licence holder must comply with the conditions attached to their licence (and any statutory requirements) they and the Council are not bound by the Council's policy from which the Council may depart.

### **Inspections**

- 86 3b.42 It would be helpful if the Council made it clear that the maximum of three inspections permitted by the Local Government (Miscellaneous Provisions) Act 1976, s 50(1) are the total number of inspections the Council may require in any period of 12 months, including routine inspections.

### **Accidents**

- 87 3b.44 It is suggested that the Council should insert the word "also" between "must" and "report" on the second line to make it clear that this is an obligation in addition to the requirements of the

Road Traffic act 1988.

### **Production of documents**

- (88) 3b.45 It would be useful if the Council indicated at whose request and to whom documents were to be produced.

### **Transporting children**

- (89) 3b.47 See the comments in relation to paragraph 3a.64 above.

### **Ranks**

- (90) 3b.48 For the purposes of clarity, the Council should also make it clear that, if the location of a rank is on private land, the Council must obtain the permission of the landowner.

The Council might also like to specifically consider the position in relation to the provision of ranks on railway land in respect of which a very useful analysis is contained in *Jones & Tighilt v First Greater Western Ltd* [2013] EWHC 1485 (Ch). The decision was unsuccessfully challenged in the Court of Appeal, which is reported at [2014] EWCA Civ 301.

### **Fares**

- (91) 3b.50 This paragraph is inconsistent with 3b.49 above. See also the comments in relation to paragraph 3a.67 above.

### **Private Hire Vehicles**

#### **Summary**

- (92) 3c.3 To state that the Council "does" not limit the number of private hire vehicles that it will license gives the false impression that the Council could do so – it "cannot" do so by virtue of the Local Government (miscellaneous Provisions) Act 1976, s 48(1).

#### **Emissions**

- (93) 3c.8 See the comments in relation to paragraph 3b.14 above.

#### **Safety**

- (94) 3c.10 See the comments in relation to paragraph 3b.16 above.



### **Other requirements**

- 95 3c.12 In relation to paragraph (a), the Council is asked to consider whether such requirements are unnecessary. The department for Transport published guidance in 2011 advocating the possibility of licensing motorcycles as private hire vehicles, although neither of my clients has any aspiration to introduce motorcycle private hire vehicles, even if they were permitted by the Council.

The licensing of motorcycles as private hire vehicles would also affect paragraphs (e) and (f).

- 96 In relation to paragraph (c), see the comments in relation to paragraph 3b.18, paragraph (c) above.

### **Transitional provisions**

- 97 3c.13 If the Council accepts the submission made in relation to paragraph 3b.18, paragraph (c) above, this paragraph may be deleted in its entirety.

### **Application process**

- 98 3c.16 See the comments in relation to paragraph 3b.21 above in relation to the fifth bullet point concerning vehicle excise duty.

### **MOT requirements**

- 99 3c.17 In relation to the second bullet point see the comments in relation to paragraph 3b.23 above.

### **Renewal of a licence**

- 100 3c.19 See previous comments in relation to R (on the application of Exeter City Council) v Sandle [2011] EWHC 1403 (Admin).

### **Vehicle not fit for the conveyance of passengers**

- 101 3c.21 See the comments in relation to paragraph 3b.27 above.

### **Meters**

- 102 3c.25 In relation to the third bullet point, reference should be made to the private hire operator's tariff and not that determined by the Council.

### **LPG converted vehicles**

(103) 3c.28 See the comments in relation to paragraph 3b.35 above.

(104) 3c.29 See the comments in relation to paragraph 3b.27 above.

### **Limousines, novelty vehicles and vintage vehicles**

(105) 3c.31 There appears to be a tension between "certified copies" which are presumably photocopies and "photocopies" that will not be accepted by the Council.

(106) 3c.32 Stretched vehicles are not necessarily imported.

(107) 3c.37 In relation to the first bullet point, the Council is asked to revise the wording to make it clear that it will license vehicles that are as manufactured, irrespective of the level of tint to glass rear of the 'B' pillar.

### **Licence conditions**

(108) 3c.38 See comments in relation to paragraph 3b.39 above.

### **Main legal requirements**

#### **Inspections**

(109) 3c.40 See comments in relation to paragraph 3b.42 above.

#### **Production of documents**

(110) 3c.43 See comments in relation to paragraph 3b.45 above.

#### **Transporting children**

(111) 3c.45 See the comments in relation to paragraph 3a.64 above.

#### **Ranks / stands**

(112) 3c.46 For the avoidance of doubt, the Council is asked to make it clear that a private hire vehicle cannot "stop, wait or park" on a taxi rank.

## **Private Hire Operators**

### **Period of licence**

- (113) 3d.2 The Council will appreciate the clause 11 of the Deregulation Bill that is presently proceeding through Parliament will, if enacted and implemented, require councils to grant private hire operator licences for five years.

### **Criminal record disclosure**

- (114) 3d.7 It would be illegal for the Council to require a private hire operator or a director, company secretary, manager or anyone else to undergo an Enhanced DBS check, because the position of "private hire operator" is not an occupation included in The rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended).

A number of years ago, the CRB (Criminal Records Bureau that was the predecessor to the DBS / Disclosure and Barring Service) had to give that advice to a neighbouring authority when it illegally undertook such checks and refused to desist from continuing to do so. It is assumed the Council will accept the legal limitations and restrict its requirements to a Basic Disclosure certificate from Disclosure Scotland for sole traders, partners, members of LLPs and directors and company secretaries of limited companies.

- 3d.8 In the event that the above is accepted, the whole of this paragraph may be removed from the policy.

### **Operator's premises**

- (115) 3d.11 The Council is asked to remove this paragraph or, at the very least, to acknowledge that a licence can be granted in the absence of planning permission and vice versa. It is after all the position that an operator could not operate legally without both consents being in place. The same applies also in relation to the licensing of premises under the Licensing Act 2003 in respect of which the statutory guidance expressly states that there should not be a requirements for planning permission before entertaining an application for or granting a licence.

### **Vehicle not fit for the conveyance of passengers**

- (116) 3d.18 See the comments made in relation to paragraph 3b.27 above.

### **Licence conditions**

- (117) 3d.20 See the comments in relation to paragraph 3b.39 above.

### **Transporting children**

- (118) 3d.23 see the comments in relation to paragraph 3a.64 above.

## **Part 4 – Compliance, enforcement and complaints**

### **Compliance and enforcement**

- (119) 4.1 If the Council has authorised officer of Telford & Wrekin Council it is requested to expressly state that to be the case and to make it clear that to fail to cooperate with one of their duly authorised officers would be as much an offence under the Local Government (miscellaneous Provisions) Act 1976, s 73 as it would be in respect of an authorised officer of Shropshire Council or a police constable.

If officers of Telford & Wrekin Council have not been so authorised by Shropshire Council, the council should state that licence holders are encouraged to cooperate with officers of all other authorities and to warn that a dim view will be taken of a licence holder being uncooperative without good cause, i.e. an officer failing to identify themselves or produce evidence of their authorisation.

- (120) The Council is also asked to append to this policy a copy of its Regulation and Enforcement Policy, referred to therein.

## **Part 6 – Licensing contact details**

- (121) **Contact details**

The Council is asked to also include website address, particularly to relevant pages and that in relation to online payments, as well as a telephone number, if different, for the making of payments by telephone.

## **Appendices**

### **Appendix A – Hackney carriage, private hire vehicle and joint drivers licence: conditions of licence**

- (122) The conditions detailed herein can only be attached to a private hire vehicle driver's licence.

The conduct of a hackney carriage driver may only be regulated by byelaws. In this regard see *Wathan v Neath Port Talbot County Borough Council* [2002] EWHC 1634 (Admin).

- 123 As referred to above, the Council is asked to issue separate licences for hackney carriage drivers and private hire vehicle drivers.

### General

- 124 1.0 The list of conditions is (and must be) finite. A licence holder has a right to appeal against the attachment of any condition to their licence and, if the conditions attached to it are not finite, as the Council asserts, the licence holder's right to challenge any such unspecified / unwritten conditions would be thwarted. In essence, the proposition flies in the face of the principles of natural justice, let alone the human Rights Act 1998.

Policy cannot be inferred to be part of and a condition of licence. Policy may change during the period of a licence and, of course, as the Council may depart from policy, there would always be uncertainty as to what was a condition and what was not or need not be a condition of licence.

### Fit and proper person

- 125 1.3 Does "criminal offence" include driving or motoring offences. Whether it does or not, the Council is asked to express the position more clearly.

### Driver's badge and licence

- 126 1.5 The display of a photocopying, produced by the licence holder, of their licence on the inside of the windscreen of their vehicle is going to lower, rather than heighten safety standards. If licensed drivers are to display a photocopy, it will make it much easier for bogus drivers to produce a counterfeit copy licence to give themselves the appearance of legitimacy.

### Conduct

- 127 1.7 In relation to the fifth bullet point it should be noted that, if a fixed fare is charged, it does not matter whether a driver takes the longest or shortest route, because this will not affect the fare the customer is charged. In the circumstances it may be appropriate to include a caveat to that effect.

- 128 1.8 In relation to the second bullet point, it is suggested that the wording be changed to: "allow any person to drive a vehicle unless they are licensed and authorised to do so by the proprietor and insured."

- 129 In relation to the third bullet point see the comments in relation to paragraph 3a.70 above.

- 130 1.10 Would be better placed after 1.11.

#### **Change of particulars**

- 131 1.13 See comments in relation to paragraph 3a.50 above in relation to the requirement to produce "both the paper and plastic photo card licence".

#### **Roof signs**

- 132 1.14 It is inappropriate to attach a condition concerning a roof sign on a hackney carriage when the conditions can only relate to the private hire vehicle driver's licence.

#### **Passengers**

- 133 1.15 There should be no reference to "hackney carriage" in the conditions attached to a private hire vehicle driver's licence.

#### **Lost property**

- 134 1.18 After "After fare" and before "passengers" the word "paying" has been omitted.

- 135 1.19 The Council is urged to remove this condition that requires the application of an antiquated and out-dated method of operation now abandoned by almost all local authorities, which results in vehicles travelling unnecessarily without passengers and creating unnecessary emissions. The Council is encouraged to apply the requirements of 1.20 irrespective of where a vehicle is when it has dropped off a passenger and waiting for its next booking.

#### **Meters**

- 136 1.22 The third and fourth bullet points apply to private hire vehicles the restrictions that apply to hackney carriages. The basis on which a charge is made for a private hire vehicle is a matter between the operator and the customer. Whilst it is common

practice for many journeys to be charged from pick up to drop off, it is also common for certain types of work to be charged on a from base to return to base basis.

### Identification plates

- (137) 1.25 It is suggested that the words "being used for hackney carriage or private hire purposes" be deleted and replaced with the word "licensed".

### Complaints

- (138) 1.28 It is presumed this condition was intended to apply to hackney carriage drivers. In the circumstances it should be removed, because a customer with a complaint about a private hire vehicle driver would be expected to make that complaint to the private hire operator who would either deal with the matter to the customer's satisfaction and / or advise of their right to report to the Council and / or police, as appropriate.

## Appendix B – Hackney carriage vehicle licence: conditions of licence

### General

- (139) 1.0 The list of conditions is (and must be) finite. A licence holder has a right to appeal against the attachment of any condition to their licence and, if the conditions attached to it are not finite, as the Council asserts, the licence holder's right to challenge any such unspecified / unwritten conditions would be thwarted. In essence, the proposition flies in the face of the principles of natural justice, let alone the human Rights Act 1998.

Policy cannot be inferred to be part of and a condition of licence. Policy may change during the period of a licence and, of course, as the Council may depart from policy, there would always be uncertainty as to what was a condition and what was not or need not be a condition of licence.

### LPG converted vehicles

- (140) 1.3 See the comments in relation to paragraph 3b.35 above.



### **External vehicle licence plates**

- (141) 1.7 The words "or driver of a hackney carriage" should be deleted and at the end of the paragraph the words "by anyone else" should be added.

### **Interior markings**

- (142) 1.9 To whom is it intended the markings shall be clearly visible – passengers in the vehicle or to people, including passengers, from outside the vehicle?

### **Ranks and order of working**

- (143) 1.19 This would be a condition attached to a hackney carriage driver's licence, if it were possible to attach such a condition to a hackney carriage driver's licence. It is, however, outwith the control or ability of a proprietor to manage such matters.

### **Taximeters**

- (144) 1.23 This is also a driver condition and should be removed from the proprietor's licence

### **Roof signs**

- (145) 1.24 Contrary to what is stated, there should be a means of switching off the roof sign, because when a vehicle is not hired, having possibly dropped off a passenger in another zone / district, the illumination of the roof sign gives the impression that the hackney carriage is (unlawfully) plying for hire in that other area.

### **Insurance**

- (146) 1.27 This condition is unnecessary and superfluous in that it duplicates a statutory provision.

### **Vehicle excise duty**

- (147) 1.29 This condition is unnecessary and superfluous in that it duplicates a statutory provision.



### Inspection / examination

- (148) 1.32 This condition is unnecessary and superfluous in that it duplicates a statutory provision.

### Convictions

- (149) 1.33 Does "criminal" include driving or motoring offences? Whether it does or not, the condition should be explicit.

## Appendix C – Private hire vehicle licence: conditions of licence

### General

- (150) 1.0 The list of conditions is (and must be) finite. A licence holder has a right to appeal against the attachment of any condition to their licence and, if the conditions attached to it are not finite, as the Council asserts, the licence holder's right to challenge any such unspecified / unwritten conditions would be thwarted. In essence, the proposition flies in the face of the principles of natural justice, let alone the human Rights Act 1998.

Policy cannot be inferred to be part of and a condition of licence. Policy may change during the period of a licence and, of course, as the Council may depart from policy, there would always be uncertainty as to what was a condition and what was not or need not be a condition of licence.

### Test requirements

- (151) 1.2 This paragraph seems to duplicate the requirements of paragraph 1.29 in relation to accidents.

### LPG converted vehicles

- (152) 1.3 See the comments in relation to paragraph 3b.35 above.

### External vehicle licence plates

- (153) (1.7)  
1.4 The third bullet points fails to acknowledge the provisions of the Local Government (Miscellaneous Provisions) Act 1976, s 75(1)(d)(ii), which exempts the proprietor from the requirements of displaying plates, signage, etc when a vehicle is hired for a period of more than 24 hours. Whilst it is accepted that this will rarely occur, it is wrong for the Council to falsely assert that the licence plate(s) must be displayed at all times.

### Interior markings

- (154) 1.9 The terms for payment are a matter between the private hire operator and the customer and not a matter for the Council in relation to private hire vehicles. Furthermore, there is no reason why a driver should not require pre-payment if, for example, the customer has a history a non-payment of fares.

### Meters

- (155) 1.20 The first and last bullet points apply to private hire vehicles the restrictions that apply to hackney carriages. The basis on which a charge is made for a private hire vehicle is a matter between the operator and the customer. Whilst it is common practice for many journeys to be charged from pick up to drop off, it is also common for certain types of work to be charged on a from base to return to base basis.

### Damage to vehicles

- (156) 1.29 As stated in relation to paragraph 1.2, this paragraph seems to duplicate the requirements of paragraph 1.2 in relation to test requirements.

### Convictions

- (157) 1.31 Does "criminal" include driving or motoring offences? Whether it does or not, the condition should be explicit.

## Appendix D – Private hire operator licence: conditions of licence

### General

- (158) 1.0 The list of conditions is (and must be) finite. A licence holder has a right to appeal against the attachment of any condition to their licence and, if the conditions attached to it are not finite, as the Council asserts, the licence holder's right to challenge any such unspecified / unwritten conditions would be thwarted. In essence, the proposition flies in the face of the principles of natural justice, let alone the human Rights Act 1998.

Policy cannot be inferred to be part of and a condition of licence. Policy may change during the period of a licence and, of course, as the Council may depart from policy, there would

always be uncertainty as to what was a condition and what was not or need not be a condition of licence.

### **Employment of private hire drivers and other staff**

- (159) 1.2 A private hire operator may not ask a driver or an applicant for a driver's licence whether they have convictions, because they are not a licensing authority that requires the information for the purposes of determining a licensing application.

In the circumstances, a private hire operator can neither ask for such information from drivers, applicants or other members of staff who do not require a licence in their own right.

The Council is invited to wholly remove this unworkable condition, because it is neither reasonable nor necessary by virtue of being illegal.

- (160) 1.5 The reference to a "vehicle operator" ought to be to a "vehicle proprietor". This paragraph seems to wrongly attempt to impose upon a private hire operator a duty to retain a private hire vehicle driver or proprietor's licence when that is a statutory duty that applies to a hackney carriage proprietor in relation to a driver's licence. Paragraph 1.20, paragraph (f) correctly recognises that a private hire operator should hold a copy of the driver and proprietor licences.

- (161) 1.7 It would be more useful if this paragraph stated in clear English what was required of the operator, because most people, including lawyers, would not immediately appreciate what responsibilities an operator was expected to make their drivers and staff aware of in relation to the Criminal Justice and Public Order Act 1994. I assume it is an oblique reference to the offence of touting provided by section 167, but even that would not be sufficient to ensure that an operator were able to understand what it was they were expected to do.

### **Insurance**

- (162) 1.10 The stated requirement for a private hire operator to have Employer's Liability insurance duplicates a statutory provision and should not, therefore, be included in these conditions, applying the requirements of the Regulators' Code.

### **Operator's premises**

- 163 1.12 Although pedantic, as a matter of law, the act of dispatching private hire bookings is not a licensable activity, albeit an inevitable part of the process of providing a customer with a private hire vehicle. In the circumstances this could be done from elsewhere, although that would be unusual.

Take for example the situation in which a private hire operator using a computerised booking and dispatch system is able to accept, but not dispatch vehicles from their licensed office, because of a system fault. In those circumstances the operator could perfectly lawfully dispatch those bookings from another location, as long as the computer system recorded the details prescribed by the conditions attached to the licence.

In the circumstances, the Council is invited to modify the wording of this condition.

#### **Standards of service**

- 164 1.14 Whilst such matters should be for the operator to set, because good operators will set high standard and grow and become more successful whereas those who set low standards will flounder and fail. The public are better served by genuine competition rather than forcing the poorest performing of operators to meet minimum standards.

- 165 In relation to the first bullet point there should be no requirement in this day and age for an operator to have "adequate telephone facilities and staff". Bookings can be taken using a plethora of technologies, such as online and by smartphone App. Indeed, it is entirely possible for a booking to be made by App, processed and dispatched by computer and to have no human input, other than that of the customer, in the booking and dispatch process.

To adopt the sentiment of Kennedy LJ in *Murtagh (t/a Rubery Rednal Cars) v Bromsgrove District Council* (1999) Independent, 20 November, QBD the conditions of licence (his Lordship said "law" should reflect the state of technology and not be years behind it.

#### **Taking bookings and retaining records**

- 166 1.15 Subject to clause 12 of the Deregulation Bill receiving Royal Assent and being implemented, it will be lawful for a private hire operator to sub-contact a booking to another licensed

private hire operator anywhere in England and Wales or an operator in Scotland.

- (167) 1.19 The Council is asked to revise paragraph (e) in order to expressly permit a customer to place a booking without specifying a destination, as long as the destination is recorded upon completion of the journey, which will now often happen with GPRS tracking correcting or updating the information given by the customer at the time of booking.

- (168) 1.21 This paragraph duplicates a duty placed on drivers. In the absence of empirical evidence to show that a duplication of effort is necessary, the Council is asked to remove this condition from private hire operator's licences. In the event that the Council requires such information it can always obtain that information at any time, as reinforced by the imposition of paragraph 1.23.

- (169) 1.22 This paragraph duplicates a duty placed on drivers. In the absence of empirical evidence to show that a duplication of effort is necessary, the Council is asked to remove this condition from private hire operator's licences. In the event that the Council requires such information it can always obtain that information at any time, as reinforced by the imposition of paragraph 1.23.

#### **Drivers who may lawfully be used**

- (170) 1.29 It is suggested that the words "a vehicle that the operator is using as" at the end of the paragraph be deleted and replaced with "licensed by the Council".

#### **Complaints**

- (171) 1.32 In the absence of a definition as to what is a query and what is a complaint, it is suggested that the paragraph be revised to require an operator to report all complaints that they have been unable to resolve to a customer's satisfaction within 14 days. After all, many queries are received by customer's asking where their car is when they have booked on the basis that a vehicle will be dispatched to them as soon as possible. Some customer's may regard such matters to be complaints whereas the operator would regard them as a query and provide up-to-date information as to when a vehicle is to be dispatched and / or reach the customer.



172

- 1.34 Whilst responsible operators would always want to follow a "reasonable directions / instructions" it is considered inappropriate to include such a provision as a condition of licence, because no-one, not even the Council is likely to have any idea at present as to what the nature of such directions / instructions may be. It would be wrong to include such an imprecise condition when a breach of a condition of a private hire operator's licence is a matter that could be dealt with by way of criminal prosecution under the Local Government (Miscellaneous Provisions) Act 1976, s 56(5).

#### **Use of the words 'taxi', 'cab' and 'hire' in advertisements**

173

- 1.35 Whilst it is accepted that the prohibited words should not appear on a private hire vehicle, the reality is that the public use the word "taxi" and expect to find it when looking for information about private hire vehicle services. Officers and Members like the populous at large probably ask for a "taxi" when telephoning a private hire operator to book a private hire vehicle. When using a telephone directory or searching the web for a private hire operator we probably all search for a "taxi company", even though myself, officers and Members alike all know we are technically looking for a provider of a private hire vehicle service.

In all the circumstances, the Council is asked to amend the paragraph in order to allow the use of the prohibited words in advertising mediums other than on private hire vehicles.

