



<u>Committee and Date</u>
Strategic Licensing 29 th September 2009

<u>Item/Paper</u>
Public

Responsible Officer Brian Johnson

e-mail: Brian.johnson@shropshire.gov.uk

Tel: 01743 258151

Fax: 01743 251860

Summary

The Implementation Executive approved the initial Hackney Carriage / Private Hire Policy on 17th December 2008. Following representations from the trade it was agreed that the policy would be revised within the first year of Shropshire Council. This is the first part of that process and if the committee agrees then the draft policy will be sent out for a minimum 12 week consultation period, prior to being brought back to this Committee on Tuesday 23rd March 2010 for consideration of the observations and adoption.

Recommendations

That the Committee

Approve the proposed revisions to the policies for Private Hire Vehicles and Hackney Carriages, for Public Consultation, prior to reporting back to the committee in March 2010.

Approve in principle the adoption of a risk based approach to the policies for Private Hire Vehicles and Hackney Carriages, subject to further detail, Public Consultation, and reporting back to the committee in March 2010.

.

Report

1. On 17th Dec 2008, the Implementation Executive approved the Taxi and Private Hire Licensing Policies for Shropshire Council, These came into force on 1st April 2009.
2. There was considerable trade lobbying against aspects of these Policies, following which members of Shropshire Council agreed that the Policies would be reviewed within the first year of Shropshire Council.
3. Officers have responded to a number of the issues raised and the proposed amendments to the policies and associated documents are set out in Appendix 1.
4. There is a requirement when introducing new licensing Policies that a Diversity Impact Assessment is undertaken. The draft assessment is set out in Appendix 2.
5. The current policies and documents are set out in Appendix 3 for members' information..

A New Approach.

6. The policy changes build incrementally on the policies approved by the Implementation Executive. There is increasingly pressure from trade bodies supported by the government's Local Better Regulation Office to adopt proportional risk based regulation and enforcement. Such an approach places a higher regulatory burden on those businesses that are generally non compliant and a lower burden on compliant businesses. This approach is taken for much of the regulatory work undertaken by Shropshire Council e.g. health and safety, food safety.
7. A risk based approach can have particular merit for Hackney Carriage and PHV licensing where the trade meets the cost of regulation through fees and charges, thus permitting the introduction of a charging structure that would more accurately reflect the costs of regulation to businesses, benefiting compliant businesses whilst imposing increased costs on non compliant ones.
8. A number of local authorities across the country have introduced such an approach. One particularly interesting model has the following key elements.
 - All operators are risk assessed based on a pre set and adopted risk assessment.
 - A star rating system is used based on the scoring from the risk assessment. (Zero stars to 5 stars)

- Hackney Carriages and PHVs are required to display clearly and visibly the stars awarded on their vehicle(s).
 - Higher star rated operators are only required to undertake annual vehicle tests, whilst lower rated operators would require more frequent testing for example:
 - Zero to 1 Star: Quarterly tests
 - 2 to 3 Stars: six monthly tests
 - 4 to 5 Stars: Annual testing.
 - Five star rated operators will be permitted to sell and carry advertising on the vehicle.
 - On street compliance checks will target lower star rated operators.
9. If Shropshire Council wished to consider such an approach further work would be required to develop the risk assessment and any appeal mechanisms plus the exact charges and benefits that may be applied to any particular star rating.
 10. This approach does however have many merits for operators (reducing the compliance burden and introducing financial incentives for good operators), members of the public (introducing choice through making the quality of the Hackney carriage / PHV operator clearly visible on the vehicle through the stars displayed) and Shropshire Council (enabling enforcement to be targeted at those businesses with a lower level of compliance.)
 11. Officers would welcome the Committee giving consideration to such an approach in principle, permitting the details to be worked up over the next month and consultation with the trade during the period of this review.

Consultation.

- 5 If the Committee approves the draft policy changes and/ or new approach then there will be a period of consultation from October 2009 to January 2010 after which the observations will be brought to the Strategic Licensing Committee on 23rd March 2010 for consideration of the observations made and adoption of Revised Taxi and Private Hire Licensing Policies.
- 6 Stakeholders are welcome to make observations on any part of the draft policies. Comments would be particularly welcome in respect of the following matters:

- **Zoning**, Should they remain or be removed: At present there is a zone covering each of the previous Shropshire Districts which means that a Hackney carriage can only ply for Hire in the zone it is allocated to. Each zone has its own table of fares. This only applies to Hackney Carriages; a vehicle can only be licensed to ply for hire one zone.
- **Vehicle Inspection** methods and frequency.
- **Provision and labelling** of First Aid Kits and Fire Extinguishers.
- **Provision** of Taxi Ranks
- **Identification** of private Hire Vehicles and Hackney Carriages
- **Age limits** on the Licensing of Vehicles.
- **Colour** of Vehicles
- **Disabled access** to vehicles
- **Minimum age / experience** for “Taxi” drivers
- **Tables of fares**
- **Driving ability tests and “knowledge”**
- **Plate Deposits**
- **A New Risk Based Approach**

There are other areas where observations may be made.

