



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

Date: Tuesday, 26 February 2019

Committee:
Strategic Licensing Committee

Date: Wednesday, 6 March 2019

Time: 10.00 am

Venue: Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

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

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

Members of the Committee

Keith Roberts (Chairman)
Simon Jones (Vice Chairman)
Peter Adams
Roy Aldcroft
Clare Aspinall
Dean Carroll
Rob Gittins
Paul Milner
Pamela Moseley
Kevin Pardy
Vivienne Parry
Ed Potter
Robert Tindall
Dave Tremellen
David Vasmer

Substitute Members of the Committee

Ted Clarke
Pauline Dee
David Evans
Nigel Hartin
Richard Huffer
Matt Lee
Elliott Lynch
William Parr
Harry Taylor
Paul Wynn

Your Committee Officer is:

Shelley Davies Committee Officer

Tel: 01743 257718

Email: shelley.davies@shropshire.gov.uk

AGENDA

1 Apologies

To receive apologies for absence.

2 Minutes of Previous Meeting (Pages 1 - 2)

To approve the minutes of the previous meeting as a true record.

3 Public Question Time

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is no later than 24 hours prior to the commencement of the meeting.

4 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.

5 Proposed Hackney Carriage and Private Hire Licensing Policy 2019 to 2023 (Pages 3 - 344)

Report of the Transactional and Licensing Team Manager is attached, marked 5.

Contact: Mandy Beever (01743 251702).

6 Hackney Carriage and Private Hire Licensing Fees 2019 to 2020 (Pages 345 - 358)

Report of the Transactional and Licensing Team Manager is attached, marked 6.

Contact: Mandy Beever (01743 251702).

7 Exercise of Delegated Powers (Pages 359 - 366)

Report of the Transactional and Licensing Team Manager is attached, marked 7.

Contact: Mandy Beever (01743 251702).

8 Records of Proceedings - Licensing Act Sub-Committee (Pages 367 - 378)

To note the records of proceedings of the Licensing Act Sub-Committee meetings for May 2018 – December 2018.

Minutes of the following meetings are attached for the Committees information:

- 6th June 2018
- 14th August 2018
- 7th October 2018

Contact: Emily Marshall (01743 257717) or Shelley Davies (01743 257718).

9 Appointment to Licensing and Safety Sub-Committee

- To confirm the appointment of Councillor Pam Moseley.

10 Future Agenda Items

An opportunity for Members to identify additional matters that ought to be brought before the Committee for consideration at future meetings.

11 Date of Next Meeting

To note that the next meeting of the Strategic Licensing Committee will be held on Wednesday, 19th June 2019 in the Shrewsbury Room, Shirehall, Shrewsbury.

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Committee and Date

Strategic Licensing Committee

6th March 2019

Item

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Public

MINUTES OF THE STRATEGIC LICENSING COMMITTEE MEETING HELD ON 23 JANUARY 2019

10.00 - 10.18 AM

Responsible Officer: Emily Marshall

Email: emily.marshall@shropshire.gov.uk Tel: 01743 257717

Present

Councillor Keith Roberts (Chairman)

Councillors Simon Jones (Vice Chairman), Roy Aldcroft, Dean Carroll, Rob Gittins, Paul Milner, Kevin Pardy, Ed Potter and Dave Tremellen

39 Apologies

Apologies for absence were received from Councillors Peter Adams, Viv Parry and David Vasmer.

40 Minutes of Previous Meeting

RESOLVED:

That the Minutes of the meeting held on 20th November 2018 be approved as a correct record.

41 Public Question Time

No public questions or petitions had been received.

42 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.

43 Proposed Additional Consultation Relating to the Hackney Carriage and Private Hire Licensing Policy 2019 to 2023

Consideration was given to the report of the Transactional and Licensing Team Manager (copy attached to the signed minutes). The report set out a proposal for additional consultation relating to the Hackney Carriage and Private Hire Licensing Policy 2019 to 2023.

RESOLVED:

1. That the Committee notes all the responses submitted during the initial consultation period and notes the officer's summary as set out in Appendix A.
2. That the revised Hackney Carriage and Private Hire Licensing Policy 2019 to 2023 as agreed by the Committee and set out in Appendix B be approved for consultation.

44 Exercise of Delegated Powers

Consideration was given to the report of the Transactional and Licensing Team Manager in relation to delegated powers to issue and amend licences. (Copy attached to the signed minutes).

RESOLVED:

That the report of the Transactional and Licensing Manager be noted.

45 Future Agenda Items

The Chairman encouraged members of the Committee to put themselves forward to sit on Licensing Act Sub-Committees (Licensing Hearings) to gain experience of this important area of work. It was noted that Councillors Pam Moseley and Rob Gittens needed the required Licensing Act training before they could put themselves forward. The Transactional and Licensing Team Manager reported that training was in the process of being arranged, to take place in April 2019 and encouraged all Strategic Licensing Committee members to attend.

RESOLVED:

No future agenda items were identified.

46 Date of Next Meeting

RESOLVED:

It was noted that the next meeting of the Strategic Licensing Committee would be held on Wednesday, 6th March 2019.

Signed (Chairman)

Date:



Committee and Date

Strategic Licensing
Committee

6 March 2019

Item

5

Public

PROPOSED HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY 2019 TO 2023

Responsible Officer Mandy Beever Transactional and Licensing Team Manager
e-mail: mandy.beever@shropshire.gov.uk Tel: 01743 251702

1. Summary

- 1.1 The Hackney Carriage and Private Hire Licensing Policy ('the Policy') requires updating to reflect the Council's priorities and outcomes for 2019 to 2023, 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 simplify this where possible, whilst maintaining the foundations for robust enforcement to continue to increase compliance across the hackney carriage and private hire trade.
- 1.2 This report sets out the proposed Hackney Carriage and Private Hire Licensing Policy 2019 to 2023 and highlights those matters that have led to the most significant proposed changes.

2. Recommendation

- 2.1 That the Committee considers all the responses submitted during the consultation period and notes the officer's summary as set out in **Appendix A**.
- 2.2 That the Strategic Licensing Committee agrees, with any necessary modifications, that the proposed 'Hackney Carriage and Private Hire Policy 2019 – 2023' as set out in **Appendix B** 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 tackling child sexual exploitation, abuse, modern slavery and human trafficking of children and vulnerable adults.
- 3.3 Through agencies working together and sharing information, we aim to identify and prevent sexual exploitation, modern slavery and human trafficking to protect children, young people and adults with care and support needs and disrupt related activities in order to take action under relevant licensing legislation and, where appropriate, to prosecute perpetrators of abuse.
- 3.4 The Policy significantly increases the criteria that must be satisfied before a person will be deemed a 'fit and proper person' to be a private hire operator or to hold a vehicle licence as a vehicle proprietor. Drivers of Hackney Carriage or Private Hire Vehicles will continue to be required to meet the robust criteria that were implemented in 2015. The criteria continue to be set against the findings of the Independent Enquiry into Child Sexual Exploitation in Rotherham 1997 – 2013 and now also take into account the wider implications of modern slavery, trafficking and exploitation and the statistical information available in the Taxi and Private Hire Vehicle Statistics, England 2018 published by the Department for Transport (DfT).
- 3.5 The DfT report highlights that nationally the number of licenced taxi and private hire vehicles and drivers reached record levels in 2018. The proportion of wheelchair accessible taxis in rural areas is reported at 15%.
- 3.6 There has been a 26% reduction in Shropshire Council licenced vehicles. Whilst there are likely to be a number of impacting factors, it is known that the criteria set out in the current Hackney Carriage and Private Hire Licensing Policy 2015 to 2019, together with the impact of the Deregulation Act 2015, have directly influenced this reduction. Having taken into account the overall responses to the consultations, there continues to be broad support for the principles that aim to protect public safety, the environment and the health of communities, on the basis that the Council extended the period of time in which the trade are able to recoup their return on financial investment, which will also reduce the barriers to entry into the trade.
- 3.7 An Equality and Social Inclusion Impact Assessment (ESIIA) has been undertaken, utilising evidence already held by the service area and the results of the public consultations.
- 3.8 The assessment has considered children and young people who are looked after by Shropshire Council and the families of children in need when considering the 'age' group and with respect to vulnerable adults, e.g. adults with learning disabilities, when considering the 'disability' group.
- 3.9 For all the groups, the impact is rated as positive; notably, with respect to the 'disability' group, the impact is rated as 'high positive' and 'age', 'race' and 'sex' as 'medium positive'. The impact is also rated as 'medium positive' for people for whom there are safeguarding concerns, given the greater ability of

the Council to fully demonstrate that it robustly tackles exploitation, abuse, modern slavery and human trafficking of children and vulnerable adults, and the likely improvements overall to public safety under the proposed changes, bringing particular benefits for vulnerable households.

- 3.10 Note, however, that except for 'age', 'disability', 'race' and 'sex', the impact is likely to be neutral – neither positive nor negative – with no anticipated need to take actions to mitigate or enhance the impact. The full ESIA document can be found at **Appendix C**.

Reviewing the Policy

- 3.11 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
- 3.12 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.
- 3.13 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 taken and enforcement action.
- 3.14 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 modern slavery, trafficking and exploitation including 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;
 - legal challenge to any criminal proceedings instituted by the Council; and
 - reputational and professional damage to the Council.

- 3.15 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.
- 3.16 The proposed Policy is consistent with national guidance on hackney carriage and private hire licensing and follows best practice.
- 3.17 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.
- 3.18 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).

Consultations

- 3.19 A public consultation in respect of the proposed policy was undertaken over a 10-week period from 25 June 2018 to the 2 September 2018. The consultation welcomed and encouraged all interested parties to provide feedback in relation to the content of the whole policy and did not ask specific consultation questions, other than to ask generally for improvements that could be made to the policy, which would support hackney carriage and private hire businesses.
- 3.20 There were 55 individual responses to the consultation; 89% were from drivers, proprietors, operators and their representatives, with the remaining 11% from residents, two disability access groups and one town council. Full details of the responses, together with the feedback from the second 'Taxi Forum', have been analysed and officer comments and explanatory notes recorded.
- 3.21 The feedback that was received in response to the initial consultation can be categorised broadly into:
- Feedback that led to fundamental/significant changes, which relate to emission standards for vehicles, the impact of the Deregulation Act and cross-border hiring, the transitional period for all hackney carriages to become wheelchair accessible and the removal of the existing five hackney carriage zones.

- Feedback that led to a series of further amendments that have been made to enhance clarity in relation to the application processes for all licence types and the associated conditions of licence, the update service for the Disclosure and Barring Service (DBS), the DVLA insurance 'write-off' categories for vehicles, the requirements relating to the business model for executive private hire vehicles, the removal paragraphs that required private hire operators to take responsibility for vehicles being fit to convey passengers, and procedures to deal with personal property left in vehicles and private hire operator bases.

3.22 In addition, further changes were made by officers to extend, emphasise and/or clarify the following:

- that the hallmark of the licensing regime is localism and that the local authority responsible for granting licences ought to have the authority to exercise full control over all vehicles and drivers being operated within its area
- the role of members of the Strategic Licensing Committee with respect to them acting on behalf of individual applicants
- those specific matters that apply to all licence types
- sanctions that the Council may utilise to address non-compliances in certain circumstances
- the legal position relating to the 'exemption notice' applicable to novelty and executive private hire vehicles
- that existing licence holders must comply with all reasonable requests made by all relevant local authorities
- that the burden of proof applicable to matters determined under the policy is the civil and not criminal burden of proof
- the way in which the Council will use the new National Register for Hackney Carriage and Private Hire Licence Revocations and Refusals (NR3)
- the impact of the 'right to work' amendments brought in by the Immigration Act 2016
- the acceptable language skills required for hackney carriage and private hire drivers
- the requirements relating to approved trading names and telephone numbers for private hire operators
- the type of information that must be notified to the Council by existing licence holders, in particular those relating to PSV and PCV suspensions, revocations or written warnings and any community resolutions
- the definition of 'fit and proper person' as it applies to drivers, proprietors and private hire operators
- that drivers, proprietors and private hire operators must not use or allow to be used a vehicle for illegal or illicit purposes
- that the carrying of all types of assistance dogs is mandatory unless the driver holds a medical exemption and, where an exemption is held, where this exemption must be displayed
- the frequency of MOT tests within relevant conditions of licence
- the definition of 'executive service' within the private hire operator conditions of licence

- that proprietors must ensure all drivers are properly aware of the content of the applicable vehicle insurance including limitations and exclusions
 - that all drivers who drive any wheelchair accessible vehicle (not only those who drive wheelchair accessible hackney carriages) are trained to do so
 - that the impact of hardship on the applicant and their family will not be considered by the Council when determining an application or reviewing an existing licence
- 3.23 As a result of the changes identified above, a revised version of the policy was drawn up. Officers concluded that because the revised policy contained some fundamental changes there was a need to undertake a further period of consultation.
- 3.24 The Strategic Licensing Committee at a meeting held on the 23 January 2018 supported a further period of consultation on the revised draft. The consultation was carried out between the 25 January 2019 and 22 February 2019.
- 3.25 It resulted in a further 47 responses; 46 (98%) of these responses were received from individuals connected with the hackney carriage and private hire trades and one from the Competition and Markets Authority. Of the 46 responses received from the trade, two were petitions; one with 242 signatures and another with 16 signatures.
- 3.26 A significant proportion of the feedback, including the petitions referred to above, related to the impact of the vehicle emission standards and vehicle age-restrictions proposed under the policy. Significant concerns were raised around the additional financial burdens and the inability of drivers and proprietors to gain sufficient return on their investment when purchasing replacement vehicles. As a result, changes were made to allow vehicles with 'Euro 5' emission standards and vehicles up to 10 years old to continue to be licensed for a longer period than was originally proposed; however, the overarching principles that aim to continue to reduce the adverse impact of vehicle emissions on both the environment and the health of people in our communities are retained.
- 3.27 Further feedback has led to a series of minor corrections that generally improve the sense of a number of proposed requirements of the policy but do not make fundamental alterations. Additional amendments have also been made that aim to reduce barriers to entry into the hackney carriage and private hire trades, enhance the clarity of several proposed requirements and reduce the risk of specific elements of the policy potentially leading to judicial review.

These amendments include:

- removal of the list of examples of executive style vehicles;

- introduction of a requirement that drivers (not only private hire operators) must take responsibility for the hours they work to comply with the ‘Working Time Directive’;
 - clarification that certain specified non-UK/EEA drivers’ licences are recognised as valid licences under UK legislation;
 - changes to the knowledge test and driver assessment requirements to clarify the circumstances that lead to an actual failure of the test/assessment as opposed to simple non-attendance and the implications of this on the fees that are payable;
 - clarification that the number of MOT tests requested in relation to a vehicle licence will be aligned with the legislative requirements; and
 - removal of the requirement/condition for private hire operators to reach agreement with the hirer to accept a sub-contracted vehicle in advance of the journey being undertaken.
- 3.28 As a result of the changes identified above, a revised version of the policy has been drawn up and can be found at **Appendix B**.

4. Financial Implications

- 4.1 The financial implications associated with the recommendation are limited to the employee costs associated with undertaking the consultation exercise and any costs of publishing the revised Hackney Carriage and Private Hire Licensing Policy. These costs are recovered through the licensing fees.

5. Background

General

- 5.1 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.
- 5.2 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, operators and holders of vehicle licences and that vehicles remain safe and fit for the purpose of transporting fare-paying passengers. The proposed Policy aims to build on the protection that was implemented in 2015.

- 5.3 The Council's existing Hackney Carriage and Private Hire Licensing Policy came into effect on 1 April 2015 and is due to expire on 31 March 2019. It is essential that the Council has a revised policy from 1 April 2019 to ensure a robust framework continues to be in place to provide the basis upon which to deliver the Council's statutory hackney carriage and private hire licensing function, which is fundamental to protecting public safety.
- 5.4 On 27 October 2017, a 'Taxi Forum' was held to commence the engagement with the hackney carriage and private hire trade. The feedback from the Forum was recorded and used to inform the initial draft of the revised policy, together with fundamental changes introduced by Council officers to address local and national issues that have arisen during the course of the existing policy.

These changes included the following:

- referencing all forms of exploitation rather than restricting this to only child sexual exploitation
- significantly increasing the criteria that must be satisfied before a person will be deemed a 'fit and proper person' to be a private hire operator or to hold a vehicle licence as a proprietor and amending the associated conditions of licence
- incorporating new requirements to address cross-border hiring and sub-contracting
- incorporating details of the new National Register for Hackney Carriage and Private Hire Licence Revocations and Refusals (NR3)
- incorporating new requirements in respect of the Equality Act 2010 and the list of designated wheelchair accessible vehicles
- addressing the impact of removing the existing five hackney carriage zones
- amending vehicle emission standards and also including vehicle age requirements
- introducing new sections specifically for novelty and executive private hire vehicles

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

- Department for Transport's 'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance' (March 2010)
- Deregulation Act 2015
- Equality Act 2010
- Town Police Clauses Act 1847
- Local Government Act 1972
- Local Government (Miscellaneous Provisions) Act 1976
- Report of the 'Independent Enquiry into Child Sexual Exploitation in Rotherham 1997 – 2013' Alexi Jay OBE, published August 2014
- Taxi and Private Hire Vehicle Statistics, England 2017

<https://www.gov.uk/government/statistics/taxi-and-private-hire-vehicles-statistics-england-2017>

- Councillor Handbook: Taxi and PHV Licensing, August 2017
<https://www.local.gov.uk/councillor-handbook-taxi-and-phv-licensing>
- Institute of Licensing Guidance on determining suitability of applicants and licensees in the hackney and private hire trades (April 2018)
- Taxi and Private Hire Vehicle Statistics, England 2018
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/751202/taxi-and-phv-england-2018.pdf
- The Task and Finish Group report on Taxi and Private Hire Vehicle Licensing - Steps towards a safer and more robust system (first published 24 September 2018)
- The initial revised draft of the Hackney Carriage and Private Hire Licensing Policy 2019 to 2023 was presented to the Council's Strategic Licensing Committee. The relevant report can be found in the papers for the Committee meeting held on the 20 June 2018 at Agenda Item 18.
<https://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=166&MId=3729&Ver=4>
- The Inclusive Transport Strategy: Achieving Equal Access for Disabled People
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/728547/inclusive-transport-strategy.pdf
- The second revised draft of the Hackney Carriage and Private Hire Licensing Policy 2019 to 2023 was presented to the Council's Strategic Licensing Committee. The relevant report can be found in the papers for the Committee meeting held on the 23 January 2018 at Agenda Item 5.
<https://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=166&MId=3868&Ver=4>
- Department for Environment, Food and Rural Affairs: Clean Air Strategy 2019
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/770715/clean-air-strategy-2019.pdf
- National Register of Taxi and Private Hire Licence Revocations and Refusals (NR3)
<https://www.local.gov.uk/topics/licences-regulations-and-trading-standards/new-national-register-taxi-and-private-hire>
- Welsh Government Consultation Document: Improving public Transport
https://beta.gov.wales/sites/default/files/consultations/2018-12/improving-public-transport_0.pdf
- Taxi and private Hire Vehicle Licensing: Protecting Users
<https://www.gov.uk/government/consultations/taxi-and-private-hire-vehicle-licensing-protecting-users>

Cabinet Member: Councillor Gwilliam Butler Portfolio Holder for Communities and Place Planning.

Local Member: Report is applicable to whole of administrative area of Shropshire

Appendices: Available Electronically

Appendix A - Responses submitted during the consultation period and the officer's summary (Note Appendix A contains two parts part 1 of 2 is the officers summary and part 2 of 2 contains the consultation responses)

Appendix B - Proposed Hackney Carriage and Private Hire Licensing Policy 2019 to 2023

Appendix C – Equality and Social Inclusion Impact Assessment (ESIIA)

Appendix A – Part 1 of 2

Officer response to consultation response received

Appendix Letter/ Document Number	Para. No.	Included in Revised Policy [Y/N, In Part or Supporting Proposals (SP)]	Officer Comments Explanatory Notes
1	1	Y	The example list of executive type vehicles has been removed
2	1	N	The current MOT requirements have been in place since 2009 and have been deemed to be suitable for checking the safety and compliance of vehicles. There are no proposals to amend the frequency of the required MOTs.
2	2	N	Response is specific to a highways function and does not form part of this consultation
2	3	N	New door signs are issued on first licence and on each renewal and the fee is charged on a cost recovery basis only. Deliberate damage by customers is deemed to be criminal damage and therefore is a police matter.
2	4	N	Response is specific to the consultation on the proposed Hackney Carriage and Private Hire Fees 2019-2020 and has been included as part of that consultation.
2	5	N	Large private hire companies are already charged higher fees than small private hire companies
3	1	N	Duplicate consultee comments as per Document 2 - The current MOT requirements have been in place since 2009 and have been deemed to be suitable for checking the safety and compliance of vehicles. There are no proposals to amend the frequency of the required MOTs.
3	2	Y	The current and proposed policy states that 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.
3	3	SP	Consultee proposes all new hackney carriage or private hire vehicles should be Euro 6 or newer emissions standards.

			Emissions/Age Restriction chart for hackney carriage vehicles, standard private hire vehicles and executive private hire vehicles has been amended, taking into account all the comments that were received with regards to emissions/age.
3	4	In Part	Consultee proposes that potential new drivers should be resident in the UK for 7 to 10 years before consideration is given to granting a licence. The proposed policy does not require application to have been resident in the UK before applying for a licence, however, there is a requirement to provide a certificate of good conduct or equivalent document from the country of residence in line with the requirements of the Home Office
3	5	N	Comments noted. Hackney carriages are encouraged to be black, private hire vehicles are encouraged to be of a uniform colour and not black. There is no specific requirement for a colour within the vehicle specifications.
3	6	N	Duplicate consultee comments as per Document 2 - The current MOT requirements have been in place since 2009 and have been deemed to be suitable for checking the safety and compliance of vehicles. There are no proposals to amend the frequency of the required MOTs.
3	7	N	Duplicate consultee comments as per Document 2 - Response is specific to a highways function and does not form part of this consultation
3	8	N	Duplicate consultee comments as per Document 2 - Large private hire companies are already charged higher fees than small private hire companies
3	9	In Part	The proposed policy has been enhanced to detail the accountability requirements of private hire operators with regards to their private hire drivers, managers, office based administrative and telephony staff and agency staff. In respect of fines, each case will be considered on its own merits. Necessary and proportionate action taken where required.
3	10	N	Comments noted - the knowledge test is being revised and consideration will be given to the proposal made
4	1	Y	Consultee requesting a vehicle age policy and suggested 8 years for new and 10 years for renewal Emissions/Age Restriction chart for hackney carriage vehicles, standard private hire vehicles and executive private hire vehicles has been amended,

			taking into account all the comments that were received with regards to emissions/age.
5	1	Y	Duplicate consultee comments as per Document 1 - The example list of executive type vehicles has been removed
6	1	Y	Consultee proposes a 10 year age policy for all diesel vehicles, new and renewal Emissions/Age Restriction chart for hackney carriage vehicles, standard private hire vehicles and executive private hire vehicles has been amended, taking into account all the comments that were received with regards to emissions/age.
7	1	Y	Consultee proposes 8 years for new private hire vehicles and 10 year for renewal private hire vehicles Emissions/Age Restriction chart for hackney carriage vehicles, standard private hire vehicles and executive private hire vehicles has been amended, taking into account all the comments that were received with regards to emissions/age.
8	1	Y	Consultee proposes 8 years for new private hire vehicles and 10 year for renewal private hire vehicles Emissions/Age Restriction chart for hackney carriage vehicles, standard private hire vehicles and executive private hire vehicles has been amended, taking into account all the comments that were received with regards to emissions/age.
9	1	Y	Consultee proposes 8 years for new private hire vehicles and 10 year for renewal private hire vehicles Emissions/Age Restriction chart for hackney carriage vehicles, standard private hire vehicles and executive private hire vehicles has been amended, taking into account all the comments that were received with regards to emissions/age.
10	1	Y	Consultee proposes 8 years for new private hire vehicles and 10 year for renewal private hire vehicles Emissions/Age Restriction chart for hackney carriage vehicles, standard private hire vehicles and executive private hire vehicles has been amended,

			taking into account all the comments that were received with regards to emissions/age.
11	1	Y	<p>Consultee proposes 8 years for new private hire vehicles and 10 year for renewal private hire vehicles</p> <p>Emissions/Age Restriction chart for hackney carriage vehicles, standard private hire vehicles and executive private hire vehicles has been amended, taking into account all the comments that were received with regards to emissions/age.</p>
12	1	Y	<p>Consultee proposes 8 years for new private hire vehicles and 10 year for renewal private hire vehicles</p> <p>Emissions/Age Restriction chart for hackney carriage vehicles, standard private hire vehicles and executive private hire vehicles has been amended, taking into account all the comments that were received with regards to emissions/age.</p>
13	1	Y	<p>Consultee proposes 8 years for new private hire vehicles and 10 year for renewal private hire vehicles</p> <p>Emissions/Age Restriction chart for hackney carriage vehicles, standard private hire vehicles and executive private hire vehicles has been amended, taking into account all the comments that were received with regards to emissions/age.</p>
14	1	Y	<p>Consultee proposes 8 years for new private hire vehicles and 10 year for renewal private hire vehicles</p> <p>Emissions/Age Restriction chart for hackney carriage vehicles, standard private hire vehicles and executive private hire vehicles has been amended, taking into account all the comments that were received with regards to emissions/age.</p>
15	1	Y	<p>Consultee proposes 8 years for new private hire vehicles and 10 year for renewal private hire vehicles</p> <p>Emissions/Age Restriction chart for hackney carriage vehicles, standard private hire vehicles and executive private hire vehicles has been amended, taking into account all the comments that were received with regards to emissions/age.</p>

16	1	Y	<p>Consultee proposes 8 years for new private hire vehicles and 10 year for renewal private hire vehicles</p> <p>Emissions/Age Restriction chart for hackney carriage vehicles, standard private hire vehicles and executive private hire vehicles has been amended, taking into account all the comments that were received with regards to emissions/age.</p>
17	1	Y	<p>Consultee proposes 8 years for new private hire vehicles and 10 year for renewal private hire vehicles</p> <p>Emissions/Age Restriction chart for hackney carriage vehicles, standard private hire vehicles and executive private hire vehicles has been amended, taking into account all the comments that were received with regards to emissions/age.</p>
18	1	Y	<p>Consultee proposes 8 years for new private hire vehicles and 10 year for renewal private hire vehicles</p> <p>Emissions/Age Restriction chart for hackney carriage vehicles, standard private hire vehicles and executive private hire vehicles has been amended, taking into account all the comments that were received with regards to emissions/age.</p>
19	1	Y	<p>Consultee proposes 8 years for new private hire vehicles and 10 year for renewal private hire vehicles</p> <p>Emissions/Age Restriction chart for hackney carriage vehicles, standard private hire vehicles and executive private hire vehicles has been amended, taking into account all the comments that were received with regards to emissions/age.</p>
20	1	Y	<p>Consultee proposes 8 years for new private hire vehicles and 10 year for renewal private hire vehicles</p> <p>Emissions/Age Restriction chart for hackney carriage vehicles, standard private hire vehicles and executive private hire vehicles has been amended, taking into account all the comments that were received with regards to emissions/age.</p>
21	1	Y	<p>Consultee proposes 8 years for new private hire vehicles and 10 year for renewal private hire vehicles</p>

			Emissions/Age Restriction chart for hackney carriage vehicles, standard private hire vehicles and executive private hire vehicles has been amended, taking into account all the comments that were received with regards to emissions/age.
22	1	Y	<p>Consultee proposes 8 years for new private hire vehicles and 10 year for renewal private hire vehicles</p> <p>Emissions/Age Restriction chart for hackney carriage vehicles, standard private hire vehicles and executive private hire vehicles has been amended, taking into account all the comments that were received with regards to emissions/age.</p>
23	1	Y	<p>Consultee proposes 8 years for new private hire vehicles and 10 year for renewal private hire vehicles</p> <p>Emissions/Age Restriction chart for hackney carriage vehicles, standard private hire vehicles and executive private hire vehicles has been amended, taking into account all the comments that were received with regards to emissions/age.</p>
24	1	Y	<p>Consultee proposes 8 years for new private hire vehicles and 10 year for renewal private hire vehicles</p> <p>Emissions/Age Restriction chart for hackney carriage vehicles, standard private hire vehicles and executive private hire vehicles has been amended, taking into account all the comments that were received with regards to emissions/age.</p>
25	1	Y	<p>Consultee proposes 8 years for new private hire vehicles and 10 year for renewal private hire vehicles</p> <p>Emissions/Age Restriction chart for hackney carriage vehicles, standard private hire vehicles and executive private hire vehicles has been amended, taking into account all the comments that were received with regards to emissions/age.</p>
26	1	Y	<p>Consultee proposes 8 years for new private hire vehicles and 10 year for renewal private hire vehicles</p> <p>Emissions/Age Restriction chart for hackney carriage vehicles, standard private hire vehicles and executive private hire vehicles has been amended,</p>

			taking into account all the comments that were received with regards to emissions/age.
27	1	Y	<p>Consultee proposes 8 years for new private hire vehicles and 10 year for renewal private hire vehicles</p> <p>Emissions/Age Restriction chart for hackney carriage vehicles, standard private hire vehicles and executive private hire vehicles has been amended, taking into account all the comments that were received with regards to emissions/age.</p>
28	1	Y	<p>Consultee proposes 8 years for new private hire vehicles and 10 year for renewal private hire vehicles</p> <p>Emissions/Age Restriction chart for hackney carriage vehicles, standard private hire vehicles and executive private hire vehicles has been amended, taking into account all the comments that were received with regards to emissions/age.</p>
29	1	Y	<p>Consultee proposes 8 years for new private hire vehicles and 10 year for renewal private hire vehicles</p> <p>Emissions/Age Restriction chart for hackney carriage vehicles, standard private hire vehicles and executive private hire vehicles has been amended, taking into account all the comments that were received with regards to emissions/age.</p>
30	1	Y	<p>Consultee proposes 8 years for new private hire vehicles and 10 year for renewal private hire vehicles</p> <p>Emissions/Age Restriction chart for hackney carriage vehicles, standard private hire vehicles and executive private hire vehicles has been amended, taking into account all the comments that were received with regards to emissions/age.</p>
31	1	Y	<p>Consultee proposes 8 years for new private hire vehicles and 10 year for renewal private hire vehicles</p> <p>Emissions/Age Restriction chart for hackney carriage vehicles, standard private hire vehicles and executive private hire vehicles has been amended, taking into account all the comments that were received with regards to emissions/age.</p>

32	1	Y	<p>Consultee proposes 8 years for new private hire vehicles and 10 year for renewal private hire vehicles</p> <p>Emissions/Age Restriction chart for hackney carriage vehicles, standard private hire vehicles and executive private hire vehicles has been amended, taking into account all the comments that were received with regards to emissions/age.</p>
33	1	Y	<p>Consultee encourages the use of 'greener' vehicles, e.g. hybrid, however feels that limiting the age limit for new vehicles to 5 years would prove too expensive to purchase.</p> <p>Emissions/Age Restriction chart for hackney carriage vehicles, standard private hire vehicles and executive private hire vehicles has been amended, taking into account all the comments that were received with regards to emissions/age.</p>
33	2	N	Comments noted. This comment will be taken forward with the fees and charges 2020-2021
33	3	Y	<p>Consultee proposes 8 years for new private hire vehicles and 10 year for renewal private hire vehicles</p> <p>Emissions/Age Restriction chart for hackney carriage vehicles, standard private hire vehicles and executive private hire vehicles has been amended, taking into account all the comments that were received with regards to emissions/age.</p>
34	1	Y	The example list of executive type vehicles has been removed
35	1-3	N	Comments noted
35	4	N	<p>Officers have given consideration to the contents of the 'Taxi and Private Hire Vehicle Licensing Steps towards a safer and more robust system' and have been mindful to include, where necessary, the relevant recommendations. Any subsequent legislation may require review of the policy and further consideration will be given at that time.</p>
35	5	N	Comments noted
35	6	Y	Officers have taken into consideration the comments made and the relevant section of the policy has been amended to be less stringent
35	7	In Part	Officers note that paragraph 3d.6 clarifies the permitted use of an executive

			private hire vehicle
35	8	N	Officers note that paragraph 3f.49 is restrictive to the administrative area of Shropshire Council, however, the hallmark of the regulatory licensing regime is localism and operator premises located in the area allows for better control.
35	9	N	Officers note that for Operators operating two vehicles or less the physical premises does not have to be a separate business premises and could be the operators own home, therefore, the 'large stepped costs' for private hire operators does not apply.
35	10	N	Officers note that the purpose of paragraph 3c.4 is to ensure the correct records are maintained and prevent conflicting conditions of licence imposed by difference authorities
35	11	N	Comments noted
35	12	N	Officers have given consideration to the contents of the 'Taxi and Private Hire Vehicle Licensing Steps towards a safer and more robust system' and have been mindful to include, where necessary, the relevant recommendations. Any subsequent legislation may require review of the policy and further consideration will be given at that time.
36	1	N	Comments noted
37	1	N	Response is specific to the previous consultation on the removal of the five hackney carriage zones and does not form part of this consultation.
37	2	Y	Consultee objects to the proposed age/emissions standards Emissions/Age Restriction chart for hackney carriage vehicles, standard private hire vehicles and executive private hire vehicles has been amended, taking into account all the comments that were received with regards to emissions/age.
38	1	Y	Consultee proposes 8 years for new private hire vehicles and 10 year for renewal private hire vehicles Emissions/Age Restriction chart for hackney carriage vehicles, standard private hire vehicles and executive private hire vehicles has been amended, taking into account all the comments that were received with regards to emissions/age.
39	1	Y	Consultee proposes 8 years for new private hire vehicles and 10 year for

			renewal private hire vehicles Emissions/Age Restriction chart for hackney carriage vehicles, standard private hire vehicles and executive private hire vehicles has been amended, taking into account all the comments that were received with regards to emissions/age.
40	1	Y	PETITION RECEIVED containing 242 signatures and proposes 8 years for new private hire vehicles and 10 year for renewal private hire vehicles. Emissions/Age Restriction chart for hackney carriage vehicles, standard private hire vehicles and executive private hire vehicles has been amended, taking into account all the comments that were received with regards to emissions/age.
41	1	N	Officers note that the policy is not restrictive because hackney carriages are encouraged to be black in colour and private hire vehicles are encouraged not to be black in colour
41	2	In Part	Consultee proposes any age vehicle provided it meets euro 5 emissions standards. Emissions/Age Restriction chart for hackney carriage vehicles, standard private hire vehicles and executive private hire vehicles has been amended, taking into account all the comments that were received with regards to emissions/age. The current MOT requirements have been in place since 2009 and have been deemed to be suitable for checking the safety and compliance of vehicles. There are no proposals to amend the frequency of the required MOTs.
41	3	Y	Consultee proposes any fuel type provided it meets euro 5 emissions standards. Emissions/Age Restriction chart for hackney carriage vehicles, standard private hire vehicles and executive private hire vehicles has been amended, taking into account all the comments that were received with regards to emissions/age.
42	1	In Part	Consultee proposes to remove the requirement for euro 6 and the requirement for wheelchair accessible hackney carriage vehicles across the whole administrative area of Shropshire Council. Emissions/Age Restriction chart for hackney carriage vehicles, standard private hire vehicles and executive private hire vehicles has been amended, taking into account all the

			comments that were received with regards to emissions/age. Officers note that the policy does not stipulate a colour only that hackney carriages are encouraged to be black in colour and private hire vehicles are encouraged not to be black in colour
43	1	N	This response was submitted as part of the consultation on the removal of the five hackney carriage zones. Consultee proposes a mixed fleet of hackney carriages to include wheelchair and non-wheelchair accessible vehicles. The proposed policy provides for an extended transitional period to 1 April 2021 for existing non-wheelchair hackney carriage proprietors to make a commercial decision based on whether they want to operate wheelchair accessible hackney carriage vehicles or alternatively to focus on being a private hire business and be subject to the private hire regime for their vehicles and to the relevant private hire operator conditions.
44	1-7	N	Comments noted
44	8	N	Unmet demand survey not undertaken based on previous legal advice that set out that it would be inconsistent with equalities legislation to permit hackney carriages not to be wheelchair accessible across the whole of the administrative area of Shropshire Council.
45	1	Y	Officers have taken into consideration the comments made and an additional section has been included after paragraph 3a.65
45	2	N	The application process, which includes a driving assessment and knowledge test, will allow for officers to assess an applicant's level of spoken and written English.
45	3	N	Consultee requesting section of the policy in respect of not licensing vehicles that have been written off to be amended to allow vehicles that have been written off as category S – structurally damaged to be licensed. Officers recommend that category S write-offs would not satisfy the NCAP safety rating and therefore the Policy has not been amended to allow them to be licensed.
45	4	N	The proposed policy does not prohibit an applicant from applying to licence an M2 or N1 vehicle. However, the applicant would be required to provide proof that the M2 or N1 vehicle being applied for has one of the three conversion

			certificates as listed in the proposed policy, i.e. VCA, IAC or IVA 6.
45	5	Y	Consultee proposes that where a vehicle is euro 6 emissions and first registered pre 2016 it should be permitted to be licensed. Emissions/Age Restriction chart for hackney carriage vehicles, standard private hire vehicles and executive private hire vehicles has been amended, taking into account all the comments that were received with regards to emissions/age.
45	6	N	The proposed policy does not specify the internal height of a wheelchair accessible vehicle
46	1	N	PETITION RECEIVED containing 16 signatures. Comments noted.
46	2	Y	Consultee proposes new wheelchair accessible vehicles to be euro 5 until 1 April 2020. Emissions/Age Restriction chart for hackney carriage vehicles, standard private hire vehicles and executive private hire vehicles has been amended, taking into account all the comments that were received with regards to emissions/age.
46	3	Y	Consultee proposes allowing wheelchair accessible vehicles that meet the euro 6 emissions standard to be renewed up to 10 years from date of first registration. Emissions/Age Restriction chart for hackney carriage vehicles, standard private hire vehicles and executive private hire vehicles has been amended, taking into account all the comments that were received with regards to emissions/age.
46	4	N	Consultee proposes to allow 'written off' euro 5 wheelchair accessible vehicles to be replaced on a like for like basis. Officers note that the revised Emissions/Age Restrictions section of the proposed policy allows for euro 5 vehicles to be licensed up to 31 March 2021 providing for a two year transitional period.
46	5-6	N	Comments noted
47	1-6	N	Comments noted
47	7-14	N	Comments noted
47	15	N	Officers are aware of the consultation on Taxi and Private Hire Vehicle Licensing: Protecting Users, Consultation on Statutory Guidance for Local

			Authorities. Any subsequent legislation may require review of the policy and further consideration will be given at that time.
47	16-17	Y	New paragraph after 1.13 has been amended to take into account consultee comments
47	18	N	Officers note that the requirements to satisfactorily undertake a further driving assessment is contained in paragraph 3a.45
47	19	N	Reference to paragraph 2.12 is correct
47	20-23	N	Comments noted. Officers note that Part 2 – Licensing principles, process and delegation, of the proposed policy seeks to only set out the principles the Council will follow when administering licence applications, reviewing conditions, setting fees and setting the hackney carriage table of fares.
47	24	N	The national register for hackney carriage and private hire licence revocations and refusals (NR3) does not include driver suspension and therefore no reference has been made in this regard
47	25-26	N	Comments noted. Sanctions is 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 and as such each case will be treated on its own merits.
47	27-30	Y	Paragraph 3a.23 and 3a.61 have been amended to take into account consultee comments
47	31-32	N	The fundamental purpose of the Policy is to protect the safety and welfare of the public who live, work and visit Shropshire. Officers consider 3 years allows for an applicant to gain sufficient driving experience to ensure public safety when applying to become a licensed hackney carriage/private hire driver.
47	33-37	N	Comments noted - the knowledge test is being revised and consideration will be given to the proposal made.
47	38-40	Y	Paragraph 3a.36 and paragraph 3a.42 have been amended to take into account consultee comments
47	41-42	N	Comments noted
47	43-49	Y	Consultee proposes renewals until vehicles are 10 years old from date of first registration and permitting vehicles to be licenced from 6 years old. Emissions/Age Restriction chart for hackney carriage vehicles, standard

			private hire vehicles and executive private hire vehicles has been amended, taking into account all the comments that were received with regards to emissions/age.
47	50	N	Officers disagree with consultee comments and consider allowing a puncture repair aerosol would undermine the fundamental purpose of the Policy is to protect the safety and welfare of the public who live, work and visit Shropshire.
47	51	N	Comments noted. Officers note that paragraph 3b.41 (q) refers to hackney carriage vehicles where proprietors must have provision for the transportation of a wheelchair at all times. Paragraphs 3c.35, 3d.43 and 3e.40 have been amended to remove the restriction for private hire vehicles as journeys are pre-booked and provision for any chairs being removed is not required at the road side.
47	52-56	Y	The Council requires applicants to submit a valid MOT test on application to satisfy the requirements of section 48 of the Local Government (Miscellaneous Provisions) Act 1976, namely to be satisfied that the vehicle is in a suitable mechanical condition. The requirement to submit an MOT will be in accordance with section 50 of the Local Government (Miscellaneous Provisions) Act 1976 and a footnote has been added to the proposed policy to clarify.
47	57-58	Y	Paragraphs 3b.55, 3c.49, 3d.56 and 3e.54 have been amended to take into account consultee comments
47	59-61	N	Comments noted. Officers note that the vehicle compliance check forms part of the application process and is carried out to ensure that the vehicle is suitable in type, size, design and comfortable.
47	62-65	N	Comments noted. Officers note that the Policy is designed to put the Council's licensing requirements into context in accordance with relevant legislation. It is not the intention of this Policy to outline every section of the legislation throughout the proposed policy document and applicants are advised to either consider the legislation directly or obtain independent legal advice.
47	66	N	Comments noted. Officers note that the Policy is designed to put the

			Council's licensing requirements into context in accordance with relevant legislation. It is not the intention of this Policy to outline every section of the legislation throughout the proposed policy document and applicants are advised to either consider the legislation directly or obtain independent legal advice.
47	67	N	Comments noted. Officers note that the conditions in regards to the installation of CCTV allows for officers of the Council to provide applicants with advice prior to installing equipment and to stop them breaching data protection principles.
47	68-71	N	Comments noted. Officers note that private hire vehicles are not licenced for public hire and therefore should only hold the appropriate insurance for private hire
47	72	N	Comments noted. Officers note that the proposed policy was updated on the conclusion of the previous consultation process to address the issue raised by the consultee
47	73	N	The Councils view is that an executive private hire vehicle must only be used for an executive service, for example business to business contracts. There is no proposed provision to allow for vehicles to operate as both an executive and standard private hire vehicle under the same licence.
47	74-80	In Part	Comments noted. A footnote has been added to the proposed policy to clarify the requirements with regards to agency staff
47	81	N	Officers disagree with consultee comments. An operator is the responsible body for ensuring that they employ fit and proper staff
47	82-90	In Part	Appendix G, paragraphs 3f.56 and 3f.57 and 1.29 have been removed to take into account consultee comments. Officers are aware of the consultation on Taxi and Private Hire Vehicle Licensing: Protecting Users, Consultation on Statutory Guidance for Local Authorities. Any subsequent legislation may require review of the policy and further consideration will be given at that time. The new paragraph between 1.32 and 1.33 sets out the Councils position and has not been removed.
47	91-94	N	Comments noted. Officers consider that the conditions of licence have been prepared to ensure that all drivers, proprietors and operators are fully aware

			of their responsibilities.
47	95-96	Y	Appendix C, new para after 1.12, Appendix D, new para after 1.11, Appendix E, new para after 1.10, Appendix F, new para after 1.11 amended to take into account consultee comments.
47	97	N	Comments noted. Officers consider the branding of an executive licensed private hire vehicle should be distinguishable from those of a standard private hire vehicle and this condition is specific to achieve those requirements.
47	98-99	N	Comments noted. Officers note that training on how to safely restrain a wheelchair will become part of the driver application process and consideration will be given to the proposal made, including revising the drivers badge to include the nationally recognised wheelchair symbol
47	100	Y	Appendix G, paragraph 1.52 has been amended to clarify an operators requirements
47	101	Y	Appendix G, paragraph 1.53 has been amended to clarify an operators requirements
47	102	Y	Appendix G, paragraph 1.41 has been amended to take into account consultee comments
47	103-106	In Part	Appendix G, paragraph 1.22 amended to take into account consultee comments
47	107	Y	Appendix G, paragraph 1.5 amended to take into account consultee comments
47	108	N	Comments noted. Officers note that Appendix G, para 1.50-1.54 are specific requirements for maintaining a complaints procedure to deal with complaints made by the public against the business, vehicle proprietors and/or drivers and makes no reference to the dismissal/termination of contract or misconduct of a driver.
47	109-112	N	Comments noted. Appendix G, paragraph 1.52 & 1.53 previously amended to take into account consultee comments. No specific list of the types of complaint, as requested by consultee response, has been created to ensure due consideration is given to all complaint types
47	113-116	Y	Appendix G, para 1.40 has been amended to take into account consultee comments

47	117-118	Y	Part 3, paragraph 3.0 amended and Appendix G, new paragraph after 1.0 to provide clarity on the use of the word 'employ'
47	119	N	Comments noted

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From:
Sent: 25 January 2019 13:39
To: Taxis
Subject: Executive policy consultation

Hi

① Having read through the proposal following the strategic committee meeting I would like to comment as below.

There is a paragraph relating to the type of vehicle allowed as being a large family sized vehicle and must be of the highest specification, which is fine. However if that paragraph stands then this renders the following paragraph as unnecessary, where examples of vehicles are listed as what would be acceptable.

As I have commented in the past this, this is a rural area, and whilst there is a market for executive work it's not like a city where the volume would be much higher and so would the rates available.

I would therefore propose that the paragraph of acceptable vehicle be removed from the proposed policy.

Sent from my iPhone

From:
Sent: 10 January 2019 12:13
To: Taxis
Subject: taxi fees consultation

TAXI FEES CONSULTATION

To the Taxi Department

I am in the process of moving to Shropshire, and start my new Taxi/Hackney carriage business

I have been in the taxi business for 18 years, and I have seen a lot of changes over the years, and many changes to come in the taxi business going all electric or hybrid.

It seems a lot of cost are forwarded on to the drivers, increase in fees, increase in new taxi prices, increase fuel and add blue, to buy a new taxi with wheelchair access starts at £37999 to £65000, cab-direct, voyager mpv ltd, mercades vito taxi, and LEVC are the main taxi dealers.

My proposal would be

- ① New taxis should have one MOT a year for up to 10 years old, inspected in ANY independent MOT station, and keep the new proposed licensing fees.
IN WOLVERHAMPTON a new taxi has one MOT a year for up to 10 years old.
- ② TAXI ranks should be clearly marked out, in Shropshire, stating not for private hire.
- ③ Door signs are deliberately damaged by the customers, they should pay for replacement, why is the driver getting penalised, reinstatement of any signage should be free.
- ④ Transferring of the plates is far too expensive, it should be about £30.00.
- ⑤ large private hire companies, should pay larger amount of fees, because they are dominating the taxi and private hire business with hundreds of drivers, they are taking away work from traditional taxis ranks, the black cabs is a British icon, and a Ambassador for Shropshire.

If Shropshire council want to attract professional drivers who are willing to invest in new state of the taxis, the taxi fees have to be competitive.

From Experience passenger don't mind paying a little extra, as long as the driver has a nice clean taxi, the driver knows where he is going, even with a sat nav, and can hold a nice civil conversation.

Kind Regards

From:
Sent: 31 January 2019 19:01
To: Taxis
Subject: HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING CONSULTATION 2019

Dear Sir/Madam

I have been in the taxi and Private hire business for 18 years, currently I am and looking to move to the Shropshire borough

I would like to make some comments based on my experience.

1. All brand new taxis and private hire vehicles should have ONE MOT inspection per year for up to at least 10 years, then 2 inspections a year.
PLEASE TAKE IN CONSIDERATION HOW EXPENSIVE THE NEW TAXI ARE TO PURCHASE.
2. MOT inspection at any MOT garages.
3. All new hackney carriage and private hire should be Euro 6 and newer, this will help air quality in Shropshire.
4. All new potential drivers should be living in UK for 7 to 10 years, no criminal history
5. All hackney carriage should be black in colour and private hire PINK with YELLOW spots, easy to differentiate and signs showing PRE-BOOKINGS ONLY
6. Vehicles older than 10 years should be MOT inspected 2 times a year
7. Opening up of the zones is a good idea, there should be TAXI RANKS CLEARLY MARKED OUT ALL OVER SHROPSHIRE, NOT PRIVATE HIRE RANKS.
8. There are some very large private hire companies, who should be paying large operators fees to, as they are clearly DOMINATING the work.
9. Large private hire companies should be accountable for their drivers' actions too, they should be fined every time a private driver is caught plying and touting for hire as well as the driver.
10. To attract quality of drivers to Shropshire, there needs to be some leniency, in Vehicles-inspections, knowledge-tests, you should understand State of art GPS and satellite navigation systems, are fitted in every vehicle. plus TOMTOMS AND GOOGLE MAPS and other popular APPS available on every mobile phone.

Kind Regards

From:
Sent: 04 February 2019 16:00
To: Taxis; Mandy Beever
Subject: Re Respne to Consultation for Hackney Carriage and private Hire policy 2019 to 2023

Dear Licencing,

- ① Having read the amended policy I am astounded to see that the most problematic section of 3d.34 Emissions/ Age Restrictions has not been amended.

We strongly advise that the section for New Diesel vehicles that states Euro 6 and where date of first registration is on or after 1st September 2016, THIS NEEDS TO BE AMMENDED AS WE WILL NOT BE ABLE TO COMPLY WITH IT ON AN AFFORDABILTY BASIS.

I have done some research and have found that the cheapest vehicle that complies with the proposed policy are Ford Mondeos and that would cost around £10,500.00 and that would be with over 100,000 miles on the clock. As this does not make for good business, I will be forced to licence out of area.

This will be the case for most other drivers, Shropshire Council will therefore have no jurisdiction over the vehicles that are driving in Shropshire, with this in mind can you please come up with a sensible policy that is friendly to both business and the public.

As I have said in my previous responses the only way is to have an age limit and I would suggest 8 years for New applications, and 10 years for renewals.

I would rather licence my vehicles with Shropshire Council, but if the policy is left unamended, I will be left with either not renewing the vehicles until 2022, or licensing with other licencing authorities that are more bussines friendly.

From:
Sent: 18 January 2019 09:17
To: Taxis
Subject: FW: Exec Policy

From:
Sent: 18 January 2019 09:15
To:
Subject: Re: Exec Policy

Thank you Mandy.

- ① My only comments are that once again a condition has been included where a list of suitable vehicles has been offered as examples of those that would be accepted for executive plating.

My argument about this would be the same as it was when this was done last time. This is Shrewsbury. It's not a city. It's a rural town where rates for taxis have always been very low compared with city areas. Also the volume of this type of work is limited. Owners can not be expected to pay out 60/80k for a vehicle to operate here.

Personally I would say the condition needs to say large top of the range family sized vehicles with climate control and alloy wheels and leather seating. I don't feel that in this sort of area it is necessary to specify unaffordable cars.

Please include this into any consultation area that may happen.

Many thanks.

Regards,

On 18 Jan 2019, at 08:53,

wrote:

Good morning,

The information was put onto the website on Tuesday please see the link below.

<https://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=166&MId=3868&Ver=4>

If you have any queries please let me know.

Licensing Manager
Shropshire Council
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Our Ref: CW / ST
Your Ref:
Date: 11 February 2019
Please ask for:

Sent by email only to:
taxis@shropshire.gov.uk

Dear Sir / Madam,

**Response of
to the further consultation in respect of the proposed amended draft Hackney
Carriage and Private Hire Licensing Policy**

I represent _____ which trades as _____
of _____

Although my client welcomes some of the changes the Council has made to the draft policy in response to the original consultation, there is one area that still causes great concern: the Council appears to have disregarded the majority of responses it received in relation to the specification of diesel vehicles.

The Council's amended draft policy presented to the meeting of the Strategic Licensing Committee on 23 January 2019 provides:

- from 1 April 2019 new licences will only be granted to Euro VI vehicles; and
- from 1 April 2022 a licence will only be renewed if the vehicle is Euro VI compliant.

The Council seems to have adopted a vehicle specification in relation to diesel vehicles that is unnecessarily and unreasonably aspirational in an attempt to go beyond what is necessary to reduce emissions from diesel vehicles.

My client's concern is that the Council's proposed approach will have no impact whatsoever on emissions, as it will simply force both new applicants and those facing renewal, who do not have Euro VI compliant vehicles, to license themselves and their

vehicles with other authorities and to avail themselves of the opportunity to work for an operator in Shropshire who holds an operator's license in that other area.

The Council is respectfully invited to re-consider its proposed approach.

My client proposes the introduction of a 10-year age policy in respect of all diesel vehicles (new applications and renewals). This would remove the older, more polluting, vehicles from the county while at the same time not placing an unmanageable financial burden on proprietors which would force them to license elsewhere.

As a general rule, members of the trade buy ex-lease vehicles, which have been well maintained, when they come out of contract between 2 and 5 years from first registration and aim to use them for between 4 and 7 years. In the circumstances, whether a vehicle is bought aged 2+ and retained for 7 years or bought at 5+ and retained for 4 years, a 10-year age policy accommodates the buying practices of the majority of the trade.

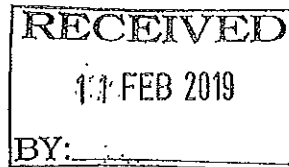
I trust that the Council will review and reconsider its position on this topic in view of the potentially detrimental effect adopting the wrong policy for the right reasons could have on the environment, the trade and the Council's licensing fee revenue that could contract to such an extent that jobs would be at risk.

Please kindly acknowledge safe receipt of this letter and advise of the date of the meeting of the Strategic Licensing Committee at which this and any other representations will be considered, as my client might like for me to attend to make representations in person and to answer any questions Members might have.

Yours faithfully,

Email:

Mobile:



To:
Shropshire Council Strategic Licensing Committee
Shirehall,
Woodfield Road,
Shrewsbury,
SY38LU

Date: 4th February 2019

- ① I wish to petition against the amended Hackney & Private Hire Policy that was put out to further consultation on the 23rd January 2019.

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Full Name:

Badge Number

Signature

Date 07/02/19

To:
 Shropshire Council Strategic Licensing Committee
 Shirehall,
 Woodfield Road,
 Shrewsbury,
 SY38LU

Date: 4th February 2019

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Date.....

S. 2. 19

To:
 Shropshire Council Strategic Licensing Committee
 Shirehall,
 Woodfield Road,
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Full Name: _____

Badge Number _____

Signature

Date... 6./2./19

To:
 Shropshire Council Strategic Licensing Committee
 Shirehall,
 Woodfield Road,
 Shrewsbury,
 SY3 0LU

Date: 4th February 2019

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Badge Number

Signature.....

Date.....

06/02/2019

To:
 Shropshire Council Strategic Licensing Committee
 Shirehall,
 Woodfield Road,
 Shrewsbury,
 SY3 6LJ

Date: 4 February 2019

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Full Name:..