#### **Convictions**

174

- 1.41 Does "criminal" include driving or motoring offences? Whether it does or not, the condition should be explicit.

#### **Appendix E – Plying for hire**

175

The Council is urged to wholly remove this appendix from the policy, because it seeks to define what the courts have avoided defining for over 170 years as it is indefinable and requires each case of allegedly unlawfully plying for hire to be judged on its own facts.

Whilst some of the points can be accepted, there is no case law that the author is aware of that prohibits a driver from passing a booking to an operator or prevents an operator from accepting such a booking.

Consider the situation of a businessman visiting a customer in the area. He books a private hire vehicle to take him from the railway station to a customer's premises and, having telephoned another customer on the journey, he asks the driver to arrange for a car to pick him up from the first customer's premises in one hour and to then take him to a second customer before picking him up to take him back to the railway station in a further hour.

If the driver declined to do so, the businessman would rightly think little of the driver or the company with which he had booked and call another company. Such services are not about cheating the hackney carriage trade out of work, but about providing good customer service to customers.

## **Appendix F – Relevance of criminal convictions and cautions**

### **Introduction**

176

- 1.3 Whilst it is true that the Council cannot go behind a conviction, the Council should have regard to the judgment of Mrs Justice Andrews DBE in *Pinnington v Transport for London* [2013] EWHC 3656 (Admin). In that regard, see the comments made in relation to paragraph 2.4 above.

### **The Council's approach when considering convictions**

177

- 1.14 By virtue of the decision of Singh J in *R (on the application of Singh) v Cardiff City Council* [2012] EWHC 1852, paragraph 105 a council cannot suspend a licence as an interim measure.

## **Appendix G – Additional medical fitness guidance**

178

The Council is encouraged to withdraw this additional guidance, because it is out of date – the provisions relating to insulin treated diabetes changed on 15 November 2011 by virtue of *The Motor Vehicles (Driving Licences) (Amendment) Regulations 2011*.

The fact that the guidance is almost three years out of date is evidence of how difficult it is to keep this information up-to-date and correct. If it is not up-to-date and correct the Council and applicants are likely to be misled. In all the circumstances the Council is encouraged to simply refer to the current version of the DVLA publication "At a Glance Guide to the Current Medical Standards of Fitness to Drive".

If anything herein requires further information or clarification, please do not hesitate to contact me.

Yours faithfully,



**Taxi Forum  
Council Chamber, Shirehall**

**28<sup>th</sup> October 2014  
11.00 am – 1.35 pm**

**Present:**

**Trade Representatives:** 43 Drivers/Operators

**Officers:** Mandy Beever (Transactional Manager)  
Matthew Clark (Public Protection Officer – Environmental Resilience team)  
Jamie Tawn (Public Protection Officer – Licensing)  
Pete Barrow (Public Protection Officer – Licensing)  
Stacia Cotton (Public Protection Officer – Licensing)  
Julie Fildes (Committee Officer)

**ACTION**

**1. Introduction**

The Transactional Manager welcomed all to the forum and introduced the Shropshire Council Officers present.

She explained that the purpose of the forum was part of the consultation process on the revised Hackney Carriage and Private Hire Licensing Policy. Consultation forums had been held with stake holders earlier in the year and their comments had been incorporated into the re-drafted revised policy. An additional consultation forum had been arranged with Operators and Drivers due to the significant changes to the revised policy. She emphasised that all comments during the morning would be included in the consultation process.

**2. Relevant Dates**

MB outlined the time frame of the consultation process:

- An extension of consultation period had been agreed to allow further comment. The consultation period was to finish at midnight on 2<sup>nd</sup> November 2014;
- The Revised Hackney Carriage and Private Hire Licensing policy would be submitted to the Strategic Licensing Committee on 10<sup>th</sup> December 2014;
- Strategic Licensing Committee would submit their recommendations to full Council for approval on 25<sup>th</sup> February 2015; and
- If Council approved the revised policy it would come into force on 1<sup>st</sup> April 2015.

### 3 Emissions

Matthew Clarke of the Environment Resilience Team gave a presentation on Addressing Emissions.

### 4 The Discussion

A discussion then ensued with the main points listed below:

**Air Quality:** The policy was necessary as the Council had a duty to review and assess air quality and take action to improve air quality. Vehicle emissions were a main contributor to poor air quality and there was not a safe level for poor air quality. To have different requirements for different areas would be discriminatory.

**Quality of data:** It was agreed that that charts had been simplified for ease of use but more detailed information was available on request.

**Time Frames:** Operators and drivers complained that the time frames were inadequate and adversely affected their business operations. They observed that manufacturers were not yet producing the higher specification vehicles required. The cost of replacing vehicles to meet the new standards would increase their costs unreasonably. It was agreed that should the time frames be found to be too restrictive they could be reviewed at an appropriate future time.

**Additional steps to improve air quality:**

- Smarter traffic signalling to reduce travel time;
- Grant funding from Defra to provide equipment to monitor congestion levels at traffic lights;
- Improved traffic management systems;
- Pedestrianisation of town centres – beyond remit of policy;
- Relief road, a highways issue;
- Subsidy for buses to make routes profitable – if realistic could be put forward as part of the consultation;
- Taking vehicles such as waste collection vehicles off the roads at peak times - this was outside the scope of this policy and would depend on the contract terms of the parties involved; and
- Availability of cleaner fuels.

**Emissions from other vehicles:** Vehicles available for hire spent more time driving or waiting in the towns whereas private vehicles tended to make one journey in and out and so were less polluting. There might be fewer taxis but they produced a fair proportion of the

pollution. The public were not subject to these conditions as they do not use their vehicles for trade purposes and so were not subject to licensing conditions.

**Cost of increased emission standards:** Operators asked that the Council consider assisting with the costs that the new standards would impose on their businesses.

**Amalgamation of Zones:** the Equalities act did not allow a lowering of standards when amalgamating zones. All former separate zones would have to meet the highest criteria which was that all Hackney Carriages should be wheel chair accessible. Operators suggested that this would impose unnecessary expense in areas where there was no demand for this type of vehicle. Other Operators countered that there was very little expense and ordinary vehicles were available to purchase which could be adapted to comply with the regulations at very little cost. Drivers commented that not all wheel chair accessible vehicles were suitable for all disabled people.

**Colour of vehicles:** The revised policy stated that all hackney carriages should be black and carry a roof sign to enable Members of the public to easily identify them as such. Private Hire Vehicles could be any colour except black. Operators commented that if this was introduced it would increase the cost of black wheel chair accessible vehicles. It would also result in them not being able to use the full life of their existing vehicles. The transitional arrangements were noted.

**Transfer of Plates:** Operators requested that new operators should be required to have new vehicles. It was suggested that existing operators should be able to transfer plates to a comparable vehicle when replacing vehicles in their fleet.

**New Plating Requirements:** Although the cost was queried, on the whole Operators and Drivers supported the new requirements. It was suggested that front plates should be undated.

**Tariffs and Taxi Ranks:** Not under the scope of this policy.

**Executive Plates:** The intention to include the current requirements for plating was noted.

**Illegal Operations and Touting:** Operators suggested the addition of pull back zones be suggested. The Police had been made aware of issues.

The meeting closed at 1.35pm

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# **Hackney Carriage and Private Hire Licensing Policy 2015 - 2019**

**Date policy approved:**

**Approved by: Council**

**Date of implementation: 1 April 2015**

**Next review period: 1 April 2018 – 31 March 2019**

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# **PART 1**

# **INTRODUCTION**

## **PART 1 – INTRODUCTION**

### **Scope**

- 1.0 The Hackney Carriage and Private Hire Policy ('the Policy') is applicable to the licensing of hackney carriage and private hire drivers and vehicles and to the licensing of private hire operators. This policy supersedes all previous Council policies relating to Hackney Carriages, Private Hire Vehicles, Operators and Drivers, with the exception of the wheelchair accessibility requirement for Zone 4 Hackney Carriages.

### **Purpose**

- 1.1 The fundamental purpose of the Policy is to protect the safety and welfare of the public who live, work and visit Shropshire. The importance of a thriving hackney carriage and private hire trade to the growth and prosperity of Shropshire's local economy is recognised; however, the safety and welfare of the public is the over-riding principle that will be considered when matters are dealt with under the Policy.
- 1.2 Shropshire Council ('the Council') is particularly concerned to ensure:
- the safeguarding of children, young persons and vulnerable adults;
  - that any person who applies to be a hackney carriage or private hire vehicle driver or operator is a fit and proper person and does not pose a threat (in any form) to the public;
  - that the actions to promote the welfare of children and to protect them from harm is everyone's responsibility, in particular, prospective and licenced drivers and operators who will have dealings with children and families have a duty to tackle child sexual exploitation and trafficking; that the public are safeguarded from dishonest persons;
  - that vehicles used to convey passengers are safe and fit for the purpose for which they are licensed; and
  - that the impact on the environment is reduced in line with European and national guidelines.
- 1.3 The Policy provides guidance to any person with an interest in hackney carriage and private hire licensing; in particular, but not restricted to:
- persons who wish to apply for hackney carriage and private hire vehicle, drivers or operator licences;
  - persons who hold existing licences, including those that are the subject of review;
  - the Council, in its capacity as the licensing authority, including licensing officers, members of the relevant licensing committees and the internal panel (or other relevant decision making bodies);
  - licensing consultants, solicitors and barristers advising and/or representing applicants/licence holders; and
  - magistrates and judges hearing appeals against Council decisions.



1.4 The Policy is also designed to put the Council's licensing requirements into context.

### **Consultation and Communication**

1.5 In determining the Policy, the Council has consulted widely as set out on page 50. The views of relevant stakeholders have been taken into consideration.

1.6 In order to deliver a transparent, accountable and efficient licensing service the Council is committed to ongoing communicating and consultation with all stakeholders. In particular, the Council welcomes the opportunity to communicate and consult with representatives of the hackney carriage and private hire trade to enable and encourage the exchange of views and information in relation to the Policy, conditions, changes in the law and reviews. The specific methods to achieve this communication and consultation will be determined as required.

### **Review of the Policy**

1.7 The policy will be formally reviewed after 3 years. However, it will be the subject of continuous evaluation and, if necessary, formally reviewed at any time. At the time of review all relevant stakeholders will again be consulted. Any licensed driver or operator may request a review of the policy at any time.

1.8 During the consultation process that has led to the development of this Policy, the Council has agreed that the trade be encouraged, particularly when considering vehicle replacement, to adopt the following approach:-

- all hackney carriages to be of a uniform black colour
- all private hire vehicles to be of a uniform colour and NOT black
- all hackney carriages, whilst plying for hire, must be immediately capable of providing for at least one wheelchair

1.9 In particular, when the Policy is due for review, it is the intention of the Council to consider the provision and mandatory use of approved parking areas, within the administrative area of Shropshire Council, for the use of private hire vehicles when waiting for bookings, the amalgamation of zones, wheelchair accessibility and vehicle colour.

### **Legislative framework**

1.9 The operation of the Council's licensing service is undertaken in accordance with relevant legislation, applicable licence conditions, the Regulators' Code (BRDO 14/705 April 2014) and the Department for Transport Taxi and Private Hire Vehicle Licensing : Best Practice Guidance (March 2010), and such other guidance that may be issued from time to time by the Department for Transport and other Government departments.

1.10 The primary legislation relating to hackney carriage and private hire licensing is contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. In addition, the service is provided in accordance with all relevant Council policies, but in particular the following:

- Equal Opportunities Policy

- Race Equality Scheme
- Data Protection Policy
- Better Regulation and Enforcement Policy

1.11 The Policy and associated conditions do not address health and safety at work requirements. Drivers and operators are required to ensure all relevant health and safety at work provisions are satisfied. This is likely to impact on the health and safety requirements associated with transporting passengers with disabilities, e.g. those who need to carry oxygen for medical purposes. This may have implications for the extent of the discretion that drivers have to refuse to carry passengers with certain disabilities.

### **Conditions**

1.12 The Council will adopt any reasonable conditions that it deems necessary and appropriate to ensure that proprietors, operators, drivers and vehicles comply with relevant legislation and the fundamental purpose of the Policy, i.e. to protect the safety and welfare of the public. Any licensed driver or operator may request a review of any condition at any time.

# **PART 2**

## **LICENSING PRINCIPLES, PROCESS AND DELEGATION**

## **PART 2 – LICENSING PRINCIPLES, PROCESS AND DELEGATION**

### **Introduction**

- 2.0 The Council has adopted Part II of the Local Government (Miscellaneous Provisions) Act 1976 and, together with the provisions contained in the Town Police Clauses Act 1847, the Council carries out the licensing of hackney carriage drivers and vehicles and private hire drivers, vehicles and operators.
- 2.1 This part of the Policy focusses on the principles the Council will follow when administering licence applications, reviewing conditions, setting fees and setting the table of fares. It explains the roles and duties of the Strategic Licensing Committee, the Licensing and Safety Sub-Committee, the Panel and officers of the Council.

### **Licensing principles**

- 2.2 The Council aims to provide a clear, consistent and responsive service to prospective and current licence holders, members of the public and other stakeholders. This includes the provision of advice to prospective applicants, including advice on the effect that convictions, etc. may have on any application, and to existing licence holders. The Council will be mindful of the needs of the applicant but this will be balanced against the over-riding duty that the Council has to protect the safety and welfare of the public.
- 2.3 All licence applications will be considered and determined on their own individual merits.

### **Licensing process and delegation of functions**

- 2.4 The licensing of hackney carriages and private hire vehicles, drivers and operators is a Council function that is discharged by the Council's Strategic Licensing Committee. The Strategic Licensing Committee has delegated this function, to the Licensing and Safety Sub-committee and to officers of the Council who will determine all applications in accordance with this Policy.
- 2.5 Whilst officers and the relevant committees will, in the majority of cases, follow the Policy, there may be specific circumstances that require a departure from the Policy. In such circumstances, the reasons for departing from the Policy will be made clear.

### **Committees and licensing panel**

- 2.6 Strategic Licensing Committee

This Committee is made up of 15 members of the Council. It deals with policy issues, standard conditions of licence, the setting of fees and charges and hackney carriage fares.

## 2.7 Licensing and Safety Sub-committee

This Committee is made up of a selection of Members from the Strategic Licensing Committee. Five to six Members (Quorum of 3) will sit on hearings to deal with new applications, renewals and reviews of licences that are referred by officers. Members, when determining applications for a licence, renewals or reviews of a licence, will have regard to hackney carriage and private hire legislation, this Policy, the Department for Transport Taxi and Private Hire Vehicle Licensing Best Practice Guidance (March 2010), the Road Traffic Act 1988 and other relevant road traffic legislation, the Human Rights Act 1998, the Equality Act 2010, any relevant legal case law and other relevant Council policies.

## 2.8 Licensing Panel

The Panel is an internal mechanism set up by the Council to assist and support the officers who have delegated authority to make licensing decisions. The manager responsible for licensing will make a decision in consultation with a legal adviser and other officers considered appropriate. Currently, the Panel consists of a licensing officer and representatives from adult and children's safeguarding and is attended by a Council solicitor in their capacity as an independent legal adviser. The Panel assists and supports officers to deal with new applications, renewals and reviews of licences that are referred directly by a licensing officer. Matters, where the officer with delegated authority is unable to reach a decision, or for any other reason so agreed by that officer, will be referred to the Licensing and Safety Sub-committee for determination.

### **Decisions**

- 2.9 The Council, by virtue of a duly authorised officer, has the power to refuse to grant or renew licences and also to suspend or revoke existing licences in accordance with relevant legislative provisions. In addition, the Council may choose to issue written warnings.
- 2.10 Any decision to refuse to grant or renew a licence or to suspend or revoke an existing licence, including the decision to suspend or revoke with immediate effect, or to issue a written warning will be made in accordance with the Council's scheme of delegation and other relevant procedures.
- 2.11 Where applications are to be determined, the officer, Licensing Panel and Licensing and Safety Sub-committee will take into consideration the facts of the application, any information and/or evidence provided by other interested parties including, but not restricted to, officers from the Council with responsibility for safeguarding and officers from West Mercia Police together with the recommendation made by the licensing officer presenting the report. In order to provide applicants with the opportunity to consider and respond by way of written and/or verbal representations, as appropriate, the Council will provide the relevant details which have given rise to the need for an officer decision and/or hearing.
- 2.12 Following the determination of an application by the Council the applicant will receive a copy of the decision in writing. This written decision will be delivered as soon as is

practicable after the decision has been made. This will include information on the right of appeal where appropriate.

### **Appeals**

- 2.13 Parties aggrieved by a decision of the Council, with respect to a refusal to grant or renew a licence and to suspend or revoke a licence have a right of appeal to the Magistrate' Court. This must be lodged with the Court in accordance with the relevant statutory provisions. The Council strongly advises parties to promptly seek appropriate independent legal advice in such circumstances.

### **Working in partnership**

- 2.14 The Council aims to work in partnership when dealing with hackney carriage and private hire licensing issues. Such partnerships will include (but are not restricted to) relevant hackney carriage and private hire trade associations, Telford & Wrekin Council, West Mercia Police, Vehicle and Operator Services Agency (VOSA), Revenues and Benefits teams and consumer groups.
- 2.15 However, it must be recognised that the Council, as primary regulator, will ensure that all relevant provisions relating to the effective administration of licensing functions are robustly enforced to protect the public.

# **PART 3**

# **LICENSABLE ACTIVITIES**

## **PART 3 – LICENSABLE ACTIVITIES**

### **Introduction**

- 3.1 This part of the Policy focusses on the licensable activities and the necessary steps required to obtain and hold such a licence. These steps will include the standards that applicants must attain and the conditions that apply. Where appropriate, any reference to ‘applicant’ is deemed to include existing licence holders.
- 3.2 The following are applicable to all licence types:
- Where an applicant has failed to declare relevant information or provided false information the application is likely to be refused; where this relates to an existing licence, the licence is likely to be revoked. Applicants are reminded that it is an offence to knowingly or recklessly make a false declaration or omit any material particularly when giving information required by the application for a licence;
  - All licence fees are payable at the time of application. Where a licence is not granted, i.e. the applicant withdraws their application, a proportion of the licence fee will be refunded. The actual amount of the refund will depend upon the progress of the application at the time the applicant withdraws;
  - In the event that an application for a licence is paid by cheque, the application 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 Council will seek to suspend the licence until such time as full payment has been received;
  - The application process must be completed within 6 months unless prevented from doing so by matters that are outside the applicant’s control, e.g. external delays in the DBS process, otherwise the application process will cease to progress further until such time as the applicant provides all the required information;
  - Where a licence has been surrendered or revoked a new application must be submitted in accordance with the relevant new licence procedures before the Council will consider the application;
  - When a licence expires, the Council will not permit any ‘periods of grace’ for the submission of a renewal application unless there is satisfactory evidence of exceptional circumstances that are accepted by the Council.

### **Appointments**

- 3.3 The Council runs an appointment system. Applicants will not be seen without an appointment. To assist drivers and operators to make appointments in a timely manner, the Council will notify all operators, drivers and the proprietors of vehicles that their licence is due to expire at least four weeks before the actual expiry of a licence.



### **Criminal record disclosure**

- 3.4 The Council follows the Disclosure and Barring Service (DBS) Code of Practice for Registered Persons and Other Recipients of Disclosure Information (April 2009) and abides by the handling of DBS certificate information requirements on the secure storage, handling, use, retention and disposal of disclosure certificates and certificate information. Further information about the DBS can be found on the GOV.UK website at <https://www.gov.uk/government/organisations/disclosure-and-barring-service/about>.
- 3.5 The Council will accept an Enhanced DBS disclosure report issued as part of an application made through a separate organisation providing:-
- it is to the same standard;
  - is presented to the Council within three months of the date of issue by the DBS;
  - the applicant has subscribed to the DBS Update Service; and
  - the applicant has authorised the Council to access to the relevant online record.
- 3.6 Where practical, the Council encourages the use of the DBS Update Service for all applicants.
- 3.7 Drivers who undertake work for Council transport contracts are advised to contact the Council's Passenger Transport Team in order to ascertain the standard of criminal record disclosure required and any other requirements in this respect. The Passenger Transport Team will share information with the Licensing Team about individuals and businesses that apply and/or tender to deliver passenger transport contracts. Conversely, the Licensing Team will share information with the Passenger Transport Team.

**Summary**

- 3a.1 Any person who drives a hackney carriage must hold the appropriate vehicle driver's licence. Hackney carriage vehicle driver's licences are issued in accordance with section 46 of the Town Police Clauses Act 1847.
- 3a.2 Any person who drives a private hire vehicle licence must hold the appropriate vehicle driver's licence. Private hire vehicle driver's licences are issued in accordance with section 51 of the Local Government (Miscellaneous Provisions) Act 1976.
- 3a.3 The Council will issue a drivers licence to all applicants and this will permit the driving of both hackney carriage and private hire vehicles, unless an applicant makes a specific request to the Council for either a hackney carriage driver licence or a private hire vehicle driver licence.