- 7 Taxi Forums have already been held in the Northern and Central areas where proprietors have been informed that they will be able to comment on the policy after this committee.

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

Original Shropshire Hackney / Private Hire Policies approved by the Interim Executive on 17th Dec 2008. .This appears as appendix 2

Revised Consultation Code of Practice

Human Rights Act Appraisal

The recommendations contained in this report are compatible with the provisions of the Human Rights act 1998.

Environmental Appraisal N/A

Risk Management Appraisal

The existing policy will remain in force and could be challenged.

Community / Consultations Appraisal

If approved by committee this draft will be subject to Public Consultation for a period of 12 weeks, prior to being brought back to committee for further consideration and

adoption. Drivers and proprietors of the “Taxi Trade” will be invited to make representation as will Disability access groups, Transport groups and those responsible for school and hospital transport.

Cabinet Member:

Cllr David Roberts

Local Member Covers all areas of the Council

Appendix 1, Summary of principal proposed changes in Taxi and Private Hire Policies.

Appendix 2 Diversity Impact Assessment.

Appendix 3, Shropshire Taxi and Private Hire Licensing Policies and associated documents.



Appendix 1

Proposed Changes to: Taxi and Private Hire Licensing Policies and Associated Documents

Strategic Licensing Committee - 29 September 2009

Hackney Carriage Policy

- **Paragraph 3.1**

Amend (c) from:

(c) Provide any necessary windows and a means of opening/closing, not less than one window on each side. Tinted windows will only be permitted as part of Manufacturers or specialist coachbuilder's specification. After market tinting will not be permitted.

To read:

(c) Provide at least two windows on each side of the vehicle of which one side must have a means of opening/closing. Tinted windows will only be permitted as part of Manufacturers or specialist coachbuilder's specification. After market tinting will not be permitted.

Reason: To ensure that vehicles have windows in the front and rear.

Amend (f) from:

(f) Cause the fittings and furniture generally to be in a clean condition at the start of business each day and be well maintained and in every way fit for public service;

To read:

(f) Cause the fittings and furniture to be in a clean condition and be well maintained and in every way fit for public service;

Reason: To ensure that all vehicles are maintained in a clean condition at all times.

Amend (i) from:

(i) Provide at least three doors for the use of persons conveyed in such vehicle including a separate means of ingress and egress for the driver. Vehicles with tilting passenger seats will be permitted at the discretion of a Licensing Officer

To read:

(i) Provide at least three doors for the use of persons conveyed in such vehicle including a separate means of ingress and egress for the driver. Such seats would be full sized with a three point seatbelt.

Reason: To remove ambiguity in relation licensing a vehicle that has tilting seats.

Paragraph 3.2

Amend from:

All vehicles shall meet the Council's fitness requirements and for this purpose will be required to attend a six-monthly inspection (and any other inspection deemed necessary by an authorised officer) at the Council's approved garage. If at that time the vehicle is deemed to be not fit for the purpose of passenger carrying then a notice will be issued and the plate removed. When the vehicle is deemed fit for the purpose of passenger carrying then a re-inspection will take place and the plate replaced. If at such inspection the vehicle has minor faults a time period will be rectified and the vehicle re-inspected. Any mechanically operated ramp would also be tested at the time of each inspection.

To read:

All vehicles shall meet the Council's fitness requirements and for this purpose will be required to attend a six-monthly MOT inspection (and any other inspection deemed necessary by an authorised officer) at a VOSA approved MOT testing station, the first of these inspections is to be at the time of initial application/renewal. If at that time the vehicle is deemed to be not fit for the purpose of passenger carrying then a notice will be issued and the plate removed. When the vehicle is deemed fit for the purpose of passenger carrying then a re-inspection will take place and the plate replaced. If at such inspection the vehicle has minor faults a time period will be specified for rectifying the faults and the vehicle re-inspected. Any mechanically operated ramp would also be tested at the time of each inspection. Note certificates of MOTs with any advice notice will be accepted for licensing purposes as follows:

Renewal and six monthly inspections – 7 days from date of issue

Reason: To clarify that the appropriate means of assessing whether a vehicle is fit for purpose is by way of producing an MOT, and that MOT at the time of application should be no more than 7 days old.

- **Paragraph 3.4**

Amend from:

In the event of a proprietor failing to present his vehicle for the six monthly inspection on the appointed day and at the time stated, unless delayed or prevented by sufficient cause approved by the Licensing Officer, may be required to appear before the designated committee who have the power to suspend or revoke the vehicle licence.

To read:

In the event of a proprietor failing to present his vehicle for the six monthly inspection at the appropriate time, and at the time stated, unless delayed or prevented by sufficient cause approved by the Licensing Officer, He/She may be required to appear before the designated committee who have the power to suspend or revoke the vehicle licence.

Reason: As MOT inspections are booked by the licence holder, not the licensing authority the wording 'appropriate day' is no longer relevant.

- **Paragraph 3.7**

Amend from:

All vehicles will be required to carry a 'TAXI' roof sign.

To read:

All vehicles will be required to carry a 'TAXI' roof sign. The only acceptable wording to be printed on the roof sign to be the word "TAXI".

Reason: For clarity purposes.

- **Paragraph 3.10**

Amend from:

Any authorised officer of the Council or any Constable shall have power at reasonable times to inspect and test the vehicle and to request driver identification and insurance details. A drivers badge, copies of insurance and MOT certificate and a Council test satisfaction notice will be kept in the vehicle at all times.

To read:

Any authorised officer of the Council or any Constable shall have power at all times to inspect and test the vehicle and to request driver identification and insurance details. A drivers badge, copies of insurance and MOT will be kept in the vehicle at all times.

Reason: To permit council officers to inspect vehicles at all times and remove the requirement to carry a satisfaction notice as they are not now issued.

Private Hire Vehicles

- **Paragraph 1**

Amend (d) from:

(d) Cause the seats to be properly cushioned or covered.

To read:

(d) Cause the seats to be properly cushioned or covered and free from holes and tears;

Reason: To ensure that seats are maintained in an acceptable condition.

- **Paragraph 2.1**

Amend from:

The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained in Motor Vehicles (Construction and Use) Regulations) shall be fully complied with. Notification shall be given to the Council within 72 hours of the occurrence of any accident to the vehicle. An authorised officer will then, after the vehicle has been inspected decide if the vehicle can continue in service.

To read:

The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained in Motor Vehicles (Construction and Use) Regulations) shall be fully complied with. Notification shall be given to the Council within 72 hours of the occurrence of any accident to the vehicle. An authorised officer will then, after the vehicle has been inspected decide if the vehicle can continue in service. A new MOT will be required before the vehicle will be permitted to operate.

Reason: To enable the Council to be satisfied that a vehicle is in a roadworthy condition following an accident repair.

- **Paragraph 3.3**

Amend from:

All vehicles shall meet the Council's fitness requirements and for this purpose will be required to attend a six-monthly inspection (and any other inspection deemed necessary by an authorised officer) at the Council's approved garage. If at that time the vehicle is deemed to be not fit for the purpose of passenger carrying then a notice will be issued and the plate removed. When the vehicle is deemed fit for the purpose of passenger carrying then a re-inspection will take place and the plate replaced. If at such inspection the vehicle has minor faults a time period will be rectified and the vehicle re-inspected. Any mechanically operated ramp would also be tested at the time of each inspection.

To read:

All vehicles shall meet the Council's fitness requirements and for this purpose will be required to attend a six-monthly MOT inspection (and any other inspection deemed necessary by an authorised officer) at a VOSA approved MOT testing station, the first of these inspections is to be at the time of initial application/renewal. If at that time the vehicle is deemed to be not fit for the purpose of passenger carrying then a notice will be issued and the plate removed. When the vehicle is deemed fit for the purpose of passenger carrying then a re-inspection will take place and the plate replaced. If at such inspection the vehicle has minor faults a time period will be specified for rectifying the faults and the vehicle re-inspected. Any mechanically operated ramp would also be tested at the time of each inspection. Note certificates of MOTs with any advice notice will be accepted for licensing purposes as follows:

Renewal and six monthly inspections – 7 days from date of issue

Reason: To clarify that the appropriate means of assessing whether a vehicle is fit for purpose is by way of producing an MOT, and that MOT at the time of application should be no more than 7 days old.

- **Paragraph 5.1**

Amend from

The plate identifying the vehicle as a Private Hire Vehicle as issued by the Council and required to be exhibited on the vehicle pursuant to Section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976 shall be securely fixed to the outside rear of the vehicle in a conspicuous position and in such a manner as to be easily removable by an authorised Officer of the

Council or a constable. Executive style plates would only be permitted in exceptional circumstances at the discretion of the licensing officer.

To read:

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

Reason: To remove the provision for executive style plates, as legislation permits an authority to exempt a vehicle from the requirement to display a plate if it is considered appropriate.

- **Paragraph 8 – Signs & Notices**

Include additional paragraph at 8.5 to read:

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

Reason: To enable the Council to be satisfied that the vehicle has the appropriate MOT and insurance cover and where an insurance policy is for more than one driver, details of those persons authorised are known to officers.

Drivers' Licence Conditions

- **Requirements - paragraph 1**

Amend from:

Applicants must have held a full DVLA driving licence for at least 12 months and must be over 21 years of age. This includes European Union (EU) and European Economic Area (EEA) and Northern Irish licences as defined in the Road Traffic Act 1988.

To read:

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

Reason: To remove the age restriction, any applicant will be considered irrespective of age.

- **Paragraph 14 - Animals**

Amend from:

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

To read:

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

Reason: To permit drivers to carry animals in a vehicle when it is not being used for hire.

- **Paragraph 17 - Documents to be carried**

Amend from:

The proprietor of a licensed vehicle is required to ensure that a copy of the Insurance Policy and certificate is kept in the vehicle together with a list of drivers authorised under the policy to drive the vehicle. These documents are to be made available to Authorised Officers from the Council or any Police Officer when requested.

To read:

The proprietor of a licensed vehicle is required to ensure that a copy of the Insurance Policy and MOT certificate is kept in the vehicle together with a list of drivers authorised under the policy to drive the vehicle. These documents are to be made available to Authorised Officers from the Council or any Police Officer when requested.

Reason: To clarify that a copy of an MOT certificate must be carried in the vehicle.

- **Paragraph 21 - Medical Fitness**

Amend from:

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

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

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

Medicals can be undertaken by any qualified GP.

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

To read:

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

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

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

Medicals can be undertaken by any qualified GP.

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

Reason: To enable the Council to require additional medical examinations if it is considered necessary by a GP.

- **Paragraph 24 - Driving Ability Test**

Amend from:

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

To read:

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

Reason: To clarify that all new drivers are required to undertake and pass a driving ability test prior to becoming a licensed driver.

Guidance Notes

- **Paragraph 6 – Operators**

Amend from:

Operator licences will run for one year or three years.

The Council will require a standard Operator fee, irrespective of the number of vehicles licensed by that operator.

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

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

To read:

The Council will require a standard Operator fee, irrespective of the number of vehicles licensed by that operator.

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

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

Reason: To remove the requirement for an Operator (that is not a licensed driver) to have an enhanced CRB check.

- **Paragraph 10 - Medical**

Amend from:

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

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

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

Medicals can be undertaken by any qualified GP.

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

To read:

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

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

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

Medicals can be undertaken by any qualified GP.

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

Reason: To enable the Council to require additional medical examinations if it is considered necessary by a GP.

- **Paragraph 17 – Inspections**

Amend from:

All vehicles will have two inspections a year at one of the garages prescribed by the Council to check that they are of an appropriate condition. A Certificate of Compliance inspection will be carried out at the time of first application or annual renewal. The second, mid-term, inspection will be six months later.

If a vehicle fails a test then the licence plate is removed until such time as the vehicle has been brought up to the necessary standard.

If a vehicle is permanently de-plated for any reason then the plate deposit initially paid will be refunded to the payee on return of the plate.

To read:

All vehicles shall meet the Council's fitness requirements and for this purpose will be required to attend a six-monthly MOT inspection (and any other inspection deemed necessary by an authorised officer) at a VOSA approved MOT testing station, the

first of these inspections is to be at the time of initial application/renewal. If at that time the vehicle is deemed to be not fit for the purpose of passenger carrying then a notice will be issued and the plate removed. When the vehicle is deemed fit for the purpose of passenger carrying then a re-inspection will take place and the plate replaced. If at such inspection the vehicle has minor faults a time period will be specified for rectifying the faults and the vehicle re-inspected. Any mechanically operated ramp would also be tested at the time of each inspection. Note certificates of MOTs with any advice notice will be accepted for licensing purposes as follows:

Renewal and six monthly inspections – 7 days from date of issue

Reason: To clarify that the appropriate means of assessing whether a vehicle is fit for purpose is by way of producing an MOT, and that MOT at the time of application should be no more than 7 days old.

Guidelines Relating to the Relevance of Convictions

- **Introduction**

Amend the word 'taxi' para 4 to hackney and private hire vehicles

Reason: for the avoidance of doubt.

- **Traffic Offences – Existing Licence Holders**

Include list of offences to guidelines relating to relevance of convictions (omitted in current policy).

guidelines relating to relevance of convictions

RELEVANCE OF PREVIOUS CONVICTIONS

MAJOR TRAFFIC OFFENCES

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

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

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

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

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

 - IN 10 Using a vehicle uninsured against third party risks

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

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

 - UT50 Aggravated taking of a vehicle
-

Aiding, abetting, counselling or procuring
Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12)

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

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

MINOR TRAFFIC OFFENCES

MS10 Leaving a vehicle in a dangerous position
MS20 Unlawful pillion riding
MS30 Play street Offences
MS40 Driving with uncorrected defective eyesight or refusing to submit to a test
MS70 Driving with uncorrected defective eyesight
MS80 Refusing to submit to an eyesight test
MS90 Failure to give information as to identity of driver, etc.

MW10 Contravention of Special Road Regulations (excluding speed limits)

PC10 Undefined contravention of Pedestrian Crossing Regulations
PC20 Contravention of Pedestrian Crossing Regulations with moving vehicle
PC30 Contravention of Pedestrian Crossing Regulations with stationary vehicle

TS10 Failing to comply with traffic light signals
TS20 Failing to comply with double white lines
TS30 Failing to comply with a "Stop" sign
TS40 Failing to comply with direction of a constable or traffic warden
TS50 Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)
TS60 Failing to comply with school crossing patrol sign
TS70 Undefined failure to comply with a traffic direction sign

Aiding, abetting, counselling or procuring
Offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12)

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

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

CU10 Using vehicle with defective brakes
CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30 Using a vehicle with defective tyre(s)
CU40 Using a vehicle with defective steering
CU50 Causing or likely to cause danger by reason of load or passengers

SP10 Exceeding goods vehicle speed limit

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

Aiding, abetting, counselling or procuring

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

Causing or permitting

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

Inciting

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



Taxi and Private Hire Licensing Policies

Diversity Impact Assessment

Pro-forma for Level One Equality Impact and Needs Assessment

Please write in answers or circle your selected choice whenever appropriate. You will probably find it helpful to refer to the explanatory notes as you go through the questions on the proforma.

A: Service Unit	Public Protection		B: Name of Officer leading this assessment	Brian Johnson	
C: Task Group Members (job title if any/ sections/ organisations)	Licensing Sub Group	D: Completion Date of Assessment	September 2009	E: Contact Tel./Email of Officer leading the assessment	Brian.johnson@shropshire.gov.uk

Section A - Defining the policy/function

1. Name of Policy/Function to be assessed	Hackney Carriage/Private Hire Driver, Vehicle and Operator policies
2. Is this a proposed or existing policy/function?	Revised policies
3. List the key objectives or purpose of the policy/function?	Sets out the Council's approach to decision making in relation to licensing of Hackney Carriage/Private Hire Drivers, Vehicles and Operators.
4. Who defines or defined this policy/function?	Licensing Officers (Under direction of Assistant Director for Public Protection) in conjunction with stakeholders and in line with Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976
5. Who is responsible for delivering/implementing this policy/function?	Policies set out how the Council's Licensing service will determine applications. Licensing officers, will determine applications in line with the scheme of delegation to officers and the Licensing Committee will determine applications contrary to policy.
6. Does the policy/function	Yes, integrated transport unit policies relating to school contracts.

<p>overlap with or relate to any other policies, strategies and priorities within the Department or Council?</p>	
<p>7. Would it be better to combine other closely related policies/ functions into one impact assessment?</p>	<p>No</p>
<p>8. Do any elements of this policy/function warrant a separate impact assessment?</p>	<p>No</p>

Section B – Analysing data and information gathering

9. Please list any key or priority groups this policy/function is intended for (e.g. older people, homeless people, people with disabilities, staff etc)?

These policies could impact on all members of the community. Particularly those with disabilities, older people and people living in rural areas where public transport is limited.

10. Do you collect equality data?

No

If yes, which equality groups do you collect data on:

Ethnicity	Gender	Disability	LGBT	Age	Faith
Yes/No	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No

<p>11. Do you monitor your policy/function for:</p>	<p><u>Services take-up/access</u></p>	<p><u>Performance Target(s)</u></p>	<p>User Satisfaction</p>	<p>Complaints</p>	<p><u>Other</u></p> <p style="text-align: right;">Yes/No</p> <p>If yes, please specify:</p>
<p><i>If yes, which equality groups as identified in Q10 are being monitored?</i></p> <p>As stated above we do not collect 'equality data'. Shropshire Council at present monitor and respond to any customer comments on the accessibility of vehicles and seek to resolve issues. Complaints and user satisfaction is monitored.</p>					
<p>12. What monitoring methods do you use for equality monitoring?</p>	<p>Satisfaction questionnaires</p>				
<p>13. In addition to monitoring data, what, if any, other information have you used to complete this assessment (e.g. customer surveys, complaints, local research)?</p>	<p>Disability Discrimination Act 1995 (Part V Section 32 1(a) and (b)).</p> <p>Department of Transport – Taxi and Private Hire Vehicle Licensing – Best Practice Guidance.</p>				

<p>14. Is your monitoring data sufficient to indicate any potential adverse impacts for the equality groups listed in question 10?</p>	<p>Yes</p>
<p>15. Do you work with special interest groups, agencies/experts or other local authorities to ensure that your policy/function adequately meets the needs of equality groups identified in question 10?</p>	<p>Work with colleagues nationally through the Institute of Licensing and LACORS, with Diversity Working Group within the Council to ensure that our service meets 'best practice' guidelines. There is a good working relationship with local, regional and national representative groups for the hackney carriage/private hire trade.</p>

Section C – Identifying differential and adverse impact

16. Are there any customer groups which might be expected to access and/or benefit from the policy/function but do not?

Disability access groups in rural areas

17. Are there any customer groups which are not satisfied with the policy/function or are more likely to make complaints than the average?

None identified

<p>18. Are there any aspects of this policy/function that could contribute to differential or adverse impacts? The factors could be unintentional.</p>	<p>There is a proposal to continue to require hackney carriages within the Shrewsbury and Atcham zone to be wheelchair accessible. This would not be a requirement for all other zones within Shropshire as it was considered that to impose that requirement would have an adverse effect on the amount of vehicles available in rural areas and which would then in turn affect all customer groups who rely heavily on licensed vehicles in areas where public transport is limited.</p>
<p>19. Is there any work by special interest groups, other local authorities, experts etc which indicates potential adverse impacts?</p>	<p>None identified.</p>

Section D – Making Key Decisions

<p>20. Based on the information/evidence you have are there any potential/actual differential impacts of your function/policy in terms of equality? If yes, please indicate what the concerns are for each equality group.</p> <p>Where possible, please substantiate your concerns with any existing evidence.</p>	<p>Race</p> <p>No</p>	<p>Disability</p> <p>Yes, in rural areas only</p> <p>There are cost implications for the trade in introducing a policy where is mandatory for hackney carriages in rural areas to be wheelchair accessible. This may lead to a significant reduction in licensed vehicles in areas where public transport is limited. It would be considered detrimental to all other customer groups who use hackney carriages.</p>	<p>Gender</p> <p>No</p>	<p>LGBT</p> <p>No</p>	<p>Faith</p> <p>No</p>	<p>Age</p> <p>No</p>
---	-----------------------	--	-------------------------	-----------------------	------------------------	----------------------

21. Are there any other issues in relation to the above that also need to be considered? e.g. income, rural/urban.	No		
22. Could this differential impact amount to unlawful discrimination?	No		
23. Can this potential/actual differential impact be addressed with the introduction of specific changes/measures?	None considered necessary		
24. How might the policy be improved better to promote equality and good community relations and to address any unmet needs?	The policy is clear and informative.		
25. Should this policy/function proceed to a Level Two EIA?	<u>No</u>	Date set for Level Two EIA to commence:	Target Date for completing Level Two EIA :

Section E: Monitoring progress			
26. If this should not proceed to a Level 2 EIA, please specify the actions to be taken and timescales to address any issues identified in Qu.20 and Qu.21 to implement any measures identified in Qu. 23. Specify which Service Plan these will be included in.	<u>N/A</u>		

Signed.....(Completing Officer) Signed.....(Officer leading the assessment – if different)

Name (Please Print): (Completing Officer)