Badge Number.

Signature..

Date: 06/04/2019

To:
Shropshire Council Strategic Licensing Committee
Shirehall,
Woodfield Road,
Shrewsbury,
SY38LU

Date: 4th February 2019

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Signature.....
Date..... 13/2/19

To:
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Shirehall,
Woodfield Road,
Shrewsbury,
SY38LU

Date: 4th February 2019

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Shirehall,
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Shrewsbury,
SY38LU

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Date..... 5/2/2019

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Shropshire Council Strategic Licensing Committee
Shirehall,
Woodfield Road,
Shrewsbury,
SY3 6LU

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Date..... 6..... 2..... 19.....

To:
Shropshire Council Strategic Licensing Committee
Shirehall,
Woodfield Road,
Shrewsbury,
SY3 8LD

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Date... 4./2./17.....

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 Signature.....
 Date.....04/02/2019.....

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 Date..... 5-2-2019

To:
Shropshire Council Strategic Licensing Committee
Shirehall,
Woodfield Road,
Shrewsbury,
SY38 1J

Date: 4th February 2019

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Full Name:

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Date: 5.2.19

To:
 Shropshire Council Strategic Licensing Committee
 Shirehall,
 Woodfield Road,
 Shrewsbury,
 SY36LU

Date: 4th February 2019

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Date: 05/02/19

To:
 Shropshire Council Strategic Licensing Committee
 Shirehall,
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 SY3 8LJ

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Full Name:
 Badge Number
 Signature.....
 Date.....7/2/19.....

From: 11 February 2019 15:36
Sent: Taxis
To: Review of Shropshire Council Hackney Carriage and Private Hire Licensing Policy
Subject:

Dear Shropshire Council
 We challenge the proposed changes to vehicle licencing.

Please simplify the private hire vehicles and only limit the vehicles to age. Instead charge different fees for different emission outputs or fuel types.

① **Encourage the drivers to go green and offer reduced fee's for eco vehicles.**

After many years in the trade I believe hybrid/electric is the future for private hire but the high purchase price compared to diesel puts many off.

Limiting the age of New hybrids to 5 years would impacted the number of new hybrids being plated. Hybrids hold their value very well compared to a run of the mill diesel. Current value of a 5 year Toyota Prius is around £13,000 double that of a diesel that would comply with euro 6.

The average diesel costs £1400 per year in maintenance compared to £200/£300 per year on a petrol Hybrid. We have noticed in Wolverhampton after drivers make the switch to hybrid they don't go back to diesel.

These changes would effectively do the opposite to what the council is trying to achieve *greener vehicles on the streets of Shrewsbury.

② **Promote Hybrid**

Reduce cost for plates for hybrid and electric.

③ **Fix vehicle Age**

New vehicle 8 years.

Existing vehicles maximum 10 years.

Failing to correct proposed changes will push more drivers to surrounding councils.... **WOLVERHAMPTON.**

Regards

From:
Sent: 13 February 2019 11:00
To: Taxis
Subject: Fwd: Executive plates New policy consultation submission..

Hello,

- ① I am forwarding my e-mail of many months ago expressing my concerns on executive plate policy. I did not receive a reply and after reading the consultation document again yesterday i do not see any changes to allow me to license any of the many vehicles you use as examples of suitable vehicles for executive travel.

Has this even been discussed ?
 Are there any changes or exemptions ?

----- Forwarded message -----

From:
 Date: Wed, 15 Aug 2018 at 15:38
 Subject: Executive plates New policy consultation submission..
 To:

To whoever it may concern,

As instructed this is some of my opinion and concern on the draft policy for 2019-2023.

The policy is so complicated and hard to read that i have limited my comments to the specific area that concerns me and my business.

Immediately i would like you to address the ludicrous part of the document which is page 72, section 3d.9 It states examples of EXECUTIVE luxury type vehicles that are suitable for executive plates. In there are Mercedes S-Class, BMW 7 Series, Jaguar, Rolls Royce and Bentley to name but a few..Many of these vehicles i have tried to license in the last couple of years and have been refused because they have not been NCAP tested. Having spoken to all these manufacturers they will never be tested as they are classed as Elite Luxury cars and as such, are pointless to test because they are infinitely more luxurious and most importantly even safer than there 5 star NCAP smaller vehicles. The XJ Jaguar for instance is pedestrian aware and takes complete control of itself so not to mow down the public who may be crossing the road or on the pavement. In all these cars there are standard features such as business tables and all appropriate connections for Laptops and phones etc.... Lets get real, the XJ Jaaguar is the car of choice for both the Queen of England and our Prime Minister for christ sake.

I am sick to death of my business being held back by such an archaic licensing policy and i want this e-mail submitted to the appropriate people for hopefully some kind of exemption or possibly even a change in the policy.

I hope this mail gets to someone with an ounce of common sense so i can keep my customers happy and bring my business out of the dark ages!!

Strategic Licencing Committee
 Shropshire Council
 Shirehall
 Abbey Foregate
 Shrewsbury
 SY2 6ND

From:

18 February 2019

To Whom It May Concern,

Private Hire Operator and Vehicle Policy

- ① The [redacted] is an independent non-ministerial government department. The [redacted] has a statutory duty to seek to promote competition for the benefit of consumers, and our aim is to make markets work well for consumers, businesses and the economy.
- ② As part of its work, the [redacted] recommends ways in which government can better promote competition. The Enterprise Act 2002 gives the [redacted] the function of "making proposals or giving information or advice on matters relating to any of its functions to any Minister ... or other public authority".
- ③ The [redacted] has received an invitation to comment on Shropshire Council's proposed Hackney Carriage and Private Hire Licensing Policy 2019-2023 (the Policy).

Previous [redacted] engagement on taxi and PHV licensing

- ④ The [redacted] was represented on the Task and Finish Group on Taxi and Private Hire Vehicle Licensing and involved in the production of its report. We note that during the course of this consultation the government has published its response.¹ Given uncertain timings of any legislative response or guidance, Shropshire Council may wish to consider whether to reflect on anticipated changes in advance of implementation or to allow flexibility to amend the policy before 2023.

In 2017, the [redacted] published an open letter to Local Authorities, as well as a set of guidance, with the aim of helping those designing Private Hire Vehicle (PHV)

licensing policies to understand the impact of this regulation on competition. You may like to consider this guidance in addition to some more specific points below.²

The [redacted] has also previously engaged with Transport for London³ and Sheffield City Council⁴ with regards to their own PHV policies. This engagement covers a number of similar issues, and you may like to consider the points raised in these letters too.

Wider policy objectives

- ⑤ The [redacted] recognises that Shropshire Council's proposed Policy has been updated to reflect the Council's priorities, including protecting people from harm, promoting health and managing the environment. We understand that this is important in the context of wider government objectives, such as improving air quality and the Independent Enquiry into Child Sexual Exploitation in Rotherham 1997 – 2013. However, extensive restrictions can hinder competition between PHV operators and Hackney Carriages, by raising barriers to entry or restricting them from operating at the most efficient level. This can lead to negative outcomes for passengers in the form of less value for money or a poorer quality of service. It is therefore important to strike the right balance of regulation, that both protects passengers from harm, looks after the environment but also facilitates effective competition.

Implications for the proposed policy

- ⑥ In addition to the previous guidance referred to you above, there are three more specific and substantive points the [redacted] would like to raise that risk undermining competition:
- New conditions are set out on emissions/age restrictions of vehicles to be approved for a PHV, Executive Hire Vehicle (EHV) or Hackney Carriage licence. While the [redacted] recognises that this set of proposed restrictions is less burdensome than in the last Policy (in which restrictions were based on emissions), it is important to note that this Policy is still likely to increase the cost of entry. This could cause harm to passengers through a number of channels, for example through less downward competitive pressure on fares and reduced choice. Clean air is an important wider government policy objective and the [redacted] acknowledges that some restrictions on vehicle emissions are necessary to achieve this objective. However, the [redacted] notes that such stringent restrictions on hybrid vehicles – that they must be less than 5 years old from date of first registration - do not appear to be necessary. For example, Transport for London's PHV Policy states that new registrations of hybrid PHVs must meet the Euro 4 standard.

- ⑦ • Paragraph 3d.5 in relation to Executive Hire Vehicles (EHVs) states that EHVs must only be used for executive service, and not for 'normal' or general purpose private hire use. Owners of vehicles licenced for executive hire are well placed to also carry out private hire journeys in periods where there may be less demand for executive hire journeys. Limiting an operator's ability to carry out both types of operation could reduce the financial viability of executive hire licensees, and reduce the number of private hire licences, which as stated above, could cause harm to passengers. If a licensee is able to comply with all the necessary licence requirements for both executive hire and private hire, it does not appear to be necessary to restrict a licensee from carrying out both activities.⁵
- ⑧ • Conditions relating to the location of Private Hire Operator's physical premises could have the effect of increasing costs of these operators, which are likely to be passed on to passengers in the form of higher fares.⁶ More specifically:
 - Paragraph 3f.49 states that a Private Hire Operator will not be granted a licence to apply to any physical premises that falls outside the administrative area of Shropshire Council. This rules out the possibility that an operators physical premises could be based at a lower cost location, and hence could increase the cost to PHV firms. This cost increase is likely to be passed on to passengers in the form of higher fares.
 - ⑨ ○ Paragraph 1.23 states that operators operating more than two vehicles must ensure that all private hire bookings taken by the operator are received at and drivers of private hire vehicles instructed to fulfil booking from within the physical premises (which must be located within the Shropshire Council administrative area) to which the licence is applicable. This represents a large stepped cost for private hire operators going from two to three vehicles, and again, is likely to be passed onto passengers in the form of higher fares.
 - ⑩ ○ Paragraph 3c.4 restricts the ability of a PHV licensed by Shropshire to be licensed by another Local Authority. It is not clear what the policy objective intended to be achieved is in addition to other provisions.
- ⑪ • While recognising the desire of Shropshire Council to protect passengers and deliver its policy objectives we are concerned there may be unintended

⁵ For example, a vehicle could be used as an EHV for certain business but is operated with appropriate signage and with a PHV plate on other occasions.

⁶ The commented on a similar issue in its response to Sheffield City Council's Private Hire Operator and Vehicle Policy, and its response to Transport for London Private Hire Proposals consultation.

consequences of these individual requirements in combination and which may be exacerbated if mirrored by other local authorities. There is risk that residents, businesses and visitors to Shropshire will experience less choice and innovation or higher fares.

⑫ Cross Border Hire

In relation to cross border hire, you should be aware of the Task and Finish Group's recommendation that Government should legislate that all taxi and PHV journeys should start and/or end within the area for which the driver, vehicle and operator are licenced. Government has agreed 'in principle of this recommendation, and will consider further (with a view to legislation) how it might best work in detail'. You may like to consider this and other anticipated legislative changes arising from the government's response in your policy development going forward.

The would be grateful if these considerations could be brought to the attention of the Strategic Licensing Committee to inform its deliberations.

February 2019

From:
Sent: 19 February 2019 21:30
To: Taxis
Cc: Taxis
Subject: Consultation

From:
Sent: 19 February 2019 21:21
To:
Subject: RE: File Requested

① To The Licensing Team
 Ref Consultation
 Ref Executive plates

I would like to say that I have built up my business because of the need to supply a part of the population in the area with the correct type of transport .
 They require a good quality vehicle that meets all legal regulations , but need to be transported around in a vehicle that is does not look like a normal hire vehicle with a number of signs .
 Because of this I invested a large amount of money in my car and would really think about going back to a normal fuelled one if it did not meet your requirements for Executive Plates .

I am not the only one who thinks and operates in Shropshire with the same type of customers and they to need to have the flexibility to meet the need of the population .
 Putting to many restrictions on the plates will not help !!!!.
 Unless the operators who have these plates do anything to cause you concern, I suggest we carry on as we are .
 You need operators like me to meet the requirements of the population in Shropshire and keep a high standard in the area Please think carefully before you change to many things .
 Regards{ (the all electric operator)

From:
Sent: 17 January 2019 10
To:
Subject: RE: File Requested

Hi
 Please confirm renewal fee for executive plate £156 ? (£136)
 Thanks

From:
Sent: 17 January 2019 08:55
To:
Subject: RE: File Requested

Hi
 It's in the application process.

Dear sirs

- ① To start opening up the zones is definitely wrong you will have hackney drivers working in different zones charging what they like, People will not know what car they are getting into late at night and if any think happens to them how will you be able to pinpoint who has taken them home are you as a council willing to take this risk .
- ② As for euro 6 is coming in the beginning of april some drivers have only just changed their vehicles to euro 5, drivers have taken finance on these vehicles, the finance will not be finalised by this date you are proposing to bring this in . Drivers can not afford to replace their vehicles again with still outstanding finance left on there euro 5 vehicle . By talking to taxi drivers these are some of there concerns on the changes you are going to implement.. Has a taxi company my self I feel that you should have another meeting to listen to the views and worries of the taxi people .I

Thanks

To:
 Shropshire Council Strategic Licensing Committee
 Shirehall,
 Woodfield Road,
 Shrewsbury,
 SY38LU

Date: 4th February 2019

I wish to petition against the amended Hackney & Private Hire Policy that was put out to further consultation on the 23rd January 2019.

I strongly disagree with the paragraph 3d.34 Renewal/New Application, which states that a New Private Hire vehicle application must be Euro 6 & no older than 1st September 2016.

If this policy is continued with, drivers will have no option but to licence out of the area & Shropshire Council will then have no jurisdiction over the vehicles that are driving within Shropshire.

Most drivers will not be able to afford the cost of purchasing a 2016 – Euro 6 vehicle.

As Private Hire drivers we feel that the policy is to have an age limit of new applications up to 8 years old, & renewals up to 10 years old.

Full Name:

~~Badge Number~~

Signature.....

Date.....

07/02/19....

To:
Shropshire Council Strategic Licensing Committee
Shirehall,
Woodfield Road,
Shrewsbury,
SY38LU

Date: 4th February 2019

I wish to petition against the amended Hackney & Private Hire Policy that was put out to further consultation on the 23rd January 2019.

I strongly disagree with the paragraph 3d.34 Renewal/New Application, which states that a New Private Hire vehicle application must be Euro 6 & no older than 1st September 2016.

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Most drivers will not be able to afford the cost of purchasing a 2016 – Euro 6 vehicle.

As Private Hire drivers we feel that the policy is to have an age limit of new applications up to 8 years old, & renewals up to 10 years old.

Full Name:..

Badge Number.

Signature..

Date.....13-2-19.....

PETITION**To:**

**Shropshire Council Strategic Licensing Committee
Shirehall
Woodfield Road
Shrewsbury
SY3 8LU**

Date 31st January 2019

We wish to petition against the amended Hackney and Private Hire policy that was put out to further consultation on the 23rd January 2019.

We strongly disagree with paragraph 3d.34 Renewal/New Application, which states that a New Private Hire vehicle must be Euro 6 and no older than 1st September 2016. Most drivers will not be able to afford the cost of purchasing a 2016 – Euro 6 vehicle.

If this policy is continued with, drivers will have no option but to licence out of the area. Shropshire council will then have no jurisdiction over vehicles that are driving in Shropshire.

As Private Hire drivers we feel that the policy is to have an age limit of new applications up to 8 years old, and renewals up to 10 years old.

This petition is agreed upon the following signatories:

FULL NAME	BADGE NUMBER	SIGNATURE	DATE
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RECEIVED
21 FEB 2019
BY:

Shropshire Council,
Licensing Team,
Public Protection
Shirehall,
Abbey Foregate,
Shrewsbury.
SY 2 6 ND

18th February 2019

Dear Sirs,

Hackney & Private Hire Policy Review

May I make the following observation on the age/fuel/type
of vehicles which should be acceptable for operations by your council.

- ① Vehicles Any vehicle with eight or fewer passenger seats,
with minimum four doors. Colour black for Hackney,
any colour for Private Hire.
- ② Age Any age provided it meets minimum EURO 5 emissions.
After three years of age MOT every six months
After ten years of age MOT every four months.
- ③ FUEL Any fuel type subject to it meeting EURO 5 emissions.

THE CRITERIA FOR ALL VEHICLES EURO 5

Yours Faithfully,

Email

Strategic Licensing Committee:

- ① I strongly object to any changes to vehicle type and ask the council to withdraw its proposals for euro 6 and WAV vehicles as this proposal is NOT financially viable in my rural location..

The cost implications of changing anymore of my vehicles would see the end of my 27 years in the taxi business

The Council needs to address and ask why in Shropshire is there such a large reduction of 604 drivers & vehicles in such a short period of time due to Shropshire council's stringent financial demands.

Taxis & private hire form a large part of Shropshire's integrated transport plan and with fewer bus routes, taxis & private hire vehicles are a vital public service more so rural locations.

I've just received these figures following from a FOI request from Shropshire council.

	2014-15	2015-16	2016-17	2017-18	2018-19 (as at 19/02/2019)
Private hire	1295	1121	995	989	798
Taxi	254	198	187	180	147
	Euro 4	Euro 4	Euro5	Euro 5	Policy proposal
					Euro 6 wheel chair accessible?
					REDUCTION OF 604

In 2016 -2017 Shropshire council phased in a Euro 4 emission policy the financial cost to drivers was far too great for many and the numbers of vehicles and drivers started to reduce,

In 2017 -2019 euro 5 emission policy was phased in and the figures we see to date show a massive reduction in licenced vehicles in Shropshire from 1,549 in 2015 to 949 to date a reduction of some 604 vehicles & drivers..

If the councils proposal to introduce a wheel chair accessible only taxi fleet and euro 6 emissions for private hire and colour stipulation it will for certainly decimate the last of the remaining drivers who are at present struggling financially

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. Almost everyone in our society occasionally uses licensed vehicles; however, they are regularly used by particularly vulnerable groups, including children, the elderly, disabled people and the intoxicated. Given that a licensed driver has significant power over a passenger who, in effect, places themselves and their personal safety completely in the hands of the driver, it is imperative that the safety and welfare of the public is the over-riding principle that will be considered when matters are dealt with under the Policy,

Email

Ref: Proposed removal of existing 5 zones

① Dear Councillors / Officers.

Although the proposal for a single licensing regime throughout Shropshire will reduce administration to the council, the proposal for all taxis (hackney carriage) across the whole of the Shropshire to have 100% wheelchair accessible vehicles (WAVs) is of great concern.

The cost to the owner drivers especially in the smaller market towns and rural areas will not be economical viable & national statistics say that on average 15% of taxis are wheelchair accessible in rural towns.

The taxi running costs in rural areas are much greater than urban due to the dead mileage to and from pickups.

A great number of drivers in Oswestry and other smaller market towns are part time, they mostly only work on a Friday & Saturday evening as the rank and hail work is predominantly weekend work and any financial restriction on this vital service will have a detrimental effect on the late night economy and policing issues as this here and now booking (Hailing) cannot be covered by the private hire sector. (PRE BOOK ONLY)

New vehicle (wav) with modifications can cost around £40,000.

You are limited to a small range of larger vans or MPVs which can cost more to run

WAVs can't be converted back. You will have to sell the vehicle to a smaller market, at a lower price.

Data about the number of licensed taxis and private hire vehicles in England and Wales, (Department for Transport.)

In England 58% of all taxis were wheelchair accessible in 2018. This has remained at similar levels since 2015. In comparison 2% of PHVs were wheelchair accessible in 2018, similar to the proportion in 2017.

In other urban areas 37% of taxis were wheelchair accessible and in rural areas 15% of taxis were wheelchair accessible. Some authorities (65% or 188 licensing authorities) required wheelchair accessible vehicles in all or part of their taxi fleet.

Help the Aged report forecasts that by the year 2021 one in three people in the UK will be aged over 60.

So why are the Shropshire Council proposals making it harder, or impossible, for the elderly to use a taxi?

Some reports from so-called experts say that black cabs (Shrewsbury and Atcham type's zone 4 are fully accessible and meet all needs. They do not meet the needs of the elderly or all disabled

The sensible solution is to have mixed fleet of taxis, saloon and Shrewsbury and Atcham type.

The proposal for 100% "WAV" will exclude many of the elderly and disabled who are not in wheelchairs.

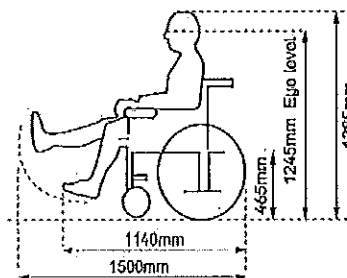
By adopting the 100% wheelchair accessible taxi policy, you will be discrimination against the very people that the Disability Discrimination Act was supposed to help.

In this country there are 6,000,000 plus disabled, with about 800,000 who use wheelchairs

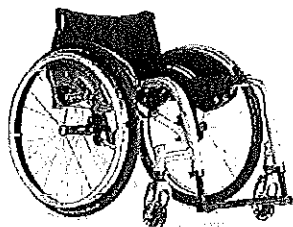
only some of who use them all the time, Most wheelchair users can transfer from wheelchair to saloon car but have great difficulty with WAV because the seats are at a greater height .



ZONE 4 TYPE HIGH SEATING POSITION



: SEAT HIGHT 465 MM



Many modern wheel chairs of a carbon fibre type wheel chairs cannot be strapped down into a wav due to the design and these passengers mostly prefer to transfer to a saloon car

Not all disabled people are in wheelchairs. More than 20 million people in this country, including many who are young and look very fit, have arthritis. Many of these would find it difficult to get into a Shrewsbury and Atcham ZONE 4 Type WAV.

Why make life harder for people who already live in pain?

WAVs often require you to sit alone in the rear, isolating you from other passengers.

Comfort

You may not have access to all the car's comforts from your seat. The driver will need to drive slower and take corners with extreme caution.

Vehicles

WAVs comprise only a small range of vehicles, which are mainly vans or MPVs.

You're always on view to the public in a WAV since you sit in the back of the van or MPV.

Taxi drivers play a major part in transporting disabled persons and we would like to carry on doing so, but many of us will be prevented from this rewarding aspect of our business by this unnecessary legislation.

We have been transporting the disabled for many years, with Oswestry having one of the largest disabled collages in the country The Derwen Collage Gobowen, Robert Jones Agnus Hunt Orthopaedic Hospital without legislation or fuss.

Many private hire licensed organisations specialize with wheelchair transportation including. dial a ride, patient services, along with many independent private hire operators and have no unmet demand for services.

Exempt Drivers

The Equality Act 2010 (the Act), administers a list of licensed vehicles which are occupied wheelchair accessible. This list is referred to as the Designated Vehicles list. The Council is responsible for enforcement of the drivers' responsibilities with respect to the carriage of a person(s) in wheelchairs, and for exempting drivers from such responsibilities on medical grounds, or a physical condition making it impossible or unreasonably difficult.

"Every natural or legal person is entitled to the peaceful enjoyment of his possessions",

From:
Sent: 22 February 2019 00:00
To: Taxis
Cc:
Subject: Strong protest about new taxi policy.

Dear Reader. Please make the effort to read this email in its entirety.

Dear Licencing Please forward attached to the taxi and private hire consultation

Jones (Vice Chairman), Peter Adams, Roy Aldcroft, Paul Milner, Kevin Pardy, Vivienne Parry, Ed Potter, Dave Tremellen and David Vasmer.³² Apologies for absence were received from Councillors Dean Carroll, Rob Gittins, Elliot Lynch, Harry Taylor and Robert Tindall.³³ Minutes of Previous Meeting RESOLVED: That the Minutes of the meeting held on 3rd October 2018 be approved as a correct record.³⁴ Public Question Time The Chairman reported that two public questions had been received. Question 1 - received from Mark Higgins: How does the proposal address that the vast majority of disabled and elderly taxi passengers who require a standard saloon car as opposed to a wheelchair assessable taxi as best practice recommend a mixed fleet? The response as follows was read out by the Chairman: There is no single source of data that gives a true or reliable picture of the number of disabled and elderly passengers who require a standard or a wheelchair accessible vehicle or data to confirm whether or not passengers who have a disability and who do not use a wheelchair would or would not be able to use a wheelchair accessible vehicle. As a result certain assumptions have been made but these are supported by the DfT Inclusive Transport Strategy that sets a very clear vision for local authorities, which includes taking proactive steps to increase the number of wheelchair accessible vehicles in the fleet. This does not detract from the availability

Minutes of the Strategic Licensing Committee held on 20th November 2018² of private hire vehicles that are not required to be wheelchair accessible and these private hire vehicles will continue to be available for those people with physical disabilities who cannot or do not wish to use a wheelchair accessible vehicle. The Council licences a mixed fleet and the proposals support this position on the basis that there will continue to be over 680 private hire vehicles that will not be wheelchair accessible.

- ② Can I please impress on the fore mentioned Councillor/chairman that that there is a big difference between fleets, as he calls them. Taxis can be hailed by pedestrians at the kerbside PHVs must be pre booked using a telephone. To say that Shropshire council intends to operate a mixed fleet policy just show his ignorance of the laws governing the taxi/PHV business.
- ③ Shropshire council presently licences a mixed fleet of Hackneys, but the new policy is proposing to exclude the approximate 67000 disabled people in Shropshire from using Hackney vehicles that will, if this discriminatory policy is allowed, become inaccessible to so many of them. They will be forced to use PHVs, which can charge what they like, unlike Hackneys whose fares are regulated by the tariffs set by the council. Outrageous discrimination.
- ④ states that if Hackney owners don't want to swap to WAVs then they must re licence as PHVs. Wheel chair users phone if they need a taxi and specify that they are none transferable if they cannot transfer, under the proposed new policy most of the PHVs will become none wheelchair accessible, but all of the Hackneys will be unavailable. The only taxi ranks in Oswestry are in the town center, nine of them in total. What happens when a wheelchair customer phones for a WAV only to be told that there is one available at the park gates five miles away from where the wheelchair is. There is no law in the land that can be used to accuse a Hackney of discrimination because the driver refuses to drive five unpaid miles to pick a passenger up. Wheelchair users will be forced to use PHV. They will also be forced to pay whatever the PHV quotes as the fare.

- ③ I have dozens of disabled and elderly regular customers who simply cannot get into a vehicle any higher than a regular saloon car. I also have nearly a dozen wheelchair users who always confirm that I am in my car rather than my mini bus before they book a taxi because they want to travel in the front seat, safely strapped into a secure front seat with a head rest and self tensioning seat belts. Very few wheelchairs are crash tested, and almost none have head support or correct anchor brackets to secure them by. To force users of most wheelchairs to be transported in the wheelchair is dangerous for not only them, but for the driver as well. I do not fancy having a passenger hitting me in the back of my head like an Exocet missile because the wheelchair he/she has been forced to travel in has disintegrated on impact.

- I am a sole trader. I keep two vehicles on the road, a minibus and a saloon estate. The reason I have two is so that in case of a problem with one vehicle I can use the other one and get my pre booked passengers to the Airports, or wherever they are going. I have invest about £50000 in the last three years on my top of the range vehicles, following the councils last policy to the letter. Both are black in colour, five star crash tested, and euro 6 emissions. I simply cannot afford the financial loss of replacing my vehicles yet again because of another misguided new policy preventing me from carrying on as a sole trader taxi operator.

- ⑦ I had a number of WAV vehicles over a period of more than eight years and had a total of no more than 10 requests for a WAV vehicle in the whole of that time. I did hundreds of wheelchair journeys from passengers who insisted on a vehicle that enabled them to travel in the front seat.

A couple of questions to finish with.

- ⑧ Why was no unmet demand survey made concerning WAV taxis.

Regards

From:
Sent: 22 February 2019 01:42
To: Taxis
Subject: RE: Consultation

① I would like to make a few points in regards to the new policy.

First of all, Council should look at working time directive. There are Hackney and private hire drivers regularly doing more than 15 hours a day, every day. Some even more than 20 hours per day which is a danger to public safety.

② Also, the Council needs to introduce a basic English language test like many of Councils across the UK have done.

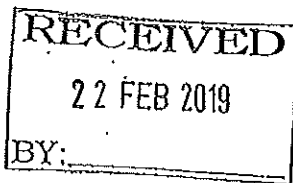
③ Furthermore, vehicles that are repaired to a high standard should be allowed to be licensed if they are category S, if Council is not satisfied with a regular MOT, then they can also be sent for an enhanced test to DVLA centre.

④ Also, Hackney vehicles, whether they are M1 or N1, it shouldn't matter as long as they have the VCA or IVA certificates; they are made in the same factories and therefore there is not much difference between them.

⑤ Also, if Diesel vehicle is Euro 6 and is pre September 2016 then it should be allowed. Council wants lower emissions so it shouldn't matter about the age of the vehicle, in London they are discussing of allowing Euro 6 taxis 20 years life span. Euro 6 Hackney Vehicles (W.A.V) should be guaranteed to be licensed until atleast 2030.

⑥ Also, if a disabled person in a large motorised scooter wheelchair fits comfortably in a W.A.V then it shouldn't matter what the height inside the W.A.V is. Shropshire Council shouldn't be introducing more stricter regulations than in cities like Birmingham, Manchester or London, etc.

Kind Regards,



Hackney Carriage and Private Hire Licensing Policy 2019 -- 2023
Consultation Response

Please Note

This is the collective opinion of the undersigned, and therefore we expect it to be accepted as a response multiplied by the number of undersigned. And not as a single response.

- ① We the undersigned are all independent owner drivers of licensed hackney wheelchair accessible vehicles and are of the opinion that Shropshire Council are failing to understand several critical financial issues that will impact our income when proposing such a policy at this point in time.
 - 1, With Brexit just days away, industry in this country does not yet know how they will be affected by it, and where its financial standing will be after it, this is creating a lot of uncertainty in all walks of life and the knock-on effect of this is both industry and individuals are being rather cautious with their spending. A situation that is very noticeable to the Hackney trade.
 - 2, With cross border hiring currently completely out of control, the financial impact to Shropshire licensed hackneys is catastrophic, and expecting major financial investment by the trade is wholly wrong and shows the lack of understanding.
 - 3, In using the same ages and time scales for Hackney and private hire again is showing the lack of understanding in the cost of these two different types of vehicle, investment costs, vehicle type, fuel types available (wavs being predominantly based on diesel light commercial vehicles, unlike normal saloons that are easily available in diesel, petrol, hybrid and electric) and availability in both the new and used markets, methods of purchase make wheelchair accessible far more expensive due to no pcg (personal contract hire) being available to individual operators for wheelchair accessible vehicles (as I am sure you all know that a pcg is a far cheaper method of attaining a new vehicle). Included in the graph for Hackneys is Electric vehicles although there is at this point in time no such vehicle available in this country and unlikely to be for some years yet, and the only one hybrid is prohibitively expensive at close to £60,000 as its not financially viable given the profitability of hackneys in Shropshire, and the policy only guaranteeing its use until 2024. Also, the lack of infrastructure for electric and plug in hybrid vehicles prohibits these as an option.
 - 4, At a point where Shropshire Council wants all Hackneys to be wheelchair accessible by 2021, they will only allow euro 6 post 1st September 2016 vehicles to be licensed is very short sighted, the effect of this will reduce the number of wavs, and therefore reduce the access to wheelchair accessible vehicles to the wider community of Shropshire.

Given the above points our recommendations to the consultation are,
- ② Allow new wheelchair accessible vehicle applications on Euro 5 vehicles until 1st April 2020, this would allow current none wav hackney owners to buy into the wav vehicle without it being prohibitively expensive.
- ③ Allow Wheelchair accessible Euro 6 vehicles to be renewed up to 10 years from date of first registration, going beyond this version of the policy and into the next, to invest into a new euro 6 vehicle today is likely to cost upwards of £20,000 and closer to £40,000 for a full spec hackney, individual operators need to know the lifetime of the vehicle before such investment can be made. Failing to do so will see more and more hackney operators either leaving the trade completely or reverting to private hire where vehicles of all fuels are available and are considerably cheaper to buy.
- ④ Allow a written off wheelchair accessible euro 5 vehicle to be replaced on a like for like basis, will prevent drivers going out of business if their euro 5 is written off before the end of their business life cycle of the vehicle.
- ⑤ Although the proposed policy goes some way to reducing the problem of Shropshire licensed vehicles being used cross border out of the county, there is very little in preventing operators using these

vehicles within the county, this is our main problem and needs to be addressed by the council policy in a more robust way.

- ⑥ If Shropshire Council were serious about air quality, is it not time to consider becoming a low emission zone reducing the emissions of all road users in Shropshire rather than using the Hackney and private hire trade as scape goats in this matter just because you control our regulations.

In summary the council needs to be a little more realistic in what can be achieved at this time in Shropshire at least until these uncertain times have passed and we can all see a more robust future.

Taxi Licensing
Shropshire Council
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Our Ref:
Your Ref:
Date: 22 February 2019
Please ask for:

Sent by email only to:

Dear Sir / Madam,

Hackney Carriage and Private Hire Licensing Policy 2019 – 2023

Consultation Response of _____ trading as _____ and
Limited trading as _____ to the second consultation

- ① I act on behalf of both _____ which trades as _____ and
_____ Limited which trades as _____
- ② Please also note that there are two separate individuals operating as _____ one
being me representing _____ and _____ and the other being
_____ representing _____ which trades as _____ and
As a result, you may receive conflicting responses to this consultation
from two separate identities within the _____ brand, each representing a different
operator(s) with different views.
- ③ My clients wish to draw to the Council's attention, in the very strongest of terms, that its
proposals in relation to regulating the private hire trade will exacerbate the cross-border /
private hire operator subcontracting issue the Council says is "the most acute ... licensing
problem currently facing the Council" (draft policy, pg 13, para 2.17).
- ④ Drivers and prospective drivers only opt to license with another authority when, by the
imposition of inappropriate and unnecessary standards by the council they would ordinarily
license with, they are pushed away and are then drawn, out of a need to be able to work,
to license with another licensing authority.
- ⑤ Without getting into a battle to the bottom, which my clients would not want, the Council
needs to reflect carefully, as is required by the Regulators' Code in any event, as to what it
is trying to achieve and only do the minimum required to achieve its legitimate objectives.

⑥ Whilst many of the issues I will comment on below are repeated several times in the draft policy, I will attempt to address each in the sequence in which they appear in the draft policy and to provide details of each paragraph where the same issue arises.

⑦ **Localism, regulatory licensing and cross-border hiring**

(pgs 5 & 6, para 1.2, bullet point 7; pg 13, para 2.18; and pg 143, new para between 3f.50 and 3f.51)

⑧ The hypocrisy of the Council seems to know no bounds, which is rather ironic when the issue is one that concerns boundaries! In 2011 Shropshire Council engaged with the Telford & Wrekin Council licensed private hire trade to facilitate their wholesale defection across the border to license with Shropshire Council and to continue to work exclusively or predominantly in Telford & Wrekin. The Council were so keen to facilitate this that it hired a sports centre so that applications could be bulk processed.

⑨ The Council did not perceive this to pose any of the risks it now vociferously proclaims when drivers and vehicle proprietors choose not to license with it, but with other councils. If it wants to retain the fee revenue, because that is what this is about, it will do as other councils have done and improve its levels of service and not adopt standards that are unnecessarily restrictive. Shropshire will lose a large proportion of its drivers if it continues to restrict and impose unrealistic conditions. My clients are all for the safety of the fare paying public, but to provide this it has to be affordable for the drivers to be able to enter the trade and to continue doing this.

⑩ Despite the self-serving propaganda the Council is pushing about other councils, the reality is that the City of Wolverhampton Council (Wolverhampton Council) has set standards that are, in many regards, higher than those proposed by Shropshire Council and it often undertakes more compliance and enforcement activities in the areas of other local authorities than the local council. Wolverhampton Council has risen to prominence nationally, because of the investment it has made to provide the trade with a modern and highly efficient licensing regime.

⑪ The "localism" which is referred to by Shropshire Council as being the "hallmark of the regulatory licensing regime", far from being the 'answer' is actually the root cause of the alleged failings highlighted by the Council. There has been a historic failure on the part of local authorities to agree mechanisms by which they cooperate with one another, and their insistence on retaining "localism" in every aspect of policy encourages this. The concept of "localism", whilst a force for good in many respects, is not a panacea for all things bad and, indeed, in this respect has potentially contributed to any perceived problem.

⑫ There is a growing perception amongst some that the increasingly alarmist and unsubstantiated rhetoric that is being disseminated by the Council regarding private hire drivers going about their lawful and legitimate business (the vast majority of whom are perfectly legal, have passed stringent enhanced DBS checks, including additional checks of barred registers, but choose to license in another administrative area other than the Council's which is perfectly legal), is bordering on racist, potentially discriminatory and is in danger of reflecting badly on both the

administration and councillors of Shropshire. Is this a restriction of trade by forcing the self-employed driver to license and only work in the licensing area of the Council?

- ⑬ Shropshire Council would be wise to compare what it does with what Wolverhampton Council does and to raise its game accordingly, because as it was when the Telford & Wrekin Council licensed private hire trade elected to license with Shropshire Council, it is the efficiency of the licensing process that drives the change to license with one council over another. In the absence of a national, centrally controlled private hire and taxi licensing regime, it is incumbent on local authorities to agree ways of working together, such as the new, long-overdue, national driver database (the NR3 database), to ensure there is no danger any perceived loopholes created by "localism" are closed, rather than attempting to use its Hackney Carriage and Private Hire Licensing Policy to pursue an unlawful agenda of restrictive practice and, worst still, leave it and its councillors open to an accusation of discriminatory behaviour.
- ⑭ And if the Council is serious about divesting itself of those vehicles and drivers it has licensed since 2011 and to lose the resulting revenue that keeps many of its staff in jobs, I can only imagine that there will be a further large-scale migration to Wolverhampton and other councils (and not necessarily Telford & Wrekin Council).

Legislative framework

(pg 7, para 1.9)

- ⑮ As the Council will appreciate, the Parliamentary Under Secretary of State for Transport, Nusrat Ghani MP, launched a consultation in relation to draft Statutory Guidance under section 177(1) of the Police and Crime Act 2017. As the consultation will not close until 22 April 2019, the Council might want to postpone concluding its views on the matters covered by the draft Statutory Guidance until that policy is finalised and published.

Right of appeal

(pg 8, new para after 1.13)

- ⑯ The statutory right of appeal does not entitle a driver, vehicle proprietor or operator to appeal against any decision by which they are aggrieved, but only those decisions when a licence is refused grant or renewal, suspended or revoked, or against conditions attached to such a licence.
- ⑰ The Council has already made the necessary amendments to para 2.15 (pg 12).

Decisions

(pgs 11 & 12, para 2.10; and pg 27, para 3a.39)

- ⑱ Paragraph 3a.39 expressly provides for the Council to require a driver to satisfactorily undertake a further knowledge test, but omits to include a requirement to satisfactorily undertake a further driving assessment, something that the

Licensing Panel has, from time to time, required of licensed drivers. It is suggested this paragraph should be amended to include this and that paragraph 2.10 should be amended to include the possibility of being required to satisfactorily undertake a further knowledge test or further driving assessment.

- (19) Furthermore, the reference in paragraph 3a.39 to paragraph 2.12 should now be a reference to paragraph 2.10.

Burden of proof

(pg 12, para 2.12)

- (20) Whilst the Council is right in its assertion that it does not need to prove matters beyond all reasonable doubt, it fails to acknowledge that neither does an applicant or licence holder.
- (21) On application for a new licence, it is for the applicant to satisfy the Council, on the balance of probabilities, that they are a fit and proper person.
- (22) At renewal or any other time, the licence holder is assumed to remain a fit and proper person unless the Council is satisfied on the balance of probability that they are no longer a fit and proper person.
- (23) In this regard, the Council is respectfully referred to the decision of the High Court in *Kaivanpor v Director of Public Prosecutions* [2015] EWHC 4127 (Admin).

National Register NR3

(pg 12, new para after 2.15)

- (24) The draft policy may be correct and I trust officers will have first hand experience of using the database to know for certain as to whether driver suspensions are recorded or not, but the LGA press release did refer to including details of driver suspensions as well as refusals and revocations.

Criminal record disclosure

(pg 21, para 3a.13; pg 38, para 3b.22; pg 63, para 3c.16; pg 89, para 3d.22; pg 113, para 3e.16; and pg 135, para 3f.13)

- (25) The Council seems intent to infer an admission of guilt in respect of the acceptance of non-criminal penalties, some of which expressly state that payment of the penalty charge does not amount to an admission of guilt. The Council is asked not to infer guilt when the notice imposing the charge expressly states that payment is not and does not amount to an admission of guilt.

Non-conviction information

(pg 22, para 3a.17; pg 39, para 3b.26; pg 64, para 3c.20; pg 90, para 3d.26; pg 114, para 3e.20; and pg 136, para 3f.17)

- 26 As some non-convictional penalties do not indicate guilt and some expressly provide that payment of the penalty is not an admission of guilt, the Council is asked not to assume guilt when a person has accepted and acted in accordance with the information contained on such administrative penalty or charge.

Driving licences

(pg 23, para 3a.23; and pg 30, para 3a.61)

- 27 Despite raising this matter in my clients' consultation to the original consultation, it is of concern that the Council appears to have decided to persist in its proposal to adopt a racially discriminatory approach by unlawfully failing to acknowledge that persons holding driving licences issued by some non-EEA countries are recognised in law as being equivalent to a UK driving licence.
- 28 In this regard, it is surprising that the Council has chosen not to recognise driver licences issued in Gibraltar (as recognised by the Road Traffic Act 1988, section 108) and Andorra, Australia, Barbados, British Virgin Islands, Republic of Cyprus, The Falkland islands, The Faroe Islands, Guernsey, Hong Kong, Isle of Man, Japan, Jersey, Republic of Korea, Malta, Monaco, New Zealand, Singapore, Switzerland and Zimbabwe (as recognised by The Driving Licences (Exchangeable Licences) Order 1999).
- 29 Discrimination on the grounds of race, which includes colour, nationality and ethnic or national origins, is illegal.
- 30 Racial discrimination by any person or organisation is unacceptable, but particularly repugnant when such discrimination is demonstrated by a public authority, as such organisations are subject to the PSED (Public Sector Equality Duty) which requires a public authority to eliminate discrimination and to advance equality of opportunity (see the Equality Act 2010, section 149).
- 31 The Council has also persisted in its endeavours to frustrate parliamentary intention by requiring a person to have held a full driving licence for "at least 3 years" at the time of application when the law (Local Government (Miscellaneous Provisions) Act 1976, section 59(1)(b)) expressly provides that a local authority shall not grant a licence unless the applicant has been authorised to drive for at least 12 months.
- 32 Whilst this may amount to indirect age discrimination against the Equality Act 2010, because it is likely that it will disproportionately adversely affect young drivers, the Council seems to consider its opinions to be superior to the express intention of parliament. The Council's belief is misplaced. As long ago as 1968 the House of Lords (as it then was) held in *Padfield & Ors v Minister for Agriculture, Fisheries and Food & Ors* [1968] AC 997, [1968] 1 All ER 694, [1968] 2 WLR 924 that frustrating parliamentary intention is unlawful.

Topographical knowledge element of the knowledge test
(pg 27, para 3a.34)

- ③③ As with the Council's proposed approach in relation to cross-border hiring and subcontracting, and vehicle emission and age restrictions, if the Council does not remove the unnecessary topographical knowledge test as a barrier to entry into the trade it will encourage more entrants into the trade to obtain their driver's and vehicle licence with another council.
- ③④ The Regulators' Code at paragraph 1.1 provides that local authorities should not impose unnecessary barriers to trade and seek to achieve any legitimate regulatory objective by less burdensome means.
- ③⑤ In its report 'Taxi and Private Hire Services' (Law Com No 347) of May 2014, the Law Commission considered the need for private hire drivers to pass a topographical test and concluded at paragraph 7.35 that there was "no sufficient justification for requiring local topographical tests for private hire drivers". See http://www.lawcom.gov.uk/app/uploads/2015/03/lc347_taxi-and-private-hire-services.pdf.
- ③⑥ More recently, when considering its proposals for a new policy, Sheffield City Council received representations from the CMA (Competition and Markets Authority) in September 2016. See https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/556330/lonnia-sheffield-city-council-28-09-16.pdf
- ③⑦ If the Council were to remove the requirement for an applicant to pass the local topographical test part of the knowledge test, adopt reasonably workable standards in relation to vehicle emission and age restrictions and not seek to frustrate parliamentary intention in relation to private hire subcontracting, it might reverse the current trend and attract new entrants to the trade to license with Shropshire Council and not another local authority.

Late or non-attendance at knowledge test and driving assessment
(pg 27, para 3a.36; and pg 28, para 3a.42)

- ③⑧ Whilst it may be appropriate for the fee to be forfeited if the Council does not have time or cannot find another candidate to take the place on the knowledge test, it is inherently unfair to treat the non-attendance at the test as a fail, especially when the Council ordinarily only allows three attempts.
- ③⑨ If the Council wants to discourage late or non-attendance for a knowledge test, it could do as it has with the number of fails and allow a candidate only a specified number of late or non-attendances for a test. That number might be only one, but it would treat more fairly the candidate who had to cancel their attendance for a knowledge test or who was delayed because of circumstances beyond their control.
- ④⑩ Even though the Council might say that, if it thought it necessary to allow a candidate a fourth test, it would do so, the process and uncertainty would place even greater pressure on a candidate, which might serve only to reduce their

chances of performing to the best of their ability and passing the test. Above all else, the process must be fair and that currently proposed is unfair.

Hackney carriage driver conditions

(pg 32, para 3a.68; and pgs 160 – 168, Appx B)

- ④1 As submitted in my clients' response to the original consultation, conditions cannot lawfully be attached to a hackney carriage driver's licence, pursuant to the decision of the High Court in *Wathan v Neath Port Talbot County Borough Council* (unreported 12 July 2002).
- ④2 In the circumstances, the conditions that are produced at Appendix B, can only be attached to a private hire driver's licence and should be titled accordingly.

Vehicle emissions / age restrictions

(pgs 40 & 41, para 3b.33; pgs 65 & 66, para 3c.26; and pgs 92 & 93, paras 3d.34)

- ④3 The much-simplified single table is most welcome as it clearly and simply shows what fuel types and ages of vehicles will be eligible for the grant of a new licence or the renewal of an existing licence, albeit only to 31 March 2024.
- ④4 The Council is prescriptive as to fuel types and makes no accommodation for alternative power sources, such as hydrogen fuel cell vehicles.
- ④5 As owner-drivers generally buy vehicles with the intention of using them for periods of about 5 years, a policy that only provides for a 5 year period is inadequate for the trade's purposes. For example, a member of the trade who bought their last vehicle in 2018 and expects to buy their next vehicle in 2023 will not know what standards are going to apply a mere 12 months after they buy a vehicle they intend, expect and need to use for probably 5 years.
- ④6 In fact, any member of the trade changing their vehicle on any day after the day of its inception, will not know whether their vehicle will be licensable for 5 years!
- ④7 My clients' propose that the policy should provide that vehicles, once licensed, should be permitted to remain licensed (and for the licence to be renewed) until 10 years from the date of first registration, subject to vehicles being up to 6 years of age when first licensed. This would allow owner-drivers to buy ex-lease vehicles that have typically been leased for 24 - 60 months (hence the need to license a vehicle of over 5 years) and to get 5 years use from such vehicle.
- ④8 As the Council will currently only grant a new licence to a petrol or diesel Euro 5 or Euro 6 vehicles, it is suggested that the Council should continue to grant new licences to these vehicles, subject to my clients' proposed 6 year and 10 year age limits. This would mean that a Euro 5 petrol or diesel vehicle could be granted a new licence up to possibly about 2021, depending upon the date of first registration, even though the Euro 6b petrol and diesel standards were introduced in September 2014.

- ④⑨ The use of an age policy, in conjunction with fuel types and Euro petrol and diesel emission standards is an approach the Council has already proposed in relation to hybrid and LPG powered vehicles.

Spare wheel

(pg 45, para 3b.41(o); pg 54, para 3b.64; pg 70, para 3c.35(o); pg 80, para 3c.58; pg 97, para 3d.43(n); pg 105, para 3d.65; pg 117, para 3e.40(o); pg 127, para 3e.63; and pg 236, Appx M, para 1.6)

- ⑤② The Council is asked (again) to allow puncture repair aerosols. As a result of a legal challenge in 2013, North Tyneside Council undertook extensive research into the issue and finally, amongst other alternatives to a full-size spare wheel, resolved to allow the use of puncture repair aerosols. For the agenda, report and minutes, the Council is asked to refer to http://www.northtyneside.gov.uk/browse-display.shtml?p_ID=547227&p_subjectCategory=76.

Wheelchair accessible vehicle passenger carrying capacity

(pgs 45 & 46, para 3b.41(q))

- ⑤① The amendment made to 3c.35(q), 3d.43(o) and 3e.40(q) has not been made to the same provision at 3b.41(q).

MOT requirements

(pg 49, para 3b.49; pg 53, para 3b.62; pgs 74 & 75, para 3c.43; pgs 78 & 79, para 3c.56; pg 100, para 3d.50; pg 104, para 3d.63; pgs 121 & 122, para 3e.48; pgs 125 & 126, para 3e.61; pg 174, Appx C, para 1.37; pg 182, Appx D, para 1.35; pg 189, Appx E, para 1.27; and pg 197, Appx F, para 1.35)

- ⑤② In relation to the first bullet point, by having an interim test after 6 months of the MOT test for grant / renewal of a licence, the Council is carrying out the maximum of three tests permitted in a period of 12 months, because the next test for renewal must also be undertaken within 12 months of the first test and, as a consequence, no additional tests may be required by the Council under the Local Government (Miscellaneous Provisions) Act 1976, section 50(1).
- ⑤③ In relation to the first year of licence of a new vehicle, because of the test (now disingenuously referred to as an 'appointment'), referred to in 3b.64, the Council already proposes to carry out 4 tests in the first 12 months, which is unlawful.
- ⑤④ In relation to the second bullet point, by virtue of the requirement for the renewal test to be within 12 months of the last renewal test, the Council is again proposing to unlawfully carry out 4 tests in a 12 month period.
- ⑤⑤ The Council may wish to take heed of the fact that Barnsley Council did this and, upon being challenged by the trade, ultimately agreed to refund every member of the trade for the cost of every unlawfully conducted test and to pay interest and a sum by way of compensation for inconvenience, etc. Whilst complaint was made to

the District Auditor, the District Auditor did not have to determine the issue, because Barnsley Council, having taken external legal advice, admitted its wrongdoing.

- 50 In relation to the last bullet point, in breach of the requirement of the Regulators' Code, paragraph 2.3 the Council has not provided for a right of appeal against such decisions as it may make to require items listed under minor or advisory information on an MOT certificate to be carried out within a timescale specified by the Council.

Late application for renewal of a vehicle licence

(pg 51, para 3b.55; pg 76, para 3c.49; pg 102, para 3d.56; and pg 123, para 3e.54)

- 51 Whilst it is appreciated that the Council recognises the possibility of a (driver's) licence being renewed after its expiry (paragraph 3a.31), pursuant to the decision of the High Court in *Exeter City Council v Sandle* [2011] EWHC 1403 (Admin), inexplicably and irrationally, the Council has not acknowledged this possibility in relation to vehicle licences.
- 52 The Council is asked to recognise this right in relation to vehicle licences as it does in relation to driver licences.

Vehicle inspection process / Vehicle compliance process

(pg 54, para 3b.64; pgs 79 & 80, para 3c.58; pgs 105 & 106, para 3d.65; and pg 126, para 3e.63)

- 53 It is disingenuous of the Council to think that by changing the name of a vehicle 'inspection' to 'appointment' it changes the nature of the vehicle inspection.
- 54 If it looks like a duck, walks like a duck and quacks like a duck, it's a duck! If it looks like a vehicle inspection, it is a vehicle inspection!
- 55 In the circumstances, despite the Council's unsophisticated rebranding of the 'inspection', the inspection will still count as an inspection under section 50(1) of the Local Government (Miscellaneous Provisions) Act 1976.

Suspension of vehicle licences

(pg 56, para 3b.70; pg 81, para 3c.65; pg 107, para 3d.72; and pg 128, para 3e.69)

- 56 The amendment made by the Council by deleting paragraph 3f.62 has not also been made to the above-mentioned paragraphs.
- 57 Although it is not stated, it would appear from the wording of this paragraph that the Council is referring to an authorised officer exercising the powers provided by the Local Government (Miscellaneous Provisions) Act 1976, s 68 to suspend a vehicle licence that immediately prohibits the use of that vehicle for its licensed purpose.
- 58 If this assumption is correct, the paragraph should be amended to expressly state which power the Council is referring to. It should also be amended to expressly state that, if the licence is not reinstated within two months, the licence will be

deemed revoked by virtue of the Local Government (Miscellaneous Provisions) Act 1976, ss 60 & 68.

- ⑥5) Whilst the Council can require the vehicle proprietor to return the vehicle licence plate to the Council within 7 days, it can only do so by serving a notice under the Local Government (Miscellaneous Provisions) Act 1976, s 58(1) on the vehicle proprietor and cannot, as appears to be suggested, require the driver or the proprietor to return the vehicle licence plate immediately upon service of the s 68 suspension notice. It should also be noted that service of such a notice on the driver of a licensed vehicle is not service on the vehicle proprietor, unless the driver is also the vehicle proprietor.

Provisions in relation to lifting a section 68 vehicle suspension

(pg 56, para 3b.71; pg 81, para 3c.66; pg 107, para 3d.73; and pg 128, para 3e.70)

- ⑥6) The Council is required by the Regulators' Code, paragraph 2.3 to provide 'an impartial and clearly explained route to appeal against a regulatory decision' and has not provided any such right to appeal against any decision that may be made in relation to the issue of a s 68 suspension notice and in respect of the standard of test being required to secure the lifting of the said suspension.

CCTV in vehicles

(pg 56, para 3b.73; pg 81, para 3c.68; pg 107, para 3d.75; pg 128, para 3e.72; pgs 144 & 145, para 3f.64; pg 172, Appx C, paras 1.23 & 1.26; pg 181, Appx D, paras 1.27 & 1.30; pgs 188 & 189, Appx E, paras 1.19 & 1.22; pg 196, Appx F, paras 1.26 & 1.29; and pgs 210 & 211, Appx G, paras 1.61 & 1.64)

- ⑥7) It is suggested that, rather than requiring the proprietor to notify the Council of an intention to install a CCTV system (which they might then decide not to install), the condition should require proprietors to notify the Council of installation of a CCTV system in exactly the same way, for example, as the Council requires a vehicle proprietor to give notice that they have had it converted to LPG.

Insurance for private hire vehicles

(pg 75, para 3c.44; pg 77, para 3c.51; and pg 79, para 3c.57)

- ⑥8) By preventing a vehicle proprietor from insuring a private hire vehicle against the risk of a driver using the vehicle to unlawfully ply for hire is an unnecessary and unlawful interference with a vehicle proprietor's right to insure their vehicle against all risks, including those arising from the vehicle being used illegally to ply for hire, if they hire the vehicle out to a self-employed driver
- ⑥9) In such circumstances, if the self-employed driver were to illegally ply for hire and was then involved in an accident, the proprietor would not be compensated for the damage to their vehicle or its total loss by their insurers. Any other person, excluding the driver, would be able to bring a claim against the proprietor's insurers as, even though they would repudiate liability as insurer, they would be obliged to settle claims made of them as the compulsory Road Traffic Act insurer. The vehicle

proprietor would be entitled to bring a civil claim against the driver, but as he / she were hiring the vehicle from the proprietor, it is highly unlikely that they would be in a position to compensate the vehicle proprietor. In those circumstances, the only person to suffer loss will be the innocent vehicle proprietor.