**Fit and proper person**

- 3a.4 Licensed drivers provide a public service. The Council will not licence anyone to drive a hackney carriage or private hire vehicle unless it is satisfied that they meet all the criteria to be deemed a fit and proper person.
- 3a.5 In considering the fit and proper person test, all applicants on initial application and renewal must complete an enhanced Disclosure and Barring Service (DBS) check and undergo a medical examination. The Council will also make additional enquiries through its Care First system (or equivalent if this is replaced or if it is necessary to seek details from other local authorities), directly with West Mercia Police (and other relevant police forces, where appropriate), other relevant local authorities (particularly Telford & Wrekin Council) and any other appropriate organisation, agency or person in order to ensure the Council is in a position to make as accurate an assessment of the applicant's fitness to hold a licence as is reasonably practicable.
- 3a.6 With specific reference to existing licence holders, where there is any cause for a licence to be reviewed, the Council will request the licence holder to consent to a further enhanced DBS check the cost of which lies with the licence holder. Where a licence holder refuses to consent to a further check the Council will take this into consideration in determining their continuing fitness to hold a licence.
- 3a.7 When assessing the fitness of an applicant to hold a drivers licence, the Council will consider the applicant's criminal history as a whole, together with all other relevant evidence, information and intelligence including their history (e.g. complaints and positive comments from the public, compliance with licence conditions and willingness to co-operate with licensing officers) whilst holding a licence from the Council or any other authority. Particular attention will be given to patterns of behaviour, irrespective of the time-scale over which they have occurred, both in terms of proven criminal offences and other behaviour/conduct that may indicate the safety and welfare of the public may be at risk from the applicant.

- 3a.8 In addition, an important element associated with the fitness to hold a licence is the appearance and behaviour of a licensed driver. Consequently, the Council requires all licensed drivers to maintain a reasonable standard of appearance and behaviour when in contact and dealing with other road users, pedestrians, customers, the general public, other licensed operators and drivers of hackney carriage and private hire vehicles, Council officers and elected members at all times. Applicants and licensed drivers must also co-operate with any reasonable request made by an authorised officer of the Council or any police officer.
- 3a.9 It must also be recognised that the Council will consider all criminal history, behaviour and conduct irrespective of whether the specific history, behaviour or conduct occurred whilst drivers were directly engaged in hackney carriage or private hire licensed work at the time or whether they occurred during the drivers' own personal time.

### **Criminal record disclosure**

- 3a.10 As referred to above, hackney carriage and private hire vehicle drivers are required to undertake an enhanced criminal record disclosure (DBS check) and due to the nature of the occupation such drivers are deemed to be an exempt occupation under the provisions of the Rehabilitation of Offenders Act 1974 (by virtue of the amended Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975).
- 3a.11 The effect of this, in relation to hackney carriage and private hire drivers, is to render the Rehabilitation of Offenders Act 1974 inapplicable and therefore convictions are deemed never to be spent. As a result, all convictions, including cautions, will be taken into account when considering a person's suitability to hold a driver's licence. Consequently, applicants are required to provide details of all convictions and cautions, including driving endorsements and disqualification periods relating to traffic offences.
- 3a.12 Although cautions are generally not as serious as convictions, they do require an admission of guilt before they can be issued and are therefore a valuable indication as to an applicant's character and whether they are a fit and proper person to hold or be granted a licence.
- 3a.13 A criminal record does not automatically bar an applicant from holding a drivers licence; however, it will be a significant factor when determining whether a licence ought to be granted or not. Where an applicant has previous criminal convictions, these will be considered in line with the guidance set out in **Appendix F**. However, the over-riding consideration will always be to ensure the safety and welfare of the public.
- 3a.14 Persons who have not been resident within the United Kingdom for the five years prior to submitting an application, will be required to produce a certificate of good conduct or equivalent document (at their own cost) issued by the relevant Embassy or High Commission. The certificate must be authenticated, translated and sealed by the Embassy or High Commission. In the event that an applicant is not able to obtain a certificate of good conduct, they may submit a statutory declaration with regard to their conduct, which must be completed in the presence of a practising solicitor. The Council may contact the relevant Embassy, High Commission, solicitor or other appropriate body to verify any documents provided. Proof of a right to work in the United Kingdom will also be required. Contact details for Embassies and High Commissions can be found from the Foreign & Commonwealth Office (FCO) on the GOV.UK website at

<https://www.gov.uk/government/world>. The FCO may be contacted for further assistance by telephone on 020 7008 1500, by email at [fcocorrespondence@fco.gov.uk](mailto:fcocorrespondence@fco.gov.uk) or by post at the FCO, King Charles Street, London, SW1A 2AH.

### **Non-conviction information**

- 3a.15 In addition to conviction/caution information, applicants are expected to provide details, within 7 days of all warnings, driving endorsements/disqualification periods relating to traffic offences, fixed penalties, penalty charge notices and any other similar sanctions, together with any charges or arrests that they are the subject of in connection with criminal offences, whether or not actually charged with the offence, and details of any allegations of involvement in criminal activity or where they have been questioned in connection with any alleged criminal activity or inappropriate/unacceptable behaviour or any other relevant pending matter.
- 3a.16 Where an applicant is the subject of an outstanding charge or summons, their application may continue to be processed; however, depending on the circumstances, it is unlikely that a decision on the application will be made until the conclusion of the criminal proceedings. Where the outstanding charge or summons involves a serious offence and/or the individual's offending history and behaviour/conduct indicates a pattern of unlawful or unacceptable behaviour/character traits, then the application is likely to be refused.
- 3a.17 Where there is evidence/information that an applicant has been arrested or charged but not convicted of offences but the nature of this evidence/information suggests the applicant may not be a fit and proper person, the Council will give serious consideration to refusing an application or revoking an existing licence.

### **Period of licence**

- 3a.18 Driver licences will be issued for an initial probationary period of one year followed by three yearly renewal periods thereafter.

### **Application process**

- 3a.19 The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee. If any part of the application form is incomplete or the relevant information or supporting documentation is not provided, the applicant will be requested to provide the missing information/documentation and informed that the application will not be processed until such time as all the information/documentation is provided. The full fee for the licence (which includes the cost of the DBS check, the initial driver assessment and the initial knowledge test) is payable at the time the application is submitted.

### **New applications**

- 3a.20 All new applicants must have held a full DVLA/EC/EEA category B driving licence for at least 3 years at the time of application. The 3 year period is calculated from the date of issue of the full driving licence. These requirements apply only to applications received on or after the date this Policy comes into force and, in this specific regard, applications received prior to the date of this Policy must satisfy the requirements set out in the

3a.21 In addition, applicants must:

- Submit a completed application form
- Pay the appropriate licence fee
- Provide a passport sized photograph countersigned in accordance with passport rules to prove the applicant's identity
- Provide evidence of their right to work in the UK in accordance with the Home Office requirements
- Have a satisfactory enhanced DBS report
- Have a satisfactory report in respect of the enquiries made through Care First (or equivalent), West Mercia Police (or other relevant force), other local authorities and any other organisation, agency or person that the Council has deemed appropriate to seek information from
- Have two satisfactory references from either professional or business sources who have known the applicant for at least two years (NB The Council will not accept references from family members or, where relevant, the applicant's future employer)
- Pass the Council's knowledge test
- Pass the road safety and driving ability test (driver assessment) or alternatively hold a current advanced motorist qualification
- Pass a Group 2 medical examination
- Complete a DVLA data protection mandate<sup>1</sup>

### **Renewal applications**

3a.22 On renewal of an existing licence, applicants must:

- Submit a completed application form
- Pay the appropriate licence fee
- Where the applicant's original photograph is no longer a true likeness, provide a passport sized photograph countersigned in accordance with passport rules to prove the applicant's identity
- Complete a DVLA data protection mandate (as per footnote 1 below)
- Complete a DBS disclosure
- Where required, pass a Group 2 medical examination (refer to paragraphs 3a.38 to 3a.47 below to determine whether a medical examination is/is not required)

3a.23 Providing the above are satisfied, the Council will renew the licence subject to the receipt of a satisfactory enhanced DBS report and satisfactory reports through Care First (or equivalent), West Mercia Police (or other relevant force), other local authorities and any other organisation, agency or person that the Council has deemed appropriate to seek information from. It is the responsibility of the applicant to provide the Council with the DBS report within 7 days of the date of receipt. Failure to do so will result in the driver's licence being suspended or revoked.

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<sup>1</sup> The Council currently uses the mandate to seek information from DVLA by post; this is likely to change to an online system during the lifetime of the Policy.

- 3a.24 To allow continuous driving, a licence application must be received by the Council at least 10 working days prior to the expiry date of the original licence (unless there is satisfactory evidence of exceptional circumstances that are accepted by the Council) to allow the Council sufficient time to process the renewal application. It is the Council's intention to process all valid renewal applications within 10 working days; hence, where applicants fail to submit their renewal application within this timescale, the risk that their licence will expire increases. Once a licence expires, is revoked (subject to a statutory appeal process) or surrendered, it ceases to exist and applicants would not be permitted to drive a Hackney Carriage or Private Hire Vehicle in these circumstances
- 3a.25 Once a licence ceases to exist a renewal application will not be accepted by the Council (unless there is satisfactory evidence of exceptional circumstances that are accepted by the Council) and the applicant must submit a new driver's licence application which will be processed in accordance with the Council's new application procedures.

### **Arranging DBS, knowledge test and driver assessment**

- 3a.26 Appointments are made by the Council's licensing team with the applicant to complete a DBS application form, knowledge test and driver assessment. It is the intention of the Council to move towards a self-service online booking system to allow applicants to arrange these appointments; however, this is in development and the timescale for implementation is not yet known.

### **Knowledge test**

- 3a.27 Applicants for a licence to drive a hackney carriage or private hire vehicle will be required to take and pass the Council's knowledge test. This test is aimed at assessing the driver's knowledge of streets, locations, attractions, entertainment venues and general geography of the Council's administrative area in order to satisfy the Council that they will be able to convey passengers who may be unfamiliar with the locality. This test will be conducted in English. Details of what is required in the knowledge test are provided at the time the knowledge test booking is confirmed.
- 3a.28 Normal examination conditions will apply during the knowledge test. Any person found to be using unfair means during the test will be excluded from the test and will be required to take a fresh test and pay the appropriate fee. This may also affect their fitness and propriety to be granted a licence.
- 3a.29 The charge for the initial knowledge test is included in the licence fee. Where an applicant fails the knowledge test there is an additional fee for every subsequent test and every missed test. Once an appointment has been allocated for the test, the applicant must give 2 clear working days' notice to cancel an appointment otherwise they will be required to pay the test fee. In such circumstances the Council will deem that the applicant has failed the test.
- 3a.30 An applicant is permitted to take the knowledge test up to a maximum of 3 times per application, subject to the additional re-test fees being paid. 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.

3a.31 The holder of a driver's licence may be required to satisfactorily undertake a further knowledge test or tests at the discretion/request of an authorised officer of the Council or the Licensing and Safety Sub Committee.

3a.32 Failure to submit to or pass any knowledge test will permit the Council to refuse to grant or renew a driver's licence or to revoke or suspend the licence as required.

#### **Road safety and ability test (driver assessment)**

3a.33 Applicants for a licence to drive a hackney carriage or private hire vehicle will be required to take and pass the Council's driver assessment. This assessment aims to ensure drivers demonstrate a high degree of road safety awareness and excellent driving ability. Details of what is required in the assessment are provided at the time the assessment booking is confirmed. Note if a driver assessment is undertaken in a vehicle with automatic transmission the driver will only be permitted to drive an automatic licenced vehicle.

3a.34 The charge for the initial driver assessment is included in the licence fee. Where an applicant fails the assessment there is an additional fee for every subsequent assessment and every missed assessment. Once an appointment has been allocated for the assessment, the applicant must give 2 clear working days' notice to cancel an appointment otherwise they will be required to pay the assessment fee. In such circumstances the Council will deem that the applicant has failed the assessment.

3a.35 An applicant is permitted to take the assessment up to a maximum of 3 times per application, subject to the additional re-assessment fees being paid. Where an applicant fails the driver assessment 3 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.

3a.36 The holder of a driver's licence will be required to satisfactorily undertake a further driver assessment or assessments at the discretion/request of an authorised officer of the Council or the Licensing and Safety Sub Committee.

3a.37 Failure to pass any driver assessment will permit the Council to refuse to grant or renew a driver's licence or to revoke or suspend the licence as required.

#### **Medical requirements**

3a.38 The Council is permitted to satisfy itself that an applicant for a licence is mentally and physically fit and remains so during the currency of any licence. Consequently, all applicants for a hackney carriage or private hire vehicle driver's licence are required to undertake a medical examination on initial application, at defined intervals thereafter and at any other such time as the Council requires to ensure their fitness to drive. The standards required are set out in the DVLA publication 'At a Glance Guide to the Current Medical Standards of Fitness to Drive' (May 2014) and can be found on the GOV.UK website at <https://www.gov.uk/government/publications/at-a-glance>. The standard required is the 'Group 2 Entitlement'. No grandfather rights are given by the Council in relation to medical matters.

- 3a.39 Applicants must undertake the medical examination and provide a satisfactory medical certificate before a licence is issued and then every 5 years from the age of 45, or sooner if stipulated by the examining doctor.
- 3a.40 Applicants over the age of 65 or who attain the age of 65 during a licensed period must undertake a medical examination and provide a satisfactory medical certificate annually.
- 3a.41 In particular, applicants must consider the medical conditions listed in the DVLA publication 'At a Glance Guide to the Current Medical Standards of Fitness to Drive' (May 2014) as the Council may refuse to grant an application or revoke an existing licence where an applicant is unable to meet the nationally recommended guidelines in respect of the listed medical conditions.
- 3a.42 If once licensed, the driver's medical circumstances change during the currency of the licence, the driver must inform the Council within 7 days. The Council may require the driver to immediately undertake a further medical examination and provide an approved medical certificate confirming the outcome of this examination and the driver's fitness (or otherwise) to continue as a licenced driver.
- 3a.43 Should an authorised officer of the Council have reason to believe that a licensed hackney carriage or private hire vehicle driver has a medical condition that renders them unfit to drive, a further medical examination will be requested.
- 3a.44 All medical examinations must be carried out by the applicant's registered General Practitioner (GP) or any registered GP/Medical Practitioner who confirms in writing that they have seen the applicant's medical records. The GP must be qualified and registered with the General Medical Council. The Council reserves the right to refer any medical matters to its own appointed Medical Officer whose decision on the medical fitness (or otherwise) of a driver to continue driving. The decision as to whether the driver can continue as a licensed driver will lie with the authorised officer of the Council or the Licensing and Safety Sub Committee (subject to the statutory right of appeal).
- 3a.45 The Council will not grant or renew, as the case may be, any driver's licence unless the foregoing provisions are complied with and the driver can demonstrate that they are medically fit to hold a drivers licence.
- 3a.46 With respect to current licence holders, if it is deemed necessary to do so, a licence may be revoked or suspended in the interests of protecting the public until further medical examination(s) has/have been carried out or if the licence holder is unable to demonstrate that they are medically fit to hold a drivers licence.
- 3a.47 Medical exemptions involving the carriage of disabled persons and assistance dogs may apply to new applicants or licensed drivers who suffer from certain medical conditions. Where this is the case, the applicant/licensed driver must submit to a rigorous medical examination and provide sufficient proof that they have a history of a specific health problem(s) that means they qualify for such a medical exemption. The Council reserves the right to refuse to grant a licence if sufficient medical proof is not provided and it is deemed appropriate to do so.



## **DVLA and other relevant driving licences**

- 3a.48 A person applying for a drivers licence must have held a full DVLA/EC/EEA category B driving licence for at least 3 years at the time of application. This includes European Union (EU), European Economic Area (EEA) and Northern Irish licences. These requirements apply only to applications received on or after the date this Policy comes into force and, in this specific regard, applications received prior to the date of this Policy must satisfy the requirements set out in the Council's Hackney Carriage and Private Hire Licensing Policies and Associated Documents dated 1 October 2011.
- 3a.49 Throughout the currency of the licence, the driver must possess a full driving licence in accordance with the above requirements.
- 3a.50 Applicants are required to produce the original of their driving licence. Copies will not be accepted. Where a driving licence has a photo card and counter-part paper licence, applicants must produce both parts and they must be of the same issue number. For those driving licences where the paper counterpart is not issued by the DVLA, the photo card must be provided and the Council will undertake the necessary additional on-line check.
- 3a.51 All applicants holding driving licences issued by agencies other than the DVLA must produce a certificate to show a driving record from the country of issue.

## **English speaking**

- 3a.52 Applicants must be able to converse orally and in writing in English to a standard that would be reasonably expected of a person undertaking a role as a hackney carriage or private hire driver.

## **Licence conditions**

- 3a.53 The applicable conditions with which a driver holding a hackney carriage, private hire or drivers licence must comply are set out at **Appendix A**. These conditions are in addition to any matters set out within the main body of the Policy.

## **Main legal requirements**

- 3a.54 Production of documents  
The driver must, on request, produce for inspection their driver's licence forthwith or within 5 days to either the Council's offices or a police station.
- 3a.55 Driver's badges and licences  
The badge must be worn by the driver at all times when driving the licensed vehicle and the badge must be plainly and distinctly visible.
- 3a.56 All drivers of vehicles licensed for hackney purposes of which they are not the proprietor, must before commencing driving that vehicle, deposit their driver's 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.

3a.57 On ceasing to be a licensed driver through suspension, revocation, refusal to renew or expiry of the driver’s licence, the licence holder must return the badge and licence to the Council within 7 days (or earlier if the Council so demands) of the suspension, revocation, refusal to renew or expiry becoming effective.

3a.58 Journeys

Drivers must not unnecessarily prolong a journey, in distance or in time.

3a.59 Vehicles permitted to be driven for private hire and hackney carriage purposes

Only vehicles licensed by the Council are permitted to be used for hackney carriage and private hire purposes, as specified by the Council’s vehicle licence.

3a.60 Driving licensed vehicles

Only drivers who are licensed by the Council that licensed the vehicle are permitted to drive the licensed vehicle. The only exceptions to this are when the vehicle is undergoing 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 legislation.

3a.61 Touting

A proprietor or driver of a hackney carriage, when standing or plying for hire, must not call out or otherwise importune any person to hire such vehicle and must not make use of the services of any other person for this purpose. This is an offence under the Criminal Justice and Public Order Act 1994, section 167.

3a.62 Plying for hire

Drivers of private hire vehicles must NOT ‘ply for hire’. The Council’s interpretation of ‘plying for hire’ is set out at **Appendix E** and is based on relevant legislation and case law.

3a.63 Transporting children

As a minimum, drivers must comply with the requirements set out in the table below.

	Front seat	Rear seat	Who is responsible?
<b>Child up to 3 years</b>	Correct child restrains must be used	Correct child restraint must be used. If a restraint is not available in a licensed hackney carriage or private hire vehicle, the child may travel unrestrained.	Driver**
<b>Child from 3<sup>rd</sup> birthday up to 135 cm in height or 12<sup>th</sup> birthday, whichever they reach first</b>	Correct child restrains must be used	Where seat belts are fitted, the correct child restraint must be used. The child must use adult belt if the correct child restraint is not available as follows:  in a licensed hackney carriage or private hire vehicle; or  for a short distance in an unexpected necessity; or  two occupied child restraints	Driver**

		prevent fitting of a third.  A child 3 years and over may travel unrestrained in the rear seat of a vehicle if seat belts are not fitted in the rear.	
<b>Child over 135 cm in height or 12 or 13 years old</b>	Seat belt must be worn if available*	Seat belt must be worn if available.	Driver**
<b>Passengers aged 14 years and over</b>	Seat belt must be worn if available*	Seat belt must be worn if available.	Passenger

\*Vehicles built before 1965 are not required to have fitted seatbelts.

\*\*Drivers must inform parents/carers that the decision to permit children to travel in the vehicle, without the correctly sized seat restraints (as permitted by relevant legislation) and with the obvious risks associated with such an action, remains with the parent/carer responsible for the children and not with the driver of the vehicle.

#### 3a.64 Smoking in vehicles

Drivers must not, at any time, smoke or permit passengers to smoke in their vehicle as required by the Health Act 2006 and the Smoke-Free (Exemptions and Vehicles) Regulations 2007.

#### 3a.65 Refusing to convey passengers

A driver of a hackney carriage who is waiting at a rank/stand must not refuse to carry a passenger without a reasonable excuse.

#### 3a.66 Overcharging

Drivers of hackney carriages must not charge more than is permitted under the current table of fares. Drivers undertaking journeys ending outside the Council's area and in respect of which no fare and no rate of fare was agreed before the journey commenced must not charge more than that indicated on the taximeter or more than the current table of fares allows.

#### 3a.67 Persons riding without consent

Drivers of hackney carriages must not permit persons to be carried in the vehicle unless they have the consent from the person who is actually hiring the vehicle.

#### 3a.68 Unlicensed drivers

Licensed drivers of hackney carriages must not allow any persons to drive a hackney carriage unless they are authorised to do so by the proprietor and hold an appropriate license to do so.

#### 3a.69 Unattended vehicles

Hackney carriage drivers must not leave their vehicle unattended in any street or public place or venue.

3a.70 Obstruction

Hackney carriage drivers must not obstruct other hackney carriage drivers/vehicles from undertaking their normal hiring and driving activities.

3b.

## HACKNEY CARRIAGES

### **Summary**

- 3b.1 Hackney carriages are licensed in accordance with the provisions contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- 3b.2 Commonly known as 'taxis', hackney carriages are licensed to stand for hire at a taxi rank or can be hailed in the street in the administrative area of the Council with which it is licensed and may also undertake pre-booked journeys anywhere in the country.
- 3b.3 The Council does not limit the number of hackney carriage licences that it will issue.
- 3b.4 The Council will not licence a vehicle for hire and reward which is licensed by another local authority or allow or permit a hackney carriage identification plate issued by another authority to be displayed on the vehicle.
- 3b.5 All hackney carriages, whilst plying for hire, are encouraged to be immediately capable of providing for at least one wheelchair.

### **Relevant licensable area**

- 3b.6 Within the administrative area of Shropshire Council, there are five zones that are defined by reference to the five district and borough council areas that existed prior to the creation of the unitary authority, namely:-

Zone 1 – Bridgnorth District Council

Zone 2 – South Shropshire District Council

Zone 3 – Oswestry Borough Council

Zone 4 – Shrewsbury & Atcham Borough Council

Zone 5 – North Shropshire District Council

### **Intended use of vehicles**

- 3b.8 The Council operates an 'Intended Use and Licensing of Hackney Carriages Policy'. Applicants are required to pay particular attention to this; full details are set out at **Appendix G**.

### **Period of licence**

- 3b.9 Vehicle licences will be issued for 12 months.

### **Applicant**

- 3b.10 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 to demonstrate compliance with this requirement.

### **Vehicles**

3b.11 The Council requires all hackney carriage vehicles to comply with the following requirements:

### **Emissions**

3b.12 Vehicles must comply with the following European Emission Standards as defined by EU Regulation 692/2008 (which implemented and amended Regulation 715/2007):-

<b>Renewal/New Application</b>	<b>Fuel</b>	<b>Period</b>	<b>European Emission Standard</b>
Renewal	Any	Until 31 March 2016	Euro 3
Renewal	Any	1 April 2016 to 31 March 2018	Euro 4
New	Diesel	1 April 2015 to 31 March 2018	Euro 5
New	Petrol	1 April 2015 to 31 March 2024	Euro 5
Renewal	Petrol	1 April 2018 to 31 March 2024	Euro 5
Renewal	Diesel	1 April 2018 to 31 March 2022	Euro 5
New	Diesel	1 April 2018 to 31 March 2024	Euro 6

3b.13 The required European Emission Standards will be updated in line with current legislation when this Policy is reviewed.

### **Safety**

3b.14 Vehicles must meet the following safety standards as defined by the European New Car Assessment Programme (NCAP):-

- All new and renewal vehicle applications submitted between 1 April 2015 and 31 March 2017 are required to be NCAP 4 star.
- New vehicle applications submitted on or after 1 April 2017 are required to be NCAP 5 star.

3b.15 The requirements of 3b.16 do not apply to hackney carriages that have been specifically constructed or adapted for disability access and any M1 vehicle that has been adapted

to be a hackney carriage where the adaptations are approved by the Vehicle Certification Agency (VCA) and have VCA certification to European Whole Vehicle Type Approval (EWVTA) or GB Low Volume Small Type Approval.

### **Other Requirements**

3b.16 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) Proprietors are encouraged to consider only using vehicles where the entire external bodywork of the vehicle is of a uniform black colour. This does not prohibit the display of advertisements as authorised by the Council.
- (d) All paintwork must be maintained in a uniform colour (but note 'c' above) and free from dents, scratches or rust.
- (e) Have a watertight roof or covering.
- (f) 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.
- (g) 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.
- (h) Have seats that are properly cushioned and covered.
- (i) Have a floor provided with a proper carpet, mat, or other suitable covering.
- (j) Have fittings and furniture in a clean condition and be well maintained and in every way fit for public service.
- (k) Provide means for securing luggage if the carriage is so constructed as to carry luggage.
- (l) Where tilting passenger seats are fitted the seat must :-
  - be forward facing (with the exception of the fold down seats fitted onto the bulkhead/partition of a purpose built hackney carriage)
  - designed for use by an adult
  - have a three point seatbelt

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

- (m) 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.
- (n) Be maintained in a sound mechanical and structural condition at all times.
- (o) Have a full size spare wheel or space saver design wheel and the tools to change a wheel OR an emergency puncture repair kit OR a contract with a mobile tyre replacement specialist (in any event where a spare wheel or puncture repair kit has been used, it is only to permit the current fare to be completed and any

defective wheel must be replaced before taking another fare to ensure passenger safety); all pneumatic tyres, including the spare, must comply with the vehicle manufacturer's specification and any relevant legislation.

- (p) Be maintained in a clean and safe condition at all times from both exterior and interior perspectives.
- (q) Proprietors are encouraged to have provision for the legal transportation of a minimum of one wheelchair at all times. (When a vehicle licence is granted and the plates are issued, the maximum number of passenger seats that the vehicle will be licenced to carry will be the maximum number of seats, as detailed in the vehicle specification, less the number of wheelchairs that can be carried in the vehicle). (NB The specific requirement for Zone 4 hackney carriages to be wheelchair accessible remains in force.)

### **Application process**

- 3b.18 The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee. If any part of the application form is incomplete or the relevant information or supporting documentation is not provided, the applicant will be requested to provide the missing information/documentation and informed that the application will not be processed until such time as all the information/documentation is provided. The full fee for the licence is payable at the time the application is submitted.
- 3b.19 The application process to licence a hackney carriage vehicle is the same for a new or renewal application.
- 3b.20 Any person wishing to licence a hackney carriage vehicle must submit:
- a completed application form;
  - the appropriate licence fee;
  - a valid MOT (in accordance with the requirements set out at paragraph 3b.22 below);
  - a valid certificate of insurance for public hire, including proof of Public Liability insurance for a minimum of £5,000,000;
  - the V5 registration certificate (note the alternative interim measure outlined in paragraph 3b.23 below);
  - a valid certificate/report to confirm the vehicle is fitted with a taximeter in accordance with the requirements set out at paragraph 3b.21 below;
  - evidence of compliance with the relevant European Emission Standards as set out in paragraph 3b.12 either at the point of vehicle construction or by a subsequent adaption or conversion approved by the Council - the compliance must be relevant to the engine installed in the vehicle and this must be reflected in the V5 registration certificate;
  - evidence of compliance with the relevant European New Car Assessment Programme (NCAP) rating as set out in paragraph 3b.14;
  - where the vehicle is fitted with a mechanically operated ramp, a valid certificate/report confirming the ramp complies with the requirements of the Lifting Operations and Lifting Regulations 1998 (**NB** The proprietor is responsible for



- ensuring that a competent person carries out the necessary checks in accordance with these Regulations.);
- where non-mechanical ramps are used, confirmation from the proprietor of the vehicle that the ramps comply with the relevant provisions of the Provision and Use of Work Equipment Regulations 1998. (NB Licensing officers will check that the provision of non-mechanical ramps is being maintained by the vehicle proprietor.); and
- where fittings are used to secure wheelchairs to the floor of a vehicle, a valid certificate/report confirming that all the fittings meet the required specifications.

### **Taximeters**

#### 3b.21 Taximeters must be:

- certified by a notified body in accordance with the Measuring Instruments Directive (MID) (2004/22/EC), in particular Annex 007;
- fitted with a device, the use/action of which will bring the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter and such a device must be capable of being locked in a position such that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- calibrated against an appropriate standard to ensure the tariff charged does not exceed the maximum fares determined by the Council;
- calendar controlled;
- fixed to the vehicle with appropriate seals/appliances to prevent any person from tampering with the meter except by breaking, damaging, or permanently displacing the seals/appliances;
- have the word 'FARE' printed on the face of the meter in plain letters so as clearly to apply to the fare recorded thereon; and
- supported by a valid certificate/report of compliance (the Council will only accept a certificate that has been issued within the previous 10 working days).

### **MOT requirements**

#### 3b.22 MOTs are required in accordance with the following requirements:

- Vehicles must be submitted for an MOT inspection at 6-monthly intervals (and any other inspection deemed necessary by an authorised officer) and the applicant must produce valid MOT certificates to the Council in this respect.
- Once a vehicle reaches the age of 9 years, it must have three MOT tests per year; tests being spaced evenly throughout the year at four monthly intervals and the applicant must produce valid MOT certificates to the Council in this respect.
- MOT certificates will only be accepted by the Council within 10 working days of the date of issue from the MOT testing centre.
- § MOTs must be undertaken by a '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 must be met by the vehicle operator.

- § The vehicle must have a valid MOT throughout the licence period.
- § With respect to a licensed vehicle, in the event of a proprietor failing to present to the Council an MOT test certificate as required (unless delayed or prevented by sufficient cause accepted and agreed by the Council), the Council may suspend the licence and require the proprietor of that hackney carriage to return the plate to them within 72 hours of receipt of the written request.

### **V5 registration certificate**

- 3b.23 The Council accepts that a full V5 registration form in the new owner's name is not always available upon first licence; however, the V5/2 green section of the V5 form must be produced. Where the green section has been produced on first licensing the vehicle, a full V5 form in the new owner's name must be produced to the Council within 7 days of the form being received by the owner of the vehicle. A V5 form or proof of purchase must be produced upon transfer of a vehicle licence.

### **Renewal of a licence**

- 3b.24 To allow the vehicle's licence to be renewed, a renewal application form must be received by the Council at least 10 working days prior to the expiry date of the original licence (unless there is satisfactory evidence of exceptional circumstances that are accepted by the Council) to allow the Council sufficient time to process the renewal application. It is the Council's intention to process all valid renewal applications within 10 working days; hence, where applicants fail to submit their renewal application within this timescale, the risk that their licence will expire increases. Once a licence expires, is revoked (subject to a statutory appeal process) or surrendered, it ceases to exist and applicants would not be permitted to drive a Hackney Carriage or Private Hire Vehicle in these circumstances.
- 3b.25 Once a licence ceases to exist a renewal application will not be accepted by the Council and the applicant must submit a new vehicle licence application which will be processed in accordance with the Council's new application procedures.

### **Vehicle not fit for the conveyance of passengers**

- 3b.26 Where a proprietor has notified the Council that damage has occurred to a vehicle, otherwise than in accordance with relevant road traffic legislation, or an inspection of the vehicle by an officer of the Council has determined that a vehicle is not fit for the purpose of conveying passengers, an authorised officer of the Council will decide if the condition is such that the vehicle may continue in service or not. If not, an authorised officer of the Council may at that time suspend the licence and require the proprietor of the vehicle to return the vehicle's plate to them within 7 days. The suspension will be lifted and the plate returned at such time when the condition of the vehicle is demonstrated, to the satisfaction of the Council, to be fit for conveying passengers. The officer may require the proprietor to arrange for a further MOT test to be undertaken and certificate produced before the vehicle will be permitted to operate; this is at the discretion of the authorised officer.

### **Advertising**

- 3b.27 Proprietors may advertise on hackney carriages in accordance with the conditions set out at **Appendix H**. This is subject to prior written approval from the Council.

#### **Closed circuit television (CCTV)**

- 3b.28 Proprietors of hackney carriage vehicles are permitted to install closed circuit television (CCTV) systems providing such systems are installed in accordance with the appropriate legal framework and the Council has been notified, in writing, of their intention to do so.

#### **Trailers**

- 3b.29 Hackney carriages are permitted to tow trailers when undertaking the licensable activity, providing the conditions set out at **Appendix I** are complied with.

#### **Ranks**

- 3b.30 The Highways section of the Council is primarily responsible for the creation of ranks and will work with the hackney carriage trade, Licensing and West Mercia Police to determine where ranks/stands ought to be situated.
- 3b.31 Where a driver is plying for hire and is illegally parked or creating an obstruction or if, in the opinion of an officer of the Council or police officer, the driver is plying for hire in a dangerous location (this does not include a legitimate period of time where a hackney carriage has stopped to drop off or pick up a fare), the driver's licence may be reviewed and such conduct may be deemed a reasonable cause to revoke or suspend the licence or to take any other appropriate action.

#### **LPG converted vehicles**

- 3b.32 The Council must be satisfied that any vehicle that has been converted to LPG has been converted correctly prior to a licence being issued. To this end, the Council will undertake checks with the UK LPG Vehicle Register. In addition, vehicles that are converted to LPG must have a petrol/diesel fuel tank with a capacity not exceeding 10 litres.
- 3b.33 With respect to new applications, where it is established that a conversion has not been undertaken correctly and/or the vehicle is unsafe in any way, the Council will refuse the application.
- 3b.34 In the event that an LPG conversion has been undertaken on a vehicle during a current licenced period and the proprietor of the vehicle fails to notify the Council within 7 days of the conversion, an authorised officer of the Council will suspend the vehicle licence until such time as evidence is available on the UK LPG Vehicle Register. If the necessary evidence is not available on the UK LPG Vehicle Register within 28 days from the date the licence was suspended the Council will revoke the licence.
- 3b.35 In the case of a conversion that has been undertaken on a vehicle during a current licenced period and it is subsequently established that the conversion has not been undertaken correctly and/or the vehicle is unsafe in any way, an authorised officer of

the Council will suspend the licence until such time as the conversion has been undertaken correctly and/or it is demonstrated to the satisfaction of the Council that the vehicle is safe. If this does not occur within a period of 28 days from the date the licence was suspended the Council will revoke the licence.

### **Hackney carriage fares**

- 3b.36 The hackney carriage trade will be expected to apply for any change to the hackney carriage fares. Any proposed changes will be notified to all hackney carriage licence holders, considered by the Strategic Licensing Committee and advertised in the local press before they are adopted. This does not preclude the Council from putting forward changes to the fares or taking a decision not to accept the application from the trade.

### **Licence conditions**

- 3b.37 The applicable conditions relevant to a hackney carriage licence are set out at **Appendix B**. These conditions must be complied with.

### **Main legal requirements**

3b.38 Change of proprietor

The proprietor must give notice to the Council of any transfer in his interest in the hackney carriage vehicle to a person other than the proprietor whose name is specified in the licence. Such notice must be given, in writing, within 14 days specifying the name and address of the person to whom the vehicle has been transferred.

3b.39 Change of address

The proprietor of a hackney carriage must notify the Council in writing, within 7 days, of any change of their address.

3b.40 Retention of drivers licences

A proprietor of a hackney carriage must ensure that each driver's licence is lodged with the proprietor before the driver is employed to carry out work and must retain the licence in their possession for the period during which the driver remains in their employ. When a driver leaves the employ of a proprietor, the proprietor must return the driver's licence unless the licence holder has been guilty of misconduct in which case the operator may retain the licence and must issue a summons to have the cause of complaint determined by the Courts. (Note: If the Courts find that the licence has been improperly retained they have the powers to order its return and to award compensation.)

3b.41 Inspection

The proprietor must present their hackney carriage for inspection/testing by the Council as required, up to a maximum of 3 times per year.

- 3b.42 The proprietor must provide, on request, the address where the hackney carriage is kept and allow the Council to inspect/test the vehicle at that address.

### 3b.43 Accidents

The proprietor, notwithstanding their responsibilities under relevant road traffic legislation, must also report to the Council any accident as soon as reasonably practicable. However, where the vehicle has suffered accident damage that materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of fare paying passengers, the driver must notify the Council within 72 hours.

### 3b.44 Production of documents

The proprietor must, on request by an authorised officer of the Council or a police officer, produce to the officer for inspection the hackney carriage vehicle licence and insurance certificate within 7 days.

### 3b.45 Return of identification plate

Where a licence is revoked, suspended or expires, the proprietor, when required by the Council to do so must return the identification plate within 72 hours.

### 3b.46 Transporting children

As a minimum, vehicles must be capable of complying with the requirements set out in the table below.

	<b>Front seat</b>	<b>Rear seat</b>	<b>Who is responsible?</b>
<b>Child up to 3 years</b>	Correct child restrains must be used	Correct child restraint must be used. If a restraint is not available in a licensed hackney carriage or private hire vehicle, the child may travel unrestrained.	Driver**
<b>Child from 3<sup>rd</sup> birthday up to 135 cm in height or 12<sup>th</sup> birthday, whichever they reach first</b>	Correct child restrains must be used	Where seat belts are fitted, the correct child restraint must be used. The child must use adult belt if the correct child restraint is not available as follows:  in a licensed hackney carriage or private hire vehicle; or  for a short distance in an unexpected necessity; or  two occupied child restraints prevent fitting of a third.  A child 3 years and over may travel unrestrained in the rear seat of a vehicle if seat belts are not fitted in the rear.	Driver**
<b>Child over 135 cm in height or 12 or 13 years old</b>	Seat belt must be worn if available*	Seat belt must be worn if available.	Driver**
<b>Passengers aged 14 years and over</b>	Seat belt must be worn if available*	Seat belt must be worn if available.	Passenger

\*Vehicles built before 1965 are not required to have fitted seatbelts.

**\*\*Drivers must inform parents/carers that the decision to permit children to travel in the vehicle, without the correctly sized seat restraints (as permitted by relevant legislation) and with the obvious risks associated with such an action, remains with the parent/carer responsible for the children and not with the driver of the vehicle.**

**3b.47 Ranks**

Hackney carriage ranks/stands are provided in accordance with the Local Government (Miscellaneous Provisions) Act 1976. The Council may appoint ranks/stands for hackney carriages. It is not a mandatory statutory requirement for the Council to do so. Before providing ranks/stands the Council will liaise with the police and the highways department of the Council and where the location of a rank is on private land the Council must obtain permission of the landowner.

**3b.48 Fares**

Drivers of hackney carriages must not charge more than is permitted under the current table of fares. Drivers undertaking journeys ending outside the Council's area and in respect of which no fare and no rate of fare was agreed before the journey commenced must not charge more than that indicated on the taximeter or more than the current table of fares allows.

**3b.49** Where a hackney carriage is used for a private hire contract the fare charged must not exceed the fares set down in the current table of fares.

**Summary**

- 3c.1 Private hire vehicles are licensed in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976. Private hire vehicles must not have the appearance of a hackney carriage vehicle.
- 3c.2 When considering whether a vehicle is a private hire vehicle by the nature of the work it does, Shropshire Council shall have regard to the document Private Hire Vehicle Licensing - A note for guidance from the Department for Transport (August 2011)
- 3c.3 The Council legally cannot limit the number of private hire vehicle licences that it will issue.
- 3c.4 The Council will not licence a vehicle for hire and reward which is licensed by another local authority or allow or permit a private hire vehicle identification plate issued by another authority to be displayed on the vehicle.

**Period of licence**

- 3c.5 Vehicle licences will be issued for 12 months.

**Applicant**

- 3c.6 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 to demonstrate compliance with this requirement.

**Vehicles**

- 3c.7 The Council requires private hire vehicles to comply with the following requirements:

**Emissions**

- 3c.8 Vehicles must comply with the following European Emission Standards as defined by EU Regulation 692/2008 (which implemented and amended Regulation 715/2007):-

<b>Renewal/New Application</b>	<b>Fuel</b>	<b>Period</b>	<b>European Emission Standard</b>
Renewal	Any	Until 31 March 2016	Euro 3
Renewal	Any	1 April 2016 to 31 March 2018	Euro 4
New	Diesel	1 April 2015 to 31 March 2018	Euro 5

New	Petrol	1 April 2015 to 31 March 2024	Euro 5
Renewal	Petrol	1 April 2018 to 31 March 2024	Euro 5
Renewal	Diesel	1 April 2018 to 31 March 2022	Euro 5
New	Diesel	1 April 2018 to 31 March 2024	Euro 6

3c.9 The required European Emission Standards will be updated in line with current legislation when this Policy is reviewed.

### **Safety**

3c.10 Vehicles must meet the following safety standards as defined by the European New Car Assessment Programme (NCAP). In this respect, the Overall Rating must be used. Where the Overall Rating is not available, the Adult Rating is the relevant standard:-

- All new and renewal vehicle applications submitted between 1 April 2015 and 31 March 2017 are required to be NCAP 4 star.
- New vehicle applications submitted on or after 1 April 2017 are required to be NCAP 5 star.

3c.11 The requirements of 3c.10 do not apply to private hire vehicles that have been specifically constructed or converted for disability access and any M1 vehicle that has been adapted to be a hackney carriage (and has been accepted by an authorised officer of the council to be licenced only as a private hire vehicle) where the adaptations are approved by the Vehicle Certification Agency (VCA) and have VCA certification to European Whole Vehicle Type Approval (EWVTA) or GB Low Volume Small Type Approval.

### **Other Requirements**

3c.12 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) Vehicle owners and operators are encouraged to use vehicles where the entire external bodywork of the vehicle is NOT black in colour. This does not prohibit the display of advertisements authorised by the Council. This requirement does not apply to vehicles licenced as Executive Vehicles;
- (d) All paintwork must be maintained in a uniform colour and free from dents, scratches or rust;
- (e) Have a watertight roof or covering;



- (f) 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.
- (g) 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.
- (h) Have seats that are properly cushioned and covered;
- (i) Have a floor provided with a proper carpet, mat, or other suitable covering.
- (j) Have fittings and furniture in a clean condition and be well maintained and in every way fit for public service.
- (k) 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.
- (k) Be maintained in a sound mechanical and structural condition at all times.
- (l) Have a full size spare wheel or space saver design wheel and the tools to change a wheel OR an emergency puncture repair kit OR a contract with a mobile tyre replacement specialist (in any event where a spare wheel or puncture repair kit has been used, it is only to permit the current fare to be completed and any defective wheel must be replaced before taking another fare to ensure passenger safety); all pneumatic tyres, including the spare, must comply with the vehicle manufacturer's specification and any relevant legislation.
- (m) a spare pneumatic tyre; all tyres, including the spare must comply with the vehicle manufacturer's specification and any relevant legislation.
- (n) Be maintained in a clean and safe condition at all times from both exterior and interior perspectives.

### **Application process**

3c.14 The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee. If any part of the application form is incomplete or the relevant information or supporting documentation is not provided, the applicant will be requested to provide the missing information/documentation and informed that the application will not be processed until such time as all the information/documentation is provided. The full fee for the licence is payable at the time the application is submitted.

3c.15 The application process to licence a private hire vehicle is the same for a new or renewal application.

3c.16 Any person wishing to licence a private hire vehicle must submit:

- a completed application form;
- the appropriate licence fee;
- a valid MOT (in accordance with the requirements set out at paragraph 3c.17 below);
- a valid certificate of insurance for private hire, including proof of Public Liability insurance for a minimum of £5,000,000;
- the V5 registration certificate (note the alternative interim measure outlined in paragraph 3c.18 below);
- evidence of compliance with the relevant European Emission Standards as set out in paragraph 3C.8 either at the point of vehicle construction or by a subsequent adaptation or conversion approved by the Council - the compliance must be relevant to the engine installed in the vehicle and this must be reflected in the V5 registration certificate; and
- evidence of compliance with the relevant European New Car Assessment Programme (NCAP) rating as set out in paragraph 3c.10.

### **MOT requirements**

3c.17 MOTs are required in accordance with the following requirements:

- Vehicles must be submitted for an MOT inspection at 6-monthly intervals (and any other inspection deemed necessary by an authorised officer) and the applicant must produce valid MOT certificates to the Council in this respect.
- Once a vehicle reaches the age of 9 years, it must have three MOT tests per year; tests being spaced evenly throughout the year at four monthly intervals and the applicant must produce valid MOT certificates to the Council in this respect.
- MOT certificates will only be accepted by the Council within 10 working days of the date of issue from the MOT testing centre.
- MOTs must be undertaken by a '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 must be met by the vehicle operator.
- The vehicle must have a valid MOT throughout the licence period.
- With respect to a licensed vehicle, in the event of a proprietor failing to present to the Council an MOT test certificate as required (unless delayed or prevented by sufficient cause accepted and agreed by the Council), the Council may suspend the licence and require the proprietor of that hackney carriage to return the plate to them within 72 hours of receipt of the written request.

### **V5 registration certificate**

3c.18 The Council accepts that a full V5 registration certificate in the new owner's name is not always available upon first licence; however, the V5/2 green section of the V5 form must be produced. Where the green section has been produced on first licensing the vehicle, a full V5 form in the new owner's name must be produced to the Council within 7 days of the form being received by the owner of the vehicle. A V5 form or proof of purchase must be produced upon transfer of a vehicle licence.

#### **Renewal of a licence**

3c.19 To allow the vehicle's licence to be renewed, a renewal application form must be received by the Council at least 10 working days prior to the expiry date of the original licence (unless there is satisfactory evidence of exceptional circumstances that are accepted by the Council) to allow the Council sufficient time to process the renewal application. It is the Council's intention to process all valid renewal applications within 10 working days; hence, where applicants fail to submit their renewal application within this timescale, the risk that their licence will expire increases. Once a licence expires, is revoked (subject to a statutory appeal process) or surrendered, it ceases to exist and applicants would not be permitted to drive a Hackney Carriage or Private Hire Vehicle in these circumstances.

3c.20 Once a licence ceases to exist a renewal application will not be accepted by the Council and the applicant must submit a new vehicle licence application which will be processed in accordance with the Council's new application procedures.

#### **Vehicle not fit for the conveyance of passengers**

3c.21 Where a proprietor has notified the Council that damage has occurred to a vehicle, otherwise than in accordance with relevant road traffic legislation, or an inspection of the vehicle by an officer of the Council has determined that a vehicle is not fit for the purpose of conveying passengers, an authorised officer of the Council will decide if the condition is such that the vehicle may continue in service or not. If not, an authorised officer of the Council may at that time suspend the licence and require the proprietor of the vehicle to return the vehicle's plate to them within 7 days. The suspension will be lifted and the plate returned at such time when the condition of the vehicle is demonstrated, to the satisfaction of the Council, to be fit for conveying passengers. The officer may require the proprietor to arrange for a further MOT test to be undertaken and certificate produced before the vehicle will be permitted to operate; this is at the discretion of the authorised officer.

#### **Advertising**

3c.22 Proprietors may advertise on private hire vehicles in accordance with the conditions set out at **Appendix H**. This is subject to prior written approval from the Council.

#### **Closed circuit television (CCTV)**

3c.23 Proprietors of private hire vehicles are permitted to install closed circuit television (CCTV) systems providing such systems are installed in accordance with the appropriate legal framework and the Council has been notified, in writing, of their intention to do so.

## **Trailers**

3c.24 Private hire vehicles licensed by the Council are permitted to tow trailers when undertaking the licensed activity providing that the conditions set out at **Appendix I** are complied with at all times.

## **Meters**

3c.25 Private hire vehicles will not require a meter. However if a meter is fitted, it must be:

- certified by a notified body in accordance with the Measuring Instruments Directive (MID) (2004/22/EC), in particular Annex 007;
- fitted with a device, the use/action of which will bring the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter and such a device must be capable of being locked in a position such that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- calibrated against a measured distance and by reference to the private hire operator's tariff;
- fixed to the vehicle with appropriate seals/appliances to prevent any person from tampering with the meter except by breaking, damaging, or permanently displacing the seals/appliances;
- have the word 'FARE' printed on the face of the meter in plain letters so as clearly to apply to the fare recorded thereon; and
- supported by a valid certificate/report of compliance (the Council will only accept a certificate that has been issued within the previous 10 working days).

## **Parking/waiting**

3c.26 Where a driver is dropping off or picking up a fare and is illegally parked or creating an obstruction (this does not include a legitimate period of time where a private hire vehicle has stopped to drop off or pick up a fare), the driver's licence may be reviewed and such conduct may be deemed a reasonable cause to revoke or suspend the licence or to take any other appropriate action.

## **LPG converted vehicles**

3c.27 The Council must be satisfied that any vehicle that has been converted to LPG has been converted correctly prior to a licence being issued. To this end, the Council will undertake checks with the UK LPG Vehicle Register.

3c.28 With respect to new applications, where it is established that a conversion has not been undertaken correctly and/or the vehicle is unsafe in any way, the Council will refuse the application.

3c.29 In the event that an LPG conversion has been undertaken on a vehicle during a current licenced period and the proprietor of the vehicle fails to notify the Council within 7 days of the conversion, an authorised officer of the Council will suspend the vehicle licence until such time evidence is available on the UK LPG Vehicle Register. If the necessary evidence is not available on the UK LPG Vehicle Register within 28 days from the date the licence was suspended the Council will revoke the licence.

3c.30 In the case of a conversion that has been undertaken on a vehicle during a current licenced period and it is subsequently established that the conversion has not been undertaken correctly and/or the vehicle is unsafe in any way, an authorised officer of the Council will suspend the licence until such time as the conversion has been undertaken correctly and/or it is demonstrated to the satisfaction of the Council that the vehicle is safe. If this does not occur within a period of 3 months from the date the licence was suspended the Council will revoke the licence.

### **Limousines, novelty vehicles and vintage vehicles**

3c.31 For the purpose of licensing 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. Applicants are directed towards the VOSA 'Guidance for Operators of Stretch Limousines' (March 2011).

3c.32 Limousines will be licensed by the Council; however, the over-riding consideration will be the safety of the vehicle. Such types of vehicle will only be licensed as private hire vehicles. They will be subject to the production of specific documents, in original form or as copies certified by the vehicle builder (uncertified photocopies will not be accepted), and to conditions as set out below. These are in addition to the documents required and the conditions applicable to standard private hire vehicle licensing.

3c.33 The following documentation must be produced prior to licensing:

- Evidence of compliance through the Individual Vehicle Approval Scheme (IVA) or a Qualified Vehicle Modifier (QVM) certificate; this is issued by the vehicle builder.
- Public Liability Insurance documentation for a minimum of £5,000,000 and, where drivers other than the proprietor are used, Employer Liability Insurance documentation for a minimum of £1,000,000.
- Documentation recording the overall weight of the vehicle (as displayed on the vehicle.)

3c.34 The following additional conditions apply:

- The tyres must be of an appropriate weight loading for the limousine, novelty vehicles and vintage vehicles.
- All front passenger seats must be removed.
- Standard council plates must be displayed.
- The sale of alcohol in the vehicle must be covered by a separate licence in accordance with the Licensing Act 2003.
- Advertising in or on an executive vehicle is prohibited.

3c.35 In addition to stretched limousines, novelty vehicles, e.g. fire engines, and vintage vehicles will also be considered for licensing. Such vehicles do not have to comply with the European Emission Standards or the New Car Assessment Programme rating.

### **Executive vehicles**

3c.36 The Council does not specify a list of specific vehicles that it considers appropriate to be licenced as executive vehicles. Instead it focusses on the business model of each operator. Executive vehicles must only be used for executive service which is defined as provision of a vehicle for exclusive business to business contracts and not for general private hire use. In this respect, the owner must produce to the Council written confirmation from their private hire operator that the vehicle will only undertake executive work and after the vehicle has been licenced for 6 months the operator must produce the booking records to demonstrate that the work undertaken has been business to business contracted work, and thereafter at any time upon request. However, any vehicle being plated as an executive vehicle must be classed as a large family vehicle, be of saloon, estate, hatchback or people carrier type and the trim of the vehicle must be mid level or above for the specification of that particular vehicle. Applicants considering applying for an executive plate are strongly advised to contact the licensing team in advance of purchasing any vehicle to ensure it is appropriate to be licenced.

3c.37 Executive vehicles must also:

- comply with the conditions applicable to standard private hire vehicle licensing
- be in immaculate condition
- large enough to carry at least 3 passengers and their luggage
- have air conditioning or climate control
- have alloy wheels
- be maintained to a very high standard

3c.38 In addition:

- the passenger capacity will be restricted to the number of seats for adults;
- Council executive plates must be displayed; and
- the sale of alcohol in the vehicle must be covered by a separate licence in accordance with the Licensing Act 2003.

### **Licence conditions**

3c.39 The applicable conditions relevant to a private hire vehicle licence are set out at **Appendix C**. These conditions must be complied with.

### **Main legal requirements**

3c.40 Change of proprietor

The proprietor must give notice to the Council of any transfer in his interest in the private hire vehicle to a person other than the proprietor whose name is specified in the licence. Such notice must be given, in writing, within 14 days specifying the name and address of the person to whom the vehicle has been transferred.

3c.41 Inspection

The proprietor must present their private hire vehicle for inspection/testing by the Council as required, up to a maximum of 3 times per year.

3c.42 The proprietor must provide, on request, the address where the private hire vehicle is kept and allow the Council to inspect/test the vehicle at that address.

3c.43 Accidents

The proprietor, notwithstanding their responsibilities under relevant road traffic legislation, must also report to the Council any accident as soon as reasonably practicable. However, where the vehicle has suffered accident damage that materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of fare paying passengers, the driver must notify the Council within 72 hours.

3c.44 Production of documents

The proprietor must, on request by an authorised officer of the Council or a police officer, produce to the officer for inspection the private hire vehicle licence and insurance certificate within 7 days.

3c.45 Return of identification plate

Where a licence is revoked, suspended or expires, the proprietor, when required by the Council to do so must return the identification plate within 7 days.

3c.46 Transporting children

As a minimum, private hire vehicles must be capable of complying with the requirements set out in the table below.

	Front seat	Rear seat	Who is responsible?
<b>Child up to 3 years</b>	Correct child restrains must be used	Correct child restraint must be used. If a restraint is not available in a licensed hackney carriage or private hire vehicle, the child may travel unrestrained.	Driver**
<b>Child from 3<sup>rd</sup> birthday up to 135 cm in height or 12<sup>th</sup> birthday, whichever they reach first</b>	Correct child restrains must be used	Where seat belts are fitted, the correct child restraint must be used. The child must use adult belt if the correct child restraint is not available as follows:  in a licensed hackney carriage or private hire vehicle; or  for a short distance in an unexpected necessity; or  two occupied child restraints prevent fitting of a third.  A child 3 years and over may travel unrestrained in the rear seat of a vehicle if seat belts are not fitted in the rear.	Driver**
<b>Child over 135 cm in height or 12 or 13 years old</b>	Seat belt must be worn if available*	Seat belt must be worn if available.	Driver**

<b>Passengers aged 14 years and over</b>	Seat belt must be worn if available*	Seat belt must be worn if available.	Passenger
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\*Vehicles built before 1965 are not required to have fitted seatbelts.

\*\*Drivers must inform parents/carers that the decision to permit children to travel in the vehicle, without the correctly sized seat restraints (as permitted by relevant legislation) and with the obvious risks associated with such an action, remains with the parent/carer responsible for the children and not with the driver of the vehicle.

3c.47 Ranks/stands

A private hire vehicle must not wait (stop or park) on any rank/stand.



### 3d.

#### **PRIVATE HIRE OPERATORS**

##### **Summary**

3d.1 Private hire operators are licensed in accordance with the Local Government (Miscellaneous Provisions) Act 1976. Any person who wishes to take bookings, in the course of a business, for a private hire vehicle must hold a private hire operator licence.

##### **Period of licence**

3d.2 Operator licences will be issued for an initial probationary period of 1 year and then renewed licences will run for a period of 3 years thereafter.

##### **Application process**

3d.3 The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee. If any part of the application form is incomplete or the relevant information or supporting documentation is not provided, the applicant will be requested to provide the missing information/documentation and informed that the application will not be processed until such time as all the information/documentation is provided. The full fee for the licence (including the cost of a DBS check, where appropriate) is payable at the time the application is submitted.

3d.4 The application process to licence a private hire operator is the same for a new or renewal application.

3d.5 Any person (including a sole trader, partnership or company) wishing to become a licensed private hire operator must submit:

- a completed application form (where the application relates to a partnership or a company, the application form must provide the name, address and date of birth of all partners, directors/company secretaries, as appropriate);
- the appropriate licence fee;
- a list of the vehicles and drivers which they operate; and
- any fleet insurance they hold with an accompanying schedule of vehicles and named drivers disclosed to the insurance company.

##### **Criminal record disclosure**

3d.6 In addition, all applicants (including sole traders, partnerships and companies) for a private hire operator's licence must prove that they are a fit and proper person to hold an operator's licence.

3d.7 Where the applicant already holds a valid drivers licence (this will only apply to sole traders as individuals) then no further checks will be undertaken by the Council. However, if a valid driver's licence is not held, the applicant must:-

- provide a satisfactory basic criminal record disclosure from Disclosure Scotland (applicants can apply to Disclosure Scotland by telephone on 0870 609 6006, online at [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk), by email at [info@disclosurescotland.co.uk](mailto:info@disclosurescotland.co.uk), by fax 0870 609 6996 or in writing to Disclosure Scotland at PO Box 250, Glasgow, G51 1YU);
- have a satisfactory check in respect of the enquiries made through Care First (or equivalent), West Mercia Police (or other relevant force), other local authorities and any other organisation, agency or person that the Council has deemed appropriate to seek information from; and
- have two satisfactory references from either professional or business sources who have known the applicant for at least two years (NB The Council will not accept references from family members.)

3d.8 **NB** For partnerships or companies, the above requirements apply to all partners and directors/company secretaries.

3d.9 The Council adopts the same principles when determining whether an applicant is a fit and proper person to hold a private hire operator's licence as it does to persons applying for a drivers licence. In this respect, applicants are required to have due regard, as appropriate, to the requirements and information set out at paragraphs 3a.4 to 3a.17 of the Policy.

3d.10 Persons who have not been resident within the United Kingdom for the five years prior to submitting an application, will be required to produce a certificate of good conduct or equivalent document (at their own cost) issued by the relevant Embassy or High Commission. The certificate must be authenticated, translated and sealed by the Embassy or High Commission. In the event that an applicant is not able to obtain a certificate of good conduct, they may submit a statutory declaration with regard to their conduct, which must be completed in the presence of a practising solicitor. The Council may contact the relevant Embassy, High Commission, solicitor or other appropriate body to verify any documents provided. Proof of a right to work in the United Kingdom will also be required. Contact details for Embassies and High Commissions can be found from the Foreign & Commonwealth Office (FCO) on the GOV.UK website at <https://www.gov.uk/government/world>. The FCO may be contacted for further assistance by telephone on 020 7008 1500, by email at [fcocorrespondence@fco.gov.uk](mailto:fcocorrespondence@fco.gov.uk) or by post at the FCO, King Charles Street, London, SW1A 2AH.

### **Operator's premises**

3d.11 The Council will grant an operator's licence in the absence of the appropriate planning consent required to operate their business; however, applicants are strongly advised to demonstrate to the Council that they do have/are obtaining the appropriate planning consent.

3d.12 The Council will only grant operator licences applicable to the physical premises from which the operator's business will be run.

3d.13 The Council will not grant an operator's licence to apply to any physical premises that falls outside the administrative area of Shropshire Council.

- 3d.14 There are a number of specific conditions set out in the operator licence conditions that apply to premises. Operators must be particularly mindful of complying with these and should they fail to do so the Council will consider revoking the operator's licence.

#### **Insurance**

- 3d.15 Any premises that provide access to members of the public must be covered by Public Liability insurance for a minimum of £5,000,000.
- 3d.16 The operator must also obtain information as to any requirement for them to have Employers Liability indemnity; if there is such a requirement, it must be for a minimum of £1,000,000.

#### **Record keeping**

- 3d.17 Operators must keep records in accordance with the conditions attached to their licence. Such records must be available upon request from an authorised officer of the Council or a police officer

#### **Vehicle not fit for the conveyance of passengers**

- 3d.18 Where an operator has notified the Council that damage has occurred to a vehicle, otherwise than by an accident that has led to the involvement of the relevant insurance company, or an inspection of the vehicle by an officer of the Council has determined that a vehicle is not fit for the purpose of conveying passengers, an authorised officer of the Council will decide if the condition is such that the vehicle may continue in service or not. If not, an authorised officer of the Council may at that time suspend the licence and require the proprietor of the vehicle to return the vehicle's plate to them within 7 days. The suspension will be lifted and the plate returned at such time when the condition of the vehicle is demonstrated, to the satisfaction of the Council, to be fit for conveying passengers. The officer may require the proprietor to arrange for a further MOT test to be undertaken and certificate produced before the vehicle will be permitted to operate; this is at the discretion of the authorised officer.

#### **Closed circuit television (CCTV)**

- 3d.19 Operators are permitted to install closed circuit television (CCTV) systems in premises to which the public have access to make bookings or to wait providing such systems are installed in accordance with the appropriate legal framework and the Council has been notified, in writing, of their intention to do so.

#### **Licence conditions**

- 3d.20 Applicable conditions relevant to a private hire operator licence are set out at **Appendix D**. These conditions must be complied with.

#### **Main legal requirements**

- 3d.21 Contract

Every contract for the hire of a private hire vehicle is deemed to be made with the operator who accepted the booking for that vehicle whether or not the operator provided the vehicle.

### 3d.22 Production of records/documents

Any records required to be retained in accordance with the licence must be produced, on request, to any authorised officer of the Council or to any police officer. The operator licence must also be produced if requested.

### 3d.23 Transporting children

As a minimum, operators must ensure the vehicles they operate are capable of complying with the requirements set out in the table below.

	Front seat	Rear seat	Who is responsible?
<b>Child up to 3 years</b>	Correct child restrains must be used	Correct child restraint must be used. If a restraint is not available in a licensed hackney carriage or private hire vehicle, the child may travel unrestrained.	Driver**
<b>Child from 3<sup>rd</sup> birthday up to 135 cm in height or 12<sup>th</sup> birthday, whichever they reach first</b>	Correct child restrains must be used	Where seat belts are fitted, the correct child restraint must be used. The child must use adult belt if the correct child restraint is not available as follows:  in a licensed hackney carriage or private hire vehicle; or  for a short distance in an unexpected necessity; or  two occupied child restraints prevent fitting of a third.  A child 3 years and over may travel unrestrained in the rear seat of a vehicle if seat belts are not fitted in the rear.	Driver**
<b>Child over 135 cm in height or 12 or 13 years old</b>	Seat belt must be worn if available*	Seat belt must be worn if available.	Driver**
<b>Passengers aged 14 years and over</b>	Seat belt must be worn if available*	Seat belt must be worn if available.	Passenger

\*Vehicles built before 1965 are not required to have fitted seatbelts.

\*\*Drivers must inform parents/carers that the decision to permit children to travel in the vehicle, without the correctly sized seat restraints (as permitted by relevant legislation) and with the obvious risks associated with such an action, remains with the parent/carer responsible for the children and not with the driver of the vehicle.

## **PART 4**

# **COMPLIANCE, ENFORCEMENT AND COMPLAINTS**

## **PART 4 – COMPLIANCE, ENFORCEMENT AND COMPLAINTS**

### **Summary**

- 4.0 This part of the Policy sets out the manner in which the Council approaches compliance and enforcement, including the way in which complaints will be dealt with, as it relates to hackney carriage and private hire licensing.

### **Compliance and enforcement**

- 4.1 The Council's licensing officers will work closely with the hackney carriage and private hire trades to achieve compliance with the relevant legislation and the Council's conditions of licence. The Council will do so in accordance with the Council's Better Regulation and Enforcement Policy, which is available on the Council's website at <http://shropshire.gov.uk/shropshire-council/policies/>. In addition, hackney carriage and private hire vehicle drivers and operators must comply with all reasonable requests made by officers of Shropshire Council, Telford and Wrekin Council and the police.
- 4.2 The Council will work closely with other enforcement authorities, particularly Telford & Wrekin Council, when dealing with licensed and unlicensed vehicles and drivers, especially concerning cross boundary related issues.
- 4.3 Licence holders are strongly encouraged to cooperate with officers of all other local authorities. Failure to cooperate may lead to the suspension or revocation of their drivers licence.

### **Complaints**

- 4.4 Where appropriate, complainants will be encouraged to raise complaints with the relevant licence holder or business concerned. However, the Council will also respond to complaints in line with its Better Regulation and Enforcement Policy and will use complaint information to assist in the determination of licensing decisions.

# **PART 5**

# **CONSULTATION**

**PART 5 – CONSULTATION**

**To be completed once the policy is approved.**



## PART 6 – LICENSING CONTACT DETAILS

### Contact details

For information, advice and guidance relating to hackney carriage and private hire licensing please contact:

Licensing  
Public Protection  
Shropshire Council  
Abbey Foregate  
Shrewsbury  
Shropshire  
Tel: 0345 678 9026  
Email: [taxis@shropshire.gov.uk](mailto:taxis@shropshire.gov.uk)

Website: <http://shropshire.gov.uk/licensing/taxi-and-private-hire-vehicle-licences/>

**Licence Fee Payments** Telephone: 0345 678 9026

On line: [https://payments.shropshire.gov.uk/epayments/webpay\\_public/webpay/](https://payments.shropshire.gov.uk/epayments/webpay_public/webpay/)

# APPENDICES

**APPENDIX A**

**HACKNEY CARRIAGE,  
PRIVATE HIRE VEHICLE  
AND  
JOINT DRIVERS LICENCE  
CONDITIONS OF LICENCE**

**HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVERS LICENCE - CONDITIONS OF LICENCE****General**

- 1.0 Additional information regarding all aspects of driver licensing is available in Shropshire Council's Hackney Carriage and Private Hire Licensing Policy. The Policy must be read in conjunction with the specific conditions set out below. Any legal requirements that apply to the operation of a driver's licence are regarded as if they are conditions of the licence, whether specifically listed or referred to below or in the policy or not. Where reference is made to legal requirements either in the conditions below or in the Council's policy, drivers are advised that such references are not exhaustive and it is the driver's responsibility to ensure they are fully aware of all relevant legal requirements with which they must comply.
- 1.1 All references to 'driver' in the conditions set out below mean a driver who holds a driver's licence issued by the Council in accordance with the Council's Hackney Carriage and Private Hire Licensing Policy and relevant legislation.

**Fit and proper person**

- 1.2 Throughout the currency of the licence, the driver must continue to be a fit and proper person to hold the licence. In this respect, the driver must have due regard to the relevant provisions of the Council's policy, be aware of the checks that will be undertaken by the Council and act in accordance with the responsibilities that being a fit and proper person would reasonably place on a licensed driver.
- 1.3 In particular, during the currency of a licence, the driver must notify the Council, in writing, within 72 hours, if:
- They receive any warnings, cautions, fixed penalties or driving endorsements;
  - Are arrested (whether or not charged with an offence);
  - Are charged with any criminal offence (includes driving/motoring offences);
  - Are convicted of any criminal offence (includes driving/motoring offences); or
  - Allegations are made of their involvement in criminal activity.

**Driver's badge and licence**

- 1.4 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.
- 1.5 Drivers must display the duplicate driver's badge, issued by the Council, in the adhesive holder provided on the inside of the windscreen of the vehicle (where the tax disc used to appear) so as to be plainly visible at all times to fare paying passengers.

## Insurance

- 1.6 It is the responsibility of a driver with a drivers licence to ensure they are correctly insured to drive the vehicle.

## Conduct

- 1.7 The driver MUST, at all times, when driving a hackney carriage or private hire vehicle:
- Wear their driver's badge around their neck using the council issued lanyard and badge holder ensuring that their photograph and licence details are visible.
  - Be clean and respectable in their dress and person and maintain a high standard of personal hygiene.
  - Behave in a civil and orderly manner towards all persons including, but not limited to, other road users, pedestrians, customers, the general public, other licensed operators and drivers of hackney carriage and private hire vehicles, police officers, officers and elected members of the Council.
  - Be courteous to passengers, e.g. greeting passengers and opening vehicle doors on behalf of passengers.
  - Take all reasonable steps to assist passengers when they are entering or alighting from the vehicle and to convey them, subject to any instructions given by them, to their destination by the shortest practicable route and to ensure their safety.
  - When requested to do so by a passenger, convey a reasonable amount of luggage and afford reasonable assistance in the loading and unloading of any luggage.
  - When, having agreed or been hired to attend a specific location at an appointed time with their vehicle, unless delayed/prevented from doing so by some sufficient/reasonable cause, punctually attend at such appointed time and place.
  - Show due consideration when driving through residential areas.
- 1.8 The driver MUST NOT, at any time, when driving a hackney carriage or private hire vehicle:
- Use offensive, racist, abusive, profane or insulting language or behaviour.
  - Smoke or permit passengers to smoke in their vehicle (this includes electronic cigarettes).
  - Without the express permission of the hirer, eat or drink in the vehicle. (Drivers are only permitted to eat or drink in a vehicle when the vehicle is stationary.)
  - Cause or permit sound emitted from any radio/sound reproducing instrument or equipment in the vehicle to be an annoyance/nuisance to any person, whether inside or outside the vehicle.
  - Sound their vehicle's horn to alert passengers of the vehicle's arrival.

- Permit persons to be carried in the vehicle unless they have the consent from the person who is actually hiring the vehicle.
- Allow any persons to drive a vehicle unless they are authorised to do so by the proprietor, hold an appropriate licence and are insured to do so.
- Leave their vehicle unattended in any street or public place or venue.
- Obstruct other drivers/vehicles from undertaking their normal hiring and driving activities.

### **Animals**

- 1.9 When driving a hackney carriage or private hire vehicle, a driver must not carry any animal belonging to them, the proprietor or operator of the vehicle or in their custody whilst fare paying passengers are being conveyed in the vehicle.
- 1.10 In general the transportation of animals belonging to or in the custody of any fare paying passengers is permitted at the discretion of the vehicle owner/company and if undertaken must be in the rear of the vehicle in the foot well or floor pan of the vehicle.
- 1.11 However, assistance dogs (unless the driver holds a medical exemption) **MUST** be transported when requested by a passenger. Drivers **MUST NOT** impose a charge for carrying assistance dogs. Assistance dogs may be permitted to travel in the front of the vehicle.

### **Medical exemption**

- 1.12 Where a driver is exempt on medical grounds from carrying wheelchair bound passengers or assistance dogs, they must carry the Council issued letter confirming the exemption in the vehicle at all times.

### **Change of particulars**

- 1.13 The driver must notify the Council, in writing, of any change of particulars which may occur during the currency of their licence, including any change of address or change of employer/operator. Any such change must be notified within 14 days. Where a change of address occurs, the driver must also amend the address on their driving licence and produce their driving licence showing the new address to the Council within 7 days of receipt from the issuing body, e.g. DVLA. Both the paper counterpart and the photo card licence must be produced. For those driving licences where the paper counterpart is not issued by the DVLA, the photo card must be provided and the Council will undertake the necessary additional on-line check.

### **Passengers**

- 1.14 The driver must not convey or permit to be conveyed in a private hire vehicle a greater number of passengers than the number prescribed in the vehicle licence.
- 1.15 The driver of the licensed vehicle must only carry one person in the front of the vehicle beside the driver unless the vehicle has been specifically designed to carry more.

### **Transporting children**

- 1.16 Drivers must inform parents/carers that the decision to permit children to travel in the vehicle, without the correctly sized seat restraints (as permitted by relevant legislation) and with the obvious risks associated with such an action, remains with the parent/carer responsible for the children and not with the driver of the vehicle.

### **Lost property**

- 1.17 After fare paying passengers have alighted from the hackney carriage or private hire vehicle, the driver must, as soon as is practicable, search the vehicle for any property which may have been left. Where such property is found and irrespective of the value, the driver must, if it has not been claimed by or on behalf of the passenger (or their representative) who left it within 24 hours, hand it, in the case of a private hire driver to their operator or in the case of a hackney carriage driver directly to a police station as soon as is practicable.

### **Parking between bookings**

- 1.18 Where drivers, holding a driver's licence, are driving private hire vehicles in the administrative area of Telford & Wrekin Council they must, as soon as they have dropped passengers at their required destination and unless they are returning to a location within the administrative area of Shropshire Council or prevented from doing so by another booking, return to approved parking areas as detailed in the 'approved list' referred to in the current Telford & Wrekin Council's Hackney Carriage and Private Hire Licensing Policy.
- 1.19 Where drivers are driving in the Council's area, they must as soon as they have dropped passengers at their required destination and unless prevented from doing so by another booking, return to a suitably safe place to park that is not in the vicinity of public houses, nightclubs, restaurants, cafes and similar establishments

### **Meters**

- 1.20 Where taximeters are fitted to vehicles, the driver must 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).
- 1.21 The driver must ensure:
- the meter is sufficiently illuminated so that when it is in use it is visible to all passengers;
  - the meter is used for the whole of any journey, regardless of whether or not a fare is agreed prior to the commencement of the journey;
  - the fare or charge is calculated from the point at which the hirer commences the journey and does not exceed that displayed on the meter on the completion of such journey;

- the meter is only brought into action at the commencement of the hirer's journey; and
- the correct tariff for that journey is displayed.

### **Fares**

- 1.22 The driver must 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.
- 1.23 The driver must, if requested by a fare paying passenger, provide a written receipt for any fare paid.

### **Identification plates**

- 1.24 Drivers must not cause or suffer any vehicle plate to be concealed from public view whilst the vehicle is licensed.

### **Condition of vehicle**

- 1.25 A 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 inform the operator or proprietor of the vehicle immediately of any defect arising in the vehicle whilst under his control.

### **Accidents**

- 1.26 The driver must, notwithstanding their responsibilities under relevant road traffic legislation, report to the operator or proprietor any accident involving a hackney carriage or private hire vehicle under their control as soon as is practicable. However, where the vehicle has suffered accident damage that materially affects the performance or appearance of the vehicle, or the comfort or convenience of fare paying passengers, the driver must notify the operator or proprietor within 72 hours.

### **Complaints**

- 1.27 Where a passenger has cause to complain to a driver about any aspect of the service provided, a driver is encouraged to advise the passenger of their right to make a complaint to the relevant private hire operator and must make it clear to the passenger that they may also refer any complaint direct to the Council.



# **APPENDIX B**

## **HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS OF LICENCE**

**HACKNEY CARRIAGE VEHICLE LICENCE - CONDITIONS OF LICENCE**

**General**

- 1.1 Additional information regarding all aspects of hackney carriage licensing is available in the Council's Hackney Carriage and Private Hire Licensing Policy. The Policy must be read in conjunction with the specific conditions set out below. Any legal requirements that apply to the operation of a hackney carriage licence are regarded as if they are conditions of the licence, whether specifically listed or referred to below or in the policy or not. Where reference is made to legal requirements either in the conditions below or in the Council's policy, proprietors are advised that such references are not exhaustive and it is the proprietor's responsibility to ensure they are fully aware of all relevant legal requirements with which they must comply.

**Drivers who may lawfully drive a hackney carriage**

- 1.2 The proprietor of a licenced hackney carriage must ensure that only drivers licenced by the Council are permitted to drive the vehicle.

**Test requirements**

- 1.3 All vehicles must meet the Council's safety and fitness test requirements. Where a vehicle is the subject of any test during the application process or during the currency of any licence and it is determined that the vehicle is not fit for the purpose of conveying passengers the proprietor must notify the Council as soon as is reasonably practicable, and in any case within 72 hours of the occurrence.

**LPG converted vehicles**

- 1.4 The proprietor must notify the Council, within 7 days, of any LPG conversion.

**External vehicle licence plates**

- 1.5 The external plates (front and rear) 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 must be:
- securely fixed to the outside front and rear of the vehicle in a conspicuous position;
  - maintained, kept clean and in such a condition that the information on the plates is clearly visible to the public at all times;
  - displayed at all times and in such a manner as to be easily removable by an authorised officer of the Council or a police officer;
  - returned to the Council within 7 days of revocation or expiry (if not renewed) of the vehicle's licence; where the licence is suspended, be returned if required.
- 1.6 At no time, during the currency of the vehicle licence, is it permitted for the licence plates to be removed from the licensed vehicle.

- 1.7 Any existing licence plates must be returned to the Council before new licence plates for a vehicle will be issued; this includes transfers.
- 1.8 In addition, a proprietor must not sell, transfer or otherwise dispose of the vehicle plates separately from the vehicle in respect of which they have been issued, nor permit such plates to be sold transferred or otherwise disposed of by anyone else.

### **Internal plates**

- 1.9 Internal plates must be securely fixed in the front windscreen on the passenger side of the vehicle where the tax disc used to appear in saloon type vehicles or on the partition for purpose built vehicles where a partition is fitted.

### **Interior markings**

- 1.10 The proprietor must clearly mark and maintain inside the vehicle, in such a position as to be clearly visible to passengers inside the vehicle at all times;
- the maximum number of persons licensed to be conveyed therein;
  - the hackney carriage licence number;
  - contact details (telephone number, email address and appropriate means to access the Council's social media facilities) for reporting complaints/compliments to the Council;
  - a 'No Smoking' sign; and
  - a sign (the relevant nationally recognised symbol) confirming that the taxi is wheelchair accessible and caters for the needs of the disabled (this particular sign must also be in such a position as to be clearly visible to people from outside the vehicle).

### **Advertising**

- 1.11 Proprietors must obtain approval from the Council prior to carrying advertisements on their hackney carriage.
- 1.12 Materials that are used for advertisements must be of a quality not easily defaced, soiled or detached.
- 1.13 Reflective material must not be used.
- 1.14 Advertising signs must not be illuminated.
- 1.15 Advertisements may be affixed directly onto the exterior and/or internal body of the vehicle in such a position as not to obscure Council issued plates and all other required signs.
- 1.16 Advertisements must comply with the relevant conditions set out in the Council's Policy.

### **Closed circuit television (CCTV)**

- 1.17 Proprietors wishing to install closed circuit television (CCTV) in their hackney carriage must notify the Council, in writing, of their intention to do so.

1.18 The CCTV system must be installed in accordance with the appropriate legal framework.

### **Trailers**

1.19 Proprietors must ensure any trailer:

- is inspected annually with the vehicle to which it relates;
- has a plate that relates to the towing vehicle(s); and
- complies with the relevant conditions set out in the Council's Policy.

### **Ranks and order of working**

1.20 Hackney carriage proprietors must take steps to actively encourage drivers on arriving at a rank/stand not already fully occupied by other hackney carriages, :

- to park the vehicle immediately behind the vehicle(s) on the stand so as to face in the same direction; and
- when the vehicle(s) immediately in front are driven off or move forward must cause the vehicle to be moved forward so as to fill the place previously occupied by the vehicle that has driven off or moved forward; and
- where the rank/stand is fully occupied at the time the driver arrives, the driver must proceed to an alternative rank/stand.

### **Taximeters**

1.21 When the machinery of the taximeter is in action there must 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 for the hire of the vehicle by distance.

1.22 The taximeter must 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 vehicle and for that purpose the letters and figures must be capable of being illuminated during any period of hiring.

1.23 The taximeter must 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 may be charged.

1.24 Proprietors must take steps to ensure that when hired, a taximeter is used for the whole of any journey.

### **Roof signs**

1.25 All vehicles are required to display a white roof sign bearing the words TAXI (no other words, letters or numbering are permitted) 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 connected to the meter

switch such that the light is 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 on the roof of the vehicle except in respect of purpose built taxis.

#### **Change of address**

- 1.26 The proprietor of a licensed hackney carriage must notify the Council, in writing, of any change of their address during the period of the hackney carriage licence within 7 days of such a change taking place.

#### **MOT**

- 1.27 The vehicle must have a valid MOT throughout the licence period.

#### **Insurance**

- 1.28 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 hire or reward or such security as complies with the requirements of Part VI of the Road Traffic Act 1988.
- 1.29 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 a police officer at all reasonable times, when so required.

#### **Vehicle Excise Duty (Road Tax)**

- 1.30 The vehicle must have valid Road Tax throughout the licence period.

#### **Fare card**

- 1.31 A copy of the Council's current table of fares must be kept, maintained and clearly displayed in the vehicle at all times in the location provided by the manufacturers of the vehicle or in accordance with any instructions given by an authorised officer.

#### **Alterations to vehicles**

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

#### **Inspection/examination**

- 1.33 The proprietor must permit any authorised officer of the Council or any police officer, 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/examination or to an officer of the Council or police officer within 5 days.

## **Convictions**

- 1.34 The proprietor or where the proprietor is a partnership or a company, all partners or directors/company secretaries, as appropriate, during the period of the licence must, within 72 hours, disclose to the Council, in writing, if:
- They receive any warnings, cautions, fixed penalties or driving endorsements;
  - Are arrested (whether or not charged with an offence);
  - Are charged with any criminal offence (includes driving/motoring offences);
  - Are convicted of any criminal offence (includes driving/motoring offences); or
  - Allegations are made of their involvement in criminal activity.

# **APPENDIX C**

## **PRIVATE HIRE VEHICLE LICENCE CONDITIONS OF LICENCE**

**PRIVATE HIRE VEHICLE LICENCE - CONDITIONS OF LICENCE****General**

- 1.0 Additional information regarding all aspects of private hire licensing is available in the Council's Hackney Carriage and Private Hire Licensing Policy and this must be read in conjunction with the specific conditions set out below. Any legal requirements that apply to the operation of a private hire licence are regarded as if they are conditions of the licence, whether specifically listed below or in the policy or not. Where reference is made to legal requirements either in the conditions below or in the Council's policy, proprietors are advised that such references are not exhaustive and it is the proprietor's responsibility to ensure they are fully aware of all relevant legal requirements with which they must comply.

**Drivers who may lawfully drive a hackney carriage**

- 1.2 The proprietor of a licenced private hire vehicle must ensure that only drivers licenced by the Council are permitted to drive the vehicle.

**Test requirements**

- 1.2 All vehicles must meet the Council's safety and fitness test requirements. Where a vehicle is the subject of any test during the application process or during the currency of any licence and it is determined that the vehicle is not fit for the purpose of conveying passengers the proprietor must notify the Council as soon as is reasonably practicable, and in any case within 72 hours of the occurrence.

**LPG converted vehicles**

- 1.3 The proprietor must notify the Council, within 7 days, of any LPG conversion.

**External vehicle licence plates**

- 1.4 The external plates (front and rear) identifying the vehicle as a private hire vehicle 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 front and rear of the vehicle in a conspicuous position (the requirement for a front plate does not apply to Executive Vehicles);
  - maintained, kept clean and in such a condition that the information on the plates is clearly visible to the public at all times;
  - displayed at all times (except during any period that a vehicle is used for carrying passengers for hire or reward under a contract for the hire of the vehicle for a period of not less than 24 hours) and in such a manner as to be easily removable by an authorised officer of the Council or a police officer;
  - returned to the Council within 7 days of revocation or expiry (if not renewed) of the vehicle's licence; where the licence is suspended, be returned if required.



- 1.5 **AND** at no time, during the currency of the vehicle licence, is it permitted for the licence plates to be removed from the licensed vehicle.
- 1.6 Any existing licence plates must be returned to the Council before new licence plates for a vehicle will be issued; this includes transfers.

### **Internal signage**

1.7 Plate

The internal plate must be securely fixed in the front windscreen on the passenger side of the vehicle where the tax disc used to appear in saloon type vehicles or on the partition for purpose built vehicles where a partition is fitted.

1.8 Interior markings

The proprietor must clearly mark and maintain inside the vehicle, in such a position as to be clearly visible at all times;

- the maximum number of persons licensed to be conveyed therein;
- the private hire vehicle licence number;
- contact details (telephone number, email address and appropriate means to access the Council's social media facilities) for reporting complaints to the Council; and
- a 'No Smoking' sign.

- 1.9 In addition, if a proprietor wishes to operate a pre-payment system, signs indicating the period and under what circumstances this is applicable are permitted, e.g. pre-payment required between the hours of 1900 to 0700. This does not mean such signs or pre-payment between these hours is compulsory; the condition simply permits a sign to be displayed should a proprietor wish to operate a pre-payment system.

### **Advertising**

- 1.10 Proprietors must obtain approval from the Council prior to carrying advertisements on their private hire vehicle.
- 1.11 Materials that are used for advertisements must be of a quality not easily defaced, soiled or detached.
- 1.12 Reflective material must not be used.
- 1.13 Advertising signs must not be illuminated.
- 1.14 Advertisements may be affixed directly onto the exterior and/or internal body of the vehicle in such a position as not to obscure Council issued plates and all other required signs.
- 1.15 Advertisements must comply with the relevant conditions set out in the Council's Policy.
- 1.16 Private hire vehicles are prohibited from displaying the words 'taxi' or 'cab' in the singular or plural or the word 'hire' unless the word 'hire' forms part of the relevant company name or any word or similar meaning (e.g. 'kab') or appearance to any of these words, whether alone or as part of another word.

### **Closed circuit television (CCTV)**

- 1.17 Proprietors wishing to install closed circuit television (CCTV) in their private hire vehicle, must notify the Council, in writing, of their intention to do so.
- 1.18 The CCTV system must be installed in accordance with the appropriate legal framework.

### **Trailers**

- 1.19 Proprietors must ensure any trailer:
- is inspected annually with the vehicle to which it relates;
  - has a plate that relates to the towing vehicle(s); and
  - complies with the relevant conditions set out in the Council's Policy.

### **Meters**

- 1.20 Whilst the fitting of meters is not mandatory in private hire vehicles, if meters are fitted, then the following conditions apply:
- When the machinery of the meter is in action there must be recorded on the face of the meter 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 for the hire of the vehicle by distance.
  - The meter must 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 vehicle and for that purpose the letters and figures must be capable of being illuminated during any period of hiring.
  - The meter must 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 may be charged.
  - When hired, a meter must be used for the whole of any journey, regardless of whether or not a fare is agreed prior to the commencement of the journey.

### **Signs**

- 1.21 Private hire vehicles must not display a roof sign.
- 1.22 All vehicles (with the exception of executive vehicles as referred to in paragraph 3c.36 to 3c.38) must display Council issued signs (side plates) on the upper portion of the front driver door and the front passenger door of the vehicle using the adhesive backed signs provided. These signs will carry the Council logo, PHV licence number and the words 'Prebooked Only'. The signs must be kept intact, clean and firmly attached to the vehicle doors as described above. The use of magnetic panels is prohibited. The removal of the signs is prohibited whilst the vehicle is licensed by Shropshire Council. In the event that a side plate is lost it is the responsibility of the proprietor of the vehicle to

notify the Council within 72 hours and to obtain a replacement sign (at the proprietors cost).

#### **Change of proprietor/address**

- 1.23 Any change in the proprietor of a private hire vehicle or the proprietor's address must be notified to the Council, in writing, during the period of the licence within 7 days of such change taking place by the proprietor.

#### **MOT**

- 1.24 The vehicle must have a valid MOT throughout the licence period.

#### **Insurance**

- 1.25 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 hire or reward by pre-booking only or such security as complies with the requirements of Part VI of the Road Traffic Act 1988.
- 1.26 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 a police officer at all reasonable times, when so required.

#### **Vehicle Excise Duty (Road Tax)**

- 1.27 The vehicle must have valid Road Tax throughout the licence period.

#### **Alterations to vehicles**

- 1.28 No material alteration or change in the mechanical or structural specification, design, condition or appearance of the vehicle is permitted without the written approval of the Council.

#### **Damage to vehicles**

- 1.29 Notification must be given by the proprietor to the Council as soon as reasonably practicable and in any case within 72 hours of the occurrence of any accident/damage to the vehicle that materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of persons carried therein.

#### **Inspection/examination**

- 1.30 The proprietor must permit any authorised officer of the Council or any police officer, 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/examination or to an officer of the Council or police officer within 5 days.

## **Convictions**

- 1.31 The proprietor or where the proprietor is a partnership or a company, all partners or directors/company secretaries, as appropriate, during the period of the licence must, within 72 hours, disclose to the Council, in writing, if:
- They receive any warnings, cautions, fixed penalties or driving endorsements;
  - Are arrested (whether or not charged with an offence);
  - Are charged with any criminal offence (includes driving/motoring offences);
  - Are convicted of any criminal offence (includes driving/motoring offences); or
  - Allegations are made of their involvement in criminal activity.

# **APPENDIX D**

## **PRIVATE HIRE OPERATOR LICENCE CONDITIONS OF LICENCE**

**PRIVATE HIRE OPERATOR LICENCE - CONDITIONS OF LICENCE****General**

- 1.0 Additional information regarding all aspects of private hire operator licensing is available in the Council's Hackney Carriage and Private Hire Licensing Policy and this must be read in conjunction with the specific conditions set out below. Any legal requirements that apply to the operation of a private hire operator licence are regarded as if they are conditions of the licence, whether specifically listed below or in the policy or not. Where reference is made to legal requirements either in the conditions below or in the Council's policy, operators are advised that such references are not exhaustive and it is the operator's responsibility to ensure they are fully aware of all relevant legal requirements with which they must comply.

**Fit and proper person**

- 1.1 Throughout the currency of the licence, the operator must be a fit and proper person to hold the licence. In this respect, the operator must have due regard to the relevant provisions of the Council's policy, be aware of the checks that will be undertaken by the Council and act in accordance with the responsibilities that being a fit and proper person would reasonably place on an operator.

**Employment of private hire drivers and other staff**

- 1.2 An operator must take reasonable, appropriate and robust steps to reduce to a minimum the risk of employing or being employed by, engaging in partnership with, or allowing any involvement in the management of the licensed operation any person who is unlikely to satisfy the Council's 'fit and proper person' test and therefore an operator must have regard to the information in paragraphs 3a.4 to 3a.17 of this Policy. An operator must make and retain records to demonstrate the steps taken.
- 1.3 An operator is deemed to be responsible for the actions of any manager, supervisor or any other person appointed to run or play any part in the management of the private hire operator's business.
- 1.4 For each private hire driver that an operator intends to use, the operator must examine the private hire driver's licence, issued by the Council, and ensure it is valid prior to agreeing to their employ. In addition, an operator must ensure that a copy of each driver's licence is lodged with the private hire operator's business before the driver is employed to carry out private hire work and must retain the copy licence in their possession for the period during which the driver remains in their employ and for a period of at least 12 months thereafter.
- 1.5 Where an operator dismisses a driver they must report the dismissal and reasons for it to the Council within 7 days of the dismissal taking effect. In addition, an operator must inform the Council of any driver misconduct within 7 days of being made aware of the misconduct.

- 1.6 An operator must ensure all private hire drivers and employees are made aware of and fully understand the meaning of 'plying for hire' and, in particular, that private hire drivers are NOT permitted to 'ply for hire' under any circumstances. The Council's interpretation of 'plying for hire' is set out at **Appendix E** and is based on relevant legislation and case law.
- 1.7 An operator must ensure that all private hire drivers and employees are made aware of the provisions of section 167 of the Criminal Justice and Public Order Act 1994 with respect to touting; in particular, that subject to certain provisions, it is an offence, in a public place, to tout people to hire their vehicles in order to carry them as passengers.

### **Display of licence**

- 1.8 Operators must display their private hire operator licence in a prominent position at any premises from where they operate and make available for inspection by members of the public if requested:
- a copy of their private hire operator conditions; and
  - the conditions applicable to private hire vehicles, hackney carriages and drivers licences, whichever are applicable

### **Insurance**

- 1.9 Operators must ensure that at all times there is in force, for all private hire vehicles operated, a policy of insurance covering the carriage of passengers for hire or reward by pre-booking only or such security as complies with the requirements of Part VI of the Road Traffic Act 1988.
- 1.10 Any premises that provide access to members of the public must be covered by Public Liability insurance for a minimum of £5,000,000. The operator must also obtain information as to any requirement for them to have Employers Liability indemnity; if there is such a requirement it must be for a minimum of £1,000,000.

### **Transporting children**

- 1.11 Operators must take steps to ensure their drivers understand and inform parents/carers that the decision to permit children to travel in the vehicle, without the correctly sized seat restraints (as permitted by relevant legislation) and with the obvious risks associated with such an action, remains with the parent/carer responsible for the children and not with the driver of the vehicle.

### **Operator's premises**

- 1.12 All private hire bookings taken by the operator must be received at and drivers of private hire vehicles instructed to fulfil bookings from within the physical premises (which must be located within the Shropshire Council administrative area) to which the licence is applicable. Under no circumstances is an operator permitted to receive bookings or instruct drivers to fulfil bookings from any premises other than the premises referred to in their licence and which is physically located within the Shropshire Council administrative area.

- 1.13 All records that may be required to be retained by the operator must be held within these same physical business premises for inspection by an officer of the Council or a police officer. This is required even where the home or registered office address of the operator is also recorded within the licence as a separate address.

### **Standards of service**

- 1.14 The operator must provide prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose must in particular:
- Provide adequate information and communications technology, facilities and staff, as appropriate.
  - 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.
  - Where a waiting area or room is provided to which the public has access for the purposes of booking or waiting, must ensure that the area/room is:
    - § kept in a good state of repair (interior and exterior);
    - § kept clean, adequately heated, ventilated and lit;
    - § has adequate seating facilities;
    - § kept physically separated from any driver rest areas and radio operations rooms;
    - § arranged in such a manner that staff, drivers and vehicle proprietors do not congregate within such areas; and
    - § a no smoking (including electronic cigarettes) policy that complies with the Health Act 2006 and the Smoke-Free (Exemptions and Vehicles) Regulations 2007 operates.
  - 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.

### **Taking bookings and retaining records**

- 1.15 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 Council.
- 1.16 An operator must make all reasonable provision that the booking system they have in place works effectively and that it enables any bookings that they accept to be honoured.
- 1.17 An operator must monitor the booking system to ensure that drivers and vehicles are available to fulfil the arrangements that are agreed with customers.
- 1.18 Immediately prior to the commencement of each journey, an operator licensed with the Council must keep records of any booking they accept. Such records must be kept either in a ledger with consecutively numbered pages, on individual consecutively numbered record slips, or in electronic format such as a computer database/spreadsheet. Where the records are kept electronically, they must be in an identifiable and secure format and must be capable of being reproduced in printed



format at the request of an authorised officer of the Council or a police officer. Irrespective of the format of the records, all such records must be available at all reasonable times to an authorised officer of the council or to any police officer for inspection.

1.19 The following particulars must be recorded:

- a) time and date of each booking
- b) name of the hirer
- c) how the booking was made (telephone, in person, etc)
- d) time, date and place of pickup
- e) destination of the hirer
- f) call sign or registration number of the vehicle used for each booking
- g) proper name of the driver allocated to the booking
- h) any other comments relevant to the booking, including details of specific instructions from the hirer or sub-contracting arrangements with another operator

### **Records of vehicles and drivers**

1.20 The operator must keep and maintain at their licensed premises up to date records of the particulars of all their drivers and vehicles whether or not the vehicle is owned by the operator. The records to be kept must include:

- a) private hire vehicle or hackney carriage vehicle licence plate numbers;
- b) vehicle descriptions (make/model) and vehicle registration numbers;
- c) where relevant, any radio or computer call sign used to identify vehicles or drivers;
- d) names and addresses of the proprietors of each vehicle;
- e) names and addresses of the private hire and hackney carriage drivers used;
- f) copies of the private hire and hackney carriage drivers licences, issued by the Council, relating to the drivers in their employ;
- g) drivers licence numbers (badge number) of the private hire and hackney carriage drivers relating to the drivers in their employ;
- h) copies of current/valid insurance documents for all vehicles.

1.21 An operator must notify the Council within 72 hours when any vehicle or driver ceases or commences in their employ. Any other changes relating to licensed vehicles and drivers must be notified to the Council within 7 days.

1.22 An operator must notify the Council, within 7 days, of any change of address relating to any driver or vehicle proprietor they employ or allow to operate within the business.

1.23 An operator must provide to the Council a complete and up to date list of all drivers and vehicles employed by the business when requested to do so by an officer of the Council.

### **Retention of records**

1.24 All records kept by the operator under sections 1.15 to 1.23 above must be retained for a period of not less than 6 months for licensing purposes. Other legislation may require records to be kept for a longer period.

### **Change of operator address**

- 1.25 The operator must, within 7 days, disclose to the Council, in writing, any change in their home address.
- 1.26 An operator must not commence operating from a new address without first consulting the Council as to the legal requirements of such a change of address.
- 1.27 An operator must notify the Council, in writing, of the sale of their business within 7 days of such an event taking place.

### **Vehicles which may lawfully be used**

- 1.28 An operator, licensed by the Council under the provisions of section 55 of the Local Government (Miscellaneous Provisions) Act 1976, must only use private hire vehicles that are licenced by the Council.

### **Drivers who may lawfully be used**

- 1.29 An operator, licensed by the Council under the provisions of section 55 of the Local Government (Miscellaneous Provisions) Act 1976, must only use drivers who hold a valid private hire vehicle drivers licence issued by the Council to drive a private hire vehicle that is licensed by the Council.

### **Complaints**

- 1.30 Operators must set up an effective internal complaints procedure to deal with complaints made by the public against the business, vehicle proprietors and/or drivers. Wherever possible, the procedure must be set up in such a way that complaints are dealt with by the operator or a member of staff not directly connected with the taking of private hire bookings or the despatching of drivers and vehicles. An operator must monitor and review the complaints procedure to ensure it is operating effectively and make changes where necessary to ensure continued effectiveness.
- 1.31 Operators must ensure that all complaints received are properly recorded. This must include details of the booking (who accepted it on behalf of the business), vehicle details and driver details together with all information relating to any action taken. Records must be made in a book/diary with consecutively numbered pages or in an appropriate electronic format. Where the records are kept electronically, they must be in an identifiable and secure format and must be capable of being reproduced in printed format at the request of an authorised officer of the Council or a police officer. Complaint records must be made available, upon request, to any authorised officer of the Council or police officer and may be used to assist officers in the investigation of complaints.
- 1.32 The operator must 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.
- 1.33 The operator or an appointed representative from within the business must immediately investigate any complaint. The complainant must be kept informed and

the outcome of the complaint must be notified, within a reasonable time, to both the complainant and the Council.

- 1.34 Where a complaint is received by the Council, the operator must comply with any reasonable request for information and/or follow any reasonable directions/instructions made by an authorised officer or police officer in respect of the complaint.

#### **Use of the words 'taxi', 'cab and 'hire' in advertisements**

- 1.35 No operator shall cause or permit any advertisement in respect of their business on their private hire vehicles used for that purpose or any other advertising medium (e.g. newspapers and billboards) 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 (e.g. 'kab') or appearance to any of these words, whether alone or as part of another word.

#### **Closed circuit television (CCTV)**

- 1.36 Operators wishing to install closed circuit television (CCTV) in premises where passengers have access to make bookings or wait must notify the Council, in writing, of their intention to do so.
- 1.37 The CCTV system must be installed in accordance with the appropriate legal framework.

#### **Lost Property**

- 1.38 Where licensed drivers of private hire vehicles have handed property belonging to passengers to their operator or an operator finds such property themselves, they must hand it into the police, irrespective of value.
- 1.39 Operators must keep and maintain at their licenced premises a record of lost property detailing the date and time, the item found, the vehicle details and action taken to return the item to the rightful owner or to the police.

#### **Damage to vehicles**

- 1.40 Operators must, irrespective of their responsibilities under road traffic legislation, notify the Council as soon as is reasonably practicable and in any case within 72 hours of the occurrence of any accident/damage to a private hire vehicle under their control that materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of persons carried therein.

#### **Convictions**

- 1.41 The operator or where the operator is a partnership or a company, all partners or directors/company secretaries, as appropriate, during the period of the licence must, within 72 hours, disclose to the Council, in writing, if:
- They receive any warnings, cautions, fixed penalties or driving endorsements;
  - Are arrested (whether or not charged with an offence);

- Are charged with any criminal offence (includes driving/motoring offences) ;
- Are convicted of any criminal offence (includes driving/motoring offences); or
- Allegations are made of their involvement in criminal activity.

# **APPENDIX E**

## **PLYING FOR HIRE**

**PLYING FOR HIRE**

- 1.0 Only licensed hackney carriages are permitted to ply for hire. It is ILLEGAL for a private hire vehicle to ply for hire. This means:
- a) Private hire vehicles MUST NOT carry passengers if the journey has not been pre-booked with a private hire operator by the passenger.
  - b) All private hire vehicle journeys MUST be pre-booked through a licensed private hire operator.
  - c) All bookings MUST be made by prospective passengers themselves directly with a private hire operator who will despatch the vehicle. Prospective passengers may instruct a third party, e.g. a restaurant manager, to make a booking on their behalf but this third party MUST NOT be the private hire vehicle driver.
  - d) A driver of a private hire vehicle is NOT permitted to make the booking on behalf of a prospective passenger, e.g. via their radio or mobile telephone.
  - e) Private hire operators MUST NOT accept any booking made by a driver on behalf of a passenger.
  - f) Private hire vehicle drivers are NOT permitted to make their vehicles available for immediate hire. This means that private hire vehicle drivers MUST NOT physically position their vehicles in such a way as to be waiting in any area that is on view to the public to invite custom, e.g. allowing prospective customers to approach the vehicle and ask, 'Are you free?'
  - g) In most cases, the vehicle will not be insured during a journey that has not been correctly pre-booked.
  - h) Private hire vehicles MUST NOT wait at any taxi rank/stand.
  - i) Private hire vehicle MUST NOT be hailed in the street.
- 1.1 Other circumstances may constitute unlawful 'plying for hire'; accordingly, each case of allegedly unlawful 'plying for hire' will be judged on its own facts. Nevertheless, attention is drawn to the Council's position as set out above.
- 1.2 Further information about the relevant legislation is available in the Town Police Clauses Act 1847, in particular Section 45, and in Part II of the Local Government (Miscellaneous Provisions) Act 1976, in particular Section 64.

# **APPENDIX F**

## **RELEVANCE OF CRIMINAL CONVICTIONS AND CAUTIONS**

## RELEVANCE OF CRIMINAL CONVICTIONS AND CAUTIONS

### Introduction

- 1.1 The purpose of this appendix is to provide additional guidance to determine whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire vehicle drivers and/or an operator licence as it relates specifically to convictions and cautions.
- 1.2 The guidance has been produced to assist the Council in its decision-making and to maintain the consistency of the decisions made. It has also been formulated to provide clearer information to current and potential applicants, with a view to minimising the cost and time spent on the licensing process by both the Council and the applicant.
- 1.3 The aim of the guidance is not to punish the applicant twice for a conviction or caution but to ensure that public safety is not compromised. The Council cannot review the merits of any conviction.
- 1.4 Each case is to be decided on its own individual merits and, where the circumstances demand, the decision making body may depart from the guidance in which case the reasons for this will be made clear.

### Legislation

- 1.5 Sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 sets out that the Council must not grant a driver's licence or an operator's licence unless they are satisfied that the person is a **fit and proper person** to hold such a licence.
- 1.6 Sections 61 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Council to suspend, revoke or refuse to renew a driver's licence if they have, since the grant of the licence, been convicted of an offence involving dishonesty, indecency or violence; or been convicted of an offence under or failed to comply with the provisions of the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.
- 1.7 Sections 62 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Council to suspend, revoke or refuse to renew an operator's licence if they have committed any offence under, or failed to comply with, the provisions of Part II of the Act; where any conduct appears to render the operator unfit to hold a licence; any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or any other reasonable cause.
- 1.8 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.



## **Defining a ‘fit and proper person’**

1.9 There is no legal definition as to what definitively constitutes a ‘fit and proper person’. However, because of the potentially vulnerability of the passengers that drivers and operators may come into contact with, e.g. elderly people, unaccompanied children, the disabled, those who may have consumed excessive quantities of alcohol, lone females and foreign visitors, it is incumbent on the Council to take a very robust stance when deciding whether or not a person is fit and proper to hold a licence granted by the Council.

1.10 In essence, a fit and proper person will be:

- Honesty and trustworthy - drivers and operators have, for example, access to a large amount of personal information that could be misused and significant opportunities to defraud drunken, vulnerable or foreign people or to steal property left in cars.
- Not abusive, violent or threatening – abusive, violent or threatening behaviour is not acceptable conduct on the part of a driver/operator even when they are subjected to unpleasant or dishonest passenger behaviour.
- A competent and safe driver - they are expected to be professional drivers and must be fully aware of all road traffic legislation, conditions attached to their driving licence, the safety of their passengers and the safety of their vehicles at all times; passengers rely on their driver to get them to their destination safely and using the most direct route, therefore, a good knowledge of the area that they are working in is also appropriate.
- Able to communicate effectively with passengers – in the main this means able to read, speak, write and understand English.
- In good physical and mental health – to ensure they do not put passengers at risk through, for example, suffering a heart attack whilst conveying passengers.

## **The Council’s approach when considering convictions**

1.11 The disclosure of any convictions or cautions will not necessarily mean an applicant is not a fit and proper person and, therefore, automatically prevented from being issued a licence. However, the Council will have regard to all convictions, spent or live, and they will be assessed accordingly. Consideration will be given, but not restricted to, the following:

- How relevant the offence(s) are to the licence being applied for.
- How serious the offence (s) were.
- When the offence(s) were committed.
- The date of conviction.
- Circumstances of the individual concerned.
- The extent of any mitigating factors.
- Sentence imposed by the court.
- Whether the offence(s) form part of a pattern of offending or indicate a pattern of unacceptable behaviour.
- Any other character check considered reasonable, e.g. personal references.
- Any other factor that may be relevant.

- 1.12 **AND** to guide the Council's consideration, the implications of the answer to the following question will also 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?
- 1.13 If the Council has any doubts as to the fitness of an applicant/existing licenced driver, then an application must be refused or licence suspended/revoked until those doubts can be effectively allayed through the provision of further adequate evidence.
- 1.14 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 will be referred to the Licensing Panel or the Licensing & Safety Sub-committee for a decision as to whether the licence ought to be suspended or revoked.

### **Patterns of behaviour**

- 1.15 A series of offences or a pattern of behaviour/conduct over a period of time is more likely to give cause for concern than an isolated conviction/incident. However, that is not to say that an isolated conviction/incident cannot give cause for concern in its own right, particularly where it relates to a serious matter. In such circumstances, the Council will give significant consideration to refusing to grant a licence or to suspending and/or revoking an existing licence.
- 1.16 A serious view will always be taken where an applicant shows any tendency towards criminal and/or unacceptable/inappropriate behaviour patterns. In such instances, the Council is unlikely to consider such an applicant/existing licence holder to be a fit and proper person to hold a licence and will give significant consideration to refusing to grant a licence or to suspending/revoking an existing licence.

### **Rehabilitation periods**

- 1.17 Detailed guidance (effective March 2014) on the Rehabilitation of Offenders Act 1974 is available on the GOV.UK website at <https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974>
- 1.18 A person with a conviction for an offence need not be automatically barred from obtaining a licence. However, they would be expected to remain free of conviction for an appropriate period of time (as set out in Tables A and B below) and demonstrate adequate evidence that they are a fit and proper person to hold a licence. The onus is on the person to produce such evidence.

**NB** Simply remaining free of conviction will not generally be regarded as adequate evidence that a person is a fit and proper person.

**Table A**

<b>Sentence</b>	<b>Rehabilitation period</b> (applies from the end date of the sentence, including any licence period)
Custodial sentence* of over 48 months, or a public protection sentence**	Never spent
Custodial sentence* of over 30 months and up to and including 48 months	7 years
Custodial sentence* of over 6 months and up to and including 30 months	4 years
Custodial sentence of 6 months or less	2 years
Community order	1 year

\*Custodial sentence includes both an immediate custodial sentence and a suspended sentence.

\*\*Public protection sentence means a sentence of imprisonment imposed for specified sexual and violent offences as set out in Schedule 15 of the Criminal Justice Act 2003. (Equivalent provisions of the Armed Forces Act 2006 are also applicable.)