- ⑦⑩ As with so many other aspects of the proposed policy, such restraints of trade contribute to the push by the Council to license with other local authorities.
- ⑦⑪ If, however, the driver is the owner of the vehicle, if they were to put at risk their vehicle by using it uninsured when plying for hire that would probably be less of an interference with their rights as, of course, they should not be engaging in an illegal activity.

Exclusive use of executive private hire vehicles (pg 86, para 3d.5; and pg 207, para 1.38)

- ⑦⑫ The Council is asked to allow executive private hire vehicles to also be used to undertake non-executive long-distance work, such as that carrying passengers to distant airports and ports when it is also important to provide the customer / passengers with a large executive style of vehicle that is both comfortable on a long-distance journey, but also able to carry substantial quantities of luggage. For the avoidance of doubt, it is not proposed that executive private hire vehicles should be allowed to be used on standard, local, short-distance work.
- ⑦⑬ Section 75(3) of the Local Government (Miscellaneous provisions) Act 1976 expressly provides that a council may specify in a notice the occasions when the vehicle is not required to display its licence plate, etc and the driver is not required to wear their identification badge. By virtue of this power, the Council could (and my clients say should) permit executive type vehicles to be used for standard private hire work when not undertaking prescribed executive work, so long as when undertaking standard private hire work, the vehicle licence plate should be displayed, etc and the driver should wear their identification badge.

Contracting of private hire drivers and employment of other staff (pgs 139 - 141, paras 3f.30 – 3f.39; and pgs 201 – 2013, paras 1.4 – 1.15)

- ⑦⑭ Whilst it is noted that the Council has made very minor changes to these provisions, it has failed to recognise the impracticality of its proposals or to offer any material evidence to justify its proposals, as required by the Regulators' Code, to justify the imposition of such requirements.
- ⑦⑮ Operators are not inclined to recruit staff that obviously are not fit and proper persons to undertake the task for which they are employed.
- ⑦⑯ However, for the Council to interfere in an operator's recruitment of staff, by virtue of the Regulators' Code, it would have to have material evidence of a need to do so and, if it has such evidence in relation to any operator, it is respectfully suggested that the Council tackle the issue with such operator and not with operators generally.

- ⑦⑦ In relation to drivers, the fact that the Council has licensed them is, and must be, the only evidence an operator can rely upon that a driver is a fit and proper person and meets the Council's requirements in this regard. Unlike the Council, an operator has no legal right to see, let alone request an Enhanced DBS criminal record check or to make the other enquiries the Council makes.
- ⑦⑧ In relation to the Council's proposed requirement that an operator verify that an individual has the health and physical capacity for the role, this not only gives rise to potential discrimination issues under the Equality Act 2010.
- ⑦⑨ In relation to agency staff (and we would extend this to also include temporary staff directly employed by an operator), it is impracticable to obtain a Basic DBS certificate before the persons begins their employment / work with the operator, because such persons would generally only be employed when additional staff were required at short notice. In the circumstances, my clients suggest that all new staff who are permanently employed by the operator or are expected to work for them for in excess of three months should have to be criminal record checked. This would all for the urgent recruitment of additional staff on a temporary basis, whilst providing the safeguards the Council seeks in relation to permanent staff.
- ⑧① With the very greatest of respect, the proposed requirements detailed in these paragraphs is wholly unjustified, unrealistic and unattainable without change. My clients ask the Council to disapply the proposed provisions in relation to drivers and to amend the requirements in relation to agency staff, as suggested by only requiring a Basic DBS check if they are to be engaged for more than three months, subject to also expanding this to directly employed temporary staff.

Operator obligations

(pg 141, paras 3f.37 – 3f.39)

- ⑧② My clients do not oppose the objective, but cannot reasonably do any more than to "use their best endeavours" to achieve those objectives and accordingly the Council is asked to change "An operator is responsible for ensuring ..." to "An operator shall use their best endeavours to ensure ...".

Standards of service – requirement to provide Shropshire Council licensed private hire vehicles

(pgs 143 & 144, paras 3f.55 – 3f.57; and pg 206, Appx G, paras 1.29 and new para between paras 1.32 & 1.33)

- ⑧③ My clients and I had thought we could not have been clearer in their consultation response to the original consultation: The Council's proposals are unlawful by virtue of being a direct attempt to frustrate the express intention of parliament.
- ⑧④ As I do not believe that I can more clearly express the position than I did last time, I reproduce that submission below:

- 84) "If it were to be accepted that the Council could frustrate the express intention of Parliament, it would be suggested that the heading 'Standards of service' be replaced with 'Subcontracting', but as the Council cannot legally frustrate the intention of Parliament, the Council is asked to remove in their entirety paragraphs 3f.54 – 3f.57.
- 85) Fifty years ago, in 1968, the House of Lords (as it then was) held in *Padfield & Ors v Minister of Agriculture, Fisheries and Food* [1968] AC 997, [1968] 1 All ER 694, [1968] 2 WLR 924 that neither a government minister nor a public body could frustrate the intention of parliament.
- 86) It is often the case that the intention of Parliament can only be inferred by the fact that it did not make certain legislative provisions.
- 87) However, in relation to the subcontracting provisions incorporated into the Local Government (Miscellaneous Provisions) Act 1976 by the Deregulation Act 2015, s 11 one can be certain that it was not Parliament's intention to impose the requirements upon operators as the Council proposes, because not only were they debated, but a formal amendment was proposed and voted against by a majority of 235 to 191.
- 88) The debate in the House of Lords is recorded in full in Hansard which is available on the UK Parliament website at <https://hansard.parliament.uk/Lords/2015-02-03/debates/15020349000290/DeregulationBill>. The debate took place on 3 February 2015 between 4.38pm and 5.22pm and, as stated, the vote on the amendment was lost, so provisions of the nature now proposed by the Council did not become part of the Bill / Act.
- 89) In the circumstances, there can be no doubt that the Council's proposals are contrary to Parliament's express intention that there should not be any such impediment to an operator subcontracting a booking to another licensed operator.
- 90) If the Council were to proceed to implement these requirements, despite the above, the Council should expect legal challenge."

Condition of licences

(pgs 160 – 213, Appx B – Appx G)

- 91) The conditions of licence are all exceptionally long and, by including re-statement of legislative requirements, blurs the line between law and conditions of licence.
- 92) The Council is asked to simplify these documents by splitting each into two: one containing only the conditions of licence and one containing only legislative provisions.
- 93) The Council is asked to re-write the conditions as conditions, ie to say that the driver / vehicle proprietor / operator must do X or must not do Y and remove unnecessary explanations and justifications for the conditions.

94 By way of examples:

- It is not necessary to 'set the scene' by the inclusion of 1.2 in Appx B.
- It is not necessary to state that a driver's licence will be suspended or revoked if they do not provide the Council with their DBS certificate following the renewal of their licence, as the Council does in Appx B 1.6. That is not a condition of licence – it is a possible consequence of a breach of licence and the same may be said about any breach of a licence.

Display of Exemption Notice

(pg 171, Appx C, new para after 1.12)

- 95 The "medical exception certificate" should be referred to as a "medical exemption notice" and the position in which it is to be displayed has been incorrectly described by the Council.
- 96 The Council has wrongly described the location as being affixed to the windscreen on the passenger side whereas The Equality Act 2010 (Taxis and Private Hire Vehicles) (Passengers in Wheelchairs – Notices of Exemption) Regulations 2017, regulation 2(3) provides that the notice should be displayed "on the nearside of and immediately behind the windscreen of the vehicle" and goes on to further prescribe that it should be displayed "in a manner that readily permits its removal so that its front is clearly visible from the outside of the vehicle; and its back is clearly visible from the driver's seat of the vehicle."

Advertising of executive vehicles

(pg 172, Appx C, para 1.22; and pg 181, Appx D, para 1.26)

- 97 This has not previously been a condition of licence. already promotes the use of its executive type vehicles which are licensed as standard private hire vehicles, with the strapline for those customers who specifically want a prestigious vehicle, such as a Mercedes E or S Class, Audi A6 or A8, etc. To introduce such a condition will prevent from continuing its advertising and service, which it provides to meet a customer demand for such vehicles.

Evidence of driver of wheelchair accessible vehicle having received training on how to safely restrain a wheelchair user

(pg 208, Appx G, para 1.39(j))

- 98 In pursuance of its PSED (Public Sector Equality Duty) under the Equality Act 2010, the Council could prohibit, by condition attached to a vehicle licence, any person driving a wheelchair accessible vehicle unless they have completed training on how to safely restrain a wheelchair (or who has been granted an exemption from being required to do so).

- 99 Drivers who had received such training could have the wheelchair symbol included on their driver's badge, which would make it clear to passengers, potential passengers and others, including operators, that a driver has undergone that training. This system was adopted by Barnsley Metropolitan Borough Council many years ago and has been highly successful.

Operator must on receipt of complaint notify the complainant of their right to complain to the Council
(pg 209, Appx G, para 1.52)

- 100 Operators are opposed to providing this information on first contact with a complainant, because it is likely to be perceived as the operator indicating that they have no genuine interest in dealing with the complaint, which seems to be at odds with the Council's requirement for operators to provide the highest level of customer service. Operators already advise some complainants to direct complaints to the Council and / or police, as appropriate, and, if they are unable to resolve a complaint to a complainant's satisfaction, that they can, in effect, escalate the matter to the Council. The Council is asked to amend this condition accordingly.

Operator must immediately investigate complaint
(pg 209, Appx G, para 1.53)

- 101 Operators will always commence investigations as soon as practicable and as quickly as possible, but it is unreasonable to require complaints to be investigated immediately. For example, a complaint may be received concerning the actions of a driver the previous night, but by the time the complaint is received, the driver, who might only have finished work a few hours earlier, as they work nightshift, will then be on a well-deserved rest period and it would be inappropriate to disturb the driver when this may adversely affect their ability to drive that night. On other occasions, it may be necessary to escalate a complaint to a senior manager or a director, who may not be available over a weekend. The obligation ought to be to investigate as quickly and efficiently as practicable in all the circumstances.

Operator to notify of change of address of driver or vehicle proprietor
(pg 208, Appx G, para 1.41)

- 102 Whilst operators are prepared to provide this information, they can only do so, if they are so advised by a driver or vehicle proprietor of their change of address. In the circumstances, the condition should be amended to require an operator to notify the Council within 7 days of learning of the change of address of a driver or vehicle proprietor.

Invitation and acceptance of bookings remotely to the operating centre by small operators, ie those with no more than two private hire vehicles
(pg 204, Appx G, paras 1.22 – 1.24)

- (103) Perversely, the proposed arrangements for a private hire operator with no more than two private hire vehicles (reduced from the originally proposed three private hire vehicles) only appears in Appx G and is not addressed anywhere else in the policy.
- (104) Paragraphs 1.22 – 1.24 are wholly inconsistent with the requirement provided by paragraph 1.25 for the records to be “held within the physical business premises that is licensed for the purposes of the private hire operator business”.
- (105) On the one hand, the Council rightly takes a firm line with illegal plying for hire and, even though the courts and the Law Commission have failed to define what amounts to plying for hire, the Council has endeavoured to do so. But on the other hand, if it were to introduce this provision for ‘small operators’, it would be giving carte blanche to such operators to illegally ply for hire and to record such journeys as if they had been booked.
- (106) Whilst far from ideal, when the Council was ‘turning a blind eye’ to the prevailing situation of small operators illegally diverting calls to mobile phones and accepting bookings away from their operating centre, at least the Council was not actively prompting illegality by small operators and their drivers.

Operator to notify of dismissal of driver
(pgs 201 & 202, Appx G, para 1.5)

- (107) As operators do not engage drivers as employees, the use of the word “dismisses” is inaccurate and could be interpreted to mean that an operator does not have to notify the Council of a self-employed driver whose contract is terminated by the operator.
- (108) My clients accept that it is appropriate for them to notify the Council of the termination by them of a contract with any self-employed driver, but suggests it is unnecessary to require them to report driver misconduct, because that will either be the reason for the termination of contract or will already have been reported to the Council as being the subject of a complaint. In essence, the majority of this condition is duplicitous and, rather than reinforcing policy or another condition, it creates confusion and uncertainty as it inconsistent with the ‘complaints’ provisions detailed at pages 209 & 210, Appx G, paras 1.50 – 1.54).

Complaints
(pgs 209 & 210, Appx G, paras 1.50 – 1.54)

- (109) Whilst my clients already report what they consider to be complaints that they consider to concern a serious matter they are concerned that what constitutes a complaint has not been defined and that, as a consequence, the Council will either receive details of things it considers not to be a complaint or might not receive details of things the Council considers to be a complaint, but an operator does not.

- 110 For example, would the Council consider a call from a customer enquiring about a late taxi (private hire vehicle) or about an item of lost property to be a complaint?
- 111 My clients would suggest that matters concerning the manner of a driver's driving; safeguarding and equality issues, including refusing to carry assistance dogs, overcharging a wheelchair passenger, etc; sexual assaults or inappropriate sexual conversation or comments; violence or threatening behaviour, including incidents of road rage; acts of dishonesty or attempted dishonesty; and drug-related incidents are matters that they would expect to be required to report to the Council and may well also report some of those matters to the police and / or to encourage a complainant to do so.
- 112 If what constitutes a complaint is so defined, my clients do and would continue to advise complainants of their right to complain to the Council, but they do not and would not want to immediately on receipt of complainants about other aspects of their company's / driver's service delivery to advise of their right to complain to the Council. My clients have complaint procedures and, as responsible companies and licensed operators, want to resolve such matters, if at all possible, to their customers satisfaction. If they cannot do so, they are happy to advise that the complainant has the right to complain to the Council.

Operator to notify Council of vehicle or driver ceasing to be operated by the operator

(pg 208, Appx G, para 1.40)

- 113 Whilst some operators will be able to notify the Council when a vehicle or driver joins or leaves them, it is not possible for all operators to advise when a vehicle or driver leaves them.
- 114 In the past, a driver could only work for an operator if the operator's equipment had been hard wired into the driver's vehicle and in order to move from one operator to another they would have to have the operator they were leaving remove their equipment so that the operator they were going to could install their equipment.
- 115 That has not now been the case for many years and now operators need not even have to provide a driver with any equipment on which to receive booking / job details, because the driver can simply download the operator's driver app onto their own smartphone. Having done so, a driver does not have access to work from that operator until they have paid the operator to have access to work from them and, of course, if a driver stops paying for the operator's services, the operator stops providing work to that driver.
- 116 In the circumstances, whilst it will always be known when a driver joins an operator, because they will have to make payment to receive bookings / jobs from the operator, the operator will not know whether non-payment is indicative of a driver having left, whether they are ill or taking a period of holiday, which might only be a week or two, but could also be for periods of 3 to 6 months.
- 117 Finally, in relation to this condition, but generally in relation to the operator conditions and the policy generally, the Council is asked to refine the wording so as not to inappropriately use the word 'employ' as it can wrongly give the impression

that there is an employer-employee relationship between operators and drivers, which is rarely, if ever, the case.

(118) It is appreciated that the Council has used the word in the context of meaning 'to make use of', but that meaning is less commonly known to exist, let alone be understood to be the only context in which the Council could have used it

(119) Although this letter is forthright in its assertions, my clients sincerely hope the Council will this time heed the warnings set out herein, because both companies are, and wish to remain, very much Shropshire centric companies and would prefer not to have to consider bringing a legal challenge.

Yours faithfully,

Email:
Mobile:



Hackney Carriage and Private Hire Licensing Policy 2019 - 2023

Date policy adopted:

Adopted by: Council:

Date of implementation:

Next review period:

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PART 1

INTRODUCTION

PART 1 – INTRODUCTION

Scope

- 1.0 The Hackney Carriage and Private Hire Licensing 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~~ 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. Almost everyone in our society occasionally uses licensed vehicles; however, they are regularly used by particularly vulnerable groups, including children, the elderly, disabled people and the intoxicated. Given that a licensed driver has significant power over a passenger who, in effect, places themselves and their personal safety completely in the hands of the driver, it is imperative that 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 adults with care and support needs;
 - a zero tolerance approach towards modern slavery and human trafficking (modern slavery is a crime and a violation of fundamental human rights and can take various forms such as slavery, servitude, forced and compulsory labour and human trafficking);
 - that the action to promote the welfare of children and adults with care and support needs 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 report matters of concern that could relate to the safety of children and adults with care and support needs to the relevant authorities (refer to **Appendix A** for further information);
 - that any person who applies to be a hackney carriage or private hire vehicle driver, proprietor or operator is a fit and proper person and does not pose a threat (in any form) to the public;
 - that the public are safeguarded from dishonest persons;
 - that hackney carriage and private hire drivers, private hire operators and vehicle proprietors recognise the significant responsibility and pivotal roles they have in relation to protecting the public, particularly with respect to ensuring robust sub-contracting arrangements are in place and effectively managed and promoting and maintaining high standards of consumer protection and customer service across their entire business operation;

- that the hallmark of the regulatory licensing regime is localism and that the local authority responsible for granting licences ought to have the authority to exercise full control over all vehicles and drivers being operated within its area. The Council believes that the increasing prevalence of cross-border hiring is fundamentally undermining local licensing control. Public safety is being threatened and environmental aspirations diluted in cases where drivers/vehicle proprietors 'shop around' to be licensed by local authorities that demand the lowest standards and then exclusively or predominantly work in an area or areas where standards are higher and licences more difficult to obtain. As a result, the Council will give serious consideration to applying restrictions within licence conditions to restrict any perceived erosion of localism in the governance of private hire licensing.
- 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 Licensing 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 designed to put the Council's licensing requirements into context in accordance with relevant legislation. It is not the intention of this Policy to outline every section of the legislation throughout the proposed policy document and applicants are advised to either consider the legislation directly or obtain independent legal advice.

Consultation and Communication

1.5 In determining the Policy, the Council has consulted as set out on page 150. 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 Council will commence a review of the Policy in 2022 with the aim of a revised policy being effective from 1 April 2023. 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

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), the Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance (March 2010), the Immigration Act 2016, the Equality Act 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 those that relate to the following:
- Protection of children, young persons and adults with care and support needs
 - Better regulation and enforcement
 - Data protection including access to information
 - Public sector equality duty
 - Human rights¹
- 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.

¹ Human Rights Act 1998, in particular, Article 1, Protocol 1 – peaceful enjoyment of possessions (a licence is considered a possession in law and people should not be deprived of their possessions except in the public interest); Article 4 - prohibition of slavery and forced labour; Article 6 – right to a fair hearing; Article 7 – no punishment without law; Article 8 – respect for private and family life (in particular, removal or restriction of a licence may affect a person's private life); Article 10 – right to freedom of expression; and Article 14 - prohibition of discrimination.

- 1.12 The Policy and associated conditions do not address requirements under the Road Traffic Act 1988 and other relevant road traffic legislation, e.g. the Highway Code, parking restrictions and traffic regulation orders.

Conditions

- 1.13 The applicable conditions with which a driver, proprietor or operator must comply are set out at **Appendix B – Appendix G**. These conditions are in addition to any matters set out within the main body of the Policy.
- XXX When determining applications or reviewing an existing licence, 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, vehicle proprietor or operator 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 or to attach additional conditions to a licence, has a right of appeal to the Magistrates' Court.

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 hackney carriage table of fares. It explains the roles and duties of the Strategic Licensing Committee, the Licensing and Safety Sub-Committee, the Licensing Panel and officers of the Council.

Licensing principles

- x.x The licensing process is neither civil nor criminal; it is quasi-judicial. In other words, licensing powers and functions are undertaken by the Council in a similar way to powers and functions that are exercised by a [judge](#) in a court of law.
- 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, cautions, driving endorsements, complaints 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, Licensing Panel and to officers of the Council who will determine all applications in accordance with this Policy.
- 2.5 An individual may approach a Shropshire Council Councillor to act as their representative. However, members of the Strategic Licensing Committee may be unable to act as their representative where there is a conflict of interest. Any Councillor who is a member of the Licensing and Safety Sub-committee determining an application or review of a licence may not act as a representative. If there is any doubt,

the individual is advised to contact the Council's Legal & Democratic Services for clarification.

- 2.6 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

2.7 Strategic Licensing Committee

This Committee is made up of 15 members of the Council. It deals with policy issues, sets standard conditions of licence, the setting of fees and charges and hackney carriage fares.

2.8 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.

2.9 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 with delegated authority to determine 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

- 2.10 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 or advice.

- 2.11 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 or advice will be made in accordance with the Council's scheme of delegation and other relevant procedures.
- 2.12 The Council will consider each case on its own individual merits and when making a decision will determine what action is appropriate and proportionate to the circumstances of the case. Decisions are made based on a civil not criminal burden of proof, i.e. on the balance of probabilities, is something more likely than not to be the case. The Council is not required to prove matters beyond reasonable doubt.
- 2.13 Where applications are to be determined, the Council 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 passenger transport contracts, and officers from West Mercia Police. 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.
- 2.14 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 issued as soon as is practicable after the decision has been made and within 14 days. This will include information on the right of appeal where appropriate.

Appeals

- 2.15 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 or to attach additional conditions to 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.

National register for hackney carriage and private hire licence revocations and refusals

- XXX The national register for hackney carriage and private hire licence revocations and refusals (NR3) is an online database which contains information about applicants for a hackney carriage or private hire drivers licence who have been refused or revoked. The information is used to assist local authorities to determine if an applicant is 'fit and proper' to hold such a licence.
- XXX On new and renewal applications the Council will make enquiries through NR3 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. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it.

2.16 The Council will record the basic details of applicants who have had their licence refused or revoked on the national register for hackney carriage and private hire licence revocations and refusals.

XXX The information recorded on NR3 will be limited to:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken
- date of decision
- date decision effective

XXX Information will be retained on NR3 for a period of 25 years.

XXX Recording information on NR3 does not mean that an applicant will be automatically prevented from obtaining a licence in the future. The information is intended to ensure that licensing authorities are able to access an applicants full licensing history should an applicant apply to a different local authority. Where a request is received from another local authority, the Council may provide its reasons for the refusal or revocation of a licence.

Cross-border hiring

2.XX Cross-border hiring is a term used to describe a situation where private hire vehicles or hackney carriages, that are licensed by one licensing authority work wholly or predominantly in another licensing authority area.

2.17 The issue of cross-border hiring is the most acute hackney carriage and private hire licensing problem currently facing the Council.

2.18 This situation poses a significant risk to public safety, as well as the reputation of local government as a whole. Consequently, the Council recognises the responsibility it has to use all appropriate mechanisms and opportunities, including working with and supporting other local authorities, to protect communities outside of its immediate responsibility.

Working in partnership

2.19 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, Wolverhampton City Council and other local authorities, West Mercia Police, Driver and Vehicle Standards Agency (DVSA), the Home Office, UK Border Agency, Her Majesty's Revenue and Customs (HMRC), Revenues and Benefits teams, disability groups and consumer groups.

- 2.20 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

- 3.0 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. Where appropriate, any reference to 'employ' or 'employment' is deemed to include hackney carriage or private hire drivers who may be contracted on a self-employed basis and used to fulfil bookings.
- 3.1 The following are applicable to all licence types:
- Where an applicant has failed to declare relevant information or provided false information (e.g. failure to declare convictions including where the Council has brought the prosecution or is likely to be aware of the conviction through other means, giving false names or addresses, providing falsified references or failing to disclose in full the information requested by the Council), 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 statement/declaration or omit any material particularly when giving information required by the application for a licence.
 - The Council is committed to ensuring that it provides a quality and efficient service to every customer; however, there are rare instances where a customer unnecessarily takes up a large amount of resources. This can lead to a detrimental effect on the ability of the Council to provide a satisfactory level of service to its other customers. Unreasonably persistent and vexatious customers are those individuals who, because of the nature or frequency of their contacts with the Council, hinder the Council's ability to effectively deliver services to its customers. Where an applicant demonstrates unreasonably persistent and vexatious behaviour the Council will take a very robust stance when deciding whether or not a person is fit and proper to hold a licence granted by the Council. Detailed guidance is available on the Council's website at <http://www.shropshire.gov.uk/feedback/corporate-complaints/>.
 - 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. Where an application is not completed within this timescale the application will be referred to the Licensing Panel for determination. The Licensing Panel will consider each case on its own individual merits and will determine what action is appropriate and proportionate to the circumstances of the case.

- 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

- 3.2 The Council runs an appointment system. Applicants will not be seen without an appointment.
- 3.3 To assist operators, drivers and proprietors to be allocated appointments in a timely manner, the Council will notify all operators, drivers and proprietors of vehicles that their licence is due to expire at least four weeks before the actual expiry of a licence. This is not a legal requirement and responsibility for ensuring that an application for renewal is submitted before the expiry of the licence lies solely with the operator, driver and proprietor.

Criminal record disclosure

- 3.4 The Council follows the Disclosure and Barring Service (DBS) Revised Code of Practice for Disclosure and Barring Service Registered Persons (November 2015) 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 certificate issued as part of an application made through a separate organisation providing:-
- it is to the same standard;
 - the original DBS certificate is presented to the Council;
 - the applicant has subscribed to the DBS Update Service; and
 - the applicant has authorised the Council to access the relevant online record.
- 3.6 It is a requirement of the Councils application process that an applicant must subscribe to the DBS Update Service within 30 calendar days of the DBS certificate being issued.
- XXX The DBS Update Service allows the Council to check the status of an existing DBS certificate, providing permission has been given by the applicant and providing the certificate applies to the same workforce and where the same type and level of criminal record check is required.

XXX The DBS Update Service will provide the Council with one of the following three statuses:

1. This DBS certificate did not reveal any information and remains current as no further information has been identified since its issue
 - This means the DBS certificate when issued was blank - it did not reveal any information about the person and no new information has been found since its issue and can therefore be accepted as being still current and valid
2. This DBS certificate remains current as no further information has been identified since its issue.
 - This means the DBS certificate revealed information about the person and no new information has been found since its issue and can therefore be accepted as being still current and valid
3. This DBS certificate is no longer current. Please apply for a new DBS check to get the most up-to-date information
 - This means new information has come to light since the DBS certificate was issued and an applicant will need to apply and pay for a new DBS check to see this new information

XXX All licensed drivers must be subscribed to the DBS Update Service by 31 March 2022.

3.7 Drivers who undertake work for Council transport contracts are advised that the Licensing Team will share DBS information with the Council's Passenger Transport Team. 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 and any complaints that they receive. Conversely, the Licensing Team will share information with the Passenger Transport Team where concerns are raised in regard to the conduct of a licensed driver.

Public registers

3.8 The Council maintains a public register for hackney carriages, private hire vehicles, operators and drivers in accordance with the provisions contained within the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847.

List of designated wheelchair accessible vehicles

3.9 The Council maintains a list of designated wheelchair accessible vehicles in accordance with the provisions contained within the Equality Act 2010. Further information can be found at **3a.XXX, 3b.XXX, 3c.XXX, 3d.XXX and 3f.XXX.**

3a. HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

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 and section 59 of the Local Government (Miscellaneous Provisions) Act 1976 .
- 3a.2 Any person who drives a licensed private hire vehicle 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 applicants who meet the fit and proper person test 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 must complete an enhanced Disclosure and Barring Service (DBS) check and undergo a medical examination. All applicants on renewal must complete an enhanced Disclosure and Barring Service (DBS) check. On new and renewal applications the Council will also make additional enquiries through the national register for hackney carriage and private hire licence revocations and refusals, 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 Wolverhampton City 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 make additional enquiries through the national register for hackney carriage and private hire licence revocations and refusals, 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 Wolverhampton City 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 licence holders fitness to hold a licence as is reasonably practicable. Depending on the circumstances of the case, the Council may 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 Where an existing licence holder has had their licence refused or revoked the details will be recorded on the national register for hackney carriage and private hire licence revocations and refusals. Furthermore, where the Council receives a request for further information from another licensing authority, it may provide the reasons for refusal or revocation.
- 3a.8 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.9 In addition, an important element associated with the fitness to hold a licence is the appearance (be clean and respectable in their dress and person and maintain a high standard of personal hygiene) 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 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, 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.10 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. The Council considers a person or individual who has a propensity to commit offences and/or demonstrate unacceptable conduct whilst not engaged in hackney carriage or private hire work to be equally as serious as offences and/or unacceptable conduct committed whilst engaged in hackney carriage or private hire work.

Criminal record disclosure

- 3a.11 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.12 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 (driving convictions) and disqualification periods relating to traffic offences.

- 3a.13 Although cautions are generally not as serious as convictions, ordinarily as a result of the circumstances under which they are offered, they do require an admission of guilt before they can be issued which is equivalent to a guilty plea on prosecution. Consequently, a caution is regarded in exactly the same way as a conviction. Fixed penalties, community resolutions or similar sanctions will also be considered in the same way as a conviction on the basis that payment of a fixed penalty indicated an acceptance of guilt and a community resolution can only be imposed following an admission of guilt. As a result, each of these sanctions is 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.14 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 I**. However, the over-riding consideration will always be to ensure the safety and welfare of the public.
- 3a.15 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. 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 or by post at the FCO, King Charles Street, London, SW1A 2AH.
- 3a.16 Applicants who have spent six continuous months or more living outside the United Kingdom, during the period of their licence, will be required to produce a certificate of good conduct or equivalent document (at their own cost). This certificate must be issued by the relevant Embassy or High Commission for the country or countries lived in during this period and meet the requirements as set out at 3a.15 above.

Right to work

- 3a.XX The Immigration Act 2016 amended existing licensing requirements in the UK to prevent illegal working in the hackney carriage and private hire licensing trade. With effect from 1 December 2016, the provisions in the Immigration Act 2016 prohibits all licensing authorities across the UK from issuing a licence to anyone who is disqualified by reason of their immigration status.

- 3a.XX All applicants must provide evidence of their right to work in the UK in accordance with the Home Office requirements. For further information see:
<https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks> for additional information

Non-conviction information

- 3a.17 In addition to conviction/caution information, applicants are expected to provide details, within 72 hours of all warnings, driving endorsements (driving convictions)/disqualification periods relating to traffic offences, fixed penalties, penalty charge notices, community resolutions 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.18 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.19 Where there is evidence/information that an applicant has been arrested or charged but not convicted of offences and 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.20 Driver licences will be issued for a period of three years or for a lesser period as the Council deems appropriate in the circumstances of the case.
- 3a.21 Licences will not be issued for a period that exceeds the permission given by the Home Office to live and work in the UK.

Application process

- 3a.22 The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee.
- 3a.XX The full fee for the licence is payable at the time the application is submitted. For new applicants this includes the cost of the DBS check, DVLA check, the Council's hackney carriage and private hire drivers and operators course on Raising Awareness of Safeguarding Children and Adults with Care and Support Needs, the initial driver

assessment and the initial knowledge test. For renewal applicants this includes the cost of the DBS check, DVLA check and the Council's hackney carriage and private hire drivers and operators course on Raising Awareness of Safeguarding Children and Adults with Care and Support Needs.

- 3a.XX If any part of the application is incomplete, or the fee is not paid, the application will not be processed until such a time as all the information / documentation is provided. If the applicant fails to provide all the information to complete the application, the application will be rejected.
- 3a.XX Once an application has been accepted by the Licensing Team as a valid application 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. Where an application is not completed within this timescale the application will be referred to the Licensing Panel for determination. The Licensing Panel will consider each case on its own individual merits and will determine what action is appropriate and proportionate to the circumstances of the case.

New applications

- 3a.23 All new applicants must have held a full DVLA category B or European Economic Area (EEA) driving licence or a driving licence as recognised by The Road Traffic Act 1988 (section 108) or The Driving Licence (Exchangeable Licences) Order 1999 for at least 3 years at the time of application. This includes European Economic Area (EEA) and Northern Ireland, Gibraltar, Andorra, Australia, Barbados, British Virgin Islands, Republic of Cyprus, The Falkland islands, The Faroe Islands, Guernsey, Hong Kong, Isle of Man, Japan, Jersey, Republic of Korea, Malta, Monaco, New Zealand, Singapore, Switzerland and Zimbabwe licences. The 3 year period is calculated from the date of issue of the full driving licence.
- 3a.24 In addition, applicants must:
- Submit a completed application form, which includes five year address history form and DVLA mandate form
 - Submit a completed reference form (NB the referees must be from either professional or business sources who have known the applicant for at least two years. In addition, the Council will not accept references from family members, drivers, operators, vehicle proprietors licensed with any local authority or, where relevant, the applicant's future employer unless there is satisfactory evidence of exceptional circumstances that are accepted by the Council). The Council reserves the right to refuse a reference where the Council deems the referee is not acceptable.
 - 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 (see <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks> for additional information)

- Have an enhanced DBS certificate. On initial application, the Council will accept an Enhanced DBS disclosure certificate, issued as part of an application made through a separate organisation, providing the report meets the requirements set out in Part 3, paragraph 3.5 of the Policy.
- Provide the Council with the DBS certificate within 7 days of the date of receipt.
- Complete the Council's hackney carriage and private hire drivers and operators course on Raising Awareness of Safeguarding Children and Adults with Care and Support Needs
- Pass the Council's knowledge test
- Pass the road safety and driving ability test (driver assessment) or alternatively hold a current advanced motorist qualification
- Submit a Group 2 medical report and certificate

3a.xx Once an application has been validated and accepted, the Council will

- Issue appointment letters for completing a Disclosure and Barring Service (DBS) check, DVLA check, right to work check, sitting the knowledge test, undertaking the driving assessment and completing the course on Raising Awareness of Safeguarding Children and Adults with Care and Support Needs
- Make enquiries 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
- Make enquiries through the national register for hackney carriage and private hire licence revocations and refusals
- Write to the referees provided

3a.25 It is a requirement of the Councils application process that the applicant must subscribe to the DBS Update Service within 30 calendar days of the DBS certificate being issued.

3a.26 Providing Officers are satisfied that the applicant is a 'fit and proper' person, applying the Council's policy, a licence will be granted. In all other cases, the application will be referred to the Licensing Panel for determination. The applicant will be notified in writing if their application is to be determined by the Licensing Panel.

Renewal applications

3a.27 On renewal of an existing licence, applicants must:

- Submit a completed application form, which includes a five year address history form and DVLA mandate 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 DBS disclosure. The Council will accept an Enhanced DBS disclosure report issued as part of an application made through a separate organisation providing the report meets the requirements set out in Part 3, paragraph 3.5 of the Policy.

- Complete the Council's hackney carriage and private hire drivers and operators course on Raising Awareness of Safeguarding Children and Adults with Care and Support Needs before an application is determined
- Where required, submit a Group 2 medical report and certificate (refer to paragraphs 3a.47 to 3a.55 below to determine whether a medical examination is/is not required)

3a.XX Once an application has been validated and accepted, the Council will

- Issue appointment letters for completing a Disclosure and Barring Service (DBS) check, DVLA check, right to work check and completing the course on Raising Awareness of Safeguarding Children and Adults with Care and Support Needs
- Make enquiries 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
- Make enquiries through the national register for hackney carriage and private hire licence revocations and refusals

3a.28 It is a requirement of the Councils application process that the applicant must subscribe to the DBS Update Service within 30 calendar days of the DBS certificate being issued.

3a.29 Providing the above are satisfied, the Council will renew the licence subject to the receipt of a satisfactory enhanced DBS certificate, satisfactory DVLA 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 certificate within 7 days of the date of receipt. Failure to do so will result in the driver's licence being suspended or revoked.

3a.30 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 current 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.31 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, safeguarding awareness course and driver assessment

- 3a.32 Appointments are made by the Council's licensing team with the applicant to complete a DBS application form, knowledge test, safeguarding awareness course and driver assessment.

Safety of children and adults with care and support needs

- 3a.33 Drivers must complete the Council's hackney carriage and private hire drivers and operators safeguarding awareness course on Raising Awareness of Safeguarding Children and Adults with Care and Support Needs and provide written evidence of satisfactory completion of this training to the Council. Failure to complete this training will permit the Council to refuse to grant or to refuse to renew a driver's licence.

Knowledge test

- 3a.34 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 the applicant will be able to convey passengers to their required destinations when they may be unfamiliar with the locality. This test will be conducted in English. Details of the knowledge test requirements are provided on the Council's website and at the time the knowledge test booking is confirmed.
- 3a.35 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.36 Where an applicant arrives late and the knowledge test has started, the applicant will be turned away. The Council will deem that the applicant has **forfeited** ~~failed~~ the test and the applicant will be required to take a subsequent test and pay the appropriate fee, unless the applicant is able to prove their late arrival was due to circumstances outside of their control. This is subject to a manager who has responsibility for licensing permitting a further test or tests where the circumstances are considered appropriate.
- 3a.37 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.
- 3a.XX Once an appointment has been allocated for the test, the applicant must give 48 hours notice ~~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.38 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. A manager who has responsibility for licensing may permit a further test or tests where an applicant can demonstrate that exceptional circumstances apply. ~~subject to a manager who has~~

~~responsibility for licensing permitting a further test or tests where the circumstances are considered appropriate.~~

3a.39 The holder of a drivers licence may be required to satisfactorily undertake a further knowledge test or tests at the discretion/request of an authorised officer of the Council, the Licensing Panel or the Licensing and Safety Sub-Committee, as set out in Part 2, paragraph 2.12 of the Policy. An applicant is responsible for paying the fee for any subsequent knowledge tests.

3a.40 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.

Road safety and ability test (driver assessment)

3a.41 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 the assessment requirements are provided at the time the assessment booking is confirmed.

3a.42 Where an applicant arrives late for the Council's driving assessment, the applicant will be turned away. The Council will deem that the applicant has ~~forfeited~~ failed the test and the applicant will be required to take a subsequent test and pay the appropriate fee, unless the applicant is able to prove their late arrival was due to circumstances outside of their control. This is subject to a manager who has responsibility for licensing permitting a further test or tests where the circumstances are considered appropriate.

3a.43 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.

3a.XX Once an appointment has been allocated for the assessment, the applicant must give 48 hours 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.44 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. A manager who has responsibility for licensing may permit a further assessment or assessments where an applicant can demonstrate that exceptional circumstances apply. ~~subject to a manager who has responsibility for licensing permitting a further assessment or assessments where the circumstances are considered appropriate.~~

3a.45 The holder of a drivers licence ~~may~~will be required to satisfactorily undertake a further driver assessment or assessments at the discretion/request of an authorised officer of the Council, the Licensing Panel or the Licensing and Safety Sub-Committee, as set out in Part 2, paragraph 2.12 of the Policy. An applicant is responsible for paying the fee for any subsequent driving assessments.

- 3a.46 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.

Medical requirements

- 3a.47 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 standard required is the 'Group 2 Entitlement'. No grandfather rights are given by the Council in relation to medical matters. The standards required are set out in the DVLA publication 'Assessing fitness to drive – a guide for medical professionals' and can be found on the GOV.UK website at <https://www.gov.uk/government/publications/assessing-fitness-to-drive-a-guide-for-medical-professionals>.
- 3a.48 Applicants must undertake the medical examination and provide a satisfactory medical report and 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.49 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 report and certificate annually.
- 3a.50 In particular, applicants must consider the medical conditions listed in the DVLA publication "Assessing fitness to drive – a guide for medical professionals' 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.51 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 report and certificate confirming the outcome of this examination and the driver's fitness (or otherwise) to continue as a licenced driver. An applicant is responsible for paying the fee for any subsequent medical examinations.
- 3a.52 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, this includes but is not restricted to alcohol or drug misuse, a further independent medical examination will be requested, to a standard set by the Council, at a cost to the applicant.
- 3a.53 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 who will review 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,

the Licensing Panel or the Licensing and Safety Sub-Committee (subject to the statutory right of appeal).

- 3a.54 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.55 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.

Medical exemption applications

- 3a.56 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 apply for an exemption from the requirements under the Equality Act 2010.
- 3a.57 Applications for a medical exemption must be on the approved Shropshire Council medical exemption application form and must include sufficient proof that an applicant has a history of a specific medical problem(s) that meets the requirements for a medical exemption to be granted. The medical exemption certificate must be completed 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.
- 3a.58 The Council reserves the right to refer any medical matters to its own appointed Medical Officer who will review the medical fitness (or otherwise) of a driver to continue driving.
- 3a.59 The decision as to whether an exemption from the duties is granted will lie with the authorised officer of the Council, the Licensing Panel or the Licensing and Safety Sub-Committee (subject to the statutory right of appeal) who may resolve to grant the exemption for a limited or unlimited period or to refuse the exemption.
- 3a.60 The Council reserves the right to refuse to grant an exemption if sufficient medical proof is not provided and it is deemed appropriate to do so.

DVLA and other relevant driving licences

- 3a.61 A person applying for a drivers licence must have held a full DVLA category B or European Economic Area (EEA) driving licence or a driving licence as recognised by The Road Traffic Act 1988 (section 108) or The Driving Licence (Exchangeable Licences) Order 1999 for at least 3 years at the time of application. This includes Northern Ireland, Gibraltar, Andorra, Australia, Barbados, British Virgin Islands, Republic of Cyprus, The Falkland islands, The Faroe Islands, Guernsey, Hong Kong, Isle of Man, Japan, Jersey, Republic of Korea, Malta, Monaco, New Zealand, Singapore, Switzerland

and Zimbabwe licences. The 3 year period is calculated from the date of issue of the full driving licence.

~~must have held a full DVLA category B or EEA driving licence for at least 3 years at the time of application. This includes European Economic Area (EEA) and Northern Ireland licences. The 3 year period is calculated from the date of issue of the full driving licence.~~

- 3a.62 Throughout the currency of the licence, the driver must possess a full driving licence in accordance with the above requirements.
- 3a.63 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.
- 3a.64 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.
- 3a.65 As the Council is particularly concerned to ensure the safety of the travelling public, evidence that a full driving licence is held by an applicant or an existing licence holder in accordance with the above requirements is not necessarily sufficient evidence that a driver is a fit and proper person for the purposes of this Policy.

Working time directive

3a.xx Drivers are responsible for ensuring they do not work excessively long hours and put the safety of themselves and their passengers at risk. The Council strongly recommends that drivers monitor the hours worked and ensure adequate breaks and rest periods are taken. To this end, drivers must have regard to the European Union (EU) rules on driver hours and working time.

List of designated wheelchair accessible vehicles

- 3a.XXX Section 167 of the Equality Act 2010 permits local authorities to maintain a designated list of wheelchair accessible vehicles. Shropshire Council has taken the decision to maintain such a list.
- 3a.XX Section 165 imposes legal duties on the driver of a designated hackney carriage and private hire vehicle, which has been hired by or for a disabled person in a wheelchair, or by another person who wishes to be accompanied by a disabled person who is in a wheelchair.
- 3a.XX All wheelchair accessible vehicles must be capable of transporting the user of a "reference wheelchair" and will be included within the Council's list of designated vehicles. Specifications for a "reference wheelchair" can be found at **Appendix J**.
- 3a.XX Section 166 of the Equality Act 2010 allows for drivers to apply for an exemption from the duties listed under section 165 of the Act on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for them to comply with those duties. Further information can be found at paragraphs 3a.56 – 3a.60 of this section.

- 3a.XX Proprietors have a responsibility to ensure that any Shropshire Council licensed driver who drives one of their wheelchair accessible vehicles is made aware of their duties in respect of carrying disabled persons in wheelchairs when driving a licensed wheelchair accessible vehicle.
- 3a.XX Failure to comply with the duties listed under section 165 of the Equality Act 2010 is a criminal offence.

Production of records/documents

- 3a.66 Any records required to be retained in accordance with the licence and licence conditions must be produced, on request, to any authorised officer of the Council or to any police officer.

Language skills

- 3a.67 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, including in emergency and other challenging situations. Drivers should be able to:
- Converse with passengers to demonstrate an understanding of the desired destination, an estimation of the time taken to get there and other common passenger requests;
 - Provide a customer with the correct change from a note or notes of a higher value than the requested fare;
 - Provide a legibly written receipt upon request.

Licence conditions

- 3a.68 The applicable conditions with which a driver holding a hackney carriage or private hire drivers licence must comply are set out at **Appendix B**. These conditions are in addition to any matters set out within the main body of the Policy.

Main legal requirements

- 3a.XX Paragraphs 3a.69 to 3a.85 is not exhaustive and unless otherwise specified please refer to the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 for a full list of legal requirements, offences and the maximum penalty upon conviction.

3a.69 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.70 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. This includes the requirement to display

the duplicate driver's badge on the inside of the windscreen of the vehicle so as to be plainly visible at all times to fare paying passengers.

- 3a.71 All drivers of vehicles licensed for hackney purposes of which they are not the proprietor, must before commencing driving that vehicle, deposit a copy of their paper 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.72 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.73 Journeys
Drivers must not unnecessarily prolong a journey, in distance or in time.
- 3a.74 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.75 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.76 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.77 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 H** and is based on relevant legislation and case law.
- 3a.78 Transporting children
As a minimum, drivers must comply with the requirements set out in the table below, for further guidance see <https://www.gov.uk/child-car-seats-the-rules/when-a-child-can-travel-without-a-car-seat>.

	Front seat	Rear seat	Who is responsible?
Child up to 3 years	Correct child restraints must be used	Correct child restraint must be used. If a restraint is not available in a licensed hackney	Driver**

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		carriage or private hire vehicle, the child may travel unrestrained.	
Child from 3rd birthday up to 135 cm in height or 12th birthday, whichever they reach first	Correct child restraints 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**
Child over 135 cm in height or 12 or 13 years old	Seat belt must be worn if available*	Seat belt must be worn if available.	Driver**
Passengers aged 14 years and over	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.79 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 (this includes electronic cigarettes and vaping).

3a.80 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.81 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.82 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.83 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.85 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, must be immediately capable of providing for at least one wheelchair subject to the relevant licensable area arrangements as set out in paragraph 3b.8 below.

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 – North Shropshire District Council
Zone 3 – Oswestry Borough Council
Zone 4 – Shrewsbury & Atcham Borough Council
Zone 5 – South Shropshire District Council

- 3b.6 With effect from the 1 April 2021, Shropshire Council will no longer operate separate zones for the licensing of hackney carriages and the relevant licensable area will be the whole administrative area of the Council.
- 3b.7 New plates showing that a vehicle is licensed to ply for hire across the whole of the administrative area of Shropshire Council will be issued on 1 April 2021.

Provision of wheelchair accessible vehicles

- 3b.8 With effect from 1 April 2019 all new hackney carriage vehicles are required to be wheelchair accessible and capable of transporting the user of a "reference wheelchair". Specifications for a "reference wheelchair" can be found at **Appendix J**.

- 3b.8 With effect from 1 April 2021 all hackney carriage vehicles are required to be wheelchair accessible and capable of transporting the user of a “reference wheelchair”. Specifications for a “reference wheelchair” can be found at **Appendix J**.

Intended use of vehicles

- 3b.10 The Council operates an ‘Intended Use and Licensing of Hackney Carriages Policy’. All applicants are required to pay particular attention to this policy, in particular if your address falls outside the administrative area of Shropshire Council; full details are set out at **Appendix K**.

Applicant

- 3b.11 The applicant for a vehicle licence must be the person who is the legal owner of the vehicle concerned and entitled to have ownership of the vehicle².

Fit and proper person

- 3b.12 The proprietor of a licensed hackney carriage provides a public service that impacts on public safety. On this basis, the Council will not licence a vehicle as a hackney carriage unless it is satisfied that the proprietor of the vehicle meets all the criteria to be deemed a fit and proper person.

Proprietors who apply for a hackney carriage licence and who hold a valid Shropshire Council hackney carriage/private hire drivers licence or a valid Shropshire Council private hire operator licence

- 3b.14 The Council adopts the same principles when determining whether an applicant is a fit and proper person to hold a vehicle 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.19 of the Policy.

Proprietors who apply for a hackney carriage licence and who do not hold a valid Shropshire Council hackney carriage/private hire drivers licence or a valid Shropshire Council private hire operator licence

- 3b.16 In considering the fit and proper person test, all applicants on initial application must provide a basic criminal record disclosure from the Disclosure and Barring Service. All applicants on renewal must provide a basic criminal record disclosure that has been issued by the Disclosure and Barring Service within the previous 12 months of the date that the application is received by the Council. On new and renewal applications 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 Wolverhampton

² There is no legal definition of proprietor within relevant legislation; however, the Council has taken the view that proprietor means the legal owner based on common usage of the term.

City 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.

- 3b.17 With specific reference to existing licence holders, where there is any cause for a licence to be reviewed, the Council will 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 Wolverhampton City 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 licence holders fitness to hold a licence as is reasonably practicable. Depending on the circumstances of the case, the Council may request the licence holder to consent to a further basic criminal record disclosure, 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.
- 3b.18 When assessing the fitness of an applicant to hold a hackney carriage proprietors 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.
- 3b.19 In addition, an important element associated with the fitness to hold a licence is the appearance (be clean and respectable in their dress and person and maintain a high standard of personal hygiene) and behaviour of an applicant. Consequently, the Council requires all applicants to maintain a reasonable standard of appearance and behaviour when in contact and dealing with 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, Council officers and elected members at all times. Applicants must also co-operate with any reasonable request made by an authorised officer of the Council or any police officer.
- 3b.20 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 applicants were directly engaged in hackney carriage or private hire licensed work at the time or whether they occurred during the applicants' own personal time. The Council considers a person or individual who has a propensity to commit offences and/or demonstrate unacceptable conduct whilst not engaged in hackney carriage or private hire work to be equally as serious as offences and/or unacceptable conduct committed whilst engaged in hackney carriage or private hire work.

Criminal record disclosure

- 3b.21 All convictions, including cautions, will be taken into account when considering a person's suitability to hold a licence. Consequently, applicants are required to provide details of all convictions and cautions, including driving endorsements (driving convictions) and disqualification periods relating to traffic offences.
- 3b.22 Although cautions are generally not as serious as convictions, ordinarily as a result of the circumstances under which they are offered, they do require an admission of guilt before they can be issued which is equivalent to a guilty plea on prosecution. Consequently, a caution is regarded in exactly the same way as a conviction. Fixed penalties, community resolutions or similar sanctions will also be considered in the same way as a conviction on the basis that payment of a fixed penalty indicated an acceptance of guilt and a community resolution can only be imposed following an admission of guilt. As a result, each of these sanctions is 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.
- 3b.23 A criminal record does not automatically bar an applicant from holding a 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 I**. However, the over-riding consideration will always be to ensure the safety and welfare of the public.
- 3b.24 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. 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 or by post at the FCO, King Charles Street, London, SW1A 2AH.
- 3b.25 Applicants who have spent six continuous months or more living outside the United Kingdom, during the period of their licence, will be required to produce a certificate of good conduct or equivalent document at their own cost. This certificate must be issued by the relevant Embassy or High Commission for the country or countries lived in during this period and meet the requirements as set out at 3b.24 above.

Right to work

- 3a.XX The Immigration Act 2016 amended existing licensing requirements in the UK to prevent illegal working in the hackney carriage and private hire licensing trade. With effect from 1 December 2016, the provisions in the Immigration Act 2016 prohibits all licensing

authorities across the UK from issuing a licence to anyone who is disqualified by reason of their immigration status.

- 3a.XX All applicants must provide evidence of their right to work in the UK in accordance with the Home Office requirements. For further information see:
<https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks> for additional information

Non-conviction information

- 3b.26 In addition to conviction/caution information, applicants are expected to provide details, within 72 hours of all warnings, driving endorsements (driving convictions)/disqualification periods relating to traffic offences, fixed penalties, community resolutions 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.
- 3b.27 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.
- 3b.28 Where there is evidence/information that an applicant has been arrested or charged but not convicted of offences and 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

- 3b.29 Vehicle licences will be issued for a maximum period of 12 months.

Vehicle licence plates

- 3b.30 The external plates (front and rear) and the internal plate, identifying the vehicle as a hackney carriage, show the licence details on a white background with the Shropshire Council logo.

Vehicle specifications

- 3b.31 The Council requires all hackney carriage vehicles to comply with the following requirements:

Emissions/Age Restrictions

3b.33 Vehicles must comply with the following:

<u>Renewal/New Application</u>	<u>Fuel</u>	<u>Period</u>	<u>European Emission / Age Standard</u>
<u>New</u>	<u>Petrol</u>	<u>1 April 2019 to 31 March 2024</u>	<u>Euro 5</u>
<u>New</u>	<u>Diesel</u>	<u>1 April 2019 to 31 March 2021</u>	<u>Euro 5 and where date of first registration is on or after 1 September 2012</u>
<u>New</u>	<u>Diesel</u>	<u>1 April 2021 to 31 March 2024</u>	<u>Euro 6 and where date of first registration is on or after 1 September 2016</u>
<u>New</u>	<u>Full electric</u>	<u>1 April 2019 to 31 March 2024</u>	<u>Any age</u>
<u>New</u>	<u>Hybrid</u>	<u>1 April 2019 to 31 March 2024</u>	<u>less than 8 years old from date of first registration</u>
<u>New</u>	<u>LPG</u>	<u>1 April 2019 to 31 March 2024</u>	<u>less than 8 years old from date of first registration</u>
<u>Renewal</u>	<u>Petrol</u>	<u>1 April 2019 to 31 March 2024</u>	<u>Euro 5</u>
<u>Renewal</u>	<u>Diesel</u>	<u>1 April 2019 to 31 March 2024</u>	<u>Euro 5 / Euro 6 and where the vehicle is less than 10 years old from date of first registration</u>
<u>Renewal</u>	<u>Full electric</u>	<u>1 April 2019 to 31 March 2024</u>	<u>Any age</u>
<u>Renewal</u>	<u>Hybrid</u>	<u>1 April 2019 to 31 March 2024</u>	<u>less than 12 years old from date of first registration</u>
<u>Renewal</u>	<u>LPG</u>	<u>1 April 2019 to 31 March 2024</u>	<u>less than 12 years old from date of first registration</u>

<u>Renewal/New Application</u>	<u>Fuel</u>	<u>Period</u>	<u>European Emission / Age</u>
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			Standard
New	Petrol	1 April 2019 to 31 March 2024	Euro-5
New	Diesel	1 April 2019 to 31 March 2024	Euro-6 and where date of first registration is on or after 1 September 2016
New	Full-electric	1 April 2019 to 31 March 2024	Any age
New	Hybrid	1 April 2019 to 31 March 2024	less than 5 years old from date of first registration
New	LPG	1 April 2019 to 31 March 2024	less than 5 years old from date of first registration
Renewal	Petrol	1 April 2019 to 31 March 2024	Euro-5
Renewal	Diesel	1 April 2019 to 31 March 2022	Euro-5
Renewal	Diesel	1 April 2022 to 31 March 2024	Euro-6 and where date of first registration is on or after 1 September 2016
Renewal	Full-electric	1 April 2019 to 31 March 2024	Any age
Renewal	Hybrid	1 April 2019 to 31 March 2024	less than 10 years old from date of first registration
Renewal	LPG	1 April 2019 to 31 March 2024	less than 10 years old from date of first registration

Safety

3b.34 The Council will not licence any new vehicle that since the date of first registration has been recorded by the DVLA as having sustained structural damage resulting from a road traffic accident (an insurance 'Write Off' under the DVLA's Category S – Structural damage classification for vehicle that has sustained damage after 1 October 2017 or Category C where a vehicle has sustained damage, rendering it beyond economical repair, prior to 1 October 2017). This information can be found in Part 3 – Special Notes of the V5 registration Certificate.

3b.35 Hackney carriages that have been specifically constructed or adapted for disability access and any M1 (not M2 or N1) vehicles that have been adapted to be a hackney carriage must provide one of the following documents in order to demonstrate that the vehicle has been converted to an acceptable standard:

- Where the vehicle has come off the production line as a purpose built wheelchair accessible vehicle there will be a Vehicle Certification Agency (VCA) certificate, which demonstrates that the vehicle has been constructed to an acceptable safety standard, providing there have been no changes to the layout of the vehicle since the VCA was issued.
- Where the vehicle is modified after production, but before first registration, there may be an Individual Approval Certificate (IAC) available, which will demonstrate that the adaptations have been tested by DVSA (VOSA) and are to an acceptable safety standard, providing there have been no changes to the conversion since the IAC was issued. This may be referred to as a Statutory Individual Vehicle Approval.
- Vehicles that are converted for disability access after first registration must be submitted for a Basic Voluntary IVA (Individual Vehicle Approval). This is the route that vehicles are required to take where there is no VCA certificate or IAC available. Vehicles must be presented to the DVSA for a Basic Voluntary IVA inspection Class P – Personal Import. If the vehicle passes the inspection it will receive a Certificate of Compliance (IVA 6). The Voluntary IVA checks the whole of the vehicle, not only the parts that have been converted and is similar to a very strict MOT test.

List of Designated Wheelchair Accessible Vehicles

- 3b.36 Section 167 of the Equality Act 2010 permits local authorities to maintain a designated list of wheelchair accessible vehicles. Shropshire Council has taken the decision to maintain such a list.
- 3b.37 All wheelchair accessible vehicles must be capable of transporting the user of a “reference wheelchair” and will be included within the Council’s list of designated vehicles. Specifications for a “reference wheelchair” can be found at **Appendix J**.
- 3b.38 Section 166 of the Equality Act 2010 allows for drivers to apply for an exemption from the duties listed under section 165 of the Act on medical grounds or because the driver’s physical condition makes it impossible or unreasonably difficult for them to comply with those duties. For further information see paragraphs 3a.56 to 3a.60.
- 3b.39 Proprietors have a responsibility to ensure that any Shropshire Council licensed driver who drives one of their wheelchair accessible vehicles is made aware of their duties in respect of carrying disabled persons in wheelchairs when driving a licensed wheelchair accessible vehicle.
- 3b.40 Failure to comply with the duties listed under section 165 of the Equality Act 2010 is a criminal offence.

Other Requirements

- 3b.41 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. The Council will not permit any form of additional film to darken or tint the glass on any part of the vehicle.
- (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 seatbeltAs 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 purpose built hackney carriage.
- (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 a contract with a mobile tyre replacement specialist (in any event where a spare wheel 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 must have provision for the legal transportation of a minimum of one “reference wheelchair” at all times. Specifications for a “reference wheelchair” can be found at **Appendix J**. There is a specific requirement for those vehicles where seating has to be completely removed from the vehicle in order to accommodate a wheelchair that 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 seats that are required to be removed and then adding on additional seat(s) for the number of reference wheelchairs that can safely be transported whilst carrying disabled persons in wheelchairs.
- (r) Interim arrangements - For non-wheelchair accessible vehicles licensed by the Council prior to 1 April 2019 and renewed before 31 March 2021, 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.)
- (s) When transporting a wheelchair user, where a seat has to be removed in order to accommodate a passenger in a wheelchair, proprietors must store the seat securely away from the passengers and driver (e.g. in the boot or other suitable storage facility away from the vehicle).
- (t) When transporting a wheelchair user, where the wheelchair user chooses to transfer to a passenger seat, proprietors must store the wheelchair securely away from the passengers and driver (e.g. in the boot).

New application process

- 3b.42 The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee.
- 3b.xx The full fee for the licence is payable at the time the application is submitted. (This includes any application to transfer a vehicle licence onto another vehicle)
- 3b.xx 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. If the applicant fails to provide all the information to complete the application, the application will be rejected.
- 3b.XX Once an application has been accepted by the Licensing Team as a valid application the application process must be completed within 6 months unless prevented from doing so by matters that are outside the applicant’s control. Where an application is not completed within this timescale the application will be referred to the Licensing Panel for determination. The Licensing Panel will consider each case on its own individual

merits and will determine what action is appropriate and proportionate to the circumstances of the case.

3b.43 Any person wishing to licence a hackney carriage vehicle must:

- Submit a completed application form;
- Submit a completed reference form (NB the referees must be from either professional or business sources who have known the applicant for at least two years. In addition, the Council will not accept references from family members, drivers, operators, vehicle proprietors licensed with any local authority or, where relevant, the applicant's future employer unless there is satisfactory evidence of exceptional circumstances that are accepted by the Council). The Council reserves the right to refuse a reference where the Council deems the referee is not acceptable.
- Pay the appropriate licence fee;
- Provide evidence of their right to work in the UK in accordance with the Home Office requirements (unless the applicant is the holder of a hackney carriage and private hire drivers licence issued by Shropshire Council on or after 1st December 2016 - see <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks> for additional information);
- Provide a basic criminal record disclosure from the Disclosure and Barring Service, unless the applicant is the holder of a hackney carriage and private hire drivers licence or private hire operator licence issued by Shropshire Council (applicants can apply to <https://www.gov.uk/request-copy-criminal-record>). A basic criminal record disclosure will only be accepted by the Council within 12 months of the date of issue from the Disclosure and Barring Service;
- Provide a valid MOT (in accordance with the requirements set out at paragraph 3b.49 below);
- Provide a valid certificate of insurance for public hire, including proof of Public Liability insurance for a minimum of £5,000,000, in accordance with the requirements set out at paragraph 3b.50 below;
- Provide the full V5 registration certificate (note the alternative interim measures outlined in paragraphs 3b.51 to 3b.53);
- Provide a valid certificate/report to confirm the vehicle is fitted with a taximeter in accordance with the requirements set out at paragraph 3b.48 below;
- Evidence of compliance with the relevant European Emission/Age Standards as set out in paragraph 3b.XX 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
- Provide evidence of safety compliance as set out in paragraphs 3b.34 to 3b.35;
- Where the vehicle is fitted with a mechanically operated ramp, provide a valid certificate/report confirming the ramp complies with the requirements of the Lifting Operations and Lifting Equipment 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, provide 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, provide a certificate/report confirming that all the fittings are intact and are free from damage and wear.

3b.XX Once an application has been validated and accepted, the Council will

- Make enquiries 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
- Write to the referees provided

3b.44 **NB** For partnerships or companies, the requirements set out in paragraphs 3b.12 to 3b.28 apply to all partners and directors/company secretaries.

3b.45 Where an application is received to change the proprietor of a hackney carriage vehicle licence (transfer of licensee), the new proprietor must fulfil the requirements as set out in paragraphs 3b.12 to 3b.28.

3b.46 Paragraphs 3b.12 to 3b.28 do not apply to applications to transfer a vehicle licence onto another vehicle, on a temporary basis, by an accident management company.

3b.47 Providing the above are satisfied, Officers will grant the licence. In all other cases, the application will be referred to the Licensing Panel for determination. The applicant will be notified in writing if their application is to be determined by the Licensing Panel.

Taximeters

3b.48 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 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 Shropshire Council certificate/report of compliance (the Council will only accept a certificate that has been issued within the previous 10 working days).
- With respect to a licensed vehicle, in the event that a proprietor fails to present to the Council a valid certificate/report of compliance (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 all the plates to the Council subject to any appeal period.

MOT requirements³

3b.49 MOTs are required in accordance with the following requirements:

- Vehicles, up to 9 years from date of first registration, 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, in addition to the MOT certificate submitted with an application, it must have two other 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 proprietor.
- The vehicle must have a valid MOT throughout the licence period.
- With respect to a licensed vehicle, in the event that a proprietor fails 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 all the plates to the Council subject to any appeal period.
- Shropshire Council reserves the right to require proprietors to rectify any items listed under minor or advisory information on an MOT certificate and to provide evidence that the work has been completed to the Council within a timescale specified by the Council. In the event that a proprietor fails to rectify any items requested by the Council (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 all the plates to the Council subject to any appeal period.

Insurance

3b.50 Certificates of insurance are required in accordance with the following requirements:

- The vehicle must have a valid certificate of insurance for public hire, including proof of Public Liability insurance for a minimum of £5,000,000, throughout the licence period.
- Certificates of insurance or cover notes issued to cover "any vehicle" or "any driver" must be accompanied by a schedule showing all the vehicles and drivers covered by the insurance as detailed in the certificate of insurance.

³ The requirement to submit an MOT will be in accordance with section 50 of the Local Government (Miscellaneous Provisions) Act 1976

- Where a vehicle is insured by a proprietor and the proprietor allows another licensed Shropshire Council driver to drive their vehicle, or any vehicle is insured under a fleet insurance, the proprietor (as the policy holder) is responsible for ensuring that the driver of that vehicle is aware of the content of the policy, including its limitations and exclusions, and that the proprietor keeps records to this effect.
- Where an insurance cover note is provided a full certificate of insurance must be produced to the Council within 7 days of the certificate being received by the owner of the vehicle.
- With respect to a licensed vehicle, in the event that a proprietor fails to present to the Council a valid certificate of insurance 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 all the plates to the Council subject to any appeal period.
- The proprietor 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.

V5 registration certificate

- 3b.51 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 and proof of purchase must be produced. Where possible a full copy of the previous owners V5 registration certificate should be obtained and submitted alongside the V5/2 green section.
- 3b.52 A full V5 registration certificate and proof of purchase must be produced upon transfer of a vehicle licence. Where possible a full copy of the previous owners V5 registration certificate should be obtained and submitted alongside the V5 green section.
- 3b.53 Where the green section has been produced on first licensing the vehicle, a full V5 registration certificate 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.
- 3b.XX Where a licence is issued in advance of a full V5 registration certificate being received and where upon receipt of a full V5 registration certificate information is contained that indicates that a vehicle has, since the date of first registration, been recorded by the DVLA as having sustained structural damage resulting from a road traffic accident, as set out in paragraph 3b.XX, the licence will be subject to review by the Councils Licensing Panel.

Renewal of a licence

- 3b.54 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 the Hackney Carriage Vehicle in these circumstances.

- 3b.55 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 vehicle licence application which will be processed in accordance with the Council's new application procedures.

Renewal application process

- 3b.56 The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee.
- 3b.xx The full fee for the licence is payable at the time the application is submitted. (This includes any application to transfer a vehicle licence onto another vehicle)
- 3b.xx 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. If the applicant fails to provide all the information to complete the application, the application will be rejected.
- 3b.XX Once an application has been accepted by the Licensing Team as a valid application the application process must be completed within 6 months unless prevented from doing so by matters that are outside the applicant's control. Where an application is not completed within this timescale the application will be referred to the Licensing Panel for determination. The Licensing Panel will consider each case on its own individual merits and will determine what action is appropriate and proportionate to the circumstances of the case.
- 3b.57 Any person wishing to renew a licence for a hackney carriage vehicle must submit:
- a completed application form;
 - the appropriate licence fee;
 - evidence of their right to work in the UK in accordance with the Home Office requirements (unless the applicant is the holder of a hackney carriage and private hire drivers licence issued by Shropshire Council on or after 1st December 2016 - see <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks> for additional information);
 - a basic criminal record disclosure from the Disclosure and Barring Service, unless the applicant is the holder of a hackney carriage and private hire drivers licence issued by Shropshire Council (applicants can apply to <https://www.gov.uk/request-copy-criminal-record>). A basic criminal record disclosure will only be accepted by

the Council within 12 months of the date of issue from the Disclosure and Barring Service;

- Provide a valid MOT (in accordance with the requirements set out at paragraph 3b.62 below);
- Provide a valid certificate of insurance for public hire, including proof of Public Liability insurance for a minimum of £5,000,000, in accordance with the requirements set out at paragraph 3b.63 below;
- 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 Equipment 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 certificate/report confirming that all the fittings are intact and are free from damage and wear. .

3b.xx Once an application has been validated and accepted, the Council will

- Make enquiries 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

3b.58 **NB** For partnerships or companies, the requirements set out in paragraphs 3b.12 to 3b.28 apply to all partners and directors/company secretaries.

3b.59 Where an application is received to change the proprietor of a hackney carriage vehicle licence (transfer of licensee), the new proprietor must fulfil the requirements as set out in paragraphs 3b.12 to 3b.28 above.

3b.61 Providing the above are satisfied, Officers will grant the licence. In all other cases, the application will be referred to the Licensing Panel for determination. The applicant will be notified in writing if their application is to be determined by the Licensing Panel.

MOT requirements⁴

3b.62 MOTs are required in accordance with the following requirements:

- Vehicles, up to 9 years from date of first registration, 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.

⁴ The requirement to submit an MOT will be in accordance with section 50 of the Local Government (Miscellaneous Provisions) Act 1976

- Once a vehicle reaches the age of 9 years, in addition to the MOT certificate submitted with an application, it must have two other 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 proprietor.
- 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 all the plates to the Council subject to any appeal period.
- Shropshire Council reserves the right to require proprietors to rectify any items listed under minor or advisory information on an MOT certificate and to provide evidence that the work has been completed to the Council within a timescale specified by the Council. In the event that a proprietor fails to rectify any items requested by the Council (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 all the plates to the Council subject to any appeal period.

Insurance

3b.63 Certificates of insurance are required in accordance with the following requirements:

- The vehicle must have a valid certificate of insurance for public hire, including proof of Public Liability insurance for a minimum of £5,000,000, throughout the licence period.
- Certificates of insurance or cover notes issued to cover "any vehicle" or "any driver" must be accompanied by a schedule showing all the vehicles and drivers covered by the insurance as detailed in the certificate of insurance.
- Where a vehicle is insured by a proprietor and the proprietor allows another licensed Shropshire Council driver to drive their vehicle, or any vehicle is insured under a fleet insurance, the proprietor (as the policy holder) is responsible for ensuring that the driver of that vehicle is aware of the content of the policy, including its limitations and exclusions, and that the proprietor keeps records to this effect.
- Where an insurance cover note is provided a full certificate of insurance must be produced to the Council within 7 days of the certificate being received by the owner of the vehicle.
- With respect to a licensed vehicle, in the event of a proprietor failing to present to the Council a valid certificate of insurance 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 all the plates to the Council subject to any appeal period.

- The proprietor 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.

Vehicle compliance process

3b.64 Once an application has been validated and accepted a member of the Licensing Team will contact the applicant to arrange a vehicle compliance appointment. ~~At the appointment the vehicle, including seating, wheelchair restraint and ramp, will be photographed and the images held on the vehicle record file for future reference.~~ The vehicle will be subject to a compliance check to ensure:

- that where the vehicle is sufficiently equipped for the provision of one reference wheelchair, ~~that and~~ the driver presenting the vehicle is capable of safely loading and securing the wheelchair into the vehicle (The vehicle, including seating, wheelchair restraint and ramp, will be photographed and the images held on the vehicle record file for future reference);
- the meter seal is intact and the serial number matches the number provided in the meter calibration certificate. Where a meter seal has been tampered with and/or the serial number no longer matches, a new certificate/report to confirm the vehicle is fitted with a taximeter in accordance with the requirements set out at paragraph 3b.48 will be required;
- the vehicle has a full size spare wheel or space saver design wheel and the tools to change a wheel OR a contract with a mobile tyre replacement specialist
- at least one no smoking sign is on display in the vehicle
- a sign confirming the taxi is wheelchair accessible (if applicable)
- the drivers Internal 'Vehicle Copy' of drivers badge is displayed ensuring that the licence details and photo are visible
- Where CCTV is fitted, a CCTV operating in this vehicle sign is on display in the vehicle

3b.65 Vehicle proprietors are required to return the existing licence plate (renewal/transfer vehicles only) at the compliance appointment. Where officers are satisfied that the vehicle meets the compliance checks, the new licence plates will be issued. If, however, the vehicle does not meet the compliance check, advice will be provided and a further appointment arranged.

Transfer of a licence (Change of vehicle)

3b.66 All requests to transfer a vehicle licence (change a vehicle) onto another vehicle will be treated as a new vehicle application (in accordance with the requirements set out at paragraphs 3b.42 to 3b.47).

3b.XX Where a proprietor has notified the Council that damage has occurred to a licensed wheelchair accessible vehicle, resulting in the transfer of licence to a temporary insurance replacement vehicle, proprietors will be required to provide evidence to demonstrate the damage which has occurred to the vehicle, i.e. insurance assessors report.

- 3b.XX Where the wheelchair accessible vehicle has sustained damage to the ~~rear~~-structure which may affect the safety of passengers being carried in the ~~rear of the~~-vehicle, any documents provided to meet the safety requirements of the policy as part of the previous application process (i.e. VCA certificate, IAC or IVA 6) may be invalid. In these circumstance the Council will require the proprietor to submit the vehicle for a new basic voluntary IVA check and provide a valid IVA 6 certificate to the Licensing Team before the licence can be transferred back to the original vehicle.

Vehicle not fit for the conveyance of passengers

- 3b.69 Where a proprietor has notified the Council that damage has occurred to a vehicle, otherwise than in accordance with relevant road traffic legislation, the Council may require photographic evidence of the damage or for the vehicle to be presented for inspection by an authorised officer of the Council.
- 3b.70 If the authorised officer determines that a vehicle is not fit for the purpose of conveying passengers an authorised officer of the Council may at that time suspend the licence and require the proprietor of the vehicle to return all the vehicle plates to the Council. The suspension will be lifted and the plates returned at such time when the condition of the vehicle is demonstrated, to the satisfaction of the Council, to be fit for conveying passengers.
- 3b.71 The officer may require the proprietor to arrange for a further MOT test, or in respect of wheelchair accessible vehicles a basic voluntary IVA 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.72 Proprietors may advertise on hackney carriages in accordance with the conditions set out at **Appendix L**. This is subject to prior written approval from the Council.

Closed circuit television (CCTV)

- 3b.73 Proprietors of hackney carriage vehicles are encouraged 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.
- 3b.74 Proprietors must register with the Information Commissioners Office (ICO) and maintain a valid registration throughout the duration of the licence or until such a time as the CCTV has been removed from the licensed vehicle.

Trailers

- 3b.75 Hackney carriages are permitted to tow trailers when undertaking the licensable activity, providing the conditions set out at **Appendix M** are complied with.

Ranks

- 3b.76 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.

Parking/waiting

- 3b.77 Where a driver is plying for hire and is illegally parked or creating an obstruction, i.e. in contravention of road traffic legislation and traffic regulation orders, 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.78 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.
- 3b.79 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.80 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.
- 3b.81 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.

Hackney carriage fares

- 3b.82 The hackney carriage trade will be expected to apply for any change to the hackney carriage fares. The Council will consult with hackney carriage licence holders when a proposed change to the hackney carriage fares has been received. Proposals will be 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.

Production of records/documents

- 3b.83 Any records required to be retained in accordance with the licence and licence conditions must be produced, on request, to any authorised officer of the Council or to any police officer.

Licence conditions

- 3b.84 The applicable conditions relevant to a hackney carriage licence are set out at **Appendix C**; these conditions must be complied with. These conditions are in addition to any matters set out within the main body of the Policy.

Main legal requirements

- 3b.XX Paragraphs 3b.85 to 3b.96 is not exhaustive and unless otherwise specified please refer to the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 for a full list of legal requirements, offences and the maximum penalty upon conviction.**

- 3b.85 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.86 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.87 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.88 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.89 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.90 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.91 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.92 Return of identification plates

Where a licence is revoked, suspended or expires, the proprietor, when required by the Council to do so, must return all the identification plates within 7 days.

3b.93 Transporting children

As a minimum, vehicles must be capable of complying with the requirements set out in the table below, for further guidance see <https://www.gov.uk/child-car-seats-the-rules/when-a-child-can-travel-without-a-car-seat>.

	Front seat	Rear seat	Who is responsible?
Child up to 3 years	Correct child restraints 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**
Child from 3rd birthday to 12th birthday or 135 cm in height whichever they reach first	Correct child restraints 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**

APPENDIX B

Child over 135 cm in height or 12 or 13 years old	Seat belt must be worn if available*	Seat belt must be worn if available.	Driver**
Passengers aged 14 years and over	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.94 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 section of the Council and where the location of a rank is on private land the Council must obtain permission of the landowner.

3b.95 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.96 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.

3c.

STANDARD PRIVATE HIRE VEHICLES**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.

Applicant

- 3c.5 The applicant for a vehicle licence must be the person who is the legal owner of the vehicle concerned and entitled to have ownership of the vehicle⁵.

Fit and proper person

- 3c.6 The proprietor of a licensed private hire vehicle provides a public service that impacts on public safety. On this basis, the Council will not licence a vehicle as a private hire vehicle unless it is satisfied that the proprietor of the vehicle meets all the criteria to be deemed a fit and proper person.

Proprietors who apply for a private hire vehicle licence and who hold a valid Shropshire Council hackney carriage/private hire drivers licence or a valid Shropshire Council private hire operator licence

- 3c.8 The Council adopts the same principles when determining whether an applicant is a fit and proper person to hold a vehicle 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.19 of the Policy.

Proprietors who apply for a private hire vehicle licence and who **do not** hold a valid Shropshire Council hackney carriage/private hire drivers licence or a valid Shropshire Council private hire operator licence

- 3c.10 In considering the fit and proper person test, all applicants on initial application must provide a basic criminal record disclosure from the Disclosure and Barring Service. All

⁵ There is no legal definition of proprietor within relevant legislation; however, the Council has taken the view that proprietor means the legal owner based on common usage of the term.

applicants on renewal must provide a basic criminal record disclosure that has been issued by the Disclosure and Barring Service within the previous 12 months of the date that the application is received by the Council. On new and renewal applications 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 Wolverhampton City 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.

- 3c.11 With specific reference to existing licence holders, where there is any cause for a licence to be reviewed, the Council will 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 Wolverhampton City 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 licence holders fitness to hold a licence as is reasonably practicable. Depending on the circumstances of the case, the Council may request the licence holder to consent to a further basic criminal record disclosure, 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.
- 3c.12 When assessing the fitness of an applicant to hold a private hire vehicle proprietors 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.
- 3c.13 In addition, an important element associated with the fitness to hold a licence is the appearance (be clean and respectable in their dress and person and maintain a high standard of personal hygiene) and behaviour of an applicant. Consequently, the Council requires all applicants to maintain a reasonable standard of appearance and behaviour when in contact and dealing with 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, Council officers and elected members at all times. Applicants must also co-operate with any reasonable request made by an authorised officer of the Council or any police officer.
- 3c.14 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 applicants were directly engaged in hackney carriage or private hire licensed work at the time or whether they occurred during the applicants' own personal time. The Council considers a person or individual who has a propensity to commit offences

and/or demonstrate unacceptable conduct whilst not engaged in hackney carriage or private hire work to be equally as serious as offences and/or unacceptable conduct committed whilst engaged in hackney carriage or private hire work.

Criminal record disclosure

- 3c.15 All convictions, including cautions, will be taken into account when considering a person's suitability to hold a licence. Consequently, applicants are required to provide details of all convictions and cautions, including driving endorsements (driving convictions) and disqualification periods relating to traffic offences.
- 3c.16 Although cautions are generally not as serious as convictions, ordinarily as a result of the circumstances under which they are offered, they do require an admission of guilt before they can be issued which is equivalent to a guilty plea on prosecution. Consequently, a caution is regarded in exactly the same way as a conviction. Fixed penalties, community resolutions or similar sanctions will also be considered in the same way as a conviction on the basis that payment of a fixed penalty indicated an acceptance of guilt and a community resolution can only be imposed following an admission of guilt. As a result, each of these sanctions is 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.
- 3c.17 A criminal record does not automatically bar an applicant from holding a 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 I**. However, the over-riding consideration will always be to ensure the safety and welfare of the public.
- 3c.18 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. 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 or by post at the FCO, King Charles Street, London, SW1A 2AH.
- 3c.19 Applicants who have spent six continuous months or more living outside the United Kingdom, during the period of their licence, will be required to produce a certificate of good conduct or equivalent document (at their own cost). This certificate must be issued by the relevant Embassy or High Commission for the country or countries lived in during this period and meet the requirements as set out at 3c.18 above.

Right to work

- 3a.XX The Immigration Act 2016 amended existing licensing requirements in the UK to prevent illegal working in the hackney carriage and private hire licensing trade. With effect from 1 December 2016, the provisions in the Immigration Act 2016 prohibits all licensing authorities across the UK from issuing a licence to anyone who is disqualified by reason of their immigration status.
- 3a.XX All applicants must provide evidence of their right to work in the UK in accordance with the Home Office requirements. For further information see:
<https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks> for additional information

Non-conviction information

- 3c.20 In addition to conviction/caution information, applicants are expected to provide details, within 72 hours of all warnings, driving endorsements (driving convictions)/disqualification periods relating to traffic offences, fixed penalties, community resolutions 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.
- 3c.21 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.
- 3c.22 Where there is evidence/information that an applicant has been arrested or charged but not convicted of offences and 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

- 3c.23 Vehicle licences will be issued for a maximum period of 12 months.

Vehicle licence plates

- 3c.24 The external plates (front and rear) and the internal plate, identifying the vehicle as a private hire vehicle, show the licence details on a yellow background with the Shropshire Council logo.

Vehicle specification

3c.25 The Council requires private hire vehicles to comply with the following requirements:

Emissions/Age Restrictions

3c.26 Vehicles must comply with the following:

<u>Renewal/New Application</u>	<u>Fuel</u>	<u>Period</u>	<u>European Emission / Age Standard</u>
<u>New</u>	<u>Petrol</u>	<u>1 April 2019 to 31 March 2024</u>	<u>Euro 5</u>
<u>New</u>	<u>Diesel</u>	<u>1 April 2019 to 31 March 2021</u>	<u>Euro 5 and where date of first registration is on or after 1 September 2012</u>
<u>New</u>	<u>Diesel</u>	<u>1 April 2021 to 31 March 2024</u>	<u>Euro 6 and where date of first registration is on or after 1 September 2016</u>
<u>New</u>	<u>Full electric</u>	<u>1 April 2019 to 31 March 2024</u>	<u>Any age</u>
<u>New</u>	<u>Hybrid</u>	<u>1 April 2019 to 31 March 2024</u>	<u>less than 8 years old from date of first registration</u>
<u>New</u>	<u>LPG</u>	<u>1 April 2019 to 31 March 2024</u>	<u>less than 8 years old from date of first registration</u>
<u>Renewal</u>	<u>Petrol</u>	<u>1 April 2019 to 31 March 2024</u>	<u>Euro 5</u>
<u>Renewal</u>	<u>Diesel</u>	<u>1 April 2019 to 31 March 2024</u>	<u>Euro 5 / Euro 6 and where the vehicle is less than 10 years old from date of first registration</u>
<u>Renewal</u>	<u>Full electric</u>	<u>1 April 2019 to 31 March 2024</u>	<u>Any age</u>
<u>Renewal</u>	<u>Hybrid</u>	<u>1 April 2019 to 31 March 2024</u>	<u>less than 12 years old from date of first registration</u>
<u>Renewal</u>	<u>LPG</u>	<u>1 April 2019 to 31 March 2024</u>	<u>less than 12 years old from date of first registration</u>

Renewal/New Application	Fuel	Period	European Emission / Age Standard
New	Petrol	1 April 2019 to 31 March 2024	Euro 5
New	Diesel	1 April 2019 to 31 March 2024	Euro 6 and where date of first registration is on or after 1 September 2016
New	Full-electric	1 April 2019 to 31 March 2024	Any age
New	Hybrid	1 April 2019 to 31 March 2024	less than 5 years old from date of first registration
New	LPG	1 April 2019 to 31 March 2024	less than 5 years old from date of first registration
Renewal	Petrol	1 April 2019 to 31 March 2024	Euro 5
Renewal	Diesel	1 April 2019 to 31 March 2022	Euro 5
Renewal	Diesel	1 April 2022 to 31 March 2024	Euro 6 and where date of first registration is on or after 1 September 2016
Renewal	Full-electric	1 April 2019 to 31 March 2024	Any age
Renewal	Hybrid	1 April 2019 to 31 March 2024	less than 10 years old from date of first registration
Renewal	LPG	1 April 2019 to 31 March 2024	less than 10 years old from date of first registration

Safety

- 3c.27 The Council will not licence any new vehicle that since the date of first registration has been recorded by the DVLA as having sustained structural damage resulting from a road traffic accident (an insurance 'Write Off' under the DVLA's Category S – Structural damage classification for vehicle that has sustained damage after 1 October 2017 or Category C where a vehicle has sustained damage, rendering it beyond economical

repair, prior to 1 October 2017). This information can be found in Part 3 – Special Notes of the V5 registration Certificate.

3c.28 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 vehicle applications submitted on or after 1 April 2019 are required to be NCAP 5 star.
- All renewal vehicle applications submitted on or after 1 April 2019 are required to be NCAP 5 star.

3c.29 The requirements of 3c.28 do not apply to private hire vehicles that have been specifically constructed or converted for disability access and any M1 (not M2 or N1) vehicles that have been adapted to be a private hire vehicle (and has been accepted by an authorised officer of the council to be licenced only as a private hire vehicle) where:

- The vehicle has come off the production line as a purpose built wheelchair accessible vehicle there will be a Vehicle Certification Agency (VCA) certificate which demonstrates that the vehicle has been constructed to an acceptable safety standard, providing there have been no changes to the layout of the vehicle since the VCA was issued.
- The vehicle is modified after production, but before first registration, there may be an Individual Approval Certificate (IAC) available, which will demonstrate that the adaptations have been tested by DVSA (VOSA) and are to an acceptable safety standard, providing there have been no changes to the conversion since the IAC was issued. This may be referred to as a Statutory Individual Vehicle Approval.
- Vehicles that are converted for disability access after first registration have been submitted for a Basic Voluntary IVA (Individual Vehicle Approval). This is the route that vehicles are required to take where there is no VCA certificate or IAC available. Vehicles must be presented to the DVSA for a Basic Voluntary IVA inspection Class P – Personal Import. If the vehicle passes the inspection it will receive a Certificate of Compliance (IVA 6). The Voluntary IVA checks the whole of the vehicle, not only the parts that have been converted and is similar to a very strict MOT test.

List of Designated Wheelchair Accessible Vehicles

3c.30 Section 167 of the Equality Act 2010 permits Local Authorities to maintain a designated list of wheelchair accessible vehicles. Shropshire Council has taken the decision to maintain such a list.

3c.31 All wheelchair accessible vehicles must be capable of transporting the user of a “reference wheelchair” and will be included within Shropshire Councils list of designated vehicles. Specifications for a “reference wheelchair” can be found at **Appendix J**.

- 3c.32 Section 166 of the Equality Act 2010 allows for drivers to apply for an exemption from the duties listed under section 165 of the Act on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for them to comply with those duties. For further information see paragraphs 3a.56 to 3a.60.
- 3c.33 Proprietors have a responsibility to ensure that any Shropshire Council licensed driver who drives one of their wheelchair accessible vehicles is made aware of their duties in respect of carrying disabled persons in wheelchairs when driving a licensed wheelchair accessible vehicle.
- 3c.34 Failure to comply with the duties listed under section 165 of the Equality Act 2010 is a criminal offence.

Other Requirements

- 3c.35 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;
 - (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. The Council will not permit any form of additional film to darken or tint the glass on any part of the vehicle.
 - (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

- (m) Have a minimum of four passenger doors including an entry/exit point for the driver.
- (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 a contract with a mobile tyre replacement specialist (in any event where a spare wheel 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 reference wheelchair at all times. Specifications for a "reference wheelchair" can be found at Appendix J.
- (r) When transporting a wheelchair user, where a seat has to be removed in order to accommodate a passenger in a wheelchair, proprietors must store the seat securely away from the passengers and driver (e.g. in the boot or other suitable storage facility away from the vehicle).
- (s) When transporting a wheelchair user, where the wheelchair user chooses to transfer to a passenger seat, proprietors must store the wheelchair securely away from the passengers and driver (e.g. in the boot).

New application process

- 3c.36 The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee.
- 3c.xx The full fee for the licence is payable at the time the application is submitted. (This includes any application to transfer a vehicle licence onto another vehicle)
- 3c.xx 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. If the applicant fails to provide all the information to complete the application, the application will be rejected.
- 3c.XX Once an application has been accepted by the Licensing Team as a valid application the application process must be completed within 6 months unless prevented from doing so by matters that are outside the applicant's control. Where an application is not completed within this timescale the application will be referred to the Licensing Panel for determination. The Licensing Panel will consider each case on its own individual merits and will determine what action is appropriate and proportionate to the circumstances of the case.

3c.37 Any person wishing to licence a private hire vehicle must submit:

- a completed application form;
- Submit a completed reference form (NB the referees must be from either professional or business sources who have known the applicant for at least two years. In addition, the Council will not accept references from family members, drivers, operators, vehicle proprietors licensed with any local authority or, where relevant, the applicant's future employer unless there is satisfactory evidence of exceptional circumstances that are accepted by the Council). The Council reserves the right to refuse a reference where the Council deems the referee is not acceptable.
- the appropriate licence fee;
- evidence of their right to work in the UK in accordance with the Home Office requirements (unless the applicant is the holder of a hackney carriage and private hire drivers licence issued by Shropshire Council on or after 1st December 2016 - see <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks> for additional information);
- a basic criminal record disclosure from the Disclosure and Barring Service, unless the applicant is the holder of a hackney carriage and private hire drivers licence or private hire operator licence issued by Shropshire Council (applicants can apply to <https://www.gov.uk/request-copy-criminal-record>). A basic criminal record disclosure will only be accepted by the Council within 12 months of the date of issue from the Disclosure and Barring Service;
- Provide a valid MOT (in accordance with the requirements set out at paragraph 3c.43 below);
- Provide a valid certificate of insurance for private hire, including proof of Public Liability insurance for a minimum of £5,000,000, in accordance with the requirements set out at paragraph 3c.44 below;
- the full V5 registration certificate (note the alternative interim measure outlined in paragraphs 3c.45 to 3c.47);
- Where a meter is fitted, a valid certificate/report to confirm the vehicle is fitted with a taximeter in accordance with the requirements set out at paragraph 3c.42 below;
- evidence of compliance with the relevant European Emission/Age Standards as set out in paragraph 3c.XX 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 paragraphs 3c.28 to 3c.29;
- 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 Equipment 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 certificate/report confirming that all the fittings are intact and are free from damage and wear. .

3c.XX Once an application has been validated and accepted, the Council will

- Make enquiries 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
- Write to the referees provided

3c.38 **NB** For partnerships or companies, the requirements set out in paragraphs 3c.6 to 3c.22 apply to all partners and directors/company secretaries.

3c.39 Where an application is received to change the proprietor of a private hire vehicle licence (transfer of licensee), the new proprietor must fulfil the requirements as set out in paragraphs 3c.6 to 3c.22 above.

3c.40 Paragraphs 3c.6 to 3c.22 above do not apply to applications to transfer a vehicle licence onto another vehicle, on a temporary basis, by an accident management company.

3c.41 Providing the above are satisfied, Officers will grant the licence. In all other cases, the application will be referred to the Licensing Panel for determination. The applicant will be notified in writing if their application is to be determined by the Licensing Panel.

Taximeters

3c.42 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 Shropshire Council certificate/report of compliance (the Council will only accept a certificate that has been issued within the previous 10 working days).

MOT requirements⁶

3c.43 MOTs are required in accordance with the following requirements:

- Vehicles, up to 9 years from date of first registration, 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, in addition to the MOT certificate submitted with an application, it must have two other 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 proprietor.
- The vehicle must have a valid MOT throughout the licence period.
- With respect to a licensed vehicle, in the event that a proprietor fails 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 private hire vehicle to return all the plates to the Council subject to any appeal period.
- Shropshire Council reserves the right to require proprietors to rectify any items listed under minor or advisory information on an MOT certificate and to provide evidence that the work has been completed to the Council within a timescale specified by the Council. In the event that a proprietor fails to rectify any items requested by the Council (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 all the plates to the Council subject to any appeal period.

Insurance

3c.44 Certificates of insurance are required in accordance with the following requirements:

- The vehicle must have a valid certificate of insurance for private hire including proof of Public Liability insurance for a minimum of £5,000,000, throughout the licence period. Insurance stating covered for public hire will not be accepted for private hire vehicles.
- Certificates of insurance or cover notes issued to cover "any vehicle" or "any driver" must be accompanied by a schedule showing all the vehicles and drivers covered by the insurance as detailed in the certificate of insurance.
- Where a vehicle is insured by a proprietor and the proprietor allows another licensed Shropshire Council driver to drive their vehicle, or any vehicle is insured under a fleet insurance, the proprietor (as the policy holder) is responsible for

⁶ The requirement to submit an MOT will be in accordance with section 50 of the Local Government (Miscellaneous Provisions) Act 1976

ensuring that the driver of that vehicle is aware of the content of the policy, including its limitations and exclusions, and that the proprietor keeps records to this effect.

- Where an insurance cover note is provided a full certificate of insurance must be produced to the Council within 7 days of the certificate being received by the owner of the vehicle.
- With respect to a licensed vehicle, in the event that a proprietor fails to present to the Council a valid certificate of insurance 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 private hire vehicle to return all the plates to the Council subject to any appeal period.
- The proprietor 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.

V5 registration certificate

- 3c.45 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 and proof of purchase must be produced. Where possible a full copy of the previous owners V5 registration certificate should be obtained and submitted alongside the V5/2 green section.
- 3c.46 A full V5 registration certificate and proof of purchase must be produced upon transfer of a vehicle licence. Where possible a full copy of the previous owners V5 registration certificate should be obtained and submitted alongside the V5 green section.
- 3c.47 Where the green section has been produced on first licensing the vehicle, a full V5 registration certificate 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.
- 3c.XX Where a licence is issued in advance of a full V5 registration certificate being received and where upon receipt of a full V5 registration certificate information is contained that indicates that a vehicle has, since the date of first registration, been recorded by the DVLA as having sustained structural damage resulting from a road traffic accident, as set out in paragraph 3b.XX, the licence will be subject to review by the Councils Licensing Panel.

Renewal of a licence

- 3c.48 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 the private hire vehicle in these circumstances.

- 3c.49 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 vehicle licence application which will be processed in accordance with the Council's new application procedures.

Renewal application process

- 3c.50 The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee.
- 3c.xx The full fee for the licence is payable at the time the application is submitted. (This includes any application to transfer a vehicle licence onto another vehicle)
- 3c.xx 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. If the applicant fails to provide all the information to complete the application, the application will be rejected.
- 3c.XX Once an application has been accepted by the Licensing Team as a valid application the application process must be completed within 6 months unless prevented from doing so by matters that are outside the applicant's control. Where an application is not completed within this timescale the application will be referred to the Licensing Panel for determination. The Licensing Panel will consider each case on its own individual merits and will determine what action is appropriate and proportionate to the circumstances of the case.
- 3c.51 Any person wishing to renew a licence for a private hire vehicle must submit:
- a completed application form;
 - the appropriate licence fee;
 - evidence of their right to work in the UK in accordance with the Home Office requirements (unless the applicant is the holder of a hackney carriage and private hire drivers licence issued by Shropshire Council on or after 1st December 2016 - see <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks> for additional information);
 - a basic criminal record disclosure from the Disclosure and Barring Service, unless the applicant is the holder of a hackney carriage and private hire drivers licence or private hire operator's licence issued by Shropshire Council (applicants can apply to <https://www.gov.uk/request-copy-criminal-record>). A basic criminal record disclosure will only be accepted by the Council within 12 months of the date of issue from the Disclosure and Barring Service;
 - a valid MOT (in accordance with the requirements set out at paragraph 3c.56 below);

- a valid certificate of insurance for private hire including proof of Public Liability insurance for a minimum of £5,000,000, insurance stating covered for public hire will not be accepted for private hire vehicles, in accordance with the requirements set out at paragraph 3c.57 below;
- 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 Equipment 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 certificate/report confirming that all the fittings are intact and are free from damage and wear. .

3c.XX Once an application has been validated and accepted, the Council will

- Make enquiries 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

3c.52 **NB** For partnerships or companies, the requirements set out in paragraphs 3c.6 to 3c.22 apply to all partners and directors/company secretaries.

3c.53 Where an application is received to change the proprietor of a private hire vehicle licence (transfer of licensee), the new proprietor must fulfil the requirements as set out in paragraphs 3c.6 to 3c.22 above.

3c.55 Providing the above are satisfied, Officers will grant the licence. In all other cases, the application will be referred to the Licensing Panel for determination. The applicant will be notified in writing if their application is to be determined by the Licensing Panel.

MOT requirements⁷

3c.56 MOTs are required in accordance with the following requirements:

- Vehicles, up to 9 years from date of first registration, 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, in addition to the MOT certificate submitted with an application, it must have two other MOT tests per year; tests

⁷ [The requirement to submit an MOT will be in accordance with section 50 of the Local Government \(Miscellaneous Provisions\) Act 1976](#)

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 proprietor.
- The vehicle must have a valid MOT throughout the licence period.
- With respect to a licensed vehicle, in the event that a proprietor fails 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 private hire vehicle to return all the plates to the Council subject to any appeal period.
- Shropshire Council reserves the right to require proprietors to rectify any items listed under minor or advisory information on an MOT certificate and to provide evidence that the work has been completed to the Council within a timescale specified by the Council. In the event that a proprietor fails to rectify any items requested by the Council (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 all the plates to the Council subject to any appeal period.

Insurance

3c.57 Certificates of insurance are required in accordance with the following requirements:

- The vehicle must have a valid certificate of insurance for private hire including proof of Public Liability insurance for a minimum of £5,000,000, throughout the licence period. Insurance stating covered for public hire will not be accepted for private hire vehicles.
- Certificates of insurance or cover notes issued to cover "any vehicle" or "any driver" must be accompanied by a schedule showing all the vehicles and drivers covered by the insurance as detailed in the certificate of insurance.
- Where a vehicle is insured by a proprietor and the proprietor allows another licensed Shropshire Council driver to drive their vehicle, or any vehicle is insured under a fleet insurance, the proprietor (as the policy holder) is responsible for ensuring that the driver of that vehicle is aware of the content of the policy, including its limitations and exclusions, and that the proprietor keeps records to this effect.
- Where an insurance cover note is provided a full certificate of insurance must be produced to the Council within 7 days of the certificate being received by the owner of the vehicle.
- With respect to a licensed vehicle, in the event that a proprietor fails to present to the Council a valid certificate of insurance 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 private hire vehicle to return all the plates to the Council subject to any appeal period.

- The proprietor 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.

Vehicle compliance process

- 3c.58 Once an application has been validated and accepted a member of the Licensing Team will the applicant to arrange a vehicle compliance appointment. At the appointment a vehicle will be subject to a compliance check to ensure:
- that where the vehicle is sufficiently equipped for the provision of one reference wheelchair that the driver presenting the vehicle is capable of safely loading and securing the wheelchair into the vehicle;
 - that where fitted the meter seal is intact and the serial number matches the number provided in the meter calibration certificate. Where a meter seal has been tampered with and/or the serial number no longer matches a new certificate/report to confirm the vehicle is fitted with a taximeter in accordance with the requirements set out at paragraph 3c.42;
 - the vehicle has a full size spare wheel or space saver design wheel and the tools to change a wheel OR a contract with a mobile tyre replacement specialist
 - at least one no smoking sign is on display in the vehicle
 - that where a vehicle is wheelchair accessible a sign confirming the wheelchair accessibility is clearly displayed
 - the drivers Internal 'Vehicle Copy' of drivers badge is displayed ensuring that the licence details and photo are visible
 - Where CCTV is fitted, a CCTV operating in this vehicle sign is on display in the vehicle
- 3c.59 For wheelchair accessible vehicles only, photographs of the vehicle, including seating, wheelchair restraint and ramp, will be taken and held on the vehicle record file for future reference.
- 3c.60 Vehicle proprietors are required to return the existing licence plate (renewal/transfer vehicles only) at the compliance appointment. Where officers are satisfied that the vehicle meets the compliance checks, the new licence plates will be issued. If, however, the vehicle does not meet the compliance check, advice will be provided and a further appointment arranged.

Transfer of a licence (Change of vehicle)

- 3c.61 All requests to transfer a vehicle licence (change of vehicle) onto another vehicle will be treated as a new vehicle application (in accordance with the requirements set out at paragraphs 3c.36 to 3c.41).
- 3c.XX Where a proprietor has notified the Council that damage has occurred to a licensed wheelchair accessible vehicle, resulting in the transfer of licence to a temporary insurance replacement vehicle, proprietors will be required to provide evidence to

demonstrate the damage which has occurred to the vehicle, i.e. insurance assessors report.

- 3c.XX Where the wheelchair accessible vehicle has sustained damage to the ~~rear~~ structure which may affect the safety of passengers being carried in the ~~rear of the~~ vehicle, any documents provided to meet the safety requirements of the policy as part of the previous application process (i.e. VCA certificate, IAC or IVA 6) may be invalid. In these circumstances the Council will require the proprietor to submit the vehicle for a new basic voluntary IVA check and provide a valid IVA 6 certificate to the Licensing Team before the licence can be transferred back to the original vehicle.

Vehicle not fit for the conveyance of passengers

- 3c.64 Where a proprietor has notified the Council that damage has occurred to a vehicle, otherwise than in accordance with relevant road traffic legislation, the Council may require photographic evidence of the damage or for the vehicle to be presented for inspection by an authorised officer of the Council.
- 3c.65 If the authorised officer determines that a vehicle is not fit for the purpose of conveying passengers an authorised officer of the Council may at that time suspend the licence and require the proprietor of the vehicle to return all the vehicles plates to the Council. 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.
- 3c.66 The officer may require the proprietor to arrange for a further MOT test, or in respect of wheelchair accessible vehicles a basic voluntary IVA 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.67 Proprietors may advertise on private hire vehicles in accordance with the conditions set out at **Appendix L**. This is subject to prior written approval from the Council.

Closed circuit television (CCTV)

- 3c.68 Proprietors of private hire vehicles are encouraged 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.
- 3c.69 Proprietors of private hire vehicles must register with the Information Commissioners Office (ICO) and maintain a valid registration throughout the duration of the licence or until such a time as the CCTV has been removed from the licensed vehicle.

Trailers

3c.70 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 M** are complied with at all times.

Meters

3c.71 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 Shropshire Council certificate/report of compliance (the Council will only accept a certificate that has been issued within the previous 10 working days).

Parking/waiting

3c.72 Where a driver is illegally parked or creating an obstruction, i.e. in contravention of road traffic legislation and traffic regulation orders (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.73 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.74 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.75 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.

- 3c.76 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 vehicle 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.

Production of records/documents

- 3c.77 Any records required to be retained in accordance with the licence and licence conditions must be produced, on request, to any authorised officer of the Council or to any police officer.

Licence conditions

- 3c.78 The applicable conditions relevant to a private hire vehicle licence are set out at **Appendix D**; these conditions must be complied with. These conditions are in addition to any matters set out within the main body of the Policy.

Main legal requirements

- 3c.XX Paragraphs 3c.79 to 3c.86 is not exhaustive and unless otherwise specified please refer to the Local Government (Miscellaneous Provisions) Act 1976 for a full list of legal requirements, offences and the maximum penalty upon conviction.**

3c.79 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.80 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.81 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.82 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.83 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.84 Return of identification plates

Where a licence is revoked, suspended or expires, the proprietor, when required by the Council to do so must return the all identification plates within 7 days.

3c.85 Transporting children

As a minimum, private hire vehicles must be capable of complying with the requirements set out in the table below, for further guidance see <https://www.gov.uk/child-car-seats-the-rules/when-a-child-can-travel-without-a-car-seat>.

	Front seat	Rear seat	Who is responsible?
Child up to 3 years	Correct child restraints 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**
Child from 3rd birthday to 12th birthday or 135 cm in height whichever they reach first	Correct child restraints 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**
Child over 135 cm in height or 12 or 13 years old	Seat belt must be worn if available*	Seat belt must be worn if available.	Driver**
Passengers aged 14 years and over	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.

3c.86 Ranks/stands

A private hire vehicle must not wait (stop or park) on any rank/stand.

PROPOSED POLICY

3d.

EXECUTIVE PRIVATE HIRE VEHICLES**Summary**

- 3d.1 Executive private hire vehicles are licensed in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976. Section 75(3) provides for the Council to issue an exemption notice. The Council will only consider an exemption where the applicant can demonstrate that the requirements of this section are fully satisfied. Executive private hire vehicles must not have the appearance of a hackney carriage or a standard private hire vehicle.
- 3d.2 When considering whether a vehicle is an executive 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).
- 3d.3 The Council legally cannot limit the number of executive private hire vehicle licences that it will issue.
- 3d.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.

Business model for executive private hire vehicles

- 3d.5 Executive private hire vehicles must only be used for executive service, which is defined as the provision of a vehicle or vehicles that is/are **exclusively** used for executive private hire work and **not** for 'normal' or general purpose private hire use.
- 3d.6 The type of work that is considered 'executive service' includes, but is not restricted to:
- Exclusive business to business contracts, i.e. to transport employees and clients on business related journeys under a written contract to a company or person
 - Bookings for certain clients (for example politicians and celebrities) who, for security or personal safety reasons, would not want the vehicle to be identifiable as a private hire vehicle.
 - Bookings for certain clients who want to hire an executive vehicle at a premium rate, where the applicant can demonstrate that the vehicle is used solely for the purposes of this type of hire.
- 3d.7 Applicants must be able to demonstrate the vehicle will be used for executive service by:
- Providing written confirmation from their private hire operator that the vehicle will only undertake executive service.
 - Providing written confirmation that the vehicle will be used solely for executive service and not for 'normal' or general private hire use..

Applicant

- 3d.11 The applicant for a vehicle licence must be the person who is the legal owner of the vehicle concerned and entitled to have ownership of the vehicle⁸.

Fit and proper person

- 3d.12 The proprietor of a licensed executive private hire vehicle provides a public service that impacts on public safety. On this basis, the Council will not licence a vehicle as an executive private hire vehicle unless it is satisfied that the proprietor of the vehicle meets all the criteria to be deemed a fit and proper person.

Proprietors who apply for an executive private hire vehicle licence and who hold a valid Shropshire Council hackney carriage/private hire drivers licence or a valid Shropshire Council private hire operator licence

- 3d.14 The Council adopts the same principles when determining whether an applicant is a fit and proper person to hold a vehicle 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.19 of the Policy.

Proprietors who apply for an executive private hire vehicle licence and who **do not** hold a valid Shropshire Council hackney carriage/private hire drivers licence or a valid Shropshire Council private hire operator licence

- 3d.16 In considering the fit and proper person test, all applicants on initial application must provide a basic criminal record disclosure from the Disclosure and Barring Service. All applicants on renewal must provide a basic criminal record disclosure that has been issued by the Disclosure and Barring Service within the previous 12 months of the date that the application is received by the Council. On new and renewal applications 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 Wolverhampton City 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.

- 3d.17 With specific reference to existing licence holders, where there is any cause for a licence to be reviewed, the Council will 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 Wolverhampton City 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

⁸ There is no legal definition of proprietor within relevant legislation, however, the Council has taken the view that proprietor means the legal owner based on common usage of the term.

licence holders fitness to hold a licence as is reasonably practicable. Depending on the circumstances of the case, the Council may request the licence holder to consent to a further basic criminal record disclosure, 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.

- 3d.18 When assessing the fitness of an applicant to hold an executive private hire vehicle proprietors 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.
- 3d.19 In addition, an important element associated with the fitness to hold a licence is the appearance (be clean and respectable in their dress and person and maintain a high standard of personal hygiene) and behaviour of an applicant. Consequently, the Council requires all applicants to maintain a reasonable standard of appearance and behaviour when in contact and dealing with 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, Council officers and elected members at all times. Applicants must also co-operate with any reasonable request made by an authorised officer of the Council or any police officer.
- 3d.20 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 applicants were directly engaged in hackney carriage or private hire licensed work at the time or whether they occurred during the applicants' own personal time. The Council considers a person or individual who has a propensity to commit offences and/or demonstrate unacceptable conduct whilst not engaged in hackney carriage or private hire work to be equally as serious as offences and/or unacceptable conduct committed whilst engaged in hackney carriage or private hire work.

Criminal record disclosure

- 3d.21 All convictions, including cautions, will be taken into account when considering a person's suitability to hold a licence. Consequently, applicants are required to provide details of all convictions and cautions, including driving endorsements (driving convictions) and disqualification periods relating to traffic offences.
- 3d.22 Although cautions are generally not as serious as convictions, ordinarily as a result of the circumstances under which they are offered, they do require an admission of guilt before they can be issued which is equivalent to a guilty plea on prosecution. Consequently, a caution is regarded in exactly the same way as a conviction. Fixed penalties, community resolutions or similar sanctions will also be considered in the same way as a conviction on the basis that payment of a fixed penalty indicated an

acceptance of guilt and a community resolution can only be imposed following an admission of guilt. As a result, each of these sanctions is 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.

- 3d.23 A criminal record does not automatically bar an applicant from holding a 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 I**. However, the over-riding consideration will always be to ensure the safety and welfare of the public.
- 3d.24 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. 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 or by post at the FCO, King Charles Street, London, SW1A 2AH.
- 3d.25 Applicants who have spent six continuous months or more living outside the United Kingdom, during the period of their licence, will be required to produce a certificate of good conduct or equivalent document (at their own cost). This certificate must be issued by the relevant Embassy or High Commission for the country or countries lived in during this period and meet the requirements as set out at 3d.24 above.

Right to work

- 3a.XX The Immigration Act 2016 amended existing licensing requirements in the UK to prevent illegal working in the hackney carriage and private hire licensing trade. With effect from 1 December 2016, the provisions in the Immigration Act 2016 prohibits all licensing authorities across the UK from issuing a licence to anyone who is disqualified by reason of their immigration status.
- 3a.XX All applicants must provide evidence of their right to work in the UK in accordance with the Home Office requirements. For further information see: <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks> for additional information

Non-conviction information

- 3d.26 In addition to conviction/caution information, applicants are expected to provide details, within 72 hours of all warnings, driving endorsements (driving

convictions)/disqualification periods relating to traffic offences, fixed penalties, community resolutions 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.

- 3d.27 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.
- 3d.28 Where there is evidence/information that an applicant has been arrested or charged but not convicted of offences and 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

- 3d.29 Vehicle licences will be issued for a maximum period of 12 months.

Vehicle licence plates

- 3d.30 The external rear plate and the internal plate, identifying the vehicle as an executive private hire vehicle, show the licence details on a gold background with the Shropshire Council logo.