**Table B**

<b>Sentence</b>	<b>Rehabilitation period</b> (applies from the date of conviction)
Endorsement for a road traffic offence imposed by the court or a FPN; or if a driving licence is revoked or refused on medical grounds by the DVLA (or other body responsible for issuing the driving licence)	5 years*
Penalty points for a road traffic offence	3 years
Driving disqualification**	when the disqualification ceases to have effect
Community order with no specified end date	2 years
Fine	1 year
Conditional discharge	Period of the order
Absolute discharge	None
Conditional caution	3 months or when the caution ceases to have effect if earlier
Simple caution	Spent immediately
Compensation order	On the discharge of the order (i.e. when it is paid in full); individuals must obtain and retain proof of payment from the court
Binding over order; Attendance centre order; Hospital order (with or without a restriction order)	Period of the order

\* Where a driving licence is revoked/refused on medical grounds by the DVLA (or other body), the Council will not grant a licence until medical proof of acceptable physical and mental fitness is provided.

\*\*'Disqualified' – refers to the period of disqualification actually served in order to take account of the fact that a court may reduce the period of disqualification; an applicant must provide evidence to prove that the court agreed a reduction in the period of disqualification.

- 1.19 Where a person does not satisfy the rehabilitation periods referred to in the tables above, then the Council will refuse to grant a new licence or revoke or suspend an existing licence until the applicant is in a position to satisfy them.
- 1.20 The specific periods of rehabilitation are not intended to be taken as definitive time

periods by which an applicant/licence holder is automatically granted a licence simply on the basis that the rehabilitation period has elapsed. Rather they are intended to give parameters for consideration when taken with the overall history of an applicant/licence holder in order to assist the Council to determine whether an applicant/existing licence holder is a fit and proper person or not. The rehabilitation periods will not be considered in isolation.

- 1.21 The Council will not grant a licence to an applicant who has been convicted of a specified sexual or violent offence unless significant and exceptional circumstances apply.

#### **Licensing offences**

- 1.22 In addition to the consideration of rehabilitation periods, where an existing licence holder is found guilty of hackney carriage or private hire related offences such as, but not restricted to, plying for hire, over-charging, refusing to carry disabled persons or multiple breaches of licence conditions, licence holders will be referred to the Licensing Panel and/or the Licensing and Safety Sub-committee with a view to determining whether the licence ought to be suspended and/or revoked.

#### **Right of appeal**

- 1.23 Any applicant refused a driver's or operator's licence on the grounds that they are not a fit and proper person to hold such a licence, or who has had their licence suspended or revoked 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.

#### **Conclusion**

- 1.24 Any applicant having a previous or current conviction should not, in principle, debar them from obtaining a hackney carriage or private hire driver's licence. However, previous convictions are a significant factor in the decision making process and it will inevitably be more difficult for such applicants to obtain a licence. It is this Council's policy to consider the protection of the public above all else by ensuring all licensed drivers are honest, will not be a threat to the public, are in good health, are safe and competent drivers and are able to maintain their vehicles to a safe standard. In doing so, the Council will focus on the background of an applicant as a whole and will not consider individual offences and their rehabilitation periods identified above in isolation from other factors, in particular patterns of unacceptable or inappropriate behaviour and conduct that may not necessarily be linked to proven convictions.

**APPENDIX G**

**INTENDED USE**

**AND**

**LICENSING OF HACKNEY**

**CARRIAGES**

**INTENDED USE AND LICENSING OF HACKNEY CARRIAGES****Reasons for Policy**

- 1.0 The Council wishes to ensure that applications for the grant of hackney carriage licences are determined in accordance with the guidance given by the High Court in its judgment, and the declaration made in the case of Newcastle City Council v Berwick upon Tweed Council [2008].

**Applications for the grant of a new hackney carriage licence**

- 1.2 Applicants for new licences will be expected to demonstrate a bona fide intention to ply for hire within the administrative area of Shropshire Council under the terms of the licence for which application is being made.
- 1.3 There will be a presumption that applicants who do not intend to a material extent to ply for hire within the administrative area of Shropshire Council will not be granted a hackney carriage licence authorising them to do so. Each application will be decided on its individual merits.
- 1.4 Even where the applicant intends to ply for hire to a material extent in the administrative area of Shropshire Council, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular application, there will be a presumption that the application will be refused.

**Applications for the renewal of a hackney carriage licence**

- 1.5 Applicants for renewals of licences will be required to inform the Council whether they have a bona fide intention to ply for hire within the administrative area of Shropshire Council under the terms of the licence for which application is being made.
- 1.6 There will be a presumption that applicants who do not intend to a material extent to ply for hire within the administrative area of Shropshire Council will not be granted a hackney carriage licence authorising them to do so. Section 60 of Local Government Miscellaneous Provisions Act 1976 gives the Council a broad discretion to refuse to renew a licence for any reasonable cause. Each application will be decided on its merits.
- 1.7 Even where the applicant intends to ply for hire to a material extent in the administrative area of Shropshire Council, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular application, there will be a presumption that the application will be refused.

## **Transfer of ownership – when a licensed vehicle is transferred from one person to another**

- 1.8 Section 49 of the Local Government (Miscellaneous Provisions) Act 1976 requires that the proprietor of the licensed vehicle who transfers his interest to another must, within 14 days of the transfer, give written notice to the Council of the name and address of the transferee of the hackney carriage. The Council has no power to refuse to register the new proprietor: see *R v Weymouth Borough Council, ex p Teletax (Weymouth) Ltd* [1947] KB 583.
- 1.9 Provided requisite notice has been given in accordance with section 49 of the Local Government (Miscellaneous Provisions) Act 1976 the Council will register the transferee of a licensed hackney carriage as the new proprietor. This is a legal requirement.
- 1.10 The transferee of a licensed hackney carriage will be asked to inform the Council whether he has a bona fide intention to use the vehicle to ply for hire within the administrative area of Shropshire Council. In addition, where the transferee resides outside the administrative area of Shropshire Council, the transferee will be required to keep records of all pickups on the Shropshire Council approved record sheets and these records shall be made available for inspection upon request. Transferees should note the obligation under section 73 of the Local Government (Miscellaneous Provisions) Act 1976 to give to an authorised officer information which may reasonably be required by him for the purpose of carrying out his functions under the legislation. Where there is a failure to provide the requested information or to keep the records, the Council will give serious consideration to exercising its powers of suspension of the licence under section 60 of the 1976 Act until such information is forthcoming, in addition to its powers under section 73.
- 1.11 Transferees of existing licences will be expected to have a bona fide intention to ply for hire within the administrative area of Shropshire Council under the terms of the licence in respect of the vehicle being transferred.
- 1.12 Where the transferee of a licensed hackney carriage is found to have no intention to ply for hire to a material extent within the administrative area of Shropshire Council and/or intends to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular case, consideration will be given (either at renewal or earlier) to the suspension or revocation of the licence under section 60 of the 1976 Act. Where the transferee proposes to operate remotely from the administrative area of Shropshire Council there will be a presumption that his licence will be revoked. Each case will be decided on its merits.
- 1.13 The Council is required to register the name of the new proprietor of a vehicle. It seems to the Council also to open up an obvious route to circumvent the decision of the High Court referred to in paragraph 1.0 above, unless precautionary steps are taken. The paragraphs in this section are intended to put the Council in a position to respond responsibly to the transfer of a Shropshire hackney carriage into the name of someone who operates outside the administrative area of Shropshire Council or remotely from it.
- 1.14 Unless there has been a change in the proprietor's intentions with regard to plying for hire within the administrative area of Shropshire Council, there should be no reason

why he should not be granted a licence for a replacement vehicle. On the other hand, an applicant who obtained his first licence on the expressed intention of plying for hire to a material extent within the administrative area of Shropshire Council, and who on application to replace that vehicle with another discloses that he no longer so intends, effectively engages the presumption against grant that is mentioned earlier.

#### **Change of vehicle – when a proprietor replaces a licensed vehicle**

- 1.15 Applicants seeking the grant of hackney carriage licence for a vehicle intended to replace another licensed vehicle will be asked to inform the Council of their intended use of the vehicle. There will be a presumption that applicants who no longer intend to ply for hire to a material extent within the administrative area of Shropshire Council will not have the new hackney carriage licence granted. Even where the applicant intends to ply for hire to a material extent in the administrative area of Shropshire, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular case, there will be a presumption that the application will be refused.

#### **Revocation of licence**

- 1.16 Where a licence has been granted under the terms that the applicant intends to ply for hire to a material extent within the administrative area of Shropshire Council but is subsequently found not to be plying for hire to a material extent in the administrative area of Shropshire Council and/or to be trading in another authority's area for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) there will be a presumption that the licence will be revoked.

#### **Exceptional circumstances**

- 1.17 Each application will be decided on its merits. However the presumptions that intended use is to ply for hire to a material extent within the administrative area of Shropshire Council will be rebuttable in exceptional circumstances. Whilst it is neither possible nor prudent to draw up a list of what might amount to exceptional circumstances, an applicant who claims that exceptional circumstances exist will be expected to be able to satisfy the Council that it would not frustrate the purposes of the legislation or compromise public safety if the licence were granted, renewed or if were not suspended or revoked as the case may be.



**APPENDIX H**

**ADVERTISING**  
**ON**  
**HACKNEY CARRIAGE**  
**AND**  
**PRIVATE HIRE VEHICLES**

## ADVERTISING ON HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

- 1.0 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. does not comply with the law or incites someone to break the law;
  - b. does not comply with the UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing;
  - c. 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. depicts men, women or children in a sexual manner or displays nude or semi-nude figures in an overtly sexual context (**NB** whilst 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. depicts or refers to indecency or obscenity or uses obscene or distasteful language including that set out in a foreign language;
  - f. relates to lap-dancing, 'gentlemen's clubs', escort agencies or massage parlours;
  - g. depicts direct or immediate violence to anyone shown in the advertisement;
  - h. condones or provokes anti-social behaviour;
  - i. contains images or messages, which relate to matters of public controversy and sensitivity;
  - j. 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;
  - k. contains negative references to Shropshire Council's services or those services provided or regulated by other local authorities;
  - l. relates to a political party or parties or a political cause;
  - m. relates to or advertises alcohol or tobacco (this includes electronic cigarettes);
  - n. in the case of digital media, poses a health and safety risk as a result of flickering or other visual imagery

**APPENDIX I**

**CONDITIONS APPLICABLE**

**TO THE**

**USE OF TRAILERS**

**CONDITIONS APPLICABLE TO THE USE OF TRAILERS**

- Any driver using a trailer must ensure they hold the appropriate DVLA (or equivalent) driving licence.
- 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.
- The licensed towing vehicle's insurance must cover the towing of a trailer.
- Trailers must not be left unattended anywhere on the highway.
- The speed restrictions applicable to trailers must be observed at all times.
- 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.
- 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.
- The tow bar must comply with the type approval regulations in respect of all tow bars fitted to cars after August 1998.
- 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.
- Trailers must be inspected at initial licensing and annually thereafter by a garage approved by the Council for that purpose.
- 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.
- Un-braked trailers shall be less than 750 KGs gross weight.
- Trailers over 750 KGs gross weight shall be braked acting on at least two road wheels.
- The towing vehicle must have a kerb weight of at least twice the gross weight of the trailer.
- 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.
- The maximum permissible length of the trailer shall be 7 metres including the drawbar and coupling.

- The width of the trailer shall not be greater than the towing vehicle subject to no trailer being wider than 2.3 metres.
- The maximum length for braked twin axle trailers is 5.54 metres.
- 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.
- The trailer shall not display any form of sign or advertisement not required or approved by the Council or Road Traffic legislation.

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## Proposed improvements and substantive changes

### 1.0 Safeguarding

- a) Purpose clearly set out and strengthened with respect to child sexual exploitation.
- b) Emphasis on safeguarding significantly increased with a more robust position being taken in respect of who will be accepted as a 'fit and proper person'; additional checks beyond the DBS check will be undertaken and greater use made of intelligence and behaviour/misconduct information.
- c) Additional information/evidence for drivers required at time of application, including proof of identity and the right to work in the UK.
- d) Appendix dealing with the relevance of criminal convictions and cautions fully revised to reflect the current position in relation to the rehabilitation of offenders and the more robust position that the Council intends to take with respect to dealing with applicants who have previous convictions and cautions, in particular where patterns of behaviour feature.
- e) Clarification of the convictions and other penalties that must be notified to the Council during the period of any licence.
- f) Requirement for applicants to be able to converse orally and in writing in English has been clearly set out rather than implied.
- g) Encouragement, on a voluntary basis, for all hackney carriages to be black in colour and all private hire vehicles to be NOT black to increase distinction between the vehicle types to improve public safety by increasing public awareness of the different types of vehicles available.
- h) Additional conditions incorporated into the private hire operators' licence to raise standards, to induce operators to take a greater responsibility for the role they have to ensure public safety and to provide the Council with increased control and a more robust basis for enforcement action where this is necessary.
- i) The Council's interpretation of the meaning of 'plying for hire' is clearly set out to ensure drivers and operators are fully aware of the Council's position and expectations; operators are required to ensure drivers fully understand this.
- j) Increased restriction on the use of the words taxi, cab and hire on vehicles and advertising medium.
- k) Clarification provided confirming that magnetic attachment of side plates on private hire vehicles are not permitted.
- l) New front plate requirement for both hackney carriage and private hire vehicles.
- m) Additional signs required to be displayed inside vehicles.
- n) Hackney carriage roof signs not to include any other words other than 'TAXI' and the light must be connected to the meter switch.

### 2.0 Public health/safety

- a) Purpose clearly set out and further strengthened with respect to reducing detrimental environmental impact.

- b) Introduction of European Emission Standards for vehicles to control emissions that impact on air quality and public health.
- c) Introduction of NCAP safety ratings for vehicles.
- d) Additional requirements and alternative options with respect to the carrying of a spare wheel in vehicles.
- e) Additional requirements for vehicle ramps.
- f) Advertising of alcohol and tobacco is prohibited on vehicles and the manner by which advertising materials are permitted to be displayed is clarified.
- g) Introduction of specific controls in respect of LPG converted vehicles.
- h) Specific levels for public liability and employer's liability indemnity insurance required and type of insurance required for each licence type is clarified.
- i) Specific requirements for the licensing of limousines, novelty vehicles and vintage vehicles included.
- j) Appendix dealing with medical conditions removed; instead there is reference in the main body of the Policy directing applicants/licence holders to the relevant current guidance issued by the DVLA.
- k) Condition requiring vehicles to carry a first-aid kit and fire extinguisher removed. (The need, or otherwise, for these is controlled by health and safety at work legislation, which is specifically excluded from this Policy.)

### **3.0 Preventing fraud**

- a) Additional requirements apply to the use of taximeters to reduce risk of overcharging and fraudulent use.

### **4.0 Equality and economy**

- a) Encouragement, on a voluntary basis, for all hackney carriages in zones 1, 2, 3 and 5 to be wheelchair accessible.

### **5.0 Conduct**

- a) Increased clarity around the conduct expected from drivers, including the unacceptability of racist behaviour.
- b) Introduction of a requirement for private hire vehicles to 'pull back' to specified parking areas when working in the Telford & Wrekin Council area and to a 'safe place' when in the Shropshire Council area; committed to reviewing the Shropshire position on this in 2018.
- c) Hackney carriage proprietors to encourage appropriate order of working ranks.

### **6.0 Administration**

- a) Scope clearly set out.
- b) Sets out the licensing process, including how decisions are made and by whom, giving all stakeholders clear guidance on the likely outcome of applications in particular circumstances.



- c) Tighter controls on the application process to prevent applications remaining in the system unnecessarily.
- d) In addition to licence conditions, the main legal requirements applicable to each licence type are set out for clarity.
- e) Previously agreed policies relating to executive vehicles and intended use of hackney carriages brought into the Policy; all now available for stakeholders in a single policy.
- f) Methods of consultation and communication with stakeholders to be determined as required rather than specifically set in the Policy.
- g) Clarity on the timescale for reviewing the Policy.
- h) Clarity on the legislative framework.
- i) Appendix dealing with the executive vehicles removed.

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<u>Committee and Date</u>	<u>Item</u>
Strategic Licensing Committee	9
10 <sup>th</sup> December 2014	Public

## EXERCISE OF DELEGATED POWERS

**Responsible Officer** Mandy Beever, Team Manager Operational Community Safety  
Email: Mandy.Beever@shropshire.gov.uk Tel: 01743 251702

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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 4<sup>th</sup> September 2014 to the 14<sup>th</sup> November 2014 and a summary of applications considered by committee.

### 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 4<sup>th</sup> September 2014 to the 14<sup>th</sup> November 2014. During this period the total number of licences processed was 1182. In addition, the table includes the total number of surrendered Hackney Carriage and Private Hire Vehicle licences during the same period.
- 5.4 The Table in Appendix B shows that there were no Licensing and Safety Sub-Committee Meetings held between the 4<sup>th</sup> September 2014 and the 14<sup>th</sup> November 2014.
- 5.5 The Licensing Act activities at Sub Committee have also been given in Appendix C.
- 5.6 There were no Taxi Operator Fleet Checks undertaken between the 4<sup>th</sup> September 2014 and the 14<sup>th</sup> November 2014.
- 5.7 Following the decision at the Strategic Licensing Committee on 21<sup>st</sup> 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:-

<b>Driver</b>	<b>Granted</b>	<b>Granted and/or warning letter</b>	<b>Letter Council is 'Minded to refuse' or 'Suspend'</b>	<b>Refused /Revoked</b>	<b>To refer to Committee</b>
New	5	2		6	
Renewal					
Conduct					
<b>Vehicle</b>	<b>Granted</b>	<b>Granted subject to keeping records</b>	<b>Letter sent stating Council is 'Minded to refuse'</b>	<b>Refused</b>	<b>To refer to Committee</b>
New					
Renewal					
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 4<sup>th</sup> September 2014 to the 14<sup>th</sup> November 2014.

B – Number of hackney Carriage / Private Hire Vehicle applications considered at the Licensing and Safety Sub-Committees from 4<sup>th</sup> September 2014 to the 14<sup>th</sup> November 2014.

C – Hearings held for licensed premises at the Licensing Act Sub-Committees from 4<sup>th</sup> September 2014 and the 14<sup>th</sup> November 2014.

## APPENDIX A

Licences issued – 4<sup>th</sup> September 2014 to the 14<sup>th</sup> November 2014.

General Licensing	Total
Acupuncture Personal	0
Acupuncture Premises	28
Animal Boarding	1
Animal Breeding	0
Caravan Sites	0
Cosmetic Piercing Personal	1
Cosmetic Piercing Premises	0
House to House Collection	20
Pet Shops	1
Riding Establishments	4
Scrap Metal Site	2
Scrap Metal Collector	0
Sex Shop	0
Street Collection	20
Street Trading Consent	3
Tattooing Personal	0
Tattooing Premises	0
Electrolysis	0
Dangerous Wild Animals	1
Zoo	0
Performing Animals	0
<b>Total Applications General</b>	<b>81</b>

Taxi Licensing (Surrendered)	Total
Private Hire Vehicles	11
Hackney Carriages	4
<b>Total Surrendered Vehicles</b>	<b>15</b>

Taxi Licensing		Total
Hackney Carriage	N	7
Hackney Carriage	R	32
Joint HC/PH Driver	N	62
Joint HC/PH Driver	R	55
Private Hire Operator	N	2
Private Hire Operator	R	16
Private Hire Vehicle	N	92
Private Hire Vehicle	R	110
Hackney Vehicle Transfer		8
Private Hire Vehicle Transfer		52
Private Hire Licensee Transfer		0
<b>Total Taxi Applications</b>		<b>436</b>

Licensing Act 2003	Total
Club Certificate with alcohol	0
Personal Alcohol	44
Premises Licence	0
Temp Event Notice no Alcohol	262
Temp Event Notice with Alcohol	0
Minor Variation Application	7
DPS Change/Variation	52
Transfer Application	15
Annual Fee	0
Premises Review	1
Premises Lic with Alcohol - Full Variation	12
Premises Lic without Alcohol - Full Variation	1
<b>Total Lic Act Applications General</b>	<b>394</b>

Gambling Act 2005	Total
Bingo Premise Licence	0
Betting Premise Licence	0
Licensed Premise Gaming Machine Permit	0
Notification of Intent to have gaming machines	8
Club Machine Permits	4
Occasional Use Licence	0
Adult Gaming Centre	0
Small Society Lotteries	259
Change of Promoter	0
Annual Fee	0
<b>Total Gambling Act 2005 Applications</b>	<b>271</b>

<b>Total Applications</b>	<b>1182</b>
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<b>Total Surrendered Vehicles</b>	<b>15</b>
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**APPENDIX B**

**Licensing and Safety Sub-Committee Meetings – 4<sup>th</sup> September 2014 to the 14<sup>th</sup> November 2014.**

Date of Meeting	Scheduled/ Additional	Item	Time	Decisions
None				

## APPENDIX C

Licensing Act Sub-Committees. Hearings held for licensed premises from 4<sup>th</sup> September 2014 to the 14<sup>th</sup> November 2014.

Date	Premises	Type of application	Councillors	Meeting Venue	Decision	Review Requested by
18/09/14	Drinks Stop, Unit 3 Brownlow Street Parade, Brownlow Street, Whitchurch	Review	J Barrow, P Cherrington, R Hughes	Shirehall	Additional Conditions added to Premises Licence	Trading Standards
21/10/14	Magdalenka, 10-12 Shropshire Street, Market Drayton	Review	P Cherrington, V Bushell, A Davies	Shirehall	Premises Licence revoked	Trading Standards
12/11/14	Shropshire & West Mid Showground, Berwick Street, Shrewsbury	Review	J Barrow, P Cherrington, R Hughes	Shirehall	Premises Licence Conditions revised	Public Protection, Environmental Health