Vehicle specification

- 3d.XX The Council requires executive private hire vehicles to comply with the following requirements:

- 3d.XX The Council does not provide a list of specific vehicles that it will definitely consider appropriate to be licenced as executive private hire vehicles. 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 the highest specification or above for the specification of that particular vehicle.~~

- ~~3d.XX As a guiding principle, vehicles equal to or above luxury makes/models such as 'S' and 'E' Class Mercedes Benz, 7 Series BMW, Lexus 'GS' or 'LS' models, Audi A6 and A8 series, Jaguar, Tesla, Rolls Royce and Bentley saloons are more likely to be accepted as executive vehicles. The highest specification executive type cars from other manufacturers will may also be considered. Equally, large high specification MPVs such as the Mercedes Vito that enable meetings on the move will may also be considered.~~

3d.XX Relevant considerations as to whether a vehicle meets an executive standard include, but are not limited to, cost, reputation, specification, appearance, perception, superior comfort levels and seating specification, e.g. whether the vehicle offers additional space per passenger compared to standard vehicles.

3d.31 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.

3d.32 Executive private hire vehicles must comply with the following requirements:

- be in immaculate condition, in a uniform colour, with no visible defects and free from dents, scratches or rust to the external bodywork or internal trim and seating
- have high level interior trim and leather seating
- be large enough to carry at least 3 adult passengers and their luggage
- have air conditioning or climate control
- have alloy wheels
- be maintained to a very high standard

3d.33 In addition:

- the passenger capacity will be restricted to the number of seats for adults;
- Council executive 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 (for further information please contact the Councils Licensing Team);
- Advertising in or on an executive vehicle is prohibited;
- A taxi meter must not be fitted.

Emissions/Age Restrictions

3d.34 Vehicles must comply with the following:

<u>Renewal/New Application</u>	<u>Fuel</u>	<u>Period</u>	<u>European Emission / Age Standard</u>
<u>New</u>	<u>Petrol</u>	<u>1 April 2019 to 31 March 2024</u>	<u>Euro 5</u>
<u>New</u>	<u>Diesel</u>	<u>1 April 2019 to 31 March 2021</u>	<u>Euro 5 and where date of first registration is on or after 1 September 2012</u>
<u>New</u>	<u>Diesel</u>	<u>1 April 2021 to 31 March 2024</u>	<u>Euro 6 and where date of first registration is on or after 1 September 2016</u>

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<u>New</u>	<u>Full electric</u>	<u>1 April 2019 to 31 March 2024</u>	<u>Any age</u>
<u>New</u>	<u>Hybrid</u>	<u>1 April 2019 to 31 March 2024</u>	<u>less than 8 years old from date of first registration</u>
<u>New</u>	<u>LPG</u>	<u>1 April 2019 to 31 March 2024</u>	<u>less than 8 years old from date of first registration</u>
<u>Renewal</u>	<u>Petrol</u>	<u>1 April 2019 to 31 March 2024</u>	<u>Euro 5</u>
<u>Renewal</u>	<u>Diesel</u>	<u>1 April 2019 to 31 March 2024</u>	<u>Euro 5 / Euro 6 and where the vehicle is less than 10 years old from date of first registration</u>
<u>Renewal</u>	<u>Full electric</u>	<u>1 April 2019 to 31 March 2024</u>	<u>Any age</u>
<u>Renewal</u>	<u>Hybrid</u>	<u>1 April 2019 to 31 March 2024</u>	<u>less than 12 years old from date of first registration</u>
<u>Renewal</u>	<u>LPG</u>	<u>1 April 2019 to 31 March 2024</u>	<u>less than 12 years old from date of first registration</u>

<u>Renewal/New Application</u>	<u>Fuel</u>	<u>Period</u>	<u>European Emission / Age Standard</u>
<u>New</u>	<u>Petrol</u>	<u>1 April 2019 to 31 March 2024</u>	<u>Euro 5</u>
<u>New</u>	<u>Diesel</u>	<u>1 April 2019 to 31 March 2024</u>	<u>Euro 6 and where date of first registration is on or after 1 September 2016</u>
<u>New</u>	<u>Full electric</u>	<u>1 April 2019 to 31 March 2024</u>	<u>Any age</u>
<u>New</u>	<u>Hybrid</u>	<u>1 April 2019 to 31 March 2024</u>	<u>less than 5 years old from date of first registration</u>
<u>New</u>	<u>LPG</u>	<u>1 April 2019 to 31 March 2024</u>	<u>less than 5 years old from date of first registration</u>
<u>Renewal</u>	<u>Petrol</u>	<u>1 April 2019 to 31 March 2024</u>	<u>Euro 5</u>
<u>Renewal</u>	<u>Diesel</u>	<u>1 April 2019 to 31 March 2022</u>	<u>Euro 5</u>

Renewal	Diesel	1 April 2022 to 31 March 2024	Euro 6 and where date of first registration is on or after 1 September 2016
Renewal	Full electric	1 April 2019 to 31 March 2024	Any age
Renewal	Hybrid	1 April 2019 to 31 March 2024	less than 10 years old from date of first registration
Renewal	LPG	1 April 2019 to 31 March 2024	less than 10 years old from date of first registration

Safety

3d.35 The Council will not licence any new vehicle that since the date of first registration has been recorded by the DVLA as having sustained structural damage resulting from a road traffic accident (an insurance 'Write Off' under the DVLA's Category S – Structural damage classification for vehicle that has sustained damage after 1 October 2017 or Category C where a vehicle has sustained damage, rendering it beyond economical repair, prior to 1 October 2017). This information can be found in Part 3 – Special Notes of the V5 registration Certificate.

3d.36 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 vehicle applications submitted on or after 1 April 2019 are required to be NCAP 5 star.
- All renewal vehicle applications submitted on or after 1 April 2019 are required to be NCAP 5 star.

~~Or evidence from the manufacturer to confirm that the safety of the vehicle meets NCAP 5 star.~~

3d.37 The requirements of 3d.36 do not apply to private hire vehicles that have been specifically constructed or converted for disability access and any M1 (not M2 or N1) vehicle that has been adapted to be a private hire vehicle (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.~~

- The vehicle has come off the production line as a purpose built wheelchair accessible vehicle there will be a Vehicle Certification Agency (VCA) certificate which demonstrates that the vehicle has been constructed to an acceptable safety standard, providing there have been no changes to the layout of the vehicle since the VCA was issued.

- The vehicle is modified after production, but before first registration, there may be an Individual Approval Certificate (IAC) available, which will demonstrate that the adaptations have been tested by DVSA (VOSA) and are to an acceptable safety standard, providing there have been no changes to the conversion since the IAC was issued. This may be referred to as a Statutory Individual Vehicle Approval.
- Vehicles that are converted for disability access after first registration have been submitted for a Basic Voluntary IVA (Individual Vehicle Approval). This is the route that vehicles are required to take where there is no VCA certificate or IAC available. Vehicles must be presented to the DVSA for a Basic Voluntary IVA inspection Class P – Personal Import. If the vehicle passes the inspection it will receive a Certificate of Compliance (IVA 6). The Voluntary IVA checks the whole of the vehicle, not only the parts that have been converted and is similar to a very strict MOT test.

List of Designated Wheelchair Accessible Vehicles

- 3d.38 Section 167 of the Equality Act 2010 permits local authorities to maintain a designated list of wheelchair accessible vehicles. Shropshire Council has taken the decision to maintain such a list.
- 3d.39 All wheelchair accessible vehicles must be capable of transporting the user of a “reference wheelchair” and will be included within the Council’s list of designated vehicles. Specifications for a “reference wheelchair” can be found at **Appendix J**.
- 3d.40 Section 166 of the Equality Act 2010 allows for drivers to apply for an exemption from the duties listed under section 165 of the Act on medical grounds or because the driver’s physical condition makes it impossible or unreasonably difficult for them to comply with those duties. For further information see paragraphs 3a.56 to 3a.60.
- 3d.41 Proprietors have a responsibility to ensure that any Shropshire Council licensed driver who drives one of their wheelchair accessible vehicles is made aware of their duties in respect of carrying disabled persons in wheelchairs when driving a licensed wheelchair accessible vehicle.
- 3d.42 Failure to comply with the duties listed under section 165 of the Equality Act 2010 is a criminal offence.

Other Requirements

- 3d.43 Vehicles must not seat more than eight passengers (not including the driver) and:
- (a) Be a Light Passenger Vehicle as defined by section 85 of the Road Traffic Act 1988 and have a minimum of 4 wheels;
 - (b) Provide sufficient means by which any person in the carriage may communicate with the driver;

- (c) Have a watertight roof or covering;
- (d) Provide at least two windows on each side of the vehicle of which one window on one side must have a means of opening/closing.
- (e) 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. The Council will not permit any form of additional film to darken or tint the glass on any part of the vehicle.
- (f) Have seats that are properly cushioned and covered;
- (g) Have a floor provided with a proper carpet, mat, or other suitable covering;
- (h) Be maintained in a clean and safe condition at all times from both exterior and interior perspectives.
- (i) Be maintained in a sound mechanical and structural condition at all times;
- (j) Have fittings and furniture in a clean condition and be well maintained and in every way fit for executive 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
- (m) Have a minimum of four passenger doors including an entry/exit point for the driver;
- (n) Have a full size spare wheel or space saver design wheel and the tools to change a wheel OR a contract with a mobile tyre replacement specialist (in any event where a spare wheel 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;
- (o) Proprietors are encouraged to have provision for the legal transportation of a minimum of one "reference wheelchair" at all times. Specifications for a "reference wheelchair" can be found at **Appendix J**.
- (p) When transporting a wheelchair user, where a seat has to be removed in order to accommodate a passenger in a wheelchair, proprietors must store the seat securely away from the passengers and driver (e.g. in the boot or other suitable storage facility away from the vehicle).
- (q) When transporting a wheelchair user, where the wheelchair user chooses to transfer to a passenger seat, proprietors must store the wheelchair securely away from the passengers and driver (e.g. in the boot).

New application process

- 3d.44 The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee.
- 3d.xx The full fee for the licence is payable at the time the application is submitted. (This includes any application to transfer a vehicle licence onto another vehicle)
- 3d.xx 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. If the applicant fails to provide all the information to complete the application, the application will be rejected.
- 3d.XX Once an application has been accepted by the Licensing Team as a valid application the application process must be completed within 6 months unless prevented from doing so by matters that are outside the applicant's control. Where an application is not completed within this timescale the application will be referred to the Licensing Panel for determination. The Licensing Panel will consider each case on its own individual merits and will determine what action is appropriate and proportionate to the circumstances of the case.
- 3d.45 Any person wishing to licence an executive private hire vehicle must submit:
- a completed application form;
 - Submit a completed reference form (NB the referees must be from either professional or business sources who have known the applicant for at least two years. In addition, the Council will not accept references from family members, drivers, operators, vehicle proprietors licensed with any local authority or, where relevant, the applicant's future employer unless there is satisfactory evidence of exceptional circumstances that are accepted by the Council). The Council reserves the right to refuse a reference where the Council deems the referee is not acceptable;
 - the appropriate licence fee;
 - written confirmation from their private hire operator that the vehicle will only undertake executive work, i.e. evidence of business to business contracts;
 - Photographs to prove that the vehicle complies with the requirements of paragraph 3d.32 above;
 - evidence of their right to work in the UK in accordance with the Home Office requirements (unless the applicant is the holder of a hackney carriage and private hire drivers licence issued by Shropshire Council on or after 1st December 2016 - see <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks> for additional information);
 - a basic criminal record disclosure from the Disclosure and Barring Service, unless the applicant is the holder of a hackney carriage and private hire drivers licence or private hire operators licence issued by Shropshire Council (applicants can apply to <https://www.gov.uk/request-copy-criminal-record>). A basic criminal record disclosure will only be accepted by the Council within 12 months of the date of issue from the Disclosure and Barring Service;

- a valid MOT (in accordance with the requirements set out at paragraph 3d.50 below);
- a valid certificate of insurance for private hire including proof of Public Liability insurance for a minimum of £5,000,000, insurance stating covered for public hire will not be accepted for private hire vehicles (in accordance with the requirements set out at paragraph 3d.51 below);
- the full V5 registration certificate (note the alternative interim measure outlined in paragraph 3d.52 to 3d.54);
- evidence of compliance with the relevant European Emission/Age Standards as set out in paragraph 3d.XX 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 paragraphs 3d.36 to 3d.37;
- 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 Equipment 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 certificate/report confirming that all the fittings are intact and are free from damage and wear.

3d.XX Once an application has been validated and accepted, the Council will

- Make enquiries 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
- Write to the referees provided

3d.46 **NB** For partnerships or companies, the requirements set out in paragraphs 3d.12 to 3d.28 apply to all partners and directors/company secretaries.

3d.47 Where an application is received to change the proprietor of an executive private hire vehicle licence (transfer of licensee), the new proprietor must fulfil the requirements as set out in paragraphs 3d.12 to 3d.28 above.

3d.48 Paragraphs 3d.12 to 3d.28 above do not apply to applicants to transfer a vehicle licence onto another vehicle, on a temporary basis, by an accident management company.

3d.49 Providing the above are satisfied, Officers will grant the licence. In all other cases, the application will be referred to the Licensing Panel for determination. The applicant will be notified in writing if their application is to be determined by the Licensing Panel.

MOT requirements⁹

3d.50 MOTs are required in accordance with the following requirements:

- Vehicles, up to 9 years from date of first registration, 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, in addition to the MOT certificate submitted with an application, it must have two other 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 proprietor.
- The vehicle must have a valid MOT throughout the licence period.
- With respect to a licensed vehicle, in the event that a proprietor fails 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 private hire vehicle to return all the plates to the Council subject to any appeal period.
- Shropshire Council reserves the right to require proprietors to rectify any items listed under minor or advisory information on an MOT certificate and to provide evidence that the work has been completed to the Council within a timescale specified by the Council. In the event that a proprietor fails to rectify any items requested by the Council (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 all the plates to the Council subject to any appeal period.

Insurance

3d.51 Certificates of insurance are required in accordance with the following requirements:

- The vehicle must have a valid certificate of insurance for private hire including proof of Public Liability insurance for a minimum of £5,000,000, throughout the licence period. Insurance stating covered for public hire will not be accepted for private hire vehicles.
- Certificates of insurance or cover notes issued to cover "any vehicle" or "any driver" must be accompanied by a schedule showing all the vehicles and drivers covered by the insurance as detailed in the certificate of insurance.
- Where a vehicle is insured by a proprietor and the proprietor allows another licensed Shropshire Council driver to drive their vehicle, or any vehicle is insured

⁹ The requirement to submit an MOT will be in accordance with section 50 of the Local Government (Miscellaneous Provisions) Act 1976

under a fleet insurance, the proprietor (as the policy holder) is responsible for ensuring that the driver of that vehicle is aware of the content of the policy, including its limitations and exclusions, and that the proprietor keeps records to this effect.

- Where an insurance cover note is provided a full certificate of insurance must be produced to the Council within 7 days of the certificate being received by the owner of the vehicle.
- With respect to a licensed vehicle, in the event that a proprietor fails to present to the Council a valid certificate of insurance 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 private hire vehicle to return all the plates to the Council subject to any appeal period.
- The proprietor 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.

V5 registration certificate

- 3d.52 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 and proof of purchase must be produced. Where possible a full copy of the previous owners V5 registration certificate should be obtained and submitted alongside the V5/2 green section.
- 3d.53 A full V5 registration certificate and proof of purchase must be produced upon transfer of a vehicle licence. Where possible a full copy of the previous owners V5 registration certificate should be obtained and submitted alongside the V5 green section.
- 3d.54 Where the green section has been produced on first licensing the vehicle, a full V5 registration certificate 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.
- 3d.XX Where a licence is issued in advance of a full V5 registration certificate being received and where upon receipt of a full V5 registration certificate information is contained that indicates that a vehicle has, since the date of first registration, been recorded by the DVLA as having sustained structural damage resulting from a road traffic accident, as set out in paragraph 3b.XX, the licence will be subject to review by the Councils Licensing Panel.

Renewal of a licence

- 3d.55 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 the private hire vehicle in these circumstances.

- 3d.56 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 vehicle licence application which will be processed in accordance with the Council's new application procedures.

Renewal application process

- 3d.57 The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee.
- 3d.xx The full fee for the licence is payable at the time the application is submitted. (This includes any application to transfer a vehicle licence onto another vehicle)
- 3d.xx 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. If the applicant fails to provide all the information to complete the application, the application will be rejected.
- 3d.XX Once an application has been accepted by the Licensing Team as a valid application the application process must be completed within 6 months unless prevented from doing so by matters that are outside the applicant's control. Where an application is not completed within this timescale the application will be referred to the Licensing Panel for determination. The Licensing Panel will consider each case on its own individual merits and will determine what action is appropriate and proportionate to the circumstances of the case.
- 3d.58 Any person wishing to renew a licence for an executive private hire vehicle must submit:
- a completed application form;
 - the appropriate licence fee;
 - copies of the relevant private hire operator records to evidence the nature of the work carried out over the previous licence period. Operator records must also detail evidence of business to business contracts with clients which require vehicles supplied to be executive in nature;
 - evidence of their right to work in the UK in accordance with the Home Office requirements (unless the applicant is the holder of a hackney carriage and private hire drivers licence issued by Shropshire Council on or after 1st December 2016 - see <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks> for additional information);
 - a basic criminal record disclosure from the Disclosure and Barring Service, unless the applicant is the holder of a hackney carriage and private hire drivers licence or private hire operators licence issued by Shropshire Council (applicants can apply to

<https://www.gov.uk/request-copy-criminal-record>). A basic criminal record disclosure will only be accepted by the Council within 12 months of the date of issue from the Disclosure and Barring Service;

- a valid MOT (in accordance with the requirements set out at paragraph 3d.63 below);
- a valid certificate of insurance for private hire including proof of Public Liability insurance for a minimum of £5,000,000, insurance stating covered for public hire will not be accepted for private hire vehicles (in accordance with the requirements set out at paragraph 3d.64 below);
- 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 certificate/report confirming that all the fittings are intact and are free from damage and wear.

3d.XX Once an application has been validated and accepted, the Council will

- Make enquiries 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

3d.59 **NB** For partnerships or companies, the requirements set out in paragraphs 3d.12 to 3d.28 apply to all partners and directors/company secretaries.

3d.60 Where an application is received to change the proprietor of an executive private hire vehicle licence (transfer of licensee), the new proprietor must fulfil the requirements as set out in paragraphs 3d.12 to 3d.28 above.

3d.62 Providing the above are satisfied, Officers will grant the licence. In all other cases, the application will be referred to the Licensing Panel for determination. The applicant will be notified in writing if their application is to be determined by the Licensing Panel.

MOT requirements¹⁰

3d.63 MOTs are required in accordance with the following requirements:

- Vehicles, up to 9 years from date of first registration, must be submitted for an MOT inspection at 6-monthly intervals (and any other inspection deemed necessary by an

¹⁰ The requirement to submit an MOT will be in accordance with section 50 of the Local Government (Miscellaneous Provisions) Act 1976

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, in addition to the MOT certificate submitted with an application, it must have two other 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 proprietor.
- The vehicle must have a valid MOT throughout the licence period.
- With respect to a licensed vehicle, in the event that a proprietor fails 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 private hire vehicle to return all the plates to the Council subject to any appeal period.
- Shropshire Council reserves the right to require proprietors to rectify any items listed under minor or advisory information on an MOT certificate and to provide evidence that the work has been completed to the Council within a timescale specified by the Council. In the event that a proprietor fails to rectify any items requested by the Council (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 all the plates to the Council subject to any appeal period.

Insurance

3d.64 Certificates of insurance are required in accordance with the following requirements:

- The vehicle must have a valid certificate of insurance for private hire including proof of Public Liability insurance for a minimum of £5,000,000, throughout the licence period. Insurance stating covered for public hire will not be accepted for private hire vehicles;
- Certificates of insurance or cover notes issued to cover "any vehicle" or "any driver" must be accompanied by a schedule showing all the vehicles and drivers covered by the insurance as detailed in the certificate of insurance.
- Where a vehicle is insured by a proprietor and the proprietor allows another licensed Shropshire Council driver to drive their vehicle, or any vehicle is insured under a fleet insurance, the proprietor (as the policy holder) is responsible for ensuring that the driver of that vehicle is aware of the content of the policy, including its limitations and exclusions, and that the proprietor keeps records to this effect.
- Where an insurance cover note is provided a full certificate of insurance must be produced to the Council within 7 days of the certificate being received by the owner of the vehicle.
- With respect to a licensed vehicle, in the event that a proprietor fails to present to the Council a valid certificate of insurance 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 private hire vehicle to return all the plates to the Council subject to any appeal period.

- The proprietor 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.

Vehicle compliance process

3d.65 Once an application has been validated and accepted a member of the Licensing Team will the applicant to arrange a vehicle compliance appointment. At the appointment a vehicle will be subject to a compliance check to ensure:

- that where the vehicle is sufficiently equipped for the provision of one reference wheelchair that the driver presenting the vehicle is capable of safely loading and securing the wheelchair into the vehicle;
- the vehicle has a full size spare wheel or space saver design wheel and the tools to change a wheel OR a contract with a mobile tyre replacement specialist
- at least one no smoking sign is on display in the vehicle
- that where a vehicle is wheelchair accessible a sign confirming the wheelchair accessibility is clearly displayed
- the drivers Internal 'Vehicle Copy' of drivers badge is displayed ensuring that the licence details and photo are visible
- Where CCTV is fitted, a CCTV operating in this vehicle sign is on display in the vehicle

3d.66 For wheelchair accessible vehicles only photographs of the vehicle, including seating, wheelchair restraint and ramp, will be taken and held on the vehicle record file for future reference

3d.67 Vehicle proprietors are required to return the existing licence plate (renewal/transfer vehicles only) at the compliance appointment. Where officers are satisfied that the vehicle meets the compliance checks, the new licence plates will be issued. If, however, the vehicle does not meet the compliance check, advice will be provided and a further appointment arranged.

Transfer of a licence (Change of vehicle)

3d.68 All requests to transfer a vehicle licence (change of vehicle) onto another vehicle will be treated as a new vehicle application (in accordance with the requirements set out at paragraphs 3d.44 to 3d.49).

3d.XX Where a proprietor has notified the Council that damage has occurred to a licensed wheelchair accessible vehicle, resulting in the transfer of licence to a temporary insurance replacement vehicle, proprietors will be required to provide evidence to demonstrate the damage which has occurred to the vehicle, i.e. insurance assessors report.

- 3d.XX Where the wheelchair accessible vehicle has sustained damage to the ~~rear~~-structure which may affect the safety of passengers being carried in the ~~rear of the~~-vehicle, any documents provided to meet the safety requirements of the policy as part of the previous application process (i.e. VCA certificate, IAC or IVA 6) may be invalid. In these circumstance the Council will require the proprietor to submit the vehicle for a new basic voluntary IVA check and provide a valid IVA 6 certificate to the Licensing Team before the licence can be transferred back to the original vehicle.

Vehicle not fit for the conveyance of passengers

- 3d.71 Where a proprietor has notified the Council that damage has occurred to a vehicle, otherwise than in accordance with relevant road traffic legislation, the Council may require photographic evidence of the damage or for the vehicle to be presented for inspection by an authorised officer of the Council.
- 3d.72 If the authorised officer determines that a vehicle is not fit for the purpose of conveying passengers an authorised officer of the Council may at that time suspend the licence and require the proprietor of the vehicle to return all the vehicles plates to the Council. 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.
- 3d.73 The officer may require the proprietor to arrange for a further MOT test, or in respect of wheelchair accessible vehicles a basic voluntary IVA 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

- 3d.74 Proprietors must not advertise on executive private hire vehicles.

Closed circuit television (CCTV)

- 3d.75 Proprietors of private hire vehicles are encouraged 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.
- 3d.76 Proprietors of executive private hire vehicles must register with the Information Commissioners Office (ICO) and maintain a valid registration throughout the duration of the licence or until such a time as the CCTV has been removed from the licensed vehicle.

Trailers

- 3d.77 Executive private hire vehicles licensed by the Council are permitted to tow trailers only when it is a requirement of the business to business contract and providing that the conditions set out at **Appendix M** are complied with at all times.

Parking/waiting

- 3d.78 Where a driver is illegally parked or creating an obstruction, i.e. in contravention of road traffic legislation and traffic regulation orders (this does not include a legitimate period of time where an executive private hire vehicle has stopped to drop off or pick up a client), 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

- 3d.79 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.
- 3d.80 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.
- 3d.81 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.
- 3d.82 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.

Production of records/documents

- 3d.83 Any records required to be retained in accordance with the licence and licence conditions must be produced, on request, to any authorised officer of the Council or to any police officer.

Licence conditions

- 3d.84 The applicable conditions relevant to an executive private hire vehicle licence are set out at **Appendix E**; these conditions must be complied with. These conditions are in addition to any matters set out within the main body of the Policy.

Main legal requirements

- 3d.XX Paragraphs 3d.85 to 3d.92 is not exhaustive and unless otherwise specified please refer to the Local Government (Miscellaneous Provisions) Act 1976 for a full list of legal requirements, offences and the maximum penalty upon conviction.

3d.85 Change of proprietor

The proprietor must give notice to the Council of any transfer in his interest in the executive 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.

3d.86 Inspection

The proprietor must present their executive private hire vehicle for inspection/testing by the Council as required, up to a maximum of 3 times per year.

3d.87 The proprietor must provide, on request, the address where the executive private hire vehicle is kept and allow the Council to inspect/test the vehicle at that address.

3d.88 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 their clients, the driver must notify the Council within 72 hours.

3d.89 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 executive private hire vehicle licence and insurance certificate within 7 days.

3d.90 Return of identification plates

Where a licence is revoked, suspended or expires, the proprietor, when required by the Council to do so must return all the identification plates within 7 days.

3d.91 Transporting children

As a minimum, private hire vehicles must be capable of complying with the requirements set out in the table below, for further guidance see <https://www.gov.uk/child-car-seats-the-rules/when-a-child-can-travel-without-a-car-seat>.

	Front seat	Rear seat	Who is responsible?
Child up to 3 years	Correct child restraints 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**
Child from 3rd birthday to 12th birthday or 135 cm in height whichever they reach first	Correct child restraints 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	Driver**

APPENDIX B

		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.	
Child over 135 cm in height or 12 or 13 years old	Seat belt must be worn if available*	Seat belt must be worn if available.	Driver**
Passengers aged 14 years and over	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.

3d.92 Ranks/stands

An executive private hire vehicle must not wait (stop or park) on any rank/stand.

3e. NOVELTY PRIVATE HIRE VEHICLES INCLUDING LIMOUSINES AND VINTAGE VEHICLES

Summary

- 3e.1 Novelty private hire vehicles are licensed in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976. Section 75(3) provides for the Council to issue an exemption notice. The Council will only consider an exemption where the applicant can demonstrate that the requirements of this section are fully satisfied. Novelty private hire vehicles must not have the appearance of a hackney carriage vehicle.
- 3e.2 When considering whether a vehicle is a novelty 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).
- 3e.3 The Council legally cannot limit the number of novelty private hire vehicle licences that it will issue.
- 3e.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.

Applicant

- 3e.5 The applicant for a vehicle licence must be the person who is the legal owner of the vehicle concerned and entitled to have ownership of the vehicle¹¹.

Fit and proper person

- 3e.6 The proprietor of a licensed novelty private hire vehicle provides a public service that impacts on public safety. On this basis, the Council will not licence a vehicle as a novelty private hire vehicle unless it is satisfied that the proprietor of the vehicle meets all the criteria to be deemed a fit and proper person.

Proprietors who apply for a novelty private hire vehicle licence and who hold a valid Shropshire Council hackney carriage/private hire drivers licence or a valid Shropshire Council private hire operator licence

- 3e.8 The Council adopts the same principles when determining whether an applicant is a fit and proper person to hold a vehicle 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.19 of the Policy.

Proprietors who apply for a novelty private hire vehicle licence and who **do not** hold a valid Shropshire Council hackney carriage/private hire drivers licence or a valid Shropshire Council private hire operator licence

¹¹ There is no legal definition of proprietor within relevant legislation, however, the Council has taken the view that proprietor means the legal owner based on common usage of the term.

- 3e.10 In considering the fit and proper person test, all applicants on initial application must provide a basic criminal record disclosure from the Disclosure and Barring Service. All applicants on renewal must provide a basic criminal record disclosure that has been issued by the Disclosure and Barring Service within the previous 12 months of the date that the application is received by the Council. On new or renewal applications 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 Wolverhampton City 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.
- 3e.11 With specific reference to existing licence holders, where there is any cause for a licence to be reviewed, the Council will 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 Wolverhampton City 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 licence holders fitness to hold a licence as is reasonably practicable. Depending on the circumstances of the case, the Council may request the licence holder to consent to a further basic criminal record disclosure, 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.
- 3e.12 When assessing the fitness of an applicant to hold a novelty private hire vehicle proprietors 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.
- 3e.13 In addition, an important element associated with the fitness to hold a licence is the appearance (be clean and respectable in their dress and person and maintain a high standard of personal hygiene) and behaviour of an applicant. Consequently, the Council requires all applicants to maintain a reasonable standard of appearance and behaviour when in contact and dealing with 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, Council officers and elected members at all times. Applicants must also co-operate with any reasonable request made by an authorised officer of the Council or any police officer.
- 3e.14 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 applicants were directly engaged in hackney carriage or private hire licensed work at the time or whether they occurred during the applicants' own personal time. The Council considers a person or individual who has a propensity to commit offences and/or demonstrate unacceptable conduct whilst not engaged in hackney carriage or private hire work to be equally as serious as offences and/or unacceptable conduct committed whilst engaged in hackney carriage or private hire work.

Criminal record disclosure

- 3e.15 All convictions, including cautions, will be taken into account when considering a person's suitability to hold a licence. Consequently, applicants are required to provide details of all convictions and cautions, including driving endorsements (driving convictions) and disqualification periods relating to traffic offences.
- 3e.16 Although cautions are generally not as serious as convictions, ordinarily as a result of the circumstances under which they are offered, they do require an admission of guilt before they can be issued which is equivalent to a guilty plea on prosecution. Consequently, a caution is regarded in exactly the same way as a conviction. Fixed penalties, community resolutions or similar sanctions will also be considered in the same way as a conviction on the basis that payment of a fixed penalty indicated an acceptance of guilt and a community resolution can only be imposed following an admission of guilt. As a result, each of these sanctions is 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.
- 3e.17 A criminal record does not automatically bar an applicant from holding a 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 I**. However, the over-riding consideration will always be to ensure the safety and welfare of the public.
- 3e.18 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. 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 or by post at the FCO, King Charles Street, London, SW1A 2AH.
- 3e.19 Applicants who have spent six continuous months or more living outside the United Kingdom, during the period of their licence, will be required to produce a certificate of good conduct or equivalent document (at their own cost). This certificate must be

issued by the relevant Embassy or High Commission for the country or countries lived in during this period and meet the requirements as set out at 3e.18 above.

Right to work

- 3a.XX The Immigration Act 2016 amended existing licensing requirements in the UK to prevent illegal working in the hackney carriage and private hire licensing trade. With effect from 1 December 2016, the provisions in the Immigration Act 2016 prohibits all licensing authorities across the UK from issuing a licence to anyone who is disqualified by reason of their immigration status.
- 3a.XX All applicants must provide evidence of their right to work in the UK in accordance with the Home Office requirements. For further information see:
<https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks> for additional information

Non-conviction information

- 3e.20 In addition to conviction/caution information, applicants are expected to provide details, within 72 hours of all warnings, driving endorsements (driving convictions)/disqualification periods relating to traffic offences, fixed penalties, community resolutions 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.
- 3e.21 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.
- 3e.22 Where there is evidence/information that an applicant has been arrested or charged but not convicted of offences and 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

- 3e.23 Vehicle licences will be issued for a maximum period of 12 months.

Vehicle licence plates

- 3e.24 The external rear plate and the internal plate, identifying the vehicle as a novelty private hire vehicle, show the licence details on a yellow background with the Shropshire Council logo.

Vehicle specification

- 3e.25 The Council requires novelty private hire vehicles to comply with the following requirements:
- 3e.26 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).
- 3e.27 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 novelty 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 novelty private hire vehicle licensing.
- 3e.28 The following documentation must be produced prior to licensing:
- Evidence of compliance through the Single Vehicle Approval Scheme (SVA) or Individual Vehicle Approval Scheme (IVA);
 - Public Liability Insurance documentation for a minimum of £5,000,000
 - Documentation recording the overall weight of the vehicle (as displayed on the vehicle.)
- 3e.29 The following additional conditions apply:
- The tyres must be of an appropriate weight loading for the limousine, novelty vehicles and vintage vehicles.
 - The sale of alcohol in the vehicle must be covered by a separate licence in accordance with the Licensing Act 2003.
- 3e.30 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 New Car Assessment Programme rating or the requirements set out in paragraphs 3c.27 to 3c.29 of the Standard Private Hire Vehicle section.

Safety

- 3e.31 The Council will not licence any new vehicle that since the date of first registration has been recorded by the DVLA as having sustained structural damage resulting from a road traffic accident (an insurance 'Write Off' under the DVLA's Category S – Structural damage classification for vehicle that has sustained damage after 1 October 2017 or

Category C where a vehicle has sustained damage, rendering it beyond economical repair, prior to 1 October 2017). This information can be found in Part 3 – Special Notes of the V5 registration Certificate.

- 3e.32 Where a proprietor has notified the Council that damage has occurred to a licensed vehicle, resulting in the transfer of licence to a temporary insurance replacement vehicle, any documents provided to meet the safety requirements of the policy as part of the previous application process (i.e. SVA certificate or IVA certificate) will be invalid. The proprietor will be required to submit the vehicle for a new voluntary IVA check and provide a valid IVA certificate to the Licensing Team before the licence can be transferred back to the original vehicle.

List of Designated Wheelchair Accessible Vehicles

- 3e.33 Section 167 of the Equality Act 2010 permits local authorities to maintain a designated list of wheelchair accessible vehicles. Shropshire Council has taken the decision to maintain such a list.
- 3e.34 All wheelchair accessible vehicles must be capable of transporting the user of a “reference wheelchair” and will be included within the Council’s list of designated vehicles. Specifications for a “reference wheelchair” can be found at **Appendix J**.
- 3e.35 Section 166 of the Equality Act 2010 allows for drivers to apply for an exemption from the duties listed under section 165 of the Act on medical grounds or because the driver’s physical condition makes it impossible or unreasonably difficult for them to comply with those duties. For further information see paragraphs 3a.56 to 3a.60.
- 3e.36 Proprietors have a responsibility to ensure that any Shropshire Council licensed driver who drives one of their wheelchair accessible vehicles is made aware of their duties in respect of carrying disabled persons in wheelchairs when driving a licensed wheelchair accessible vehicle.
- 3e.37 Failure to comply with the duties listed under section 165 of the Equality Act 2010 is a criminal offence.

Drivers of novelty private hire vehicles including limousines and vintage private hire vehicles

- 3e.38 Proprietors are required to ensure that the driver of a novelty private hire vehicle has the correct DVLA driving licence for the size of vehicle that they will be driving.
- 3e.39 Proprietors are required to ensure that the driver of a small limousine holds a full DVLA (category B) driving licence, providing the vehicle does not exceed 3.5 tonnes.

Other Requirements

- 3e.40 Vehicles must not seat more than eight passengers (not including the driver) and:

APPENDIX B

- (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;
- (d) All paintwork must be maintained 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. The Council will not permit any form of additional film to darken or tint the glass on any part of the vehicle.
- (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
- (m) Have a minimum of four passenger doors including an entry/exit point for the driver.
- (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 a contract with a mobile tyre replacement specialist (in any event where a spare wheel 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 "reference wheelchair" at all times. Specifications for a "reference wheelchair" can be found at **Appendix J**.

- (r) When transporting a wheelchair user, where a seat has to be removed in order to accommodate a passenger in a wheelchair, proprietors must store the seat securely away from the passengers and driver (e.g. in the boot or other suitable storage facility away from the vehicle).
- (s) When transporting a wheelchair user, where the wheelchair user chooses to transfer to a passenger seat, proprietors must store the wheelchair securely away from the passengers and driver (e.g. in the boot).

New application process

- 3e.41 The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee.
- 3e.xx The full fee for the licence is payable at the time the application is submitted. (This includes any application to transfer a vehicle licence onto another vehicle)
- 3e.xx 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. If the applicant fails to provide all the information to complete the application, the application will be rejected.
- 3e.XX Once an application has been accepted by the Licensing Team as a valid application the application process must be completed within 6 months unless prevented from doing so by matters that are outside the applicant's control. Where an application is not completed within this timescale the application will be referred to the Licensing Panel for determination. The Licensing Panel will consider each case on its own individual merits and will determine what action is appropriate and proportionate to the circumstances of the case.
- 3e.42 Any person wishing to licence a novelty private hire vehicle must submit:
 - a completed application form;
 - submit a completed reference form (NB the referees must be from either professional or business sources who have known the applicant for at least two years. In addition, the Council will not accept references from family members, drivers, operators, vehicle proprietors licensed with any local authority or, where relevant, the applicant's future employer unless there is satisfactory evidence of exceptional circumstances that are accepted by the Council). The Council reserves the right to refuse a reference where the Council deems the referee is not acceptable;
 - the appropriate licence fee;
 - evidence of their right to work in the UK in accordance with the Home Office requirements (unless the applicant is the holder of a hackney carriage and private hire drivers licence issued by Shropshire Council on or after 1st December 2016 - see

<https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks> for additional information);

- a basic criminal record disclosure from the Disclosure and Barring Service, unless the applicant is the holder of a hackney carriage and private hire drivers licence or private hire operator licence issued by Shropshire Council (applicants can apply to <https://www.gov.uk/request-copy-criminal-record>). A basic criminal record disclosure will only be accepted by the Council within 12 months of the date of issue from the Disclosure and Barring Service;
- Evidence of compliance through the Single Vehicle Approval Scheme (SVA) or Individual Vehicle Approval Scheme (IVA);
- Documentation recording the overall weight of the vehicle (as displayed on the vehicle);
- a valid MOT (in accordance with the requirements set out at paragraph 3e.48 below);
- a valid certificate of insurance for private hire including proof of Public Liability insurance for a minimum of £5,000,000, insurance stating covered for public hire will not be accepted for private hire vehicles (in accordance with the requirements set out at paragraph 3e.49 below);
- the full V5 registration certificate (note the alternative interim measures outlined in paragraph 3e.50 to 3e.52);
- where a meter is fitted, a valid certificate/report to confirm the vehicle is fitted with a taximeter in accordance with the requirements set out at paragraph 3e.47 below;
- 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 Equipment 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 certificate/report confirming that all the fittings are intact and are free from damage and wear.

3e.XX Once an application has been validated and accepted, the Council will

- Make enquiries 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
- Write to the referees provided

3e.43 **NB** For partnerships or companies, the requirements set out in paragraphs 3e.6 to 3e.22 apply to all partners and directors/company secretaries.

3e.44 Where an application is received to change the proprietor of a novelty private hire vehicle licence (transfer of licensee), the new proprietor must fulfil the requirements as set out in paragraphs 3e.6 to 3e.22 above.

3e.45 Paragraphs 3e.6 to 3e.22 above do not apply to applicants to transfer a vehicle licence onto another vehicle, on a temporary basis, by an accident management company.

3e.46 Providing the above are satisfied, Officers will grant the licence. In all other cases, the application will be referred to the Licensing Panel for determination. The applicant will be notified in writing if their application is to be determined by the Licensing Panel.

Taximeters

3e.47 **Novelty** 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 Shropshire Council certificate/report of compliance (the Council will only accept a certificate that has been issued within the previous 10 working days).

MOT requirements¹²

3e.48 MOTs are required in accordance with the following requirements:

- Vehicles, up to 9 years from date of first registration, 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, in addition to the MOT certificate submitted with an application, it must have two other 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.

¹² The requirement to submit an MOT will be in accordance with section 50 of the Local Government (Miscellaneous Provisions) Act 1976

- 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 proprietor.
- 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 all the plates to the Council subject to any appeal period.
- Shropshire Council reserves the right to require proprietors to rectify any items listed under minor or advisory information on an MOT certificate and to provide evidence that the work has been completed to the Council within a timescale specified by the Council. In the event that a proprietor fails to rectify any items requested by the Council (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 all the plates to the Council subject to any appeal period.

Insurance

3e.49 Certificates of insurance are required in accordance with the following requirements:

- The vehicle must have a valid certificate of insurance for private hire including proof of Public Liability insurance for a minimum of £5,000,000, throughout the licence period. Insurance stating covered for public hire will not be accepted for private hire vehicles;
- Certificates of insurance or cover notes issued to cover "any vehicle" or "any driver" must be accompanied by a schedule showing all the vehicles and drivers covered by the insurance as detailed in the certificate of insurance.
- Where a vehicle is insured by a proprietor and the proprietor allows another licensed Shropshire Council driver to drive their vehicle, or any vehicle is insured under a fleet insurance, the proprietor (as the policy holder) is responsible for ensuring that the driver of that vehicle is aware of the content of the policy, including its limitations and exclusions, and that the proprietor keeps records to this effect.
- Where an insurance cover note is provided a full certificate of insurance must be produced to the Council within 7 days of the certificate being received by the owner of the vehicle.
- With respect to a licensed vehicle, in the event that a proprietor fails to present to the Council a valid certificate of insurance 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 private hire vehicle to return all the plates to the Council subject to any appeal period.
- The proprietor 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.

V5 registration certificate

- 3e.50 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 and proof of purchase must be produced. Where possible a full copy of the previous owners V5 registration certificate should be obtained and submitted alongside the V5/2 green section.
- 3e.51 A full V5 registration certificate and proof of purchase must be produced upon transfer of a vehicle licence. Where possible a full copy of the previous owners V5 registration certificate should be obtained and submitted alongside the V5 green section.
- 3e.52 Where the green section has been produced on first licensing the vehicle, a full V5 registration certificate 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.
- 3e.XX Where a licence is issued in advance of a full V5 registration certificate being received and where upon receipt of a full V5 registration certificate information is contained that indicates that a vehicle has, since the date of first registration, been recorded by the DVLA as having sustained structural damage resulting from a road traffic accident, as set out in paragraph 3b.XX, the licence will be subject to review by the Councils Licensing Panel.

Renewal of a licence

- 3e.53 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 the private hire vehicle in these circumstances.
- 3e.54 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 vehicle licence application which will be processed in accordance with the Council's new application procedures.

Renewal application process

- 3e.55 The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee.
- 3e.xx The full fee for the licence is payable at the time the application is submitted. (This includes any application to transfer a vehicle licence onto another vehicle)

- 3e.xx 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. If the applicant fails to provide all the information to complete the application, the application will be rejected.
- 3e.XX Once an application has been accepted by the Licensing Team as a valid application the application process must be completed within 6 months unless prevented from doing so by matters that are outside the applicant's control. Where an application is not completed within this timescale the application will be referred to the Licensing Panel for determination. The Licensing Panel will consider each case on its own individual merits and will determine what action is appropriate and proportionate to the circumstances of the case.
- 3e.56 Any person wishing to renew a licence for a novelty private hire vehicle must submit:
- a completed application form;
 - the appropriate licence fee;
 - evidence of their right to work in the UK in accordance with the Home Office requirements (unless the applicant is the holder of a hackney carriage and private hire drivers licence issued by Shropshire Council on or after 1st December 2016 - see <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks> for additional information);
 - a basic criminal record disclosure from the Disclosure and Barring Service, unless the applicant is the holder of a hackney carriage and private hire drivers licence or private hire operators licence issued by Shropshire Council (applicants can apply to <https://www.gov.uk/request-copy-criminal-record>). A basic criminal record disclosure will only be accepted by the Council within 12 months of the date of issue from the Disclosure and Barring Service;
 - Evidence of compliance through the Single Vehicle Approval Scheme (SVA) or Individual Vehicle Approval Scheme (IVA);
 - Documentation recording the overall weight of the vehicle (as displayed on the vehicle);
 - a valid MOT (in accordance with the requirements set out at paragraph 3e.61 below);
 - a valid certificate of insurance for private hire including proof of Public Liability insurance for a minimum of £5,000,000, insurance stating covered for public hire will not be accepted for private hire vehicles (in accordance with the requirements set out at paragraph 3e.62 below);
 - 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 Equipment 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 certificate/report confirming that all the fittings are intact and are free from damage and wear.

3e.XX Once an application has been validated and accepted, the Council will

- Make enquiries 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

3e.57 **NB** For partnerships or companies, the requirements set out in paragraphs 3e.6 to 3e.22 apply to all partners and directors/company secretaries.

3e.58 Where an application is received to change the proprietor of a novelty private hire vehicle licence (transfer of licensee), the new proprietor must fulfil the requirements as set out in paragraphs 3e.6 to 3e.22 above.

3e.60 Providing the above are satisfied, Officers will grant the licence. In all other cases, the application will be referred to the Licensing Panel for determination. The applicant will be notified in writing if their application is to be determined by the Licensing Panel.

MOT requirements¹³

3e.61 MOTs are required in accordance with the following requirements:

- Vehicles, up to 9 years from date of first registration, 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, in addition to the MOT certificate submitted with an application, it must have two other 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 proprietor.
- The vehicle must have a valid MOT throughout the licence period.
- With respect to a licensed vehicle, in the event that a proprietor fails 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 novelty private hire vehicle to return all the plates to the Council subject to any appeal period.

¹³ The requirement to submit an MOT will be in accordance with section 50 of the Local Government (Miscellaneous Provisions) Act 1976

- Shropshire Council reserves the right to require proprietors to rectify any items listed under minor or advisory information on an MOT certificate and to provide evidence that the work has been completed to the Council within a timescale specified by the Council. In the event that a proprietor fails to rectify any items requested by the Council (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 all the plates to the Council subject to any appeal period.

Insurance

3e.62 Certificates of insurance are required in accordance with the following requirements:

- The vehicle must have a valid certificate of insurance for private hire including proof of Public Liability insurance for a minimum of £5,000,000, throughout the licence period. Insurance stating covered for public hire will not be accepted for private hire vehicles;
- Certificates of insurance or cover notes issued to cover “any vehicle” or “any driver” must be accompanied by a schedule showing all the vehicles and drivers covered by the insurance as detailed in the certificate of insurance.
- Where a vehicle is insured by a proprietor and the proprietor allows another licensed Shropshire Council driver to drive their vehicle, or any vehicle is insured under a fleet insurance, the proprietor (as the policy holder) is responsible for ensuring that the driver of that vehicle is aware of the content of the policy, including its limitations and exclusions, and that the proprietor keeps records to this effect.
- Where an insurance cover note is provided a full certificate of insurance must be produced to the Council within 7 days of the certificate being received by the owner of the vehicle.
- With respect to a licensed vehicle, in the event that a proprietor fails to present to the Council a valid certificate of insurance 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 private hire vehicle to return all the plates to the Council subject to any appeal period.
- The proprietor 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.

Vehicle compliance process

3e.63 Once an application has been validated and accepted a member of the Licensing Team will the applicant to arrange a vehicle compliance appointment. At the appointment a vehicle will be subject to a compliance check to ensure:

- that where the vehicle is sufficiently equipped for the provision of one reference wheelchair that the driver presenting the vehicle is capable of safely loading and securing the wheelchair into the vehicle;

- that where fitted the meter seal is intact and the serial number matches the number provided in the meter calibration certificate. Where a meter seal has been tampered with and/or the serial number no longer matches a new certificate/report to confirm the vehicle is fitted with a taximeter in accordance with the requirements set out at paragraph 3e.47;
- the vehicle has a full size spare wheel or space saver design wheel and the tools to change a wheel OR a contract with a mobile tyre replacement specialist
- at least one no smoking sign is on display in the vehicle
- that where a vehicle is wheelchair accessible a sign confirming the wheelchair accessibility is clearly displayed
- the drivers Internal 'Vehicle Copy' of drivers badge is displayed ensuring that the licence details and photo are visible
- Where CCTV is fitted, a CCTV operating in this vehicle sign is on display in the vehicle

3e.64 For wheelchair accessible vehicles only, photographs of the vehicle, including seating, wheelchair restraint and ramp, will be taken and held on the vehicle record file for future reference

3e.65 Vehicle proprietors are required to return the existing licence plate (renewal/transfer vehicles only) at the compliance appointment. Where officers are satisfied that the vehicle meets the compliance checks, the new licence plates will be issued. If, however, the vehicle does not meet the compliance check, advice will be provided and a further appointment arranged.

Transfer of a licence (Change of vehicle)

3e.66 All requests to transfer a vehicle licence (change of vehicle) onto another vehicle will be treated as a new vehicle application (in accordance with the requirements set out at paragraphs 3e.41 to 3e.46).

3e.XX Where a proprietor has notified the Council that damage has occurred to a novelty private hire vehicle, resulting in the transfer of licence to a temporary insurance replacement vehicle, proprietors will be required to provide evidence to demonstrate the damage which has occurred to the vehicle, i.e. insurance assessors report.

3e.XX Where the vehicle has sustained damage to the structure which may affect the safety of passengers being carried in the vehicle, any documents provided to meet the safety requirements of the policy as part of the previous application process (i.e. SVA certificate or IVA certificate) may be invalid. In these circumstance the Council will require the proprietor to submit the vehicle for a new basic voluntary IVA check and provide a valid IVA 6 certificate to the Licensing Team before the licence can be transferred back to the original vehicle.

Vehicle not fit for the conveyance of passengers

3e.68 Where a proprietor has notified the Council that damage has occurred to a vehicle, otherwise than in accordance with relevant road traffic legislation, the Council may

require photographic evidence of the damage or for the vehicle to be presented for inspection by an authorised officer of the Council.

- 3e.69 If the authorised officer determines that a vehicle is not fit for the purpose of conveying passengers an authorised officer of the Council may at that time suspend the licence and require the proprietor of the vehicle to return all the vehicles plates to the Council. 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.
- 3e.70 The officer may require the proprietor to arrange for a further MOT test, or in respect of wheelchair accessible vehicles a basic voluntary IVA 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

- 3e.71 Proprietors may advertise on novelty private hire vehicles in accordance with the conditions set out at **Appendix L**. This is subject to prior written approval from the Council.

Closed circuit television (CCTV)

- 3e.72 Proprietors of private hire vehicles are encouraged 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.
- 3e.73 Proprietors of private hire vehicles must register with the Information Commissioners Office (ICO) and maintain a valid registration throughout the duration of the licence or until such a time as the CCTV has been removed from the licensed vehicle.

Trailers

- 3e.74 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 M** are complied with at all times.

Meters

- 3e.75 Novelty 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 Shropshire Council certificate/report of compliance (the Council will only accept a certificate that has been issued within the previous 10 working days).

Parking/waiting

- 3e.76 Where a driver is illegally parked or creating an obstruction, i.e. in contravention of road traffic legislation and traffic regulation orders (this does not include a legitimate period of time where a novelty 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

- 3e.77 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.
- 3e.78 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.
- 3e.79 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
- 3e.80 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.

Production of records/documents

- 3e.81 Any records required to be retained in accordance with the licence and licence conditions must be produced, on request, to any authorised officer of the Council or to any police officer.

Licence conditions

3e.82 The applicable conditions relevant to a novelty private hire vehicle licence are set out at **Appendix F**; these conditions must be complied with. These conditions are in addition to any matters set out within the main body of the Policy.

Main legal requirements

3e.XX Paragraphs 3e.83 to 3e.90 is not exhaustive and unless otherwise specified please refer to the Local Government (Miscellaneous Provisions) Act 1976 for a full list of legal requirements, offences and the maximum penalty upon conviction.

3e.83 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.

3e.84 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.

3e.85 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.

3e.86 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.

3e.87 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.

3e.88 Return of identification plates

Where a licence is revoked, suspended or expires, the proprietor, when required by the Council to do so must return all the identification plates within 7 days.

3e.89 Transporting children

As a minimum, private hire vehicles must be capable of complying with the requirements set out in the table below, for further guidance see <https://www.gov.uk/child-car-seats-the-rules/when-a-child-can-travel-without-a-car-seat>.

	Front seat	Rear seat	Who is responsible?
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APPENDIX B

Child up to 3 years	Correct child restraints 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**
Child from 3rd birthday to 12th birthday or 135 cm in height whichever they reach first	Correct child restraints 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**
Child over 135 cm in height or 12 or 13 years old	Seat belt must be worn if available*	Seat belt must be worn if available.	Driver**
Passengers aged 14 years and over	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.

3e.90 Ranks/stands

A novelty private hire vehicle must not wait (stop or park) on any rank/stand.

3f.

PRIVATE HIRE OPERATORS

Summary

- 3f.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.

Applicant

- 3f.2 All applicants (including sole traders, partnerships and companies) for a private hire operator licence must prove that they are a fit and proper person to hold an operator licence.

Fit and proper person

- 3f.3 Licensed private hire operators provide a public service and have a direct impact on public safety. On this basis, the Council will not licence anyone as a private hire operator unless it is satisfied that they meet all the criteria to be deemed a fit and proper person.
- 3f.4 Applicants for a private hire operator licence who hold a valid Shropshire Council hackney carriage/private hire drivers licence
- 3f.5 The Council adopts the same principles when determining whether an applicant is a fit and proper person to hold a private hire operator 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.19 of the Policy.
- 3f.6 Applicants for a private hire operator licence who do not hold a valid Shropshire Council hackney carriage/private hire drivers licence
- 3f.7 In considering the fit and proper person test, all applicants on initial application must provide a basic criminal record disclosure from the Disclosure and Barring Service. All applicants on renewal must provide a basic criminal record disclosure that has been issued by the Disclosure and Barring Service within the previous 12 months of the date that the application is received by the Council. On new and renewal applications 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 Wolverhampton City 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.
- 3f.8 With specific reference to existing licence holders, where there is any cause for a licence to be reviewed, the Council will 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 Wolverhampton City 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 licence holders fitness to hold a licence as is reasonably practicable. Depending on the circumstances of the case, the Council may request the licence holder to consent to a further basic criminal record disclosure, 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.

- 3f.9 When assessing the fitness of an applicant to hold a private hire operators 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.
- 3f.10 In addition, an important element associated with the fitness to hold a licence is the appearance (be clean and respectable in their dress and person and maintain a high standard of personal hygiene) and behaviour of an applicant. Consequently, the Council requires all applicants to maintain a reasonable standard of appearance and behaviour when in contact and dealing with 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, Council officers and elected members at all times. Applicants must also co-operate with any reasonable request made by an authorised officer of the Council or any police officer.
- 3f.11 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 applicants were directly engaged in hackney carriage or private hire licensed work at the time or whether they occurred during the applicants' own personal time. The Council considers a person or individual who has a propensity to commit offences and/or demonstrate unacceptable conduct whilst not engaged in hackney carriage or private hire work to be equally as serious as offences and/or unacceptable conduct committed whilst engaged in hackney carriage or private hire work.

Criminal record disclosure

- 3f.12 All convictions, including cautions, will be taken into account when considering a person's suitability to hold a licence. Consequently, applicants are required to provide details of all convictions and cautions, including driving endorsements (driving convictions) and disqualification periods relating to traffic offences.
- 3f.13 Although cautions are generally not as serious as convictions, ordinarily as a result of the circumstances under which they are offered, they do require an admission of guilt

before they can be issued which is equivalent to a guilty plea on prosecution. Consequently, a caution is regarded in exactly the same way as a conviction. Fixed penalties, community resolutions or similar sanctions will also be considered in the same way as a conviction on the basis that payment of a fixed penalty indicated an acceptance of guilt and a community resolution can only be imposed following an admission of guilt. As a result, each of these sanctions is 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.

- 3f.14 A criminal record does not automatically bar an applicant from holding a 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 I**. However, the over-riding consideration will always be to ensure the safety and welfare of the public.
- 3f.15 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. 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 or by post at the FCO, King Charles Street, London, SW1A 2AH.
- 3f.16 Applicants who have spent six continuous months or more living outside the United Kingdom, during the period of their licence, will be required to produce a certificate of good conduct or equivalent document at their own cost. This certificate must be issued by the relevant Embassy or High Commission for the country or countries lived in during this period and meet the requirements as set out at 3f.15 above.

Right to work

- 3f.XX The Immigration Act 2016 amended existing licensing requirements in the UK to prevent illegal working in the hackney carriage and private hire licensing trade. With effect from 1 December 2016, the provisions in the Immigration Act 2016 prohibits all licensing authorities across the UK from issuing a licence to anyone who is disqualified by reason of their immigration status.
- 3f.XX All applicants must provide evidence of their right to work in the UK in accordance with the Home Office requirements. For further information see: <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks> for additional information

Non-conviction information

- 3f.17 In addition to conviction/caution information, applicants are expected to provide details, within 72 hours of all warnings, driving endorsements (driving convictions)/disqualification periods relating to traffic offences, fixed penalties, penalty charge notices, community resolutions 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.
- 3f.18 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.
- 3f.19 Where there is evidence/information that an applicant has been arrested or charged but not convicted of offences and 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

- 3f.20 Operator licences will be issued for a period of five years or for such lesser period as the Council think appropriate in the circumstances of the case.

Drivers of executive private hire vehicles

- 3f.21 Operators are encouraged to ensure that executive drivers undertake an advanced motoring qualification.

Application process

- 3f.22 The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee.
- 3f.xx The full fee for the licence is payable at the time the application is submitted.
- 3f.xx 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. If the applicant fails to provide all the information to complete the application, the application will be rejected.

3f.XX Once an application has been accepted by the Licensing Team as a valid application the application process must be completed within 6 months unless prevented from doing so by matters that are outside the applicant's control. Where an application is not completed within this timescale the application will be referred to the Licensing Panel for determination. The Licensing Panel will consider each case on its own individual merits and will determine what action is appropriate and proportionate to the circumstances of the case.

New applications

3f.23 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);
- a completed reference form (NB the referees must be from either professional or business sources who have known the applicant for at least two years. In addition, the Council will not accept references from family members, drivers, operators, vehicle proprietors licensed with any local authority or, where relevant, the applicant's future employer unless there is satisfactory evidence of exceptional circumstances that are accepted by the Council). The Council reserves the right to refuse a reference where the Council deems the referee is not acceptable;
- the appropriate licence fee;
- evidence of their right to work in the UK in accordance with the Home Office requirements (where the application relates to a partnership or a company, the evidence must be provided for all partners, directors/company secretaries, as appropriate – see <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks> for additional information);
- a basic criminal record disclosure from the Disclosure and Barring Service, unless the applicant is the holder of a hackney carriage and private hire drivers licence issued by Shropshire Council (applicants can apply to <https://www.gov.uk/request-copy-criminal-record>). A basic criminal record disclosure will only be accepted by the Council within 12 months of the date of issue from the Disclosure and Barring Service;
- proof that the person nominated in the application form as the Designated Person (DP) has completed the Council's hackney carriage and private hire drivers and operators course on Raising Awareness of Safeguarding Children and Adults with Care and Support Needs or equivalent; and
- a business plan/model.

3f.XX Once an application has been validated and accepted, the Council will

- Make enquiries 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
- Write to the referees provided

3f.24 **NB** For partnerships or companies, the requirements set out in paragraphs 3f.3 to 3f.19 apply to all partners and directors/company secretaries.

3f.25 Providing the above are satisfied and there are no other concerns about the application, Officers will grant the licence. In all other cases, the application will be referred to the Licensing Panel for determination. The applicant will be notified in writing if their application is to be determined by the Licensing Panel.

Renewal applications

3f.26 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;
- evidence of their right to work in the UK in accordance with the Home Office requirements (where the application relates to a partnership or a company, the evidence must be provided for all partners, directors/company secretaries, as appropriate – see <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks> for additional information);
- a basic criminal record disclosure from the Disclosure and Barring Service, unless the applicant is the holder of a hackney carriage and private hire drivers licence issued by Shropshire Council (applicants can apply to <https://www.gov.uk/request-copy-criminal-record>). A basic criminal record disclosure will only be accepted by the Council within 12 months of the date of issue from the Disclosure and Barring Service;
- proof that the person nominated in the application form as the Designated Person (DP) has completed the Council's hackney carriage and private hire drivers and operators course on Raising Awareness of Safeguarding Children and Adults with Care and Support Needs or equivalent; and
- a list of the vehicles and drivers which they operate.

3f.XX Once an application has been validated and accepted, the Council will

- Make enquiries 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

3f.27 **NB** For partnerships or companies, the requirements set out in paragraphs 3f.3 to 3f.19 apply to all partners and directors/company secretaries.

3f.28 Providing the above are satisfied and there are no other concerns about the application, Officers will grant the licence. In all other cases, the application will be referred to the Licensing Panel for determination. The applicant will be notified in writing if their application is to be determined by the Licensing Panel.

Contracting of private hire drivers and employment of other staff

- 3f.29 An operator is deemed to be responsible for the actions of any manager, supervisor, office based administrative and telephony staff, contracted private hire drivers or any other person appointed to run or play any part in the private hire operator business, whilst undertaking work for or behalf of the operator.
- 3f.30 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 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.19 of this Policy.
- 3f.31 An operator must make and retain individual records of the steps they have taken to demonstrate how they are satisfied that an individual, including all private hire drivers, managers, office based administrative and telephony staff and agency staff, is a fit and proper person. These steps must include, but are not restricted to:
- face to face interviews with individuals;
 - checks to ensure that the information provided by applicants is verified;
 - independent professional and character references are requested and scrutinised;
 - identity checks, right to work in the UK checks, national insurance number checks and relevant qualifications checks (if any) are verified as original documents;
 - checks on previous employment history and experience;
 - steps that are taken to verify that the individual has the health and physical capacity for the role; and
 - a record of any discrepancies or anomalies, how they have been investigated and satisfactorily resolved.
- 3f.32 An operator is responsible for ensuring that all new managers, office based administrative and telephony staff and agency staff¹⁴ have undertaken a basic criminal record check from the Disclosure and Barring Service (applicants can apply to <https://www.gov.uk/request-copy-criminal-record>) in order to satisfy the Council's 'fit and proper person' test as referred to in **Appendix I**.
- 3f.33 An operator is responsible for ensuring that all managers, office based administrative and telephony staff and agency staff continue to satisfy the 'fit and proper' test and where they have spent six continuous months or more living outside the United Kingdom, during the period of their employment, operators must ensure that each member of staff produces a certificate of good conduct or equivalent document at their own cost. This certificate must be issued by the relevant Embassy or High Commission for the country or countries lived in during this period. The operator must retain the certificate on an individual's record file.

¹⁴ Operators are responsible for ensuring that the agency has undertaken the necessary checks to satisfy the requirements of 3f.31

- 3f.34 An operator is responsible for ensuring that 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 H** and is based on relevant legislation and case law.
- 3f.35 An operator is responsible for ensuring that all private hire drivers, managers, office based administrative and telephony staff and agency staff have undertaken training in the General Data Protection Regulations (GDPR) and the Equality Act 2010.
- 3f.36 An operator is responsible for ensuring that all managers, office based administrative and telephony staff and agency staff have undertaken training in awareness of child related exploitation (including sexual exploitation), hate crime, equalities, in particular as it relates to disabilities, and modern day slavery and trafficking.
- 3f.37 An operator is responsible for ensuring that all managers, office based administrative and telephony staff and agency staff afford all customers and prospective customers the highest level of customer service and care.
- 3f.38 An operator is responsible for ensuring that all private hire drivers, managers, office based administrative and telephony staff and agency staff are fully aware that their individual training records file will be made available, on request, to an authorised officer of the Council or to a police officer.
- 3f.39 An operator is responsible for ensuring drivers do not work excessively long hours and put the safety of themselves and their passengers at risk. The Council strongly recommends that operators monitor the hours that a driver works and ensures adequate breaks and rest periods are taken. To this end, operators must have regard to the European Union (EU) rules on driver hours and working time.

Designated person

- 3f.40 Operators must have a suitably trained Designated Person (DP) with specific responsibility for safeguarding and promoting matters of equality, through relevant policies.
- 3f.41 The DP is responsible for ensuring:
- that they are available to receive any matters of concern which may relate to the safety of children and adults with care and support needs
 - that they actively promote equalities in general and specifically in relation to hate crime and disability matters
 - that any matters of concern reported to them are forwarded to the relevant authorities

- 3f.42 Operators licensed prior to the commencement of this Policy must ensure that the DP completes the Council's hackney carriage and private hire drivers and operators safeguarding awareness course on Raising Awareness of Safeguarding Children and Adults with Care and Support Needs or equivalent (operators are advised to check with the Council prior to booking a course to ensure that the course meets Shropshire Safeguarding Children Board requirements) by 31st March 2020 and provide written evidence of satisfactory completion of this training to the Council.
- 3f.43 Operators licenced after the commencement of this policy must ensure that the DP completes the Council's hackney carriage and private hire drivers and operators safeguarding awareness course on Raising Awareness of Safeguarding Children and Adults with Care and Support Needs or equivalent (operators are advised to check with the Council prior to booking a course to ensure that the course meets Shropshire Safeguarding Children Board requirements) and provide written evidence of satisfactory completion of this training to the Council.
- 3f.44 Where a new person is appointed as a DP, the operator is responsible for ensuring that the new DP completes the Council's hackney carriage and private hire drivers and operators safeguarding awareness course on Raising Awareness of Safeguarding Children and Adults with Care and Support Needs or equivalent (operators are advised to check with the Council prior to booking a course to ensure that the course meets Shropshire Safeguarding Childrens Board requirements) within six weeks of commencement in the role of DP and provide written evidence of satisfactory completion of this training to the Council.
- 3f.45 Operators are responsible for ensuring that the DP satisfactorily completes a safeguarding awareness course every two years and proof of completion of a course must be provided to the Council.
- 3f.46 Failure to complete this training, in accordance with the requirements of paragraphs 3f.42 to 3f.45 above, will permit the Council to refuse to grant/refuse to renew a private hire operator licence or, in the case of an existing licence, will result in the matter being referred to the Licensing Panel for a decision as to whether the private hire operator licence ought to be suspended or revoked.

Operator trading name and telephone number

- XXXX An operator's name and/or trade name must be approved by the Council. This name will appear on the operator's licence issued by the Council.
- XXX The name must not include the words 'taxi' or 'cab' in the singular or plural or the word 'hire' unless the word 'hire' forms part of the trading name.
- XXX An operator may only include the word 'executive' in the trading name where the operator provides an executive service with licensed executive private hire vehicles.
- XXX An operator must provide a telephone number to be used for the receipt of bookings. This telephone number will appear on the operator's licence issued by the Council.

Operator premises

- 3f.47 The Council will grant an operator licence in the absence of the appropriate planning consent required to operate the business; however, applicants are strongly advised to demonstrate to the Council that they do have/are obtaining the appropriate planning consent if required.
- 3f.48 The Council will only grant operator licences applicable to the physical premises from which the operator business will be run.
- 3f.49 The Council will not grant an operator licence to apply to any physical premises that falls outside the administrative area of Shropshire Council.
- 3f.50 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 suspending or revoking the operator licence.

Cross-border hiring

- 3f.XX Where an operator who is licensed by Shropshire Council knowingly makes arrangements for drivers of their fleet (who are licensed by the Council and drive vehicles that are also licensed by the Council) to exclusively or predominantly go to areas outside the administrative area of Shropshire Council, the Council will consider refusing or revoking the operator's licence on the ground that the operator is undermining local licensing control, which threatens public safety and, where relevant, undermines other Council aspirations.

Insurance

- 3f.51 Any premises that provide access to members of the public must be covered by Public Liability insurance for a minimum of £5,000,000.
- 3f.52 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.
- 3f.53 Where any vehicle is insured under a fleet insurance, an operator (as the policy holder) is responsible for ensuring that the driver of that vehicle is aware of the content of the policy, including its limitations and exclusions, and that they keep records to this effect.

Standards of service

- 3f.54 The Council is concerned to ensure the safety and protection of consumers.
- 3f.55 The Council considers that where the hirer of a private hire vehicle has booked a journey through a Shropshire Council licensed operator, it is the hirer's intention that a Shropshire Council licensed vehicle will fulfil this booking.

~~3f.56 Where bookings are made, this includes but is not restricted to bookings through an app, online, by telephone and received through other electronic means, e.g. "taxi butler", the operator must ensure that in the first instance the booking is fulfilled by a Shropshire Council licensed driver and vehicle.~~

~~3f.57 Once a booking has been accepted by an operator, if, due to unforeseen circumstances, the operator has a requirement to sub-contract the booking, agreement to accept the sub-contracted vehicle must be reached with the hirer as soon as reasonably practicable prior to the commencement of the journey.~~

3f.58 Operators have a duty to ensure that their fare structure is transparent and made available. Operators are encouraged to inform customers, at the point of booking, and prior to the booking being accepted as to the fare that will be charged for the journey.

Record keeping

3f.59 Operators must keep records in accordance with the conditions attached to their licence. The conditions of licence as detailed in **Appendix G**, paragraphs 1.34 to 1.36 are associated with bookings made by telephone, online, app, Interactive Voice Response (IVR) or other electronic means, e.g. "taxi butler". If an operator intends to use an alternative booking system the requirements of paragraphs 1.34 to 1.36 still apply.

3f.60 Such records must be produced when requested by an authorised officer of the Council or a police officer. Operators must produce, when requested by an authorised officer of the Council or a police officer, any information necessary to assist in the prosecution of criminal offences, e.g. witness statement.

Vehicle not fit for the conveyance of passengers

3f.61 Where an operator has notified the Council that damage has occurred to a vehicle, otherwise than in accordance with relevant road traffic legislation, the Council may require photographic evidence of the damage or for the vehicle to be presented for inspection by an authorised officer of the Council.

Closed circuit television (CCTV)

3f.64 Operators are encouraged 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.

3f.65 Operators must register with the Information Commissioners Office (ICO) and maintain a valid registration throughout the duration of the operators licence or until such a time as the CCTV system has been removed from the premises.

Licence conditions

- 3f.66 Applicable conditions relevant to a private hire operator licence are set out at **Appendix G**. These conditions must be complied with.

List of Designated Wheelchair Accessible Vehicles

- 3f.67 Section 167 of the Equality Act 2010 permits local authorities to maintain a designated list of wheelchair accessible vehicles. Shropshire Council has taken the decision to maintain such a list.
- 3f.68 All wheelchair accessible vehicles will be included within the Council's list of designated vehicles.
- 3f.69 Section 166 of the Equality Act 2010 allows for drivers to apply for an exemption from the duties listed under section 165 of the Act on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for them to comply with those duties. For further information see paragraphs 3a.56 to 3a.60.
- 3f.70 Operators have a responsibility to ensure that any Shropshire Council licensed driver who drives one of their wheelchair accessible vehicles is made aware of their duties in respect of carrying disabled persons in wheelchairs when driving a licensed wheelchair accessible vehicle and failure to comply with those duties is a criminal offence under section 165 of the Equality Act 2010.
- 3f.72 The list will contain details of the make and model of the vehicle and will state the operator name.

Main legal requirements

- 3f.XX Paragraphs 3f.73 to 3f.76 is not exhaustive and unless otherwise specified please refer to the Local Government (Miscellaneous Provisions) Act 1976 for a full list of legal requirements, offences and the maximum penalty upon conviction.**

- 3f.73 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 or sub-contracted the booking.

- 3f.74 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.

- 3f.75 All original supporting documentation provided upon application must be retained for the duration of the licence period and must be produced, on request, to any authorised officer of the Council or to any police officer.

- 3f.76 Transporting children

APPENDIX B

As a minimum, operators must ensure the vehicles they operate are capable of complying with the requirements set out in the table below, for further guidance see <https://www.gov.uk/child-car-seats-the-rules/when-a-child-can-travel-without-a-car-seat>.

	Front seat	Rear seat	Who is responsible?
Child up to 3 years	Correct child restraints 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**
Child from 3rd birthday to 12th birthday or 135 cm in height whichever they reach first	Correct child restraints 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**
Child over 135 cm in height or 12 or 13 years old	Seat belt must be worn if available*	Seat belt must be worn if available.	Driver**
Passengers aged 14 years and over	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 or any other relevant local authorities (particularly Telford & Wrekin Council and Wolverhampton City Council) and the police. Failure to do so may lead to the suspension or revocation of a drivers licence, vehicle licence or private hire operator licence.
- 4.2 The Council will work closely with other enforcement authorities, particularly Telford & Wrekin Council and Wolverhampton City Council, when dealing with licensed and unlicensed vehicles and drivers, particularly concerning cross-boundary related issues.
- 4.3 Licence holders are strongly encouraged to cooperate with authorised officers of the Council, officers from all other local authorities and any police officer. Failure to cooperate may lead to the suspension or revocation of a drivers licence, vehicle licence or private hire operator 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

[A full list of consultees will be added at the end of the consultation]

PROPOSED POLICY

PART 6

LICENSING CONTACT DETAILS

PART 6 – LICENSING CONTACT DETAILS

Contact details

- 6.0 For information, advice and guidance relating to hackney carriage and private hire licensing please contact:

Licensing
Public Health
Shropshire Council
Abbey Foregate
Shrewsbury
Shropshire
SY2 6ND
Tel: 0345 678 9046
Email: taxis@shropshire.gov.uk

Website: <https://shropshire.gov.uk/licensing/licensing-types/taxis/>

Licence Fee Payments

- 6.1 Payments for licensing related fees can be made:

- Telephone: 0345 678 9046
- On line: <https://shropshire.gov.uk/pay/>

APPENDICES

PROPOSED POLICY

APPENDIX A

**SAFEGUARDING OF
CHILDREN, YOUNG
PERSONS AND
ADULTS WITH CARE
AND SUPPORT
NEEDS**

SAFEGUARDING OF CHILDREN, YOUNG PEOPLE AND ADULTS WITH CARE AND SUPPORT NEEDS

Introduction

- 1.0 Set out below is information for hackney carriage and private hire drivers, vehicle proprietors and operators to help them report, to the relevant authorities, matters of concern that could relate to the safety of children, young people and adults with care and support needs, particularly as it relates to child sexual exploitation, abuse, modern slavery and human trafficking.

General information

- 1.1 Shropshire Council's Licensing Service is helping to tackle child sexual exploitation, abuse, modern slavery and human trafficking by working together with key partners particularly West Mercia Police, Children and Adult Services within the Council, the Safeguarding Children Board and the Keeping Adults Safe in Shropshire Board. The Boards also work with the police, children's and adults social care, schools, health services and the youth offending team, as well as specialist child sexual exploitation organisations such as the child sexual exploitation National Working Group (NWG) Network.
- 1.2 Through agencies working together and sharing information, we aim to identify and prevent sexual exploitation, modern slavery and human trafficking to protect children, young people and adults with care and support needs and disrupt the activities in order to prosecute perpetrators of abuse.
- 1.3 Sharing information with West Mercia Police and Children's and Adults Social Care helps to protect children, young people and adults with care and support needs from harm.

How hackney carriage and private hire vehicle drivers and private hire operators and vehicle proprietors can help tackle child sexual exploitation, abuse and modern slavery

- 1.4 Drivers of hackney carriages and private hire vehicles as well as private hire operators and vehicle proprietors are in a good position to help identify victims of sexual exploitation because, through the transport services they provide, drivers, operators and vehicle proprietors regularly come into contact with children, young persons and adults with care and support needs. This means that hackney carriage and private hire vehicle drivers and private hire operators and vehicle proprietors are in an ideal position to help protect people.
- 1.5 Safeguarding children, young people and adults with care and support needs is everyone's business and everyone's responsibility.

Child sexual exploitation

- 1.6 Sexual exploitation of children and young people 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, etc. as a result of them performing, and/or another or others performing on them, sexual activities. Violence, coercion and intimidation are commonly involved in such exploitative relationships.
- 1.7 Child sexual exploitation involves perpetrators grooming youngsters and using their powers to sexually abuse them. Sexual exploitation of children and young people can take many forms, whether it occurs through a seemingly 'consensual' relationship with an older boyfriend, or a young person having sex in return for attention, gifts, alcohol or cigarettes.
- 1.8 Child sexual exploitation is a crime that can affect any child, anytime, anywhere – regardless of their social or ethnic background.
- 1.9 In particular, drivers, proprietors and operators should ask themselves the following questions when picking up a fare or accepting a booking:
 - Does your customer appear to be under 18 years old?
 - Are they with a much older person and appear to be in a relationship?
 - Do you think that they are under the influence of alcohol or drugs?
 - Are you taking them to a hotel, party or secluded location? If so, ask yourself why?
 - Are children/young people being taken regularly to the same localities? If so, ask yourself why?
- 1.10 **If the answers to any of the questions above gives you even the slightest cause for concern, these concerns should be reported.**
- 1.11 **If you have reason to suspect that a child is being abused or at risk of abuse it is your responsibility to report your concerns to and share information with West Mercia Police (Tel: 101) and Children's Social Care (Tel: 0345 678 9021).**
- 1.12 Further information about Shropshire's Safeguarding Children Board can be found at: <http://www.safeguardingshropshireschildren.org.uk/>

Adults with care and support needs

- 1.13 An adult with care and support needs is someone who is in need of community care services due to disability, age or illness. They may be unable to take care of or protect themselves against significant harm or exploitation.
- 1.14 In particular, drivers, proprietors and operators should ask themselves the following questions when picking up a fare or accepting a booking:

- Has your customer got any physical signs of abuse or neglect?
- Are they a regular customer? Do you see changes in their behaviour or mood?
- A customer tells you they are having difficulties with someone else
- A customer tells you they have a worry about someone
- A customer tells you they have hurt a person
- A customer tells you something they have seen or heard
- Do you know something that causes concern about someone else's welfare?
- You see worrying behaviour towards someone

1.15 If the answers to any of the questions above gives you even the slightest cause for concern you may need to take urgent action to protect the adult.

1.16 Your first priority is with the adult, to make them safe (including reporting to the police if immediate action is required). Ideally, support the adult to take action to stop the abuse, if they need to raise a concern with Shropshire Council to help them stop the abuse support that person to contact the **First Point of Contact team on 0345 678 9044 Monday to Thursday, 9am to 5pm, and Friday 9am to 4pm.**

1.17 If you have urgent adult safeguarding concerns outside of these hours, please phone the Emergency Social Work Duty Team on 0345 678 9040

1.18 In an emergency contact the police (999) or non-emergency 101.

Modern slavery and human trafficking

1.19 Modern slavery is a crime and a violation of fundamental human rights and can take various forms such as slavery, servitude, forced and compulsory labour and human trafficking.

1.20 In particular, drivers, proprietors and operators should ask themselves the following questions when picking up a fare or accepting a booking:

- Is the victim in possession of a passport, identification or travel documents? Are these documents in possession of someone else?
- Does the victim act as if they were instructed or coached by someone else? Do they allow others to speak for them when spoken to directly?
- Was the victim recruited for one purpose and forced to engage in some other job? Was their transport paid for by facilitators, whom they must pay back through providing services?
- Does the victim receive little or no payment for their work? Is someone else in control of their earnings?
- Was the victim forced to perform sexual acts?
- Does the victim have freedom of movement?
- Has the victim or family been threatened with harm if the victim attempts to escape?
- Is the victim under the impression they are bonded by debt, or in a situation of dependence?
- Has the victim been harmed or deprived of food, water, sleep, medical care or other life necessities?

- Can the victim freely contact friends or family? Do they have limited social interaction or contact with people outside their immediate environment?
- 1.21 Report something suspicious you spot to police or other authorities - it could be at a house in your street where suddenly large numbers of young women have been moved in and which then receives visitors all times of day and night; a café, nail bar or car wash where workers seem reticent to engage, not appropriately dressed for their work or increasingly ill fed and unkempt.
- 1.22 If there is an immediate danger to the suspected victim or if you think that the suspected victim is under 18, inform the police and call 999 as a matter of urgency.
- 1.23 Modern Slavery Helpline: 0800 0121 700**
- 1.24 For **England and Wales**, please call our **24-hour confidential Referral Helpline** on **0300 303 8151** anytime of the day or night to refer a victim of trafficking or receive advice.

APPENDIX B

**HACKNEY CARRIAGE/
PRIVATE HIRE DRIVERS
LICENCE**

**CONDITIONS OF
LICENCE**

HACKNEY CARRIAGE/PRIVATE HIRE 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, community resolutions, fixed penalties or driving endorsements (driving convictions);
 - 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);
 - Allegations are made of their involvement in criminal activity;
 - A licence issued by DVLA on behalf of the Office of the Traffic Commissioner, i.e. Passenger Carrying Vehicle (PCV) licence, Public Service Vehicle (PSV), is suspended or revoked or if they receive a written warning; or
 - A licence issued by another Local Authority is suspended or revoked or if they receive a written warning.
- 1.4 It is the responsibility of the driver to notify their insurance company and the vehicle proprietor of any criminal offences relating to driving/motoring offences, fixed penalties or driving endorsements (driving convictions).

- 1.5 It is the responsibility of the driver to notify their private hire operator of any warnings, cautions, fixed penalties or driving endorsements (driving convictions) or criminal convictions/offences listed at 1.3 above.

Criminal record disclosure

- 1.6 Where a licence has been renewed and issued, subject to the receipt of a satisfactory enhanced DBS certificate, the applicant must provide the Council with the DBS certificate within 7 days of the date of receipt. Failure to do so ~~may~~will result in the driver's licence being suspended or revoked.
- 1.7 Drivers must subscribe to the DBS Update Service, within 30 calendar days of the DBS certificate being issued, when an existing licence is first renewed after the date the Policy comes into force.

Travelling abroad

- 1.8 Applicants must notify the Council when it is their intention to reside outside of the United Kingdom for six continuous months or more prior to travel.
- 1.9 Applicants must notify the Council as soon as is reasonably practicable where travel plans are extended resulting in an applicant residing outside of the United Kingdom for six continuous months or more.
- 1.10 Applicants who have spent six continuous months or more living outside the United Kingdom, during the period of their licence must produce a certificate of good conduct or equivalent document (at their own cost). This certificate must be issued by the relevant Embassy or High Commission for the country or countries lived in during this period and meet the requirements as set out at 3a.15 of the Policy.

Driver's badge and licence

- 1.11 Drivers must display the 'Vehicle Copy'~~duplicate~~ driver's badge, issued by the Council, in the adhesive holder provided on the inside of the windscreen of the vehicle so as to be plainly visible at all times to fare paying passengers.
- 1.12 Loss of a driver's badge must be reported immediately 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.

Production of records/documents

- 1.13 All original supporting documentation provided upon application must be retained for the duration of the licence period and must be produced, on request, to any authorised officer of the Council or to any police officer.

Insurance

- 1.14 It is the responsibility of a driver with a drivers licence to ensure they are correctly insured to drive the vehicle.

Conduct

1.15 The driver **MUST**, at all times when working as a hackney carriage and private hire driver:

- 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. A driver must demonstrate that they are licensed to undertake hackney carriage or private hire work by willingly showing their driver's badge to passengers, an authorised officer or any police officer.
- Be clean and respectable in their dress and person and maintain a high standard of personal hygiene, (i.e. the council considers unacceptable attire to include, but is not restricted to, vests, shorts that sit above the knee, tracksuit bottoms).
- When driving an executive licensed private hire vehicle be dressed appropriate to the occasion and as a minimum standard shall wear suit, shirt and tie.
- 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.
- Co-operate with any reasonable request made by an authorised officer of the Council or any police officer
- Ensure that they do not work excessively long hours and take adequate breaks and rest periods.
- 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.
- Convey a reasonable amount of luggage/other items, e.g. suitcases, shopping bags etc., and afford reasonable assistance in the loading and unloading of any luggage/other items.
- 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.

1.16 The driver **MUST NOT**, at any time when working as a hackney carriage and private hire driver:

- Use aggressive, offensive, racist, homophobic, transphobic, abusive, profane or insulting language or behaviour.
- Use or allow to be used a vehicle for illegal or illicit purposes
- Smoke or permit passengers to smoke in their vehicle (this includes electronic cigarettes and vaping).
- 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.
- Leave the vehicle with the engine running when waiting between journeys.
- 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, rank/stand or public place or venue.
- Obstruct other drivers/vehicles from undertaking their normal hiring and driving activities.

Plying for hire

1.17 The driver **MUST NOT**, at any time when working as a private hire driver:

- Take fares that have not been pre-booked through their licensed private hire operator
- Make a booking on behalf of a prospective passenger (who they are not already carrying as part of a pre-booked journey), e.g. via their radio or mobile telephone.

Duties placed on drivers of licensed wheelchair accessible vehicles

1.18 The driver **MUST**, at all times when working as a hackney carriage and private hire driver and driving a designated wheelchair accessible vehicle:

- carry the passenger while in the wheelchair
- carry the passenger's wheelchair if the wheelchair user chooses to sit in a passenger seat during the journey

- take such steps as are necessary to ensure that the wheelchair user is carried in safe and reasonable comfort
- provide reasonable levels of mobility assistance to the disabled passenger, which includes but is not restricted to enabling the passenger to get into or out of the vehicle. If the passenger wishes to remain in the wheelchair to enable the passenger to get into and out of the vehicle while in the wheelchair and to load the passenger's luggage into or out of the vehicle

1.19 The driver **MUST NOT**, at all times when working as a hackney carriage and private hire driver and driving a designated wheelchair accessible vehicle:

- charge wheelchair users an additional fare for a journey
- refuse hires from wheelchair users (unless a medical exemption has been granted by Shropshire Council)

Animals

1.20 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.

1.21 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.

1.22 However, all types of assistance dogs **MUST** be transported when requested by a passenger (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.

Medical requirements

1.23 Drivers must undertake a medical examination and provide a satisfactory medical report and certificate, in accordance with the requirements of the Hackney Carriage and Private Hire Licensing Policy 2019-2023, every 5 years from the age of 45 or sooner if stipulated by the examining doctor or required by Shropshire Council's Licensing Panel or Licensing and Safety Sub-committee.

1.24 Drivers 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 report and certificate annually or sooner if stipulated by the examining doctor or required by Shropshire Council's Licensing Panel or Licensing and Safety Sub-committee.

1.25 If a 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 report and certificate confirming the outcome of this examination and the driver's fitness (or otherwise) to continue as a licenced driver.

Medical exemption

- 1.26 Where a driver is exempt on medical grounds from carrying wheelchair bound passengers or assistance dogs, the Council issued medical exemption letter/certificate confirming the exemption must be securely fixed in the front windscreen on the passenger side of the vehicle which does not interfere with the drivers view of the road or on the partition for purpose built vehicles where a partition is fitted. Failure to display the Council issued medical exemption certificate in the prescribed manner is an offence under the Equality Act 2010.

Change of particulars

- 1.27 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 7 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

- 1.28 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.
- 1.29 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

- 1.30 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 (See 3a.78 of Shropshire Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023 for details)

Lost property

- 1.31 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.

1.XX 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 the hackney carriage proprietor.

Parking between bookings

1.32 Drivers of private hire vehicles in the Council's area 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 and that is not in contravention of road traffic legislation, traffic regulation orders and not likely to cause nuisance to others.

1.33 Drivers of hackney carriage vehicles in the Council's area 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 contravention of road traffic legislation, traffic regulation orders and not likely to cause nuisance to others.

Meters

1.34 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).

1.35 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. A journey commences when all passengers and luggage are secured within the vehicle and the vehicle is ready to move off unless otherwise agreed by a private hire operator and the journey fulfilled by a private hire vehicle;
- that the meter must not be left running whilst the driver performs duties under the Equality Act 2010, e.g. when a passenger enters, leaves or secures their wheelchair within the passenger compartment;
- 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

- 1.36 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.
- 1.37 The driver must, if requested by a fare paying passenger, provide a written receipt for any fare paid.

Identification plates

- 1.38 Drivers must not cause or suffer any vehicle plate to be concealed from public view whilst the vehicle is licensed.

Condition of vehicle

- 1.39 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

- 1.40 The driver must, notwithstanding their responsibilities under relevant road traffic legislation, report to the Council and operator or proprietor any accident involving a hackney carriage or private hire vehicle under their control as soon as is practicable and provide photographic evidence of the damage when requested by the Council. 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 Council and operator or proprietor within 72 hours.

Complaints

- 1.41 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.

Safety of children and adults with care and support needs

- 1.42 Where a driver has concerns that could relate to the safety of children, young persons and adults with care and support needs, they must report those concerns to either the licensed operator's Designated Person for Safeguarding or, where this is not possible, directly to the relevant authority.

Other legislative requirements

- 1.43 It is the driver's responsibility to make sure they comply with the Road Traffic Act 1988 and all other road traffic legislation, e.g. the Highway Code, parking restrictions and traffic regulation orders, as this is not addressed by the Policy and associated conditions.

PROPOSED POLICY

APPENDIX C

HACKNEY CARRIAGE

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.

Fit and proper person

- 1.2 Throughout the currency of the licence, the proprietor must be a fit and proper person to hold the licence. In this respect, the proprietor 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 proprietor.

Drivers who may lawfully drive a hackney carriage

- 1.3 The proprietor of a ~~licensed~~licensed hackney carriage must ensure that only drivers ~~licensed~~licensed by the Council are permitted to drive the vehicle.

Test requirements

- 1.4 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

- 1.5 The proprietor must notify the Council, within 7 days, of any LPG conversion.

External vehicle licence plates

- 1.6 The external licence 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; and
- 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.

- 1.7 **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
- 1.8 In the event that a licence 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).
- 1.9 The external licence plates (front and rear) must be returned to the Council within 7 days of revocation or expiry of the vehicle's licence; where the licence is suspended, be returned if required.
- 1.10 Any existing licence plates must be returned to the Council before new licence plates for a vehicle will be issued; this includes transfers.
- 1.11 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.

External markings

- 1.XX Where applicable, the proprietor must clearly display and maintain on the exterior of the vehicle, in such a position as to be clearly visible at all times a sign confirming that the taxi is wheelchair accessible (the relevant nationally recognised symbol) and caters for the needs of the disabled.

Internal signage

- 1.12 The internal plate must be securely fixed in the front windscreen on the passenger side of the vehicle which does not interfere with the drivers view of the road or on the partition for purpose built vehicles where a partition is fitted.
- 1.XX Where applicable, the Council issued medical exception certificate-notice must be securely fixed in the front windscreen on the passenger side of the vehicle which does not interfere with the drivers view of the road -or on the partition for purpose built vehicles where a partition is fitted.
- 1.XX In the event that the internal signage is lost it is the responsibility of the proprietor of the vehicle to notify the Council within 72 hours and to obtain a replacement (at the proprietors cost).
- 1.13 The internal signage must be returned to the Council within 7 days of revocation or expiry of the vehicle's licence; where the licence is suspended, be returned if required.

Interior markings

- 1.14 The proprietor must clearly display 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 for reporting complaints/compliments to the Council; and
 - a 'No Smoking' sign; and
 - ~~a sign confirming that the taxi is wheelchair accessible (the relevant nationally recognised symbol) 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).~~

Other requirements

- 1.15 The proprietor MUST at all times:
- ensure that the vehicle is not used for illegal or illicit purposes;
 - ensure that the vehicle is maintained in a sound mechanical and structural condition;
 - ensure that the vehicle is maintained in a clean and safe condition from both exterior and interior perspectives; and
 - ensure that all drivers who drive a wheelchair accessible vehicle have satisfactorily completed training on how to safely restrain a wheelchair user.

Advertising

- 1.16 Proprietors must obtain approval from the Council prior to carrying advertisements on their hackney carriage.
- 1.17 Materials that are used for advertisements must be of a quality not easily defaced, soiled or detached.
- 1.18 Reflective material must not be used.
- 1.19 Advertising signs must not be illuminated.
- 1.20 Advertisements may be affixed directly onto the exterior and/or internal body of the vehicle and must be in such a position as not to obscure Council issued plates and all other required signs.
- 1.21 Advertisements must comply with the relevant requirements as set out in **Appendix L** of the Council's Policy.
- 1.22 Proprietors must not permit any vehicle to be advertised as an 'executive vehicle' or 'executive travel' unless the vehicle is licensed as an executive private hire vehicle by the Council.

Closed circuit television (CCTV)

- 1.23 Proprietors wishing to install closed circuit television (CCTV) in their hackney carriage must notify the Council, in writing, of their intention to do so.
- 1.24 The CCTV system must be installed in accordance with the appropriate legal framework.
- 1.25 Where CCTV is fitted, proprietors must maintain a valid registration with the Information Commissioners Office (ICO) throughout the duration of the licence or until such a time as the CCTV has been removed from the licensed vehicle.
- 1.26 Where a CCTV system is removed from a licensed vehicle, proprietors must notify the Council, in writing, within 7 days.

Trailers

- 1.27 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 conditions applicable to the use of trailers set out in **Appendix M** of the Councils Policy.

Ranks and order of working

- 1.28 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;
 - 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

- 1.29 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.
- 1.30 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.

- 1.31 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.
- 1.32 Proprietors must ensure that, when hired, a taximeter is used for the whole of any journey commencing within the administrative area of Shropshire Council.
- 1.33 Proprietors must ensure that, when undertaking a pre-booked fare, a taximeter is used for the whole of any journey commencing within the administrative area of Shropshire Council. The driver must not demand from the hirer a fare in excess of the fare shown on the face of the taximeter.

Roof signs

- 1.34 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 particulars

- 1.35 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

- 1.36 The vehicle must have a valid MOT throughout the licence period.
- 1.37 Vehicles must be submitted for an MOT inspection in accordance with the following:
- Vehicles, up to 9 years from date of first registration, must be submitted for an MOT inspection at 6-monthly intervals;
 - Vehicles 9 years of age or older from date of first registration, in addition to the MOT certificate submitted with an application, must have two additional MOT tests per year; tests being spaced evenly throughout the year at four monthly intervals.
- 1.38 A copy of the MOT certificate must be submitted to the Licensing Team within 10 working days of the date of issue from the MOT testing centre.
- 1.39 The proprietor of a licensed hackney carriage must, when requested by the Council, rectify any items listed under minor or advisory information on an MOT certificate and

provide evidence that the work has been completed to the Council within a specified time.

Insurance

- 1.40 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.
- 1.41 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.
- XXX Proprietors must ensure that where a vehicle is insured by a proprietor and the proprietor allows another licensed Shropshire Council driver to drive their vehicle, or the vehicle is covered under a fleet insurance policy, drivers are aware of the content of the insurance policy, including its limitations and exclusions. The proprietor must keep a record, signed by the driver, when this has been completed.

Smoking

- 1.42 The proprietor of a hackney carriage must not permit the driver and passengers to smoke in the licensed vehicle (this includes electronic cigarettes and vaping).

Vehicle Excise Duty (Road Tax)

- 1.43 The vehicle must have valid Road Tax throughout the licence period.

Fare card

- 1.44 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.

Lost Property

- 1.XX Proprietors must keep and maintain a record of all lost property detailing the date and time, the item found, the vehicle details and action taken to return the item to the rightful owner, to the police or disposal.
- 1.XX Where proprietors have received property belonging to passengers or where a proprietor finds such property themselves, a proprietor must take the necessary steps to establish the identity of the owner of the property. If, however, the proprietor is not able to establish the identity of the owner, any property of high value or that contains a serial number should be handed into the police.

Alterations to vehicles

- 1.45 No material alteration or change in the mechanical or structural specification, design, condition or appearance of the vehicle is permitted without the prior approval of the Council, this includes but is not restricted to bull bars, running boards, side steps, side bars, LPG conversions and other similar alterations and changes.

Damage to vehicles

- 1.46 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 and provide photographic evidence of the damage when requested by the Council.

Production of records/documents

- 1.47 All original supporting documentation provided upon application must be retained for the duration of the licence period and must be produced, on request, to any authorised officer of the Council or to any police officer.

Inspection/examination

- 1.48 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 7 days.

Convictions

- 1.49 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, community resolutions, fixed penalties or driving endorsements (driving convictions);
 - 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);
 - Allegations are made of their involvement in criminal activity;
 - A licence issued by DVLA on behalf of the Office of the Traffic Commissioner, i.e. Passenger Carrying Vehicle (PCV) licence, Public Service Vehicle (PSV), is suspended or revoked or if they receive a written warning; or
 - A licence issued by another Local Authority is suspended or revoked or if they receive a written warning.

APPENDIX D

**STANDARD 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.

Fit and proper person

- 1.1 Throughout the currency of the licence, the proprietor must be a fit and proper person to hold the licence. In this respect, the proprietor 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 proprietor.

Drivers who may lawfully drive a private hire vehicle

- 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

- 1.3 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 licence 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 48 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; and
 - 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.
- 1.6 **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.
- 1.7 In the event that a licence 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).
- 1.8 The external licence plates (front and rear) must be returned to the Council within 7 days of revocation or expiry of the vehicle's licence; where the licence is suspended, be returned if required.
- 1.9 Any existing licence plates must be returned to the Council before new licence plates for a vehicle will be issued; this includes transfers.
- 1.10 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.

External markings

- 1.XX Where applicable, the proprietor must clearly display and maintain on the exterior of the vehicle, in such a position as to be clearly visible at all times, a sign confirming that the private hire vehicle is wheelchair accessible (the relevant nationally recognised symbol) and caters for the needs of the disabled.

Signs

- 1.XX Private hire vehicles must not display a roof sign.
- 1.XX All vehicles 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. 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).
- 1.XX The side plates must be returned to the Council within 7 days of revocation or expiry of the vehicle's licence; where the licence is suspended, be returned if required.

Internal signage

- 1.11 The internal plate must be securely fixed in the front windscreen on the passenger side of the vehicle which does not interfere with the drivers view of the road or on the partition for purpose built vehicles where a partition is fitted.
- 1.XX Where applicable, the Council issued medical exception ~~notice~~certificate must be securely fixed in the front windscreen on the passenger side of the vehicle which does not interfere with the drivers view of the road ~~or on the partition for purpose built vehicles where a partition is fitted.~~
- 1.XX In the event that the internal signage is lost it is the responsibility of the proprietor of the vehicle to notify the Council within 72 hours and to obtain a replacement (at the proprietors cost).
- 1.XX~~12~~ The internal signage must be returned to the Council within 7 days of revocation or expiry of the vehicle's licence; where the licence is suspended, be returned if required.

Signs

- ~~1.13 Private hire vehicles must not display a roof sign.~~
- ~~1.14 All vehicles 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. 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).~~
- ~~1.15 The side plates must be returned to the Council within 7 days of revocation or expiry of the vehicle's licence; where the licence is suspended, be returned if required.~~

Interior markings

- 1.16 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 for reporting complaints/compliments to the Council; and
 - a 'No Smoking' sign; and
~~where relevant, a sign confirming that the private hire vehicle is wheelchair accessible (the relevant nationally recognised symbol) 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).~~
- 1.17 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.

Other requirements

1.18 The proprietor **MUST** at all times:

- ensure that the vehicle is not used for illegal or illicit purposes;
- ensure that the vehicle is maintained in a sound mechanical and structural condition;
- ensure that the vehicle is maintained in a clean and safe condition from both exterior and interior perspectives;
- ensure that all drivers who drive a wheelchair accessible vehicle have satisfactorily completed training on how to safely restrain a wheelchair user.

Advertising

- 1.19 Proprietors must obtain approval from the Council prior to carrying advertisements on their private hire vehicle.
- 1.20 Materials that are used for advertisements must be of a quality not easily defaced, soiled or detached.
- 1.21 Reflective material must not be used.
- 1.22 Advertising signs must not be illuminated.
- 1.23 Advertisements may be affixed directly onto the exterior and/or internal body of the vehicle and must be in such a position as not to obscure Council issued plates and all other required signs.
- 1.24 Advertisements must comply with the relevant requirements as set out in **Appendix L** of the Council's Policy.
- 1.25 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.
- 1.26 Proprietors must not permit any vehicle to be advertised as an 'executive vehicle' or 'executive travel' unless the vehicle is licensed as an executive private hire vehicle by the Council.

Closed circuit television (CCTV)

- 1.27 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.
- 1.28 The CCTV system must be installed in accordance with the appropriate legal framework.

- 1.29 Where CCTV is fitted, proprietors must maintain a valid registration with the Information Commissioners Office (ICO) throughout the duration of the licence or until such a time as the CCTV has been removed from the licensed vehicle.
- 1.30 Where a CCTV system is removed from a licensed vehicle, proprietors must notify the Council, in writing, within 7 days.

Trailers

- 1.31 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 conditions applicable to the use of trailers set out in **Appendix M** of the Councils Policy.

Meters

- 1.32 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 private hire operator's tariff.
 - Where there is a change to the private hire operator's tariff the meter must be re-calibrated to the new tariff and the meter checked against a measured distance before the vehicle can recommence private hire work.
 - The proprietor of the vehicle must provide a valid certificate/report of compliance to the Council within 72 hours of the new private hire operator's tariff coming into effect, confirming the date the meter was calibrated to the new tariff.

Change of particulars

- 1.33 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, in writing, within 7 days of such change taking place by the proprietor.

MOT

- 1.34 The vehicle must have a valid MOT throughout the licence period.

- 1.35 Vehicles must be submitted for an MOT inspection in accordance with the following:
- Vehicles, up to 9 years from date of first registration, must be submitted for an MOT inspection at 6-monthly intervals;
 - Vehicles 9 years of age or older from date of first registration, in addition to the MOT certificate submitted with an application, must have two additional MOT tests per year; tests being spaced evenly throughout the year at four monthly intervals.
- 1.36 A copy of the MOT certificate must be submitted to the Licensing Team within 10 working days of the date of issue from the MOT testing centre.
- 1.37 The proprietor of a licensed private hire vehicle must, when requested by the Council, rectify any items listed under minor or advisory information on an MOT certificate and provide evidence that the work has been completed to the Council within a specified time.

Insurance

- 1.38 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.
- 1.39 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.
- XXX Proprietors must ensure that where a vehicle is insured by a proprietor and the proprietor allows another licensed Shropshire Council driver to drive their vehicle, or the vehicle is covered under a fleet insurance policy, drivers are aware of the content of the policy, including its limitations and exclusions. The proprietor must keep a record, signed by the driver, when this has been completed.

Smoking

- 1.40 The proprietor of a private hire vehicle must not permit the driver and passengers to smoke in the licensed vehicle (this includes electronic cigarettes).

Vehicle Excise Duty (Road Tax)

- 1.41 The vehicle must have valid Road Tax throughout the licence period.

Alterations to vehicles

- 1.42 No material alteration or change in the mechanical or structural specification, design, condition or appearance of the vehicle is permitted without the prior approval of the Council, this includes but is not restricted to bull bars, running boards, side steps, side bars, LPG conversions and other similar alterations and changes.

Damage to vehicles

- 1.43 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 and provide photographic evidence of the damage when requested by the Council.

Production of records/documents

- 1.44 All original supporting documentation provided upon application must be retained for the duration of the licence period and must be produced, on request, to any authorised officer of the Council or to any police officer.

Inspection/examination

- 1.45 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 7 days.

Convictions

- 1.46 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, community resolutions, fixed penalties or driving endorsements (driving convictions);
 - 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);
 - Allegations are made of their involvement in criminal activity;
 - A licence issued by DVLA on behalf of the Office of the Traffic Commissioner, i.e. Passenger Carrying Vehicle (PCV) licence, Public Service Vehicle (PSV), is suspended or revoked or if they receive a written warning; or
 - A licence issued by another Local Authority is suspended or revoked or if they receive a written warning.

APPENDIX E

**EXECUTIVE PRIVATE
HIRE VEHICLE LICENCE**

**CONDITIONS OF
LICENCE**

EXECUTIVE 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.

Fit and proper person

- 1.1 Throughout the currency of the licence, the proprietor must be a fit and proper person to hold the licence. In this respect, the proprietor 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 proprietor.

Drivers who may lawfully drive an executive private hire vehicle

- 1.2 The proprietor of a licenced executive private hire vehicle 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 licence plate identifying the vehicle as an executive private hire vehicle as issued by the Council and required to be exhibited on the vehicle pursuant to Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 must be:

- securely fixed to the outside 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; and
 - 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 (except during any period that a vehicle is used for carrying passengers for hire or reward under a contract, where the contract specifically requires no plates to be displayed, and where the hire of the vehicle is for a period of not less than 24 hours. During the period where the plates are not displayed they must be retained in the vehicle and made available for inspection by an authorised officer of the Council or a police officer when requested).
- 1.6 In the event that a licence 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).
- 1.7 The external licence plate must be returned to the Council within 7 days of revocation or expiry of the vehicle's licence; where the licence is suspended, be returned if required.
- 1.8 Any existing licence plates must be returned to the Council before new licence plates for a vehicle will be issued; this includes transfers.
- 1.9 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.

Signs

1.XX Executive private hire vehicles must not display a roof sign.

1.XX Executive private hire vehicle must not display any company branding.

Internal signage

- 1.10 The internal executive licence signage must be securely fixed in the front windscreen on the passenger side of the vehicle which does not interfere with the drivers view of the road or on the partition for purpose built vehicles where a partition is fitted.
- 1.XX Where applicable, the Council issued medical exception ~~notice~~~~certificate~~ must be securely fixed in the front windscreen on the passenger side of the vehicle which does not interfere with the drivers view of the road ~~or on the partition for purpose built vehicles where a partition is fitted.~~
- 1.11 In the event that the internal signage is lost it is the responsibility of the proprietor of the vehicle to notify the Council within 72 hours and to obtain a replacement (at the proprietors cost).

- 1.12 The internal signage must be returned to the Council within 7 days of revocation or expiry of the vehicle's licence; where the licence is suspended, be returned if required.

Signs

~~1.13 Executive private hire vehicles must not display a roof sign.~~

~~1.14 Executive private hire vehicle must not display any company branding.~~

Interior markings

- 1.15 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 for reporting complaints/compliments to the Council; and
 - a 'No Smoking' sign.

Other requirements

- 1.17 The proprietor MUST at all times:
- ensure that the vehicle is not used for illegal or illicit purposes;
 - ensure that the vehicle is maintained in a sound mechanical and structural condition;
 - ensure that the vehicle is maintained in a clean and safe condition from both exterior and interior perspectives;
 - ensure that all drivers who drive a wheelchair accessible vehicle have satisfactorily completed training on how to safely restrain a wheelchair user.

Advertising

- 1.18 Advertising in or on an executive private hire vehicle is prohibited.

Closed circuit television (CCTV)

- 1.19 Proprietors wishing to install closed circuit television (CCTV) in their executive private hire vehicle, must notify the Council, in writing, of their intention to do so.
- 1.20 The CCTV system must be installed in accordance with the appropriate legal framework.
- 1.21 Where CCTV is fitted, proprietors must maintain a valid registration with the Information Commissioners Office (ICO) throughout the duration of the licence or until such a time as the CCTV has been removed from the licensed vehicle.

- 1.22 Where a CCTV system is removed from a licensed vehicle, proprietors must notify the Council, in writing, within 7 days.

Trailers

- 1.23 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 conditions applicable to the use of trailers set out in **Appendix M** of the Councils policy.

Change of particulars

- 1.24 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, in writing, within 7 days of such change taking place by the proprietor.
- 1.25 Where there is a change to a private hire operator of an executive private hire vehicle, written confirmation from the new private hire operator that the vehicle will only undertake executive work must be received by the Council within 7 days of such change taking place.

MOT

- 1.26 The vehicle must have a valid MOT throughout the licence period.
- 1.27 Vehicles must be submitted for an MOT inspection in accordance with the following:
- Vehicles, up to 9 years from date of first registration, must be submitted for an MOT inspection at 6-monthly intervals;
 - Vehicles 9 years of age or older from date of first registration, in addition to the MOT certificate submitted with an application, must have two additional MOT tests per year; tests being spaced evenly throughout the year at four monthly intervals.
- 1.28 A copy of the MOT certificate must be submitted to the Licensing Team within 10 working days of the date of issue from the MOT testing centre.
- 1.29 The proprietor of a licensed private hire vehicle must, when requested by the Council, rectify any items listed under minor or advisory information on an MOT certificate and provide evidence that the work has been completed to the Council within a specified time.

Insurance

- 1.30 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.
- 1.31 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.
- XXX Proprietors must ensure that where a vehicle is insured by a proprietor and the proprietor allows another licensed Shropshire Council driver to drive their vehicle, or the vehicle is covered under a fleet insurance policy, drivers are aware of the content of the policy, including its limitations and exclusions. The proprietor must keep a record, signed by the driver, when this has been completed.

Smoking

- 1.32 The proprietor of a private hire vehicle must not permit the driver and passengers to smoke in the licensed vehicle (this includes electronic cigarettes).

Vehicle Excise Duty (Road Tax)

- 1.33 The vehicle must have valid Road Tax throughout the licence period.

Alterations to vehicles

- 1.34 No material alteration or change in the mechanical or structural specification, design, condition or appearance of the vehicle is permitted without the prior approval of the Council, this includes but is not restricted to bull bars, running boards, side steps, side bars, LPG conversions and other similar alterations and changes.

Damage to vehicles

- 1.35 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 and provide photographic evidence of the damage when requested by the Council.

Production of records/documents

- 1.36 All original supporting documentation provided upon application must be retained for the duration of the licence period and must be produced, on request, to any authorised officer of the Council or to any police officer.

Inspection/examination

- 1.37 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 7 days.

Convictions

- 1.38 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, community resolutions, fixed penalties or driving endorsements (driving convictions);
 - 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);
 - Allegations are made of their involvement in criminal activity;
 - A licence issued by DVLA on behalf of the Office of the Traffic Commissioner, i.e. Passenger Carrying Vehicle (PCV) licence, Public Service Vehicle (PSV), is suspended or revoked or if they receive a written warning; or
 - A licence issued by another Local Authority is suspended or revoked or if they receive a written warning.

APPENDIX F

**NOVELTY PRIVATE
HIRE VEHICLE LICENCE**

**CONDITIONS OF
LICENCE**

NOVELTY 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.

Fit and proper person

- 1.1 Throughout the currency of the licence, the proprietor must be a fit and proper person to hold the licence. In this respect, the proprietor 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 proprietor.

Drivers who may lawfully drive a private hire vehicle

- 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

- 1.3 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 vehicle licence plate identifying the vehicle as a novelty private hire vehicle as issued by the Council and required to be exhibited on the vehicle pursuant to Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 must be:

- securely fixed to the outside rear of the vehicle in a conspicuous position (the requirement for a front plate does not apply to novelty private hire vehicles);
- maintained, kept clean and in such a condition that the information on the plates is clearly visible to the public at all times; and
- 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.

- 1.6 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.
- 1.7 In the event that a licence 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).
- 1.8 The external licence plate must be returned to the Council within 7 days of revocation or expiry of the vehicle's licence; where the licence is suspended, be returned if required.
- 1.9 Any existing licence plates must be returned to the Council before new licence plates for a vehicle will be issued; this includes transfers.
- 1.10 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.

Signs

1.14 Novelty private hire vehicles must not display a roof sign.

Internal signage

- 1.11 The internal novelty private hire vehicle licence signage must be securely fixed in the front windscreen on the passenger side of the vehicle which does not interfere with the drivers view of the road or on the partition for purpose built vehicles where a partition is fitted.
- 1.XX Where applicable, the Council issued medical exception notice certificate must be securely fixed in the front windscreen on the passenger side of the vehicle which does not interfere with the drivers view of the road ~~or on the partition for purpose built vehicles where a partition is fitted.~~
- 1.12 In the event that the internal signage is lost it is the responsibility of the proprietor of the vehicle to notify the Council within 72 hours and to obtain a replacement (at the proprietors cost).
- 1.13 The internal signage must be returned to the Council within 7 days of revocation or expiry of the vehicle's licence; where the licence is suspended, be returned if required.

Signs

~~1.14 — Novelty private hire vehicles must not display a roof sign.~~

Interior markings

- 1.15 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 for reporting complaints/compliments to the Council; and
 - a 'No Smoking' sign.
- 1.16 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.

Other requirements

- 1.17 The proprietor MUST at all times:
- ensure that the vehicle is not used for illegal or illicit purposes;
 - ensure that the vehicle is maintained in a sound mechanical and structural condition;
 - ensure that the vehicle is maintained in a clean and safe condition from both exterior and interior perspectives;
 - ensure that all drivers who drive a wheelchair accessible vehicle have satisfactorily completed training on how to safely restrain a wheelchair user.

Advertising

- 1.18 Proprietors must obtain approval from the Council prior to carrying advertisements on their novelty private hire vehicle.
- 1.19 Materials that are used for advertisements must be of a quality not easily defaced, soiled or detached.
- 1.20 Reflective material must not be used.
- 1.21 Advertising signs must not be illuminated.
- 1.22 Advertisements may be affixed directly onto the exterior and/or internal body of the vehicle and must be in such a position as not to obscure Council issued plates and all other required signs.
- 1.23 Advertisements must comply with the relevant requirements as set out in **Appendix L** of the Council's Policy.

- 1.24 Novelty 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.
- 1.25 Proprietors must not permit any vehicle to be advertised as an 'executive vehicle' or 'executive travel' unless the vehicle is licensed as an executive private hire vehicle by the Council.

Closed circuit television (CCTV)

- 1.26 Proprietors wishing to install closed circuit television (CCTV) in their novelty private hire vehicle, must notify the Council, in writing, of their intention to do so.
- 1.27 The CCTV system must be installed in accordance with the appropriate legal framework.
- 1.28 Where CCTV is fitted, proprietors must maintain a valid registration with the Information Commissioners Office (ICO) throughout the duration of the licence or until such a time as the CCTV has been removed from the licensed vehicle.
- 1.29 Where a CCTV system is removed from a licensed vehicle, proprietors must notify the Council, in writing, within 7 days.

Trailers

- 1.30 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 conditions applicable to the use of trailers set out in **Appendix M** of the Councils Policy.

Meters

- 1.31 Whilst the fitting of meters is not mandatory in novelty 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 private hire operator's tariff.

- Where there is a change to the private hire operator's tariff the meter must be re-calibrated to the new tariff and the meter checked against a measured distance before the vehicle can recommence private hire work.
- The proprietor of the vehicle must provide a valid certificate/report of compliance to the Council within 72 hours of the new private hire operator's tariff coming into effect, confirming the date the meter was calibrated to the new tariff.

Signs

- 1.32 Novelty Private hire vehicles must not display a roof sign.

Change of particulars

- 1.33 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, in writing, within 7 days of such change taking place by the proprietor.

MOT

- 1.34 The vehicle must have a valid MOT throughout the licence period.
- 1.35 Vehicles must be submitted for an MOT inspection in accordance with the following:
- Vehicles, up to 9 years from date of first registration, must be submitted for an MOT inspection at 6-monthly intervals;
 - Vehicles 9 years of age or older from date of first registration, in addition to the MOT certificate submitted with an application, must have two additional MOT tests per year; tests being spaced evenly throughout the year at four monthly intervals.
- 1.36 A copy of the MOT certificate must be submitted to the Licensing Team within 10 working days of the date of issue from the MOT testing centre.
- 1.37 The proprietor of a licensed private hire vehicle must, when requested by the Council, rectify any items listed under minor or advisory information on an MOT certificate and provide evidence that the work has been completed to the Council within a specified time.

Insurance

- 1.38 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.

- 1.39 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.
- XXX Proprietors must ensure that where a vehicle is insured by a proprietor and the proprietor allows another licensed Shropshire Council driver to drive their vehicle, or the vehicle is covered under a fleet insurance policy, drivers are aware of the content of the policy, including its limitations and exclusions. The proprietor must keep a record, signed by the driver, when this has been completed.

Smoking

- 1.40 The proprietor of a private hire vehicle must not permit the driver and passengers to smoke in the licensed vehicle (this includes electronic cigarettes and vaping).

Vehicle Excise Duty (Road Tax)

- 1.41 The vehicle must have valid Road Tax throughout the licence period.

Alterations to vehicles

- 1.42 No material alteration or change in the mechanical or structural specification, design, condition or appearance of the vehicle is permitted without the prior approval of the Council, this includes but is not restricted to bull bars, running boards, side steps, side bars, LPG conversions and other similar alterations and changes.

Damage to vehicles

- 1.43 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 and provide photographic evidence of the damage when requested by the Council.

Production of records/documents

- 1.44 All original supporting documentation provided upon application must be retained for the duration of the licence period and must be produced, on request, to any authorised officer of the Council or to any police officer.

Inspection/examination

- 1.45 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 7 days.

Convictions

1.46 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, community resolutions, fixed penalties or driving endorsements (driving convictions);
- 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);
- Allegations are made of their involvement in criminal activity;
- A licence issued by DVLA on behalf of the Office of the Traffic Commissioner, i.e. Passenger Carrying Vehicle (PCV) licence, Public Service Vehicle (PSV), is suspended or revoked or if they receive a written warning; or
- A licence issued by another Local Authority is suspended or revoked or if they receive a written warning.

APPENDIX G

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.

1.X Where appropriate, any reference to 'employ' or 'employment' is deemed to include private hire drivers who may be contracted on a self-employed basis and used to fulfil bookings by a private hire operator.

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.
- 1.2 Operators must comply with all reasonable requests made by officers of Shropshire Council and any police officer.
- 1.3 Operators must ensure that all drivers, managers, office based administrative and telephony staff and independent contractors comply with all reasonable requests made by officers of Shropshire Council and any police officer.

Contracting of private hire drivers and employment of other staff

- 1.4 For each private hire driver that an operator intends to use, the operator must examine the private hire drivers 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 drivers licence is lodged with the private hire operator 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 or terminates a contract with -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. Misconduct means any conduct that leads to the operator receiving a complaint about the driver from any person, agency or organisation or any conduct that the operator becomes aware of by any means that appears to indicate that the driver may have breached the requirements of this Policy or related conditions or any other conduct that appears to raise concerns about the driver's behaviour.

- 1.6 An operator must make and retain individual records of the steps they have taken to demonstrate how they are satisfied that an individual, including all prospective private hire drivers, managers, office based administrative and telephony staff and agency staff, is a fit and proper person. These steps must include, but are not restricted to:
- face to face interviews with individuals;
 - checks to ensure that the information provided by applicants is verified;
 - independent professional and character references are requested and scrutinised;
 - identity checks, right to work in the UK checks, national insurance number checks and relevant qualifications checks (if any) are verified as original documents;
 - checks on previous employment history and experience;
 - steps that are taken to verify that the individual has the health and physical capacity for the role; and
 - a record of any discrepancies or anomalies, how they have been investigated and satisfactorily resolved.
- 1.7 An operator must ensure that individual records of the steps they have taken to demonstrate how they are satisfied that an individual, including all private hire drivers, managers, office based administrative and telephony staff and agency staff, is a fit and proper person are available, on request, to any authorised officer of the Council.
- 1.8 An operator must ensure that all private hire drivers, managers, office based administrative and telephony staff and agency staff are fully aware that it is a condition of the operators licence to ensure that staff remain fit and proper and therefore the steps the operator has continually taken to achieve this will be retained and made available, upon request, to an authorised officer of the Council.
- 1.9 An operator must ensure that all new managers, office based administrative and telephony staff and agency staff have undertaken a basic criminal record check from the Disclosure and Barring Service (applicants can apply to <https://www.gov.uk/request-copy-criminal-record>) in order to satisfy the Council's 'fit and proper person' test as referred to in 1.1 above. The operator must keep a copy of the disclosure in the individual record file for each individual person. An operator must be able to demonstrate that this condition has been met, on request, by any authorised officer of the Council.
- 1.10 An operator must ensure all private hire drivers, employees and agency staff 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 operator is responsible for keeping a record within each individual's training record file

when this has been completed. A copy of any individual's training records must be produced, on request, to any authorised officer of the Council. The Council's interpretation of 'plying for hire' is set out at **Appendix H** and is based on relevant legislation and case law.

- 1.11 An operator must ensure that all private hire drivers, employees and agency staff 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. The operator must keep a record within each individual's training record file when this has been completed. A copy of any individual's training records must be produced, on request, to any authorised officer of the Council.
- 1.12 An operator must ensure that all private hire drivers, managers, office based administrative and telephony staff and agency staff undertake training in the provisions of the General Data Protection Regulations (GDPR) within 7 days of commencement of employment. The operator must keep a record within each individual's training record file when this has been completed. A copy of any individual's training records must be produced, on request, to any authorised officer of the Council.
- 1.13 An operator must ensure that all managers, office based administrative and telephony staff and agency staff undertake training in awareness of child related exploitation (including sexual exploitation), hate crime, equalities, in particular as it relates to disabilities, and modern day slavery and trafficking within 7 days of commencement of employment. The operator must keep a record within each individual's training record file when this has been completed. A copy of any individual's training records must be produced, on request, to any authorised officer of the Council.
- 1.14 An operator must ensure that all private hire drivers, managers, office based administrative and telephony staff and agency staff are fully aware that the information contained within an individual's training records file is made available, upon request, to an authorised officer of the Council.
- 1.15 An operator must take appropriate steps to ensure that drivers do not work excessively long hours and put the safety of themselves and their passengers at risk.

Display of licence

- 1.16 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

- 1.17 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.
- 1.18 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.
- 1.19 Operators must ensure that where a vehicle is covered under a fleet insurance policy, drivers are aware of the content of the policy, including its limitations and exclusions. The operator must keep a record, signed by the driver, within each individual's record file when this has been completed. A copy of any individual's records must be produced, on request, to any authorised officer of the Council.

MOT

- 1.20 Operators must ensure that at all times there is in force, for all private hire vehicles operated, a valid MOT issued in accordance with the requirements set out at paragraph 3c.43 of the Hackney Carriage and Private Hire Licensing Policy 2019-2023.

Transporting children

- 1.21 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

- 1.22 Operators operating two vehicles or less are permitted to:
- divert the telephone number approved in the private hire operators licence to a single point of contact;
 - allow the single point of contact to receive bookings and instruct drivers to fulfil bookings. ~~when away from the premises referred to in their licence.~~
- 1.XX The single point of contact must be positioned/located within the Shropshire Council administrative area and must maintain the booking records in accordance with the conditions of licence.
- 1.23 Operators operating more than two vehicles must ensure that all private hire bookings taken by the operator are 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.

- 1.24 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 (unless they fulfil the criteria as set out at condition 1.22).
- 1.25 All records that may be required to be retained by the operator must be held within the physical business premises that is licensed for the purposes of the private hire operator business 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.
- 1.XX Operators must ensure that their licensed premises and any vehicles operated under their operators licence are not used for illegal or illicit purposes.

Standards of service

- 1.26 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 the highest level of customer service and care.
 - 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);
 - is kept clean, adequately heated, ventilated and lit;
 - has adequate seating facilities;
 - is kept physically separated from any driver rest areas and radio operation rooms;
 - is arranged in such a manner that staff, drivers and vehicle proprietors do not congregate within such areas; and
 - a no smoking (including electronic cigarettes and vaping) 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

- 1.27 An operator MUST NOT accept any booking made by a driver on behalf of a passenger.
- 1.28 An operator accepting a booking remains liable for that booking, even if they sub-contract it to another operator.

~~1.29 An operator must not sub-contract a journey to an operator licenced by the same local authority or other local authority without prior arrangement with the person making the booking. Details of the intention to sub-contract the journey can be provided by text, email, app or verbal communication.~~

- 1.31 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.
- 1.32 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.XX An operator must not knowingly make arrangements for drivers of their fleet (who are licensed by the Council and drive vehicles that are also licensed by the Council) to exclusively or predominantly go to areas outside the administrative area of Shropshire Council.
- 1.33 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.
- 1.34 In respect of bookings made by telephone, website or by App, 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) a unique journey reference number must be allocated to each journey
 - g) call sign or registration number of the vehicle used for each booking
 - h) full name of the driver allocated to the booking
 - i) any other comments relevant to the booking, including details of specific instructions from the hirer or sub-contracting arrangements with another operator
 - j) Global Positioning System (GPS) data must be retained following completion of a journey
- 1.35 In respect of bookings being made by Interactive Voice Response (IVR) 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) the destination of the hirer, recorded by a Global Positioning System (GPS) tracking system, must post populate the booking record at the conclusion of the journey with the actual destination
 - f) a unique journey reference number allocated to each journey
 - g) call sign or registration number of the vehicle used for each booking
 - h) full name of the driver allocated to the booking
 - i) any other comments relevant to the booking, including details of specific instructions from the hirer or sub-contracting arrangements with another operator
 - j) Global Positioning System (GPS) data must be retained following completion of a journey
- 1.36 In respect of bookings being made by other electronic means, e.g. “taxi butler” or equivalent device, the following particulars must be recorded:
- a) time and date of each booking
 - b) how the booking was made (telephone, in person, etc)
 - c) time, date and place of pickup
 - d) the destination of the hirer, recorded by a Global Positioning System (GPS) tracking system, must post populate the booking record at the conclusion of the journey with the actual destination
 - e) the unique reference number allocated to each journey
 - f) call sign or registration number of the vehicle used for each booking
 - g) full 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
 - i) Global Positioning System (GPS) data must be retained following completion of a journey

Executive vehicles

- 1.37 The operator must not permit any executive plated vehicles to fulfil general private hire bookings.
- 1.38 Executive vehicles must only be used for executive service which is defined as the provision of a vehicle or vehicles that is/are **exclusively** used for executive private hire work and **not** for ‘normal’ or general purpose private hire use..

Records of vehicles and drivers

- 1.39 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) full names and addresses of the proprietors of each vehicle
- e) full 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
- i) written evidence that each driver has satisfactorily completed basic safeguarding awareness training
- j) written evidence that each driver who drives a wheelchair accessible vehicle has satisfactorily completed training on how to safely restrain a wheelchair user

1.40 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, to include when a vehicle or driver ceases to be in their employ, must be notified to the Council within 7 days.

1.41 An operator must notify the Council, within 7 days of the date of notification, of any change of address relating to any driver or vehicle proprietor they employ or allow to operate within the business.

1.42 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

1.43 All records kept by the operator under conditions 1.34 to 1.36 and 1.39 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

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

1.45 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.

1.46 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

1.47 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.

- 1.48 Operators must not cause or permit a person to use a motor vehicle when the licence has been suspended or revoked or on a road when there is no insurance in place in respect of third party risks or without a valid MOT or without the appropriate road tax.

Drivers who may lawfully be used

- 1.49 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

- 1.50 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.

- 1.51 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.

~~1.52 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.XX53 The operator or an appointed representative from within the business must immediately as soon as reasonably practicable 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.XX The operator must when investigating a complaint concerning a private hire contract, or purported contract, relating to, or arising from their business, make it clear to the complainant of their right to forward their complaint to the Council.

- 1.54 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

- 1.55 No operator shall cause or permit any advertisement in respect of their business on their private hire vehicles used for that purpose the words 'taxi' or 'cab' in the singular or plural or 'hire' unless the word 'hire' forms part of the company name or any word or similar meaning (e.g. 'kab') or appearance to any of these words, whether alone or as part of another word.
- 1.57 Any advertising of the operator's business, no matter in what form, shall include the operator's name and/or trade name as approved by the Council in accordance with the name entered on the operator's licence issued by the Council.
- 1.58 No operator shall permit any telephone number to be advertised on any private hire vehicle except the telephone number approved in the private hire operators licence.
- 1.59 No operator shall permit any vehicle to be advertised as an 'executive vehicle' or 'executive travel' unless the vehicle is licensed as an executive private hire vehicle by the Council.

Meters

- 1.60 Whilst the fitting of meters is not mandatory in private hire vehicles, if meters are fitted, then the following conditions apply:
- The meter must be set to reflect the current private hire operator's tariff.
 - The operator must notify the Council, in writing, at least 7 days prior to any proposed change to the private hire operator's tariff. A copy of the proposed tariff and a schedule of any affected vehicles must be provided with the notice.
 - Where there is a change to the private hire operator's tariff all vehicles with meters fitted must have their meters re-calibrated to the new tariff and the meter checked against a measured distance before the vehicle can recommence private hire work.
 - The proprietor of the vehicle must provide a valid certificate/report of compliance to the Council within 72 hours of the new private hire operator's tariff coming into effect, confirming the date the meter was calibrated to the new tariff.

Closed circuit television (CCTV)

- 1.61 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.
- 1.62 The CCTV system must be installed in accordance with the appropriate legal framework.

- 1.63 Where CCTV is fitted, operators must maintain a valid registration with the Information Commissioners Office (ICO) throughout the duration of the licence or until such a time as the CCTV has been removed from the premises.
- 1.64 Where a CCTV system is removed from the premises, operators must notify the Council, in writing, within 7 days.

Lost Property

- 1.XX Operators must have a lost property policy that sets out the operator's position in relations to the process that all private hire drivers, managers, office based administrative and telephony staff and agency staff must follow when dealing with lost property. The lost property policy must include retention periods and how the property was disposed of.
- 1.66 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, to the police or disposal.
- 1.XX Where licensed drivers of private hire vehicles have handed property belonging to passengers to their operator or an operator finds such property themselves, an operator must take the necessary steps to establish the identity of the owner of the property. If, however, the operator is not able to establish the identity of the owner, any property of high value or that contains a serial number should be handed into the police.

Damage to vehicles

- 1.67 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 and provide photographic evidence of the damage when requested by the Council.

Convictions

- 1.68 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, community resolutions, fixed penalties or driving endorsements (driving convictions);
 - 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);
 - Allegations are made of their involvement in criminal activity;

- A licence issued by DVLA on behalf of the Office of the Traffic Commissioner, i.e. Passenger Carrying Vehicle (PCV) licence, Public Service Vehicle (PSV), is suspended or revoked or if they receive a written warning; or
- A licence issued by another Local Authority is suspended or revoked or if they receive a written warning.

Equalities Policy

- 1.69 Operators must have an equalities policy that sets out the operator's position in relation to hate crime and disability equality.
- 1.70 Operators must provide all drivers, managers, office based administrative and telephony staff and independent contractors with details of the equalities policy
- 1.71 The policy must include the following:
- A clear statement that hate crime, including racist, homophobic and transphobic language, will not be tolerated.
 - Details of the operators, drivers, vehicle proprietors, managers, office based administrative and telephony staff responsibilities with regard to hate crime and disability equality.
 - Where drivers can report incidents of hate crime to when the driver is the victim.
 - Where members of the public can report incidents of hate crime to when the member of the public is the victim.

Safety of children, young persons and adults with care and support needs

- 1.72 Operators must have a suitably trained Designated Person (DP) with specific responsibility for safeguarding.
- 1.73 Operators must provide all drivers with details of the DP and how the DP can be contacted.
- 1.74 Operators must prominently display at their premises, where it is clearly visible to the licensed drivers, managers, office based administrative and telephony staff and independent contractors, information relating to the safety of children, young persons and adults with care and support needs.
- 1.75 Operators must ensure that all drivers, managers, office based administrative and telephony staff and independent contractors have completed basic safeguarding awareness training and retain relevant records in accordance with paragraph 1.20 (i) above.
- 1.76 Operators must take steps to ensure drivers know that they must report matters of concern which could relate to the safety of children, young persons and adults with care and support needs to the DP as soon as is practicable.

- 1.77 Operators must pass on any matters of concern reported to them which could relate to the safety of children, young persons and adults with care and support needs to the relevant authorities.

PROPOSED POLICY

APPENDIX H

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 I

GUIDANCE TO DETERMINING THE SUITABILITY OF APPLICANTS INCLUDING THE RELEVANCE OF CRIMINAL CONVICTIONS AND CAUTIONS

GUIDANCE TO DETERMINING THE SUITABILITY OF APPLICANTS INCLUDING THE RELEVANCE OF CRIMINAL CONVICTIONS AND CAUTIONS**Introduction**

- 1.0 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 drivers licence, private hire drivers licence, hackney carriage vehicle licence, private hire vehicle licence and/or a private hire operator licence. Where appropriate, any reference to 'applicant' is deemed to include existing licence holders.
- 1.1 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.
- 1.2 When assessing the fitness of an applicant to hold a licence, the Council will consider the applicant's entire character and 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.
- 1.3 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 the applicant was directly engaged in hackney carriage or private hire licensed work at the time or whether they occurred during the applicants own personal time.
- 1.4 Applicants are expected to demonstrate appropriate professional conduct at all times, whether in the context of their work or otherwise. Applicants should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. In no circumstances should applicants take the law into their own hands. Applicants are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.
- 1.5 For the purposes of this Policy, driving endorsements is the term used for all driving convictions.
- 1.6 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.
- 1.7 Each case is to be decided on its own individual merits and when making a decision will determine what action is appropriate and proportionate to the circumstances of the

case. 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

- 1.8 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.
- 1.9 Section 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.
- 1.10 Section 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.
- 1.11 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.
- 1.12 Section 37 of the Town Police Clauses Act 1847 and section 48 the Local Government (Miscellaneous Provisions) Act 1976 do not set out specific criteria to determine the suitability of an applicant for a hackney carriage or private hire vehicle licence, the Council has the absolute discretion. The Policy sets out the Councils position in this regard.

Defining a 'fit and proper person'

- 1.13 There is no legal definition as to what definitively constitutes a 'fit and proper person'. However, because of the potential vulnerability of the passengers that drivers, proprietors and operators may come into contact with and who they have significant control over, 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 a person is fit and proper to hold a licence granted by the Council and not a person who would take advantage of their employment to abuse or assault passengers.
- 1.14 In essence, a fit and proper person:
 - Is honest and trustworthy – drivers, proprietors 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.

- Is not abusive, violent, threatening, intimidating, prejudiced or discriminatory – exhibiting abusive, violent, threatening, prejudiced or discriminatory behaviour in any way, including online or on social media, is not acceptable conduct on the part of a driver/operator even when they are subjected to unpleasant or dishonest passenger behaviour.
- Will not be involved in or connected to any form of illegal sexual activity or any form of indecency.
- Will not abuse, exploit, misuse or maltreat another individual irrespective of whether the individual is an adult or a child – this includes hate crime, slavery, child sexual exploitation, grooming and psychological, emotional or financial abuse.
- Will not engage in activities that intend or does result in the death or serious injury of another person.
- Will not be in illegal possession of any weapon or commit any other weapon related offence.
- Does not manufacture, supply or possess controlled drugs. Will not use or permit their licenced vehicle to be used or connected with the use of any illegal activity – licensed vehicles are seen in any location across the country, at all times of the day and night. Therefore, licensed vehicles could provide a transportation system for illegal activities or any form of contraband, whether that is drugs, guns, illicit alcohol or tobacco, or people who are involved in or are the victims of illegal activity, or children who may be at risk of being, or are being, abused or exploited.
- Will not be involved in or linked to acts of terrorism.
- Is a competent and safe driver - they are expected to be professional drivers and must be fully aware of all relevant licensing legislation, 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.
- Is able to communicate effectively with passengers – principally, this means able to read, speak, write and understand English.
- Is in good physical and mental health, not under the influence of drugs or alcohol– to ensure they do not put passengers at risk through, for example, suffering a heart attack or diabetic hypoglycaemic incident, whilst conveying passengers.
- Will not abuse their position of trust – applicants are expected to be respectful, act with integrity and demonstrate considerate, courteous and civil conduct befitting the trust that is placed in them. Applicants must not use passengers personal information which has been obtained whilst undertaking hackney carriage or private hire work for their own personal use, e.g. contacting customers through social media, text messaging, home addresses, etc.

1.15 The bullet points listed above are not exhaustive and are used to illustrate some of the behaviours the Council will consider.

- 1.16 Licensed drivers and private hire operators and proprietors of licensed vehicles provide a public service and all impact directly on public safety. On this basis, the Council will not licence anyone to drive a hackney carriage or private hire vehicle or act as a private hire operator or licence a vehicle unless it is satisfied that the driver, operator or vehicle proprietor respectively meet all relevant criteria to be deemed a fit and proper person.
- 1.17 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 Wolverhampton City 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.
- 1.18 With specific reference to existing licence holders, where there is any cause for a licence to be reviewed, the Council will 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 Wolverhampton City 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 licence holders fitness to hold a licence as is reasonably practicable. The Council may 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.
- 1.19 Where an applicant has had their licence refused or revoked the details will be recorded on the national register for hackney carriage and private hire licence revocations and refusals. Furthermore, where the Council deems it necessary it will notify any relevant authorities or appropriate organisations of the reasons for refusal or revocation.
- 1.20 In addition, an important element associated with the fitness to hold a licence is the appearance and behaviour of anyone who holds a licence. Consequently, the Council requires all licensed drivers, private hire operators and vehicle proprietors to maintain a reasonable standard of appearance and behaviour when in contact and dealing with 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, Council officers and elected members at all times.
- 1.21 Applicants and licence holders must also co-operate with any reasonable request made by an authorised officer of the Council, Civil Enforcement Officers or any police officer.

The Council's approach when considering convictions

1.22 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
- The extent of any mitigating factors
- Sentence imposed by the court
- The applicants age at the time of conviction
- 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

The Council's approach when considering non-conviction information

1.23 An applicant's previous behaviour and their potential to cause harm as a result of the choices they have made plays a significant part when making a decision as to whether an applicant is a fit and proper person to hold a licence. Consideration will be given, but not restricted to, the following:

- Circumstances surrounding the behaviour demonstrated
- When the behaviour was demonstrated
- The extent of any mitigating factors
- Steps taken to address any issues identified
- An applicant or existing licence holder's ability to sustain the required behavioural change
- The applicants age at the time the behaviour was demonstrated
- Whether the behaviour forms part of a pattern of unacceptable behaviour
- Any other character check considered reasonable, e.g. personal references
- Any other factor that may be relevant.

1.24 In addition to conviction/caution information, applicants are expected to provide details, within 72 hours of all warnings, driving endorsements (driving convictions)/disqualification periods relating to traffic offences, fixed penalties, penalty charge notices, community resolutions 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.

- 1.25 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.
- 1.26 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.

Fit and proper test

- 1.27 When considering an applicant's suitability to hold a hackney carriage/private hire drivers licence, to guide the Council's consideration, the implications of the answer to the following question will 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?
- 1.28 When considering a vehicle proprietor's suitability to apply for and hold a hackney carriage or private hire vehicle licence, to guide the Council's consideration, the implications of the answer to the following question will be applied:
- Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence?
- 1.29 When considering an applicant's suitability to hold a private hire operator licence, to guide the Council's consideration, the implications of the answer to the following question will be applied:
- Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other personal information to this person, and feel safe in the knowledge that such information will not be used inappropriately or passed on for criminal or unacceptable purposes?
- 1.30 If the Council has any doubts as to the fitness of an applicant/existing licenced driver, proprietor or operator then an application must be refused or licence suspended or revoked until those doubts can be effectively allayed through the provision of further adequate evidence.
- 1.31 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

- 1.32 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.
- 1.33 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

- 1.34 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>
- 1.35 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.
- 1.36 The specific periods of rehabilitation are not intended to be taken as definitive time periods by which an applicant/existing 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/existing 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.

Table A

Sentence	Rehabilitation period (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

APPENDIX B

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

Sentence	Rehabilitation period (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.

NB Simply remaining free of conviction will not generally be regarded as adequate evidence that a person is a fit and proper person.

1.37 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.

1.38 Unless significant and exceptional circumstances apply, the Council will not grant a licence to an applicant who has been convicted of or connected with:

- illegal sexual activity or any form of indecency;
- violent offences;
- an offence resulting in death of another person;

- any crime involving or related to or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, this includes but is not restricted to slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

Licensing offences

- 1.39 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, refusing to carry an assistance dog or multiple breaches of licence conditions, licence holders will be referred to the Licensing Panel and/or the Licensing and Safety Subcommittee with a view to determining whether the licence ought to be suspended or revoked.
- 1.40 The Council considers plying for hire related offences to be of a serious nature as they fundamentally pose a serious risk to public safety and undermine the licensed hackney carriage regime. As a result, unless significant exceptional circumstances apply, there will be a presumption that the licence of the driver who committed the offence will be revoked. In addition, where there is evidence that any private hire operator continues to employ drivers who are found to be plying for hire then serious consideration will also be given to revoking the private hire operator licence.

Right of appeal

- 1.41 Any applicant refused a driver or operator 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.
- 1.42 Should an appeal be lodged by any applicant refused a driver or operator 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, the onus is on the Council to prove that they are no longer a fit and proper person.

Conclusion

- 1.43 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.

X.XX The Council will not consider the impact of hardship on the applicant and his family when making a determination on an application or reviewing an existing licence.¹⁵

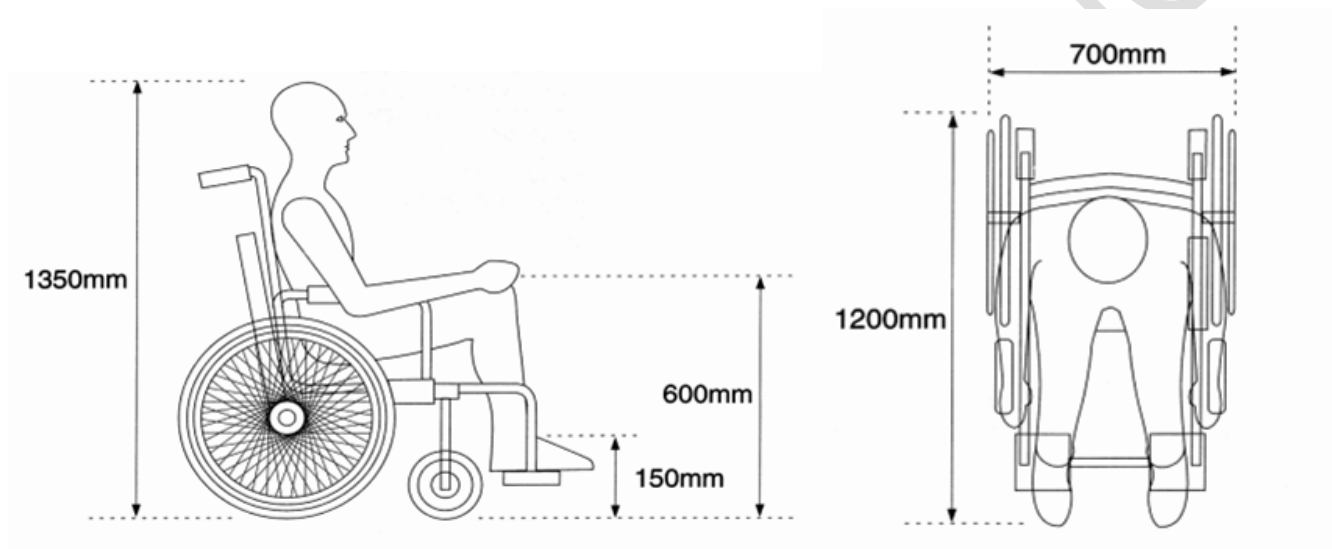
¹⁵ *Leeds City Council v Hussain* [2002] EWHC 1145 (Admin), [2003] RTR 199 and *Cherwell District Council v Anwar* [2011] EWHC 2943 (Admin)

APPENDIX J

SPECIFICATIONS FOR A REFERENCE WHEELCHAIR

SPECIFICATION FOR A REFERENCE WHEELCHAIR

- 1.0 All wheelchair accessible vehicles must be capable of carrying at least one “reference wheelchair” and where the user of a reference wheelchair can enter, alight and travel in the passenger compartment in safety and reasonable comfort whilst remaining seated in their wheelchair.
- 1.1 As there are numerous shapes and sizes of wheelchair the Department for Transport consider a reference wheelchair to be as illustrated below¹⁶:



¹⁶ As defined in Schedule 1 and 2 of the Public Service Vehicle Accessibility Regulations 2000

APPENDIX K
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

- 1.1 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.
- 1.2 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.
- 1.3 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

- 1.4 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.
- 1.5 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.
- 1.6 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

- 1.7 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.
- 1.8 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.
- 1.9 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.
- 1.10 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.
- 1.11 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.
- 1.12 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.

- 1.13 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

- 1.14 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

- 1.15 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

- 1.16 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 L

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:
- j. does not comply with the law or incites someone to break the law;
 - k. does not comply with the UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing;
 - l. 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;
 - m. 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);
 - n. depicts or refers to indecency or obscenity or uses obscene or distasteful language including that set out in a foreign language;
 - o. relates to lap-dancing, 'gentlemen's clubs', escort agencies or massage parlours;
 - p. depicts direct or immediate violence to anyone shown in the advertisement;
 - q. condones or provokes anti-social behaviour;
 - r. contains images or messages, which relate to matters of public controversy and sensitivity;
 - s. 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;
 - t. contains negative references to Shropshire Council's services or those services provided or regulated by other local authorities;
 - u. relates to a political party or parties or a political cause;
 - v. relates to or advertises alcohol or tobacco (this includes electronic cigarettes and vaping);
 - w. in the case of digital media, poses a health and safety risk as a result of flickering or other visual imagery.

APPENDIX M

CONDITIONS

APPLICABLE

TO THE

USE OF TRAILERS

CONDITIONS APPLICABLE TO THE USE OF TRAILERS

- 1.0 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.
- 1.1 All trailers must be of a design that when attached to the towing vehicle does not interfere in any way the operation of any rear door/emergency exits or wheelchair access ramps.
- 1.2 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.
- 1.3 The licensed towing vehicle's insurance must cover the towing of a trailer.
- 1.4 Trailers must not be left unattended anywhere on the highway.
- 1.5 The speed restrictions applicable to trailers must be observed at all times
- 1.6 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.
- 1.7 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.
- 1.8 The tow bar must comply with the type approval regulations in respect of all tow bars fitted to cars after August 1998.
- 1.9 Trailers must be inspected at initial licensing and annually thereafter by a 'Nominated Tester' or Authorised Vehicle Examiner at a Vehicle Testing Station appointed under The Road Traffic Act 1988; the cost of all tests must be met by the vehicle proprietor.
- 1.10 An additional plate will be issued by the Council for each vehicle licensed to tow trailers and the relevant plate must be affixed to the rear of the trailer near the vehicle number plate.
- 1.11 Un-braked trailers shall be less than 750 kg gross weight.
- 1.12 Trailers over 750 kg gross weight shall be braked acting on at least two road wheels.
- 1.13 The towing vehicle must have a kerb weight of at least twice the gross weight of the trailer.

APPENDIX B

- 1.14 A suitable lid or other approved means of enclosure shall be fitted to secure the contents within the trailer when in use and to keep it watertight.
- 1.15 The maximum permissible length of the trailer shall be 7 metres including the drawbar and coupling.
- 1.16 The width of the trailer shall not be greater than the towing vehicle subject to no trailer being wider than 2.3 metres.
- 1.17 The maximum length for braked twin axle trailers is 5.54 metres.
- 1.18 The trailer must at all times comply with all Road Traffic legislation requirements, in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986.
- 1.19 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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Shropshire Council Equality and Social Inclusion Impact Assessment (ESIIA)**Part One Screening Record****A. Summary Sheet on Accountability and Actions****Name of proposed service change**

Please use this box for the full formal name of the proposed service change, whether it is a policy, a procedure, a function, a project, an update of a strategy, etc. The term "service change" is used in this form as shorthand for whatever form the changes may take.

Hackney Carriage and Private Hire Licensing Policy 2019 - 2023

Name of lead officer carrying out the screening

Frances Darling, Trading Standards & Licensing Operations Manager

Decision, review and monitoring

Decision	Yes	No
Part One ESIIA Only?	✓	
Proceed to Part Two Full Report?		✓

If completion of a Part One assessment is an appropriate and proportionate action at this stage, please use the boxes below and sign off as indicated. If a Part Two report is required, please move on to separate full report stage.

Actions to mitigate negative impact or enhance positive impact of the service change in terms of equality and social inclusion considerations

The equality impact assessment has considered children and young people who are looked after by Shropshire Council and the families of children in need when considering the 'age' group and with respect to vulnerable adults, e.g. adults with learning disabilities, when considering the 'disability' group.

For all the groups, the impact is rated as positive; notably, with respect to the 'disability' group, the impact is rated as 'high positive' and 'age', 'race' and 'sex' as 'medium positive'. The impact is also rated as 'medium positive' for people for whom there are safeguarding concerns, given the greater ability of the Council to fully demonstrate that it robustly tackles exploitation, abuse, modern slavery and human trafficking of children and vulnerable adults, and the likely improvements overall to public safety under the proposed changes, bringing particular benefits for vulnerable households.

Note, however, that except for 'age', 'disability', 'race' and 'sex', the impact is likely to be neutral – neither positive nor negative – with no anticipated need to take actions to mitigate or enhance the impact.

Applicants and licence holders, including any who may not already be aware of the revision of this policy as a result of the consultation undertaken in the summer of 2018, will be made aware of the implementation through normal licensing processes. The policy will be available on the Council's website and promoted through appropriate social media channels. This will ensure that the hackney carriage and private hire trades, together with the public and other relevant stakeholders, have ongoing access to the policy that clearly sets out the Council's expectations for applicants and licence holders over the next four years.

With reference to the changes to the requirements for wheelchair accessible hackney carriages, there is a commitment by licensing staff over the next two years to remind all existing hackney carriage proprietors by email/letter of the changes that will be implemented at appropriate intervals throughout the period up to 1 April 2021 to ensure that all those who want to continue to operate a licensed hackney carriage from that date are ready and able to do so. Advice and guidance to new applicants will also be provided to ensure they understand the longer-term implications of licensing vehicles both as hackney carriages and as private hire vehicles.

Proactive and visible enforcement of the requirements of the policy, in particular in relation to the conditions applicable to each licence type, together with the associated legislation, including the relevant provisions of the Equality Act 2010, will further enhance the positive impact of the changes made to the policy. Any complaints/information that indicate licensed drivers are breaching conditions of licence that impact on public safety or are discriminating against disabled passengers, will be fully investigated by the Trading Standards & Licensing Service, and, where sufficient evidence exists and it is in line with the Council's Better Regulation and Enforcement Policy, legal proceedings will be pursued. Furthermore, the full range of licensing sanctions, including licence revocation, where this is proportionate, will be utilised. In addition, the Council has published a list of designated wheelchair accessible vehicles on its website, which will also enhance the positive impact of the changes to the policy.

For the purposes of enhancing the administration and enforcement of the requirements of the policy, the licensing team will continue to work in partnership with all relevant local authorities, in particular with Telford & Wrekin Council and the City of Wolverhampton Council. This will include multi-agency enforcement exercises.

The licensing team will also continue to work with the trade, disability access groups and individuals with disabilities, including those who do not use wheelchairs, to further understand and address wider vehicle accessibility issues across both the hackney carriage and private hire fleets.

It is the intention to revisit the role that West Mercia Police (WMP) has in the review of new licence applications/existing licences as part of the Council's internal Licensing Panel process. Currently, whilst relevant information is provided by WMP, representatives from WMP do not ordinarily attend Panel meetings to inform the decision-making process directly; further consideration as to the impact of this position is required. This is aimed at enhancing the positive impact of the policy on the identified groups, specifically with respect to safeguarding responsibilities affecting children, young people and vulnerable adults.

Actions to review and monitor the impact of the service change in terms of equality and social inclusion considerations

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 driver, proprietor, operator or any other person may request a review of the policy at any time. This is made clear in the policy itself.

There will be ongoing dialogue with the trade through direct contact and 'Taxi Forums' or similar meetings that will provide the opportunity for the trade to provide feedback to the licensing team. A dedicated telephone number and email address is and will continue to be generally publicised on the Council's website for other stakeholders, including members of the public (both those with and without disabilities), to provide feedback on the impact of the changes made to the policy. In addition, these contacts, together with social media contacts, will be publicised in hackney carriage and private hire vehicles to encourage passengers to provide feedback to the Council. All feedback will be recorded either on the Idox system used to administer the licensing regime or in appropriate electronic files maintained by the Licensing Team Manager.

With respect to 'age' and 'disability' groups, in particular around the Council's safeguarding responsibilities, there will be ongoing dialogue, as required, with the Shropshire Children Safeguarding Board and the Keeping Adults Safe in Shropshire Board. In addition, dialogue with West Mercia Police and those service areas within the Council that have particular responsibilities for the care of children and young people and adults with care and support needs, i.e. currently Children Services and Adult Services, will occur as a result of the ongoing role that officers from these services play in the review process applicable to new licence applications and existing licences.

Elected Member involvement will continue through the Strategic Licensing Committee and the Licensing & Safety Sub-Committee, with issues brought before these Committees as appropriate.

Associated ESIIAs

Hackney Carriage and Private Hire Licensing Policy 2015 – 2019 (ESIIA undertaken in 2014/15)

Amendment to the Hackney Carriage and Private Hire Licensing Policy 2015 – 2019 (ESIIA undertaken in February/March 2018)

Equality Act 2010 – Shropshire Council List of Designated Wheelchair Accessible Vehicles (ESIIA undertaken in May/June 2018)

Removal of the existing five hackney carriage ('taxi') zones ('the zones') in Shropshire and application of a single taxi licensing regime throughout the administrative area of Shropshire Council (ESIIA undertaken in June to December 2018)

Actions to mitigate negative impact, enhance positive impact, and review and monitor overall impacts in terms of any other considerations

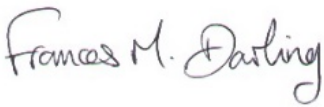



In addition to the Council's corporate approach towards prioritising and measuring the overall economic, environmental and community outcomes (<https://www.shropshire.gov.uk/shropshire-council/corporate-plan/>), the Licensing Team will continue to utilise the expertise within the Environmental Protection Team in Regulatory Services and Public Health to assess the impact on health and the environment of the proposed shift from the European emission based vehicle standards to vehicle age-restriction requirements.

The following points highlight likely environmental and societal impacts of the policy:

- The Euro rating of licensed vehicles has improved since 2015 with the percentage of Euro 5 and Euro 6 increasing from 20% to 61%, Euro 4 decreasing from 45% to 39% and Euro 3 reduced to zero as at the end of the second year of the policy.
- Total societal cost saving associated with the estimated reduction in pollutant levels for the first two years of the policy is estimated at £517,770. This equates to a 40% reduction in costs by the end of the second year of the policy.
- The majority (91%) of licensed vehicles are currently diesel.

Ongoing promotion and compliance with the Council's Modern Anti-Slavery and Human Trafficking Statement and Policy will further enhance the overall positive impact of the revised Hackney Carriage and Private Hire Licensing Policy.

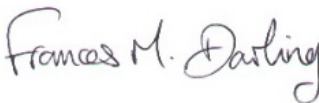
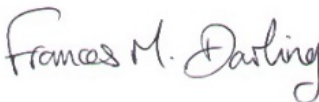
Scrutiny at Part One screening stage

People involved	Signatures	Date
<i>Lead officer carrying out the screening</i> Frances Darling, Trading Standards & Licensing Operations Manager		25 February 2019
<i>Any internal support*</i> Mandy Beever, Transactional & Licensing Team Manager Kate Robert, Public Protection Officer (Professional)	 	26 February 2019 26 February 2019
<i>Any external support**</i> Lois Dale, Rurality & Equalities Specialist		25 February 2019

**This refers to other officers within the service area*

***This refers either to support external to the service but within the Council, e.g. from the Rurality and Equalities Specialist, or support external to the Council, e.g. from a peer authority*

Sign off at Part One screening stage

Name	Signatures	Date
<i>Lead officer's name</i> Frances Darling, Trading Standards & Licensing Operations Manager		26 February 2019
<i>Accountable officer's name*</i> Frances Darling, Trading Standards & Licensing Operations Manager		26 February 2019

**This may either be the Head of Service or the lead officer*

B. Detailed Screening Assessment

Aims of the service change and description

The Council's existing Hackney Carriage and Private Hire Licensing Policy came into effect on 1 April 2015 and is due to expire on 31 March 2019. It is essential that the Council has a revised policy from 1 April 2019 to ensure a robust framework continues to be in place to provide the basis upon which to deliver the Council's statutory hackney carriage and private hire licensing function, which is fundamental to protecting public safety.

The policy requires updating to take into account the changes that have occurred to the way in which the hackney carriage and private hire trades operate at a local and national level as a result of national legislative amendments. There is a need to address the impact of these changes in order to ensure the Council is in the best position possible to continue to protect people from harm and to reduce the adverse impact on health and the environment from vehicle emissions.

As a result, licensing administrative and enforcement processes have been amended and further enhanced to improve safeguarding outcomes and the policy needs to be amended to reflect these current practices.

Intended audiences and target groups for the service change

- 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 licensing panel (or other relevant decision-making bodies)

- Licensing consultants, solicitors and barristers advising and/or representing applicants/license holders
- Magistrates and judges hearing appeals against Council decisions
- Members of the public, particularly those with disabilities, who use/rely on hackney carriage/private hire services, irrespective whether this is because they live, visit or work in Shropshire
- Other local authorities, particularly Telford & Wrekin Council, City of Wolverhampton Council and others that border the Shropshire Council area
- Shropshire Safeguarding Children Board
- Shropshire Council Children Services
- Keeping Adults Safe in Shropshire Board
- Shropshire Council Adult Services
- Shropshire Council Highways and Transport (Passenger Transport and Environmental Maintenance Teams)
- Shrewsbury Business Improvement District
- Oswestry Business Improvement District
- Shropshire Voluntary and Community Sector Assembly
- Voluntary Groups/Organisations, particularly those who represent, work with or provide services for people with disabilities
- Shropshire Tourist Board, Shropshire Tourism and other tourism bodies
- Police forces, in particular West Mercia Police
- West Mercia Police Crime Commissioner
- Shropshire located Town and Parish Councils
- Shropshire MPs
- Government Departments
- Competitions and Markets Authority

Evidence used for screening of the service change

- Feedback, over the life of the existing policy, from the hackney carriage/private hire trades, from licensing officers/managers, from enforcement and investigation officers and from other stakeholders that has been recorded and collated on an ongoing basis.
- Implementation of new legislation, parts of which relate to hackney carriage and private hire licensing, i.e. specific sections of the Deregulation Act 2015, the Equality Act 2010 and the Immigration Act 2016.
- The ongoing national and local concerns about child and adults with care and support needs exploitation, including sexual exploitation, human trafficking, modern slavery and the impact of hate crime.
- Government's recently published Inclusive Transport Strategy and the clear evidence that there is an increasing expectation for transport strategies to provide inclusive transport solutions for disabled passengers.
- Letter (30 July 2018) from the DfT to the Council highlighting the publication of the Inclusive Transport Strategy and including specific reference to actions that the DfT expects the Council to take in relation to improving the accessibility of taxi and private hire vehicles.
- The Council's continuing drive to increase the robustness of safeguarding practices, particularly with respect to children and adults with care and support needs.
- Institute of Licensing Guidance on determining suitability of applicants and licensees in the hackney and private hire trades (April 2018).

- LGA Revised Taxi and PHV licensing Councillors' handbook (England and Wales) (August 2017).
- Government's recently published Clean Air Strategy and the ongoing evidence that supports the need to reduce vehicle emissions to protect human health and the environment
- Number of vehicles being licensed by Shropshire Council has reduced; 40% less as at 31/12/18 compared with the number licensed at 01/04/15.
- Compared with the number of private hire operators that were licensed immediately prior to the current policy taking effect, there is currently an increase of 5%.
- An increasing number of vehicles, licensed by other neighbouring local authorities, are now operating in Shropshire. The extent of this increase is not known with absolute certainty, although officers undertaking recent enforcement exercises in Shropshire have noted up to 60% of the vehicles checked are licensed by other local authorities.
- The Euro rating of licensed vehicles has improved since 2015 with the percentage of Euro 5 and Euro 6 increasing from 20% to 61%, Euro 4 decreasing from 45% to 39% and Euro 3 reduced to zero as at the end of the second year of the policy.
- Total societal cost saving associated with the estimated reduction in pollutant levels for the first two years of the policy is estimated at £517,770. This equates to a 40% reduction in costs by the end of the second year of the policy.
- The majority (91%) of licensed vehicles are currently diesel.
- Between 01/10/14 and 30/09/17, criminal offence data relating to taxi/private hire drivers indicated 20 offences recorded where taxi/private hire drivers were suspects and 109 offences recorded where they were victims, with over half of these taking place on Saturdays/Sundays.
- The Task and Finish Group report on Taxi and Private Hire Vehicle Licensing - Steps towards a safer and more robust system (first published 24 September 2018)
- Introduction of the National Register for Hackney Carriage and Private Hire Licence Revocations and Refusals (NR3)
- Taxi and Private Hire Vehicle Licensing: Protecting Users, Consultation on Statutory Guidance for Local Authorities (DfT 12 February 2019)
- Improving Public Transport Consultation (Welsh Government 10 December 2018)

Specific consultation and engagement with intended audiences and target groups for the service change

On 27 October 2017, a 'Taxi Forum' was held to commence the engagement with the hackney carriage and private hire trade. All hackney carriage and private hire drivers, proprietors and operators, where an email address was held on record, were invited to attend the Forum. Operators were asked to cascade the invitation to all their drivers. The feedback from the Forum was recorded and used to inform the initial draft of the revised policy, together with fundamental changes introduced by Council officers to address local and national issues that have arisen during the course of the existing policy.

These changes included the following:

- referencing all forms of exploitation rather than restricting this to only child sexual exploitation
- significantly increasing the criteria that must be satisfied before a person will be deemed a 'fit and proper person' to be a private hire operator or to hold a vehicle licence as a proprietor and amending the associated conditions of licence

- incorporating new requirements to address cross-border hiring and sub-contracting
- incorporating details of the new National Register for Hackney Carriage and Private Hire Licence Revocations and Refusals (NR3)
- incorporating new requirements in respect of the Equality Act 2010 and the list of designated wheelchair accessible vehicles
- addressing the impact of removing the existing five hackney carriage zones
- replacing vehicle emission standards with vehicle age requirements
- introducing new sections specifically for novelty and executive private hire vehicles

The initial revised draft of the policy was presented to the Council's Strategic Licensing Committee. The relevant report can be found in the papers for the Committee meeting held on the 20 June 2018 at Agenda Item 14 <https://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=166&MId=3729&Ver=4>.

The Strategic Licensing Committee has overseen the review of the Hackney Carriage and Private Hire Licensing Policy. The Committee is a group of Councillors drawn from across the whole of the Shropshire area. The Members of the Committee considered and approved a draft policy for formal public consultation through the Council's website and directly with relevant stakeholders.

A public consultation in respect of the policy was undertaken over a 10-week period from 25 June 2018 to the 2 September 2018. During this period, on the 31 July 2018, a second 'Taxi Forum' was held. Again, all hackney carriage and private hire drivers, proprietors and operators, where an email address was held on record, were invited to attend the Forum. Operators were asked to cascade the invitation to all their drivers. The feedback from the Forum was recorded.

General information about the consultation was made available on the Council's 'Get involved' section of its website and on the Council and licensing team social media platforms. In addition, hard copy inserts informing driver, proprietor and operator applicants and licence holders were included in all renewal reminder correspondence and with issued licences. Furthermore, links to the consultation were embedded into all emails sent out from the generic 'taxis' email address and from individual officers involved in hackney carriage and private hire licensing.

Details of the consultation were also sent directly, by email, to:

- All hackney carriage and private hire drivers, proprietors and operators, where an email address was held on record
- Shrewsbury Tourism
- Competition and Markets Authority
- Oswestry Access Group
- Shropshire Disability Network
- West Mercia Police
- Shropshire Fire and Rescue Service
- Shropshire Council Adult Safeguarding
- Shropshire Council Children Safeguarding
- Neighbourhood Authority Working Group and Regional Taxi Licensing Forum (which includes Telford & Wrekin Council and City of Wolverhampton Council)
- Shropshire Council Regulatory Services and Trading Standards & Licensing managers
- Shropshire Council Passenger Transport Team

- Director of Public Health

The consultation welcomed and encouraged all interested parties to provide feedback in relation to the content of the whole policy and did not ask specific consultation questions, other than to ask generally for improvements that could be made to the policy, which would support hackney carriage and private hire businesses.

There were 55 individual responses to the consultation; 89% were from drivers, proprietors, operators and their representatives, with the remaining 11% from residents, two disability access groups and one town council. Full details of the responses, together with the feedback from the second 'Taxi Forum', have been analysed and officer comments and explanatory notes recorded. The specific feedback received was used to inform the second draft of the revised policy and was considered by the Strategic Licensing Committee on 23 January 2019. The relevant report can be found in the papers for the Committee meeting at Agenda Item 5 <https://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=166&MId=3868&Ver=4>.

The feedback that was received in response to the initial consultation can be categorised broadly into:

- Feedback that led to fundamental/significant changes, which relate to emission standards for vehicles, the impact of the Deregulation Act and cross-border hiring, the transitional period for all hackney carriages to become wheelchair accessible and the removal of the existing five hackney carriage zones.
- Feedback that led to a series of further amendments that have been made to enhance clarity in relation to the application processes for all licence types and the associated conditions of licence, the update service for the Disclosure and Barring Service (DBS), the DVLA insurance 'write-off' categories for vehicles, the requirements relating to the business model for executive private hire vehicles, the removal paragraphs that required private hire operators to take responsibility for vehicles being fit to convey passengers, and procedures to deal with personal property left in vehicles and private hire operator bases.

In addition, further changes were made by officers to extend, emphasise and/or clarify the following:

- that the hallmark of the licensing regime is localism and that the local authority responsible for granting licences ought to have the authority to exercise full control over all vehicles and drivers being operated within its area
- the role of members of the Strategic Licensing Committee with respect to them acting on behalf of individual applicants
- those specific matters that apply to all licence types
- sanctions that the Council may utilise to address non-compliances in certain circumstances
- the legal position relating to the 'exemption notice' applicable to novelty and executive private hire vehicles
- that existing licence holders must comply with all reasonable requests made by all relevant local authorities
- that the burden of proof applicable to matters determined under the policy is the civil and not criminal burden of proof

- the way in which the Council will use the new National Register for Hackney Carriage and Private Hire Licence Revocations and Refusals (NR3)
- the impact of the 'right to work' amendments brought in by the Immigration Act 2016
- the acceptable language skills required for hackney carriage and private hire drivers
- the requirements relating to approved trading names and telephone numbers for private hire operators
- the type of information that must be notified to the Council by existing licence holders, in particular those relating to PSV and PCV suspensions, revocations or written warnings and any community resolutions
- the definition of 'fit and proper person' as it applies to drivers, proprietors and private hire operators
- that drivers, proprietors and private hire operators must not use or allow to be used a vehicle for illegal or illicit purposes
- that the carrying of all types of assistance dogs is mandatory unless the driver holds a medical exemption and, where an exemption is held, where this exemption must be displayed
- the frequency of MOT tests within relevant conditions of licence
- the definition of 'executive service' within the private hire operator conditions of licence
- that proprietors must ensure all drivers are properly aware of the content of the applicable vehicle insurance including limitations and exclusions
- that all drivers who drive any wheelchair accessible vehicle (not only those who drive wheelchair accessible hackney carriages) are trained to do so
- that the impact of hardship on the applicant and their family will not be considered by the Council when determining an application or reviewing an existing licence

As a result of the changes identified above, the Strategic Licensing Committee supported a further period of consultation on the revised draft. This consultation was carried out between the 25 January 2019 and 22 February 2019 and was undertaken in the same manner and through the same channels as the initial consultation. It resulted in a further 47 responses; 46 (98%) of these responses were received from individuals connected with the hackney carriage and private hire trades and one from the Competition and Markets Authority. Of the 46 responses received from the trade, two were petitions; one with 242 signatures and another with 16 signatures.

A significant proportion of the feedback, including the petitions referred to above, related to the impact of the vehicle emission standards and vehicle age-restrictions proposed under the policy. Significant concerns were raised around the additional financial burdens and the inability of drivers and proprietors to gain sufficient return on their investment when purchasing replacement vehicles. As a result, changes were made to allow vehicles with 'Euro 5' emission standards and vehicles up to 10 years old to continue to be licensed for a longer period than was originally proposed; however, the overarching principles that aim to continue to reduce the adverse impact of vehicle emissions on both the environment and the health of people in our communities are retained.

Further feedback has led to a series of minor corrections that generally improve the sense of a number of proposed requirements of the policy but do not make fundamental alterations. Additional amendments have also been made that aim to reduce barriers to entry into the hackney carriage and private hire trades, enhance the clarity of several proposed requirements and reduce the risk of specific elements of the policy potentially leading to judicial review. These amendments include:

- removal of the list of examples of executive style vehicles;
- introduction of a requirement that drivers (not only private hire operators) must take responsibility for the hours they work to comply with the 'Working Time Directive';
- clarification that certain specified non-UK/EEA drivers' licences are recognised as valid licences under UK legislation;
- changes to the knowledge test and driver assessment requirements to clarify the circumstances that lead to an actual failure of the test/assessment as opposed to simple non-attendance and the implications of this on the fees that are payable;
- clarification that the number of MOT tests requested in relation to a vehicle licence will be aligned with the legislative requirements; and
- removal of the requirement/condition for private hire operators to reach agreement with the hirer to accept a sub-contracted vehicle in advance of the journey being undertaken.

The specific feedback received in response to the second period of consultation, together with officer analysis of this feedback and the third draft of the proposed policy, will be considered by the Strategic Licensing Committee on the 6 March 2019. Once agreed, the Committee will recommend the proposed policy to Cabinet for final approval. It is anticipated that the proposed policy will be presented to Cabinet on 20 March 2019.

Initial assessment for each group

Please rate the impact that you perceive the service change is likely to have on a group, through inserting a tick in the relevant column. Please add any extra notes that you think might be helpful for readers.

Protected Characteristic groups and other groups in Shropshire	High negative impact Part Two ESIIA required	High positive impact Part One ESIIA required	Medium positive or negative impact Part One ESIIA required	Low positive or negative impact Part One ESIIA required
Age (please include children, young people, people of working age, older people. Some people may belong to more than one group e.g. child for whom there are safeguarding concerns e.g. older person with disability)			✓	
Disability (please include: mental health conditions and syndromes including autism; physical disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; HIV)		✓		
Gender re-assignment (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓
Marriage and Civil Partnership (please include associated aspects: caring responsibility, potential for bullying and harassment)				✓
Pregnancy & Maternity (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓

Race (please include: ethnicity, nationality, culture, language, gypsy, traveller)			✓	
Religion and belief (please include: Buddhism, Christianity, Hinduism, Islam, Judaism, Non conformists; Rastafarianism; Sikhism, Shinto, Taoism, Zoroastrianism, and any others)				✓
Sex (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)			✓	
Sexual Orientation (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				✓
Other: Social Inclusion (please include families and friends with caring responsibilities; people with health inequalities; households in poverty; refugees and asylum seekers; rural communities; people for whom there are safeguarding concerns; people you consider to be vulnerable)				✓

Identification of likely impact of the service change in terms of other considerations

The policy aims to ensure that individual human rights are protected particularly in relation to Article 1, Protocol 1 - peaceful enjoyment of possessions (a licence is considered a possession in law and people should not be deprived of their possessions except in the public interest); Article 4 - prohibition of slavery and forced labour; Article 6 – right to a fair hearing; Article 7 - no punishment without law; Article 8 - respect for private and family life (in particular, removal or restriction of a licence may affect a person's private life); Article 10 - right to freedom of expression; and Article 14 - prohibition of discrimination. These rights are clearly referenced within the policy and it is made clear that officers and members of the relevant committees will have regard to these rights when determining applications for a licence and for renewals or reviews of a licence.

The policy has specifically been amended to state that the Council takes a zero-tolerance approach towards modern slavery (including servitude, forced and compulsory labour and human trafficking), on the basis that this is a crime and a violation of fundamental human rights, as well as strengthening the position that will be taken in relation to discrimination.

The process to implement the removal of the five existing hackney carriage zones, which will take place within the lifetime of the policy, is inextricably linked to the Public Sector Equality Duty. It will help to eliminate discrimination, advance equality of opportunity and foster good relations between the hackney carriage and private hire trade, disability groups and individuals (particularly those who are wheelchair users), other stakeholders and the Council as it relates to their activities associated with transport options. This is further enhanced by the steps that have already been taken to publish a Designated List of Wheelchair Accessible Vehicles in accordance with Sections 165 and 167 of the Equality Act 2010 and, through ongoing monitoring and updates to this list, will continue to benefit wheelchair users and their carers.

There is an increasing prevalence of 'cross-border hiring' that has been compounded by certain provisions enacted within the Deregulation Act 2015. The Council believes that this is fundamentally undermining local licensing control and that as a result the significant improvements relating to the protection of public safety and environmental air quality that Shropshire Council has been driving forward over the previous four years are being seriously threatened and diluted by drivers/vehicle proprietors who 'shop around' to be licensed by local authorities that demand lower standards than Shropshire Council and then exclusively or predominantly work in the Shropshire area where standards are higher and licences more difficult to obtain and retain.

As a result, the policy attempts to redress this negative impact by clearly stating that the Council believes that the hallmark of the regulatory licensing regime is localism and that the local authority responsible for granting licences ought to have the authority to exercise full control over all vehicles and drivers being operated within its area. As a result, the policy makes it clear that serious consideration will be given to applying restrictions within licence conditions to restrict any perceived erosion of localism in the governance of private hire licensing, with the aim of protecting the high level of public safety and environmental betterments that have been the aim of the Council in recent years. It will, however, also require other local authorities to take a similar position to deliver successful outcomes in this regard; to this end officers will continue to work in partnership with relevant local authorities and negotiate and influence appropriate parties at a regional and national level to secure the necessary changes in law and approach.

There is a risk that the policy may undermine local economic growth, insofar as the robust nature of the requirements and expectations that are placed on applicants and licence holders by the policy, are such that only those drivers, proprietors and operators who have financially sound business plans and legitimate business practices are likely to survive in the marketplace. However, the policy recognises the need to balance this against the duty placed on the Council to protect public safety and the environment. In this regard, it is imperative that only legitimate businesses are licensed by the Council and the Council does not legitimise criminal activities, including those undertaken by serious organised crime groups, through the licensing regime.

Guidance Notes

1. Corporate and Service Area Policy and Practice on Equality and Social inclusion

This involves taking an equality and social inclusion approach in planning changes to services, policies or procedures, including those that may be required by Government.

The decisions that you make when you are planning a service change need to be recorded, to demonstrate that you have thought about the possible equality impacts on communities and to show openness and transparency in your decision-making processes.

This is where Equality and Social Inclusion Impact Assessments (ESIAs) come in. Where you carry out an ESIA in your service area, this provides an opportunity to show:

- What evidence you have drawn upon to help you to recommend a strategy or policy or a course of action to Cabinet;
- What target groups and audiences you have worked with to date;
- What actions you will take in order to mitigate any likely negative impact upon a group or groupings, and enhance any positive effects for a group or groupings; and
- What actions you are planning to review the impact of your planned service change.

The formal template is there not only to help the service area but also to act as a standalone for a member of the public to read.

The approach helps to identify whether or not any new or significant changes to services, including policies, procedures, functions or projects, may have an adverse impact on a particular group of people, and whether the human rights of individuals may be affected.

This assessment encompasses consideration of social inclusion. This is so that we are thinking as carefully and completely as possible about all Shropshire groups and communities, including people in rural areas and people we may describe as vulnerable, for example due to low income or to safeguarding concerns, as well as people in what are described as the nine 'protected characteristics' of groups of people in our population, e.g. Age. We demonstrate equal treatment to people who are in these groups and to people who are not, through having what is termed 'due regard' to their needs and views when developing and implementing policy and strategy and when commissioning, procuring, arranging or delivering services.

When you are not carrying out an ESIIA, you still need to demonstrate that you have considered equality in your decision-making processes. It is up to you what format you choose.-You could use a checklist, an explanatory note, or a document setting out our expectations of standards of behaviour, for contractors to read and sign. It may well not be something that is in the public domain like an ESIIA, but you should still be ready for it to be made available.

Both the approaches sit with a manager, and the manager has to make the call, and record the decision made on behalf of the Council. Help and guidance is also available via the Commissioning Support Team, either for data, or for policy advice from the Rurality and Equalities Specialist. Here are some examples to get you thinking.

Carry out an ESIIA:

- If you are building or reconfiguring a building;
- If you are planning to reduce or remove a service;
- If you are consulting on a policy or a strategy;
- If you are bringing in a change to a process or procedure that involves other stakeholders and the wider community as well as particular groupings

For example, there may be a planned change to a leisure facility. This gives you the chance to look at things like flexible changing room provision, which will maximise positive impacts for everyone. A specific grouping that would benefit would be people undergoing gender reassignment

Carry out an equality and social inclusion approach:

- If you are setting out how you expect a contractor to behave with regard to equality, where you are commissioning a service or product from them;
- If you are setting out the standards of behaviour we expect from people who work with vulnerable groupings, such as taxi drivers that we license;
- If you are planning consultation and engagement activity, where we need to collect equality data in ways that will be proportionate and non-intrusive as well as meaningful for the purposes of the consultation itself;
- If you are looking at services provided by others that help the community, where we need to demonstrate a community leadership approach

For example, you may be involved in commissioning a production to tour schools or appear at a local venue, whether a community hall or somewhere like Theatre Severn. The production company should be made aware of our equality policies and our expectation that they will seek to avoid promotion of potentially negative stereotypes. Specific groupings that could be affected include: Disability, Race, Religion and Belief, and Sexual Orientation. There is positive impact to be gained from positive portrayals and use of appropriate and respectful language in regard to these groupings in particular.

2. Legal Context

It is a legal requirement for local authorities to assess the equality and human rights impact of changes proposed or made to services. It is up to us as an authority to decide what form our equality impact assessment may take. Carrying out ESIIAs helps us as a public authority to ensure that, as far as possible, we are taking actions to meet the general equality duty placed on us by the Equality Act 2010, and to thus demonstrate that the three equality aims are integral to our decision-making processes. These are: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations.

Service areas would ordinarily carry out a screening assessment, or Part One equality impact assessment. This enables energies to be focussed on review and monitoring and ongoing evidence collection about the positive or negative impacts of a service change upon groupings in the community, and for any adjustments to be considered and made accordingly.

If the screening indicates that there are likely to be significant negative impacts for groupings within the community, the service area would need to carry out a full report, or Part Two assessment. This will enable more evidence to be collected that will help the service area to reach an informed opinion. Please contact the equality policy lead within the Council for more advice and guidance in this regard, as per details below.

For further information on the use of ESIIAs: please contact your head of service or contact Mrs Lois Dale, Rurality and Equalities Specialist and Council policy support on equality, via telephone 01743 258528, or email lois.dale@shropshire.gov.uk.

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Committee and Date

Strategic Licensing Committee

6 March 2019

Item

6

Public

Hackney Carriage and Private Hire Licensing Fees 2019-2020

Responsible Officer Mandy Beever, Transactional and Licensing Team Manager
e-mail: mandy.beever@shropshire.gov.uk Tel: 01743 251702

1. Summary

This report sets out the objection to be considered by the Strategic Licensing Committee in respect of the variations proposed to the fees in relation to driver, hackney carriage (zones 1, 2, 3, 4 & 5), private hire vehicle and operator licences. The report aims to enable the Committee to make a decision in respect of the fees that will take effect from 1 April 2019.

2. Recommendations

- 2.1 That the Committee, in accordance with the provisions of Section 70 (5) of the Local Government (Miscellaneous Provisions) Act 1976, considers the objection received, together with associated officer comments, as set out in **Appendix A**, following the legally prescribed objection process that was undertaken in respect of the variations proposed to the fees in relation to driver, hackney carriage (zones 1, 2, 3, 4 & 5), private hire vehicle and operator licences and agrees, with any further modifications if necessary, to implement the variations proposed to the fees as set out in **Appendix B** with effect from 1 April 2019, this being a date not later than 2 months after the 4 February 2019.

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, complaints to the External Auditor by way of an objection to the Council's annual account and judicial review; hence, the importance of undertaking robust processes to set discretionary fees and charges.
- 3.2 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 2.1 above. Historically, the Council has also consulted on driver licence fees and consequently it is recommended 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 Council's intentions, prior to the fees coming into force, is sufficient and this reflects previous practice.

- 3.3 The duty under Section 70 of Local Government (Miscellaneous Provisions) Act 1976 was fulfilled between the 7 January 2019 and 3 February 2019, with the necessary notice published in the Shropshire Star on the 5 January 2019. The notice was also available for inspection, without payment, at the Council offices in Shrewsbury as detailed in the formal notice. It was also published through the "Get involved" page on the Council's website on the 7 January 2015.
- 3.4 The Councils fees are set in accordance with the Court of Appeal Judgement in the case of R Hemming and others v Westminster City Council. 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.
- 3.5 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.
- 3.6 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. 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.
- 3.7 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.

Consultation Responses

- 3.8 There were four responses in total received during the consultation, one was withdrawn, and two consisted of questions which were responded to separately. In the final response the consultee was not clear with regard to the actual fee they were objecting to. The consultee referred to the 'transferring of plates being far too expensive'. Officers provided clarification as set out in **Appendix A, (Part 2 of 2)**,

but the objection was not withdrawn and no additional objection was received from the consultee. As a result officers have not proposed any amendments to be made to the fees published during the consultation.

- 3.9 An Equality and Social Inclusion Impact Assessment has not been undertaken as the report does not concern the implementation of a new policy; the focus of the report is the review of licensing costs to ensure the Council is in a position to recoup its costs on a cost recovery basis in line with current legislative requirements.
- 3.10 There is no anticipated environmental impact associated with the recommendations in this report.
- 3.11 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 domestic licensing legislation and takes into consideration relevant European provisions and case law.
- 3.12 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.

4. Financial Implications

- 4.1 An exercise has been undertaken involving managers, licensing officers and finance officers to capture the detail involved in all licensing procedures where the Council has the discretionary power to set fees, including those specifically relating to driver, hackney carriage, private hire vehicle and operator licences. The procedures were considered from receipt of application to the issue of the final licence with both variable and fixed costs being considered. These costs include officer time and management time spent on licensing administration and monitoring compliance of those already licensed but excludes time spent on enforcing unlicensed operators/businesses. In addition, a proportion of all relevant 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, other corporate recharges, etc.
- 4.2 In relation to the consideration of applications, it is reasonable to recover a proportion of the costs of running both the Strategic Licensing Committee and the Licensing & Safety Sub-Committee from licensing fees and consequently these costs have, where possible, been incorporated into the overall figures.
- 4.3 As a result of this work, proposed fees for driver, hackney carriage, private hire vehicle and operator licences were calculated and presented to the Strategic Licensing Committee on the 3 October 2018 in Appendix F to the report entitled "Licensing Fees and Charges 2018 – 2019".
- 4.4 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 (as set out in see paragraph 3.4 above) 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.

- 4.5 The detailed fee variations including surplus/deficit adjustment proposed for the 2019/20 fees are set out in **Appendix B**.
- 4.6 The increases associated with the driver, hackney carriage (zones 1, 2, 3, 4, & 5), private hire vehicle and operator 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.
- 4.7 Where legislation allows the Council to recover licensing costs, it is important that this is undertaken effectively. Failure to do so means that the costs are subsidised by council tax payers. In addition, resourcing those elements that cannot be legally funded through fees, e.g. enforcement of unlicensed activities, are adversely impacted as council tax funds have to be utilised to deliver licensing activities that can and should be funded through fees as well as those that cannot. This may result in a reduction in the Council's ability to effectively deliver the overall licensing regime.
- 4.8 The proposed fees have been broken down into different categories which include standard private hire vehicles, novelty private hire vehicles and executive private hire vehicles. There are now two hackney carriage and private hire joint drivers licence fees the first one is a direct comparison to the fee which has been previously set. The second includes an additional fee for the safeguarding awareness course, this has been calculated at a reduced rate compared to renewing a hackney carriage and private hire joint driver's licence and booking a separate safeguarding training course. The fees have been set out in this way to provide choice and greater transparency for the hackney carriage and private hire trade.
- 4.9 An assumption has been made about the number of renewals that will take place in 2019/20 in order to recover or redistribute the deficits and surpluses. Until the end of the 2019/20 financial year it will not be known whether the assumptions about the number of renewals were accurate or not. The actual activity in 2019/20 will again change the cumulative position and further adjustments will be required in this rolling annual process. The adjustments to correct any material discrepancy in the recovery or redistribution of the deficits and surpluses will be made against 2020/21 fees and so on until the recovery of the surplus or deficit reaches a satisfactory position.
- 4.10 Where licenses have a renewal period of greater than one year, the recovery or redistribution calculation is spread across the same period.
- 4.11 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 is recognised that not all licensing costs are recoverable.

5. Background

- 5.1 Detailed background information about designing fees on a cost recovery basis was provided to the Strategic Licensing Committee on the 3 October 2018 as part of the report entitled “Licensing Fees and Charges 2018 – 2019”. As a result of this report, the Committee instructed the Trading Standards and Licensing Operations Manager to publish the proposed fees in relation to driver, hackney carriage (for zones 1, 2, 3, 4 & 5), private hire vehicle and operator licences and to set out the period during which and the method whereby objections could be made.
- 5.2 This process was carried out as described in paragraph 3.2 and 3.3 above. The objection received are set out in **Appendix A** to this report, together with relevant officer comments for the Committee to consider.

6. Additional Information

- 6.1 The Local Government Association has published guidance on locally set fees. The work that has been undertaken to determine Shropshire Council’s proposed fees follows the principles contained in the guidance.
- 6.2 The revised process that has been undertaken to determine the fees for driver, hackney carriage, private hire vehicle and operator licences will be undertaken annually with amendments being made to take account of changes in the law and Council procedures.

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

- Supreme Court Judgement in the case of R (on the application of Hemming and others v Westminster City Council – 29 April 2015 - [2015] UKSC 25 on appeal from [2013] EWCA Civ 591
- Court of Justice for the European Union Judgement in the case of Hemming [2016] EUECJ C-316/15 (16 November 2016)
- Report to the Strategic Licensing Committee on 3 October 2018 entitled Licensing Fees and Charges 2018 – 2019 <http://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=166&MId=3730&Ver=4>

Cabinet Member (Portfolio Holder)

Councillor Gwillam Butler, Portfolio Holder for Communities and Place Planning

Local Member

Not applicable – report has county wide application

Appendices

Appendix A, Part 1 of 2 – Summary of Consultation Response

Appendix A, Part 2 of 2 – Consultation Response

Appendix B – Proposed fees in relation to driver, hackney carriage (zones 1, 2, 3, 4 & 5), private hire vehicle and operator licences.

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Appendix A (Part 1 of 2)

Officer response to consultation response received

Appendix Letter/ Document Number	Para. No.	Included in Revised Policy [Y/N, In Part or Supporting Proposals (SP)]	Officer Comments Explanatory Notes
1	1,2,3 and 5	N	Response is specific to the consultation on the proposed Hackney Carriage and Private Hire Licensing Policy 2019-2023 and has been included as part of that consultation.
1	4	N	<p>Consultee made representation in regard to the proposed fee for the 'transfer of licence plates'. The consultee was not clear if they were referring to changing a vehicle on a licence or a transfer of licensee.</p> <p>The fee set to change a vehicle on a licence has been set to reflect the work undertaken to process a transfer of licence application, which is very similar to the process for a new vehicle licence. However, where a licence holder wishes to transfer a licence to another person then the fee for that application is lower to reflect the work undertaken to process a transfer of licensee application.</p>

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From:
 Sent: 10 January 2019 12:13
 To: Taxis
 Subject: taxi fees consultation

TAXI FEES CONSULTATION

To the Taxi Department

I am in the process of moving to Shropshire, and start my new Taxi/Hackney carriage business

I have been in the taxi business for 18 years, and i have seen a lot of changes of over the years, and many changes to come in the taxi business going all electric or hybrid.

It seems lot of cost are forwarded on to the drivers, increase in fees, increase in new taxi prices, increase fuel and add blue, to buy a new taxi with wheelchair access starts at £37999 to £65000, cab-direct, voyager mpv ltd, mercades vito taxi, and LEVC are the main taxi dealers.

My proposal would be

- ① New taxis should have one MOT a year for up to 10 years old, inspected in ANY independent MOT station, and keep the new proposed licensing fees.
 IN WOLVERHAMPTON a new taxi has one MOT a year for upto 10 years old.
- ② TAXI ranks should be clearly marked out, in Shropshire, stating not for private hire.
- ③ Door signs are deliberately damaged by the customers, they should pay for replacement, why is the driver getting penalised, reinstatement of any signage should be free.
- ④ Transferring of the plates is far to expensive, it should be about £30.00.
- ⑤ large private hire companies, should pay larger amount of fees, because they are dominating the taxi and private hire business with hundreds of drivers, they are taking away work from traditional taxis ranks, the black cabs is a British icon, and a Ambassador for Shropshire.

If Shropshire council want to attract professional drivers who a willing to invest in new state of the taxis, the taxi fees have to be competitive.

From Experience passenger don't mind paying a little extra, as long as the driver has a nice clean taxi, the driver knows where he is going, even with a sat nav, and can hold a nice civil conversation.

Kind Regards

From:
Sent: 31 January 2019 15:44
To:
Subject: RE: taxi fees consultation

Good afternoon

Please accept my apologies with the delayed reply.

In response to your questions raised below I can confirm that 1-3 and 5 will be considered as part of the consultation into Shropshire Councils Hackney Carriage and Private Hire Licensing Policy 2019-2023.

In response to your point raised at 4, I can confirm that the fee set to change a vehicle on a licence has been set to reflect the work undertaken to process a Transfer of Licence application, which is very similar to the process for a new vehicle licence. However, where a licence holder wishes to transfer a licence to another person then the fee for that application is lower to reflect the work undertaken to process a Transfer of Licensee application. Additional information on the process for both application types can be found on the Licensing pages of Shropshire Councils website at <https://shropshire.gov.uk/licensing/>.

Kind regards

Appendix B - Hackney Carriage and Private Hire Discretionary Fees

2018 - 2019		2019 - 2020				
Licence Type	2018/19 Fee (£)	Licence Type	Calculated 2019/20 Fee (£) without surplus/deficit	Proposed 2019/20 Fee (£) including surplus/deficit	Difference (£)	Difference (%)
Drivers						
Driver's Joint Badge New 3 year (inc. DVLA, DBS check, first knowledge test and first driver training assessment)	235.00	Driver's Joint Badge New 3 year (inc. DVLA, DBS check, first knowledge test and first driver assessment)	226.00	235.00	0.00	0.0%
		Driver's Joint Badge New 3 year (inc. DVLA, DBS check, first knowledge test, first driver training assessment and Safeguarding Course)	249.00	249.00	0.00	0.0%
Driver's Badge 3 yr Renewal (inc. DVLA and DBS check)	202.00	Driver's Badge 3 yr Renewal (inc. DVLA and DBS check)	186.00	217.00	15.00	7.4%
		Driver's Badge 3 yr Renewal (inc. DVLA, DBS check and Safeguarding Course)	193.00	224.00	0.00	0.0%
Driver's Knowledge Test Resit	53.00	Driver's Knowledge Test Resit	52.00	52.00	-1.00	-1.9%
Driver Badge replacement following damage or	45.00	Driver Badge replacement following damage or loss	45.00	45.00	0.00	0.0%
Driver Training assessment	23.00	Driver Training assessment	34.00	34.00	11.00	47.8%

Appendix B - Hackney Carriage and Private Hire Discretionary Fees

Safeguarding Training	39.00	Safeguarding Training	48.00	48.00	9.00	23.1%
Vehicles						
Private Hire Vehicle - new	148.00	Standard Private Hire Vehicle - new	131.00	148.00	0.00	0.0%
Private Hire Vehicle - renewal	156.00	Standard Private Hire Vehicle - renewal	134.00	168.00	12.00	7.7%
		Novelty Private Hire Vehicle - new	141.00	141.00	0.00	0.0%
		Novelty Private Hire Vehicle - renewal	145.00	145.00	0.00	0.0%
		Novelty Private Hire Vehicle - Transfer	87.00	87.00	0.00	0.0%
		Executive Private Hire Vehicle - new	133.00	133.00	0.00	0.0%
		Executive Private Hire Vehicle - renewal	136.00	136.00	0.00	0.0%
		Executive Private Hire Vehicle - transfer	78.00	78.00	0.00	0.0%
Private Hire Vehicle Licence Transfer (transfer of existing licence to a new vehicle)	108.00	Standard Private Hire Vehicle Licence Transfer (transfer of existing licence to a new vehicle)	86.00	108.00	0.00	0.0%
Hackney Carriage Vehicle - new	142.00	Hackney Carriage Vehicle - new	124.00	142.00	0.00	0.0%
Hackney Carriage Vehicle - renewal	159.00	Hackney Carriage Vehicle - renewal	128.00	159.00	0.00	0.0%

Appendix B - Hackney Carriage and Private Hire Discretionary Fees

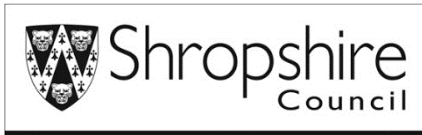
Hackney Carriage Licence Transfer (transfer of existing licence to a new vehicle)	102.00	Hackney Carriage Licence Transfer (transfer of existing licence to a new vehicle)	79.00	102.00	0.00	0.0%
		Trailer Licence - new	123.00	123.00	0.00	0.0%
		Trailer Licence - renewal	126.00	126.00	0.00	0.0%
Exterior plate replacement following damage or loss	45.00	Exterior plate replacement following damage or loss	45.00	45.00	0.00	0.0%
Internal plate replacement following damage or loss	45.00	Internal plate replacement following damage or loss	45.00	45.00	0.00	0.0%
Fare Card replacement following damage or	2.50	Fare Card replacement following damage or loss	2.50	3.00	0.50	20.0%
Private Hire Door Signs (pair)	45.00	Private Hire Door Signs (pair)	45.00	45.00	0.00	0.0%
Licence Holder Transfer/Change of Details	24.00	Licence Holder Transfer/change of Details	24.00	24.00	0.00	0.0%

2018 - 2019

2019 - 2020

Appendix B - Hackney Carriage and Private Hire Discretionary Fees

Licence Type	2018/19 Fee (£)	Licence Type	Calculated 2019/20 Fee (£) without surplus/deficit adjustment	Calculated 2019/20 Fee (£) including surplus/deficit adjustment	Difference (£)	Difference (%)
Private Hire Operator - 5 Year - New						
Private Hire Operator - up to 30 vehicles	254.00	Private Hire Operator Small - up to and including 30 vehicles and one base	319.00	319.00	65.00	25.6%
Private Hire Operator - more than 31 vehicles	553.00	Private Hire Operator Large - 31 vehicles and more and/or more than one base	722.00	722.00	169.00	30.6%
Private Hire Operator - 5 Year - Renewal						
Private Hire Operator - up to 30 vehicles and one base	195.00	Private Hire Operator Small - up to and including 30 vehicles and one base	259.00	259.00	64.00	32.8%
Private Hire Operator - more than 31 vehicles and/or more than one base	538.00	Private Hire Operator Large - 31 vehicles and more and/or more than one base	663.00	663.00	125.00	23.2%



Committee and Date

Strategic Licensing Committee

6 March 2019

Item

7

Public

EXERCISE OF DELEGATED POWERS

Responsible Officer Mandy Beever, Transactional and Licensing - Team Manager
Email: Mandy.Beever@shropshire.gov.uk Tel: 01743 251702

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 refuse, suspend or revoke driver, vehicle and operator licences.
- 1.3 This report gives details of the licences issued, variations that have been made and the enforcement action undertaken between 1 January 2019 and the 15 February 2019 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 refusal, suspension and revocation of licences where the operating criteria as set by the Hackney Carriage and Private Hire Licensing Policy 2015 to 2019 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 and refusal, suspension or revocation of licences where the criteria as set by the Hackney Carriage and Private Hire Licensing Policy 2015 to 2019 is not met and the officer does not consider there to be any special reason for an exception to be made.
 - e) There are Private Hire Operator applications for new or renewal licenses and refusal, suspension and revocation of licences where the operating criteria as set by the Hackney Carriage and Private Hire Licensing Policy 2015 to 2019 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 1 January 2019 to the 15 February 2019. During this period the total number of licences issued was 633.
- 5.4 The Table in Appendix B shows that there were no Licensing and Safety Sub-Committee Meetings held between the 1 January 2019 and the 15 February 2019.
- 5.5 The Licensing Act activities at Sub Committee have also been given in Appendix C.
- 5.6 The Private Hire Vehicle and Hackney Carriage checks undertaken between the 1 January 2019 to the 15 February 2019, results are provided in Appendix D.
- 5.7 Following the decision at the Strategic Licensing Committee on 18th March 2015, vehicles and driver applications are now being considered by Officers using delegated powers. This includes refusal of new licence applications, refusal to renew existing licences and revocation and suspension of existing licences, in relation to any matter concerning a hackney carriage or a private hire driver's licence or a vehicle licence or any matter concerning a private hire operator's licence.

The number of licences and actions determined by this process is as follows:-

Driver	Granted	Granted and/or Warning Letter, Suspension	Letter Council is 'Minded to refuse' or 'Revoke'	Refuse to Grant	Revoke	To refer to Committee
New	1	1				
Renew						
Conduct		2			2	
Vehicle	Granted	Granted and/or Warning Letter	Letter Council is 'Minded to refuse' or 'Revoke'	Refuse to Grant	Revoke	To refer to Committee
New						
Renewal						
Condition						
Operator	Granted	Granted and/or Warning Letter	Letter Council is 'Minded to refuse' or 'Revoke'	Refuse to Grant	Revoke	To refer to Committee
New						
Renewal						
Conduct						

6. Conclusion

- 6.1 During the period captured in this report the workload for the Licensing team has continued to be high and the team have been working hard to maintain the flow of applications.

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 Joyce Barrow Portfolio Holder for Communities, Waste & Regulatory Services.

Local Member

Cover all areas of Shropshire

Appendices:

A – Licences issued between the 1 January 2019 and the 15 February 2019.

B – Number of Hackney Carriage / Private Hire Vehicle applications considered at the Licensing and Safety Sub-Committees from the 1 January 2019 to the 15 February 2019.

C – Hearings held for licensed premises at the Licensing Act Sub-Committees from 1 January 2019 to the 15 February 2019.

D – Private Hire Vehicle and Hackney Carriage checks undertaken between the 1 January 2019 and the 15 February 2019.

APPENDIX A

Licences issued – from 1 January 2019 to the 15 February 2019.

General Licensing	Total
Acupuncture Personal	0
Acupuncture Premises	0
Activities Involving Animals Licence	23
Animal Breeding	0
Caravan Sites	0
Cosmetic Piercing Personal	3
Cosmetic Piercing Premises	2
House to House Collection	7
Pet Shops	0
Riding Establishments	0
Scrap Metal Site	0
Scrap Metal Collector	0
Sex Establishment Licence	0
Street Collection	95
Street Trading Licence	0
Tattooing Personal	0
Tattooing Premises	0
Electrolysis	0
Dangerous Wild Animals	0
Zoo	0
Performing Animals	0
Distribution of Free Printed Matter	2
Total Applications General	132

Taxi Licensing (Surrendered)	Total
Private Hire Vehicles	13
Hackney Carriages	2
Total Surrendered Vehicles	15

Taxi Licensing		Total
Hackney Carriage	N	5
Hackney Carriage	R	13
Joint HC/PH Driver	N	9
Joint HC/PH Driver	R	47
Private Hire Operator	N	1
Private Hire Operator	R	0
Private Hire Vehicle	N	42
Private Hire Vehicle	R	59
Hackney Vehicle Transfer		3
Private Hire Vehicle Transfer		8
Private Hire Licensee Transfer		0
Trailer Licence		0
Total Taxi Applications		187

Licensing Act 2003	Total
Club Certificate with alcohol	1
Personal Alcohol	25
Premises Licence	8
Temp Event Notice no Alcohol	87
Temp Event Notice with Alcohol	0
Minor Variation Application	3
DPS Change/Variation	20
Transfer Application	10
Annual Fee	96
Notification of Interest	2
Premises Lic with Alcohol - Full Variation	3
Premises Lic without Alcohol - Full Variation	0
Total Lic Act Applications General	255

Gambling Act 2005	Total
Bingo Premise Licence	1
Betting Premise Licence	0
Licensed Premise Gaming Machine Permit	0
Notification of Intent to have gaming machines	0
Club Machine Permits	0
Occasional Use Licence	0
Adult Gaming Centre	0
Small Society Lotteries	13
Change of Promoter	0
Annual Fee	45
Family Entertainment gaming machine permit	0
Total Gambling Act 2005 Applications	59

Total Applications	633
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Total Surrendered Vehicles	15
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APPENDIX B

Licensing and Safety Sub-Committee Meetings from the 1 January 2019 to the 15 February 2019.

Date of Meeting	Scheduled/ Additional	Item	Meeting Venue	Decisions
None				

APPENDIX C**Licensing Act Sub-Committees.****Hearings held for licensed premises from 1 January 2019 to the 15 February 2019.**

Date	Premises	Type of Application	Councillors	Decision	Review Requested by
15/01/19	Cromwell's Restaurant and Wine Bar 11 Dogpole Shrewsbury	Variation of a premises licence	Cllr Roy Aldcroft Cllr Simon Jones Cllr Dave Tremellen	Granted with amendment/additional conditions	n/a

APPENDIX D

Private Hire Vehicle and Hackney Carriage checks undertaken between the 1 January 2019 and the 15 February 2019.

Inspection Date	Total Number of Vehicles Inspected	Advisory Note	No Action Required
14.02.2019	11	1	10
20.01.2019	3	0	3
04.02.2019	6	1	5
12.02.2019	2	0	2
08.01.2019	5	1	4
09.01.2019	4	2	2
19.01.2019	2	0	2
Total	33	5	28

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SHROPSHIRE COUNCIL

LICENSING ACT SUB-COMMITTEE

Minutes of the meeting held on 6 July 2018
10.27 am - 1.07 pm in the Shrewsbury Room, Shirehall, Abbey Foregate,
Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Shelley Davies
Email: shelley.davies@shropshire.gov.uk Tel: 01743 257718

Present

Councillors Peter Adams, Simon Jones and Paul Milner

1 Election of Chairman

RESOLVED:

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

2 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.

3 Application for a Variation of a Premises Licence - The Wheatsheaf Inn, Lower Broad Street, Ludlow, SY3 1PQ

Consideration was given to an application for a Variation of a Premises Licence in respect of Wheatsheaf Inn, Lower Broad Street, Ludlow.

Mrs. Ruth Watson (Objector), Mr. Roger Curry (Objector), Mr. Ken Peacock (Landlord of Wheatsheaf Inn), Mr. Chris Grunert (Licence Holder's Representative - Marstons), Mr. Chris Nicholson (Marstons), Mr. Michael Jackson (Interested Party), Mr. Alexander Downes (Interested Party), Mr. Matthew Clark (Public Protection Officer – Professional (Environmental Health) Shropshire Council), Mr. Robert Bowland (Public Protection Officer – Specialist (Out of Hours) Shropshire Council); Ms. Deborah Hall (Public Protection Officer – Specialist (Out of Hours) Shropshire Council), Mr. Grant Tunnadine (Trading Standards – Shropshire Council), Mr. Jamie Tawn (Trading Standards – Shropshire Council), Sgt. Adrian Woolley (West Mercia Police) Ms. Louise Prince (Solicitor – Shropshire Council) and Ms. Jessica Moores (Public Protection Officer – Professional (Licensing) Shropshire Council) were in attendance.

Mr Grunert (the Licence Holder's representative) addressed the Sub-Committee to explain that the application sought to extend the Late Night Refreshment to the current terminal hours of the premises; to remove and replace a condition from the embedded restrictions attached under the Licensing Act 1963 regarding children; and amend condition 2 of the Prevention of Crime and Disorder conditions on the current licence, which prohibits alcoholic and other drinks to be removed from the premises

in open containers. He added that a number of additional conditions had been discussed with Mr Clark and Mr Tunnadine.

In response to questions from Mr Clark, Sgt. Woolley, the Solicitor and Members of the Sub-Committee the Licence Holder's Representative confirmed that:

- The premises was currently operating under Temporary Event Notices to allow alcoholic and other drinks to be removed from the premises in open containers;
- The condition to ensure that customers go inside the premises at 10pm had been drafted and was open for discussion;
- The incident referred to by Mrs Watson was a 'one-off' and he agreed that the behaviour was unacceptable;
- CCTV was proposed in the list of additional conditions previously referred to;
- The behaviour of the customers using the outside area was not inappropriate as described by the objectors;
- The outdoor furniture would be put out of commission when not in use but it was too heavy to be removed each day;
- He was not aware of the incidents listed by Mrs Watson; and
- Previously drinks had been served in the outdoor area which was a breach of the conditions of the premises licence and the reason the variation application had been submitted.

The Public Protection Officer - Professional (Licensing) addressed the Sub-Committee, confirming that the application had been accepted as a valid application and that during the statutory consultation period representations had been received from the Police, Environmental Health and Trading Standards. Additionally 18 representations had been received from 'other persons' – 6 of these were in objection to the application and 12 in support.

In response to questions from Sgt. Woolley and Members of the Sub-Committee the Public Protection Officer - Professional (Licensing) confirmed that:

- The proposed condition for a customer already in the outdoor area to return inside the premises at 10pm would be difficult to enforce from a licensing perspective; and
- In theory a customer would be able to purchase a drink in a sealed container open it themselves or purchase a drink from elsewhere and drink in the outdoor area.

Mr M. Clark (Environmental Health) addressed the Sub-Committee in relation to the application and stated that he was in agreement with the Public Protection Officer - Professional (Licensing) with regards to whether the condition discussed was enforceable and also noted that there was an ongoing complaint in relation to noise at the premises.

Mr. R. Bowland (Public Protection Officer – Specialist (Out of Hours) provided information in relation to monitoring at the premises that had taken place in regards to an ongoing complaint.

In response to questions from Members of the Sub-Committee and the Licence Holders Representative, Mr. R. Bowland confirmed that the monitoring had taken place between 9.30pm – 11pm and he had witnessed customers drinking in the outdoor area.

In response to questions from Members of the Sub-Committee and Licence Holders Representative Mr M. Clark confirmed that:

- The High Court Case referred to was an interesting case but dealt with a different issue to that being discussed at this hearing;
- He did not disagree with S182 guidance but pointed out the activity discussed was taking place on the highway and out of the red line of the premises and therefore such a condition would be difficult to enforce;
- The issue under discussion did not relate smoking and when customers leave a premises to smoke they tend to do just that; and
- He supports the proposed conditions if they are seen to be enforceable.

Sgt. A. Woolley (West Mercia Police) addressed the Sub-Committee in relation to the application stating that his main concern was that the wording of the condition to ask customers to return inside the premises at 10pm needed to be precise and state that the DPS and not the Police were responsible for enforcing the condition.

In response to questions from Members of the Sub-Committee Sgt. A. Woolley confirmed that he was Concerned that the outdoor area was not within the red line of the premises and therefore the DPS does not have any power to ask the customer to leave this area. This would then lead to the Police being called.

Mrs R. Watson (Objector) addressed the Sub-Committee in relation to the application. She outlined the disturbance that the Wheatsheaf caused her and noted that she had felt threatened by customers of the premises.

Mr R. Curry (Objector) addressed the Sub-Committee in relation to the application. He noted the impact of the premises in relation to his holiday let and stated that he considered CCTV in the street would be a good idea,

Mr G. Tunnadine (Trading Standards) addressed the Sub-Committee in relation to the application. He explained that Trading Standards had initially objected to the application in relation to safe guards to prevent underage sales but the applicant had agreed for conditions to be included on the premises licence in regards to this issue.

In response to a question from the Chairman Mr Tunnadine confirmed that the application would be requires to apply to renew the pavement permit next year and it would be at this stage when the permit would be reviewed, however he pointed out that this would be in relation to the use of the highway only and not include matters such as noise nuisance.

Mr. A. Downes (Interested Party) addressed the Sub-Committee in relation to the application. He reported that he had been a resident in Lower Broad Street for 15

years and the Wheatsheaf was a popular pub and most residents support the premises.

Mr. M. Jackson (Interested Party) addressed the Sub-Committee in relation to the application. He noted that he had lived in the area for 30 years and most residents were older people that would not tolerate any noise nuisance.

In response to a question from a Member of the Sub-Committee Mr Downes confirmed that drinks had been consumed in the outdoor area in the past but noted that it was a pleasant environment and he would not want this to be taken away.

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

Members of the Sub- Committee retired to consider the application, in private, at 12.22 p.m. and reconvened at 13.02 p.m. to announce their decision.

RESOLVED:

That the variation application for Wheatsheaf Inn, Lower Broad Street, Ludlow, Shropshire, SY8 1PQ be granted as follows:

1. Late Night Refreshment (Indoors)

Monday – Saturday: 23:00 – 00:00

Sunday: 23:00 – 23:30

Non Standard Timings

On Fri/Sat/Sun/Mon on May/Spring/Whitsun and August Bank Holiday weekends, Thu/Fri/Sat/Sun/Mon of Easter Bank Holiday weekend, any other Bank Holiday, Xmas Eve, Boxing Day, 29/30 December and each night of Ludlow Festival/Ludlow Food & Drink Festival/Ludlow Medieval Fair - an additional hour into the morning. End time on New Year's Eve is end time on New Year's Day.

2. That the following condition from the embedded restrictions attached to the existing premises licence under the Licensing Act 1963 regarding children be removed:

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- 1) He is the child of the holder of the premises licence*
- 2) He resides in the premises, but is not employed there*
- 3) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.*
- 4) The bar is in premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.*
In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

3. That the above condition be replaced with the following in the Protection of Children from Harm section of Annex 2 of the premises licence:

Children under the age of 16 shall not be permitted to enter the premises after 21:00 unless accompanied by an adult and either dining or attending a private function.

4. That condition 2 of the Prevention of Crime and Disorder conditions in Annex 2 of the current licence is removed and replaced with the following:

No open vessels shall be taken into the external area of the premises (as covered by the pavement permit issued for the premises) or alcohol be consumed by customers in any external area between the hours of 22.00 – 10.00 Sunday to Thursday and between 22.30 – 10.00 Fridays and Saturdays. Between the hours stated above no furniture found in external areas shall be used by customers. A polite notice shall be posted within the premises and at the exit of the premises advising customers that alcohol may only be consumed within the area covered by the pavement permit. The notice shall include a plan of the pavement café area. Relevant staff will ask members of public to return to the venue at the point of curfew.

5. In accordance with the operating schedule contained within the current premises licence, with the addition of the following conditions as agreed between the applicant and the Responsible Authorities:

- i. The premises will operate a proof of age scheme and will require photographic identification from any person who appears to be under the age of 21 years and signage to this effect is to be displayed within the premises.
- ii. All members of staff involved in the retail sale of alcohol shall be trained at least every 12 months on the age verification policy. Training records shall be retained at the Premises and shall be made available for inspection by the Police or any other authorised person on request.
- iii. A refusals book (or equivalent) shall be kept at the premises to record all instances where sale of alcohol is refused. Such records shall be retained at the Premises for at least 12 months, and shall be made available for inspection by the Police or any other authorised person on request.
- iv. CCTV to be in place at the premises and recording when the premises are providing licensable activities with images to be retained for a minimum period of 28 days except where such recording and/or retention cannot be achieved due to reasonable periods of maintenance or repair. CCTV shall cover the external seating area to the front of the premises. Subject to the requirements of data protection legislation, recordings shall be made available within a reasonable time upon request by the police or any other responsible authority.
- v. External doors and windows shall remain closed during periods of regulated entertainment except for the purposes of access, egress or in the event of an emergency.

Reasons

Having considered the application and the representations made by the applicant at the hearing, together with the evidence from the objectors and supporters that were present at the hearing, and the written representations of those objectors and supporters who were not present at the hearing, the Sub-Committee granted the application as applied for together with the additional conditions set out above.

The Sub-Committee did not consider there was sufficient evidence that the licensing objectives would be undermined if the variation application was granted. The Sub-Committee therefore granted the application as applied for.

The Sub-Committee considered the additional conditions as agreed between the applicant and the Responsible Authorities and were satisfied that these were appropriate to promote the licencing objectives.

In relation to point 4 above, having heard the evidence of the Responsible Authorities and objectors to the application setting out the nuisance that had been experienced in the past by those residents who lived close to the Premises, the Sub-Committee had some concerns over the applicant's use of the outside area and their level and ability of control of that area. They were however reassured by the representations made by residents in support of the application and the assertions made by the applicant that they understood their client base and were confident that the level of control afforded to the that area by the proposed condition was sufficient to ensure that the licencing objective to prevent public nuisance would not be undermined.

The Sub-Committee had considered all of the documents submitted prior to the hearing and the representations made by the parties at the hearing. The Sub-Committee also took into account the Guidance issued under S182 of the Licensing Act 2003 and Shropshire Council's Licensing Policy.

The parties were advised that the licence could be called in for review should there be any issues with the premises following the granting of the application.

The parties were advised that the decision would be confirmed in writing within 7 days of the date of the hearing and that every party had the right of appeal against this decision to the Magistrates Court within 21 days of being notified of the decision.

SHROPSHIRE COUNCIL

LICENSING ACT SUB-COMMITTEE

Minutes of the meeting held on 14 August 2018

10.00 - 11.30 am in the Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Emily Marshall

Email: emily.marshall@shropshire.gov.uk Tel: 01743 257717

Present

Councillor

Councillors Simon Jones, Paul Milner and Kevin Pardy

4 Election of Chairman

RESOLVED:

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

5 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.

6 Application for a Variation Premises Licence - Peepo Bar Pizza, 84-85 High Street, Bridgnorth, WV16 4DS

Consideration was given to an application for a Variation of a Premises Licence in respect of Peepo Restaurant, 84-85 High Street, Bridgnorth.

Mr Phillip Jeffrey (Owner and applicant), Ms Corrina Harris (applicant's solicitor), Mr and Mrs Aitken (Objectors), Mr Jon Brown (Objector), Ms Abigail Kemp (Objector), Ms. Louise Prince (Solicitor – Shropshire Council) and Ms. Jessica Moores (Public Protection Officer – Professional (Licensing) Shropshire Council) were in attendance.

Ms Harris (the Licence Holder's solicitor) addressed the Sub-Committee explaining that Mr Jeffrey was a responsible Premises Licence Holder and Designated Premises Supervisor having been involved in the licencing trade for over twenty years.

In response to questions from the Public Protection Officer, Objectors and Members of the Sub-Committee, the applicant confirmed that:

- Customers would be seated and standing when outside;
- Notices advising customers to keep noise levels down and respect neighbours would be clearly displayed throughout the premises and customers would be reminded of this at the time of booking;

- It was his responsibility as designated premises supervisor to monitor the noise and the number of customers in the outside area at all times;
- He was usually always on site, but if he wasn't his sister would be and he was happy for local residents to have his mobile number to contact him directly if problems arose.

The applicant reminded the objectors that if at any time there was a problem with noise, they could let him know and he would take action.

The Public Protection Officer - Professional (Licensing) addressed the Sub-Committee, confirming that the application had been accepted as a valid application and that during the statutory consultation period representations had been received from Environmental Health. Additionally 11 representations had been received from 'other persons' in objection to the application.

Mr and Mrs Aitkin (Objector) addressed the Sub-Committee in relation to the application. They explained that they owned the property opposite the rear outside seating area and the only border between the two was a fence, they also expressed concerns that the outside area was not being monitored.

Mr Jon Brown and Ms Abigail Kemp (Objectors) addressed the Sub-Committee in relation to the application.

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

Members of the Sub-Committee retired to consider the application, in private, at 11.08 a.m. and reconvened at 11.29 a.m. to announce their decision.

RESOLVED:

That the application for a variation of a premises licence for Peepo Restaurant, 84-85 High Street, Bridgnorth, WV16 4DS be granted for the following days, hours and licensable activity:

Supply of Alcohol (on and off premises)

Monday – Saturday 11:00 – 00:00
Sunday 11:00 – 23:00

Non Standard Timings

Christmas Eve, Boxing Day, New Year's Eve – plus one hour, or when these days fall on a Sunday plus two hours.

Recorded Music (Indoors)

Monday – Thursday 07:00 – 00:00
Friday – Saturday 07:00 – 00:30
Sunday 07:00 – 23:00

Non Standard Timings

Christmas Eve, Boxing Day, New Year's Eve – plus one hour, or when these days fall on a Sunday plus two hours.

Non Standard Timings do not apply to DJ with the exception of new year's eve until midnight

Anything of a Similar Description (to live/recorded music or performances of dance) (Indoors)

Friday – Saturday 18:00 – 00:30
Sunday 18:00 – 00:00

Non Standard Timings

Christmas Eve, Boxing Day, New Year's Eve – plus one hour, or when these days fall on a Sunday plus two hours.

Late Night Refreshment (Indoors)

Monday – Saturday 23:00 – 00:00

Non Standard Timings

Christmas Eve, Boxing Day, New Year's Eve – plus one hour, or when these days fall on a Sunday plus two hours.

Opening hours

Monday – Thursday 07:00 – 00:00
Friday – Saturday 07:00 – 00:30
Sunday 07:00 – 00:00

Subject to the following additional conditions to promote the prevention of public nuisance offered by the applicant during the hearing:

1. External Area shall be closed with no public to use after 22:30.
2. Customers advised at 22:00 that the outside area will be closed at 22:30.
3. Polite customer notices to be displayed at main entrance/exit, along with being placed on the fencing in the outside decked areas asking clients to keep noise to a minimum and no bad language Appendix C
4. Booking for external area limited to tables of a maximum of 4 people.
5. All windows will be closed and doors will not be latched/propped open after 22:30
6. Lighting will be below fencing level and downward pointing
7. No strobe lighting will be used in the outside areas
8. DJ shall cease to play at 2330 hours.
9. Non standard timings will not apply to music provided by a DJ with the exception of New Year's Eve until midnight.

And in accordance with the operating schedule set out in the current licence.

Reasons: The Sub-Committee had considered all the representations that had been made by all parties before and at the hearing. The Sub-Committee also took into

account the Guidance issued under S182 of the Licensing Act 2003 and Shropshire Council's Licensing Policy.

The Sub-Committee had noted the concerns raised by the objectors to the application. Having considered the application in detail and the answers given by the applicant the Sub-Committee were not satisfied that there was sufficient evidence to prove the application did not satisfactorily promote the licensing objectives and therefore granted the application as detailed above.

The additional conditions offered by the applicant further served to reassure the Sub-Committee that the licensing objectives would be promoted.

The parties were advised that the decision would be confirmed in writing within 7 days of the date of the hearing. Every party had the right of appeal against this decision to the Magistrates Court within 21 days of being notified of the decision.

Signed (Chairman)

Date:

SHROPSHIRE COUNCIL

LICENSING ACT SUB-COMMITTEE

Minutes of the meeting held on 7 November 2018

**10.00 - 10.29 am in the Council Chamber, Shirehall, Abbey Foregate, Shrewsbury,
SY2 6ND**

Responsible Officer: Shelley Davies

Email: shelley.davies@shropshire.gov.uk Tel: 01743 257718

Present

Councillors Roy Aldcroft, Keith Roberts and Dave Tremellen

7 Election of Chairman

RESOLVED:

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

8 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.

9 Exclusion of Public and Press

RESOLVED:

That under Section 100(A)(A4) of the Local Government Act 1972, the public be excluded during the consideration of the following item of business on the grounds that they might involve the likely disclosure of exempt information as defined in Schedule 12(A) of the Act.

10 Application for a Review of a Premises Licence

The Applicant (Trading Standards – Shropshire Council), the Public Protection Officer, the Council's Solicitor and a representative from West Mercia Police were in attendance.

The Chairman invited the applicant to present their case. The applicant provided the Committee with background information relating to the premises and the circumstances that led to the submission of an application for a review of the premises licence. These included reports of underage sales of alcohol and a failed Trading Standards tobacco test purchase. A photograph of the volunteer used for the Trading Standards tobacco test purchase exercise was circulated to the Sub-Committee. The applicant confirmed that legal proceedings against the Licence Holder had commenced.

In response to a question from the Sub-Committee, the Applicant confirmed that other premises where the Trading Standards tobacco test purchase exercise was undertaken asked the volunteer for identification.

The Chairman invited the Public Protection Officer (Professional) to present their case. It was explained that the Licence Holder had been contacted in relation to the premises licence review but had failed to engage with the process.

The Chairman invited the representative from West Mercia Police to present their case. It was noted that the Police had received numerous reports in relation to the premises from parents and other shop keepers in the area.

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

Members of the Sub-Committee retired to consider the application, in private, at 10.20 a.m. and reconvened at 10.27 a.m. to announce their decision.

RESOLVED:

That the Premises Licence be revoked.

Reasons:

The Sub-Committee had considered all of the documents submitted prior to the hearing and the representations made by those parties present at the hearing. The Sub-Committee were disappointed however, that the Licence Holder had not attended the hearing.

The Sub-Committee considered the information provided by the Applicant and were satisfied that no sanction other than revocation of the licence would be appropriate. The Sub-Committee were so concerned by the serious nature of the undermining of the licensing objectives and poor management taking place at the premises that it was not considered appropriate for the licence to remain in place while the premises were operated by the Licence Holder.

The parties were advised that the decision would be confirmed in writing within 7 working days of the date of the hearing. Every party had the right of appeal against this decision to the Magistrates Court within 21 days of being notified of the decision.

Signed (Chairman)

Date: