

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

Date: Tuesday, 27 September 2022

**Committee: Strategic Licensing Committee**

**Date: Wednesday, 5 October 2022**

**Time: 10.00 am**

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

You are requested to attend the above meeting.

The Agenda is attached

Please click [here](#) to view the livestream of the meeting on the date and time stated on the agenda

The recording of the event will also be made available shortly after the meeting on the Shropshire Council Youtube Channel [Here](#)

Tim Collard  
Assistant Director - Legal and Governance

**Members of the Committee**

Roy Aldcroft (Chairman)  
Nigel Lumby (Vice Chairman)  
Peter Broomhall  
Garry Burchett  
Mary Davies  
David Evans  
Mike Isherwood  
Richard Huffer  
Elliott Lynch  
Pamela Moseley  
Robert Macey  
Kevin Pardy  
Vivienne Parry  
Chris Schofield  
Edward Towers

**Substitute Members of the Committee**

Caroline Bagnall  
Joyce Barrow  
Julian Dean  
Kate Halliday  
Nigel Hartin  
Vince Hunt  
Ruth Houghton  
David Minnery  
Dan Thomas

Your Committee Officer is:

**Tim Ward** Committee Officer

Tel: 01743 257713

Email: [tim.ward@shropshire.gov.uk](mailto:tim.ward@shropshire.gov.uk)

# AGENDA

## 1 Apologies

To receive apologies for absence

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

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

## 3 Public Question Time

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 5.00pm on Thursday 29<sup>th</sup> September 2022

## 4 Disclosable Pecuniary Interests

Members are reminded that they must declare their disclosable pecuniary interests and other registrable or non-registrable interests in any matter being considered at the meeting as set out in Appendix B of the Members' Code of Conduct and consider if they should leave the room prior to the item being considered. Further advice can be sought from the Monitoring Officer in advance of the meeting.

## 5 Licensing Fees and Charges 2023 - 24 (Pages 5 - 58)

Report of the Transactional and Licensing Team Manager is attached.

Contact: Mandy Beever (01743 251702)

## 6 Review of the Hackney Carriage and Private Hire Licensing Policy 2023 to 2027 (Pages 59 - 406)

Report of the Transactional and Licensing Team Manager is attached.

Contact: Mandy Beever (01743 251702)

## 7 Revision of Hackney Carriage Table of Fares (Pages 407 - 454)

Report of the Transactional and Licensing Team Manager is attached.

Contact: Mandy Beever (01743 251702)

## 8 Proposed Variation of the Designation of Licenced Streets (Pages 455 - 478)

Report of the Transactional and Licensing Team Manager is attached.

Contact: Mandy Beever (01743 251702)

## 9 Responsibilities of Premises Licence Holders under the Licensing Act 2003 (Pages 479 - 484)

Report of the Transactional and Licensing Team Manager is attached.

Contact: Mandy Beever (01743 251702)

**10 Exercise of Delegated Powers (Pages 485 - 492)**

Report of the Transactional and Licensing Team Manager is attached.

Contact: Mandy Beever (01743 251702)

**11 Date of Next meeting**

To note that the next meeting of the Strategic Licensing Committee will be held on 7 December 2022 at 10.00am



Strategic Licensing  
Committee

5 October 2022

Item

Public

**MINUTES OF THE STRATEGIC LICENSING COMMITTEE MEETING HELD ON 22  
JUNE 2022  
10.00 - 10.26 AM**

**Responsible Officer:** Tim Ward

Email: tim.ward@shropshire.gov.uk      Tel: 01743 257713

**Present**

Councillors Roy Aldcroft (Chairman), Nigel Lumby (Vice Chairman), Peter Broomhall, Mary Davies, David Evans, Mike Isherwood, Pamela Moseley, Robert Macey, Kevin Pardy, Chris Schofield and Edward Towers

**4 Apologies**

4.1 Apologies for absence were received from Councillors Garry Burchett and Vivienne Parry.

**5 Minutes of Previous Meeting**

**5.1 RESOLVED**

That the minutes of the meetings of the meeting of the Strategic Licencing Committee held on 16 March 0222 and 12 May 2022 be approved as a true record and signed by the Chairman.

**6 Public Question Time**

6.1 There were no public questions

**7 Disclosable Pecuniary Interests**

7.1 There were no declarations of interest made

**8 Request for a review of the Hackney Carriage Fare Card**

8.1 Members received the report of the Transactional and Licensing Team Manager which set out the proposal for a revision of the Hackney Carriage Fare Card and the formal consultation to be undertaken.

8.2 The Transactional and Licensing Team Manager advised the meeting that the report had been brought to committee following a formal request from the Hackney Carriage Trade for a formal review of the fare card. Following an informal consultation with other members of the trade the policy had been revised and Committee were being asked to approve that a formal consultation be undertaken on the proposals.

8.3 In response to a question the Transactional and Licensing Team Manager confirmed that a request to change the fare card could be made at any time.

8.4 **RESOLVED:**

That the Strategic Licensing Committee agree for formal consultation to be undertaken on the proposed Hackney Carriage and Private Hire Licensing policy for no less than 10 weeks to commence from June 2022

9 **Review of the Hackney Carriage and Private Hire Licensing Policy 2023 to 2027**

9.1 Members received the report of the Transactional and Licensing Team Manager which set out the proposed Hackney Carriage and Private Hire Licensing Policy 2023 to 2027 (the Policy) upon which the Council proposed to consult and highlighted those matters that had led to the most significant proposed changes.

9.2 The Transactional and Licensing Team Manager advised the meeting that the current policy expired at the end of March 2023 and that the opportunity had been taken to update the policy to reflect the council's priorities and outcomes and to embed ongoing improvements in licensing practices and procedures. She added that an informal consultation had been carried out in order that any changes required by the trade could be included where appropriate.

9.3 In response to a question the Transactional and Licensing Team Manager advised the meeting that it was possible to enforce CCTV in taxis but that currently no need had been evidenced to do this. She added that individual taxi owners were able to install CCTV should they so wish and that there were a number of operators who had taken this up.

9.4 In response to a question the Transactional and Licensing Team Manager confirmed that pre pandemic regular meetings were held with the trade but that this had not been possible. She added that it was hoped that a meeting could be arranged during the consultation period in order to gain their views on the proposals.

9.5 **RESOLVED:**

That the Strategic Licensing Committee agree for formal consultation to be undertaken on the proposed Hackney Carriage and Private Hire Licensing Policy for no less than 10 weeks to commence from June 2022

10 **Review of the Street Trading Policy 2023 to 2028**

10.1 Members received the report of the Transactional and Licensing Team Manager which set out the proposed Street Trading Policy 2023 to 2028 (the Policy) upon which the Council proposed to consult and highlighted those matters that had led to the most significant proposed changes

10.2 The Transactional and Licensing Team Manager advised the meeting that the current policy expired on 31 March 2023 and that several comments had been received from town and parish councils prior to the pandemic who were having

difficulties where events they wished to organise conflicted with the policy. She added that an informal consultation had been carried out to guide the proposals.

10.3 In response to a question the Transactional and Licensing Team Manager confirmed that towns where there was a market charter fell outside the policy.

10.4 **RESOLVED:**

That the Strategic Licensing Committee agree for formal consultation to be undertaken on the proposed Street Trading Policy for no less than 8 weeks to commence from June 2022.

11 **Exercise of Delegated Powers**

11.1 Members received the report of the Transactional and Licensing Team Manager which gave details of the licences issued and the variations that have been made under delegated powers between 1 March 2022 and the 31 May 2022 and a summary of applications considered by the Committee.

11.2 The Transactional and Licensing Team Manager reminded Members that the report was brought to each meeting of the committee and that it updated them on the number and types of licences that had been issued since the last meeting

11.3 **RESOLVED:**

That Members note the position as set out in the report

12 **Date of Next Meeting**

12.1 Members noted that the next meeting of the Strategic Licensing Committee would be held on 5 October 2022 at 10.00am

Signed ..... (Chairman)

Date:

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<u>Committee and Date</u>
Strategic Licensing Committee
5 October 2022

<u>Item</u>
<u>Public</u>

## LICENSING FEES AND CHARGES 2023-2024

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

### 1. Synopsis

This report proposes the revision of licensing fees where the authority has the discretion to determine the relevant fees for the financial year from 1 April 2023 to 31 March 2024.

### 2. Executive Summary

2.1. This report proposes revised fees for the period 1 April 2023<sup>1</sup> to 31 March 2024 for licences and licensing related activities where the authority has the discretion to determine the relevant fees and relates to:

- hackney carriage and private hire vehicles and drivers;
- private hire operators;
- public health (acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing, electrolysis);
- animals (hiring out horses, providing day care for dogs, boarding for cats, home boarding, kennel boarding, breeding for dogs, selling animals as pets, keeping or training animals for exhibition, dangerous wild animals and zoos);
- scrap metal;
- sex establishments;
- street trading;
- explosives and fireworks;
- distribution of free printed matter;
- relevant protected sites and
- pleasure boats and vessels.

<sup>1</sup> The fees applicable to hackney carriage, private hire vehicle and operator licences may become effective on a date prior to the 1 April 2023. This is because the Council must follow the process prescribed by Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 to vary these fees and the actual date that the fees become legally effective is dependent on whether or not objections are made as part of the prescribed process. Whilst not legally required to do so, the Council has historically applied the same process to hackney carriage and private hire vehicle drivers licences.

- 2.2. The report also proposes revised fees under the Gambling Act 2005 in relation to gambling activities where the authority has the discretion to determine fees up to legally set statutory maximums.
- 2.3. The statutory fees that must be charged for specific licences, permits and registrations under the Licensing Act 2003, the Gambling Act 2005 and explosives and fireworks legislation are also set out within the report.
- 2.4. Those licensed activities for which no fees may be set are also highlighted.

### 3. Recommendations

- 3.1. That the Committee notes the statutory fees that Shropshire Council is required to charge in accordance with the Licensing Act 2003 as set out in **Appendix A**, in accordance with the Gambling Act 2005 as set out in **Appendix B** and in accordance with explosives and fireworks legislation as set out in **Appendix C** and recommends that the authority implements these fees (or if subject to statutory amendment, the relevant amended fees) on the 1 April 2023 and instructs the Transactional and Licensing Team Manager to arrange for the fees to be included in the 2023/24 annual fees and charges reports that are presented to Cabinet and Council and further instructs the Transactional and Licensing Team Manager to implement, as appropriate, any other statutory fees that may be brought into force during the 2023/24 financial year and to publish all relevant statutory fees on the licensing pages of the Council's website as soon as is practicable.
- 3.2. That the Committee implements, with any necessary modification and with effect from 1 April 2023, the proposed fees as set out in **Appendices D, E, F, G, H and I** that relate to those licences and licensing related activities where the authority has the discretion to determine the fees and instructs the Transactional and Licensing Team Manager to arrange for the fees to be included in the 2023/24 annual fees and charges reports that are presented to Cabinet and Council and further instructs the Transactional and Licensing Team Manager to publish the fees on the licensing pages of the Council's website as soon as is practicable.
- 3.3. That the Committee proposes to vary the fees relevant to driver, hackney carriage, private hire vehicle and operator licences as set out in **Appendix F**, with any necessary modification, and instructs the Transactional and Licensing Team Manager, in accordance with the provisions of Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 to undertake the necessary work to consult and implement the fees.
- 3.4. That the Committee instructs the Transactional and Licensing Team Manager to arrange for the proposed fees as set out in **Appendix F**, with any necessary modification, to be included in the 2023/24 annual fees and charges reports that are presented to Cabinet and Council and, where necessary, in respect of those fees a note is recorded in the said annual reports stating 'Provisional fees under consultation fees to be confirmed by the Strategic Licensing Committee'.

## REPORT

### 4. Risk Assessment and Opportunities Appraisal

- 4.1. The Council makes every effort to recover regulatory and enforcement costs from those who are licensed. However, it is acknowledged that the Council's licensing fees and charges may be challenged through a number of routes, including service complaints to the Local Government Ombudsman and judicial review; hence, the importance of undertaking robust processes to set discretionary fees and charges.
- 4.2. The Council is permitted to include costs for clerical and administrative aspects when determining licence fees but these must be reasonable and proportionate to the actual costs of the procedures. The costs of regulatory and enforcement activities, including enforcement to address unlicensed activity, can also be included. Only successful applicants can be required to make a contribution towards the regulatory and enforcement costs.
- 4.3. Where the Council intends to recover regulatory and enforcement costs, it cannot include these costs in the fee that is payable at the time any application is submitted. Such costs are only payable after the decision has been taken to grant or renew a licence. This means that for those licences that incur post application regulatory and enforcement costs, the fees are charged in two parts:
  - (a) the first part is payable at the time an application is submitted and aims to recover the costs associated with the administrative procedures and formalities of the application process (this includes the costs of undertaking all the required checks relevant to each licence type); and
  - (b) the second part is payable by the applicant only once the licence is granted or renewed and aims to recover the costs associated with the ongoing regulation and enforcement of the licencing regimes.
- 4.4. There are a number of licences that do not incur post application regulatory and enforcement costs. This is because the work undertaken as part of the application process is deemed to be proportionate to the level of risk associated with the activity that is controlled by these particular licence types. For these licences, there is only one fee payable and this is at the point of application.
- 4.5. The two-part fee is not applicable to hackney carriage, private hire and gambling related licences; consequently, for these licence types a single fee is payable at the point of application. The same is applicable to all statutory fees.
- 4.6. To reduce the risk of challenge to the Council, a financial modelling tool was introduced in 2013 to calculate licensing fees from 2014/15 onwards. This continues to be updated, modified and refined to take account of amendments to the law, changes made by licensing officers, recommendations from the Council's finance officers and to reflect ongoing changes to the way in which the licensing function is resourced.

- 4.7. Overall, the tool draws together detailed information regarding the costs associated with undertaking the administrative procedures and formalities associated with all licensing procedures, including the costs of investigating the background and suitability of applicants for licences together with the cost of monitoring the compliance of those who are licensed against the conditions of their licences. It also aims to demonstrate that the cost of enforcing the licensing regime against unlicensed operators has been considered and is included in licence fees. Enforcement costs are not included for joint hackney and private hire drivers' licenses in line with specific provisions of the Local Government (Miscellaneous Provisions) Act 1976. Fees are compared on an ongoing rolling basis.
- 4.8. 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.
- 4.9. There is no anticipated environmental impact associated with the recommendations in this report.
- 4.10. 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.
- 4.11. There is no statutory duty on the Council to consult when setting or revising licensing fees with the exception of those fees relating to hackney carriage, private hire vehicles and operators' licences under Section 70 of the Local Government (Miscellaneous Provisions) Act 1976. This duty is reflected in the recommendation set out at paragraph 2.3 above. Historically, the Council has also consulted on driver licence fees and consequently it is recommended that this practice continues. 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.
- 4.12. 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. Extracts from the relevant legislation are provided in **Appendix K**. Due consideration has also been given to relevant European legislation.

## 5. Financial Implications

- 5.1. The total cost to the Council of delivering the licensing service in 2021/22 was calculated to be £891,015 and the income received was £713,361. There was

an overall deficit of £177,654 with specific surpluses and deficits relating to each licence type calculated separately – see **Appendix K**. Steps have been, and continue to be taken, to improve cost recovery across all appropriate licence types in order to reduce the overall deficit and to redistribute, return and recoup fees in relation to each licence type as appropriate.

- 5.2. The proposed fees are based on undertaking the administrative procedures and formalities associated with the relevant licencing procedures, including the costs of investigating the background and suitability of applicants for licences together with the cost of monitoring the compliance of those who are licensed against the conditions of their licences and enforcement for unlicensed activities where it is permitted. Where relevant, the fees have been split into two parts. The recovery of the deficits and the return of the surpluses as set out in **Appendix K** have been included in the fee calculations for 2023/24. As a result of this work, the proposed fees have been calculated and are set out in **Appendices D to I**.
- 5.3. 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 to reflect immediately previous deficits or surpluses. In any case, it must be demonstrable over a period of time that only legitimately incurred costs are recovered. Costs associated with enforcing unlicensed operators/businesses are recoverable by the Council but these costs are excluded from the calculation for the joint hackney and private hire drivers' licences in line with provisions in the Local Government (Miscellaneous Provisions) Act 1976. In addition, costs of providing advice to those who may consider applying for a licence in the future are included.
- 5.4. The surpluses and deficits for hackney carriage and private hire licence fees are set out in **Appendix K (Table 2)** and have been incorporated into the revised fees as set out **Appendix F**. Where a surplus has been generated in 2021/22 but a cumulative deficit position exists from 2014/15 to 2021/22, licence fees have not been reduced. A summary of those fees where a variation is proposed are listed below.
- Driver's Joint Badge New 3 year (inc. DVLA, DBS check, first knowledge test, first driver training assessment and Safeguarding Course) increased by 12.8%
  - Driver's Joint Badge New 3 year (inc. DVLA, first knowledge test, first driver training assessment and Safeguarding Course) increased by 12.9%
  - Driver's Badge 3-year Renewal (inc. DVLA, DBS check and Safeguarding Course) increased by 9%
  - Driver's Badge 3-year Renewal (inc. DVLA and Safeguarding Course) increased by 12.1%
  - Driver Training assessment increased by 1.4%
  - Standard Private Hire Vehicle – new increased by 9.8%
  - Standard Private Hire Vehicle – renewal increased by 10.1%
  - Standard Private Hire Vehicle – transfer increased by 9.8%
  - Novelty Private Hire Vehicle – new increased by 10.6%
  - Novelty Private Hire Vehicle – renewal increased by 9.2%

- Executive Private Hire Vehicle – renewal increased by 15.8%
  - Private Hire Vehicle Licence Transfer (transfer of existing licence to a new vehicle) increased by 9.8%
  - Hackney Carriage Vehicle – new increased by 10.3%
  - Hackney Carriage Vehicle – renewal increased by 10.3%
  - Hackney Carriage Licence Transfer (transfer of existing licence to a new vehicle) increased by 10.3%
  - Licence Holder Transfer/Change of Details increased by 4.2%
  - New Private Hire Operator Small - up to and including 30 vehicles and one base increased by 2.8%
  - New Private Hire Operator Large - 31 vehicles and more and/or more than one base increased by 9.3%
  - Renewal Hire Operator Small - up to and including 30 vehicles and one base increased by 4.8%
  - Renewal Private Hire Operator Large - 31 vehicles and more and/or more than one base increased by 5.9%
- 5.5. The fees under the Licensing Act 2003 are statutory fees that the Council cannot change. **Appendix K (Table 1)** shows a fee surplus of £64,065 was generated. This is largely due to the requirement for licensed premises to pay an annual fee to maintain their licence. The process of offsetting the overall licensing deficit using Licensing Act fees is permissible; however, this is only because the Licensing Act fees are statutory. Where the Council has the authority to set specific discretionary fees, these fees must be used only for the purposes of funding those specific licences.
- 5.6. Public health licences are issued indefinitely; hence, there is no opportunity to recoup deficits or return surpluses through a renewal process. Fee payments are entirely reliant on new applicants. The number of applicants is difficult to forecast, although there currently appears to be an upward trend. The administration and enforcement of the public health licences has, and continues to be, reviewed and efficiencies identified. However, the applications received still contributed to a £12,062 deficit across the public health licences in 2021/22. Where a surplus has been generated in 2021/22 but a cumulative deficit position exists from 2014/15 to 2021/22, licence fees have not been reduced.
- 5.7. On the 1 October 2018 the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (the Regulations) came into effect. This provides for the licensing of providing day care for dogs, breeding for dogs, boarding for cats, kennel boarding, home boarding, selling animals as pets, keeping or training animals for exhibition and hiring out horses. The new regulations do not include zoos and dangerous wild animals, the issuing of these licenses remain under the existing legislative requirements.
- 5.8. The work that has been undertaken to recover the deficits associated with animal licences from 2014/15 to date has not been fully effective. The cumulative deficit has increased with a further £10,617 incurred in 2021/22. This is principally due to the changes introduced by the Regulations. The regulations required an increase in staffing resource to carry out inspections, particularly to address the increasing risk to animal welfare because of importation and over-breeding. Furthermore, the regulations allowed for

licences to be issued to those businesses who met the higher standards for an extended period of up to three years, (previous legislation only allowed for a one-year licence to be issued). This resulted in a reduction in fees being received on an annual basis. The administration and enforcement of the animal health licences has, and continues to be, reviewed and efficiencies identified.

- 5.9. All licences subject to the Regulations are given a star rating (with the exception of Keeping or Training Animals for Exhibition Licences, which replaced Performing Animals Certificates and are subject to an automatic three year licence which is not star rated). The purpose of the star rating system is to ensure consistency in the implementation and operation of the licensing system, and to ensure that consumers can clearly see the star rating a business has received and therefore the risk level and standards of animal welfare they have. The star rating is determined by a scoring matrix set out in the Regulations. In order to calculate the star rating the results of an inspection of a premises and an assessment of the level of risk a business poses are combined to produce a rating between one and five stars. The higher the star rating is the better the standard of the business. The star rating also determines the length of time a licence lasts. One and two star licences last for one year, three and four star licences last for two years and five star licences last for three years.
- 5.10. The introduction of the star rating and different length licences makes it challenging to forecast annual income in relation to animal licences, this is due to the fact that under the new regime the number of licences issued in one financial year does not reflect the number that will be due for renewal in the following financial year. There are also a number of other variables which may affect when, or if, a licence is renewed, including:
- Surrender or non-renewal of a licence – there has been an increase in this since the new Regulations came into force as they are more difficult to comply with and some business have chosen not to continue operating.
  - A licence not being granted, or an application being withdrawn after the initial application and inspection phase (and therefore not paying the second part of the fee) because the business is not able to comply with the Regulations – instances of this have also increased due to some businesses finding it hard to comply with the new Regulations.
  - A business requesting a re-rating inspection mid-licence because they have carried out work identified as needed at the initial inspection and are now able to reach a higher standard. The star rating and therefore the length of the licence would increase as a result, changing the original renewal date.
  - A businesses star rating being downgraded following an unannounced inspection (either the mandatory unannounced inspection carried out during the course of the licence as required by the Regulations or as the result of a complaint), resulting in the licence lasting for a shorter

period of time than originally issued, changing the original renewal date.

- A business deciding not to continue with one activity where they carry out more than one or deciding to add a new activity. For example, a business which was a kennel and a cattery deciding not to offer cat boarding but continuing with kennel boarding when they come to renew their licence, reducing the renewal fee due.
- 5.11. Under the previous regimes the majority of licences lasted for one year, there were no star ratings and the regimes were less rigorous, so there were relatively fewer variables which could impact on the likelihood of when and if a licence was renewed. It was therefore possible to forecast expected income from animal licences in year more accurately.
- 5.12. A list of the fees under the new regulations is set out at **Appendix H**.
- 5.13. Explosives and fireworks licence and registration fees are all statutory fees (with the exception of those discretionary fees listed in **Appendix D**), which cannot be changed by the Council. **Appendix K (Table 1)** shows a deficit of £2,530, which will only be able to be reduced through making efficiency improvements across the administration and enforcement processes. The service is continuing to review how these efficiencies can be achieved. It should be noted that the activities to which the discretionary fees relate are little used in practice and were not used at all during 2021/22; hence there being no opportunity to generate additional discretionary income in order to recover the deficit incurred. However, the statutory fees did increase on the 1 April 2021 and the additional charge has been applied to all applications since this date.
- 5.14. The work that has been undertaken to recover the deficit associated with scrap metal licences from 2014/15 to date has been partially effective. However, the cumulative deficit has increased with a further £1,552 deficit incurred in 2021/22. This is, in part, due to those existing businesses, at the time the legislation came into effect, being issued a licence for three years rather than the annual licence which had previously been required. The financial year 2021/22 is part way through the three-year cycle. The staffing resource required to carry out inspections to address the recognised criminal risks associated with scrap metal dealing is continually reviewed. The administration and enforcement of scrap metal licences has and continues to be reviewed and efficiencies identified. The fees associated with scrap metal licences are set out in **Appendix G**.
- 5.15. The licences that are grouped as miscellaneous include those for non-residential caravan sites, sex establishments, free printed matter, street collections, house to house collections, street trading and pleasure boats and vessels as listed in **Appendix G**. Work that has been undertaken to recover the deficit associated with these licences from 2014/15 to date has not been effective with the cumulative deficit increasing with a further £22,474 incurred in 2021/22. A proportion of these costs are not recoverable and will always be borne by the local taxpayer as there are certain licences where the Council is unable to charge fees, e.g. licensing house to house collections, street collections and non-residential caravan sites. The administration and



enforcement of these licences has and continues to be reviewed and efficiencies identified. However, to reduce the risk of further deficits, work has been done to identify the specific areas which largely contributed to the deficit in the miscellaneous licences' category. Street Trading Consents were identified as one such area this was due to the administration and enforcement required. A summary of the proposed variation is listed below.

- Street Trading Consents (minimum charge for up to 7 days (the 7 days may be used at any time within a 12-month period commencing from the date the consent is issued to be increased by 2.3%.
- Street Trading Consents – Annual to be increased by 16.2%

5.16. The Gambling Act 2005 provides for licences, permits, notices and registrations. The Council has the discretion to set the fees for licences and notices up to certain statutory maximums. The fees for permits and registrations are statutory and the Council has no authority to change these.

5.17. The majority of the Gambling Act work undertaken relates to the administration and enforcement of permits and registrations, which are the subject of statutory fees. There is a clear indication that these statutory fees are insufficient to cover the cost of the work associated with the administration and enforcement of the permits, e.g. basic administrative costs are at least 20% more than the statutory fee payable and there are a considerable number where the overall costs are significantly more. Processes continue to be reviewed and refined to ensure efficiencies wherever practicable.

5.18. The Council has the authority to set the licence fees under the Gambling Act (up to certain statutory maximums). The proposed fees, which directly reflect the calculations to recover the costs incurred, or the statutory maximum depending on which of the two is lower, are set out in **Appendix E**. As with explosives licences referred to above, the activities to which the discretionary fees relate are little used in practice; hence there being no opportunity to generate additional discretionary income in order to recover the deficit incurred.

5.19. An assumption has been made about the number of renewals that will take place in 2023/24 in order to recover or redistribute the deficits and surpluses. Until the end of the 2023/24 financial year it will not be known whether the assumptions about the number of renewals were accurate or not. The activity in 2022/23 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 2023/24 fees and so on until the recovery of the surplus or deficit reaches a satisfactory position.

5.20. Where licenses have a renewal period of greater than one year, the recovery or redistribution calculation is spread across the same period.

5.21. The setting of licensing fees and charges for the 2023/24 includes:

- An estimation of a 2.0% pay award for local government staff effective from 1 April 2022.

5.22. 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.

## 6. Climate Change Appraisal

6.1. There are no anticipated climate change or environmental impacts associated with the recommendations in this report.

## 7. Background

- 7.1. The principle of cost recovery under licensing legislation applies to the licensing of hackney carriages and private hire vehicles, operators and drivers. It also extends to sex establishments, street trading, acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing, electrolysis, zoos, providing day care for dogs, breeding for dogs, boarding for cats, kennel boarding, home boarding, selling animals as pets, keeping or training animals for exhibition, hiring out horses, dangerous wild animals, scrap metal dealers, pleasure boats/vessels, distribution of free printed matter, residential caravan sites, some explosives and fireworks licences, together with the issuing of various licences under the Gambling Act 2005.
- 7.2. Caravan sites are currently licensed by the Council under the Caravan Sites and Control of Development Act 1960, as amended by the Mobile Homes Act 2013. The amendment to the 1960 Act permits the Council to charge fees for the licensing of residential caravan sites.
- 7.3. The financial modelling tool, referred to in paragraph 3.6, has been set up to allow Licensing Act 2003 fees to be incorporated and calculated as and when the Council is in a position to do so both from a policy and a legislative perspective.
- 7.4. The government has previously consulted on its intention to move from centrally set to locally set licence fees under the Licensing Act 2003 but has yet to take this forward. As a result, the nationally determined statutory fees are retained and the Licensing Act 2003 fees are included in **Appendix A**. There are no discretionary Licensing Act 2003 fees proposed other than for providing a copy of information contained in an entry in the public register; this is reflected in **Appendix G**.
- 7.5. 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. Where applicable the cost of enforcement against unlicensed operators is also included in the fee. 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.

- 7.6. Fees cannot exceed the cost of the licensing procedures and cannot be used to finance the delivery of other Council services.
- 7.7. To aid the Council to properly recover relevant licensing costs all licensing procedures have been considered and reviewed in detail; this work continues to evolve through an iterative process to further develop, improve and refine the processes involved. Managers, licensing officers and finance officers have collaborated in this work. The licensing procedures are considered from receipt of application to the issue of the final licence, permit, notice or registration with both variable and fixed costs being considered. These costs include officer, management and member time, including running of relevant Committees and the Licensing Panel, to administer and monitor compliance of both those already licensed and those who are unlicensed but exclude time spent enforcing matters that relate to joint hackney and private hire drivers' licences. In addition, a proportion of all indirect costs that can reasonably be attributed to licensing procedures have been included; for example, office accommodation, ICT, travelling, advertising, postage & printing, subscriptions, telephone costs, training and all other relevant internal market recharges and supplies and services costs.

## 8. Additional Information

- 8.1. In respect of the discretionary fees proposed in **Appendix F**, namely the setting of fees for hackney carriages, private hire vehicles and operators' licences, statutory procedures must be followed. Consequently, to vary the fees from those currently set, the Council is required to follow specific procedures that allow for objections to be made and considered by the Committee.
- 8.2. The process that has been undertaken to determine the fees for 2023/24 is an extension of the process that commenced in 2013. This process will continue annually with amendments being made to take account of changes in the law and Council procedures and costs.

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

- Services Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market
- Provision of Services Regulations 2009 - SI 2009 No 2999
- 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)
- Mobile Homes Act 2013
- The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
- The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020

**Cabinet Member (Portfolio Holder)**

Councillor Ed Potter, Deputy Leader, Economic Growth, Regeneration and Planning

**Local Member**

Not applicable – report has county wide application

**Appendices**

**Appendix A** Licensing Act 2003 Statutory Fees

**Appendix B** Gambling Act 2005 Statutory Fees

**Appendix C** Explosives and Fireworks Legislation Statutory Fees

**Appendix D** Explosives and Fireworks Legislation Discretionary Fees

**Appendix E** Gambling Act 2005 Discretionary with Statutory Maximum Fees

**Appendix F** Hackney Carriage and Private Hire Discretionary Fees

**Appendix G** Other Legislation Discretionary Fees

**Appendix H** New Animal Legislation Discretionary Fees

**Appendix I** Relevant Protected Site Fees

**Appendix J** Licensing costs, income and surplus/deficit

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

## Appendix A – Licensing Act 2003 Statutory Fees

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

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

Rateable Value	Band	Band	D (x 2)	E (x 3)
No value up to £4,300	<b>A</b>	Premises in Bands D & E (whose primary business is the sale of alcohol)	<b>900</b>	<b>1905</b>
£4,301 - £33,000	<b>B</b>	Premises in Bands D & E (whose primary business is the sale of alcohol) annual charge	<b>640</b>	<b>1050</b>
£33,001 - £87,000	<b>C</b>			
£87,001 - £125,000	<b>D</b>			
£125,001 and Above	<b>E</b>			

### Exceptionally large events:

Additional Premises Fees can be charged for such events:

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

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

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

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**Appendix B - Gambling Act 2005 Statutory Fees**

Licence Type	2022/23 Fees (£)	2023/24 Fees (£)	Difference (£)
Prize Gaming Machine Permit - New	300.00	300.00	0.00
Prize Gaming Machine Permit - Renewal	300.00	300.00	0.00
Prize Gaming Machine Permit - Request for a new name to be substituted for the old name specified on a permit	25.00	25.00	0.00
Prize Gaming Machine Permit - Copy of a Permit	15.00	15.00	0.00
Club Machine Permit - New	200.00	200.00	0.00
Club Machine Permit - New - Fast Track procedure for holder of a club premises certificate	100.00	100.00	0.00
Club Machine Permit - Annual Fee	50.00	50.00	0.00
Club Machine Permit - Renewal	200.00	200.00	0.00
Club Machine Permit -Renewal - Fast Track procedure for holder of a club premises certificate	100.00	100.00	0.00
Club Machine Permit - Variation	100.00	100.00	0.00
Club Machine Permit - Copy	15.00	15.00	0.00
Club Gaming Permit - New	200.00	200.00	0.00
Club Gaming Permit - New - Fast Track procedure for holder of a club premises certificate	100.00	100.00	0.00
Club Gaming Permit - Annual Fee	50.00	50.00	0.00
Club Gaming Permit - Renewal	200.00	200.00	0.00
Club Gaming Permit -Renewal - Fast Track procedure for holder of a club premises certificate	100.00	100.00	0.00
Club Gaming Permit - Variation	100.00	100.00	0.00
Club Gaming Permit - Copy	15.00	15.00	0.00
Licensed Premises Gaming Machine Permit - New	150.00	150.00	0.00
Licensed Premises Gaming Machine Permit - Annual Fee	50.00	50.00	0.00
Licensed Premises Gaming Machine Permit - Variation	100.00	100.00	0.00
Licensed Premises Gaming Machine Permit - Transfer	25.00	25.00	0.00
Licensed Premises Gaming Machine Permit - Request for a new name to be substituted for the old name specified on a permit	25.00	25.00	0.00
Licensed Premises Gaming Machine Permit - Copy of a Permit	15.00	15.00	0.00
Gaming Machines Automatic Entitlement	50.00	50.00	0.00

Unlicensed Family Entertainment Centre - New	300.00	300.00	0.00
Unlicensed Family Entertainment Centre - Renewal	300.00	300.00	0.00
Unlicensed Family Entertainment Centre - Request for a new name to be substituted for the old name specified on a permit	25.00	25.00	0.00
Unlicensed Family Entertainment Centre - Copy of a Permit	15.00	15.00	0.00
Small Society Lottery - New	40.00	40.00	0.00
Small Society Lottery - Renewal	20.00	20.00	0.00





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## Appendix C – Explosives and Fireworks Legislation Statutory Fees

<b>NEW</b> -Licence to store explosives where, by virtue of regulation 27 of, and schedule 5 to, the 2014 regulations, a minimum separation distance of <b>greater than 0 metres</b> is prescribed.	
One year's duration	£189.00
Two year's duration	£248.00
Three year's duration	£311.00
Four year's duration	£382.00
Five year's duration	£432.00

<b>Renewal</b> of licence to store explosives where a minimum separation distance of <b>greater than 0 metres</b> is prescribed.	
<b>One year's duration</b>	£88.00
<b>Two year's duration</b>	£150.00
<b>Three year's duration</b>	£211.00
<b>Four year's duration</b>	£272.00
<b>Five year's duration</b>	£333.00

<b>NEW</b> Licence to store explosives where no minimum separation distance or a <b>0 metres minimum</b> separation distance is prescribed.	
One year's duration	£111.00
Two year's duration	£144.00
Three year's duration	£177.00
Four year's duration	£211.00
Five year's duration	£243.00

<b>Renewal</b> of licence to store explosives where no minimum separation distance or a <b>0 metres minimum</b> separation distance is prescribed	
One year's duration	£55.00
Two year's duration	£88.00
Three year's duration	£123.00
Four year's duration	£155.00
Five year's duration	£189.00

<b>Varying a licence</b>	
Varying name of licensee or address of site	£37.00
Transfer of licence	£37.00
Replacement of licence	£37.00

<b>Licensing of Firework Suppliers</b>	
One year's duration	£500

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## Appendix D – Explosives and Fireworks Legislation Discretionary Fees

Type	2022/23	2023/24
Any other kind of variation (Not varying name of licensee or address of site)	£574.00*	£721.00*
Explosives Assent Procedure	£377.00	£470.00
Copy of public register entry (per individual entry)	£29.00	£46.00

\*The reasonable cost to the licensing authority of having the work carried out

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## Appendix E Gambling Act 2005 Discretionary with Statutory Maximum Fees

Licence Type				
<b>All Casinos</b>	See Gambling Act 2005 Policy Statement 2022 to 2025 paragraphs 36.1 and 36.2			
Licence Type	2022/23 Fees (£)	Proposed Fees 2023/24 (£)	Difference (£)	Difference (%)
<b>Bingo premises licence</b>				
Fee in respect of new premises	1,832.00	1,888.00	56.00	3%
Annual Fee	1,000.00	1,000.00	0.00	0%
Fee for application to vary licence	1,694.00	1,747.00	53.00	3%
Fee for application to transfer a licence	1,200.00	1,200.00	0.00	0%
Fee for application to reinstate a licence	1,200.00	1,200.00	0.00	0%
Fee for application for provisional statement	1,818.00	1,877.00	59.00	3%
<b>Adult Gaming Centre Premises Licence</b>				
Fee in respect of new premises	1,832.00	1,888.00	56.00	3%
Annual Fee	1,000.00	1,000.00	0.00	0%
Fee for application to vary licence	1,000.00	1,000.00	0.00	0%
Fee for application to transfer a licence	1,200.00	1,200.00	0.00	0%
Fee for application to reinstate a licence	1,200.00	1,200.00	0.00	0%
Fee for application for provisional statement	1,818.00	1,877.00	59.00	3%
<b>Betting Premises (track) licence</b>				
Fee in respect of new premises	1,832.00	1,888.00	56.00	3%
Annual Fee	1,000.00	1,000.00	0.00	0%
Fee for application to vary licence	1,250.00	1,250.00	0.00	0%
Fee for application to transfer a licence	950.00	950.00	0.00	0%
Fee for application to reinstate a licence	950.00	950.00	0.00	0%
Fee for application for provisional statement	1,818.00	1,877.00	59.00	3%
<b>Family Entertainment Centre Premises Licence</b>				
Fee in respect of other premises	1,832.00	1,888.00	56.00	3%
Annual Fee	750.00	750.00	0.00	0%
Fee for application to vary licence	1,000.00	1,000.00	0.00	0%
Fee for application to transfer a licence	950.00	950.00	0.00	0%
Fee for application to reinstate a licence	950.00	950.00	0.00	0%
Fee for application for provisional statement	1,818.00	1,877.00	59.00	3%

## Appendix E Gambling Act 2005 Discretionary with Statutory Maximum Fees

<b>Betting Premises (other) licence</b>				
Fee in respect of other premises	1,832.00	1,888.00	56.00	3%
Annual Fee	600.00	600.00	0.00	0%
Fee for application to vary licence	1,500.00	1,500.00	0.00	0%
Fee for application to transfer a licence	1,200.00	1,200.00	0.00	0%
Fee for application to reinstate a licence	1,200.00	1,200.00	0.00	0%
Fee for application for provisional statement	1,818.00	1,877.00	59.00	3%
<b>Temporary Use of Premises</b>				
Temporary Use Notice	500.00	500.00	0.00	0%
Occasional Use Notice	No Fee	No Fee	No Fee	No Fee
Replacement of an endorsed copy of a Temporary Use Notice	25.00	25.00	0.00	0%
<b>Applicable to all gaming licences</b>				
Change of circumstances fee - for all gaming licences	50.00	50.00	0.00	0%
Fee for copy licence - for all gaming licences	25.00	25.00	0.00	0%



## Appendix F - Hackney Carriage and Private Hire Discretionary Fees

2022 - 2023		2023 - 2024			Difference (£)	Difference (%)
Licence Type	2022/23 Fee (£)	Licence Type	Calculated 2023/24 Fee (£) without surplus/deficit	Proposed 2023/24 Fee (£) including surplus/deficit adjustment		
<b>Drivers</b>						
Driver's Joint Badge New 3 year (inc. DVLA, DBS check, first knowledge test, first driver training assessment and Safeguarding Course)	274.00	Driver's Joint Badge New 3 year (inc. DVLA, DBS check, first knowledge test, first driver training assessment and Safeguarding Course)	309.00	309.00	35.00	12.8%
Driver's Joint Badge New 3 year (inc. DVLA, first knowledge test, first driver training assessment and Safeguarding Course)	225.00	Driver's Joint Badge New 3 year (inc. DVLA, first knowledge test, first driver training assessment and Safeguarding Course)	254.00	254.00	29.00	12.9%
Driver's Badge 3 yr Renewal (inc. DVLA, DBS check and Safeguarding Course)	245.00	Driver's Badge 3 yr Renewal (inc. DVLA, DBS check and Safeguarding Course)	267.00	267.00	22.00	9.0%
Driver's Badge 3 yr Renewal (inc. DVLA and Safeguarding Course)	190.00	Driver's Badge 3 yr Renewal (inc. DVLA and Safeguarding Course)	213.00	213.00	23.00	12.1%
Driver's Knowledge Test	59.00	Driver's Knowledge Test	44.00	59.00	0.00	0.0%
Driver's Knowledge Test Resit	52.00	Driver's Knowledge Test Resit	45.00	52.00	0.00	0.0%
Change of Details	48.00	Change of Details	45.00	48.00	0.00	0.0%
Vehicle Licensee Transfer	98.00	Vehicle Licensee Change	45.00	98.00	0.00	0.0%

### Appendix F - Hackney Carriage and Private Hire Discretionary Fees

Driver Badge replacement following damage or loss	45.00	Driver Badge replacement following damage or loss	40.00	45.00	0.00	0.0%
Driver Training assessment	69.00	Driver Training assessment	70.00	70.00	1.00	1.4%
Safeguarding Training	48.00	Safeguarding Training	41.00	48.00	0.00	0.0%
<b>Vehicles</b>						
Standard Private Hire Vehicle - new	183.00	Standard Private Hire Vehicle - new	201.00	201.00	18.00	9.8%
Standard Private Hire Vehicle - renewal	188.00	Standard Private Hire Vehicle - renewal	207.00	207.00	19.00	10.1%
Standard Private Hire Vehicle - transfer	183.00	Standard Private Hire Vehicle - transfer	201.00	201.00	18.00	9.8%
Novelty Private Hire Vehicle - new	170.00	Novelty Private Hire Vehicle - new	188.00	188.00	18.00	10.6%
Novelty Private Hire Vehicle - renewal	184.00	Novelty Private Hire Vehicle - renewal	195.00	201.00	17.00	9.2%
Novelty Private Hire Vehicle - transfer	166.00	Novelty Private Hire Vehicle - transfer	183.00	183.00	17.00	0.0%
Executive Private Hire Vehicle - new	172.00	Executive Private Hire Vehicle - new	192.00	192.00	20.00	0.0%
Executive Private Hire Vehicle - renewal	184.00	Executive Private Hire Vehicle - renewal	205.00	213.00	29.00	15.8%
Executive Private Hire Vehicle - transfer	172.00	Executive Private Hire Vehicle - transfer	192.00	192.00	20.00	0.0%
Private Hire Vehicle Licence Transfer (transfer of existing licence to a new vehicle)	183.00	Standard Private Hire Vehicle Licence Transfer (transfer of existing licence to a new vehicle)	201.00	201.00	18.00	9.8%
Hackney Carriage Vehicle - new	174.00	Hackney Carriage Vehicle - new	192.00	192.00	18.00	10.3%

### Appendix F - Hackney Carriage and Private Hire Discretionary Fees

Hackney Carriage Vehicle - renewal	175.00	Hackney Carriage Vehicle - renewal	193.00	193.00	18.00	10.3%
Hackney Carriage Licence Transfer (transfer of existing licence to a new vehicle)	175.00	Hackney Carriage Licence Transfer (transfer of existing licence to a new vehicle)	193.00	193.00	18.00	10.3%
Trailer Licence - new	123.00	Trailer Licence - new	68.00	123.00	0.00	0.0%
Trailer Licence - renewal	126.00	Trailer Licence - renewal	64.00	126.00	0.00	0.0%
Exterior plate replacement following damage or loss	45.00	Exterior plate replacement following damage or loss	21.00	45.00	0.00	0.0%
Internal plate replacement following damage or loss	45.00	Internal plate replacement following damage or loss	21.00	45.00	0.00	0.0%
Fare Card replacement following damage or loss	3.00	Fare Card replacement following damage or loss	3.00	3.00	0.00	0.0%
Private Hire Door Signs (pair)	45.00	Private Hire Door Signs (pair)	22.00	45.00	0.00	0.0%
Licence Holder Transfer/Change of Details	24.00	Licence Holder Transfer/change of Details	25.00	25.00	1.00	4.2%

**2022 - 2023**

**2023 - 2024**

## Appendix F - Hackney Carriage and Private Hire Discretionary Fees

Licence Type	2022/23 Fee (£)	Licence Type	Calculated 2023/24 Fee (£) without surplus/deficit adjustment	Calculated 2023/24 Fee (£) including surplus/deficit adjustment	Difference (£)	Difference (%)
<b>Private Hire Operator - 5 Year - New</b>						
Private Hire Operator Small - up to and including 30 vehicles and one base	319.00	Private Hire Operator Small - up to and including 30 vehicles and one base	305.00	328.00	9.00	2.8%
Private Hire Operator Large - 31 vehicles and more and/or more than one base	778.00	Private Hire Operator Large - 31 vehicles and more and/or more than one base	850.00	850.00	72.00	9.3%
<b>Private Hire Operator - 5 Year - Renewal</b>						
Private Hire Operator Small - up to and including 30 vehicles and one base	333.00	Private Hire Operator Small - up to and including 30 vehicles and one base	349.00	349.00	16.00	4.8%
Private Hire Operator Large - 31 vehicles and more and/or more than one base	786.00	Private Hire Operator Large - 31 vehicles and more and/or more than one base	832.00	832.00	46.00	5.9%

## Appendix G Other Legislation Discretionary Fees FINAL

### Appendix G - Other Discretionary Fees

2022-2023			2023-2024					
Licence Type	2022/23 Fee (£)		Licence Type	Calculated 2023/24 Fee (£) without surplus/deficit adjustment	Proposed 2023/24 Fee (£) including surplus/deficit adjustment	Difference (£)	Difference (%)	
<b>Public Health</b>								
Acupuncture Premises, inc. 1 person	314.00		Additional persons included on same application £29/person	129.00	317.00	Additional persons included on same application £29/person	3.00	1.0%
Acupuncture Person	149.00		When application submitted separately from premises application	129.00	152.00	When application submitted separately from premises application	3.00	2.0%
Electrolysis Premises, inc. 1 person	314.00		Additional persons included on same application (£29/person)	129.00	317.00	Additional persons included on same application (£29/person)	3.00	1.0%
Electrolysis Person	149.00		When application submitted separately from premises application	129.00	152.00	When application submitted separately from premises application	3.00	2.0%
Cosmetic-piercing Premises, inc. 1 person	314.00		Additional persons included on same application £29/person	129.00	317.00	Additional persons included on same application £29/person	3.00	1.0%
Cosmetic-piercing Person and variation	149.00		When application submitted separately from premises application	129.00	152.00	When application submitted separately from premises application	3.00	2.0%

### Appendix G Other Legislation Discretionary Fees FINAL

Tattooing Premises, inc. 1 person	314.00		Additional persons included on same application £29/person	129.00	317.00	Additional persons included on same application £29/person	3.00	1.0%
Tattooing Person	149.00		When application submitted separately from premises application	129.00	152.00	When application submitted separately from premises application	3.00	2.0%
<b>Animals</b>								
Dangerous Wild Animals (new) - where total licensing procedure takes no more than 9 hrs	270.00	+ vet fees; if exceeds 9 hrs + hourly charge for each additional hour or part thereof @£24/hou r	Dangerous Wild Animals (new) - where total licensing procedure takes no more than 9 hrs	238.00	281.00	+ vet fees; if exceeds 9 hrs + hourly charge for each additional hour or part thereof @£25/hour	11.00	4.1%
Dangerous Wild Animals (renewal) - where total licensing procedure takes no more than 3.75 hrs	250.00	+ vet fees; if exceed 3.5 hrs + hourly charge for each additional hour or part thereof @ £24/hr	Dangerous Wild Animals (renewal) - where total licensing procedure takes no more than 3.75 hrs	241.00	260.00	+ vet fees; if exceed 3.75 hrs + hourly charge for each additional hour or part thereof @ £25 /hour	10.00	4.0%

### Appendix G Other Legislation Discretionary Fees FINAL

Zoos (new)	901.00	+ vet fees	Zoos (new)	593.00	934.00	+ vet fees Initial application fee £420.30 Fee due after licence granted £513.70	33.00	3.7%
Zoos (renewal)	848.00	+ vet fees Initial renewal fee £469 (includes deficit recovery) Fee due after renewal granted £254	Zoos (renewal)	522.00	877.00	+ vet fees Initial renewal fee £324.49 Fee due after renewal granted £552.51	29.00	3.4%
<b>Scrap Metal</b>								
Scrap Metal Dealer - Site (new)	706.00	Initial application fee £94 Fee due	Scrap Metal Dealer - Site (new)	748.00	748.00	Initial application fee £119.68 Fee due after licence granted £628.32	42.00	5.9%
Scrap Metal Dealer - Site (renewal)	2873.00	Initial renewal application fee £201 (includes deficit recovery) Fee due after renewal granted £544	Scrap Metal Dealer - Site (renewal)	763.00	2,917.00	Initial renewal application fee £495.89 Fee due after renewal granted £2,421.11	44.00	1.5%

### Appendix G Other Legislation Discretionary Fees FINAL

Scrap Metal Dealer - Collectors (new)	217.00	Initial application fee £119 Fee due	Scrap Metal Dealer - Collectors (new)	219.00	219.00	Initial application fee £135.78 Fee due after licence granted £83.22	2.00	0.9%
Scrap Metal Dealer - Collectors (renewal)	469.00	Initial renewal application fee £226 (includes deficit)	Scrap Metal Dealer - Collectors (renewal)	233.00	472.00	Initial renewal application fee £245.44 Fee due after renewal granted £226.56	3.00	0.6%
Scrap Metal Dealer Site Manager Variation	100.00		Scrap Metal Dealer Site Manager Variation	97.00	100.00		0.00	0.0%
Scrap Metal Dealer - Site/Collector Licensee Name - Variation (not transfer of licensee)	55.00		Scrap Metal Dealer - Site/Collector Licensee Name - Variation (not transfer of licensee)	52.00	55.00		0.00	0.0%
Scrap Metal Dealer - collector to site variation	480.00	Initial application fee £250 Fee due after variation granted £185	Scrap Metal Dealer - collector to site variation	507.00	507.00	Initial application fee £81.12 Fee due after variation granted £425.88	27.00	5.6%
Scrap Metal Dealer - site to collector variation	115.00		Scrap Metal Dealer - site to collector variation	112.00	115.00		0.00	0.0%
<b>Sex Establishments</b>								
Sex Establishments (New)	2,590.00		Sex Establishments (New)	2,573.00	2,592.00		2.00	0.1%
Sex Establishments (Renewal)	1,837.00		Sex Establishments (Renewal)	1,829.00	1,837.00		0.00	0.0%



### Appendix G Other Legislation Discretionary Fees FINAL

Sex Establishments (Transfer)	1,837.00		Sex Establishments (Transfer)	1,828.00	1,838.00		1.00	0.1%
<b>Street Trading Consents</b>								
Minimum charge for up to 7 days (the 7 days may be used at any time within a 12 month period commencing from the date the consent is issued, but the dates must be confirmed on application)	396.00		Minimum charge for up to 7 days (the 7 days may be used at any time within a 12 month period commencing from the date the consent is issued, but the dates must be confirmed on application)	405.00	405.00		9.00	2.3%
Each additional day or part thereof	4.00		Each additional day or part thereof (the dates must be confirmed on application)	4.00	4.00		0.00	0.0%
Street Trading Consents - Annual	928.00		Street Trading Consents - Annual	1,078.00	1078.00		150.00	16.2%
Street Trading Consents - Annual Renewal	932.00		Street Trading Consents - Annual Renewal	1,081.00	1081.00		0.00	0.0%

## Appendix G Other Legislation Discretionary Fees FINAL

New Fee			Street Trading Event - Daily. Minimum charge for up to 7 days (the 7 days may be used at any time within a 12 month period commencing from the date the consent is issued, but the dates must be confirmed on application)	226.00	226.00		0.00	0.0%
New Fee			Street Trading Event - Each additional day or part thereof (the dates must be confirmed on application)	4.00	4.00		0.00	0.0%
New Fee			Street Trading Event - Annual	804.00	804.00		0.00	0.0%
<b>Distribution of free printed matter</b>								
Weekly permit	87.00		Weekly permit	83.00	87.00		0.00	0.0%
Monthly permit	122.00		Monthly permit	120.00	122.00		0.00	0.0%
Annual permit	156.00		Annual permit	156.00	156.00		0.00	0.0%
<b>Miscellaneous</b>								
Pleasure Boats & Vessels	168.00	+ marine surveyor's report fee	Pleasure Boats & Vessels	198.00	241.00	+ marine surveyor's report fee	73.00	43.5%
<b>Gambling Act 2005 and Licensing Act 2003</b>								
Copy of public register entry (per individual entry)	39.00		Copy of public register entry (per individual entry)	39.00	39.00		0.00	0.0%

## Appendix H New Animal Legislation Discretionary Fees FINAL

### Appendix H - New Animal Legislation Discretionary Fees

2022-2023		2023-2024				
Licence Type	2022/23 Fee (£)	Licence Type	Calculated 2023/24 Fee (£) without surplus/deficit adjustment	Proposed 2023/24 Fee (£) including surplus/deficit adjustment	Difference (£)	Difference (%)
<b>Animals</b>						
Dog Day Care < 10 new	520.00	Dog Day Care < 10 new	311.00	535.00	Initial application fee £256.80 Fee due after licence granted £278.20	15.00 2.9%
Dog Day Care > 10 new	589.00	Dog Day Care > 10 new	323.00	604.00	Initial application fee £298.92 Fee due after licence granted £314.08	15.00 2.5%
Dog Day Care < 10 renewal	455.00	Dog Day Care < 10 renewal	263.00	464.00	Initial application fee £278.40 Fee due after licence granted £185.60	9.00 2.0%
Dog Day Care > 10 renewal	500.00	Dog Day Care > 10 renewal	276.00	511.00	Initial application fee £296.38 Fee due after licence granted £214.62	11.00 2.2%
Dog Day Care < 10 additional activity	168.00	Dog Day Care < 10 additional activity		173.00		5.00 3.0%
Dog Day Care > 10 additional activity	224.00	Dog Day Care > 10 additional activity		230.00		6.00 2.7%
Breeding for dogs < 10 new	553.00	Breeding for dogs < 10 new	336.00	569.00	Initial application fee £369.85 Fee due after licence granted £199.15	16.00 2.9%
Breeding for dogs > 10 new	622.00	Breeding for dogs > 10 new	397.00	642.00	Initial application fee £353.10 Fee due after licence granted £288.90	20.00 3.2%

## Appendix H New Animal Legislation Discretionary Fees FINAL

Breeding for dogs < 10 renewal	455.00		Breeding for dogs < 10 renewal	265.00	466.00	Initial application fee £279.60 Fee due after licence granted £186.40	11.00	2.4%
Breeding for dogs > 10 renewal	477.00		Breeding for dogs > 10 renewal	277.00	489.00	Initial application fee £283.62 Fee due after licence granted £205.38	12.00	2.5%
Breeding for Dogs < 10 additional activity	213.00		Breeding for Dogs < 10 additional activity		222.00		9.00	4.2%
Breeding for Dogs > 10 additional activity	260.00		Breeding for Dogs > 10 additional activity		270.00		10.00	3.8%
Boarding for cats < 10 new	520.00		Boarding for cats < 10 new	311.00	535.00	Initial application fee £284.50 Fee due after licence granted £284.50	15.00	2.9%
Boarding for cats > 10 new	589.00		Boarding for cats > 10 new	323.00	604.00	Initial application fee £289.92 Fee due after licence granted £314.08	15.00	2.5%
Boarding for cats < 10 renewal	455.00		Boarding for cats < 10 renewal	263.00	464.00	Initial application fee £278.40 Fee due after licence granted £185.60	9.00	2.0%
Boarding for cats > 10 renewal	500.00		Boarding for cats > 10 renewal	276.00	511.00	Initial application fee £291.27 Fee due after licence granted £219.73	11.00	2.2%
Boarding for cats < 10 additional activity	168.00		Boarding for cats < 10 additional activity		173.00		5.00	3.0%
Boarding for cats > 10 additional activity	224.00		Boarding for cats > 10 additional activity		230.00		6.00	2.7%
Kennel Boarding < 10 animals new	520.00		Kennel Boarding < 10 animals new	442.00	536.00	Initial application fee £273.36 Fee due after licence granted £262.64	16.00	3.1%

## Appendix H New Animal Legislation Discretionary Fees FINAL

Kennel Boarding > 10 animals new	589.00		Kennel Boarding > 10 animals new	355.00	606.00	Initial application fee £296.94 Fee due after licence granted £309.06	17.00	2.9%
Kennel Boarding < 10 animals renewal	455.00		Kennel Boarding < 10 animals renewal	269.00	460.00	Initial application fee £225.40 Fee due after licence granted £234.60	5.00	1.1%
Kennel Boarding > 10 animals renewal	500.00		Kennel Boarding > 10 animals renewal	281.00	505.00	Initial application fee £237.35 Fee due after licence granted £267.65	5.00	1.0%
Kennel Boarding < 10 animals additional activity	168.00		Kennel Boarding < 10 animals additional activity		173.00		5.00	3.0%
Kennel Boarding > 10 additional activity	224.00		Kennel Boarding > 10 additional activity		231.00		7.00	3.1%
Home boarding < 10 animals new	520.00		Home boarding < 10 animals new	311.00	535.00	Initial application fee £267.50 Fee due after licence granted £267.50	15.00	2.9%
Home boarding > 10 animals new	589.00		Home boarding > 10 animals new	323.00	604.00	Initial application fee £289.92 Fee due after licence granted £314.08	15.00	2.5%
Home boarding < 10 animals renewal	455.00		Home boarding < 10 animals renewal	263.00	464.00	Initial application fee £278.40 Fee due after licence granted £185.60	9.00	2.0%
Home boarding > 10 animals renewal	500.00		Home boarding > 10 animals renewal	276.00	511.00	Initial application fee £291.27 Fee due after licence granted £219.73	11.00	2.2%
Home boarding < 10 animals additional activity	168.00		Home boarding < 10 animals additional activity		173.00		5.00	3.0%

## Appendix H New Animal Legislation Discretionary Fees FINAL

Home boarding > 10 animals additional activity	226.00		Home boarding > 10 animals additional activity		233.00		7.00	3.1%
Selling animals as pets < 10 new	520.00		Selling animals as pets < 10 new	355.00	537.00	Initial application fee £284.61 Fee due after licence granted £252.39	17.00	3.3%
Selling animals as pets > 10 new	589.00		Selling animals as pets > 10 new	379.00	608.00	Initial application fee £322.24 Fee due after licence granted £285.76	19.00	3.2%
Selling animals as pets < 10 renewal	455.00		Selling animals as pets < 10 renewal	277.00	467.00	Initial application fee £270.86 Fee due after licence granted £196.14	12.00	2.6%
Selling animals as pets > 10 renewal	500.00		Selling animals as pets > 10 renewal	302.00	514.00	Initial application fee £292.98 Fee due after licence granted £221.02	14.00	2.8%
Selling animals for pets < 10 additional activity	191.00		Selling animals for pets < 10 additional activity		198.00		7.00	3.7%
Selling animals for pets > 10 additional activity	226.00		Selling animals for pets > 10 additional activity		234.00		8.00	3.5%
Keeping or training animals for exhibition < 10 new	520.00		Keeping or training animals for exhibition < 10 new	355.00	537.00	Initial application fee £263.13 Fee due after licence granted £273.87	17.00	3.3%
Keeping or training animals for exhibition > 10 new	589.00		Keeping or training animals for exhibition > 10 new	379.00	608.00	Initial application fee £279.68 Fee due after licence granted £328.32	19.00	3.2%

## Appendix H New Animal Legislation Discretionary Fees FINAL

Keeping or training animals for exhibition < 10 renewal	523.00		Keeping or training animals for exhibition < 10 renewal	265.00	534.00	Initial application fee £320.40 Fee due after licence granted £213.60	11.00	2.1%
Keeping or training animals for exhibition > 10 renewal	592.00		Keeping or training animals for exhibition > 10 renewal	277.00	604.00	Initial application fee £350.32 Fee due after licence granted £253.68	12.00	2.0%
Keeping or training animals for exhibition < 10 additional activity	156.00		Keeping or training animals for exhibition < 10 additional activity		160.00		4.00	2.6%
Keeping or training animals for exhibition > 10 additional activity	224.00		Keeping or training animals for exhibition > 10 additional activity		230.00		6.00	2.7%
Hiring out horses < 10 new	554.00		Hiring out horses < 10 new	379.00	573.00	Initial application fee £303.69 Fee due after licence granted £269.31	19.00	3.4%
Hiring out horses > 10 new	623.00		Hiring out horses > 10 new	403.00	643.00	Initial application fee £315.07 Fee due after licence granted £327.93	20.00	3.2%
Hiring out horses < 10 renewal	489.00		Hiring out horses < 10 renewal	321.00	504.00	Initial application fee £322.56 Fee due after licence granted £181.44	15.00	3.1%
Hiring out horses > 10 renewal	534.00		Hiring out horses > 10 renewal	333.00	550.00	Initial application fee £335.50 Fee due after licence granted £214.50	16.00	3.0%
Hiring out horses < 10 additional activity	275.00		Hiring out horses < 10 additional activity		287.00		12.00	4.4%
Hiring out horses > 10 additional activity	297.00		Hiring out horses > 10 additional activity		312.00		15.00	5.1%

### Appendix H New Animal Legislation Discretionary Fees FINAL

Horses Annual or variation of the licence inspection	81.00		Horses Annual or variation of the licence inspection	81.00		0.00	0.0%
Licence variation with no inspection	60.00		Licence variation with no inspection	60.00		0.00	0.0%
Licence variation with an inspection < 10 animals	131.00		Licence variation with an inspection < 10 animals	134.00		3.00	2.3%
Licence variation with an inspection > 10 animals	150.00		Licence variation with an inspection > 10 animals	154.00		4.00	2.7%
Re-inspection request < 10 animals with no vet	136.00		Re-inspection request < 10 animals with no vet	139.00		3.00	2.2%
Re-inspection request > 10 animals with no vet	156.00		Re-inspection request > 10 animals with no vet	160.00		4.00	2.6%
Re-inspection request < 10 animals with a vet	197.00		Re-inspection request < 10 animals with a vet	204.00		7.00	3.6%
Re-inspection request > 10 animals with a vet	208.00		Re-inspection request > 10 animals with a vet	217.00		9.00	4.3%



## Appendix I – Relevant Protected Site Fees

Type		2023/24
The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) 2014	New Application	£194.00
The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) 2014	Annual Fee up to 5 conditions	£136.00
The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) 2014	Annual Fee 6 – 10 conditions	£203.00
The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) 2014	Annual Fee >10 conditions	£282.00
Relevant Protected Site <sup>1</sup>	New Application 1 – 20 units	£752.00
Relevant Protected Site	New Application 21 – 50 units	£826.00
Relevant Protected Site	New Application 51 – 100 units	£874.00
Relevant Protected Site	New Application >100 units	£923.00
Relevant Protected Site	Alteration of conditions <sup>2</sup>	£831.00
Relevant Protected Site	Transfer	£733.00
Relevant Protected Site	Deposit of site rules or deletion notice	£51.00

<sup>1</sup> As defined in The Caravan sites and Control of Development Act 1960 as amended by the Mobile Homes Act 2013

<sup>2</sup> whether by the variation or cancellation of existing conditions, or by the addition of new conditions, or by a combination of any such methods

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

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

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

Sex establishments - Schedule 3 paragraph 19

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

Street Trading – Schedule 4 paragraph 9

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

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

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

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

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

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

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

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

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

(7) Where a licence—

(a) is surrendered or revoked; or

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

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

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

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

(8) The council may determine—

## Appendix J

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

(b) that they shall be separately recoverable.

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

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

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

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

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

### Acupuncture - Section 14 (6)

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

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

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

## Local Government (Miscellaneous Provisions) Act 1976

### Controls hackney carriages and private hire vehicles

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

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

\*Town Police Clauses Act 1847

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

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

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

## Appendix J

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

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

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

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

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

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

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

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

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

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

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

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

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

## Zoo Licensing Act 1981

### Controls zoos – Section 15

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

## Appendix J

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

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

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

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

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

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

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

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

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

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

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

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

## Dangerous Wild Animals Act 1976

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

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

.... and

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

## Appendix J

### **Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018**

The Regulations, made under the Animal Welfare Act 2006, repealed or revoked all previous legislation relating to the licensing of animal boarding establishments, dog breeding, dog day care, pet shops, performing animals and riding establishments.

- (1) A local authority may charge such fees as it considers necessary for—
- (a) the consideration of an application for the grant, renewal or variation of a licence including any inspection relating to that consideration, and for the grant, renewal or variation,
  - (b) the reasonable anticipated costs of consideration of a licence holder's compliance with these Regulations and the licence conditions to which the licence holder is subject in circumstances other than those described in sub-paragraph (a) including any inspection relating to that consideration,
  - (c) the reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator, and
  - (d) the reasonable anticipated costs of compliance with regulation 29.
- (2) The fee charged for the consideration of an application for the grant, renewal or variation of a licence and for any inspection relating to that consideration must not exceed the reasonable costs of that consideration and related inspection.

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

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

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

### **Environmental Protection Act 1990**

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

## Appendix J

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

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

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

### Gambling Act 2005

Statutory fees are prescribed for:-

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

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

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

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

(2) .... the authority—



## Appendix J

- (a) shall determine the amount of the fee,
  - (b) may determine different amounts for different classes of case specified in the regulations (but may not otherwise determine different amounts for different cases),
  - (c) shall publish the amount of the fee as determined from time to time, and
  - (d) shall aim to ensure that the income from fees of that kind as nearly as possible equates to the costs of providing the service to which the fee relates (including a reasonable share of expenditure which is referable only partly or only indirectly to the provision of that service).
- (3) For the purposes of subsection (2)(d) a licensing authority shall compare income and costs in such manner, at such times and by reference to such periods as the authority, having regard to any guidance issued by the Secretary of State, think appropriate.

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

### Premises licences (Section 156)

- (1) A licensing authority shall—
- (a) maintain a register of premises licences issued by the authority together with such other information as may be prescribed,
  - (b) make the register and information available for inspection by members of the public at all reasonable times, and
  - (c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.
- (2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

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

- (1) Where a statement is sent to a local authority under paragraph 39 the authority shall—
- (a) retain it for at least 18 months,
  - (b) make it available for inspection by members of the public at all reasonable times, and
  - (c) make arrangements for the provision of a copy of it or part of it to any member of the public on request.
- (2) But a local authority may refuse to provide access or a copy unless the person seeking access or a copy pays a fee specified by the authority.
- (3) A local authority may not specify a fee under sub-paragraph (2) which exceeds the reasonable cost of providing the service sought (but in calculating the cost of providing a service to a person the authority may include a reasonable share of expenditure which is referable only indirectly to the provision of that service).

## Appendix J

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

(1) A licensing authority shall—

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

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

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

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

### Temporary Use Notice (Section 234)

1) A licensing authority shall—

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

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

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

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

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

(1) A licensing authority shall—

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

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

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

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

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

(1) A licensing authority shall—

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

## Appendix J

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

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

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

### Prize gaming permits (Schedule 14 paragraph 23)

(1) A licensing authority shall—

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

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

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

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

### **Scrap Metal Dealers Act 2013**

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

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

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

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

### **Licensing Act 2003**

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

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

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

## Appendix J

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

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

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

(2A) A local authority in England may require a relevant protected site application in respect of land in their area to be accompanied by a fee fixed by the authority.

#### 5A Relevant protected sites: annual fee

(1) A local authority in England who have issued a site licence in respect of a relevant protected site in their area may require the licence holder to pay an annual fee fixed by the local authority.

(2) When requiring a licence holder to pay an annual fee under this section, a local authority must inform the licence holder of the matters to which they have had regard in fixing the fee for the year in question (in particular, the extent to which they have had regard to deficits or surpluses in the accounts for the annual fee for previous years).

(1B) A local authority in England may require an application by the holder of a site licence in respect of a relevant protected site in their area for the alteration of the conditions attached to the site licence to be accompanied by a fee fixed by the local authority.

(1A) A local authority in England may require an application for consent to the transfer of a site licence in respect of a relevant protected site in their area to be accompanied by a fee fixed by the local authority.

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

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

## Appendix K – Licensing Costs, Income and Surplus/Deficit

**Table 1 – All Licences**

	Overall (£)	HCPH* (£)	Licensing Act 2003 (£)	Public Health (£)	Animals (£)	Explosives (£)	Scrap Metal (£)	Misc.** (£)	Gambling Act 2005 (£)
<b>Total Costs</b>	891,015	409,996	260,426	25,450	63,538	8,418	14,084	36,525	35,864
<b>Total Income</b>	(713,361)	(248,969)	(324,491)	(13,388)	(52,921)	(5,888)	(12,533)	(14,051)	(25,672)
<b>(Surplus) / Deficit 2021/22</b>	177,654	161,018	(64,065)	12,062	10,617	2,530	1,552	22,474	10,192
<b>Cumulative (Surplus) / Deficit 2014/15-2021/22</b>	423,994	537,829	(738,653)	60,582	119,069	60,955	60,988	278,728	44,496

\*Hackney carriage, private hire vehicle and operator licences and hackney carriage and private hire vehicle drivers' licences – see Table 2 for further breakdown

\*\* Includes caravan site licences, sex establishments, free printed matter, street collections, street trading, pleasure boats and vessels

**Table 2 – Hackney Carriage and Private Hire Licences**

	Hackney Carriages (£)	Private Hire Vehicles (£)	Joint Drivers (£)	Operators (£)
<b>Total Costs</b>	17,898	195,800	180,176	16,112
<b>Total Income</b>	(11,019)	(130,738)	(95,972)	(11,240)
<b>(Surplus) / Deficit 2021/22</b>	6,879	65,062	84,205	4,872
<b>Cumulative (Surplus) / Deficit 2014/15-2021/22</b>	37,446	225,986	260,929	13,468

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<u>Committee and Date</u>
Strategic Licensing Committee
5 October 2022

<u>Item</u>
<u>Public</u>

## Review of the Hackney Carriage and Private Hire Licensing Policy 2023 to 2027

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

### 1. Synopsis

1.1 This report sets out the proposed Hackney Carriage and Private Hire Licensing Policy 2023 to 2027 (the Policy) which has been updated taking into account the Council’s priorities, representations made by the hackney carriage and private hire trade and changes in legislation.

### 2. Executive Summary

2.1. The Council’s existing Hackney Carriage and Private Hire Licensing Policy came into effect from 1 April 2019. Since this date there have been changes in guidance and legislation for the administration of the hackney carriage and private hire licensing regime. 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.

2.2. The Policy requires updating to reflect the Council’s priorities and outcomes for 2023 – 2027, in relation to protecting people from harm, promoting health and managing the environment.

2.3. This report sets out the proposed Hackney Carriage and Private Hire Licensing Policy 2023 to 2027 and highlights those matters that have led to the most significant proposed changes.

### 3. Recommendations

3.1. That the Strategic Licensing Committee considers all the responses submitted during the consultation period as set out in **Appendix A** and notes the officer’s summary as set out in **Appendix B**.

3.2. That the Strategic Licensing Committee agrees, with any necessary modifications, that the proposed ‘Hackney Carriage and Private Hire Policy 2023 – 2027’ as set out in **Appendix C** be reported to Cabinet for further consideration and a final decision with respect to adoption and implementation.

## REPORT

### 4. Risk Assessment and Opportunities Appraisal

- 4.1. 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.
- 4.2. The Policy specifically takes account of the Council's safeguarding responsibilities, particularly in relation to children and adults (including those with care and support needs). The Policy significantly increases the criteria that must be satisfied before a person will be deemed a 'fit and proper person' to drive a hackney carriage or private hire vehicle.
- 4.3. 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 (including those 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.
- 4.4. The criteria continue to be set against the findings of the Independent Enquiry into Child Sexual Exploitation in Rotherham 1997 – 2013 and considers the wider implications of modern slavery, trafficking and exploitation.
- 4.5. The Department for Transport (DfT) developed the Statutory Taxi and Private Hire Vehicle Standards<sup>1</sup>, the standards introduced a set of core minimum standards to improve regulation of the taxi and private hire vehicle sector. The revised policy includes the requirements as set out in the standards.
- 4.6. The Policy significantly increases the criteria that must be satisfied before a person will be deemed a 'fit and proper person'. Drivers of hackney carriage or private hire vehicles, private hire operators and those who hold a vehicle licence as a vehicle proprietor will continue to be required to meet the robust criteria that was implemented in 2019. This criteria has been further enhanced by the inclusion of the standards which will be applied to each application.
- 4.7. The DfT Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022<sup>2</sup>. This Act and the subsequent guidance<sup>3</sup> are focused on supporting compliance and ensuring that checks are made with other Local Authorities regarding an applicant's previous licensing history and the requirement for Licensing Authorities to record previous refusals, suspensions and revocations on a central database. This allows additional enquiries to be made with the Local Authority about the circumstances surrounding the

<sup>1</sup> Department for Transport, Statutory Taxi and Private Hire Vehicle Standards July 2020 Statutory & Best Practice Guidance for taxi and PHV licensing authorities ([publishing.service.gov.uk](https://publishing.service.gov.uk))

<sup>2</sup> Department for Transport Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 [Taxis and Private Hire Vehicles \(Safeguarding and Road Safety\) Act 2022 \(legislation.gov.uk\)](https://legislation.gov.uk)

<sup>3</sup> Department for Transport Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022, Statutory Guidance [Taxis and Private Hire Vehicles \(Safeguarding and Road Safety\) Act 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk)



refusal, suspension or revocation before a determination is made on an application. The new duties came into effect on 31 May 2022 and the revised policy has incorporated the requirements.

- 4.8. The Equality Act 2010 (the Act) and the DFT Access for wheelchair users to Taxis and Private Hire Vehicles – Statutory Guidance published on the 20 June 2022 has put significant additional responsibilities on operators and drivers of passengers with disabilities to ensure that the passengers needs are fully supported throughout their journey. Furthermore, there are additional requirements for the Council to maintain a list of designated wheelchair accessible vehicles and to have a process for which drivers can apply for a medical exemption from the duties imposed by the Act.
- 4.9. 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.
- 4.10. 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.
- 4.11. If the Council fails to prepare and publish such a policy the Council will be open to criticism; in particular from those parties whom the Council seeks to licence. Without a policy, officers and Members will find it extremely difficult to make appropriate and consistent licensing decisions and to take proportionate enforcement action. As a consequence, the Council will face significant difficulty in justifying the way it has reached licensing decisions and taken enforcement action.
- 4.12. This will result in the Council failing to adequately deliver its safeguarding responsibilities and reduce its ability to directly, and in partnership with other agencies, tackle child sexual exploitation. Furthermore, the Council's ability to control overall compliance of the hackney carriage and private hire trade will be hampered and there is the increased risk of:
- successful appeals by applicants who have had their licences suspended or revoked;
  - service complaints to the Local Government Ombudsman;
  - judicial review; and
  - legal challenge to any criminal proceedings instituted by the Council.
- The reputation and professionalism of the Council would clearly be at risk.
- 4.12. 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.

- 4.13 The proposed policy is consistent with national guidance on hackney carriage and private hire licensing and is deemed to be best practice.
- 4.14 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.
- 4.15 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 (DfT) 'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance' (March 2010). However, at the time of writing this report the DfT are consulting on revisions to this guidance and any future updated guidance will be considered as part of the wider review of the policy.
- 4.16 An Equality, Social Inclusion and Health Impact Assessment (ESHIA) has been undertaken, utilising evidence already held by the service area and the results of the public consultations.
- 4.17 The Council has utilised the ESIIA in order to consider children and young people who are looked after by Shropshire Council and the families of children in need, when considering the Protected Characteristic grouping of 'Age', and with respect to adults with care and support needs, e.g. adults with learning disabilities, when considering the Protected Characteristic grouping of 'Disability'
- 4.18 For all the nine Protected Characteristic groupings, the impact is rated as positive; notably, with respect to the 'age', 'disability', 'race' and 'sex', where the impact is anticipated 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. As such, this relates to the tenth groupings we seek to think about in Shropshire, of 'social inclusion'.
- 4.19 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 ESHIA document can be found at **Appendix D**.

## 5. Financial Implications

- 5.1. 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.

## 6. Climate Change Appraisal

- 6.1. Nationally, there continues to be a significant drive to improve air quality and it is acknowledged that motor vehicle emissions continue to be the primary cause of poor air quality and that this impacts on human health and the environment. The Council needs to continue to promote measures that improve air quality including reducing the emissions from Hackney Carriages and Private Hire Vehicles.
- 6.2. The Council now has the opportunity to continue to lead the local community and further reduce the impact that vehicle emissions have on the local environment and human health by continuing to support stringent standards that reduce emissions from Hackney Carriage and Private Hire Vehicles. The Council's Director of Public Health fully supports actions that improve air quality as air quality is an indicator in the Public Health Outcomes Framework.
- 6.3. Whilst recognising the importance of continuing to reduce harmful emissions from Hackney Carriage and Private Hire Vehicles and in response to requests from trade representatives to allow for an extension to the age requirements of cleaner less polluting vehicles. The proposed Policy has been amended and consideration continues to be made to ensure that the revisions to the age requirements of the Policy continues to have a positive effect of further reducing levels of air pollution.
- 6.4. It should be noted that on the 1 April 2021 the Council required all hackney carriage vehicles to be wheelchair accessible and due to the nature of the type of vehicles they are, there are a limited number of less polluting vehicles available. Therefore, considering feedback from the trade, limited availability and production lead times for electric wheelchair accessible vehicles a separate section of the policy has been included to allow for an extended time for proprietors to replace their vehicles.

## 7. Consultation

- 7.1 A public consultation in respect of the proposed policy was undertaken over a 10-week period from 27 June 2022 to the 4 September 2022. 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.
- 7.2 There were 26 individual responses to the consultation full details of the responses, together with the feedback from the 'Taxi Forum' held on the 18 August 2022, have been analysed and officer comments and explanatory notes recorded. The consultation responses can be found at **Appendix A** and the officers comments can be found at **Appendix B**.

- 7.3 A substantial amount of the responses were concerned with the Age and Emissions section of the Policy and trade representatives requested an extension to the time they were allowed to licence their vehicles. 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 extend the time vehicles could be licenced. In addition, and as a direct request taken from the Taxi Forum a separate section has been included in the Policy for wheelchair accessible vehicles 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.

## 8. Background

- 8.1. The existing Hackney Carriage and Private Hire Licensing Policy came into effect on the 1 April 2019 and is due to expire on 31 March 2023. As a result, Officers sent notification of an informal consultation to the trade inviting submissions about possible amendments that Trade representatives would like to be included within the revised policy. This was sent out by email to the trade on 10 May 2022 and closed on 18 May 2022.
- 8.2. Submissions were received and officers considered the comments made along with the additional proposals.
- 8.3. The Policy was then revised taking into account the changes in guidance and legislation and in consideration of the officers' summary of the informal comments made by Trade representatives.
- 8.4. The revised policy was then formally consultation upon for a 10-week period from 27 June 2018 to the 4 September 2022.

## 9. Conclusions

- 9.1. 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.
- 9.2. Whilst it is recognised that this duty requires an efficient and effective administrative process, the fundamental purpose of the licensing regime is to protect the safety of the public. This means the Council must ensure that only fit and proper persons are licensed to be drivers and operators and that vehicles remain safe and fit for the purpose of transporting fare-paying passengers. The proposed Policy aims to provide the foundation of this protection.

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

- Town Police Clauses Act 1847
- Local Government Act 1972 [Local Government Act 1972 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

- Local Government (Miscellaneous Provisions) Act 1976
- Equality Act 2010 [Equality Act 2010 \(legislation.gov.uk\)](#)
- Report of the ‘Independent Enquiry into Child Sexual Exploitation in Rotherham 1997 – 2013’ Alexi Jay OBE, published August 2014 [independent-inquiry-into-child-sexual-exploitation-in-rotherham](#)
- Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guide, March 2010 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/212554/taxi-private-hire-licensing-guide.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/212554/taxi-private-hire-licensing-guide.pdf)
- Department for Transport, Statutory Taxi and Private Hire Vehicle Standards July 2020 [Statutory & Best Practice Guidance for taxi and PHV licensing authorities \(publishing.service.gov.uk\)](#)
- Department for Transport, Access for wheelchair users to Taxis and Private Hire Vehicles – Statutory Guidance [uksiod\\_20170342\\_en.pdf \(legislation.gov.uk\)](#)
- Safeguarding Vulnerable Groups Act 2006 [Safeguarding Vulnerable Groups Act 2006 \(legislation.gov.uk\)](#)
- Department for Education, Home to school travel and transport statutory guidance 2014 [Home-to-school travel and transport - GOV.UK \(www.gov.uk\)](#)
- Local Government Association, Councillor Handbook: Taxi and Private Hire Licensing 20 July 2021 [Councillor Handbook: Taxi and PHV Licensing | Local Government Association](#)
- Information Commissioners Office, Guide to the General Data Protection Regulation, The Data Protection Act 2018 [Lawful basis for processing | ICO](#)
- Department for Transport Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 [Taxis and Private Hire Vehicles \(Safeguarding and Road Safety\) Act 2022 \(legislation.gov.uk\)](#)
- Department for Transport Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022, Statutory Guidance [Taxis and Private Hire Vehicles \(Safeguarding and Road Safety\) Act 2022 - GOV.UK \(www.gov.uk\)](#)
- 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>
- Hackney Carriage and Private Hire Licensing Policy 2019 to 2023 <https://shropshire.gov.uk/media/12328/hcph-licensing-policy-2019-2023.pdf>
- Finance Bill 2021, Tax Conditionality [New tax checks on licence renewal applications - GOV.UK \(www.gov.uk\)](#)

**Cabinet Member (Portfolio Holder)**  
Councillor Ed Potter, Deputy Leader, Economic Growth, Regeneration and Planning

**Local Member**  
Not applicable – report has county wide application

**Appendices**

- Appendix A** – Individual Consultation Responses
- Appendix B** – Officer Summary of Consultation Responses
- Appendix C** – Proposed Hackney Carriage and Private Licensing Policy 2023 to 2027
- Appendix D** – Equality, Social Inclusion and Health Impact Assessment (ESHIA)

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## Appendix A

### Document 1

Re: Your chance to be involved - Review of Shropshire Councils Hackney Carriage and Private Hire Licensing Policy

To: Taxis

Tue 28/06/2022 14:46

- 1) In reply to your email, I think you should reduce your licencing fees you are grossly overpriced.
- 2) Have a complete knowledge test for the driver of where in Shropshire he hopes to work in.
- 3) Get rid of emissions conditions on vehicles. Vehicles will naturally become cleaner as drivers replace their cars.
- 4) There are more Wolverhampton plated vehicles in shrewsbury now compared to Shropshire plates.
- 5) No age limit on vehicles have a higher standard of test.
- 6) Stop Wolverhampton drivers from working in Shropshire it can be done as other councils have successfully challenged through the courts out of area plates working in their area of durisdiction.
- 7) Stop drivers working for multiple operators at the same time.

Many thanks

## Document 2

License review

To: Taxis

Wed 29/06/2022 06:24

Dear Panel,

Although writing this is almost certainly a complete waste of time I am going to put my two penny's worth in anyway.

As things stand taxi drivers have been put in a position where to outlay has made it virtually impossible to earn a decent living due to the conditions laid out by the council concerning what vehicles will be licensed.

Taxi drivers have to recover their outlay ie the car cost, the insurance, maintenance and fuel and still earn a living.

I can see that there has to be standards but the mot is in place for that and a car has to pass an emissions test to obtain a mot.

No customer has ever refused to get into my car in twenty two years because of its condition, a car is either roadworthy or it isn't.

Telford and Wrekin and Wolverhampton have age limits on the vehicles they will licence and that works perfectly well.

I and so many other drivers are being put into a position where getting into debt is our only way of continuing to stay in a job.

I daresay my point will be ignored but I've at least made it.



**Document 3**

Re: Your chance to be involved - Review of Shropshire Councils Hackney Carriage and Private Hire Licensing Policy

To: Taxis

Wed 29/06/2022 12:21

Good Morning,

I've concerns about Toyota Prius hybrid first licensed plate age which is 8 years I don't think so it's a good condition because as you know full electric car has no age limit and petrol car has Euro 5 so in that sense hybrid are mostly Euro 5 and Euro 6 and half Electric and it has very low emission So in my point of view it should be No Age limit on hybrid cars.i would like to consider my point of view in your next condition. Thanks alot.

**Documents 4**

Re: Your chance to be involved - Review of Shropshire Councils Hackney Carriage and Private Hire Licensing Policy

To: Taxis

Thu 30/06/2022 21:42

hi,I want that hybrid cars put any age cus these are petrol and electric,thanks

## Document 5

Re: Consultation for the review of the Hackney Carriage and Private Hire Licensing Policy 2023 to 2027

To Taxis

Sun 03/07/2022 17:42

Hi

Having read through this proposal.

This is a ridiculous thing I agree we have to move on but.

This is the scenario you've put me in last year I invested in another vehicle I run 3 of my own vehicles all diesel all very well maintained to a very high standard.

Having been in business nearly 30 years I cannot believe that you're dictating to us what we should be doing, there is a very limited market of what's available to someone with wheelchair access vehicles.

On the back of the worst financial hit we've had to endure Covid 19 your expecting people like me to increase the costs in the current climate were in with horrendous fuel prices now, our council who never support business but suppress it instead in their instance.

A wheelchair vehicle in a hybrid will cost me in excess of £44k per vehicle and the electric in excess of £78k. That's £120k for 3 vehicles.

May I remind you this is not London this is a small sleepy town called Shrewsbury.

You have Euro standard 1, 2, 3 and 4 buses working around this town at least 15 hours per day and have for years.

I know I have a lot of friends and relatives that work on them.

Shropshire Council have work vans and other vehicles that are 10-20 years old too.

You have major bus companies transporting children around in the same 15-20 years old.

But us supposed rich taxi drivers get penalised all the time.

Well the time has come for us to fight back.

I as a businessman feel like I'm being pushed out, discriminated against, penalised unfairly.

According to your new proposal my 2019 plate vehicle won't be quite 5 years old in 2024 when it will have to come off as a taxi because of the stupid ruling that it was registered in March and not the September.

This is an absolute ridiculous scenario. You are going to put a lot of people out of work and out of business.

These wheelchair accessible vehicles are very very expensive, unless the council are going to help pay for these there is no way we can afford them. Therefore you will increase the problem with lack of taxi availability and severely reduce the availability for wheelchair if they're any left.

The real reason which is still being ignored the problem with emissions in this town is solely the problem of the council

Too many sets of lights in the town all out of sink waiting to get out of the station is a joke.

And the brainstorm of stopping traffic going up the cop therefore cutting the flow off and stopping free flowing traffic proceeding through the town is the biggest problem as I said council are the primary cause.

I personally think that if you're not prepared to help and promote businesses in this town then there is a very big question over the need and purpose of the council and maybe that all of them should resign to enable a new batch of pro business and help us rather than suppress us all.

I took my vehicles and bought them under the councils instructions to which I have honoured that I could have my vehicles for a ten year period as agreed now a 5 year vehicle won't be eligible under the new plans.

Why the council cannot honour the agreement like we did and let us continue to operate with our field for their ten year age limit and then at the end then transfer to hybrid and then electric vehides is beyond me.

I ask the council to show common sense and let us convert at a reasonable pace so it will make this affordable for us all.

I think this needs to be highlighted in the press and sent to the government for discussion as well or through legal means.

I welcome your response and as for not having a face to face meeting well there is nothing wrong with having a meeting on zoom or teams or better still having an open discussion in the open air in a car park we all bring a seat and hand sanitizer and a mask and we can have an adult discussion.

Or is it as we all think that the council have steamrolled us all again and made up their minds and this is just a box ticking exercise and got to show the public we did everything we could.

Really and yes I am angry very angry

A lot people say the council is not fit for purpose i never used to think that

But I feel with this topic that I can be swayed

Yours angrily

Ps this is my opinion only don't wish to upset the council. but you've asked my opinion and thoughts

**Document 6**

Re: Your chance to be involved - Review of Shropshire Councils Hackney Carriage and Private Hire Licensing Policy

To: Taxis

Mon 04/07/2022 22:35

To whom this may concern,

I would appreciate if the age limit on hybrid vehicles is removed for private hire vehicles

## Document 7

Re: Your chance to be involved - Review of Shropshire Councils Hackney Carriage and Private Hire Licensing Policy

To Taxis

Tue 05/07/2022 00:02

Hello

My input is as follows..

- 1) The age restriction on petrol and diesel cars needs reducing a year or 2 as it's a big cost to us drivers.
- 2) I drive a diesel vehicle and it's going to be very hard for me to buy a vehicle that's registered after September 2016 and then run and maintain it.
- 3) Also with the cost of fuel increasing every other week and the cost of parts and insurance policies increasing, its becoming very hard for us drivers.
- 4) There shouldn't be an age restriction on hybrid vehicles especially those that are euro 6 engines.

Thanks

**Document 8**

Taxi cab vehicle age replacement discussion

To Taxis

Tue 12/07/2022 18:20

Hi there

I would to have a 12-15 year life span for Shropshire plated taxis

Neighboring councils like Wolverhampton have 17years

Telford have 15 years

Ours currently is only ten, and I'm led to believe that this is being discussed to reduce it even further

Other councils have increased the life span because we have had Very hard-hitting times in the COVID crisis, which is still very much around unfortunately .

I'd suggest that if a cab is already euro 6 plated we should have absolute minimum of 12 years and hopefully 15 years

The taxi trade is being hit constantly with ever spiralling costs, and the trade is as I've mentioned suffering

At this rate no drivers will be able to afford running there present cabs, let alone replacing them

Please try to be reasonable and do lke others have , assist us , so we can try to make ourselves a living now and in the years ahead

Thanks for reading

**Document 9**

(no subject)

Fri 15/07/2022 16:30

To: Taxis

I agree to the new fare card , But not to 6 years old proposers idear of new 2016 taxis



**Document 10**

Private hire conditions consultation

Wed 27/07/2022 15:58

To: Taxis

I am writing with regard to the proposed new policy conditions which are under consultation, with particular reference to the Executive section.

I am not in agreement with the requirement that Executive customers must pay by means of an account.

My company has held exec licenses since they were first granted and have many regular customers who either pay by bank transfer or by card on the day of hire. I do however accept that the business customers who are using exec services should be invoiced and pay via account terms, but members of the public who wish to pay a premium for an exec service should be able to pay by card or transfer.

Many thanks

**Document 11**

(no subject)

Wed 27/07/2022 12:45

To: Taxis

I am the taxi driver licence holder with Shropshire Council. I want to make a suggestions about age of private hire vehicles that all hybrid vehicles shouldn't go out of business after 12 years. I can recommend that remove age limit on hybrid cars

Kind regards

**Document 12**

New policy

Wed 27/07/2022 12:37

To: Taxis

Dear sir the age limit for 10 years is sensible as the cost of living and fuel have gone through the roof,as far as electric vehicle is concerned,the is not enough insfastrucure at present .

**Document 13**

Consultation

Thu 18/08/2022 22:17

To: Taxis

Hi further to our meeting today I would like to request that emissions euro 6 to remain in place and we should be allowed least 12 years on that and also we need further day taxi ranks in town fares need to be increased to meet the cost for vehicles updated and it would be great if council can give grant to help to buy lower emission cabs.

Thanks

## Document 14

To: Taxis

Licensing review: Hackney careaige

Thu 18/08/2022 15:34

- 1) Your proposed change to the policy is unacceptable for a few reasons
- 2) A vehicle registered on 1st April 2019 (euro 6) licensed as a new taxi on 01/05/19 will not be eligible for renewal on 01/05/2025. 6 years old. Whilst previously it would have been eligible for renewal until 10 years old.
- 3) A like for like vehicle registered 01/04/21(2 years newer euro 6d) licensed on 01/05/21 will be eligible for renewal with no age limit.
- 4) Which uneducated licensing member thought if this ?
- 5) Whether your car is Euro 6, Euro 6c, Euro 6d-TEMP, or Euro 6d, the emission amounts are the same.
- 6) Euro 6 Diesel Emissions Standards (grammes per kilometre): 0.50 CO, 0.080 NOx, 0.005 PM
- 7) Euro 6d Diesel Emissions Standards (grammes per kilometre): 0.50 CO, 0.080 NOx, 0.005 PM
- 8) First registered;
- 9) Euro 6: September 2015
- 10) Euro 6d-TEMP: September 2019
- 11) Euro 6d: January 2021
- 12) This rule is invalid and should not be accepted based on a lack of facts .

Also..

- 13) At this moment there aren't any new electric purpose built hackney carriage vehicles on the market, so can Shropshire council clarify if they are trying to encourage proprietors to purchase some thing that they can't and do the impossible?
- 14) At nearly £65000 for a base model, the LEVC London cab isn't even a viable option. Its a hybrid vehicle but more importantly it isn't fit for purpose because they have structural issues. There have been reports of the windscreens cracking as a result of the chassis being under too much strain, electrical failure and batteries spontaneously catching fire.
- 15) Has anyone done any impact and feasibility assessments? If so what are the findings?
- 16) Under the new policy can Shropshire council advise what vehicles would be acceptable for hackney carriage use as a long term investment. This constant changing the goal posts is putting too much pressure on the trade to continue trading or to make a calculated and informed long term investment. There's anxiety every 4 years for proprietors because they don't know where they stand. You buy a vehicle which you can potentially renew for ten years and all of a sudden you can only renew it for 6.
- 17) Especially in the current economic crisis that most workers are facing this just adds insult to injury.
- 18) Why can't there be a simple yet effective way of having age limits just like pretty much every other local authority? Why is Shropshire council so special? Do they like being awkward and intent on making everything so difficult.
- 19) We could have a policy where vehicles have to be less than 6 years old for first license and then could be renewed until 14 years old from first registration. Wherebye having MOTs every 4 months after 9 years old. That would be sensible.
- 20) Wolverhampton can do 12 years
- 21) London 15 years
- 22) Birmingham 15 years

23) Dudley no limit

24) Additionally, pricing structures for Hackney meters should be adjusted annually. We have waited too long to adjust prices and the fuel surge had costs in thousands and we're currently unable to adjust to recoup.

**Document 15**

Taxi review

Fri 19/08/2022 19:44

To: Taxis

I would like to see all official taxi ranks monitored to see if they are being used

If not they should be converted for use by both taxis and private hire cars

To: Taxis

Hi there please find attached

Taxi & Private Hire Policy review consultation response

- 1) Having read the proposed new policy and attended the forum today I would like to air my opinions on this, and how Shropshire councils' approach is inconsiderate of the taxi and private hire trade and what we have endured over the last few years mainly due to covid, but also due to the continued pressure from the council to pursue taxi and private hire trade regarding air quality issues and age limits, whilst seemingly ignoring far more polluting parts of public transport and the community.
- 2) My thoughts are in the main regarding Hackneys and wheelchair accessible vehicles as this is what I run, but I am sure some of this does also apply to the private hire section of the trade.
- 3) Covid has had a devastating impact on the trade as a whole, and has either put out of business or driven away many individuals from the trade, many of us had little or no income at all for several months over the past 2 years, this has set us back considerably financially and so to bring in shorter vehicle age limits and demands for newer vehicles, many of us will find impossible to comply with and will have to leave the trade, this in turn will hugely impact school transport provision and individuals with specific needs like having to use wheelchair accessible vehicles.
- 4) Therefore it is my suggestion that the age limit of 10 years be extended to 12 years and euro 6 emission standard is retained for WAV diesel powered vehicles, and not reducing it to 6 years, also moving to 6d emission standards gives no tangible benefit to air quality as the emission levels are the same, the only difference being an additional real world test is carried out on 6d (this is to eliminate the manufacturers dieselgate scandal of euro 5,s. Although given the extent of the fines and compensation having to be paid out, the manufacturers were unlikely to repeat this with euro 6). Also the fact that euro 6 diesel vehicles are compliant with no fee in all Ulez and Clean air zones in the UK, and if air



quality is an issue, of which I don't believe it is given the readings from the monitors in Shrewsbury, maybe creating clean air zones to keep out the thousands of older private cars and busses that travel through Shropshire's towns everyday would have an impact, as changing the 800 or so taxi and ph cars across the county is unlikely to have any tangible impact.

- 5) We have no option than to continue at this present time with diesel powered vehicles as WAV vehicles are generally based on a people carrier version of a light commercial vehicle and at this time there is no Electric versions, and only a very limited number of petrol models albeit these are small vehicles and would not suit every application for WAV taxi. I believe there could be 2 brands of hybrid available as WAV vehicles but at a prohibitively high cost ( although one of these probably cannot be licensed in Shropshire as its predecessor wasn't). Reducing the age limit to 6 years on a diesel would be financially unviable in Shropshire, in order to be a viable business proposition they are generally bought at between 3 and 5 years old and continued to be licensed until they are 10 years old as I am sure your records will reflect.
- 6) And even if hybrid or electric vehicles were available, there is currently no on street charging infrastructure at all in Shropshire, let alone the volume required to support the taxi and private hire trade. Also given the type of jobs we currently do in supporting other public transport networks into Wales who also have little, or no charging infrastructure would be severely impeded, again having a huge impact on our financial viability.
- 7) As private hire in Shrewsbury is mainly controlled by one national company with huge international financial backing, I doubt this policy will impact them, but as their core interest is the easy fast-moving work, this will leave many taxi users that need a more individual service stranded, this being commonly the domain of the small operator and sole trader with a WAV that does not have huge financial backing, but does provide an essential service to the less able of OUR community.

- 8) To this end I suggest that Hackney WAV vehicles should have a separate policy to standard private hire vehicles to account for this, and that larger M2 WAV vehicles should be allowed to be licensed, as the current limitation of M1 vehicles is restrictive for some operators that provide specialist services.
- 9) I fully support not allowing cat s vehicles to be licensed, as this category of vehicle I believe no longer requires any more than an MOT to be returned to the road and in some cases the standard of repair cannot be guaranteed
- 10) I don't support having to get a new IVA on a licensed vehicle following an accident, if it has been repaired by an insurance company at an approved repairer, having been present at several IVA inspections I don't believe this proves anything following an approved repair, a new MOT should be sufficient.
- 11) All vehicles should be required to have an annual compliance inspection instead of one of the MOTs at a council workshop as used to be the case at Longden Road, this would provide consistency of standards that are currently lacking, with a greater emphasis on visual and aesthetic standards of the exterior and interior of the vehicle, and to ensure all creature comforts are working, for example the vehicle's interior lights, intercom and air conditioning system, opening windows etc, all these things do not currently get inspected and I believe they should.
- 12) I would like the council to consider extending the time between policy reviews, every time I change a vehicle at a cost that is viable for my business model and the time allowed for that vehicle, I find a review comes along and changes something that cuts short the budgeted life span of the vehicle
- 13) I think this is a fair way forward for all of us taxi drivers here in Shrewsbury securing a future for us all in these difficult times

Many thanks

Hackney cab driver ,

**Document 17**

Taxi & Private Hire policy consultation response

Sun 21/08/2022 23:20

To: Taxis

Good Evening

Please find attached my opinions to be submitted to the Hackney & Private Hire policy review consultation,

Regards

Taxi & Private Hire Policy review consultation response 2022

- 1) Having read the proposed new policy and attended the forum today I would like to air my opinions on this, and how Shropshire councils' approach is inconsiderate of the taxi and private hire trade and what we have endured over the last few years mainly due to covid, but also due to the continued pressure from the council to pursue taxi and private hire trade regarding air quality issues and age limits, whilst seemingly ignoring far more polluting parts of public transport and the community.
- 2) My thoughts are in the main regarding Hackneys and wheelchair accessible vehicles as this is what I run, but I am sure some of this does also apply to the private hire section of the trade.
- 3) Covid has had a devastating impact on the trade as a whole, and has either put out of business or driven away many individuals from the trade, many of us had little or no income at all for several months over the past 2 years, this has set us back considerably financially and so to bring in shorter vehicle age limits and demands for newer vehicles, many of us will find impossible to comply with and will have to leave the trade, this in turn will hugely impact school transport provision and individuals with specific needs like having to use wheelchair accessible vehicles.
- 4) Therefore it is my suggestion that the age limit of 10 years be extended to 12 years and euro 6 emission standard is retained for WAV diesel powered vehicles, and not reducing it to 6 years, also moving to 6d emission standards gives no tangible benefit to air quality as the emission levels are the same, the only difference being an additional real world test is carried out on 6d (this is to eliminate the manufacturers

dieselgate scandal of euro 5,s. Although given the extent of the fines and compensation having to be paid out, the manufacturers were unlikely to repeat this with euro 6). Also the fact that euro 6 diesel vehicles are compliant with no fee in all Ulez and Clean air zones in the UK, and if air quality is an issue, of which I don't believe it is given the readings from the monitors in Shrewsbury, maybe creating clean air zones to keep out the thousands of older private cars and busses that travel through Shropshire's towns everyday would have an impact, as changing the 800 or so taxi and ph cars across the county is unlikely to have any tangible impact.

- 5) We have no option than to continue at this present time with diesel powered vehicles as WAV vehicles are generally based on a people carrier version of a light commercial vehicle and at this time there is no Electric versions, and only a very limited number of petrol models albeit these are small vehicles and would not suit every application for WAV taxi. I believe there could be 2 brands of hybrid available as WAV vehicles but at a prohibitively high cost ( although one of these probably cannot be licensed in Shropshire as its predecessor wasn't). Reducing the age limit to 6 years on a diesel would be financially unviable in Shropshire, in order to be a viable business proposition they are generally bought at between 3 and 5 years old and continued to be licensed until they are 10 years old as I am sure your records will reflect.
- 6) And even if hybrid or electric vehicles were available, there is currently no on street charging infrastructure at all in Shropshire, let alone the volume required to support the taxi and private hire trade. Also given the type of jobs we currently do in supporting other public transport networks into Wales who also have little, or no charging infrastructure would be severely impeded, again having a huge impact on our financial viability.
- 7) As private hire in Shrewsbury is mainly controlled by one national company with huge international financial backing, I doubt this policy will impact them, but as their core interest is the easy fast-moving work, this will leave many taxi users that need a more individual service stranded, this being commonly the domain of the small operator and

sole trader with a WAV that does not have huge financial backing, but does provide an essential service to the less able of OUR community.

- 8) To this end I suggest that hackney WAV vehicles should have a separate policy to standard private hire vehicles to account for this, and that larger M2 WAV vehicles should be allowed to be licensed, as the current limitation of M1 vehicles is restrictive for some operators that provide specialist services.
- 9) I fully support not allowing cat s vehicles to be licensed, as this category of vehicle I believe no longer requires any more than an MOT to be returned to the road and in some cases the standard of repair cannot be guaranteed
- 10) I don't support having to get a new Iva on a licensed vehicle following an accident, if it has been repaired by an insurance company at an approved repairer, having been present at several Iva inspections I don't believe this proves anything following an approved repair, a new mot should be sufficient.
- 11) All vehicles should be required to have an annual compliance inspection instead of one of the MOT,s at a council workshop as used to be the case at Longden road, this would provide consistency of standards that are currently lacking, with a greater emphasis on visual and aesthetic standards of the exterior and interior of the vehicle, and to ensure all creature comforts are working, for example the vehicles interior lights, intercom and air conditioning system, opening windows etc, all these things do not currently get inspected and I believe they should.
- 12) I would like the council to consider extending the time between policy reviews, every time I change a vehicle at a cost that is viable for my business model and the time allowed for that vehicle, I find a review comes along and changes something that cuts short the budgeted life span of the vehicle.

Regards Owner & Operator of WAV Hackney Vehicles

Taxi & Private Hire Policy review consultation response

- 1) Having read the proposed new policy and attended the forum today I would like to air my opinions on this, and how Shropshire councils' approach is inconsiderate of the taxi and private hire trade and what we have endured over the last few years mainly due to covid, but also due to the continued pressure from the council to pursue taxi and private hire trade regarding air quality issues and age limits, whilst seemingly ignoring far more polluting parts of public transport and the community.
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hire trade. Also given the type of jobs we currently do in supporting other public transport networks into Wales who also have little, or no charging infrastructure would be severely impeded, again having a huge impact on our financial viability.

- 7) As private hire in Shrewsbury is mainly controlled by one national company with huge international financial backing, I doubt this policy will impact them, but as their core interest is the easy fast-moving work, this will leave many taxi users that need a more individual service stranded, this being commonly the domain of the small operator and sole trader with a WAV that does not have huge financial backing, but does provide an essential service to the less able of OUR community.
- 8) To this end I suggest that hackney WAV vehicles should have a separate policy to standard private hire vehicles to account for this, and that larger M2 WAV vehicles should be allowed to be licensed, as the current limitation of M1 vehicles is restrictive for some operators that provide specialist services.
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- 10) I don't support having to get a new Iva on a licensed vehicle following an accident, if it has been repaired by an insurance company at an approved repairer, having been present at several Iva inspections I don't believe this proves anything following an approved repair, a new mot should be sufficient.
- 11) All vehicles should be required to have an annual compliance inspection instead of one of the MOT,s at a council workshop as used to be the case at Longden road, this would provide consistency of standards that are currently lacking, with a greater emphasis on visual and aesthetic standards of the exterior and interior of the vehicle, and to ensure all creature comforts are working, for example the vehicles interior lights, intercom and air conditioning system, opening windows etc, all these things do not currently get inspected and I believe they should.
- 12) I would like the council to consider extending the time between policy reviews, every time I change a vehicle at a cost that is viable for my business model and the time allowed for that vehicle, I find a review comes along and changes something that cuts short the budgeted life span of the vehicle.

Regards

**Document 19**

Electriccars proposal

Thu 25/08/2022 11:52

To: Taxis

Hi

I am putting my concerns to you about the proposal policy about electric cars.

This will finish me as a taxi driver, because of the cost of buying a electric car. We are struggling as a dieing trade as it is.

The infrastructure is not in the rural area for this & if i go to Heathrow Airport & i will need 2 hours of my time to charge it up & turn other work down.

So i am for one against this policy & please consider this very carefully. The public are struggling as it is to get a taxi or a private hire car & this will kill the taxi industry in Shropshire.

Kind regards



## Document 20

2023 HCPHV policy consultation. Response. please confirm receipt

Sat 30/07/2022 18:56

To: Taxis

Proposed policy states

- 1) 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.
- 2) We have seen saloon cars and estates, badged private hire and hackney, with tow bars fitted
- 3) We have seen instances where they have had trailers on the back
- 4) This would contravene regulations
- 5) It is suggested that a condition be added that no 4 passenger seat or less has a towbar fitted, of either fixed or removable on the vehicles. This can be checked at each badging inspection
- 6) This would then guarantee adherence to the policy
- 7) Applicants might argue they wish to tow their own caravan, or trailer to the local council tip, and indeed they might wish to do so. But the loophole created will be exploited. 4 passengers to the airport, each with a case and hand luggage is not safe in any saloon/estate car currently manufactured.

## AGE OF VEHICLES

- 8) The council restricts the age at which cars can be newly badged as a suitable vehicle Older vehicles, once on fleet have additional MOT tests, which is fine The council have NCAP restrictions for very valid safety reasons The council have Emission restrictions for very valid environmental reasons The council inspect each vehicle at least annually
- 9) Therefore, to restrict the age of a vehicle seems to be replicating restrictions and in itself be self defeating
- 10) A vehicle that meets all safety and emissions standards, that is well maintained, subject to 3 MOTs a year and passes a council inspection should be entitled to remain in use.
- 11) To scrap a vehicle early is wildly environmentally profligate in such an instance. It is Throwaway culture writ large into policy, which is surely inappropriate.

- 12) There are instances where cars may be allocated on remote rural runs and PM for contracts that do little other work and would only be on fleet for maximum 4 years when a contract may be for 5 years
- 13) There are other instances and surely, whilst an older vehicle meets all the council's requirements for safety, environmental, maintenance and visual inspection, it is a coherent policy to encourage full use of such assets.
- 14) This applies to all fuel types, although LPG vehicles inherently beat the requirement for Emissions ratings in any case, and have the MOT/NCAP/Inspections still there to maintain standards
- 15) If a later policy review increases the safety and or environmental requirements, it would be an effective means of keeping the council's licensed fleet at large fully up to latest standards within 12 months of it being adopted

Kind regards

**Document 21**

Policy consultation

To : Taxis

Wed 31/08/2022 13:42

My proposal

- 1) 12 year age limit
- 2) Euro 6 only no euro 6 D
- 3) Separate policy for hackney license
- 4) No iva when we Been in bump ,,
- 5) The cost is massive to any wheelchair vehicle please consider we are a rural town ,we are not London,
- 6) Electric is years away as there is no infrastructure in place ,and who can afford £60,000 for a vehicle?

Kind regards

## Document 22

Taxi & Private hire review Consultation Response

To: Taxis

Thu 01/09/2022 20:12

- 1) First of all drivers would like to know is why Shropshire council keep doing reviews on taxi policy every 4 years. When other councils don't think this is necessary and also, it's a waste of tax payers money and causing stress and anxiety for drivers.
- 2) The age limit should be at least 15 years for hackney vehicles like most of the councils around us. Telford council don't have an end of life date for hackney vehicles, first licence is less than 10 years old. Wrexham council have the same policy. Wolverhampton council have 16 years age limit but if the taxi is in good condition, it will get licence beyond 16 years age. Dudley council also have no age limit on hackney vehicles. Birmingham council have 15 years age limit on taxis only brought in 2020, they offer grants to drivers, get euro 4 and euro 5 taxis converted to euro 6. London have age limit of 15 years and they also offer grants for euro 4 and euro 5 taxis to be converted to euro 6. London and Birmingham where pollution and emissions are very high and air quality is very poor, they only recently brought in 15 year age limit on taxis.
- 3) Why has Shropshire council been putting extra financial burden on us Shropshire hackney drivers since 2015 policy review? Causing us stress and anxiety. In Shropshire pollution and emissions are very low and air quality is very good. We want to be treated fairly like all hackney drivers around us in other towns and cities.
- 4) Also we should only have 1 Mot test every year like most councils.
- 5) We should be aloud to licence category S vehicles, as long as they have been IVA tested at DVLA after repair.
- 6) Also what is the reason Shropshire council have stopped licensing N1 conversion taxis? They are as safe as M1 conversion taxis. Only difference is they have been converted at a later stage in life.

Kind regards

**Document 23**

Re: Taxi/Private Hire Forum - Review of Shropshire Councils Hackney Carriage and Private Hire Licensing Policy

To: Taxis

Sat 03/09/2022 20:48

Please find attached our response to the Taxi & Private Hire Policy review consultation.

kind regards

**Attachment**

Taxi & Private Hire Policy review consultation response

Dated 23<sup>rd</sup> August 2022

- 1) [REDACTED] I have read the proposed new policy and attended the forum and would like to add our concerns on how Shropshire councils' approach is inconsiderate towards the taxi and private hire trade and what we have endured over the last few years mainly due to covid, but also due to the continued pressure from the council to pursue taxi and private hire trade regarding air quality issues and age limits, whilst seemingly ignoring far more polluting parts of public transport and the community.
- 2) Our concerns are in line with many of those raised during the meeting but in the main regarding Hackneys and wheelchair accessible vehicles as this is what we also provide.
- 3) Covid has had a devastating impact on the trade as a whole, and has either put out of business or driven away many individuals from the trade, many of us had little or no income at all for several months over the past 2 years, this has set us back considerably financially and so to bring in shorter vehicle age limits and demands for newer vehicles, many of us will find impossible to comply with and will have to leave the trade, this in turn will hugely impact school transport provision and individuals with specific needs like having to use wheelchair accessible vehicles.
- 4) We support the suggestion of our fellow taxi drivers that the age limit of 10 years be extended to 12 years, and euro 6 emission standard is retained for WAV diesel powered vehicles, and not reducing it to 6 years.
- 5) We are not technically minded however listening to the arguments during the meeting we totally agree/support the following extracts by Richard Price and others regarding, moving to 6d emission standards gives no tangible benefit to air quality as the emission levels are the same, the only

difference being an additional real world test is carried out on 6d (this is to eliminate the manufacturers dieselgate scandal of euro 5,s. Although given the extent of the fines and compensation having to be paid out, the manufacturers were unlikely to repeat this with euro 6).

- 6) Also the fact that euro 6 diesel vehicles are compliant with no fee in all Ulez and Clean air zones in the UK, and if air quality is an issue, of which we don't believe it is given the readings from the monitors in Shrewsbury, maybe creating clean air zones to keep out the thousands of older private cars and busses that travel through Shropshire's towns everyday would have an impact, as changing the 800 or so taxi and ph cars across the county is unlikely to have any tangible impact.
- 7) At this time there are no Electric versions, and only a very limited number of petrol models which are small vehicles and would not suit every application for WAV taxi.
- 8) We believe there could be 2 brands of hybrid available as WAV vehicles but at a prohibitively high cost (although one of these probably cannot be licensed in Shropshire as its predecessor wasn't). Reducing the age limit to 6 years on a diesel would be financially unviable in Shropshire, in order to be a viable business proposition they are generally bought at between 3 and 5 years old and continued to be licensed until they are 10 years old as we are sure your records will reflect.
- 9) If hybrid or electric vehicles were available, there is currently no on street charging infrastructure at all in Shropshire, let alone the volume required to support the taxi and private hire trade. Also given the type of jobs we currently do in supporting other public transport networks into Wales who also have little, or no charging infrastructure would be severely impeded, again having a huge impact on our financial viability.
- 10) As private hire in Shrewsbury is mainly controlled by one national company with huge international financial backing, I doubt this policy will impact them, but as their core interest is the easy fast-moving work, this will leave many taxi users that need a more individual service stranded, this being commonly the domain of the small operator and sole trader with a WAV that does not have huge financial backing, but does provide an essential service to the less able of OUR community.
- 11) We also feel very strongly that hackney WAV vehicles should have a separate policy to standard private hire vehicles to account for this, and that larger M2 WAV vehicles should be licensed, as the current limitation

of M1 vehicles is restrictive for some operators that provide specialist services.

- 12) The requirements of new design wheelchairs being used have far greater difficulty accessing the purpose built vehicles, which have limited floor room even with flip up seats to accommodate these chairs or provide adequate leg and foot room for the occupant their family or carers, while others fail to support securing the passenger in the required manner.
- 13) We fully support not allowing cat s vehicles to be licensed, as this category of vehicle we believe no longer requires any more than an MOT to be returned to the road and in some cases the standard of repair cannot be guaranteed.
- 14) We believe the requirement to obtain a new Iva on a licensed vehicle following an accident goes above and beyond what should be accepted. When the vehicle has been repaired by the insurance company at an approved repairer, having been present at several Iva inspections we don't believe this proves anything following an approved repair, a New MOT should be sufficient.
- 15) On the subject of a MOT, we strongly feel that a MOT, issued after a vehicle has been repaired should be accepted as standard. To loss the use of a vehicle for in excess of 2 weeks while waiting for a MOT to be approved by Licensing managers seems a gross infringement of a persons right to work.
- 16) We would like the council to consider extending the time between policy review.

## Document 24

Consultation for the review of the HCPH Licensing Policy 2023 to 2027

To: Taxis

Sun 04/09/2022 17:49

- 1) Good afternoon councils... I'm asking if the council could seriously look at encouraging more taxis & private hire drivers & address the vehicle & licensing costs.
- 2) The enormous reduction in taxi /private hire vehicles in the market towns is having detrimental impact on the night time economy and public safety. Also impacting on many non-drivers /elderly and less able who rely on local licenced taxis & Ph...
- 3) I'm asking for a simple age restriction of 12 years for vehicles.
- 4) Remove the requirement of unaffordable for euro 6 & 6d emissions.
- 5) Removal requirement for Ncap 5 star
- 6) Removal of any particular vehicle colour.
- 7) A financial impact study of the cost of Wheelchair access taxis
- 8) Removal of the advanced driving ability course.
- 9) Removal of the very poor safeguarding course (and replacing it with a educational video update )
- 10) Removal of the sexist dress code requirements
- 11) Removal of the ageism requirement for all drivers over 65 to have a medical.
- 12) Removal of the flawed delegated powers of the licensing panel and replaced with a committee to include councillors.



## Taxi/Private Hire Forum

Thursday 18th August 2022 at 10 am

Officers present: Mandy Beever (MB), Kate Roberts (KR), Adrian Tinsley (AT)

Trade representatives: Ten hackney carriage drivers and six private hire drivers

1.	MB	<ul style="list-style-type: none"> <li>• Introduction</li> <li>• Explained format for forum, will initially be providing a response to the questions/topics for discussion that have been submitted. If time allows, will then open the floor to other questions/ topics for discussion</li> </ul>
2.	<p><b>Question:</b></p> <ol style="list-style-type: none"> <li>1. Taxi age limits - why are we unfairly treated when it comes to age limits compared to all the councils around us? Wolverhampton, Telford, Birmingham, Wrexham, Dudley, Telford &amp; Wrexham have no end of life age limits for hackneys, as they all have taxis older than 15 years still on roads, even London where pollution is high?</li> <li>2. Why do we continually have to have newer cars? When a car of any age could be used as we have two mot's a year and in some cases three to ensure the vehicle is fit to be on the road.</li> </ol>	
3.	MB	<ul style="list-style-type: none"> <li>• Explained that due to the consultation responses already received officers would be reviewing the age/emissions chart further and that the chart will be amended, however, in order to take all consultation responses into consideration, this would not be completed until the end of the consultation period</li> </ul>
4.	Hackney carriage driver	<ul style="list-style-type: none"> <li>• Whoever wrote the Policy is not aware of the current state for drivers and vehicles that are available.</li> <li>• Questioned why members of the air quality team are not in attendance</li> </ul>
5.	Hackney carriage driver	<ul style="list-style-type: none"> <li>• Experiences of these meetings to date, feels that the Council do listen to whats being said and is not surprised by the number of people not in attendance</li> </ul>
6.	MB	<ul style="list-style-type: none"> <li>• Advised that there is a process that the Council has to follow</li> <li>• Each consultation response is considered and included within the committee papers</li> <li>• Member of the air quality team were unavailable</li> </ul>
7.	Hackney carriage driver	<ul style="list-style-type: none"> <li>• Feels that other authorities have policies that are much easier to follow</li> </ul>
8.	Hackney carriage driver	<ul style="list-style-type: none"> <li>• Questioned how is it expected for the trade to buy a new vehicle?</li> </ul>
9.	Hackney carriage driver	<ul style="list-style-type: none"> <li>• Birmingham allows vehicles up to 12 years of age. As Birmingham covers a large, urban area, drivers can make enough money to buy vehicles that meet Shropshire Council specifications. Where is the local trade expected to find 63k</li> </ul>

10.	Hackney carriage driver	<ul style="list-style-type: none"> <li>Where would drivers charge electric vehicles if they live in a block of flats? There is no on street parking bays for charging</li> </ul>
11.	Hackney carriage driver	<ul style="list-style-type: none"> <li>Need to wait for charging infrastructure to be in place before pushing for all electric vehicles</li> <li>There is not a single purpose built hackney carriage vehicle that is fully electric, including the LEVC hybrid</li> </ul>
12.	Hackney carriage driver	<ul style="list-style-type: none"> <li>Transport for London don't require electric vehicles, why do Shropshire Council</li> <li>Need to be able to charge a vehicle whilst out and about</li> </ul>
13.	MB	<ul style="list-style-type: none"> <li>Explained the Council is not ruling out diesel and petrol vehicles in the proposed policy, but are encouraging the trade to consider switching to less polluting vehicles</li> </ul>
14.	Hackney carriage driver	<ul style="list-style-type: none"> <li>Does not want to be forced to a six year age limit. Should be left as ten years and consider electric in next policy when there will be better availability of electric vehicles and a better charging infrastructure.</li> <li>This would also remove an addition financial step where proprietors would need to consider a new vehicle now to meet the requirements of the proposed policy and then may be required to consider another new vehicle when the policy is reviewed again in 2026/27</li> </ul>
15.	Private hire driver	<ul style="list-style-type: none"> <li>Does approximately 250 miles a day when working. A new electric Skoda costs approximately 48k. This vehicle doesn't cover this mileage. What would happen if was completing an airport run?</li> <li>Time take to need to recharge would affect available working hours</li> </ul>
16.	MB	<ul style="list-style-type: none"> <li>Will be updating people of Shrewsbury for the Shrewsbury Town Plan which will include on street electric charging points</li> <li>Officers will consider a separate section of the policy in relation to age/emissions for wheelchair accessible vehicles</li> </ul>
17.	Hackney carriage driver	<ul style="list-style-type: none"> <li>If the Council don't do something it will not have any wheelchair accessible vehicles left affecting schools contracts</li> </ul>
18.	Hackney carriage driver	<ul style="list-style-type: none"> <li>Proprietors who bought a vehicle thinking they would have it for ten years would have to change their vehicle under the proposed policy</li> </ul>
19.	Hackney carriage driver	<ul style="list-style-type: none"> <li>Where is the air quality data from? The monitoring point at Shrewsbury railway station always shows as good.</li> </ul>
20.	Hackney carriage driver	<ul style="list-style-type: none"> <li>How does this compare to Birmingham?</li> </ul>
21.	Private hire driver	<ul style="list-style-type: none"> <li>Are there any grants available?</li> </ul>
22.	MB	<ul style="list-style-type: none"> <li>The Licensing Team are currently looking into grant options that are available</li> </ul>

23.	Hackney carriage driver	<ul style="list-style-type: none"> <li>Why are Shropshire Council not working with other authorities, Telford &amp; Wrekin Council and City of Wolverhampton Council</li> </ul>
24.	Private hire driver	<ul style="list-style-type: none"> <li>Newest diesel vehicles are now cleaner</li> </ul>
25.	Hackney carriage driver	<ul style="list-style-type: none"> <li>Has a vehicle registered in 2016 which is Euro 6. Takes for MOT and emissions report is always clean, why does he need to change this vehicle?</li> <li>Accepts cant go backwards with proposed policy but vehicles previously licensed by Shropshire Council are now licensed by another local authority but still driving in Shrewsbury town</li> </ul>
26.	MB	<ul style="list-style-type: none"> <li>Notes from forum will be considered and included with the committee papers but drivers, proprietors and operators should also put forward their own consultation response</li> <li>Trade can let us know via own email, this trade forum and can submit questions to the Strategic Licensing Committee</li> </ul>
27.	Hackney carriage driver	<ul style="list-style-type: none"> <li>Could drivers go to the Shropshire Star about the lack of wheelchair accessible vehicles available for disabled people</li> </ul>
28.	MB	<ul style="list-style-type: none"> <li>Confirmed that drivers have the right to approach the Shropshire Start as and when they need to</li> </ul>
29.	Private hire driver	<ul style="list-style-type: none"> <li>Shropshire Council are driving people off the road, that is why there are no drivers and vehicles available anymore</li> </ul>
30.	MB	<ul style="list-style-type: none"> <li>Shrewsbury Town Council have received funding for a safer street project for the night-time economy. Part of that work is to employ taxi marshals and develop a taxi rank and a pick up/drop off point for private hire vehicles in Shrewsbury town centre. This is currently being worked through by Shrewsbury Town Council and further details will be circulated to the trade once available</li> </ul>
31.	Hackney carriage driver	<ul style="list-style-type: none"> <li>Need to make things easier for the trade and the public</li> </ul>
32.	Private hire driver	<ul style="list-style-type: none"> <li>Has a knock on effect on other businesses in the town, e.g. people won't out and eat in restaurants</li> </ul>
33.	Hackney carriage driver	<ul style="list-style-type: none"> <li>The Council have treated the trade unfairly since 2015</li> </ul>
34.	<b>Topic:</b> Category S vehicles - we should be allowed to plate category S damaged repaired vehicles has long they pass DVLA IVA test	
35.	Hackney carriage driver	<ul style="list-style-type: none"> <li>Have to be checked by VOSA before being put back on the road</li> </ul>
36.	Private hire driver	<ul style="list-style-type: none"> <li>If can drive a category S vehicle as a normal car, why not as a taxi?</li> </ul>
37.	MB	<ul style="list-style-type: none"> <li>Hackney carriages and private hire vehicles are public service vehicles carrying members of the public who have no choice over which vehicle completes their journeys. Therefore,</li> </ul>

		Shropshire Council have a responsibility to ensure that all vehicles are safe and suitable.
38.	Hackney carriage driver	<ul style="list-style-type: none"> <li>Category S vehicles can be put back on the road without the need for a VOSA inspection</li> </ul>
39.	Hackney carriage driver	<ul style="list-style-type: none"> <li>Can replace all the damaged parts but not structurally damaged</li> </ul>
40.	Hackney carriage driver	<ul style="list-style-type: none"> <li>Agrees with the Council but if a wheelchair accessible vehicle is in an accident and correctly repaired via an repair shop why does it need a new IVA (Individual Vehicle Approval)? Provided it is an insurance repair done correctly</li> <li>IVA is nothing more than a glorified MOT</li> <li>Having to take the vehicle for an IVA means additional time off work due to the distance needed to travel, meaning drivers lose money</li> </ul>
41.	Hackney carriage driver	<ul style="list-style-type: none"> <li>Has been though an IVA following damage to vehicle. Insurance don't pay for the IVA, a driver/proprietor has to pay</li> </ul>
42.	Private hire driver	<ul style="list-style-type: none"> <li>Why does a vehicle need an IVA if insurance are repairing?</li> </ul>
43.	Hackney carriage driver	<ul style="list-style-type: none"> <li>All vehicles must have a Certificate of Conformity or a Vehicle Certification Agency certificate, why do the trade have to keep providing?</li> </ul>
44.	MB	<ul style="list-style-type: none"> <li>Agreed to review the requirements for an IVA based on trade comments</li> </ul>
45.	<b>Question:</b> N1 vehicles - whats the reason the council has stopped us from plating N1 taxis?	
46.	MB	<ul style="list-style-type: none"> <li>To ensure public safety. N1 vehicles have been built as a van and not a passenger carrying vehicle.</li> </ul>
47.	Hackney carriage driver	<ul style="list-style-type: none"> <li>What about 16 seater vehicles that have been modified, M2 vehicles?</li> </ul>
48.	MB	<ul style="list-style-type: none"> <li>Vehicles that are M2 vehicles but reconfigured to an M1 standard would be considered for licensing as they would be able to satisfied the requirements of the IVA test</li> <li>As an N1 is a van conversion Shropshire Council would not consider for licensing as the vehicle has been built to carry goods and not passengers.</li> </ul>
49.	Hackney carriage driver	<ul style="list-style-type: none"> <li>Asks for the size of a wheelchair before agreeing to a booking so can ensure that the wheelchair fits into vehicle</li> </ul>
50.	MB	<ul style="list-style-type: none"> <li>The new Taxis and Private Hire Vehicles (Disabled Persons) Act 2022, along with the Statutory Guidance 'Access to taxis and private hire vehicles for disabled users' requires that for hired vehicles a hackney carriage driver or private hire operator should ask appropriate questions to find out if a passenger requires assistance and the level of assistance needed</li> </ul>
51.	<b>Question:</b>	

		Why is there a continuous need to do adult safeguarding course with every renewal, as the cost is very expensive for the same information each time? This is just a money-making exercise.
52.	Private hire driver	<ul style="list-style-type: none"> <li>It's a rip-off. Should only be required for new drivers with no requirement for renewals</li> </ul>
53.	MB	<ul style="list-style-type: none"> <li>Safeguarding concerns change. The course is required at renewal so that drivers are aware of any new trends etc</li> </ul>
54.	Hackney carriage driver	<ul style="list-style-type: none"> <li>What happens if you report a concern, as nothing is fed back to the person reporting?</li> </ul>
55.	MB	<ul style="list-style-type: none"> <li>Information goes to First Point of Contact who will liaise/forward to the appropriate people</li> </ul>
56.	Private hire driver	<ul style="list-style-type: none"> <li>Why do they need to do it more than once?</li> </ul>
57.	Hackney carriage driver	<ul style="list-style-type: none"> <li>Why do drivers have to pay for the course?</li> </ul>
58.	Hackney carriage driver	<ul style="list-style-type: none"> <li>Why cant updated information be sent out by email?</li> </ul>
59.	MB	<ul style="list-style-type: none"> <li>People don't read emails. As a result of the findings from Rotherham, and in accordance with the Statutory Taxi and Private Hire Vehicle Standards, all drivers have to complete safeguarding training regularly</li> </ul>
60.	Hackney carriage driver	<ul style="list-style-type: none"> <li>In favour of safeguarding course. Gets a certificate to show attendance but doesn't get anything to read. Would like documents</li> </ul>
61.	MB	<ul style="list-style-type: none"> <li>Officers will take this forward request for documentation</li> </ul>
62.	<b>Topic:</b> The lack of taxis at nights, especially Fridays and Saturdays	
63.	MB	<ul style="list-style-type: none"> <li>Lack of taxis and private hire vehicles is a national problem</li> <li>There are working groups being held to find ways to encourage people into the trade</li> </ul>
64.	General floor	<ul style="list-style-type: none"> <li>Shropshire Council are making it worse for drivers and proprietors to apply</li> </ul>
65.	Private hire driver	<ul style="list-style-type: none"> <li>22k drivers licensed by City of Wolverhampton Council. Finds it an easier process to be licensed by City of Wolverhampton Council</li> <li>12 year old vehicles are permitted to be licensed and gets a licence with a day of application being submitted</li> <li>Shropshire Council licensed drivers are only a small part of the emissions that are in Shrewsbury, what about the rest of the vehicles, e.g. buses, private vehicles etc</li> </ul>
66.	Hackney carriage driver	<ul style="list-style-type: none"> <li>Impact of the lack of vehicles impacts the night-time economy</li> <li>Has a public survey been done on the lack of licensed vehicles</li> </ul>
67.	MB	<ul style="list-style-type: none"> <li>Work is being completed as part of the wider Shrewsbury town centre plan to consider pedestrianisation and what vehicles, including buses, will be permitted in Shrewsbury town centre</li> </ul>

68.	<b>Topic:</b> Taxi companies collecting fares upfront and don't turn up	
69.	<b>Hackney carriage driver</b>	<ul style="list-style-type: none"> <li>• What is being done about operators who take bookings then cancel them</li> </ul>
70.	<b>Hackney carriage driver</b>	<ul style="list-style-type: none"> <li>• Provided a recent example of a customer who had a booking cancelled an hour before the booking was due to be completed</li> <li>• Feels everyone should spend a day in a wheelchair to see how difficult it is</li> <li>• Tells passengers who have experienced problems to contact the Council and make a complaint</li> </ul>
71.	<b>MB</b>	<ul style="list-style-type: none"> <li>• All complaints received are looked at, unfortunately, very few passengers do come forward and make a complaint to the Council</li> </ul>
72.	<b>General floor</b>	<ul style="list-style-type: none"> <li>• Find it difficult to get through to the Licensing Team</li> </ul>
73.	<b>Hackney carriage driver</b>	<ul style="list-style-type: none"> <li>• Provided an example of a customer who booked a vehicle for bridesmaids for a wedding, where the booking was cancelled one hour before it was due. The operator took the payment for the booking and hadn't refunded</li> </ul>
74.	<b>Topic:</b> Why did the council allow one taxi service to now pretty much control all of the county? How is this safe?	
75.	<b>Hackney carriage driver</b>	<ul style="list-style-type: none"> <li>• One private hire operator has the monopoly</li> </ul>
76.	<b>MB</b>	<ul style="list-style-type: none"> <li>• Competition Markets Authority are the responsible body. They are aware and the Council has no control over what, if any, action they may take</li> </ul>
77.	<b>Hackney carriage driver</b>	<ul style="list-style-type: none"> <li>• Noted that due to the lack of operators in Shrewsbury, there are no price wars, resulting in hackney carriages giving the cheaper fares</li> </ul>
78.	<b>Hackney carriage driver</b>	<ul style="list-style-type: none"> <li>• Provided an example of a customer where private hire operator stated £14 however then cancelled the booking. Fare by hackney carriage was £16. Private hire operator took £22 from the customers bank account</li> </ul>
79.	<b>Private hire driver</b>	<ul style="list-style-type: none"> <li>• Stated that Google Pay puts more money on a fare</li> </ul>
80.	<b>Topic:</b> <ol style="list-style-type: none"> <li>1. Drivers registering older vehicles with other council areas and driving in the town</li> <li>2. When are you going to stop cross bordering in the Shropshire area, other councils have successfully done so? You're supposed to be here to work with us not against.</li> </ol>	
81.	<b>Hackney carriage driver</b>	<ul style="list-style-type: none"> <li>• Manchester have successfully implemented rules to stop cross-border hiring</li> </ul>
82.	<b>Private hire driver</b>	<ul style="list-style-type: none"> <li>• Are some Councils challenging to stop cross-border hiring?</li> </ul>

83.	MB	<ul style="list-style-type: none"> <li>Deregulation Act 2015 allows for cross-border hiring and the Council are not aware of any local authorities that have been able to prevent this happening</li> </ul>
84.	Private hire driver	<ul style="list-style-type: none"> <li>Should have vehicles on age limits only, not just emissions</li> <li>If you check Shrewsbury more than 50% of the licensed vehicles are issued by City of Wolverhampton Council but most of the drivers/proprietors live in Shrewsbury</li> </ul>
85.	<p><b>Question:</b> How can you justify charging £45 for internal plate and external sticky plates when they cost a fraction of that to produce?</p>	
86.	MB	<ul style="list-style-type: none"> <li>Officers have to cost out everything when setting fees and charges, which includes on cost of officer time, cost of raw materials, printing etc</li> </ul>
87.	Private hire driver	<ul style="list-style-type: none"> <li>His former local authority were found to be overcharging the trade for replacement plates and making a large profit, resulting in refunds being issued</li> <li>Believes Shropshire Council are making a profit on the plates</li> </ul>
88.	Private hire driver	<ul style="list-style-type: none"> <li>Can we reduce how many plates are issued, or the size of the plates?</li> <li>At the driver awareness course was advised not to put the plates with/by the number plate</li> <li>Everyone uses sat nav and apps now so vehicles are more easily identifiable</li> </ul>
89.	Hackney carriage driver	<ul style="list-style-type: none"> <li>Feels that City of Wolverhampton Council licensed vehicles should have more plates</li> </ul>
90.	MB	<ul style="list-style-type: none"> <li>Asked if anyone is in favour of reducing the number or size of the plates. Majority of persons present stated no</li> </ul>
91.	<p><b>Question:</b> Why are Wolverhampton plated vehicle's which you have no control over allowed to do school contract work? After all Wolverhampton drivers criteria is not as strict as our policy. Surely that is a safety issue?</p>	
92.	MB	<ul style="list-style-type: none"> <li>Responsibility for schools contracts falls under the Councils passenger transport group who set its own criteria.</li> </ul>
93.	Hackney carriage driver	<ul style="list-style-type: none"> <li>How can a vehicle come from Coventry to pick up a local child to transport to a local school?</li> </ul>
94.	Hackney carriage driver	<ul style="list-style-type: none"> <li>Shropshire Council needs to make realistic licensing standards to allow drivers to bid for contracts</li> </ul>
95.	MB	<ul style="list-style-type: none"> <li>PTS have a framework that drivers can be asked to be placed on so they are aware when contacts can be bid on</li> </ul>
96.	Hackney carriage driver	<ul style="list-style-type: none"> <li>Gave an example of when watched a driver load a wheelchair into a vehicle that wasn't suitable for a wheelchair, yet teacher said it was ok to transport</li> <li>The Council (Licensing) set high standards but the Councils passenger transport group don't</li> </ul>
97.	Private hire driver	<ul style="list-style-type: none"> <li>Wanted to apply for a private hire operators licence but lives outside the administrative area of Shropshire Council</li> </ul>

98.	<b>MB</b>	<ul style="list-style-type: none"> <li>• Advised to speak to Licensing Team direct as response will be specific to individual</li> </ul>
99.	<b>Private hire driver</b>	<ul style="list-style-type: none"> <li>• Passenger transport group will cancel a contact if a cheaper alternative is found, sometimes up to an hour before the journey is due</li> </ul>
100.	<p><b>Question:</b> Why not make it mandatory to have CCTV in all vehicles for the protection of the public and the driver, to be paid for by a part grant from the Council?</p>	
101.	<b>MB</b>	<ul style="list-style-type: none"> <li>• Licensing authorities can implement if there is evidence to support</li> <li>• No evidence has been provided by the police</li> <li>• The trade can put own CCTV in vehicle provided done right, in accordance with the appropriate framework which can be found via the Information Commissioners Office (ICO)</li> </ul>
102.	<b>Hackney carriage driver</b>	<ul style="list-style-type: none"> <li>• Why are City of Wolverhampton Councils fees so low compared to Shropshire Council</li> </ul>
103.	<b>MB</b>	<ul style="list-style-type: none"> <li>• Applicants to City of Wolverhampton Council have to pay a portion of their fees up front, e.g. DBS fee, knowledge test fee, safeguarding course fee etc, so that at the point an application is submitted only the administration fee is still to be paid</li> </ul>
104.	<p><b>Topic:</b> A history of the towns historic landmarks should also form part of the knowledge test, after all you once told us that we are ambassadors to the town. Its always great for the tourists who now increasingly are visiting our lovely town of Shrewsbury.</p>	
105.	<b>Private hire driver</b>	<ul style="list-style-type: none"> <li>• Should be included as part of the knowledge test</li> </ul>
106.	<b>MB</b>	<ul style="list-style-type: none"> <li>• Knowledge test covers the whole of the administrative area of Shropshire Council and not just Shrewsbury</li> </ul>
107.	<b>Private hire driver</b>	<ul style="list-style-type: none"> <li>• Previously had to do an in-depth knowledge test of the town drivers were working in</li> <li>• Now most drivers ask for postcode</li> <li>• The Council have watered the knowledge test down too much and the quality of drivers is not the same</li> </ul>
108.	<b>MB</b>	<ul style="list-style-type: none"> <li>• As a the Council issue a dual hackney carriage/private hire drivers licence, the knowledge test is set to take the whole of the administrative area of Shropshire Council into account</li> </ul>
109.	<p><b>Topic:</b> The rules surrounding Hackney taxi ranks in the town centre</p>	
110.	<b>Hackney carriage driver</b>	<ul style="list-style-type: none"> <li>• On a Friday/Saturday night has witnessed drivers at the front of the rank refusing fares as the driver wanted a longer journey</li> </ul>
111.	<b>Hackney carriage driver</b>	<ul style="list-style-type: none"> <li>• Agrees with above statement</li> </ul>
112.	<b>MB</b>	<ul style="list-style-type: none"> <li>• Out of hours officers are back out and about. They can be tasked with spot checks</li> </ul>



		<ul style="list-style-type: none"> <li>• Safer Street group are paying for taxi marshals, who will be directing people to a new rank on Claremont Street and monitoring the way the rank works – lead for this project is Shrewsbury Town Council</li> <li>• Trade need to speak to the Council (Licensing) about specific issues</li> </ul>
113.	Hackney carriage driver	<ul style="list-style-type: none"> <li>• Don't the taxi marshals need to be in Barker Street</li> </ul>
114.	MB	<ul style="list-style-type: none"> <li>• Advised that the police will be monitoring that area and directing the public to Claremont Street</li> </ul>
115.	Hackney carriage driver	<ul style="list-style-type: none"> <li>• Can there be a permanent rank</li> <li>• Claremont Street is the wrong place</li> <li>• The rank outside Montgomerys Tower no longer has markings</li> </ul>
116.	Hackney carriage driver	<ul style="list-style-type: none"> <li>• The ranks outside C21 disappeared as did the one at Montgomerys Tower</li> </ul>
117.	Hackney carriage driver	<ul style="list-style-type: none"> <li>• Need better markings to help members of the public</li> </ul>
118.	Hackney carriage driver	<ul style="list-style-type: none"> <li>• Sent a photo to highways team of the markings outside C21 and asked for it to be remarked, the highways team moved the ranks and reduced the size of them</li> <li>• Was told public could park on them as there are no order in place</li> </ul>
119.	Hackney carriage driver	<ul style="list-style-type: none"> <li>• Why are there no plying for hire exercised recently?</li> </ul>
120.	MB	<ul style="list-style-type: none"> <li>• Covid restrictions prevented visits/inspections/enforcement for the last two years, however, these are now being completed again but in a priority order</li> <li>• Out of hours now with MB and therefore can be tasked to complete check etc</li> </ul>
121.	Hackney carriage driver	<ul style="list-style-type: none"> <li>• Drivers sit outside Albert Shed when not booked</li> <li>• Doesn't think the policy should be reviewed every four years, should be longer</li> </ul>
122.	Hackney carriage driver	<ul style="list-style-type: none"> <li>• Age/emissions chart causes stress</li> </ul>
123.	Hackney carriage driver	<ul style="list-style-type: none"> <li>• Shame pollution team are not represented so they could show figures to support their request for Euro 6d vehicles</li> </ul>
124.	Hackney carriage driver	<ul style="list-style-type: none"> <li>• Infrastructure should support the trade, e.g. traffic lights to exit the station car park do not stay green for long enough only allowing one or two vehicles to exit at a time, updating buses etc</li> <li>• The policy review never includes the financial impact on the trade</li> </ul>
125.	Private hire driver	<ul style="list-style-type: none"> <li>• First year insurance can cost between 2.5k-5k, then on top you have to buy a suitable vehicle and pay application fees</li> </ul>

126.	<b>Hackney carriage driver</b>	<ul style="list-style-type: none"> <li>• Most neighbouring authorities have 15 year age limit for hackney carriages</li> </ul>
127.	<b>Hackney carriage driver</b>	<ul style="list-style-type: none"> <li>• Most of the hackney carriages licensed by Shropshire Council would not meet the compliance checks set by other local authorities, e.g. East Cheshire compliance check vehicle must not have any dents, dinks, scratches, no tow bars etc</li> <li>• Shropshire Council compliance check standards reduced when moved from Longden Road</li> <li>• Why do drivers who live and work in Shropshire go to garages in Birmingham, as an example, for an MOT</li> </ul>
128.	<b>Hackney carriage driver</b>	<ul style="list-style-type: none"> <li>• Feels all MOT tests should be done in Shropshire</li> </ul>
129.	<b>Hackney carriage driver</b>	<ul style="list-style-type: none"> <li>• Drivers go to Birmingham as the labour is cheaper if any work is needed on the vehicle</li> </ul>
130.	<b>MB</b>	<ul style="list-style-type: none"> <li>• Provided a summary of the items for be taken forward: <ol style="list-style-type: none"> <li>1. Age/emissions for vehicles as whole</li> <li>2. Consideration for a separate age/emissions section for wheelchair accessible vehicles</li> <li>3. IVA requirements for a wheelchair accessible vehicle following an accident</li> <li>4. Updating the trade on the Safer Streets/Shrewsbury Town Council project</li> <li>5. Review documentation to be sent out as part of the safeguarding course</li> <li>6. Proactive enforcement exercises to be undertaken by the out of hours officers</li> </ol> </li> </ul>
131.	<b>MB</b>	<p>Update on the consultation of the hackney traffic card:</p> <ul style="list-style-type: none"> <li>• Shropshire Council received responses to the tariff card consultation. As a result, the decision on a revised tariff card has to be made by committee.</li> <li>• Legal process explained</li> <li>• Committee dates are set at the beginning of the year and therefore have had to wait for the next available meeting</li> </ul>
132.	<b>Hackney carriage driver</b>	<ul style="list-style-type: none"> <li>• Will the Council be looking at how a driver can charge for a pre-booked hackney carriage journey where, for example, the booking is Much Wenlock to Bridgnorth but the hackney is travelling from Shrewsbury to fulfil the booking. How is the dead mileage paid for?</li> </ul>
133.	<b>KR</b>	<ul style="list-style-type: none"> <li>• Agreed to check the wording of relevant legislation to see if this is possible for a pre-booked hackney</li> </ul>

**Document 26**

Consultation Response to the Hackney Carriage and Private Hire Licensing Policy 2023 – 2027

To: Taxis

Sun 04/09/2022 21:27

Dear Taxi Licensing,

With regards to the above matter, please see attached letter and the accompanying table referred to therein in PDF and MS Word formats.

I look forward to hearing from you, as various requested in the letter.

Kind regards,

[Note: Covering letter can be found at the end of this document](#)

<b>Consultation Response of</b>			
<b>Para. No.</b>	<b>Reference(s)</b>	<b>Representation</b>	<b>Officer Comment</b>
1	1.2, bullet 6	The Council purports, in excess of statutory powers and Parliamentary intention, to require “robust sub-contracting arrangements are in place and effectively managed”. As the Council is acting ultra vires, this assertion should be removed from the Policy.	
2	1.9 2.9	The reference to the Equality Act 2010 might benefit from having, “as amended by the Taxi and Private Hire Vehicles (Disabled Persons) Act 2022”, to highlight recent changes to the statutory provisions of the 2010 Act.	
3	1.14 2.16	This paragraph wrongly gives the impression that all appeals are to a magistrates’ court, whereas an appeal against the grant of a new hackney carriage vehicle / proprietor’s licence is to the crown court.	
4	2.2, sentence 1	Would benefit from being replaced with, “The licensing process is administrative, neither civil nor criminal, in nature and quasi-judicial.”	
5	2.12	As written, this gives the false impression that the power to suspend or revoke a licence with immediate effect applies to all licence types, whereas it applies only to driver licences. It is suggested that the reference to the immediacy powers be included within	

		parenthesis and that after the word “revoke” the words “a driver’s licence” is inserted.	
6	2.13	Although it is stated which standard of proof applies, no information is given as to the burden of proof. On application, it is for the applicant to satisfy the Council of fitness and propriety, etc. However, once a licence has been granted, the burden of proof shifts to the Council, so that it can only suspend or revoke a licence if it is then satisfied that the licence holder is no longer a fit and proper person, etc. See <i>Re Muck It Ltd v Merritt &amp; Ors v The Secretary of State for Transport</i> [2005] EWCA Civ 1124 which was followed in <i>Kaivanpor v Director of Public Prosecutions</i> [2015] EWHC 4127 (Admin).	
7	2.15	Should not refer to only applications and applicants, but also to post-grant matters and licence holders, who also have the right to receive written notices and generally to go on to appeal such decisions.	
8	2.18, sentence 1	It is suggested that the following would more accurately describe the position: “The Standards are aimed at achieving a consistent national standard for safeguarding children and vulnerable adults . . .”	
9	2.22	Should not refer to just applicants, but also to licence holders whose licences have been refused renewal or revoked.	
10	2.30	The Council’s perceived “potential risk to public safety” have probably been addressed by the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 to which the Council appears not to have made reference here or elsewhere in the Policy.	
11	2.33 (new)	A new paragraph is probably required for the Council to refer to the aforementioned Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 and to detail what the Council is / will be doing.	
12	3.1, bullet 3	The Council continues to assert that it will unlawfully retain a proportion of a licence fee when a licence is not granted. If the Council wants to retain a proportion of the charges it levies, it needs to set separate fees for each element. See <i>R v Liverpool City Council ex parte Curzon Ltd</i> , High Court (QBD) 1993. A	

		copy of the judgment can be provided, if this would assist the Council.	
13	3.5, bullet 1	It is assumed, based on the Council's current practice, a DBS certificate of a higher standard would also be accepted and, if this is the case, to avoid uncertainty, that should be stated.	
14	3.6 3a.31 3a.35	To avoid any possible uncertainty as to what is meant by "within 30 calendar days of the DBS certificate being issued", it would be prudent to instead refer to the "issue date, as stated on the certificate".	
15	3a.5, sentence 2	The sentence should begin with, "Unless already signed up to the DBS update service" and then carry on with the existing sentence in order to make clear that a new DBS certificate is not necessarily required at renewal.	
16	3a.16 3b.20 3c.17 3d.21 3e.20 3f.15 3f.50	As the Council acknowledges that some countries will not provide a certificate of good conduct unless the individual has been resident for six months or more, why does the Council not simplify the requirements by only applying it to people who have resided outside the UK for six months or more?	
17	3a.17, heading 3b.21, heading 3c.18, heading 3d.22, heading 3e.21, heading 3f.16, heading	As tax checks are not included anywhere else within the Policy, it is suggested that, to avoid extensive re-numbering, the "Right to work" heading be changed to "Right to Work and Tax Checks".	
18	3a.17 & 3a.18 3b.21 & 3b.22 3c.18 & 3c.19 3d.22 & 3d.23	These paragraphs could be merged together, to allow 3a.18 to be used for tax checks.	

	3e.21 & 3e.22 3f.16 & 3f.17		
19	3a.18 3b.22 3c.19 3d.23 3e.22 3f.17	New paragraph concerning taxi checks to be inserted here.	
20	3a.19 3b.23 3c.20 3d.24 3e.23 3f.18	The Standards do not require a licence holder to notify their licensing authority of “arrest”, but of “arrest and release” as, of course, someone who is arrested and charged may not be released but remanded to prison and, as a result, unlikely to be able to notify the licensing authority of their incarceration within the specified timeframe of 48 hours.	
21	3a.26 3b.41 3b.65 3c.39 3c.62 3d.48 3d.70 3e.47 3e.70 3f.29 3f.39	The Council has no power to “reject” an application. An application is an application and, once made, the Council is required by statute to either grant or “refuse” a licence. To purport to “reject” an application frustrates the statutory process, which provides a statutory right of appeal.	
22	3a.27 3b.42 3b.66 3b.68 3b.78 3c.40 3c.63 3c.65 3c.75 3d.49 3d.71 3d.73 3d.83 3e.48	The unlawful rejection process is perpetuated in this paragraph by way of the assertion that the Council has to decide whether to accept an application as being “a valid application”. The 1976 Act makes clear that, once an application has been submitted, a licensing authority can then ask for additional information by using its powers under s 57. In a nutshell, an application form is an application, whether it is fully completed or not and whether it is accompanied by additional documents and information on application or at any later stage.	

	3e.71 3e.73 3e.83 3f.30 3f.40		
23	3a.29, new last bullet 3a.33, new last bullet 3f.31, new last bullet 3f.41, new last bullet	Subject to the statutory requirements for a tax check, namely on renewal and for new applicants if they have held the same type of licence in the preceding 12 months, the requirement for the applicant to provide a tax check code should be included as the last bullet point.	
24	3a.30, bullet 4 3a.34, bullet 4	This could be linked back to 3a.18, if the above suggestion has been accepted.	
25	3a.37 3b.61 3c.58 3d.67 3e.67 3f.36	Although not legally binding, the case was argued by Gerald Gouriet QC on behalf of the successful appellant and has received wide support by legal / licensing commentators. The case, Cartledge v Gedling Borough Council was heard at Nottingham Crown Court in June 2021 and a link to an article published by Gerald Gouriet QC is available online at <a href="https://licensing-lawyer.co.uk/taxi-drivers-licences/">https://licensing-lawyer.co.uk/taxi-drivers-licences/</a> although it was more widely reproduced.	
26	3a.49	Seems to inadvertently omit reference to the Licensing Panel.	
27	3a.69	As has been highlighted by a recent case, not all serious and / or chronic conditions are to be diagnosed by a consultant – NHS guidance might prescribe that diagnosis should be by the GP with the results of imaging or other test results. To avoid applicants for an exemption certificate being required to incur the substantial costs of obtaining a consultation with and a report from a consultant, maybe the paragraph should be re-written to urge potential applicants to firstly consult with the Licensing Team to agree what medical evidence is required because, whilst it might usually require a report from a consultant, some conditions are usually diagnosed by a GP. To	

		require all applicants to obtain a report from a consultant would be an unnecessary and unreasonable regulatory burden, in breach of the Regulators' Code, para 1.1.	
28	3a.71	Further information is required in relation to the right to appeal, as this is different to the rights to appeal against refusal to grant / renew a licence or to suspend / revoke a licence. See Equality Act 2010, section 172.	
29	3a.79 3f.86	As a result of amendments made by the Taxi and Private Hire Vehicles (Disabled Persons) Act 2022, it is suggested that the paragraph be replaced with: "Section 167 of the Equality Act 2010 (as amended by the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022) requires local authorities to designate suitable vehicles as wheelchair accessible vehicles and to maintain a publicly accessible list of such vehicles."	
30	3a.87	It is wrongly asserted that the conditions of licence apply to hackney carriage drivers when the Council knows full well that is not the case, as held by the High Court in <i>Wathan v Neath and Port Talbot County Borough Council</i> (2002). It is also suggested that the second sentence be amended to: "These conditions are in addition the matters prescribed by statute, byelaws, and set out within the main body of the Policy."	
31	3a.93	Whilst a proposition that is as old as hackney carriage licensing itself, unless a journey is both the shortest in distance AND time, it will inevitably not be the shortest in distance OR time! Maybe drivers should seek to agree with passengers whether they want to travel by the shortest route by distance or time, if a route is not both shortest and quickest. And maybe rather than imposing an absolute prohibition, the Council could require drivers to "use best endeavours" or to "not intentionally" or both.	
32	3a.95	The statutory exemptions upon which the Council appears to be relying do not require a mechanic undertaking a road test to be a "qualified mechanic", but merely a "mechanic", which term presumably includes trainees and apprentices who need to test	



		drive vehicles as part of their training to become a “qualified mechanic”.	
33	3b.8 (and footnote 8) 3c.5 (and footnote 11) 3d.9 (and footnote 14) 3e.8 (and footnote 17)	Although the Council is right to assert that there is no legal definition of proprietor within relevant legislation, the intricacies of ownership and proprietorship were recently considered by the High Court in <i>Camayo v Colchester Borough Council</i> and <i>Camayo v Essex Magistrates’ Court</i> [2021] EWHC 2933 (Admin) and the Council might like, therefore, to update this paragraph to reflect the court’s decision.	
34	3b.14 3c.11 3d.15 3e.14	Although not unreasonable in relation to the licensing of drivers and possibly operators, it is neither reasonable or necessary for a vehicle proprietor to “be clean and respectable in their dress and person and maintain a high standard of personal hygiene”.	
35	3b.15 3c.12 3d.16 3e.15	The consideration of criminal convictions and conduct must, of course, only concern those matters that are relevant to being licensed as the proprietor of a licensed vehicle, which should not be the same standards for being licensed as a driver or operator. For example, it is submitted that it is not relevant to the licensing of a person as a vehicle proprietor if they are or have been disqualified from driving, because they are not being licensed to drive. It is suggested that the word “relevant” be inserted into the first sentence after the word “all”.	
36	3b.16 & 3b.17 3c.13 & 3c.14 3d.17 & 3d.18 3e.16 & 3e.17 3f.11 & 3f.12	Although cautions are not subject to the provisions of the Rehabilitation of Offenders Act 1974, the Council ought to proceed to consider cautions with care in relation to applications subject only to a requirement for a Basic DBS check. As drafted, the Council will take into consideration a caution administered 10, 20, 30, 50 years or more ago when, if the person had been convicted, the conviction might have been spent immediately (as in the case of an absolute discharge) or no more than 5 years (fine and endorsement on driving licence) with it being assumed any offence that would have resulted in a more significant sentence would have resulted in prosecution	

		<p>in any event. In the circumstances, the Council is urged to filter cautions by not requiring a caution administered more than 5 years earlier to be disclosed. In any event, not being a conviction, a caution will not be disclosed on a Basic DBS certificate.</p>	
37	<p>3b.29 3c.26 3d.35</p>	<p>The Council’s repeated inclusion of a vehicle age limit is “arbitrary and inappropriate” to borrow words from the DFT Taxi &amp; PHV Best Practice Guidance 2010 at para 32.</p> <p>It is also inconsistent with the Regulators’ Code, para 1.1.</p> <p>And, although not yet finalised and published, in the draft ‘DFT taxi &amp; PHV best practice guidance to assist licensing authorities’, consulted on earlier this year, at Section 8 asserted:</p> <p>“Most licencing authorities have a policy that is focused on the age of a vehicle rather than the outcomes that the policy is intended to deliver, such as clean air.</p> <p>While an age-based policy will ensure that there is regular turnover of vehicles within the fleet and prevent cliff-edge cases where significant proportions of the fleet must be replaced (to comply with clean air requirements, such an approach may have disbenefits compared to more targeted outcome-based policies, for example).</p> <p>A requirement for a vehicle to be 3 years old or less at first licensing, say, would mean a 5-year-old used electric vehicle could not be licenced. A better approach could be the introduction of an emissions policy, if that is required/desired, giving the trade a timeline for moving to zero emission, for example.</p> <p>Removing age limits should not undermine safety, providing those vehicles are maintained appropriately and inspected rigorously.</p> <p>The best practice guidance recommends annual vehicle test for all taxis and PHVs and proposes that a daily vehicle inspection is conducted by all drivers and that records are kept of vehicle inspection failures. The latter will enable licensing authorities to consider the</p>	

		<p>propriety of vehicle proprietors who consistently present poorly maintained vehicles.”</p> <p>In all the circumstances, the Council is asked to follow the 12 year old DFT Taxi &amp; PHV Best Practice Guidance, same having been reinforced by the Regulators’ Code in 2014 and restated and expanded on in the 2022 draft DFT guidance to assist licensing authorities.</p>	
38	<p>3b.30 3c.27 3d.36 3e.35</p>	<p>The Council’s refusal to grant a new licence to a vehicle that has been an insurance Category S (previously Category C) write off is legally irrational and perverse as the Council will license / re-license a vehicle already licensed that is subsequently so categorised (para 3b.32). The Council is clearly satisfied that Category S / C vehicles can be repaired to be safe for use (para 3b.32) but seeks to distinguish its approach with reference to whether the damage was sustained before or after the vehicle was licensed.</p>	
39	<p>3b.38(m) 3c.36(m) 3d.45(m) 3e.44(m)</p>	<p>Maybe the word “passenger” could be deleted, as the paragraph seems to be referring to doors generally.</p>	
40	<p>3b.43, bullet 2 3c.41, bullet 2 3d.50, bullet 2 3e.49, bullet 2 3f.31, bullet 2</p>	<p>Is there genuinely any real benefit in requiring an applicant to submit references from such a limited group of people? Admittedly, it’s probably a requirement that is easier for some people to meet than others, but ultimately most people can comply, so this merely creates an unnecessary obstacle and delay in the licensing process. If the Council can genuinely point to any case in which it has refused an application based solely on a reference, it is conceded that there may be a justification in retaining the requirement, but after 13 years its very much doubted that there has ever been such a refusal.</p>	
41	<p>3b.44, bullet 2 3c.42, bullet 2 3d.51, bullet 2</p>	<p>If the comments above in relation to 3b.43, bullet 2 are accepted, this bullet could be deleted, and the first bullet point could be incorporated into the substantive 3b.44.</p>	

	3e.50, bullet 2		
42	3b.51, bullet 2 3b.72, bullet 2 3c.48, bullet 2 3c.69, bullet 2 3d.56, bullet 2 3d.77, bullet 2 3e.56, bullet 2 3e.77, bullet 2	<p>It is noted that the Council continues to illegally require vehicles that reach the age of 9 years to be tested 4 times within a 12-month period in breach of LG(MP)A 1976, s 50(1).</p> <p>To illustrate the point:</p> <ul style="list-style-type: none"> <li>• A vehicle is presented for test on 14.09.2022 ahead of the extant licence expiring on 30.09.2022.</li> <li>• A new licence is granted for the period 01.10.2022 to 30.09.2023.</li> <li>• The first 4-month interim test is undertaken mid-January 2023.</li> <li>• The second 4-month interim test is undertaken mid-May 2023.</li> <li>• The vehicle is tested for renewal and / or the third 4-month test mid-September 2023, which could be before 12 months have elapsed since the first test, resulting in 4 tests within a 12-month period.</li> </ul>	
43	3b.103 3c.97 3d.104 3e.104	The period in which statute specifies that the maximum of 3 vehicles tests may be undertaken is not “per year” as stated in the Policy, but “any one period of twelve months”, as per LG(MP)A 1976, s 50(1).	
44	3b.110	The ability to charge more than the prescribed tariff apply to journeys starting outside the Council’s area, not just those ending outside it.	
45	3b.111	The ability to charge more than the prescribed tariff also applies to hackney carriages undertaking pre-booked work which starts or ends outside the Council’s area, and this should be clearly stated.	
46	3c.28	Although the Council’s longstanding inclusion of NCAP safety ratings looks likely to be something advocated by the DFT Taxi & PHV Best Practice Guidance upon which it has consulted earlier this year, the Council is urged to adopt a more flexible approach as not all variants of a model are tested by a manufacturer, even though the new model might now achieve the required safety standard rating for the Council. It would be beneficial if the Council were also to make	

		clear that, in accordance with its general policy and the law, it is always prepared to consider departing from policy in appropriate circumstances.	
47	3d.5	<p>The Council's approach to restrict the executive vehicle exemption to just vehicles used exclusively for that purpose is an unnecessary restraint of trade, which is not justified on regulatory or any other grounds. The Council restricts the type of vehicle that can be granted an executive vehicle exemption (paras 3d.33 &amp; 3d.34), which is accepted as being reasonable, but someone who invests in the purchase of a Mercedes-Benz E Class vehicle, for example, cannot afford that vehicle if they only receive a small quantity of executive work and, as a result, must license it as a standard PHV and, because it is so licensed, they then lose out on the usually more highly paid executive work.</p> <p>LG(MP)A 1976, s 75(3) permits the Council to issue an exemption notice, not just on an exclusive basis, as the Council has chosen to do in the past, but on any other terms.</p> <p>In the circumstances, the Council could license an executive type of vehicle, such as a Mercedes-Benz E Class as a standard PHV and grant an exemption notice to it, expressly just for those times that it is engaged in the provision of an executive hire contract, as defined by the policy at para 3d.6. This would allow operators in Shropshire to compete effectively for work that is otherwise secured by chauffeur companies and private hire operators with access to exempted vehicles in London, Cheshire and the West Midlands.</p>	
48	3f.8	<p>The consideration of criminal convictions and conduct must, of course, only concern those matters that are relevant to being licensed as a private hire operator, which should not be the same standards for being licensed as a driver. For example, it is submitted that it is not relevant to the licensing of a person as a private hire operator if they are or have been disqualified from driving, because they are not being licensed to drive. It is suggested that the word "relevant" be inserted into the</p>	

		first sentence after the word “applicant’s” and before the words “criminal history”.	
49	3f.10	As per comment regarding 3f.8. It is suggested that the word “relevant” be inserted into the first sentence after the word “all”.	
50	3f.23	Update, if changes are made to paragraph 3d.5, as proposed and requested above.	
51	3f.32, new last bullet 3f.42, new last bullet	Subject to the statutory requirements for a tax check, namely on renewal and for new applicants if they have held the same type of licence in the preceding 12 months, the requirement for the Council to check the tax check should be included as the last bullet point.	
52	3f.79	Whilst the Council can think what it wants, it really should not be expressing views that are unsupported by evidence. The Council is well aware that Go Carz accepts bookings at its Shropshire office for vehicles the company operates across the whole of the West Midlands using satellite offices and that the customers calling specific telephone numbers would, if they have any expectation at all, expect a private hire vehicle licensed with another local authority. In the circumstances, if not prevented by hypocrisy, the Council might like to delete this paragraph in its entirety.	
53	4.	This sections requires updating in order to reflect the requirements of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022, in particular the requirement for the Council to report matters of concern to other licensing authorities; and to report back to other authorities in relation to any reports the Council receives from them.  The Council should also refer to the duty to notify licence refusals and revocations on the NR3 database and to check it.  And, furthermore, the Council has failed to refer to the duty to report safeguarding concerns to the DBS, as required by the Standards at paragraphs 4.14 – 4.16.	
54	Appx B, 1.7	As per comments in relation to 3.6, 3a.31, and 3a.35.	

55	Appx B, 1.9 Appx B, 1.10 Appx B, 1.11	As per comments in relation to paras 3a.16, 3b.20, 3c.17, 3d.21, 3e.20, 3f.15, and 3f.50.	
56	Appx B, 1.14	This condition should be deleted, as it is not necessarily possible for a licensed driver to comply with it. For example, their DVLA driving licence or other original document, such as their passport, may have to be returned to the issuing authority or destroyed in connection with the issue of a new licence, passport, etc. The Council should retain copies, which should be acceptable for all purposes for which they could be required.	
57	Appx B, 1.18 Appx H	The Council is asked to reconsider its interpretation of plying for hire (set out at Appendix H) in view of recent consideration of existing case law by the Court of Appeal in R (on the application of UTAG) v TFL & Ors [2022] EWCA Civ 1026 and the comments of James Button in Button on Taxis (fourth edition) at 8.37 on the High Court judgment in Chorley Borough Council v Thomas [2001] EWHC 570 (Admin) concerning telephone bookings made before a passenger enters a vehicle.	
58	Appx B, 1.24	As per comments made in relation to para 3a.49.	
59	Appx B, 1.33 Appx B, 1.34, bullet 2 Appx B, 1.36	As the conditions cannot be attached to a hackney carriage driver's licence, they should only relate to a private hire driver's licence, in which case there should not be reference to a requirement of a hackney carriage driver and / or the condition should be deleted, as appropriate.	
60	Appx B, 1.34, bullet 1	The driver should be required to comply with the operator's lost property policy, which may not require the driver to deposit such property with the operator.	
61	Appx C, 1.42, bullet 2 Appx D, 1.41, bullet 2 Appx E, 1.30, bullet 2	As per comments in relation to paras 3b.51, bullet 2; 3b.72, bullet 2; 3c.48, bullet 2; 3c.69, bullet 2; 3d.56, bullet 2; 3d.77, bullet 2; 3e.56, bullet 2; and 3e.77, bullet 2.	

	Appx F, 1.38, bullet 2		
62	Appx G, 1.35 & 1.36	The Council's laissez-faire approach in relation to the licensing of operators with two vehicles or less continues to drive the proverbial horse and cart through the regulatory regime, casting aside the safeguards it proclaims to be necessary in relation to large operators operating from premises with sophisticated systems recording telephone calls, bookings and journey records with vehicle GPS tracking, whilst the small operator is allowed to accept booking using a mobile phone in their vehicle, whilst possibly outside of the Council's area, and being required to keep only a scribbled note, which they may not make or not make fully and, if they do, they may then easily lose. If the Council wants to set appropriately high standards and be the bastion for safeguarding, it must apply those standards consistently.	
63	Appx G, 1.55 & 1.56	If the Council amends para 3d.5, as requested, these conditions will need to be amended accordingly.	
64	Appx G, 1.100	An operator is not subject to any responsibility to report an accident under road traffic legislation, so that assertion should be deleted.  Furthermore, even though the Council requires by Appx B, 1.43 the driver to notify the operator of an accident within 72 hours, it is unreasonable to require the operator to also report within the same 72 hours after the accident when the operator may not know exactly when the accident occurred or have more than a few minutes in which to notify the Council. As the driver should have also reported to the Council any such accident, the Council is asked to amend the condition to require an operator to report an accident within 48 hours of being notified by the driver of an accident.	
65	Appx H	For the avoidance of doubt, see comments above in relation to Appx B, 1.18 (and Appx H).	



66	Appx I	The Council is asked to revise its suitability policy to adopt the simplified style of that appended to the Standards, whilst retaining and / or adopting a more reasonable and appropriate approach in relation to motoring offences and driving disqualifications.	
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Taxi Licensing  
Shropshire Council  
Shirehall  
Abbey Foregate  
Shrewsbury  
SY2 6ND

Our Ref: [REDACTED]  
Your Ref:  
Date: 4 September 2022  
Please ask for: [REDACTED]

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

Dear Sir / Madam,

**Consultation Response of [REDACTED]  
to the Hackney Carriage and Private Hire Licensing Policy 2023 – 2027**

I act on behalf of both [REDACTED] which trades as [REDACTED] ([REDACTED] or “my client”).

This letter and the accompanying table constitute the whole of the consultation response of [REDACTED].

Although the table deals with all matters to be raised on my client’s behalf, it remains the case that the Council’s existing and proposed approach in relation to vehicle age restrictions and NCAP safety ratings are the primary reason why entrants to the trade choose to become licensed with other authorities and to then possibly cross-border to work in Shropshire.

It is respectfully submitted that these restrictions do not achieve their objectives and, furthermore, result in drivers and vehicles not being licensed by and being under the regulatory control of Shropshire Council.

The Council is asked, once again, to carefully reflect on the reality of the position, as it was in 2019 when adopting the current 2019 – 2023 policy, because the reality is what was then predicted.

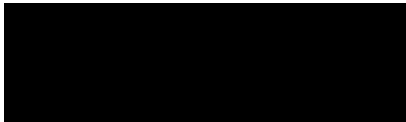
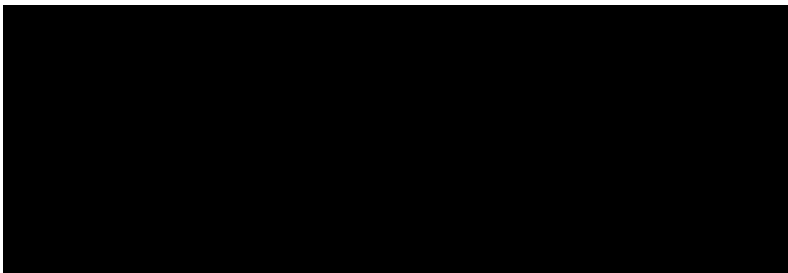
Although this letter and the table may be regarded as being forthright in some of their assertions, my client sincerely hopes the Council will heed the warnings and requests set out herein and in the attached table, because my client is, and wish to remain, very much a Shropshire centric company.

I would be grateful if this letter and accompanying table could be acknowledged as soon as possible.

I would also be grateful if I could be advised of the date, time and venue for the meeting of the Strategic Licensing Committee when the policy is to be further considered and advised if I might be allowed to address the Committee on these matters in person or remotely.

Thank you in anticipation of your and the Committee's careful consideration of my client's consultation response.

Yours faithfully,

A black rectangular redaction box covering the signature of the sender.A large black rectangular redaction box covering the contact information of the sender.

## Appendix B

Officer response to consultation response received

Appendix Letter/ Document Number	Para. No.	Included in Revised Policy [Y/N or In Part]	Officer Comments Explanatory Notes
Doc 1	1	N	Comment is outside the remit of this Policy
	2	N	Knowledge Test is already part of the Policy and covers the Administrative Area of Shropshire Council
	3	N	Removal of the emissions requirements directly conflicts with the Councils Public Health Outcomes Framework and the requirement to improve air quality
	4	N	Comment noted
	5	N	Comments noted – all comments regarding emissions and age limits have been considered and the Emissions/Age chart has been revised to take into account the comments made.
	6	N	The Deregulation Act 2015 allows for cross border hiring in relation to private hire drivers, vehicles and operators. Appendix K is the Intended Use section of the Policy which sets out how the Council deals with Hackney Carriage Vehicles and drivers.
	7	N	Comment noted but the law allows for drivers to work for multiple operators.
Doc 2	1	In Part	The consultee has not made it clear which sections of the Policy they are referring to. Officers note that the Policy has an age and MOT requirement. Comments regarding emissions and age limits have been considered and the Emissions/Age chart has been revised to take into account the comments made.
Doc 3	1	In Part	Policy has been amended to increase the age requirements for hybrid petrol vehicles.
Doc 4	1	In Part	Policy has been amended to increase the age requirements for hybrid petrol vehicles.
Doc 5	1	N	Comments noted

Doc 6	1	In Part	Policy has been amended to increase the age requirements for hybrid petrol vehicles.
Doc 7	1 to 3	Y	Comments regarding emissions and age limits have been considered and the Emissions/Age chart has been revised to take into account the comments made.
Doc 7	4	In Part	Policy has been amended to increase the age requirements for hybrid petrol vehicles.
Doc 8	1	Y	Comments regarding emissions and age limits have been considered and the Emissions/Age chart has been revised to take into account the comments made.
Doc 9	1	Y	Comments regarding age limits have been considered and the Emissions/Age chart has been revised to take into account the comments made.
Doc 10	1	N	Policy document provides clarity on how an applicant can demonstrate an executive business model to qualify for the exemption under Section 75 of the Local Government (Miscellaneous Provisions) Act 1976. The Council's 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.
Doc 11	1	In Part	Policy has been amended to increase the age requirements for hybrid petrol vehicles.
Doc 12	1	Y	Comments regarding age limits have been considered and the Emissions/Age chart has been revised to take into account the comments made.
Doc 13	1	Y	Comments regarding emissions and age limits have been considered and the Emissions/Age chart has been revised to take into account the comments made.
Doc 14	1 - 12	Y	Comments regarding emissions and age limits have been considered and the Emissions/Age chart has been revised to take into account the comments made.
Doc 14	13 - 23	Y	Comments regarding emissions and age limits have been considered and the Emissions/Age chart has been revised to take into account the comments made.
Doc 14	24	N	Comment noted – response falls outside the remit of this consultation
Doc 15	1	N	Comment noted – response falls outside the remit of this consultation
Doc 16	1 - 3	N	Comments noted
Doc 16	4 - 5	Y	Comments regarding emissions and age limits have been considered and the Emissions/Age chart has been revised to take into account the comments made.

Doc 16	6 – 7	N	Comments noted
Doc 16	8	N	Comments noted - The proposed policy does not prohibit an applicant from applying to licence an M2 vehicle. However, the applicant would be required to provide proof that the M2 vehicle being applied for has one of the three conversion certificates as listed in the proposed policy, i.e. VCA, IAC or IVA 6.
Doc 16	9	Y	Supporting comment – for not allowing Cat S vehicles to be licenced
Doc 16	10	In Part	A new paragraph has been inserted to set out the documentary requirements for a vehicle to be licenced after an accident across all vehicle sections of the Policy.
Doc 16	11	In Part	MOT Garages are VOSA approved and should be working to the same standards set out by VOSA. Consideration will be given to enhance the vehicle compliance check undertaken by the Licensing Team which will include aesthetic standards of the interior and exterior of the vehicle.
Doc 16	12	N	The Policy review is set at 4 yearly intervals to ensure it captures changes in legislation but can be reviewed at any time if required.
Doc 16	13	N	Comment noted
Doc 17	1 - 3	N	Comments noted
Doc 17	4 – 5	Y	Comments regarding emissions and age limits have been considered and the Emissions/Age chart has been revised to take into account the comments made.
Doc 17	6 – 7	N	Comments noted
Doc 17	8	N	Comments noted - The proposed policy does not prohibit an applicant from applying to licence an M2 vehicle. However, the applicant would be required to provide proof that the M2 vehicle being applied for has one of the three conversion certificates as listed in the proposed policy, i.e. VCA, IAC or IVA 6.
Doc 17	9	Y	Supporting comment – for not allowing Cat S vehicles to be licenced
Doc 17	10	In Part	A new paragraph has been inserted to set out the documentary requirements for a vehicle to be licenced after an accident across all vehicle sections of the Policy.
Doc 17	11	In Part	MOT Garages are VOSA approved and should be working to the same standards set out by VOSA. Consideration will be given to enhance the vehicle compliance check undertaken by the Licensing Team which will include aesthetic standards of the interior and exterior of the vehicle.

Doc 17	12	N	The Policy review is set at 4 yearly intervals to ensure it captures changes in legislation but can be reviewed at any time if required.
Doc 18	1 - 3	N	Comments noted
Doc 18	4 - 5	Y	Comments regarding emissions and age limits have been considered and the Emissions/Age chart has been revised to take into account the comments made.
Doc 18	6 - 7	N	Comments noted
Doc 18	8	N	Comments noted - The proposed policy does not prohibit an applicant from applying to licence an M2 vehicle. However, the applicant would be required to provide proof that the M2 vehicle being applied for has one of the three conversion certificates as listed in the proposed policy, i.e. VCA, IAC or IVA 6.
Doc 18	9	Y	Supporting comment – for not allowing Cat S vehicles to be licenced
Doc 18	10	In Part	A new paragraph has been inserted to set out the documentary requirements for a vehicle to be licenced after an accident across all vehicle sections of the Policy.
Doc 18	11	In Part	MOT Garages are VOSA approved and should be working to the same standards set out by VOSA. Consideration will be given to enhance the vehicle compliance check undertaken by the Licensing Team which will include aesthetic standards of the interior and exterior of the vehicle.
Doc 18	12	N	The Policy review is set at 4 yearly intervals to ensure it captures changes in legislation but can be reviewed at any time if required.
Doc 19	1	Y	Comments regarding emissions standards have been considered and the Emissions/Age chart has been revised to take into account the comments made.
Doc 20	1 - 7	In Part	Appendix M, Paragraph 1.2 has been amended to provide further clarity in the use of trailers.
Doc 20	8 - 15	Y	Comments regarding emissions and age limits have been considered and the Emissions/Age chart has been revised to take into account the comments made.
Doc 21	1 - 3	Y	Comments regarding emissions and age limits have been considered and the Emissions/Age chart has been revised to take into account the comments made.
Doc 21	4	In Part	A new paragraph has been inserted to set out the documentary requirements for a vehicle to be licenced after an accident across all vehicle sections of the Policy.
Doc 21	5	N	Comment noted



Doc 21	6	N	Comment noted
Doc 22	1	N	The Policy review is set at 4 yearly intervals to ensure it captures changes in legislation but can be reviewed at any time if required.
Doc 22	2	In Part	Comments regarding emissions and age limits have been considered and the Emissions/Age chart has been revised to take into account the comments made.
Doc 22	3	Y	Comments regarding emissions and age limits have been considered and the Emissions/Age chart has been revised to take into account the comments made.
Doc 22	4	N	Additional MOT checks are required to ensure the continued safety of vehicles.
Doc 22	5	Y	Policy amended to allow Category S vehicles to be licenced providing they have been subject to a new basic voluntary IVA check and a valid IVA 6 provided.
Doc 22	6	N	N1 vehicles are light goods vehicles and are not built to carry passengers therefore it is not possible for the N1 vehicles to undergo an IVA safety check? the policy sets out the Councils position with regards to M2 and N1 vehicles. 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.
Doc 23	1 - 3	N	Comments noted
Doc 23	4 – 6	Y	Comments regarding emissions and age limits have been considered and the Emissions/Age chart has been revised to take into account the comments made.
Doc 23	7	N	Comments noted
Doc 23	8	Y	Comments regarding emissions and age limits have been considered and the Emissions/Age chart has been revised to take into account the comments made.
Doc 23	9	N	Comments noted
Doc 23	10	N	Comments noted
Doc 23	11	N	Comments noted - The proposed policy does not prohibit an applicant from applying to licence an M2 vehicle. However, the applicant would be required to provide proof that the M2 vehicle being applied for has one of the three conversion certificates as listed in the proposed policy, i.e. VCA, IAC or IVA 6.
Doc 23	12	N	Comments noted
Doc 23	13	Y	Supporting comment – for not allowing Cat S vehicles to be licenced
Doc 23	14	Y	Policy amended to allow Category S vehicles to be licenced providing they have

			been subject to a new basic voluntary IVA check and a valid IVA 6 provided.
Doc 23	15	N	Comments noted – continual review of the time it takes to process paperwork following an accident notification is undertaken to improve the service.
Doc 23	16	N	The Policy review is set at 4 yearly intervals to ensure it captures changes in legislation but can be reviewed at any time if required.
Doc 24	1	N	Comments noted – licensing fees fall outside the remit of this policy
Doc 24	2	N	Comments noted
Doc 24	3 - 4	In Part	Comments regarding emissions and age limits have been considered and the Emissions/Age chart has been revised to take into account the comments made.
Doc 24	5	N	5 Star NCAP Safety Rating has been in existence since 2001 and is an established measure for the safety of vehicles. Officers consider this the appropriate means for assessing the safety of licenced vehicles and the protection of the public.
Doc 24	6	N	Comments noted - Officers note that this does not cause an unnecessary burden as proprietors are encouraged rather than it being compulsory to have hackney carriages that are black or private hire vehicles that are any colour other than black.
Doc 24	7	N	Proprietors of wheelchair accessible vehicles suggested that if the Council provided a longer period for which they could licence their vehicles this would improve their financial position. Therefore, a separate age/emissions chart has been included in the revised policy in support of this request.
Doc 24	8	N	It is not clear what the consultee is specifically referring to as the current Policy provides for applicants to complete the Councils road safety and driving ability test (driving assessment) or to provide a current advanced motorist qualification. Officers consider that applicants to become a professional driver should be required to evidence a higher standard of driving ability.
Doc 24	9	N	The Statutory Taxi and Private Hire Vehicle Standards requires all licenced drivers to have safeguarding training. To ensure that applicants and licenced drivers fully understand their safeguarding responsibilities the Council considers that this should be undertaken in an environment where applicants have the opportunity to ask questions and interact with their trainer.
Doc 24	10	Y	The Policy has been amended to remove the examples of unacceptable dress

			code.
Doc 24	11	N	The medical standards adopted by the Council are set out in the DVLA Group 2 medical standards which all applicants and licenced drivers are required to meet.
Doc 24	12	N	Comment is outside the remit of this Policy; the Council's Constitution sets out how the delegation of licensing matters are dealt with.
Doc 25	1 to 129	Summary of final action points are at paragraph 130 below	Notes from the Taxi Forum held on 18 August 2022 attended by 6 Private Hire Drivers/Operators and 10 Hackney Carriage Proprietors, all questions considered, and a summary of the action points is below in paragraph 130 (1) to 130 (6)
Doc 25	130 (1)	Y	Comments regarding emissions and age limits have been considered and the Emissions/Age chart has been revised to take into account the comments made.
Doc 25	130 (2)	Y	Comments regarding emissions and age limits have been considered and the Emissions/Age chart has been revised to take into account the comments made.
Doc 25	130 (3)	Y	A new paragraph has been inserted to set out the documentary requirements for a vehicle to be licenced after an accident across all vehicle sections of the Policy.
Doc 25	130 (4)	N	Comment is outside the scope of this policy. However, a trade update was sent out to the Trade on the 19 August 2022 to provide information on the progress.
Doc 25	130 (5)	Y	The revised Safeguarding course offer as part of this policy will include notes to be taken away.
Doc 25	130 (6)	N	Comment is outside the scope of this policy. However, a programme of enforcement is scheduled throughout the year with the Out of Hours Team, VOSA and West Mercia Police.
Doc 25	131	N	Comment is outside the scope of this policy and is part of an update for the Trade on the separate consultation to do with the Hackney Carriage Table of Fares.
Doc 25	132 to 133	Y	Consultee has requested direct contact and clarification which will be provided separately. However, Paragraphs 3b.110 and 3b.111 have been amended to provide further clarity.
Doc 26	1	N	The purpose of paragraph 1.2 is to set out the Councils position in relation to ensuring applicants and existing licence holders are alerted to specific areas

			where attention should be applied and forms part of the guidance for perspective and existing licence holders.
Doc 26	2	Y	The policy has been amended to include the Taxi and Private Hire Vehicles (Disabled Persons) Act 2022.
Doc 26	3	Y	The policy has been amended to incorporate the consultees comment.
Doc 26	4	In Part	Paragraph 2.2 of the policy has been amended to include the words 'in nature'.
Doc 26	5	Y	Paragraph 2.12 of the policy has been amended to include the words 'drivers licence'.
Doc 26	6	N	Paragraph 2.13 of the policy is not intended to describe where the burden of proof lies.
Doc 26	7	In Part	A new paragraph in has been inserted Part 2 to clarify the definition of applicant.
Doc 26	8	Y	Paragraph 2.18 has been amended to include the consultees comment.
Doc 26	9	In Part	A new paragraph in has been inserted Part 2 to clarify the definition of applicant.
Doc 26	10	N	Paragraphs 1.9 and 2.9 contain references to the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 contrary to the consultees comment.
Doc 26	11	N	Comment noted - The Policy is designed to put the Council's licensing requirements into context in accordance with relevant legislation. It is not the intention of the Policy to outline every section of the legislation. Furthermore, the proposed policy sets out how the Council will deal with any safeguarding or road safety concerns.
Doc 26	12	N	Comment noted
Doc 26	13	Y	Paragraph 3.5, first bullet point has been amended to include the DBS standard and the criteria to which it is applied for under.
Doc 26	14	Y	Paragraphs 3.6, 3a.31 and 3a.35 have been amended to include 'issue date'.
Doc 26	15	Y	Paragraph 3a.5 amended to include the words 'Unless already signed up to the DBS update service'.
Doc 26	16	N	The Policy includes the requirements as set out in the Statutory Taxi and Private Hire Vehicle Standards.
Doc 26	17	In Part	The Policy has been amended to include information on the Tax Check requirements. This applies to drivers and operator new and renewal applications.
Doc 26	18	In Part	The Policy has been amended to include information on the Tax Check

			requirements. This applies to drivers and operator new and renewal applications.
Doc 26	19	In Part	The Policy has been amended to include information on the Tax Check requirements. This applies to drivers and operator new and renewal applications.
Doc 26	20	N	Comments noted.
Doc 26	21	N	Comments noted – Officers consider the way the paragraphs are drafted make it clear that an application cannot be determined until all the supporting information listed in the application form has been provided.
Doc 26	22	N	Comments noted – Officers consider the way the paragraphs are drafted make it clear that an application cannot be determined until all the supporting information listed in the application form has been provided.
Doc 26	23	N	Comments noted – the requirements for the applicant are outlined in the application form.
Doc 26	24	N	The Policy has been amended to include information on the Tax Check requirements. This applies to drivers and operator new and renewal applications.
Doc 26	25	N	Officers disagree with comment made. The paragraph provides guidance to applicants regarding submitting a renewal application to ensure an application is received within sufficient time to allow for continuous driving.
Doc 26	26	Y	Paragraph has been amended to include the words ‘Licensing Panel’.
Doc 26	27	N	Comments noted – paragraph amended to provide further clarity based on the guidance (Department for Transport, Access for wheelchair users to Taxis and Private Hire Vehicles – Statutory Guidance <a href="#">uksiod_20170342_en.pdf (legislation.gov.uk)</a> )
Doc 26	28	N	Comments noted – officers consider the section on medical exemption applications clearly states that this is in accordance with the Equality Act 2010.
Doc 26	29	N	Comments noted.
Doc 26	30	In Part	Paragraph amended to include the words matters ‘prescribed by statute, byelaws’.
Doc 26	31	N	Officers disagree with the suggestion made by the Consultee. The paragraph is set out within the Main Legal Requirements section of the Policy and provision for ‘not unnecessarily prolonging a journey’ is contained within Section 69 of the

			Local Government (Miscellaneous Provisions) Act 1976.
Doc 26	32	In Part	A footnote has been added to clarify what legislation includes the definition of a 'vehicle tester'.
Doc 26	33	N	Comments noted.
Doc 26	34	Y	Paragraphs 3b.14, 3c.11, 3d.15 and 3e.14 have been amended to take into account the comments made.
Doc 26	35	Y	Paragraphs 3b.15, 3c.12, 3d.16, and 3e.15 and 3f.10 have been amended to take into account the comments made.
Doc 26	36	N	Comments noted – Appendix I provides clarity on how cautions and convictions will be considered.
Doc 26	37	In Part	Comments regarding emissions and age limits have been considered and the Emissions/Age chart has been revised to take into account the comments made.
Doc 26	38	N	Paragraph 3b.32 makes it clear that an existing licenced vehicle which sustains Category S damage must have an IVA to ensure the safety of the vehicle prior to being permitted for the use of Hackney Carriage or Private Hire work.
Doc 26	39	N	Comment noted.
Doc 26	40	N	Officers disagree with the Consultees proposal - Holders of a valid Hackney Carriage and Private Hire drivers' licence or Private Hire Operators Licence are subject to an enhanced DBS or a Basic DBS. The provision for references applies to applicants who do not hold these licences and is used as an additional check to verify the applicant's suitability to hold a licence.
Doc 26	41	N	Comments noted.
Doc 26	42	N	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 the footnote provides further clarity.
Doc 26	43	Y	Paragraphs 3b.103, 3c.97, 3d.104 and 3e.104 have been amended to take into account the comments made.
Doc 26	44	N	Comments noted

Doc 26	45	N	Comments noted – Paragraph amended to provide further clarity in line with Section 67 Local Government (Miscellaneous) Provisions Act 1976.
Doc 26	46	In Part	Paragraph 3c.28 and 3d.37 have been amended to take into account the comments made.
Doc 26	47	N	The Council's 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.
Doc 26	48	N	Paragraph 3f.8 has not been amended to take into account the comment made.
Doc 26	49	Y	Paragraph 3f.10 has been amended to provide further clarity in line with the comment made.
Doc 26	50	N	Comment noted
Doc 26	51	N	Paragraphs 3f.32 and 3f.42 already contain the information about Tax Checks so no amendments required.
Doc 26	52	N	Comment noted.
Doc 26	53	In Part	Comment noted – Paragraph 4.1 has been amended to provide further clarity Officers note that Part 2, Part 3 and Appendix I already include the information as outlined in the Consultees comment.
Doc 26	54	Y	Paragraph 1.7 has been amended to include 'issue date'.
Doc 26	55	N	The Policy includes the requirements as set out in the Statutory Taxi and Private Hire Vehicle Standards.
Doc 26	56	N	Comment noted
Doc 26	57	N	Comment noted – Officers have considered the cases referred to in the submission and do not consider that any amendments to Appendix B 1.18 or Appendix H are required.
Doc 26	58	N	It is not clear what the consultee is specifically referring to because Paragraph 1.24 of Appendix B does not relate to Paragraph 3a.49.
Doc 26	59	Y	Paragraph 1.34 has been amended to take into account the Consultees comment. Paragraph 1.36 has been moved to the Part 3 Hackney Carriage Vehicles section of the Policy.
Doc 26	60	Y	Paragraph 1.34 has been further amended to take into account the Consultees comment.

Doc 26	61	N	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.
Doc 26	62	N	Comments noted
Doc 26	63	N	Comments noted
Doc 26	64	Y	Paragraph 1.100 has been amended to take into account the Consultees Comments.
Doc 26	65	N	Comments noted
Doc 26	66	N	Comments noted





# **Proposed Hackney Carriage and Private Hire Licensing Policy 2023 - 2027**

**Date policy adopted:**

**Adopted by:**

**Date of implementation:**

**Next review period: 1 April 2026 to 31 March 2027**

# CONTENTS

<b><u>Policy</u></b>	<b>Page</b>
<b>Part 1 Introduction</b>	<b>4</b>
<b>Part 2 Licensing Principles, Process and Delegation</b>	<b>9</b>
<b>Part 3 Licensable Activities</b>	<b>15</b>
• <b>3a Hackney Carriage and Private Hire Drivers</b>	<b>20</b>
• <b>3b Hackney Carriages</b>	<b>37</b>
• <b>3c Standard Private Hire Vehicles</b>	<b>60</b>
• <b>3d Executive Private Hire Vehicles</b>	<b>83</b>
• <b>3e Novelty Private Hire Vehicles</b>	<b>107</b>
• <b>3f Private Hire Operators</b>	<b>128</b>
<b>Part 4 Compliance, Enforcement and Complaints</b>	<b>144</b>
<b>Part 5 Consultation</b>	<b>147</b>
<b>Part 6 Licensing Contact Details</b>	<b>149</b>
<b><u>Appendices</u></b>	
<b>Appendix A Safeguarding of Children, Young People and Adults (including those with Care and Support Needs)</b>	<b>152</b>
<b>Appendix B Hackney Carriage and Private Hire Drivers Licence - Conditions of Licence</b>	<b>158</b>
<b>Appendix C Hackney Carriage Licence - Conditions of Licence</b>	<b>168</b>
<b>Appendix D Standard Private Hire Vehicle Licence - Conditions of Licence</b>	<b>177</b>
<b>Appendix E Executive Private Hire Vehicle Licence - Conditions of Licence</b>	<b>186</b>
<b>Appendix F Novelty Private Hire Vehicle Licence - Conditions of Licence</b>	<b>193</b>
<b>Appendix G Private Hire Operator Licence - Conditions of Licence</b>	<b>201</b>
<b>Appendix H Plying For Hire</b>	<b>217</b>

<b>Appendix I Guidance to Determining the Suitability of Applicants including the Relevance of Criminal Convictions and Cautions</b>	<b>219</b>
<b>Appendix J Specifications for a Reference Wheelchair</b>	<b>235</b>
<b>Appendix K Intended Use and Licensing of Hackney Carriages</b>	<b>237</b>
<b>Appendix L Advertising on Hackney Carriage and Private Hire Vehicles</b>	<b>241</b>
<b>Appendix M Conditions Applicable to the Use of Trailers</b>	<b>243</b>

# **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 supersedes all previous Council policies relating to hackney carriages, private hire vehicles, operators and drivers.

### 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 (including those 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, young persons and adults (including those with care and support needs) and to protect them from harm is everyone's responsibility, in particular, prospective and licensed 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, young persons and adults (including those 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 can undermine 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;
- 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 and the Councils Climate Change Strategy Framework<sup>1</sup> .

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 148. 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.

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<sup>1</sup> [Shropshire Climate Change Strategy Framework](#)

## Review of the Policy

- 1.7 The Council will commence a review of the Policy in 2026 with the aim of a revised policy being effective from 1 April 2027. 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 The Council does not stipulate through this Policy the colour of a licensed vehicle. However, 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 Statutory Taxi and Private Hire Vehicle Standards (July 2020), the Taxi and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022<sup>2</sup>, the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022<sup>3</sup>, the Air Quality (Taxi and Private Hire Vehicles Database) (England and Wales) Regulations 2019: Statutory guidance<sup>4</sup>, the Immigration Act 2016, the Equality Act 2010, Finance Bill 2021 (Tax Conditionality) 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 (including those with care and support needs);
  - Better regulation and enforcement;
  - Data protection including access to information;
  - Public sector equality duty; and
  - Human rights<sup>5</sup>.

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<sup>2</sup> <https://www.gov.uk/government/publications/taxis-and-private-hire-vehicles-safeguarding-and-road-safety-act-2022/taxis-and-private-hire-vehicles-safeguarding-and-road-safety-act-2022>

<sup>3</sup> <https://www.gov.uk/government/publications/access-to-taxis-and-private-hire-vehicles-for-disabled-users/access-to-taxis-and-private-hire-vehicles-for-disabled-users--2>

<sup>4</sup> <https://www.gov.uk/government/publications/air-quality-taxis-and-private-hire-vehicles-phvs-database-guidance/the-air-quality-taxi-and-private-hire-vehicles-database-england-and-wales-regulations-2019-statutory-guidance>

<sup>5</sup> 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.

- 1.11 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.
- 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.
- 1.14 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 appropriate 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 current licences, 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.
- 2.2 Where appropriate, any reference to ‘applicant’ is deemed to include existing licence holders. In respect of proprietors and operators ‘applicant’ also includes any partners, directors/company secretaries.

### **Licensing principles**

- 2.3 The licensing process is neither civil nor criminal in nature; 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.
- 2.4 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.
- 2.5 All licence applications will be considered and determined on their own individual merits.

### **Licensing process and delegation of functions**

- 2.6 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 in accordance with Shropshire Councils Constitution<sup>6</sup>. The Strategic Licensing Committee has delegated this function to the Licensing and Safety Sub-committee, a Licensing Panel where officers with delegated authority will make licensing decisions and to officers of the Council who will determine all applications in accordance with this Policy.

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<sup>6</sup> In accordance with Part 4 Council Procedure Rules, Licensing and Safety Sub-Committee Procedure Rules and Part 8 Delegations, Director of Public Health. The Councils Constitution can be found at <https://shropshire.gov.uk/legal-and-democratic-services/our-constitution>

- 2.7 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.
- 2.8 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**

#### 2.9 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.

#### 2.10 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 Statutory Taxi and Private Hire Vehicle Standards (July 2020), the Taxi and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022, the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022, 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.

#### 2.11 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<sup>7</sup>. 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.

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<sup>7</sup> In accordance with Part 4 Council Procedure Rules, Licensing and Safety Sub-Committee Procedure Rules and Part 8 Delegations, Director of Public Health. The Council's Constitution can be found at <https://shropshire.gov.uk/legal-and-democratic-services/our-constitution>

## **Decisions**

- 2.12 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.
- 2.13 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 a drivers licence 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.
- 2.14 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 standard 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.
- 2.15 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, other licensing authorities, 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.
- 2.16 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.

**NB** If the Council receives information in relation to any safeguarding or road safety concerns about a hackney carriage or private hire driver who is licensed by another licensing authority, the relevant information will be shared with that authority.

## **Appeals**

- 2.17 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 appropriate 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.

## **Statutory Taxi and Private Hire Vehicle Standards**

- 2.18 On the 21 July 2020 the Secretary of State for Transport published new Statutory Taxi and Private Hire Vehicle Standards (the Standards) to all licensing authorities. The

Standards are an important first step in reforming the way the taxi and private hire vehicle sector is regulated.

- 2.19 The Standards are aimed at achieving a consistent national standard for safeguarding children and vulnerable adults and were developed to set-out a range of robust measures to protect taxi and private hire vehicle passengers, particularly those most vulnerable.
- 2.20 Shropshire Council is under a legal duty, under section 177 of the Police and Crime Act 2017, to have regard to the Standards.
- 2.21 The requirements of the Standards have been considered and incorporated within the Councils Policy.
- 2.22 There is already clear alignment between the Council's Policy and the majority of the requirements set out in the Standards. Nevertheless, for the purposes of decision making, the requirements of the Standards will take precedence.

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

- 2.23 The national register for hackney carriage and private hire licence revocations and refusals (NR3) (or equivalent if this is replaced) 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.
- 2.24 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.
- 2.25 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 (or equivalent if this is replaced), 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.
- 2.26 The Council will record the basic details of applicants and licence holders who have had their licence refused or revoked on the national register for hackney carriage and private hire licence revocations and refusals.
- 2.27 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

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

2.29 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**

2.30 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 in another licensing authority area.

2.31 This situation poses a potential 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**

2.32 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, City of Wolverhampton Council and other local authorities, West Mercia Police and other relevant police forces, 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.

2.33 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 Councils 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, e.g. the applicant withdraws their application; a proportion of the licence fee will be refunded. In the event of an appeal, the Council will only consider a refund after any appeal period has passed and on confirmation from the Councils Legal Team that that an appeal has not been lodged. The actual amount of the refund will depend upon the progress of the 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 Disclosure and Barring Service (DBS) process. When an application is not completed within this timescale the application will be referred to the Licensing Panel for determination where an officer with delegated authority 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 has been applied for with a Barred Lists check, under the Other Workforce criteria, and is for a relevant role;
  - 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 issue date as stated on the DBS certificate.
- 3.7 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.

- 3.8 The Council will undertake online status checks of existing enhanced DBS certificates throughout the currency of the licence to check if any new information has come to light since its issue.
- 3.9 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.
- 3.10 All licensed drivers must evidence continuous registration to the DBS Update Service throughout the licence period.
- 3.11 Shropshire Council has a duty under the Safeguarding Vulnerable Groups Act 2006, Sections 41 and 43, to refer a person to the DBS where the person is a regulated activity provider and Shropshire Council have withdrawn permission for said person to engage in regulated activity. Further information can be found in **Appendix I**.
- 3.12 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**

- 3.13 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**

- 3.14 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.88, 3b.33, 3c.32, 3d.41, 3e.37 and 3f.94.

**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 as set out in **Appendix I**.
- 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. Unless already subscribed to the DBS Update Service, 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 (or equivalent if this is replaced), its adults and childrens social care teams, directly with West Mercia Police (and other relevant police forces, where appropriate), other relevant local authorities (particularly Telford & Wrekin Council and City of Wolverhampton 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 (or equivalent if this is replaced), its adults and childrens social care teams system (or equivalent if this is replaced), directly with West Mercia Police (and other relevant police forces, where appropriate), other relevant local authorities (particularly Telford & Wrekin Council and City of Wolverhampton 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 (or equivalent if this is replaced). Furthermore, where the Council receives a request for further information from another licensing authority, it must 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, unless they are considered a protected conviction or caution. Further information on protected convictions and cautions can be found in

**Appendix I.** As a result, all convictions, including cautions, which are not protected 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 unprotected 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 Applicants who have spent three continuous months or more living outside the United Kingdom from the age of 18, 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 & Development Office (FCDO) on the GOV.UK website at <https://www.gov.uk/government/world>. The FCDO may be contacted for further assistance by telephone on 020 7008 5000, by email at [fcdo.correspondence@fcdo.gov.uk](mailto:fcdo.correspondence@fcdo.gov.uk) or by post at the FCDO, King Charles Street, London, SW1A 2AH.
- 3a.16 Applicants who have spent three 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. It is recognised that some countries will not provide a certificate of good conduct unless the individual has been resident for six months or more. Where a relevant Embassy or High Commission refuse to issue a certificate of good conduct, applicants must provide written confirmation from the Embassy of any refusal to the Licensing Team.

## **Right to work**

- 3a.17 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.18 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>.

## **HMRC tax check**

- 3a.19 The Finance Bill 2021 introduced new tax check requirements for applicants for a hackney carriage/private hire drivers licence. For further information see:  
<https://www.gov.uk/guidance/complete-a-tax-check-for-a-taxi-private-hire-or-scrap-metal-licence>.
- 3a.20 With effect from 4 April 2022, new applicants for a hackney carriage/private hire drivers licence, if applying for a licence for the first time, will be required to read HMRC guidance on their responsibilities and will be required to confirm via the application process that this has been done.
- 3a.21 Applicants applying to renew a hackney carriage/private hire drivers licence or new applicants that hold, or have held, a similar licence within the previous 12 months, will be subject to a tax check to demonstrate that they are registered for tax.

## **Non-conviction information**

- 3a.22 In addition to conviction/caution information, applicants are expected to provide details, within 48 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.23 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.24 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.25 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.26 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.27 The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee.
- 3a.28 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 safeguarding and disability awareness course, the initial driver assessment and the initial knowledge test. Where a new applicant has subscribed to the DBS Update Service and able to provide a DBS certificate that meets the Council's requirements as set out at Part 3 – Licensable Activities, paragraph 3.5, the fee for the licence will not include the cost of the DBS check. For renewal applicants this includes the cost of the DVLA check and the Council's hackney carriage and private hire drivers and operators safeguarding and disability awareness course.
- 3a.29 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.30 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. When an application is not completed within this timescale the application will be referred to the Licensing Panel for determination where an officer with delegated authority 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.31 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 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.32 In addition, applicants must:

- Submit a completed application form, which includes five year address history form and DVLA mandate form;
- Pay the appropriate licence fee;
- Provide a passport sized photograph, taken within the last three months, which shows a true likeness to the applicant;
- Provide evidence of their right to work in the UK in accordance with the Home Office requirements (for additional information see: <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>);
- 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 safeguarding and disability awareness course;
- Pass the Council's knowledge test;
- Pass the road safety and driving ability test (driver assessment) or alternatively hold a current advanced motorist qualification undertaken in a motor car or minibus; and
- Submit a Group 2 medical report and certificate.

3a.33 Once an application has been validated and accepted, the Council will

- Issue appointments for completing a Disclosure and Barring Service (DBS) check, right to work check, completing the driver awareness course which includes the knowledge test, undertaking the driving assessment and completing the safeguarding and disability awareness course;
- Make enquiries through the Councils adults and childrens social care teams, 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;
- Complete an online DVLA driving licence check;
- Make enquiries through the national register for hackney carriage and private hire licence revocations and refusals (or equivalent if this is replaced);
- Where applicable, complete an online DBS Update Service check;
- Where applicable, complete an online tax registration check.

3a.34 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 issue date as stated on the DBS certificate.

3a.35 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. Each application will be decided on

its merits. However, there is a presumption that unless an applicant can demonstrate exceptional circumstances the application will be refused. 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 this Policy or compromise public safety if the licence were granted. The applicant will be notified in writing if their application is to be determined at a meeting of the Licensing Panel.

### **Renewal applications**

3a.36 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;
- Provide a passport sized photograph ,taken within the last three months, which shows a true likeness to the applicant;
- 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 safeguarding and disability awareness course before an application is determined;
- Where required, submit a Group 2 medical report and certificate (refer to paragraphs 3a.62 to 3a.70 below to determine whether a medical examination is/is not required).

3a.37 Once an application has been validated and accepted, the Council will

- Issue appointments for completing a Disclosure and Barring Service (DBS) check, right to work check and completing the safeguarding and disability awareness course;
- Make enquiries through the Councils adults and childrens social care teams, 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;
- Complete an online DVLA driving licence check;
- Complete an online DBS Update Service check;
- Make enquiries through the national register for hackney carriage and private hire licence revocations and refusals (or equivalent if this is replaced);
- Complete an online tax registration check.

3a.38 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 issue date as stated on the DBS certificate.

3a.39 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 Councils adults and childrens social care teams, 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.40 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. **NB** Applicants are advised to ensure a renewal application is submitted in sufficient time to allow for the safeguarding and disability awareness course to be completed before their licence expires.

3a.41 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 and disability awareness course and driver assessment**

3a.42 Appointments are made by the Council's licensing team with the applicant to complete a DBS application form, knowledge test, safeguarding and disability awareness course and driver assessment.

#### **Language skills**

3a.43 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. A lack of language proficiency could impact on a driver's ability to communicate during an emergency and other challenging situations, and to understand written documents, such as policies and guidance, including those relating to the protection of children, young people and adults (including those with care and support needs). Drivers should be able to:

- Confidently read and understand the relevant policies and guidance to ensure they are fully aware of their duties and responsibilities;
- 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; and
- Provide a legibly written receipt upon request.

## **Hackney carriage and private hire drivers and operators safeguarding and disability awareness course**

- 3a.44 Drivers must complete the Council's hackney carriage and private hire drivers and operators safeguarding and disability awareness course. Failure to complete this training will permit the Council to refuse to grant or to refuse to renew a driver's licence.
- 3a.45 Where an applicant arrives late and the safeguarding and disability awareness course has started, the applicant will be refused admission to the course. The Council will deem that the applicant has forfeited the course and the applicant will be required to take a subsequent course 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 course where the circumstances are considered appropriate.
- 3a.46 The charge for the initial safeguarding and disability awareness course is included in the licence fee. Once an appointment has been allocated for the course, the applicant must give 48 hours notice to cancel an appointment otherwise they will be required to pay the course fee.

## **Driver awareness course which includes the knowledge test**

- 3a.47 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 the Highway Code, the Councils Hackney Carriage and Private Hire Licensing Policy 2023-2027, equality and disability awareness, numeracy, writing a receipt and general geography of the Council's administrative area e.g. roads in order to satisfy the Council that the applicant is fit and proper to hold a hackney carriage/private hire drivers licence. 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.48 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.49 Where an applicant arrives late and the knowledge test has started, the applicant will be refused admission to the course. The Council will deem that the applicant has forfeited 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.50 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.51 Once an appointment has been allocated for the test, the applicant must give 48 hours 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.52 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 referred to the Licensing Panel where an officer with delegated authority may permit a further test or tests where an applicant can demonstrate that exceptional circumstances apply.
- 3a.53 The holder of a drivers licence may be required to satisfactorily undertake a further knowledge test or tests at the discretion/request of an officer with delegated authority (at a meeting of the Licensing Panel) or the Licensing and Safety Sub-Committee, as set out in Part 2, paragraph 2.14 of the Policy. An applicant is responsible for paying the fee for any subsequent knowledge tests.
- 3a.54 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.55 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.

**NB** Applicants who hold a current advanced motorist qualification undertaken in a motor car or minibus may not be required to take and pass the Council's driver assessment.

- 3a.56 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 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.57 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.58 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.59 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 referred to the

Licensing Panel where an officer with delegated authority may permit a further assessment or assessments where an applicant can demonstrate that exceptional circumstances apply.

- 3a.60 The holder of a drivers licence may be required to satisfactorily undertake a further driver assessment or assessments at the discretion/request of an officer with delegated authority (at a meeting of the Licensing Panel) or the Licensing and Safety Sub-Committee, as set out in Part 2, paragraph 2.14 of the Policy. An applicant is responsible for paying the fee for any subsequent driving assessments.
- 3a.61 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.62 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.63 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.64 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.65 Applicants who have a condition identified within the DVLA publication 'Assessing fitness to drive – a guide for medical professionals' as requiring an annual review, will be required to provide a satisfactory medical report and certificate on an annual basis.
- 3a.66 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.67 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 licensed driver. An applicant is responsible for paying the fee for any subsequent medical examinations.

- 3a.68 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.69 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 an officer with delegated authority or the Licensing and Safety Sub-Committee (subject to the statutory right of appeal).
- 3a.70 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.71 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<sup>8</sup>**

- 3a.72 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.73 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 application must be completed by an independent consultant or other specialist medical practitioner, who are not open to bias because of a commercial or personal connection to the applicant, who can provide up to date specialist medical information such as full diagnosis, details of ongoing investigations etc. and who can confirm in writing that they have seen the applicant's medical records. The consultant or specialist medical practitioner must be qualified and registered with the General Medical Council.
- 3a.74 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.

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<sup>8</sup> <https://www.gov.uk/government/publications/access-to-taxis-and-private-hire-vehicles-for-disabled-users>

3a.75 The decision as to whether an exemption from the duties is granted will lie with an officer with delegated authority (at a meeting of 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.76 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.77 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.

3a.78 Throughout the currency of the licence, the driver must possess a full driving licence in accordance with the above requirements.

3a.79 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.80 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.81 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.82 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.

#### **Disabled passengers: Duties of drivers**

3a.83 Section 164A of the Equality Act 2010 imposes duties on the driver of a hackney carriage or private hire vehicle that has been hired by a disabled person or by another person who wishes to be accompanied by a disabled person, where:



- The hackney carriage or private hire vehicle is not included on a list of designated wheelchair accessible vehicles and where the passenger is disabled, including wheelchair users (with the assumption that the wheelchair user transfers to a passenger seat to travel);
- The hackney carriage or private hire vehicle is included on the list of designated wheelchair accessible vehicles and where the passenger is disabled but not in a wheelchair.

3a.84 Section 166 of the Equality Act 2010 allows for drivers to apply for an exemption from the mobility assistance duties listed under section 164A 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.72 – 3a.76 of this section.

**Disabled passengers: assistance to identify and find vehicle**

3a.85 Section 165A of the Equality Act 2010 imposes duties on the driver of a pre-booked hackney carriage or private hire vehicle that has been hired by or for a disabled person or by another person who wishes to be accompanied by a disabled person, where:

- The driver has been made aware before the start of the journey that the passenger requires assistance to identify or find their vehicle.

**Disabled passengers in wheelchairs: Duties of drivers of designated wheelchair accessible vehicles**

3a.86 Section 165 of the Equality Act 2010 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.87 Section 166 of the Equality Act 2010 allows for drivers to apply for an exemption from the mobility assistance 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.72 – 3a.76 of this section.

**List of designated wheelchair accessible vehicles**

3a.88 Section 167 of the Equality Act 2010 requires all local authorities to maintain a list of designated wheelchair accessible vehicles.

3a.89 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.90 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 designated wheelchair accessible vehicle.

3a.91 Failure to comply with the duties listed under section 165 of the Equality Act 2010 is a criminal offence.

### **Production of records/documents**

3a.92 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**

3a.93 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 prescribed by statute, byelaws and set out within the main body of the Policy.

### **Main legal requirements**

**3a.94 Paragraphs 3a.95 to 3a.110 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.95 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.96 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.97 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.98 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.99 Journeys

Drivers must not unnecessarily prolong a journey, in distance or in time.

3a.100 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.101 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 vehicle tester<sup>9</sup> for the purposes of a vehicle service, recovery or maintenance or otherwise permitted by legislation.

### 3a.102 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.103 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.104 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?
<b>Child up to 3 years</b>	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**
<b>Child from 3<sup>rd</sup> birthday up to 135 cm in height or 12<sup>th</sup> birthday, whichever they reach first</b>	Correct child 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**
<b>Child over 135</b>	Seat belt must be worn	Seat belt must be worn if	Driver**

<sup>9</sup> As defined in section 62(1) of the Vehicle Excise and Registration Act 1994

<b>cm in height or 12 or 13 years old</b>	if available*	available.	
<b>Passengers aged 14 years and over</b>	Seat belt must be worn if available*	Seat belt must be worn if available.	Passenger

\*Vehicles built before 1965 are not required to have fitted seatbelts.

\*\*Drivers must inform parents/carers that the decision to permit children to travel in the vehicle, without the correctly sized seat restraints (as permitted by relevant legislation) and with the obvious risks associated with such an action, remains with the parent/carers responsible for the children and not with the driver of the vehicle.

### 3a.105 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.106 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.107 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.108 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.109 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 licence to do so.

### 3a.110 Obstruction

Hackney carriage drivers must not obstruct other hackney carriage drivers/vehicles from undertaking their normal hiring and driving activities.

**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.
- 3b.6 All hackney carriage 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.7 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.8 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 vehicle<sup>10</sup>.

**Fit and proper person**

- 3b.9 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 as set out in **Appendix I**.

**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**

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<sup>10</sup> 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.

3b.10 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.24 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.11 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 adults and childrens social care teams, directly with West Mercia Police (and other relevant police forces, where appropriate), other relevant local authorities (particularly Telford & Wrekin Council and City of Wolverhampton 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.12 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 adults and childrens social care teams, directly with West Mercia Police (and other relevant police forces, where appropriate), other relevant local authorities (particularly Telford & Wrekin Council and City of Wolverhampton 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.13 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.14 In addition, an important element associated with the fitness to hold a licence is the appearance 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.15 It must also be recognised that the Council will consider all relevant 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.16 All unspent 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 unspent convictions and cautions, including driving endorsements (driving convictions) and disqualification periods relating to traffic offences.
- 3b.17 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.18 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.19 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 & Development Office (FCDO) on the GOV.UK website at <https://www.gov.uk/government/world>. The FCDO may be contacted for further assistance by telephone on 020 7008 5000, by email at

[fcdo.correspondence@fcdo.gov.uk](mailto:fcdo.correspondence@fcdo.gov.uk) or by post at the FCDO, King Charles Street, London, SW1A 2AH.

- 3b.20 Applicants who have spent three 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.19 above. It is recognised that some countries will not provide a certificate of good conduct unless the individual has been resident for six months or more. Where a relevant Embassy or High Commission refuse to issue a certificate of good conduct, applicants must provide written confirmation from the Embassy of any refusal to the Licensing Team.

### **Right to work**

- 3b.21 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.
- 3b.22 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>.

### **Non-conviction information**

- 3b.23 In addition to conviction/caution information, applicants are expected to provide details, within 48 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.24 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.25 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.26 Vehicle licences will be issued for a maximum period of 12 months.

### Vehicle licence plates

3b.27 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.28 The Council requires all hackney carriage vehicles to comply with the following requirements:

#### Emissions/Age Restrictions\*

3b.29 Wheelchair accessible vehicles must comply with the following:

Renewal/New Application	Fuel	Period	European Emission/Age Standard
New	Petrol	1 April 2023 to 31 March 2024	Euro 5
New	Petrol	1 April 2024 to 31 March 2028	Euro 5 and where the vehicle is less than 12 years old from date of first registration
New	Diesel	1 April 2023 to 31 August 2025	Euro 6/Euro 6d and where date of first registration is on or after 1 September 2016
New	Diesel	1 September 2025 to 31 March 2028	Euro 6 / Euro 6d and where the vehicle is less than 6 years old from date of first registration
New	Full electric	1 April 2023 to 31 March 2028	Any age
New	Hybrid petrol	1 April 2023 to 31 March 2028	less than 12 years old from date of first registration
New	Hybrid diesel	1 April 2023 to 31 March 2028	less than 10 years old from date of first registration
New	LPG	1 April 2023 to 31	less than 12 years

		March 2028	old from date of first registration
Renewal	Petrol	1 April 2023 to 31 March 2024	Euro 5
Renewal	Petrol	1 April 2024 to 31 March 2028	Euro 5 and where the vehicle is less than 15 years old from date of first registration
Renewal	Diesel	1 April 2023 to 31 March 2025	Euro 5 / Euro 6 / Euro 6d and where the vehicle is less than 12 years old from date of first registration
Renewal	Diesel	1 April 2025 to 31 March 2028	Euro 6 / Euro 6d and where the vehicle is less than 12 years old from date of first registration
Renewal	Full electric	1 April 2023 to 31 March 2028	Any age
Renewal	Hybrid petrol	1 April 2023 to 31 March 2028	less than 15 years old from date of first registration
Renewal	Hybrid diesel	1 April 2023 to 31 March 2028	less than 12 years old from date of first registration
Renewal	LPG	1 April 2023 to 31 March 2028	less than 15 years old from date of first registration

\* For whatever reason, legal or otherwise, an applicant is not required to licence a wheelchair accessible vehicle, the age/emissions restrictions as set out at Part 3c, Standard Private Hire Vehicles, paragraph 3c.26 will apply.

**NB** The chart above provides information for the licensing of vehicles up to 31 March 2028 and the maximum age for a vehicle to remain licensed. The Council does not currently intend to make any changes in the future to reduce the maximum age for a vehicle to remain licensed where a vehicle had already been licensed before 31 March 2028. However, the Policy will be subject to continuous evaluation and, if necessary, can be formally reviewed at any time.

### Safety

3b.30 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.31 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.

3b.32 Where a proprietor has notified the Council that a licensed vehicle has sustained structural damage from a road traffic accident resulting in a DVLA classification under Category S – Structural damage (vehicle that has sustained damage after 1 October 2017) or Category C (vehicle has sustained damage, rendering it beyond economical repair, prior to 1 October 2017), any documents provided to meet the safety requirements of the policy as part of the previous application process (i.e. 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.

#### **List of Designated Wheelchair Accessible Vehicles**

3b.33 Section 167 of the Equality Act 2010 requires all local authorities to maintain a list of designated wheelchair accessible vehicles.

3b.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**.

3b.35 Section 172 of the Equality Act 2010 provides for an appeal to be made against the decision to include a vehicle on the list of designated wheelchair accessible vehicles.

Any appeal must be made to the Magistrates Court within 28 days of the vehicle being included on the list.

3b.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 designated wheelchair accessible vehicle.

3b.37 Failure to comply with the duties listed under section 165 of the Equality Act 2010 is a criminal offence.

### **Other Requirements**

3b.38 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 (including fittings that are used to secure wheelchairs to the floor of the vehicle) and furniture in a clean condition and be well maintained and in every way fit for public service;
- (k) Provide means for securing luggage if the carriage is so constructed as to carry luggage;
- (l) Where tilting passenger seats are fitted the seat must :-
  - be forward facing (with the exception of the fold down seats fitted onto the bulkhead/partition of a purpose-built hackney carriage)
  - designed for use by an adult
  - have a three point seatbelt

- As specified in the Road Vehicle (Construction and Use) Regulations 1986 (as amended);
- (m) Have a minimum of four passenger doors including an entry/exit point for the driver if a vehicle other than a 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) 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) Where a mechanical ramp is fitted, comply with requirements of the Lifting Operations and Lifting Equipment Regulations 1998;
  - (s) Where a non mechanical ramp is fitted, comply with the relevant provisions of the Provision and Use of Work Equipment Regulations 1998;
  - (t) 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); and
  - (u) 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.39 The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee.
- 3b.40 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.41 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.42 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 where an officer with delegated authority 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 unless the applicant is the holder of a hackney carriage and private hire drivers licence or private hire operator licence issued by Shropshire Council (**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 1<sup>st</sup> December 2016 - for additional information see <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>);
- 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.51 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.55 below;
- Provide the full V5 registration certificate (note the alternative interim measures outlined in paragraphs 3b.57 to 3b.60);
- Provide a valid certificate/report to confirm the vehicle is fitted with a taximeter in accordance with the requirements set out at paragraph 3b.49 below;
- Evidence of compliance with the relevant European Emission/Age Standards as set out in paragraph 3b.29 either at the point of vehicle construction or by a subsequent adaptation or conversion approved by the Council - the compliance must be relevant to the engine installed in the vehicle and this must be reflected in the V5 registration certificate;
- Provide evidence of safety compliance as set out in paragraphs 3b.30 to 3b.31;
- 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.44 Once an application has been validated and accepted, the Council will

- Make enquiries through the Councils adults and childrens social care teams, West Mercia Police (or other relevant force), other local authorities and any other organisation, agency or person that the Council has deemed appropriate to seek information from; and
- Where applicable, write to the referees provided.

3b.45 **NB** For partnerships or companies, the requirements set out in paragraphs 3b.8 to 3b.25 apply to all partners and directors/company secretaries.

3b.46 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.8 to 3b.25.

3b.47 Paragraphs 3b.8 to 3b.25 do not apply to applications to transfer a vehicle licence onto another vehicle, on a temporary basis, by an accident management company.

3b.48 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. Each application will be decided on its merits. However, there is a presumption that unless an applicant can demonstrate exceptional circumstances the application will be refused. 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 this Policy or compromise public safety if the licence were granted. The applicant will be notified in writing if their application is to be determined at a meeting of the Licensing Panel.

### **Taximeters**

3b.49 Taximeters must:

- Be certified by a notified body in accordance with the Measuring Instruments Directive (MID) (2004/22/EC), in particular Annex 007;
- Be 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;
- Be calibrated to ensure the tariff charged does not exceed the maximum fares determined by the Council;
- Be calendar controlled;

- Be 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
- Be 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).

3b.50 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 requirements<sup>11</sup>**

3b.51 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.

3b.52 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.

### **MOT failures and advisories**

3b.53 The Councils position in regards to MOT failures and advisories is as follows:

- Where a vehicle fails an MOT under the category dangerous (do not drive until repaired) defects, DVSA guidance states that this will have a direct and immediate risk which will put passengers and other road users at risk or have a serious impact

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<sup>11</sup> The requirement to submit an MOT will be in accordance with section 50 of the Local Government (Miscellaneous Provisions) Act 1976



on the environment. The Council requires all repairs to be undertaken and a new MOT test certificate issued before the vehicle is used as a hackney carriage.

- Where a vehicle fails an MOT under the category major (repair immediately) defects, the Council has a concern for the vehicle safety which may put passengers and other road users at risk or have an impact on the environment. The Council requires all repairs to be undertaken and a new MOT test certificate issued before the vehicle is used as a hackney carriage.

3b.54 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.55 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.
- 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.

3b.56 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.

### **V5 registration certificate**

3b.57 The Council accepts that a full V5 registration certificate in the new owner’s name is not always available upon first licence or as part of an application to transfer the license; however, the green new keepers slip 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 green new keeper slip.

3b.58 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.59 Where the green section has been produced on first licensing the vehicle or as part of an application to transfer the licensee, 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.60 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.30, the licence will be subject to review at a meeting of the Councils Licensing Panel.

### **Renewal of a licence**

3b.61 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.62 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 process.

### **Renewal application process**

3b.63 The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee.

3b.64 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.65 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.66 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. When an application is not completed within this timescale the application will be referred to the Licensing Panel for determination where an officer with delegated authority 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.67 Any person wishing to renew a licence for a hackney carriage vehicle must:

- Submit completed application form;
- 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 1<sup>st</sup> December 2016 - for additional information see <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>);
- 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 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.72 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.78 below;
- 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.68 Once an application has been validated and accepted, the Council will

- Complete an online check of the MOT history for the vehicle
- Where applicable, make enquiries through the Councils adults and childrens social care teams, 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.69 **NB** For partnerships or companies, the requirements set out in paragraphs 3b.8 to 3b.25 apply to all partners and directors/company secretaries.

3b.70 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.8 to 3b.25 above.

3b.71 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. Each application will be decided on its merits. However, there is a presumption that unless an applicant can demonstrate exceptional circumstances the application will be refused. 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 this Policy or compromise public safety if the licence were granted. The applicant will be notified in writing if their application is to be determined at a meeting of the Licensing Panel.

#### **MOT requirements<sup>12</sup>**

3b.72 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.

3b.73 The Council will check the MOT history of a licensed vehicle to ensure that the vehicle has not been used to fulfil any hackney carriage work on a failed MOT where the vehicle has failed for dangerous (do not drive until repaired) defects or category major (repair immediately) defects.

3b.74 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

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

require the proprietor of that hackney carriage to return all the plates to the Council subject to any appeal period.

### **MOT failures and advisories**

3b.75 The Council's position in regards to MOT failures and advisories is as follows:

- Where a vehicle fails an MOT under the category dangerous (do not drive until repaired) defects, DVSA guidance states that this will have a direct and immediate risk which will put passengers and other road users at risk or have a serious impact on the environment. The Council requires all repairs to be undertaken and a new MOT test certificate issued before the vehicle is used as a hackney carriage.
- Where a vehicle fails an MOT under the category major (repair immediately) defects, the Council has a concern for the vehicle safety which may put passengers and other road users at risk or have an impact on the environment. The Council requires all repairs to be undertaken and a new MOT test certificate issued before the vehicle is used as a hackney carriage.

3b.76 Where a proprietor permits a vehicle that has failed an MOT for dangerous (do not drive until repaired) defects, or major (repair immediately) defects, to be used as a hackney carriage, the licence will be referred to the Licensing Panel for review where an officer with delegated authority 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.77 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.78 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.
- 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.

3b.79 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.

### **Vehicle compliance process**

3b.80 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 will be subject to a compliance check to ensure:

- That the driver presenting the vehicle is capable of safely loading and securing a reference 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.49 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;
- The drivers internal 'Vehicle Copy' of drivers badge is displayed ensuring that the licence details and photo are visible to passengers; and
- Where CCTV is fitted, a CCTV operating in this vehicle sign is on display in the vehicle.

3b.81 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.82 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.39 to 3b.45).

- 3b.83 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.84 Where the wheelchair accessible vehicle has sustained structural damage from a road traffic accident resulting in a DVLA classification under Category S – Structural damage (vehicle that has sustained damage after 1 October 2017) or Category C (vehicle has sustained damage, rendering it beyond economical repair, prior to 1 October 2017), 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.
- 3b.85 Where the wheelchair accessible vehicle has sustained damage that does not affect the validity of the 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), provided any repairs have been made by a garage approved and authorised by the insurance company, the Council will require the proprietor to submit confirmation from the insurance company that the repairs have been completed in accordance with the insurance assessors report and a new MOT certificate (in accordance with the requirements set out at paragraph 3b.72 above) to the Licensing Team before the licence can be transferred back to the original vehicle.

#### **Vehicle not fit for the conveyance of passengers**

- 3b.86 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.87 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.88 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.89 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.90 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.91 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.92 Hackney carriages licensed by the Council are permitted to tow trailers when undertaking the licensable activity, providing the conditions set out at **Appendix M** are complied with at all times.

### **Ranks**

- 3b.93 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.94 Drivers of hackney carriage vehicles in the Council's area should, 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.
- 3b.95 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.96 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.97 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.98 In the event that an LPG conversion has been undertaken on a vehicle during a current licensed 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.99 In the case of a conversion that has been undertaken on a vehicle during a current licensed 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.100 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.101 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.102 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.103 Paragraphs 3b.104 to 3b.115 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.104 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.105 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.106 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.107 Inspection

The proprietor must present their hackney carriage for inspection and testing by the Council as required, up to a maximum of 3 times during any one period of 12 months.

3b.108 The proprietor must provide, on request, the address where the hackney carriage is kept and allow the Council to inspect and test the vehicle at that address.

### 3b.109 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.110 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.111 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.112 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?
<b>Child up to 3 years</b>	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**
<b>Child from 3<sup>rd</sup> birthday to 12<sup>th</sup> birthday or 135 cm in height whichever they</b>	Correct child restraints must be used	Where seat belts are fitted, the correct child restraint must be used. The child must use a dult belt if the correct child restraint is not available as follows:	Driver**

<b>reach first</b>		<p>in a licensed hackney carriage or private hire vehicle; or</p> <p>for a short distance in an unexpected necessity; or</p> <p>two occupied child restraints prevent fitting of a third.</p> <p>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.</p>	
<b>Child over 135 cm in height or 12 or 13 years old</b>	Seat belt must be worn if available*	Seat belt must be worn if available.	Driver**
<b>Passengers aged 14 years and over</b>	Seat belt must be worn if available*	Seat belt must be worn if available.	Passenger

\*Vehicles built before 1965 are not required to have fitted seatbelts.

\*\*Drivers must inform parents/carers that the decision to permit children to travel in the vehicle, without the correctly sized seat restraints (as permitted by relevant legislation) and with the obvious risks associated with such an action, remains with the parent/carer responsible for the children and not with the driver of the vehicle.

### 3b.113 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.114 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.115 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. The fare or charge is calculated from the point at which the hirer commences the journey within the administrative area of Shropshire Council.

**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 vehicle<sup>13</sup>.

**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 as set out in **Appendix I**.

**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.7 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.24 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.8 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

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<sup>13</sup> 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.

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 adults and childrens social care teams, directly with West Mercia Police (and other relevant police forces, where appropriate), other relevant local authorities (particularly Telford & Wrekin Council and City of Wolverhampton 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.9 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 adults and childrens social care teams, directly with West Mercia Police (and other relevant police forces, where appropriate), other relevant local authorities (particularly Telford & Wrekin Council and City of Wolverhampton 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.10 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.11 In addition, an important element associated with the fitness to hold a licence is the appearance 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.12 It must also be recognised that the Council will consider all relevant 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.13 All unspent 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 unspent convictions and cautions, including driving endorsements (driving convictions) and disqualification periods relating to traffic offences.
- 3c.14 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.15 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.16 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 & Development Office (FCDO) on the GOV.UK website at <https://www.gov.uk/government/world>. The FCDO may be contacted for further assistance by telephone on 020 7008 5000, by email at [fcdo.correspondence@fcdo.gov.uk](mailto:fcdo.correspondence@fcdo.gov.uk) or by post at the FCDO, King Charles Street, London, SW1A 2AH.
- 3c.17 Applicants who have spent three 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.16 above. It is recognised that some countries will not provide a certificate of good conduct unless the individual has been resident for six months or more. Where a relevant Embassy or High Commission refuse to issue a certificate of good conduct, applicants must provide written confirmation from the Embassy of any refusal to the Licensing Team.

### **Right to work**

- 3c.18 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.
- 3c.19 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>.

### **Non-conviction information**

- 3c.20 In addition to conviction/caution information, applicants are expected to provide details, within 48 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 that are not wheelchair accessible vehicles must comply with the following:

Renewal/New Application	Fuel	Period	European Emission / Age Standard
New	Petrol	1 April 2023 to 31 March 2024	Euro 5
New	Petrol	1 April 2024 to 31 March 2028	Euro 5 and where the vehicle is less than 10 years old from date of first registration
New	Diesel	1 April 2023 to 31 August 2025	Euro 6/Euro 6d and where date of first registration is on or after 1 September 2016
New	Diesel	1 September 2025 to 31 March 2028	Euro 6 / Euro 6d and where the vehicle is less than 6 years old from date of first registration
New	Full electric	1 April 2023 to 31 March 2028	Any age
New	Hybrid petrol	1 April 2023 to 31 March 2028	less than 10 years old from date of first registration
New	Hybrid diesel	1 April 2023 to 31 March 2028	less than 8 years old from date of first registration
New	LPG	1 April 2023 to 31 March 2028	less than 10 years old from date of first registration
Renewal	Petrol	1 April 2023 to 31 March 2024	Euro 5
Renewal	Petrol	1 April 2024 to 31 March 2028	Euro 5 and where the vehicle is less than 12 years old from date of first registration
Renewal	Diesel	1 April 2023 to 31 March 2025	Euro 5 / Euro 6 / Euro 6d and



			where the vehicle is less than 10 years old from date of first registration
Renewal	Diesel	1 April 2025 to 31 March 2028	Euro 6 / Euro 6d and where the vehicle is less than 10 years old from date of first registration
Renewal	Full electric	1 April 2023 to 31 March 2028	Any age
Renewal	Hybrid petrol	1 April 2023 to 31 March 2028	less than 12 years old from date of first registration
Renewal	Hybrid diesel	1 April 2023 to 31 March 2028	less than 10 years old from date of first registration
Renewal	LPG	1 April 2023 to 31 March 2028	less than 12 years old from date of first registration

3c.27 The following is applicable to **wheelchair accessible vehicles only**. Vehicles that **are** wheelchair accessible vehicles must comply with the following:

Renewal/New Application	Fuel	Period	European Emission / Age Standard
New	Petrol	1 April 2023 to 31 March 2024	Euro 5
New	Petrol	1 April 2024 to 31 March 2028	Euro 5 and where the vehicle is less than 12 years old from date of first registration
New	Diesel	1 April 2023 to 31 August 2025	Euro 6/Euro 6d and where date of first registration is on or after 1 September 2016
New	Diesel	1 September 2025 to 31 March 2028	Euro 6 / Euro 6d and where the vehicle is less than 6 years old from date of first registration
New	Full electric	1 April 2023 to 31 March 2028	Any age
New	Hybrid petrol	1 April 2023 to 31 March 2028	less than 12 years old from date of

			first registration
New	Hybrid diesel	1 April 2023 to 31 March 2028	less than 10 years old from date of first registration
New	LPG	1 April 2023 to 31 March 2028	less than 12 years old from date of first registration
Renewal	Petrol	1 April 2023 to 31 March 2024	Euro 5
Renewal	Petrol	1 April 2024 to 31 March 2028	Euro 5 and where the vehicle is less than 15 years old from date of first registration
Renewal	Diesel	1 April 2023 to 31 March 2025	Euro 5 / Euro 6 / Euro 6d and where the vehicle is less than 12 years old from date of first registration
Renewal	Diesel	1 April 2025 to 31 March 2028	Euro 6 / Euro 6d and where the vehicle is less than 12 years old from date of first registration
Renewal	Full electric	1 April 2023 to 31 March 2028	Any age
Renewal	Hybrid petrol	1 April 2023 to 31 March 2028	less than 15 years old from date of first registration
Renewal	Hybrid diesel	1 April 2023 to 31 March 2028	less than 12 years old from date of first registration
Renewal	LPG	1 April 2023 to 31 March 2028	less than 15 years old from date of first registration

**NB** The charts above provide information for the licensing of vehicles up to 31 March 2028 and the maximum age for a vehicle to remain licensed. The Council does not currently intend to make any changes in the future to reduce the maximum age for a vehicle to remain licensed where a vehicle had already been licensed before 31 March 2028. However, the Policy will be subject to continuous evaluation and, if necessary, can be formally reviewed at any time.

### Safety

3c.28 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 the Special Notes section of the V5 registration Certificate.

3c.29 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 2023 are required to be NCAP 5 star.
- All renewal vehicle applications submitted on or after 1 April 2023 are required to be NCAP 5 star.

**NB** Applicants wishing to purchase a new vehicle that meets the requirements of the age/emissions section of this Policy, however, to which no NCAP safety rating has been applied, are advised to contact the Council for advice prior to purchase. An application may be considered if the applicant is able to demonstrate exceptional circumstances to satisfy the Council that it would not frustrate the purposes of this Policy or compromise public safety if the licence were granted.

3c.30 The requirements of 3c.29 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 licensed 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.

3c.31 Where a proprietor has notified the Council that a licensed vehicle has sustained structural damage from a road traffic accident resulting in a DVLA classification under Category S – Structural damage (vehicle that has sustained damage after 1 October 2017) or Category C (vehicle has sustained damage, rendering it beyond economical repair, prior to 1 October 2017), any documents provided to meet the safety requirements of the policy as part of the previous application process (i.e. NCAP safety report 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.

### **List of Designated Wheelchair Accessible Vehicles**

3c.32 Section 167 of the Equality Act 2010 requires all Local Authorities to maintain a list of designated wheelchair accessible vehicles.

3c.33 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.34 Section 172 of the Equality Act 2010 provides for an appeal to be made against the decision to include a vehicle on the list of designated wheelchair accessible vehicles. Any appeal must be made to the Magistrates Court within 28 days of the vehicle being included on the list.

3c.35 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 designated wheelchair accessible vehicle.

3c.36 Failure to comply with the duties listed under section 165 of the Equality Act 2010 is a criminal offence.

### **Other Requirements**

3c.37 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 (including fittings that are used to secure wheelchairs to the floor of the vehicle) 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 vehicle)
  - 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) Where a mechanical ramp is fitted, comply with requirements of the Lifting Operations and Lifting Equipment Regulations 1998;
- (t) Where a non-mechanical ramp is fitted, comply with the relevant provisions of the Provision and Use of Work Equipment Regulations 1998; and
- (u) 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.38 The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee.
- 3c.39 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.40 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.41 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. When an application is not completed within this timescale the application will be referred to the Licensing Panel for determination where an officer with delegated authority 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.42 Any person wishing to licence a private hire vehicle must:
- Submit a completed application form;
  - Submit a completed reference form, unless the applicant is the holder of a hackney carriage and private hire drivers licence or private hire operator licence issued by Shropshire Council (**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 1<sup>st</sup> December 2016 - for additional information see <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>);
  - 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 3c.49 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.53 below;
- Provide the full V5 registration certificate (note the alternative interim measure outlined in paragraphs 3c.55 to 3c.58);
- 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.48 below;
- Provide evidence of compliance with the relevant European Emission/Age Standards as set out in paragraph 3c.26, or in the case of a wheelchair accessible vehicle as set out in paragraph 3c.27, 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 compliance with the relevant European New Car Assessment Programme (NCAP) rating as set out in paragraphs 3c.28 to 3c.30;
- 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.

3c.43 Once an application has been validated and accepted, the Council will:

- Make enquiries through the Councils adults and childrens social care teams, West Mercia Police (or other relevant force), other local authorities and any other organisation, agency or person that the Council has deemed appropriate to seek information from; and
- Where applicable, write to the referees provided

3c.44 **NB** For partnerships or companies, the requirements set out in paragraphs 3c.5 to 3c.22 apply to all partners and directors/company secretaries.

3c.45 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.5 to 3c.22 above.

3c.46 Paragraphs 3c.5 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.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. Each application will be decided on its merits. However, there is a presumption that unless an applicant

can demonstrate exceptional circumstances the application will be refused. 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 this Policy or compromise public safety if the licence were granted. The applicant will be notified in writing if their application is to be determined at a meeting of the Licensing Panel.

### **Taximeters**

3c.48 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 requirements<sup>14</sup>**

3c.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.

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<sup>14</sup> 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.

3c.50 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.

### **MOT failures and advisories**

3c.51 The Councils position in regards to MOT failures and advisories is as follows:

- Where a vehicle fails an MOT under the category dangerous (do not drive until repaired) defects, DVSA guidance states that this will have a direct and immediate risk which will put passengers and other road users at risk or have a serious impact on the environment. The Council requires all repairs to be undertaken and a new MOT test certificate issued before the vehicle is used as a private hire vehicle.
- Where a vehicle fails an MOT under the category major (repair immediately) defects, the Council has a concern for the vehicle safety which may put passengers and other road users at risk or have an impact on the environment. The Council requires all repairs to be undertaken and a new MOT test certificate issued before the vehicle is used as a private hire vehicle.

3c.52 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.53 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.
- 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.

3c.54 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.

### **V5 registration certificate**

3c.55 The Council accepts that a full V5 registration certificate in the new owner's name is not always available upon first licence or as part of an application to transfer the licensee; however, the green new keepers slip 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 green new keepers slip.

3c.56 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.57 Where the green section has been produced on first licensing the vehicle or as part of an application to transfer the licensee, 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.58 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 3c.28, the licence will be subject to review at a meeting of the Councils Licensing Panel.

### **Renewal of a licence**

3c.59 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.60 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 process.

### **Renewal application process**

3c.61 The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee.

3c.62 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.63 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.64 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. When an application is not completed within this timescale the application will be referred to the Licensing Panel for determination where an officer with delegated authority 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.65 Any person wishing to renew a licence for a private hire vehicle must:

- Submit a completed application form;
- 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 1<sup>st</sup> December 2016 - for additional information see <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>);
- 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'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;
- Provide a valid MOT (in accordance with the requirements set out at paragraph 3c.70 below);
- Provide 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.76 below;

- 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.

3c.66 Once an application has been validated and accepted, the Council will:

- Complete an online check of the MOT history for the vehicle; and
- Where applicable, make enquiries through the Councils adults and childrens social care teams, 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.67 **NB** For partnerships or companies, the requirements set out in paragraphs 3c.5 to 3c.22 apply to all partners and directors/company secretaries.

3c.68 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.5 to 3c.22 above.

3c.69 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. Each application will be decided on its merits. However, there is a presumption that unless an applicant can demonstrate exceptional circumstances the application will be refused. 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 this Policy or compromise public safety if the licence were granted. The applicant will be notified in writing if their application is to be determined at a meeting of the Licensing Panel.

### **MOT requirements<sup>15</sup>**

3c.70 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

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<sup>15</sup> 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.

3c.71 The Council will check the MOT history of a licensed vehicle to ensure that the vehicle has not been used to fulfil any private hire work on a failed MOT where the vehicle has failed for dangerous (do not drive until repaired) defects or category major (repair immediately) defects.

3c.72 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.

#### **MOT failures and advisories**

3c.73 The Council's position in regards to MOT failures and advisories is as follows:

- Where a vehicle fails an MOT under the category dangerous (do not drive until repaired) defects, DVSA guidance states that this will have a direct and immediate risk which will put passengers and other road users at risk or have a serious impact on the environment. The Council requires all repairs to be undertaken and a new MOT test certificate issued before the vehicle is used as a private hire vehicle.
- Where a vehicle fails an MOT under the category major (repair immediately) defects, the Council has a concern for the vehicle safety which may put passengers and other road users at risk or have an impact on the environment. The Council requires all repairs to be undertaken and a new MOT test certificate issued before the vehicle is used as a private hire vehicle.

3c.74 Where a proprietor permits a vehicle that has failed an MOT for dangerous (do not drive until repaired) defects, or major (repair immediately) defects, to be used as a private hire vehicle, the licence will be referred to the Licensing Panel for review where an officer with delegated authority 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.75 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.76 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.
- 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.

3c.77 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.

### **Vehicle compliance process**

3c.78 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 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, including seating, wheelchair restraint and ramp, will be photographed and the images held on the vehicle record file for future reference);
- 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.48;

- 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 to passengers;
- Where CCTV is fitted, a CCTV operating in this vehicle sign is on display in the vehicle.

3c.79 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.80 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.38 to 3c.44).

3c.81 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, proprietors will be required to provide evidence to demonstrate the damage which has occurred to the vehicle, i.e. insurance assessors report.

3c.82 Where a wheelchair accessible vehicle has sustained structural damage from a road traffic accident resulting in a DVLA classification under Category S – Structural damage (vehicle that has sustained damage after 1 October 2017) or Category C (vehicle has sustained damage, rendering it beyond economical repair, prior to 1 October 2017), 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.

3c.83 Where a wheelchair accessible vehicle has sustained damage that does not affect the validity of the 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), provided any repairs have been made by a garage approved and authorised by the insurance company, the Council will require the proprietor to submit confirmation from the insurance company that the repairs have been completed in accordance with the insurance assessors report and a new MOT certificate (in accordance with the requirements set out at paragraph 3c.70 above) to the Licensing Team before the licence can be transferred back to the original vehicle.

### **Vehicle not fit for the conveyance of passengers**

- 3c.84 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.85 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.86 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.87 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.
- 3c.88 Proprietors are encouraged to display an operator's name and/or trade name, as approved by the Council.

### **Closed circuit television (CCTV)**

- 3c.89 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.90 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.91 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.

### **Parking/waiting**

- 3c.92 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.93 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.94 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.95 In the event that an LPG conversion has been undertaken on a vehicle during a current licensed 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.96 In the case of a conversion that has been undertaken on a vehicle during a current licensed 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.97 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.98 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.99 Paragraphs 3c.100 to 3c.107 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.100 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.101 Inspection**

The proprietor must present their private hire vehicle for inspection and testing by the Council as required, up to a maximum of 3 times during any one period of 12 months.

3c.102 The proprietor must provide, on request, the address where the private hire vehicle is kept and allow the Council to inspect and test the vehicle at that address.

3c.103 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.104 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.105 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.106 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?
<b>Child up to 3 years</b>	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**
<b>Child from 3<sup>rd</sup> birthday to 12<sup>th</sup> birthday or 135 cm in height whichever they reach first</b>	Correct child restraints must be used	Where seat belts are fitted, the correct child restraint must be used. The child must use a dult belt if the correct child restraint is not available as follows:  in a licensed hackney carriage or private hire vehicle; or  for a short distance in an unexpected necessity; or  two occupied child restraints prevent fitting of a third.  A child 3 years and over may travel unrestrained in the rear seat of a vehicle if seat belts are not fitted in the rear.	Driver**
<b>Child over 135 cm in height or 12 or 13 years old</b>	Seat belt must be worn if available*	Seat belt must be worn if available.	Driver**

<b>Passengers aged 14 years and over</b>	Seat belt must be worn if available*	Seat belt must be worn if available.	Passenger
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\*Vehicles built before 1965 are not required to have fitted seatbelts.

\*\*Drivers must inform parents/carers that the decision to permit children to travel in the vehicle, without the correctly sized seat restraints (as permitted by relevant legislation) and with the obvious risks associated with such an action, remains with the parent/carer responsible for the children and not with the driver of the vehicle.

### 3c.107 Ranks/stands

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

**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 Bookings taken in respect of clients who require an executive private hire must be paid for on account. No payment can be made to the driver of the vehicle at time of hiring.
- 3d.8 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.9 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 vehicle<sup>16</sup>.

### **Fit and proper person**

3d.10 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 as set out in **Appendix I**.

### **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.11 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.24 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.12 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 adults and childrens social care teams, directly with West Mercia Police (and other relevant police forces, where appropriate), other relevant local authorities (particularly Telford & Wrekin Council and City of Wolverhampton 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.13 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 adults and childrens social care teams, directly with West Mercia Police (and other relevant police forces, where appropriate), other relevant local authorities (particularly Telford & Wrekin Council and City of Wolverhampton 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

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<sup>16</sup> 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 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.14 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.15 In addition, an important element associated with the fitness to hold a licence is the appearance 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.16 It must also be recognised that the Council will consider all relevant 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.17 All unspent 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 unspent convictions and cautions, including driving endorsements (driving convictions) and disqualification periods relating to traffic offences.
- 3d.18 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.19 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.20 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 & Development Office (FCDO) on the GOV.UK website at <https://www.gov.uk/government/world>. The FCDO may be contacted for further assistance by telephone on 020 7008 5000, by email at [fcdo.correspondence@fcdo.gov.uk](mailto:fcdo.correspondence@fcdo.gov.uk) or by post at the FCDO, King Charles Street, London, SW1A 2AH.
- 3d.21 Applicants who have spent three 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.20 above. It is recognised that some countries will not provide a certificate of good conduct unless the individual has been resident for six months or more. Where a relevant Embassy or High Commission refuse to issue a certificate of good conduct, applicants must provide written confirmation from the Embassy of any refusal to the Licensing Team.

### **Right to work**

- 3d.22 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.
- 3d.23 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>.

### **Non-conviction information**

- 3d.24 In addition to conviction/caution information, applicants are expected to provide details, within 48 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.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.
- 3d.26 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.27 Vehicle licences will be issued for a maximum period of 12 months.

### **Vehicle licence plates**

- 3d.28 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.29 The Council requires executive private hire vehicles to comply with the following requirements:
- 3d.30 The Council does not provide a list of specific vehicles that it will definitely consider appropriate to be licensed 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.
- 3d.31 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.32 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 licensed.

3d.33 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; and
- Be maintained to a very high standard.

3d.34 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; and
- A taxi meter must not be fitted.

#### **Emissions/Age Restrictions**

3d.35 Vehicles that are not wheelchair accessible vehicles must comply with the following:

Renewal/New Application	Fuel	Period	European Emission / Age Standard
New	Petrol	1 April 2023 to 31 March 2024	Euro 5
New	Petrol	1 April 2024 to 31 March 2028	Euro 5 and where the vehicle is less than 10 years old from date of first registration
New	Diesel	1 April 2023 to 31 August 2025	Euro 6/Euro 6d and where date of first registration is on or after 1 September 2016
New	Diesel	1 September 2025 to 31 March 2028	Euro 6 / Euro 6d and where the vehicle is less than 6 years old from date of first registration

New	Full electric	1 April 2023 to 31 March 2028	Any age
New	Hybrid petrol	1 April 2023 to 31 March 2028	less than 10 years old from date of first registration
New	Hybrid diesel	1 April 2023 to 31 March 2028	less than 8 years old from date of first registration
New	LPG	1 April 2023 to 31 March 2028	less than 10 years old from date of first registration
Renewal	Petrol	1 April 2023 to 31 March 2024	Euro 5
Renewal	Petrol	1 April 2024 to 31 March 2028	Euro 5 and where the vehicle is less than 12 years old from date of first registration
Renewal	Diesel	1 April 2023 to 31 March 2025	Euro 5 / Euro 6 / Euro 6d and where the vehicle is less than 10 years old from date of first registration
Renewal	Diesel	1 April 2025 to 31 March 2028	Euro 6 / Euro 6d and where the vehicle is less than 10 years old from date of first registration
Renewal	Full electric	1 April 2023 to 31 March 2028	Any age
Renewal	Hybrid petrol	1 April 2023 to 31 March 2028	less than 12 years old from date of first registration
Renewal	Hybrid diesel	1 April 2023 to 31 March 2028	less than 10 years old from date of first registration
Renewal	LPG	1 April 2023 to 31 March 2028	less than 12 years old from date of first registration

3d.36 The following is applicable to **wheelchair accessible vehicles only**. Vehicles that **are** wheelchair accessible vehicles must comply with the following:

Renewal/New Application	Fuel	Period	European Emission / Age Standard
New	Petrol	1 April 2023 to 31	Euro 5

		March 2024	
New	Petrol	1 April 2024 to 31 March 2028	Euro 5 and where the vehicle is less than 12 years old from date of first registration
New	Diesel	1 April 2023 to 31 August 2025	Euro 6/Euro 6d and where date of first registration is on or after 1 September 2016
New	Diesel	1 September 2025 to 31 March 2028	Euro 6 / Euro 6d and where the vehicle is less than 6 years old from date of first registration
New	Full electric	1 April 2023 to 31 March 2028	Any age
New	Hybrid petrol	1 April 2023 to 31 March 2028	less than 12 years old from date of first registration
New	Hybrid diesel	1 April 2023 to 31 March 2028	less than 10 years old from date of first registration
New	LPG	1 April 2023 to 31 March 2028	less than 12 years old from date of first registration
Renewal	Petrol	1 April 2023 to 31 March 2024	Euro 5
Renewal	Petrol	1 April 2024 to 31 March 2028	Euro 5 and where the vehicle is less than 15 years old from date of first registration
Renewal	Diesel	1 April 2023 to 31 March 2025	Euro 5 / Euro 6 / Euro 6d and where the vehicle is less than 12 years old from date of first registration
Renewal	Diesel	1 April 2025 to 31 March 2028	Euro 6 / Euro 6d and where the vehicle is less than 12 years old from date of first registration
Renewal	Full electric	1 April 2023 to 31 March 2028	Any age

Renewal	Hybrid petrol	1 April 2023 to 31 March 2028	less than 15 years old from date of first registration
Renewal	Hybrid diesel	1 April 2023 to 31 March 2028	less than 12 years old from date of first registration
Renewal	LPG	1 April 2023 to 31 March 2028	less than 15 years old from date of first registration

**NB** The charts above provide information for the licensing of vehicles up to 31 March 2028 and the maximum age for a vehicle to remain licensed. The Council does not currently intend to make any changes in the future to reduce the maximum age for a vehicle to remain licensed where a vehicle had already been licensed before 31 March 2028. However, the Policy will be subject to continuous evaluation and, if necessary, can be formally reviewed at any time.

### Safety

3d.37 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 the Special Notes section of the V5 registration Certificate.

3d.38 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 2023 are required to be NCAP 5 star.
- All renewal vehicle applications submitted on or after 1 April 2023 are required to be NCAP 5 star.

**NB** Applicants wishing to purchase a new vehicle that meets the requirements of the age/emissions section of this Policy, however, to which no NCAP safety rating has been applied, are advised to contact the Council for advice prior to purchase. An application may be considered if the applicant is able to demonstrate exceptional circumstances to satisfy the Council that it would not frustrate the purposes of this Policy or compromise public safety if the licence were granted.

3d.39 The requirements of 3d.38 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 licensed 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.

3d.40 Where a proprietor has notified the Council that a licensed vehicle has sustained structural damage from a road traffic accident resulting in a DVLA classification under Category S – Structural damage (vehicle that has sustained damage after 1 October 2017) or Category C (vehicle has sustained damage, rendering it beyond economical repair, prior to 1 October 2017), any documents provided to meet the safety requirements of the policy as part of the previous application process (i.e. NCAP safety report 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.

#### **List of Designated Wheelchair Accessible Vehicles**

3d.41 Section 167 of the Equality Act 2010 requires all local authorities to maintain a list of designated wheelchair accessible vehicles.

3d.42 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.43 Section 172 of the Equality Act 2010 provides for an appeal to be made against the decision to include a vehicle on the list of designated wheelchair accessible vehicles. Any appeal must be made to the Magistrates Court within 28 days of the vehicle being included on the list.

3d.44 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 designated wheelchair accessible vehicle.

3d.45 Failure to comply with the duties listed under section 165 of the Equality Act 2010 is a criminal offence.

### **Other Requirements**

3d.46 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 (including fittings that are used to secure wheelchairs to the floor of the vehicle) 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 vehicle)
  - 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) Where a mechanical ramp is fitted, comply with requirements of the Lifting Operations and Lifting Equipment Regulations 1998;
- (r) Where a non mechanical ramp is fitted, comply with the relevant provisions of the Provision and Use of Work Equipment Regulations 1998; and
- (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**

- 3d.47 The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee.
- 3d.48 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.49 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.50 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. When an application is not completed within this timescale the application will be referred to the Licensing Panel for determination where an officer with delegated authority 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.51 Any person wishing to licence an executive private hire vehicle must:
- Submit a completed application form;
  - Submit a completed reference form, unless the applicant is the holder of a hackney carriage and private hire drivers licence or private hire operator licence issued by Shropshire Council (**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 written confirmation from their private hire operator that the vehicle will only undertake executive work, i.e. evidence of business to business contracts;
- Provide photographs to prove that the vehicle complies with the requirements of paragraphs 3d.29 to 3d.33 above;
- 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 1<sup>st</sup> December 2016 - for additional information see <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>);
- 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 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;
- Provide a valid MOT (in accordance with the requirements set out at paragraph 3d.57 below);
- Provide 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.61 below);
- Provide the full V5 registration certificate (note the alternative interim measure outlined in paragraphs 3d.63 to 3d.66);
- Provide evidence of compliance with the relevant European Emission/Age Standards as set out in paragraph 3d.35, or in the case of a wheelchair accessible vehicle as set out in paragraph 3d.36, 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 compliance with the relevant European New Car Assessment Programme (NCAP) rating as set out in paragraphs 3d.37 to 3d.39;
- 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.

3d.52 Once an application has been validated and accepted, the Council will:



- Make enquiries through the Councils adults and childrens social care teams, West Mercia Police (or other relevant force), other local authorities and any other organisation, agency or person that the Council has deemed appropriate to seek information from; and
- Where applicable, write to the referees provided.

3d.53 **NB** For partnerships or companies, the requirements set out in paragraphs 3d.9 to 3d.26 apply to all partners and directors/company secretaries.

3d.54 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.9 to 3d.26 above.

3d.55 Paragraphs 3d.9 to 3d.26 above do not apply to applicants to transfer a vehicle licence onto another vehicle, on a temporary basis, by an accident management company.

3d.56 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. Each application will be decided on its merits. However, there is a presumption that unless an applicant can demonstrate exceptional circumstances the application will be refused. 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 this Policy or compromise public safety if the licence were granted. The applicant will be notified in writing if their application is to be determined at a meeting of the Licensing Panel.

### **MOT requirements<sup>17</sup>**

3d.57 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.

3d.58 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

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<sup>17</sup> The requirement to submit an MOT will be in accordance with section 50 of the Local Government (Miscellaneous Provisions) Act 1976

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.

### **MOT failures and advisories**

3d.59 The Council's position in regards to MOT failures and advisories is as follows:

- Where a vehicle fails an MOT under the category dangerous (do not drive until repaired) defects, DVSA guidance states that this will have a direct and immediate risk which will put passengers and other road users at risk or have a serious impact on the environment. The Council requires all repairs to be undertaken and a new MOT test certificate issued before the vehicle is used as an executive private hire vehicle.
- Where a vehicle fails an MOT under the category major (repair immediately) defects, the Council has a concern for the vehicle safety which may put passengers and other road users at risk or have an impact on the environment. The Council requires all repairs to be undertaken and a new MOT test certificate issued before the vehicle is used as an executive private hire vehicle.

3d.60 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.61 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.

- 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.

3d.62 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.

### **V5 registration certificate**

3d.63 The Council accepts that a full V5 registration certificate in the new owner's name is not always available upon first licence or as part of an application to transfer the licensee; however, the green new keepers slip 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 green new keepers slip.

3d.64 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.65 Where the green section has been produced on first licensing the vehicle or as part of an application to transfer the licensee, 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.66 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 3d.37, the licence will be subject to review at a meeting of the Councils Licensing Panel.

### **Renewal of a licence**

3d.67 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.68 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 process.

### **Renewal application process**

- 3d.69 The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee.
- 3d.70 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.71 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.72 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. When an application is not completed within this timescale the application will be referred to the Licensing Panel for determination where an officer with delegated authority 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.73 Any person wishing to renew a licence for an executive private hire vehicle must:
- Submit a completed application form;
  - Pay the appropriate licence fee;
  - Provide 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;
  - 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 1<sup>st</sup> December 2016 - for additional information see <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>);
  - 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 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;
  - Provide a valid MOT (in accordance with the requirements set out at paragraph 3d.78 below);
  - Provide 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.84 below);

- 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 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.

3d.74 Once an application has been validated and accepted, the Council will:

- Complete an online check of the MOT history for the vehicle; and
- Where applicable, make enquiries through the Councils adults and childrens social care teams, 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.75 **NB** For partnerships or companies, the requirements set out in paragraphs 3d.9 to 3d.26 apply to all partners and directors/company secretaries.

3d.76 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.9 to 3d.26 above.

3d.77 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. Each application will be decided on its merits. However, there is a presumption that unless an applicant can demonstrate exceptional circumstances the application will be refused. 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 this Policy or compromise public safety if the licence were granted. The applicant will be notified in writing if their application is to be determined at a meeting of the Licensing Panel.

### **MOT requirements<sup>18</sup>**

3d.78 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

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<sup>18</sup> 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.

3d.79 The Council will check the MOT history of a licensed vehicle to ensure that the vehicle has not been used to fulfil any executive private hire work on a failed MOT where the vehicle has failed for dangerous (do not drive until repaired) defects or category major (repair immediately) defects.

3d.80 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.

#### **MOT failures and advisories**

3d.81 The Council's position in regards to MOT failures and advisories is as follows:

- Where a vehicle fails an MOT under the category dangerous (do not drive until repaired) defects, DVSA guidance states that this will have a direct and immediate risk which will put passengers and other road users at risk or have a serious impact on the environment. The Council requires all repairs to be undertaken and a new MOT test certificate issued before the vehicle is used as an executive private hire vehicle.
- Where a vehicle fails an MOT under the category major (repair immediately) defects, the Council has a concern for the vehicle safety which may put passengers and other road users at risk or have an impact on the environment. The Council requires all repairs to be undertaken and a new MOT test certificate issued before the vehicle is used as an executive private hire vehicle.

3d.82 Where a proprietor permits a vehicle that has failed an MOT for dangerous (do not drive until repaired) defects, or major (repair immediately) defects, to be used as an executive private hire vehicle, the licence will be referred to the Licensing Panel for review where an officer with delegated authority 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.83 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.84 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.
- 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.

3d.85 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.

## **Vehicle compliance process**

3d.86 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 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, including seating, wheelchair restraint and ramp, will be photographed and the images held on the vehicle record file for future reference);
- 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 to passengers; and
- Where CCTV is fitted, a CCTV operating in this vehicle sign is on display in the vehicle.

3d.87 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.88 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.47 to 3d.53).

3d.89 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, proprietors will be required to provide evidence to demonstrate the damage which has occurred to the vehicle, i.e. insurance assessors report.

3d.90 Where a wheelchair accessible vehicle has sustained sustained structural damage from a road traffic accident resulting in a DVLA classification under Category S – Structural damage (vehicle that has sustained damage after 1 October 2017) or Category C (vehicle has sustained damage, rendering it beyond economical repair, prior to 1 October 2017), 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.

3d.91 Where a wheelchair accessible vehicle has sustained damage that does not affect the validity of the 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), provided any repairs have been made by a garage approved and authorised by the insurance company, the Council will require the proprietor to submit confirmation from the insurance company that the repairs have been completed in accordance with the insurance assessors report and a new MOT certificate (in accordance with the requirements set out at paragraph 3d.78 above) to the Licensing Team before the licence can be transferred back to the original vehicle.

### **Vehicle not fit for the conveyance of passengers**

3d.92 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.93 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.94 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.95 Proprietors must not advertise on executive private hire vehicles.

### **Closed circuit television (CCTV)**

3d.96 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.97 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.98 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.99 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.100 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.101 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.102 In the event that an LPG conversion has been undertaken on a vehicle during a current licensed 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.103 In the case of a conversion that has been undertaken on a vehicle during a current licensed 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.104 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.105 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.106 Paragraphs 3d.107 to 3d.114 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.107 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.108 Inspection**

The proprietor must present their executive private hire vehicle for inspection and testing by the Council as required, up to a maximum of 3 times during any one period of 12 months.

3d.109 The proprietor must provide, on request, the address where the executive private hire vehicle is kept and allow the Council to inspect and test the vehicle at that address.

#### **3d.110 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.111 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.112 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.113 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?
<b>Child up to 3 years</b>	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**
<b>Child from 3<sup>rd</sup> birthday to 12<sup>th</sup> birthday or 135 cm in height whichever they reach first</b>	Correct child restraints must be used	Where seat belts are fitted, the correct child restraint must be used. The child must use a adult belt if the correct child restraint is not available as follows:  in a licensed hackney carriage or private hire vehicle; or  for a short distance in an unexpected necessity; or  two occupied child restraints prevent fitting of a third.  A child 3 years and over may travel unrestrained in the rear seat of a vehicle if seat belts are not fitted in the rear.	Driver**
<b>Child over 135 cm in height or 12 or 13 years old</b>	Seat belt must be worn if available*	Seat belt must be worn if available.	Driver**
<b>Passengers aged 14 years and over</b>	Seat belt must be worn if available*	Seat belt must be worn if available.	Passenger

\*Vehicles built before 1965 are not required to have fitted seatbelts.

**\*\*Drivers must inform parents/carers that the decision to permit children to travel in the vehicle, without the correctly sized seat restraints (as permitted by relevant legislation) and with the obvious risks associated with such an action, remains with the parent/carer responsible for the children and not with the driver of the vehicle.**

**3d.114 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.

#### Business model for novelty private hire vehicles

- 3e.5 Novelty private hire vehicles must only be used for special events, which are defined as the provision of a vehicle or vehicles for events such as but not limited to, weddings, proms, anniversaries, birthdays, stag and hen parties and **not** for 'normal' or general purpose private hire use.
- 3e.6 Bookings taken in respect of clients who require a novelty private hire must require a deposit to be paid for in advance.
- 3e.7 Applicants must be able to demonstrate the vehicle will only be used fulfil the provision of novelty private hire vehicle bookings at special events by:
- Providing written confirmation from their private hire operator that the vehicle will only undertake novelty private hire vehicle work for special events
  - Providing written confirmation that the vehicle will be used solely for novelty private hire vehicle work and not for 'normal' or general private hire use.

#### Applicant

- 3e.8 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 vehicle<sup>19</sup>.

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<sup>19</sup> 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.

## **Fit and proper person**

- 3e.9 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 as set in **Appendix I**.

### **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.10 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.24 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**

- 3e.11 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 adults and childrens social care teams, directly with West Mercia Police (and other relevant police forces, where appropriate), other relevant local authorities (particularly Telford & Wrekin Council and City of Wolverhampton 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.12 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 adults and childrens social care teams, directly with West Mercia Police (and other relevant police forces, where appropriate), other relevant local authorities (particularly Telford & Wrekin Council and City of Wolverhampton 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.13 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.14 In addition, an important element associated with the fitness to hold a licence is the appearance 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.15 It must also be recognised that the Council will consider all relevant 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.16 All unspent 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 unspent convictions and cautions, including driving endorsements (driving convictions) and disqualification periods relating to traffic offences.
- 3e.17 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.18 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.19 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 & Development Office (FCDO) on the GOV.UK website at <https://www.gov.uk/government/world>. The FCDO may be contacted for further assistance by telephone on 020 7008 5000, by email at [fcdo.correspondence@fcdo.gov.uk](mailto:fcdo.correspondence@fcdo.gov.uk) or by post at the FCDO, King Charles Street, London, SW1A 2AH.

- 3e.20 Applicants who have spent three 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.19 above. It is recognised that some countries will not provide a certificate of good conduct unless the individual has been resident for six months or more. Where a relevant Embassy or High Commission refuse to issue a certificate of good conduct, applicants must provide written confirmation from the Embassy of any refusal to the Licensing Team.

#### **Right to work**

- 3e.21 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.
- 3e.22 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>.

#### **Non-conviction information**

- 3e.23 In addition to conviction/caution information, applicants are expected to provide details, within 48 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.24 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.25 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.26 Vehicle licences will be issued for a maximum period of 12 months.

#### **Vehicle licence plates**

- 3e.27 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.28 The Council requires novelty private hire vehicles to comply with the following requirements:

- 3e.29 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)<sup>20</sup>.

- 3e.30 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.31 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; and
- Documentation recording the overall weight of the vehicle (as displayed on the vehicle.)

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<sup>20</sup> <https://www.gov.uk/government/publications/guidance-for-operators-of-stretch-limousines>

3e.32 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.33 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 (NCAP) rating or the requirements set out in paragraphs 3c.28 to 3c.30 of the Standard Private Hire Vehicle section.

3e.34 Applicants considering applying for a novelty private hire vehicle are strongly advised to contact the licensing team in advance of purchasing any vehicle to ensure it is appropriate to be licensed.

### **Safety**

3e.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 the Special Notes section of the V5 registration Certificate.

3c.36 Where a proprietor has notified the Council that a licensed vehicle has sustained structural damage from a road traffic accident resulting in a DVLA classification under Category S – Structural damage (vehicle that has sustained damage after 1 October 2017) or Category C (vehicle has sustained damage, rendering it beyond economical repair, prior to 1 October 2017), 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.

### **List of Designated Wheelchair Accessible Vehicles**

3e.37 Section 167 of the Equality Act 2010 requires all local authorities to maintain a list of designated wheelchair accessible vehicles.

3e.38 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.39 Section 172 of the Equality Act 2010 provides for an appeal to be made against the decision to include a vehicle on the list of designated wheelchair accessible vehicles. Any appeal must be made to the Magistrates Court within 28 days of the vehicle being included on the list.

3e.40 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 designated wheelchair accessible vehicle.

3e.41 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.42 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.43 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.44 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 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 (including fittings that are used to secure wheelchairs to the floor of the vehicle) 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) Where a mechanical ramp is fitted, comply with requirements of the Lifting Operations and Lifting Equipment Regulations 1998;
- (t) Where a non mechanical ramp is fitted, comply with the relevant provisions of the Provision and Use of Work Equipment Regulations 1998; and
- (u) 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.45 The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee.
- 3e.46 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.47 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.48 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. When an application is not completed within this timescale the application will be referred to the Licensing Panel for determination where an officer with delegated authority 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.49 Any person wishing to licence a novelty private hire vehicle must

- Submit a completed application form;
- Submit a completed reference form, unless the applicant is the holder of a hackney carriage and private hire drivers licence or private hire operator licence issued by Shropshire Council (**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 1<sup>st</sup> December 2016 - for additional information see <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>);
- 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 evidence of compliance through the Single Vehicle Approval Scheme (SVA) or Individual Vehicle Approval Scheme (IVA);
- Provide documentation recording the overall weight of the vehicle (as displayed on the vehicle);
- Provide a valid MOT (in accordance with the requirements set out at paragraph 3e.56 below);
- Provide 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.60 below);
- Provide the full V5 registration certificate (note the alternative interim measures outlined in paragraph 3e.62 to 3e.65);
- Where a meter is fitted, provide a valid certificate/report to confirm the vehicle is fitted with a taximeter in accordance with the requirements set out at paragraph 3e.55 below;
- 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.

3e.50 Once an application has been validated and accepted, the Council will:

- Make enquiries through the Councils adults and childrens social care teams, West Mercia Police (or other relevant force), other local authorities and any other organisation, agency or person that the Council has deemed appropriate to seek information from; and
- Where applicable, write to the referees provided

3e.51 **NB** For partnerships or companies, the requirements set out in paragraphs 3e.8 to 3e.25 apply to all partners and directors/company secretaries.

3e.52 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.8 to 3e.25 above.

3e.53 Paragraphs 3e.8 to 3e.25 above do not apply to applicants to transfer a vehicle licence onto another vehicle, on a temporary basis, by an accident management company.

3e.54 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. Each application will be decided on its merits. However, there is a presumption that unless an applicant can demonstrate exceptional circumstances the application will be refused. 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 this Policy or compromise public safety if the licence were granted. The applicant will be notified in writing if their application is to be determined at a meeting of the Licensing Panel.

### **Taximeters**

3e.55 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 requirements<sup>21</sup>**

3e.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 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.

3e.57 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.

### **MOT failures and advisories**

3e.58 The Council's position in regards to MOT failures and advisories is as follows:

- Where a vehicle fails an MOT under the category dangerous (do not drive until repaired) defects, DVSA guidance states that this will have a direct and immediate risk which will put passengers and other road users at risk or have a serious impact on the environment. The Council requires all repairs to be undertaken and a new MOT test certificate issued before the vehicle is used as a novelty private hire vehicle.

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<sup>21</sup> The requirement to submit an MOT will be in accordance with section 50 of the Local Government (Miscellaneous Provisions) Act 1976

- Where a vehicle fails an MOT under the category major (repair immediately) defects, the Council has a concern for the vehicle safety which may put passengers and other road users at risk or have an impact on the environment. The Council requires all repairs to be undertaken and a new MOT test certificate issued before the vehicle is used as a novelty private hire vehicle.

3e.59 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.60 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.
- 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.

3e.61 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.

### **V5 registration certificate**

3e.62 The Council accepts that a full V5 registration certificate in the new owner’s name is not always available upon first licence or as part of an application to transfer the licensee; however, the green new keepers slip 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 green new keepers slip.

- 3e.63 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.64 Where the green section has been produced on first licensing the vehicle or as part of an application to transfer the licensee, 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.65 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 3e.35, the licence will be subject to review at a meeting of the Councils Licensing Panel.

### **Renewal of a licence**

- 3e.66 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.67 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 process.

### **Renewal application process**

- 3e.68 The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee.
- 3e.69 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.70 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.71 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. When an application is not completed within this timescale the application will be referred to the Licensing Panel for determination where an officer with delegated authority 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.72 Any person wishing to renew a licence for a novelty private hire vehicle must:

- Submit a completed application form;
- 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 1<sup>st</sup> December 2016 - for additional information see <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>);
- 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 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;
- Provide a valid MOT (in accordance with the requirements set out at paragraph 3e.77 below);
- Provide 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.83 below);
- 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.

3e.73 Once an application has been validated and accepted, the Council will:

- Complete an online check of the MOT history for the vehicle; and

- Where applicable, make enquiries through the Councils adults and childrens social care teams, 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.74 **NB** For partnerships or companies, the requirements set out in paragraphs 3e.8 to 3e.25 apply to all partners and directors/company secretaries.

3e.75 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.8 to 3e.25 above.

3e.76 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. Each application will be decided on its merits. However, there is a presumption that unless an applicant can demonstrate exceptional circumstances the application will be refused. 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 this Policy or compromise public safety if the licence were granted. The applicant will be notified in writing if their application is to be determined at a meeting of the Licensing Panel.

### **MOT requirements<sup>22</sup>**

3e.77 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.

3e.78 The Council will check the MOT history of a licensed vehicle to ensure that the vehicle has not been used to fulfil any novelty private hire work on a failed MOT where the vehicle has failed for dangerous (do not drive until repaired) defects or category major (repair immediately) defects.

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<sup>22</sup> The requirement to submit an MOT will be in accordance with section 50 of the Local Government (Miscellaneous Provisions) Act 1976

3e.79 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.

#### **MOT failures and advisories**

3e.80 The Council's position in regards to MOT failures and advisories is as follows:

- Where a vehicle fails an MOT under the category dangerous (do not drive until repaired) defects, DVSA guidance states that this will have a direct and immediate risk which will put passengers and other road users at risk or have a serious impact on the environment. The Council requires all repairs to be undertaken and a new MOT test certificate issued before the vehicle is used as a novelty private hire vehicle.
- Where a vehicle fails an MOT under the category major (repair immediately) defects, the Council has a concern for the vehicle safety which may put passengers and other road users at risk or have an impact on the environment. The Council requires all repairs to be undertaken and a new MOT test certificate issued before the vehicle is used as a novelty private hire vehicle.

3e.81 Where a proprietor permits a vehicle that has failed an MOT for dangerous (do not drive until repaired) defects, or major (repair immediately) defects, to be used as a novelty private hire vehicle, the licence will be referred to the Licensing Panel for review where an officer with delegated authority 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.82 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.83 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.
- 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.

3e.84 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.

### **Vehicle compliance process**

3e.85 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 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, including seating, wheelchair restraint and ramp, will be photographed and the images held on the vehicle record file for future reference);
- 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.55;
- 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 to passengers;
- Where CCTV is fitted, a CCTV operating in this vehicle sign is on display in the vehicle.

3e.86 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.87 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.45 to 3e.51).
- 3e.88 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, proprietors will be required to provide evidence to demonstrate the damage which has occurred to the vehicle, i.e. insurance assessors report.
- 3e.89 Where a vehicle has sustained sustained structural damage from a road traffic accident resulting in a DVLA classification under Category S – Structural damage (vehicle that has sustained damage after 1 October 2017) or Category C (vehicle has sustained damage, rendering it beyond economical repair, prior to 1 October 2017), 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.
- 3e.90 Where a wheelchair accessible vehicle has sustained damage that does not affect the validity of the 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), provided any repairs have been made by a garage approved and authorised by the insurance company, the Council will require the proprietor to submit confirmation from the insurance company that the repairs have been completed in accordance with the insurance assessors report and a new MOT certificate (in accordance with the requirements set out at paragraph 3e.77 above) to the Licensing Team before the licence can be transferred back to the original vehicle.

### **Vehicle not fit for the conveyance of passengers**

- 3e.91 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.92 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.93 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.94 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.95 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.96 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.97 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.

## **Parking/waiting**

- 3e.98 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.99 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.100 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.101 In the event that an LPG conversion has been undertaken on a vehicle during a current licensed 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.102 In the case of a conversion that has been undertaken on a vehicle during a current licensed 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.103 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.104 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.105 Paragraphs 3e.105 to 3e.113 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.106 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.107 Inspection

The proprietor must present their private hire vehicle for inspection and testing by the Council as required, up to a maximum of 3 times during any one period of 12 months.

3e.108 The proprietor must provide, on request, the address where the private hire vehicle is kept and allow the Council to inspect and test the vehicle at that address.

#### 3e.109 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.110 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.111 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.112 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?
<b>Child up to 3 years</b>	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**
<b>Child from 3<sup>rd</sup> birthday to 12<sup>th</sup> birthday or 135 cm in height whichever they reach first</b>	Correct child restraints must be used	Where seat belts are fitted, the correct child restraint must be used. The child must use a adult belt if the correct child restraint is not available as follows:  in a licensed hackney carriage or private hire vehicle; or  for a short distance in an unexpected necessity; or  two occupied child restraints prevent fitting of a third.  A child 3 years and over may travel unrestrained in the rear seat of a vehicle if seat belts are not fitted in the rear.	Driver**
<b>Child over 135 cm in height or 12 or 13 years old</b>	Seat belt must be worn if available*	Seat belt must be worn if available.	Driver**
<b>Passengers aged 14 years and over</b>	Seat belt must be worn if available*	Seat belt must be worn if available.	Passenger

\*Vehicles built before 1965 are not required to have fitted seatbelts.

\*\*Drivers must inform parents/carers that the decision to permit children to travel in the vehicle, without the correctly sized seat restraints (as permitted by relevant legislation) and with the obvious risks associated with such an action, remains with the parent/carer responsible for the children and not with the driver of the vehicle.

### 3e.113 Ranks/stands

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

**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 as set in **Appendix I**.

**Applicants for a private hire operator licence who hold a valid Shropshire Council hackney carriage/private hire drivers licence**

- 3f.4 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.24 of the Policy.

**Applicants for a private hire operator licence who do not hold a valid Shropshire Council hackney carriage/private hire drivers licence**

- 3f.5 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 adults and childrens social care teams, directly with West Mercia Police (and other relevant police forces, where appropriate), other relevant local authorities (particularly Telford & Wrekin Council and City of Wolverhampton 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.6 Once a licence has been granted an operator will be required to provide a basic disclosure for all partners, directors/company secretaries on an annual basis, unless the partner, directors/company secretary is a hackney carriage and private hire driver licensed by the Council.

- 3f.7 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 adults and childrens social care teams, directly with West Mercia Police (and other relevant police forces, where appropriate), other relevant local authorities (particularly Telford & Wrekin Council and City of Wolverhampton 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.8 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.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 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.10 It must also be recognised that the Council will consider all relevant 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.11 All unspent 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 unspent convictions and cautions, including driving endorsements (driving convictions) and disqualification periods relating to traffic offences.

- 3f.12 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.13 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.14 Persons who have not been resident within the United Kingdom for the five years prior to submitting an application, will be required to produce a certificate of good conduct or equivalent document (at their own cost) issued by the relevant Embassy or High Commission. The certificate must be authenticated, translated and sealed by the Embassy or High Commission. In the event that an applicant is not able to obtain a certificate of good conduct, they may submit a statutory declaration with regard to their conduct, which must be completed in the presence of a practising solicitor. The Council may contact the relevant Embassy, High Commission, solicitor or other appropriate body to verify any documents provided. Contact details for Embassies and High Commissions can be found from the Foreign, Commonwealth & Development Office (FCDO) on the GOV.UK website at <https://www.gov.uk/government/world>. The FCDO may be contacted for further assistance by telephone on 020 7008 5000, by email at [fcdo.correspondence@fcdo.gov.uk](mailto:fcdo.correspondence@fcdo.gov.uk) or by post at the FCDO, King Charles Street, London, SW1A 2AH.
- 3f.15 Applicants who have spent three 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.14 above. It is recognised that some countries will not provide a certificate of good conduct unless the individual has been resident for six months or more. Where a relevant Embassy or High Commission refuse to issue a certificate of good conduct, applicants must provide written confirmation from the Embassy of any refusal to the Licensing Team.

### **Right to work**

- 3f.16 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.17 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>.

#### **HMRC tax check**

- 3f.18 The Finance Bill 2021 introduced new tax check requirements for applicants for a private hire operators drivers licence. For further information see:  
<https://www.gov.uk/guidance/complete-a-tax-check-for-a-taxi-private-hire-or-scrap-metal-licence>.
- 3f.19 With effect from 4 April 2022, new applicants for a private hire operators licence, if applying for a licence for the first time, will be required to read HMRC guidance on their responsibilities and will be required to confirm via the application process that this has been done.
- 3f.20 Applicants applying to renew a private hire operators licence or new applicants that hold, or have held, a similar licence within the previous 12 months, will be subject to a tax check to demonstrate that they are registered for tax.

#### **Non-conviction information**

- 3f.21 In addition to conviction/caution information, applicants are expected to provide details, within 48 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.22 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.23 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.24 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.25 Operators are encouraged to ensure that executive drivers undertake an advanced motoring qualification.

### **Use of executive private hire vehicles**

3f.26 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.

3f.27 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.

3f.28 Bookings taken in respect of clients who require an executive private hire must be paid for on account. No payment can be made to the driver of the vehicle at time of hiring.

3f.29 Operators must be able to demonstrate the vehicle will be used for executive service by providing written confirmation that the vehicle will only undertake executive service.

### **New application process**

3f.30 The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee.

3f.31 The full fee for the licence is payable at the time the application is submitted.

3f.32 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.33 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. When an application is not

completed within this timescale the application will be referred to the Licensing Panel for determination where an officer with delegated authority will consider each case on its own individual merits and will determine what action is appropriate and proportionate to the circumstances of the case.

3f.34 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);
- Submit a completed reference form, unless the applicant is the holder of a hackney carriage and private hire drivers licence or private hire operator licence issued by Shropshire Council (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 (where the application relates to a partnership or a company, the evidence must be provided for all partners, directors/company secretaries, as appropriate – for additional information see <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>);
- 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 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 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 safeguarding and disability awareness course, unless the nominated DP is the holder of a hackney carriage and private hire drivers licence issued by Shropshire Council and has completed the Council's safeguarding and disability awareness course in the previous two years;
- Provide a business plan/model; a business plan/model should include, but is not restricted to, a description of your business, premises location plan, competitive environment, a marketing plan, information on how you intend to grow/sustain the business and any other relevant information about how you will operate as a business;
- Provide a policy on employing ex-offenders which meets the requirements set out in Appendix G, paragraphs 1.6 to 1.8; and
- Provide the proposed company advertisements (branding/logo).

3f.35 Once an application has been validated and accepted, the Council will:

- Make enquiries through the Councils adults and childrens social care teams, 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;
- Where applicable, write to the referees provided;
- Arrange an inspection of the operators business premises; and
- Where applicable, complete an online tax registration check.

3f.36 **NB** For partnerships or companies, the requirements set out in paragraphs 3f.2 to 3f.23 apply to all partners and directors/company secretaries.

3f.37 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. Each application will be decided on its merits. However, there is a presumption that unless an applicant can demonstrate exceptional circumstances the application will be refused. 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 this Policy or compromise public safety if the licence were granted. The applicant will be notified in writing if their application is to be determined at a meeting of the Licensing Panel.

#### **Renewal of a licence**

3f.38 To allow the operators 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 take any bookings for, or dispatch any, private hire vehicles in these circumstances.

3f.39 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 private hire operators licence application which will be processed in accordance with the Council's new application procedures.

#### **Renewal application process**

3f.40 The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee.

3f.41 The full fee for the licence is payable at the time the application is submitted.



3f.42 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.43 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. When an application is not completed within this timescale the application will be referred to the Licensing Panel for determination where an officer with delegated authority will consider each case on its own individual merits and will determine what action is appropriate and proportionate to the circumstances of the case.

3f.44 Any person (including a sole trader, partnership or company) wishing to renew a private hire operator licence 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);
- Pay the appropriate licence fee;
- Provide 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 – for additional information see <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>);
- 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 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 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 safeguarding and disability awareness course;
- Provide a list of the vehicles and drivers which they operate; and
- Provide a policy on employing ex-offenders which meets the requirements set out in Appendix G, paragraphs 1.6 to 1.8.

3f.45 Once an application has been validated and accepted, the Council will:

- Make enquiries through the Councils adults and childrens social care teams, 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;
- Arrange an inspection of the operators business premises; and
- Complete an online tax registration check.

3f.46 **NB** For partnerships or companies, the requirements set out in paragraphs 3f.2 to 3f.23 apply to all partners and directors/company secretaries.

3f.47 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. Each application will be decided on its merits. However, there is a presumption that unless an applicant can demonstrate exceptional circumstances the application will be refused. 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 this Policy or compromise public safety if the licence were granted. The applicant will be notified in writing if their application is to be determined at a meeting of the Licensing Panel.

### **Contracting of private hire drivers and employment of other staff**

3f.48 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.49 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.24 of this Policy.

3f.50 An operator must take all reasonable, appropriate and robust steps to reduce to a minimum the risk of allowing any involvement in the licensed operation any person who may be working in 'regulated activity' as defined by the Safeguarding Vulnerable Groups Act 2006. It is an offence for an operator to knowingly allow a barred individual to work in regulated activity.

3f.51 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.52 An operator is responsible for ensuring that all new managers, office based administrative and telephony staff and agency staff<sup>23</sup> 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 set out in **Appendix I**.
- 3f.53 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 three 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. It is recognised that some countries will not provide a certificate of good conduct unless the individual has been resident for six months or more. Where a relevant Embassy or High Commission refuse to issue a certificate of good conduct, written confirmation from the Embassy of any refusal must be provided to the operator.
- 3f.54 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.55 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.56 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, young persons and adults (including those with care and support needs) related exploitation (including sexual exploitation), hate crime, equalities, in particular as it relates to disabilities, and modern day slavery and trafficking.
- 3f.57 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.58 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.59 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

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<sup>23</sup> Operators are responsible for ensuring that the agency has undertaken the necessary checks to satisfy the requirements of 3f.52

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.60 Operators must have a suitably trained Designated Person (DP) with specific responsibility for safeguarding and promoting matters of equality, through relevant policies.

3f.61 The DP is responsible for ensuring:

- That they are available to receive any matters of concern which may relate to the safety of children, young persons and adults (including those with care and support needs);
- A record is maintained of all matters of concern received and the action taken;
- That they actively promote equalities in general and specifically in relation to hate crime and disability matters; and
- That any matters of concern reported to them are forwarded to the relevant authorities.

3f.62 Operators must ensure that the DP completes the Council's hackney carriage and private hire drivers and operators safeguarding and disability awareness course.

3f.63 Unless the DP is the holder of a hackney carriage and private hire drivers licence issued by Shropshire Council and required to complete the training as part of the driver application process, operators are responsible for ensuring that the DP satisfactorily completes a safeguarding and disability awareness course every two years.

3f.64 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 and disability awareness course within six weeks of commencement in the role of DP, unless the new DP is the holder of a hackney carriage and private hire drivers licence issued by Shropshire Council and required to complete the training as part of the driver application process.

3f.65 Failure to complete this training, in accordance with the requirements of paragraphs 3f.62 to 3f.64 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 a meeting of 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**

3f.66 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.

3f.67 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.

- 3f.68 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.
- 3f.69 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.

### **Advertising**

- 3f.70 Operators 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.
- 3f.71 Operators are encouraged to ensure that any private hire vehicle being dispatched by them displays the operator's name and/or trade name, as approved by the Council.
- 3f.72 Any advertising of the operators business must be approved in writing by the Council and artwork should be submitted with the application. The advertisement must not contain any political, racial, cultural, sexual or potentially offensive language, symbols, flags or emblems.

### **Operator premises**

- 3f.73 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.74 The Council will only grant operator licences applicable to the physical premises from which the operator business will be run.
- 3f.75 The Council will not grant an operator licence to apply to any physical premises that falls outside the administrative area of Shropshire Council.
- 3f.76 All requests to transfer the business address to a new premises will be treated as a new private hire operator application (in accordance with the requirements set out at paragraphs 3f.30 to 3f.36).

**NB** An operator is not permitted to take bookings at or to dispatch vehicle from the new premises until the application has been processed and a licence granted.

- 3f.77 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.

### **Insurance**

- 3f.78 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.79 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.80 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.81 The Council is concerned to ensure the safety and protection of consumers.

3f.82 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.83 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.84 Operators must keep records in accordance with the conditions attached to their licence. The conditions of licence as detailed in **Appendix G**, paragraphs 1.56 to 1.58 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 1.47 to 1.58 still apply.

3f.85 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.86 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.87 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.88 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.

### **Disabled passengers: Operator requirements**

3f.89 Operators have a responsibility to ensure that any Shropshire Council licensed driver is made aware of their duties in respect of carrying disabled persons where:

- The hackney carriage or private hire vehicle is not included on a list of designated wheelchair accessible vehicles and where the passenger is disabled, including wheelchair users (with the assumption that the wheelchair user transfers to a passenger seat to travel);
- The hackney carriage or private hire vehicle is included on the list of designated wheelchair accessible vehicles and where the passenger is disabled but not in a wheelchair; and that
- Failure to comply with those duties is a criminal offence under section 164A of the Equality Act 2010.

### **Disabled passengers - Assistance to identify and find vehicle: Operator requirements**

3f.90 Operators have a responsibility to ensure that appropriate questions are asked at the booking stage as to whether a passenger requires assistance and, if so, what form of assistance is required, for example, asking questions about the size of any wheelchair so that an appropriate sized vehicle can be allocated to the booking.

3f.91 Operators should not attempt to identify a persons impairment or disability, only what type of assistance the driver needs to provide in order for the passenger to board, travel in and alight from the vehicle in safety and reasonable comfort.

3f.92 Operators have a responsibility to ensure that all relevant information is passed on the driver at the point of allocation of the booking and prior to commencement of the journey.

### **Disabled passengers in wheelchairs: Operator requirements**

3f.93 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 designated wheelchair accessible vehicle and failure to comply with those duties is a criminal offence under section 165 of the Equality Act 2010.

### **List of Designated Wheelchair Accessible Vehicles**

3f.94 Section 167 of the Equality Act 2010 requires all local authorities to maintain a list of designated wheelchair accessible vehicles.

3f.95 All wheelchair accessible vehicles will be included within the Council's list of designated wheelchair accessible vehicles, unless the vehicle has been subject to a successful appeal against the decision to be included on the list.

3f.96 The list will contain details of the make and model of the vehicle and will state the operator name.

## Licence conditions

3f.97 Applicable conditions relevant to a private hire operator licence are set out at **Appendix G**. These conditions must be complied with.

## Main legal requirements

**3f.98 Paragraphs 3f.99 to 3f.102 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.99 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.100 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.101 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.102 Transporting children

As a minimum, operators must ensure the vehicles they operate are capable of complying with the requirements set out in the table below, 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?
<b>Child up to 3 years</b>	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**
<b>Child from 3<sup>rd</sup> birthday to 12<sup>th</sup> birthday or 135 cm in height whichever they reach first</b>	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.	Driver**



		A child 3 years and over may travel unrestrained in the rear seat of a vehicle if seat belts are not fitted in the rear.	
<b>Child over 135 cm in height or 12 or 13 years old</b>	Seat belt must be worn if available*	Seat belt must be worn if available.	Driver**
<b>Passengers aged 14 years and over</b>	Seat belt must be worn if available*	Seat belt must be worn if available.	Passenger

\*Vehicles built before 1965 are not required to have fitted seatbelts.

\*\*Drivers must inform parents/carers that the decision to permit children to travel in the vehicle, without the correctly sized seat restraints (as permitted by relevant legislation) and with the obvious risks associated with such an action, remains with the parent/carer responsible for the children and not with the driver of the vehicle.

# **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 this Policy, 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 City of Wolverhampton 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 City of Wolverhampton Council, when dealing with licensed and unlicensed vehicles and drivers, particularly concerning cross-boundary related issues.
- 4.3 If the Council receives information in relation to any safeguarding or road safety concerns about a hackney carriage or private hire driver who is licensed by another licensing authority, the relevant information will be shared with that authority.
- 4.4 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

- 4.5 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.
- 4.6 Individuals or persons wishing to make a complaint relating to the service provided by the hackney carriage and/or private hire trade can do so by contacting the Licensing Team:

Website: <http://shropshire.gov.uk/licensing/licensing-types/taxis/>

Email: [taxis@shropshire.gov.uk](mailto:taxis@shropshire.gov.uk)

Tel: 0345 678 9046

Address: Licensing, Business and Consumer Protection, Shropshire Council, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

# **PART 5**

# **CONSULTATION**

## PART 5 – CONSULTATION

1.0 Members of the public were invited to put forward their comments to the proposed policy document during a series of consultation periods. In addition, consultation was undertaken with the following stakeholders and partners:

- Hackney carriage and private hire drivers, proprietors and operators
- 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 (which includes Telford & Wrekin Council and City of Wolverhampton Council)
- Regional Taxi Licensing Forum
- Local Business Board
- Business Improvement District (BID)
- Chamber of Commerce
- Federation of Small Businesses
- Campaign for Better Transport
- Shropshire Town and Parish Councils
- Team Shrewsbury
- Shropshire Council Regulatory Services and Trading Standards & Licensing managers
- Shropshire Council Passenger Transport Team
- Director of Public Health
- Assistant Director of Homes and Communities

# **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  
Business and Consumer Protection  
Shropshire Council  
Shirehall  
Abbey Foregate  
Shrewsbury  
Shropshire  
SY2 6ND

Tel: 0345 678 9046

Email: [taxis@shropshire.gov.uk](mailto:taxis@shropshire.gov.uk)

Website: <http://shropshire.gov.uk/licensing/licensing-types/taxis/>

### Licence Fee Payments

- 6.1 Payments for licensing related fees can be made:

- Telephone: 0345 678 9046
- Online: <https://www.shropshire.gov.uk/pay/>



# APPENDICES

**APPENDIX A**

**SAFEGUARDING OF  
CHILDREN, YOUNG  
PERSONS AND  
ADULTS (INCLUDING  
THOSE WITH CARE  
AND SUPPORT  
NEEDS)**

## **SAFEGUARDING OF CHILDREN, YOUNG PEOPLE AND ADULTS (INCLUDING THOSE 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 (including those with care and support needs), particularly as it relates to exploitation, which includes sexual exploitation, criminal exploitation, modern slavery (including human trafficking), financial exploitation and radicalisation, as well as other forms of abuse, such as neglect, emotional abuse, sexual abuse, physical abuse etc.

### **General information**

- 1.1 Shropshire Council's Licensing Service is helping to tackle exploitation and abuse by working together with key partners, particularly West Mercia Police, Children's and Adult Services within the Council and the Shropshire Safeguarding Community Partnership<sup>24</sup>. The Partnership also works with the police, children's and adults social care, schools, health services and the youth offending team, as well as specialist child exploitation organisations such as the National Working Group (NWG) Network.
- 1.2 Through agencies working together and sharing information, we aim to identify and prevent exploitation and abuse to protect children, young people and adults (including those with care and support needs) and disrupt the activities in order to prosecute perpetrators of abuse.
- 1.3 Intelligence about perpetrators and locations of concern is crucial to help build up a picture of exploitation and abuse in Shropshire. This allows West Mercia Police and Children's and Adult Services to work together to safeguard children, young people and adults (including those with care and support needs) and make our communities a safer place to live.

### **Definition of a child or young person**

- 1.4 A child is defined as anyone who has not yet reached their 18th birthday. A young person is a child who is aged 14 or over but not yet reached their 18th birthday

### **Definition of an adult with care and support needs**

- 1.5 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.

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<sup>24</sup> Further information about Shropshire's Safeguarding Community Partnership can be found at: <http://www.safeguardingshropshireschildren.org.uk/>

## **Exploitation**

- 1.6 Exploitation is a form of abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child, young person or adult (including those with care and support needs) into any activity that results in financial or other advantage for the perpetrator or facilitator. Specific types of exploitation include sexual exploitation, criminal exploitation, modern slavery (including human trafficking), financial exploitation and radicalisation.
- 1.7 Multiple types of exploitation can occur alongside one another or as part of other forms of abuse.
- 1.8 The child, young person or adult (including those with care and support needs) may still be exploited even if the activities that they are engaging in appear consensual.
- 1.9 Exploitation is a crime that can affect any child, young person or adult (including those with care and support needs) anytime, anywhere – regardless of their social or ethnic background.

## **Child criminal exploitation**

- 1.10 Child criminal exploitation (CCE) is common in county lines and occurs where an individual or group takes advantage of an imbalance of power to coerce, control, manipulate or deceive a child or young person under the age of 18 into any criminal activity:
- in exchange for something the child or young person needs or wants; and/or
  - for the financial or other advantage of the perpetrator or facilitator (such as to support serious crime and/or terrorism); and/or
  - through violence or the threat of violence to ensure compliance.
- 1.11 The child or young person may have been criminally exploited even if the activity appears consensual. Child criminal exploitation does not always involve physical contact; it can also occur through the use of technology.
- 1.12 Criminal exploitation of children or young people could include being forced to work on cannabis farms, coerced into moving drugs across the country, made to beg, shoplift or pickpocket, made to threaten others, etc.

## **Child sexual exploitation**

- 1.13 Child sexual exploitation (CSE) is a form of sexual abuse where an individual or a group of people takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person into sexual activity:
- in exchange for something the child or young person needs or wants, including necessities such as food, shelter, alcohol, drugs, money, affection or protection; and/or
  - for the financial advantage or increased status of the perpetrator or facilitator; and/or

- where an individual has felt frightened of the consequences if they refuse (coercion).
- 1.14 Child sexual exploitation involves perpetrators grooming youngsters into thinking they are in an intimate relationship, leading the child or young person to feel safe and protected if they engage in sexual acts.
- 1.15 The child or young person may have been sexually exploited even if the activity appears consensual. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology.

### **Modern slavery**

- 1.16 Modern slavery is a crime and a violation of fundamental human rights and can take various forms such as human trafficking, slavery, servitude, forced and compulsory labour.
- 1.17 Victims are forced, threatened or deceived into situations of subjugation, degradation and control which undermine their personal identity and sense of self.
- 1.18 If you notice 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, this could be a sign of modern slavery. Report something suspicious you spot to the police or other authorities.

### **How hackney carriage and private hire vehicle drivers and private hire operators and vehicle proprietors can help tackle exploitation and abuse**

- 1.19 Safeguarding children, young people and adults (including those with care and support needs) is everyone's business and everyone's responsibility.
- 1.20 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 exploitation and abuse because, through the transport services they provide, drivers, operators and vehicle proprietors regularly come into contact with children, young persons and adults (including those 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.
- 1.21 In particular, drivers, proprietors and operators should ask themselves the following questions when picking up a fare or accepting a booking where they suspect the passenger may be a victim of exploitation or abuse:
- Does your customer appear to be under 18 years old?
  - Who made the booking on behalf of the customer?
  - 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 or adults (including those with care and support needs) being taken regularly to the same localities? If so, ask yourself why?
- 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?
- Has the customer told you they are having difficulties with someone else?
- Has the customer told you they are worried about someone?
- Has the customer told you they have hurt a person?
- Has the customer told you something they have seen or heard?
- Do you know something that causes concern about someone else's welfare?
- Have you seen worrying behaviour towards someone?

**1.22 If the answers to any of the questions above gives you even the slightest cause for concern, these concerns should be reported.**

**1.23 If you have reason to suspect that a child or young person is being exploited 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).**

**1.24 If you have reason to suspect that an adult is being exploited or at risk of abuse it is your responsibility to report your concerns to and share information with West Mercia Police (Tel: 101).**

**1.25 Where these concerns relate to an adult with care and support needs who lives in the administrative area of Shropshire Council, it is your responsibility to contact the First Point of Contact team on 0345 678 9044, Monday to Thursday 9am to 5pm, and Friday 9am to 4pm. If you have an adult safeguarding concern outside of these hours, please phone the Emergency Social Work Duty Team on 0345 678 9040.**

**1.26 In an emergency contact the police (999) or non-emergency 101.**

**1.27 When picking up a fare or accepting a booking drivers, proprietors and operators should ask themselves the following questions where they suspect the passenger may be a victim of modern slavery:**

- 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?

**1.28** If the answers to any of the questions above gives you even the slightest cause for concern, these concerns should be reported.

**1.29** 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.

**1.30** Call the Modern Slavery Helpline on 0800 0121 700

**1.31** For **England and Wales**, you can call the **24-hour confidential referral helpline** on **0800 808 3733** 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 48 hours, if:
- They receive any warnings, cautions, community resolutions, fixed penalties or driving endorsements (driving convictions);
  - They are arrested (whether or not charged with an offence);
  - They are charged with any criminal offence (includes driving/motoring offences);
  - They 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 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 issue date, as stated on the DBS certificate.
- 1.8 Drivers must evidence continuous registration to the DBS Update Service throughout the currency of the licence.

#### **Travelling abroad**

- 1.9 Applicants must notify the Council when it is their intention to reside outside of the United Kingdom for three continuous months or more prior to travel.
- 1.10 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 three continuous months or more.
- 1.11 Applicants who have spent three 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. It is recognised that some countries will not provide a certificate of good conduct unless the individual has been resident for six months or more. Where a relevant Embassy or High Commission refuse to issue a certificate of good conduct, applicants must provide written confirmation from the Embassy of any refusal to the Licensing Team.

#### **Driver's badge and licence**

- 1.12 Drivers must display the 'Vehicle Copy' 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 passengers.
- 1.13 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**

- 1.14 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**

- 1.15 It is the responsibility of a driver with a drivers licence to ensure they are correctly insured to drive the vehicle.

## **Conduct**

- 1.16 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.
  - 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.

1.17 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.
- Carry any unessential items in the boot of the vehicle or the passenger seating area which would prevent a wheelchair or mobility aid from being stowed there or prevent a wheelchair user from travelling while seating in their wheelchair.
- Touch a wheelchair or mobility aid or seek to provide physical assistance to a passenger unless the passenger has given them permission to do so.
- 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**

1.18 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, e.g. via their radio or mobile telephone.

#### **Disabled passengers: Duties of drivers**

1.19 The driver **MUST**, at all times when working as a hackney carriage and private hire driver, unless the vehicle being driven is a designated wheelchair accessible vehicle whereby the driver is subject to the requirements of condition 1.23 below:

- Carry the passenger;

- If the passenger is in, or has with them a wheelchair, to carry the wheelchair;
- If the passenger has with them any mobility aids, to carry the mobility aids;
- Take such steps as are reasonable to ensure that the passenger is carried in safety and reasonable comfort; and
- Provide reasonable levels of mobility assistance, which includes but is not restricted to enabling the passenger to get into or out of the vehicle, to load the passenger's luggage, wheelchair or mobility aids into or out of the vehicle.

1.20 The driver **MUST NOT**, at all times when working as a hackney carriage and private hire driver:

- Refuse hires unless it would not be possible or reasonable for the wheelchair or mobility aids to be carried safely in the vehicle.
- Refuse hires unless the driver would not have reasonably known that the passenger was disabled or that the passenger required mobility assistance.

**Disabled passengers: assistance to identify and find vehicle**

1.21 The driver **MUST**, at all times when working as a hackney carriage and private hire driver, where the driver has been made aware that the passenger requires assistance to identify or find their vehicle:

- Take such steps as are reasonable to assist the passenger to identify and find the vehicle that has been pre-booked.

1.22 The driver **MUST NOT**, at all times when working as a hackney carriage and private hire driver:

- Make, or propose to make, any additional charge for complying with the duty listed in condition 1.19 above

**Disabled passengers in wheelchairs: Duties of drivers of designated wheelchair accessible vehicles**

1.23 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
- Ensure that the wheelchair is positioned in such a way so that the wheelchair user is facing towards the front or rear of the vehicle
- Carry the passenger's wheelchair if the wheelchair user chooses to sit in a passenger seat during the journey
- If the passenger has with them any mobility aids, to carry the mobility aids
- 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 wheelchair user, 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, to load the passenger's luggage or mobility aids into or out of the vehicle and if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle

- 1.24 The driver MUST NOT, at all times when working as a hackney carriage and private hire driver and driving a designated wheelchair accessible vehicle:
- Make, or propose to make, any additional charge for complying with a duty listed in condition 1.23 above
  - Refuse hires from wheelchair users unless it would not be possible or reasonable for the wheelchair or mobility aids to be carried safely in the vehicle

### **Animals**

- 1.25 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.
- 1.26 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.
- 1.27 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**

- 1.28 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 2023-2027, every 5 years from the age of 45 or sooner if stipulated by the examining doctor or required by an officer with delegated authority or Licensing and Safety Sub-committee.
- 1.29 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 an officer with delegated authority or Licensing and Safety Sub-committee.
- 1.30 Drivers who have a condition identified within the DVLA publication 'Assessing fitness to drive – a guide for medical professionals' as requiring an annual review, are required to provide a satisfactory medical report and certificate on an annual basis.
- 1.31 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 licensed driver.

### **Medical exemption**

- 1.32 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**

- 1.33 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, change of phone number, change of email 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. The photo card licence and/or where applicable the paper counterpart 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**

- 1.34 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.
- 1.35 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**

- 1.36 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.104 of Shropshire Councils Hackney Carriage and Private Hire Licensing Policy 2023-2027 for details)

### **Lost property**

- 1.37 After fare paying passengers have alighted from the licensed vehicle, the driver must, as soon as is practicable, search the vehicle for any property which may have been left.
- 1.38 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, in accordance with the operators lost property policy.

### **Parking between bookings**

- 1.39 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.

### **Meters**

- 1.40 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).

- 1.41 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**

- 1.42 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.
- 1.43 The driver must, if requested by a fare paying passenger, provide a written receipt for any fare paid.



### **Identification plates**

- 1.44 Drivers must not cause or suffer any vehicle plate to be concealed from public view whilst the vehicle is licensed.

### **Condition of vehicle**

- 1.45 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**

- 1.46 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**

- 1.47 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, young persons and adults (including those with care and support needs)**

- 1.48 Where a driver has concerns that could relate to the safety of children, young persons and adults (including those 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**

- 1.49 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.

**APPENDIX C**

**HACKNEY CARRIAGE  
LICENCE**

**CONDITIONS OF  
LICENCE**

**HACKNEY CARRIAGE VEHICLE LICENCE - CONDITIONS OF LICENCE****General**

- 1.0 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**

- 1.1 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.

**Convictions**

- 1.2 The proprietor or where the proprietor is a partnership or a company, all partners or directors/company secretaries, as appropriate, during the currency of the licence must, within 48 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.

**Drivers who may lawfully drive a hackney carriage**

- 1.3 The proprietor of a licensed hackney carriage must ensure that only drivers 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.
- 1.6 The proprietor must provide a copy of the amended V5 registration certificate to the Council within 7 days of the certificate being received

## **External vehicle licence plates**

- 1.7 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.
- 1.8 **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.
- 1.9 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 plate (at the proprietors cost).
- 1.10 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.
- 1.11 Any existing licence plates must be returned to the Council before new licence plates for a vehicle will be issued; this includes transfers.
- 1.12 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**

- 1.13 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**

- 1.14 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.
- 1.15 Where applicable, the Council issued medical exception 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.
- 1.16 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).
- 1.17 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**

- 1.18 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.

### **Other requirements**

- 1.19 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**

- 1.20 Proprietors must obtain approval from the Council prior to carrying advertisements on their hackney carriage.

- 1.21 Materials that are used for advertisements must be of a quality not easily defaced, soiled or detached.
- 1.22 Reflective material must not be used.
- 1.23 Advertising signs must not be illuminated.
- 1.24 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.
- 1.25 Advertisements must comply with the relevant requirements as set out in **Appendix L** of the Council's Policy.
- 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 hackney carriage 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.

#### **Ranks and order of working**

- 1.32 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**

- 1.33 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.
- 1.34 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.
- 1.35 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.
- 1.36 Proprietors must ensure that, when hired, a taximeter is used for the whole of any journey commencing within the administrative area of Shropshire Council.
- 1.37 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**

- 1.38 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**

- 1.39 The proprietor of a licensed hackney carriage 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, change of phone number or change of email address, within 7 days of such a change taking place.

- 1.40 A proprietor must notify the Council, in writing, of any change of partners, directors/company secretaries which may occur during the currency of their licence. Any such change must be notified within 7 days.

### **MOT**

- 1.41 The vehicle must have a valid MOT throughout the licence period.
- 1.42 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.
- 1.43 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.

### **MOT failures and advisories**

- 1.44 Where a vehicle has failed an MOT under the category dangerous (do not drive until repaired) defects, the proprietor of a licensed hackney carriage must ensure that the vehicle is not used as a hackney carriage until the repairs have been undertaken and a new MOT pass certificate issued
- 1.45 Where a vehicle fails an MOT under the category major (repair immediately) defects, the proprietor of a licensed hackney carriage must ensure that the vehicle is not used as a hackney carriage until the repairs have been undertaken and a new MOT pass certificate issued
- 1.46 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**

- 1.47 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.
- 1.48 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.
- 1.49 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**

- 1.50 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)**

- 1.51 The vehicle must have valid Road Tax throughout the currency of the licence.

### **Fare card**

- 1.52 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**

- 1.53 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.
- 1.54 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**

- 1.55 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**

- 1.56 Notification must be given by the proprietor to the Council as soon as reasonably practicable on the Council's accident report form 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.
- 1.57 Where a proprietor has notified the Council that a licensed vehicle has sustained structural damage from a road traffic accident resulting in a DVLA classification under Category S – Structural damage (vehicle that has sustained damage after 1 October

2017) or Category C (vehicle has sustained damage, rendering it beyond economical repair, prior to 1 October 2017), the vehicle must be submitted for a voluntary IVA inspection and a valid IVA certificate provided to the Licensing Team before the vehicle is permitted to be used as a hackney carriage.

#### **Production of records/documents**

- 1.58 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**

- 1.59 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 must be produced to an officer of the Council or any police officer during the inspection/examination. A drivers identification, certificate of insurance and MOT must be produced either during the inspection/examination to any authorised officer of the Council or any police officer or within 7 days to any authorised officer of the Council or any police officer.

**APPENDIX D**

**STANDARD PRIVATE  
HIRE VEHICLE LICENCE**

**CONDITIONS OF  
LICENCE**

**STANDARD 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.

**Convictions**

- 1.2 The proprietor or where the proprietor is a partnership or a company, all partners or directors/company secretaries, as appropriate, during the currency of the licence must, within 48 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.

**Drivers who may lawfully drive a private hire vehicle**

- 1.3 The proprietor of a licensed private hire vehicle must ensure that only drivers 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.
- 1.6 The proprietor must provide a copy of the amended V5 registration certificate to the Council within 7 days of the certificate being received

### **External vehicle licence plates**

- 1.7 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.
- 1.8 **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.
- 1.9 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 plate (at the proprietors cost).
- 1.10 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.
- 1.11 Any existing licence plates must be returned to the Council before new licence plates for a vehicle will be issued; this includes transfers.
- 1.12 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**

- 1.13 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**

- 1.14 Private hire vehicles must not display a roof sign.
- 1.15 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 side plate (at the proprietors cost).
- 1.16 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**

- 1.17 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.
- 1.18 Where applicable, the Council issued medical exception 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.
- 1.19 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).
- 1.20 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**

- 1.21 The proprietor must clearly mark and maintain inside the vehicle, in such a position as to be clearly visible to passengers inside the vehicle at all times:
- The maximum number of persons licensed to be conveyed therein;
  - The private hire vehicle licence number;
  - Contact details for reporting complaints/compliments to the Council; and
  - A 'No Smoking' sign.
- 1.22 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**

1.23 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**

1.24 Proprietors must obtain approval from the Council prior to carrying advertisements on their private hire vehicle.

1.25 Materials that are used for advertisements must be of a quality not easily defaced, soiled or detached.

1.26 Reflective material must not be used.

1.27 Advertising signs must not be illuminated.

1.28 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.

1.29 Advertisements must comply with the relevant requirements as set out in **Appendix L** of the Council's Policy.

1.30 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.

1.31 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)**

1.32 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.

1.33 The CCTV system must be installed in accordance with the appropriate legal framework.

- 1.34 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.
- 1.35 Where a CCTV system is removed from a licensed vehicle, proprietors must notify the Council, in writing, within 7 days.

### **Trailers**

- 1.36 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**

- 1.37 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**

- 1.38 The proprietor of a licensed private hire vehicle 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, change of phone number or change of email address, within 7 days of such a change taking place.



- 1.39 A proprietor must notify the Council, in writing, of any change of partners, directors/company secretaries which may occur during the currency of their licence. Any such change must be notified within 7 days.

### **MOT**

- 1.40 The vehicle must have a valid MOT throughout the licence period.
- 1.41 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.
- 1.42 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.

### **MOT failures and advisories**

- 1.43 Where a vehicle has failed an MOT under the category dangerous (do not drive until repaired) defects, the proprietor of a licensed private hire vehicle must ensure that the vehicle is not used as a private hire vehicle until the repairs have been undertaken and a new MOT pass certificate issued
- 1.44 Where a vehicle fails an MOT under the category major (repair immediately) defects, the proprietor of a licensed private hire vehicle must ensure that the vehicle is not used as a private hire vehicle until the repairs have been undertaken and a new MOT pass certificate issued
- 1.45 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**

- 1.46 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.
- 1.47 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.
- 1.48 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**

- 1.49 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)**

- 1.50 The vehicle must have valid Road Tax throughout the currency of the licence.

### **Alterations to vehicles**

- 1.51 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**

- 1.52 Notification must be given by the proprietor to the Council as soon as reasonably practicable on the Councils accident report form 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.
- 1.53 Where a proprietor has notified the Council that a licensed vehicle has sustained structural damage from a road traffic accident resulting in a DVLA classification under Category S – Structural damage (vehicle that has sustained damage after 1 October 2017) or Category C (vehicle has sustained damage, rendering it beyond economical repair, prior to 1 October 2017), the vehicle must be submitted for a voluntary IVA inspection and a valid IVA certificate provided to the Licensing Team before the vehicle is permitted to be used as a private hire vehicle.

### **Production of records/documents**

- 1.54 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**

- 1.55 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 must be produced to an officer of the Council or any police officer during the inspection/examination. A drivers identification, certificate of insurance and MOT must be produced either during the

inspection/examination to any authorised officer of the Council or any police officer or within 7 days to any authorised officer of the Council or any police officer.

**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.

**Convictions**

- 1.2 The proprietor or where the proprietor is a partnership or a company, all partners or directors/company secretaries, as appropriate, during the currency of the licence must, within 48 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.

**Drivers who may lawfully drive an executive private hire vehicle**

- 1.3 The proprietor of a licensed executive private hire vehicle must ensure that only drivers 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.
- 1.6 The proprietor must provide a copy of the amended V5 registration certificate to the Council within 7 days of the certificate being received

## **External vehicle licence plates**

- 1.7 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).
- 1.8 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 plate (at the proprietors cost).
- 1.9 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.
- 1.10 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.

## **Signs**

- 1.12 Executive private hire vehicles must not display a roof sign.
- 1.13 Executive private hire vehicle must not display any company advertising.

## **Internal signage**

- 1.14 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.
- 1.15 Where applicable, the Council issued medical exception 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.
- 1.16 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).
- 1.17 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**

- 1.18 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 private hire vehicle licence number;
  - Contact details for reporting complaints/compliments to the Council; and
  - A 'No Smoking' sign.

## **Other requirements**

- 1.19 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**

- 1.20 Advertising in or on an executive private hire vehicle is prohibited.

### **Closed circuit television (CCTV)**

- 1.21 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.
- 1.22 The CCTV system must be installed in accordance with the appropriate legal framework.
- 1.23 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.
- 1.24 Where a CCTV system is removed from a licensed vehicle, proprietors must notify the Council, in writing, within 7 days.

### **Trailers**

- 1.25 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**

- 1.26 The proprietor of a licensed executive private hire vehicle 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, change of phone number or change of email address, within 7 days of such a change taking place.
- 1.27 A proprietor must notify the Council, in writing, of any change of partners, directors/company secretaries which may occur during the currency of their licence. Any such change must be notified within 7 days.
- 1.28 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**

- 1.29 The vehicle must have a valid MOT throughout the licence period.
- 1.30 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.

1.31 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.

#### **MOT failures and advisories**

1.32 Where a vehicle has failed an MOT under the category dangerous (do not drive until repaired) defects, the proprietor of a licensed executive private hire vehicle must ensure that the vehicle is not used as an executive private hire vehicle until the repairs have been undertaken and a new MOT pass certificate issued

1.33 Where a vehicle fails an MOT under the category major (repair immediately) defects, the proprietor of a licensed executive private hire vehicle must ensure that the vehicle is not used as an executive private hire vehicle until the repairs have been undertaken and a new MOT pass certificate issued

1.34 The proprietor of a licensed executive 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**

1.35 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.

1.36 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.

1.37 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**

1.38 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)**

- 1.39 The vehicle must have valid Road Tax throughout the currency of the licence.

### **Alterations to vehicles**

- 1.40 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**

- 1.41 Notification must be given by the proprietor to the Council as soon as reasonably practicable on the Councils accident report form 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.
- 1.42 Where a proprietor has notified the Council that a licensed vehicle has sustained structural damage from a road traffic accident resulting in a DVLA classification under Category S – Structural damage (vehicle that has sustained damage after 1 October 2017) or Category C (vehicle has sustained damage, rendering it beyond economical repair, prior to 1 October 2017), the vehicle must be submitted for a voluntary IVA inspection and a valid IVA certificate provided to the Licensing Team before the vehicle is permitted to be used as an executive private hire vehicle.

### **Production of records/documents**

- 1.43 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**

- 1.44 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 must be produced to an officer of the Council or any police officer during the inspection/examination. A drivers identification, certificate of insurance and MOT must be produced either during the inspection/examination to any authorised officer of the Council or any police officer or within 7 days to any authorised officer of the Council or any police officer.

**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.

**Convictions**

- 1.2 The proprietor or where the proprietor is a partnership or a company, all partners or directors/company secretaries, as appropriate, during the currency of the licence must, within 48 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.

**Drivers who may lawfully drive a private hire vehicle**

- 1.3 The proprietor of a licensed private hire vehicle must ensure that only drivers 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.
- 1.6 The proprietor must provide a copy of the amended V5 registration certificate to the Council within 7 days of the certificate being received.

## **External vehicle licence plates**

- 1.7 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.
- 1.8 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.
- 1.9 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 plate (at the proprietors cost).
- 1.10 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.
- 1.11 Any existing licence plates must be returned to the Council before new licence plates for a vehicle will be issued; this includes transfers.
- 1.12 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**

- 1.13 Novelty private hire vehicles must not display a roof sign.

### **Internal signage**

- 1.14 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.
- 1.15 Where applicable, the Council issued medical exception 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.
- 1.16 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).
- 1.17 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**

- 1.18 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 private hire vehicle licence number;
  - Contact details for reporting complaints/compliments to the Council; and
  - A 'No Smoking' sign.
- 1.19 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**

- 1.20 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**

- 1.21 Proprietors must obtain approval from the Council prior to carrying advertisements on their novelty private hire vehicle.
- 1.22 Materials that are used for advertisements must be of a quality not easily defaced, soiled or detached.
- 1.23 Reflective material must not be used.
- 1.24 Advertising signs must not be illuminated.
- 1.25 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.
- 1.26 Advertisements must comply with the relevant requirements as set out in **Appendix L** of the Council's Policy.
- 1.27 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.
- 1.28 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)**

- 1.29 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.
- 1.30 The CCTV system must be installed in accordance with the appropriate legal framework.
- 1.31 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.
- 1.32 Where a CCTV system is removed from a licensed vehicle, proprietors must notify the Council, in writing, within 7 days.

## **Trailers**

- 1.33 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**

1.34 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.

## **Change of particulars**

1.35 The proprietor of a licensed novelty private hire vehicle 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, change of phone number or change of email address within 7 days of such a change taking place.

1.36 A proprietor must notify the Council, in writing, of any change of partners, directors/company secretaries which may occur during the currency of their licence. Any such change must be notified within 7 days.

## **MOT**

1.37 The vehicle must have a valid MOT throughout the licence period.

1.38 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.



- 1.39 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.

#### **MOT failures and advisories**

- 1.40 Where a vehicle has failed an MOT under the category dangerous (do not drive until repaired) defects, the proprietor of a licensed novelty private hire vehicle must ensure that the vehicle is not used as a novelty private hire vehicle until the repairs have been undertaken and a new MOT pass certificate issued
- 1.41 Where a vehicle fails an MOT under the category major (repair immediately) defects, the proprietor of a licensed novelty private hire vehicle must ensure that the vehicle is not used as a novelty private hire vehicle until the repairs have been undertaken and a new MOT pass certificate issued
- 1.42 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**

- 1.43 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.
- 1.44 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.
- 1.45 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**

- 1.46 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)**

- 1.47 The vehicle must have valid Road Tax throughout the currency of the licence.

### **Alterations to vehicles**

- 1.48 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**

- 1.49 Notification must be given by the proprietor to the Council as soon as reasonably practicable on the Councils accident report form 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.
- 1.50 Where a proprietor has notified the Council that a licensed vehicle has sustained structural damage from a road traffic accident resulting in a DVLA classification under Category S – Structural damage (vehicle that has sustained damage after 1 October 2017) or Category C (vehicle has sustained damage, rendering it beyond economical repair, prior to 1 October 2017), the vehicle must be submitted for a voluntary IVA inspection and a valid IVA certificate provided to the Licensing Team before the vehicle is permitted to be used as a novelty private hire vehicle.

### **Production of records/documents**

- 1.51 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**

- 1.52 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 must be produced to an officer of the Council or any police officer during the inspection/examination. A drivers identification, certificate of insurance and MOT must be produced either during the inspection/examination to any authorised officer of the Council or any police officer or within 7 days to any authorised officer of the Council or any police officer.

**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.
- 1.1 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

- 1.2 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.
- 1.3 Operators must provide a basic disclosure for all partners, directors/company secretaries and sole traders on an annual basis with the exception of holders of a hackney carriage/private hire drivers licence who are subject to an enhanced DBS.
- 1.4 An operator or where the operator is a partnership or a company, all partners or directors/company secretaries, as appropriate, during the currency of the licence must, within 48 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.

- 1.5 Operators must comply with all reasonable requests made by officers of Shropshire Council and any police officer.

### **Convictions Policy**

- 1.6 Operators must have a convictions policy that sets out the operator's position in relation to employment of ex-offenders.
- 1.7 Operators must provide all drivers, managers, office based administrative and telephony staff and agency staff, with details of the convictions policy.
- 1.8 The policy must include the following:
- The steps that will be taken to ensure that any convictions are compatible with an operators policy on employing ex-offenders;
  - A clear statement on the requirement of a driver, managers, office based administrative and telephony staff and agency staff to notify the operator of any convictions while they are employed in the role; and
  - How any new convictions will affect a driver, managers, office based administrative and telephony staff and agency staff employment status.

### **Equalities Policy**

- 1.9 Operators must have an equalities policy that sets out the operator's position in relation to hate crime and disability equality.
- 1.10 Operators must provide all drivers, managers, office based administrative and telephony staff and independent contractors with details of the equalities policy
- 1.11 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; and
  - Where members of the public can report incidents of hate crime to when the member of the public is the victim.

### **Designated person**

- 1.12 Operators must have a suitably trained Designated Person (DP) with specific responsibility for safeguarding.
- 1.13 Operators must provide all drivers with details of the DP and how the DP can be contacted.

- 1.14 Operators must notify the Council in writing any change of DP which may occur during the currency of their licence. Any such change must be notified within 7 days.
- 1.15 Operators must ensure that the DP satisfactorily completes a safeguarding and disability awareness course every two years, unless the DP is the holder of a hackney carriage and private hire drivers licence issued by Shropshire Council and required to complete the training as part of the driver application process.
- 1.16 Operators must ensure that a record is maintained of all matters of concern received by the DP. The record should include, but is not restricted to, details of who reported the concern, date and time the concern was first identified, names and contact details of any persons relevant to the concern, details of any information disclosed 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.

**Safety of children, young persons and adults (including those with care and support needs)**

- 1.17 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 (including those with care and support needs) to the DP as soon as is practicable.
- 1.18 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 (including those with care and support needs).
- 1.19 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.

**Contracting of private hire drivers and employment of other staff**

- 1.20 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.
- 1.21 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.

- 1.22 An operator must maintain an up to date register of all staff that will take bookings or dispatch vehicles.
- 1.23 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;
  - A requirement of the employees contract of employment to notify the operator of any convictions while they are employed in the role; and
  - A record of any discrepancies or anomalies, how they have been investigated and satisfactorily resolved.
- 1.24 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.
- 1.25 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.
- 1.26 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 condition 1.23 above. The operator must keep a copy of the disclosure in the individual record file for each individual person. Where an individual ceases to be on the register referred to in condition 1.22 above, and re-entered, a new basic criminal record check must be requested and retained on the individual record file. An operator

must be able to demonstrate that this condition has been met, on request, by any authorised officer of the Council.

- 1.27 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.
- 1.28 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.
- 1.29 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.
- 1.30 An operator must ensure that all managers, office based administrative and telephony staff and agency staff undertake safeguarding and disability awareness training including exploitation (criminal and 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.
- 1.31 An operator may outsource booking and dispatch functions but they cannot pass on the obligation to protect children, young persons and adults (including those with care and support needs). Operators must evidence that comparable protections are applied by the operator to which they outsource these functions.
- 1.32 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.
- 1.33 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.



- 1.34 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.

### **Operator's premises**

- 1.35 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; and
  - Allow the single point of contact to receive bookings and instruct drivers to fulfil bookings.
- 1.36 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.
- 1.37 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.
- 1.38 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 1.35).
- 1.39 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.
- 1.40 Operators must ensure that their licensed premises and any vehicles operated under their operators licence are not used for illegal or illicit purposes.

### **Display of licence**

- 1.41 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.

### **Vehicles which may lawfully be used**

- 1.42 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 licensed by the Council.

- 1.43 An operator must not permit the use of a public service vehicle (PSV), such as a minibus to undertake a private hire vehicle booking, without the informed consent of the hirer.
- 1.44 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**

- 1.45 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.
- 1.46 An operator must not permit a driver who holds a passenger carrying vehicle (PCV) licence, such as to drive a public service vehicle (PSV), to undertake a private hire vehicle booking, without the informed consent of the hirer. The hirer must be informed that a PCV driver is subject to different checks and not required to have an enhanced DBS check.

#### **Taking bookings and retaining records**

- 1.47 An operator MUST NOT accept any booking made by a driver on behalf of a passenger.
- 1.48 An operator accepting a booking remains liable for that booking, even if they sub-contract it to another operator.
- 1.49 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.
- 1.50 An operator must ensure that appropriate questions are asked at the booking stage as to whether a passenger requires assistance and, if so, what form of assistance is required, for example asking questions about the size of any wheelchair so that an appropriate sized vehicle can be allocated to the booking.
- 1.51 An operator MUST NOT fail or refuse to accept a booking made by, or on behalf of, a disabled person where the reason for failure or refusal is that the person is disabled or to prevent a driver from being subject to the duties imposed under the Equality Act 2010, as found in the Hackney Carriage and Private Hire Licensing Policy 2023-2027, Appendix B, hackney carriage and private hire drivers licence - conditions of licence, conditions 1.19 and 1.23.
- 1.52 An operator MUST NOT make, or propose to make, an additional charge for the carrying out of any duty imposed on the driver of the private hire vehicle or pre-booked hackney carriage under the Equality Act 2010.
- 1.53 An operator must monitor the booking system to ensure that drivers and vehicles are available to fulfil the arrangements that are agreed with customers.

- 1.54 An operator must ensure that all relevant information is passed on the driver at the point of allocation of the booking and prior to commencement of the journey.
- 1.55 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.
- 1.56 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) the name of any individual that responded to the booking request
  - j) the name of any individual that dispatched the vehicle
  - k) any other comments relevant to the booking, including details of specific instructions from the hirer or sub-contracting arrangements with another operator
  - l) Global Positioning System (GPS) data must be retained following completion of a journey
- 1.57 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) the name of any individual that dispatched the vehicle

- j) any other comments relevant to the booking, including details of specific instructions from the hirer or sub-contracting arrangements with another operator
- k) Global Positioning System (GPS) data must be retained following completion of a journey

1.58 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) the name of any individual that dispatched the vehicle
- 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

#### **Executive vehicles**

1.59 The operator must not permit any executive plated vehicles to fulfil general private hire bookings.

1.60 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.

1.61 Bookings taken in respect of clients who require an executive private hire must be paid for on account. No payment can be made to the driver of the vehicle at time of hiring.

1.62 Copies of invoices and/or any business to business contracts must be retained and made available at all reasonable times to an authorised officer of the Council or to any police officer for inspection.

#### **Novelty vehicles**

1.63 The operator must not permit any novelty plated vehicles to fulfil any executive or general private hire bookings.

1.64 Novelty vehicles must only be used for special events, which are defined as the provision of a vehicle or vehicles for events such as, but not limited to, weddings, proms, anniversaries, birthdays, stag and hen parties and **not** for ‘normal’ or general purpose private hire use.

- 1.65 Bookings taken in respect of clients who require a novelty private hire must require a deposit to be paid for in advance.

#### **Records for Passenger Transport contracts**

- 1.66 Immediately prior to the commencement of each journey, an operator licensed with the Council must keep details of the contract and the driver and passenger assistant who fulfilled each journey. 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.

#### **Records of vehicles and drivers**

- 1.67 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 and disability awareness training
  - j) written evidence that each driver who drives a wheelchair accessible user has satisfactorily completed training on how to safely restrain a wheelchair user
- 1.68 An operator must notify the Council within 72 hours when any vehicle or driver 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.
- 1.69 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.
- 1.70 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**

- 1.71 All records kept by the operator under conditions 1.56 to 1.58, 1.62, 1.66 and 1.67 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.
- 1.72 All records kept by the operator under conditions 1.56 to 1.58, 1.62, 1.66 and 1.67 above must be kept in accordance with the General Data Protection Regulations (GDPR).

## **Standards of service**

- 1.73 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; and
  - Where a private hire operator wishes to operate a pre-payment system, notification must be provided to the hirer indicating the period and under what circumstances this is applicable, e.g. pre-payment required between the hours of 1900 to 0700. This does not mean pre-payment between these hours is compulsory.

## **Complaints**

- 1.74 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.
- 1.75 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.
- 1.76 The operator or an appointed representative from within the business must 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.
- 1.77 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.
- 1.78 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.

## **Change of operators business address**

- 1.79 An operator must not commence operating from a new business address without first consulting the Council as to the legal implications of such a change of address.
- 1.80 An operator must notify the Council, in writing, of the sale of their business within 7 days of such an event taking place.

## **Change of particulars**

- 1.81 Operators must notify the Council, in writing, of any change in their home address which may occur during the currency of their licence. Any such change must be notified within 7 days.

- 1.82 Operators must notify the Council, in writing, of any change to its office address registered with Companies House which may occur during the currency of their licence. Any such change must be notified within 7 days.
- 1.83 Operators must notify the Council, in writing, of any change of partners, directors/company secretaries which may occur during the currency of their licence. Any such change must be notified within 7 days.
- 1.84 Operators must notify the Council, in writing, of any change to the operators trading name as listed on the private hire operators licence which may occur during the currency of their licence. Any such change must be notified within 7 days.

#### **Use of the words 'taxi', 'cab and 'hire' in advertisements**

- 1.85 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.

#### **Advertising**

- 1.86 Advertisements must comply with the relevant requirements as set out in **Appendix L** of the Council's Policy.
- 1.87 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.
- 1.88 Any change to an operators advertising must be approved in writing by the Council. The branding must not contain any political, racial, cultural, sexual or potentially offensive language, symbols, flags or emblems.
- 1.89 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.
- 1.90 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.

#### **Closed circuit television (CCTV)**

- 1.91 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.
- 1.92 The CCTV system must be installed in accordance with the appropriate legal framework.



- 1.93 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.
- 1.94 Where a CCTV system is removed from the premises, operators must notify the Council, in writing, within 7 days.

### **Lost Property**

- 1.95 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.
- 1.96 Operators must keep and maintain at their licensed 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.
- 1.97 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.

### **Transporting children**

- 1.98 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.

### **Meters**

- 1.99 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.

## **Insurance**

- 1.100 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.
- 1.101 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.
- 1.102 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**

- 1.103 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.49 of the Hackney Carriage and Private Hire Licensing Policy 2023-2027.

## **Damage to vehicles**

- 1.104 Operators must notify the Council within 48 hours of notification by a driver or proprietor 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.

# **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. In respect of proprietors and operators 'applicant' also includes any partners, directors/company secretaries.
- 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, been convicted of an immigration offence or required to pay an immigration penalty; 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. Conversely, a failure by a licence holder to disclose an arrest might be seen as behaviour that questions honesty and, therefore, the suitability of the licence holder regardless of the outcome of the initial allegation.
- 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 licensed 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 able to communicate effectively with disabled passengers when providing assistance – a driver must be able to understand a disabled persons needs by asking passengers what help they need, to listen to and understand the response and to act on what they have been asked to do, seeking clarification where necessary, on how to provide what is needed



- 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 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.
- 1.18 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.

### **Hackney carriage and private hire drivers**

- 1.19 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. The Council will also make additional enquiries through the national register for hackney carriage and private hire licence revocations and refusals (or equivalent if this is replaced), its adults and childrens social care teams, directly with West Mercia Police (and other relevant police forces, where appropriate), other relevant local authorities (particularly Telford & Wrekin Council and City of Wolverhampton 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.
- 1.20 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 (or equivalent if this is replaced), its adults and childrens social care teams, directly with West Mercia Police (and other relevant police forces, where appropriate), other relevant local authorities (particularly Telford & Wrekin Council and City of Wolverhampton 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.

- 1.21 Where an applicant or an existing hackney carriage and private hire driver 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 (or equivalent if this is replaced). Furthermore, where the Council deems it necessary it will notify any relevant authorities or appropriate organisations of the reasons for refusal or revocation.

### **Vehicle proprietors**

- 1.22 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 (for partnerships or companies, the requirements apply to all partners and directors/company secretaries). 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 adults and childrens social care teams, directly with West Mercia Police (and other relevant police forces, where appropriate), other relevant local authorities (particularly Telford & Wrekin Council and City of Wolverhampton 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.
- 1.23 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 adults and childrens social care teams, directly with West Mercia Police (and other relevant police forces, where appropriate), other relevant local authorities (particularly Telford & Wrekin Council and City of Wolverhampton 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.

### **Private hire operators**

- 1.24 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 (for partnerships or companies, the requirements apply to all partners and directors/company secretaries). 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

adults and childrens social care teams, directly with West Mercia Police (and other relevant police forces, where appropriate), other relevant local authorities (particularly Telford & Wrekin Council and City of Wolverhampton 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.

- 1.25 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 adults and childrens social care teams, directly with West Mercia Police (and other relevant police forces, where appropriate), other relevant local authorities (particularly Telford & Wrekin Council and City of Wolverhampton 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.

#### **The Council's approach when considering convictions**

- 1.26 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.
- 1.27 Hackney carriage and private hire 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).
- 1.28 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, unless they are considered a protected conviction or caution. As a result, all convictions, including cautions, which are not protected 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 unprotected convictions and cautions, including driving endorsements (driving convictions) and disqualification periods relating to traffic offences.
- 1.29 Proprietors and private hire operators are required to undertake a basic criminal record disclosure (DBS check). As a result, all unspent convictions and cautions will be taken into account when considering a person's suitability to hold a proprietors or private hire operators licence.
- 1.30 A refusal to licence an individual as a hackney carriage and driver hire driver or to suspend or revoke a hackney carriage and driver hire driver's licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire operator licence. Officers with delegated authority will make a decision

based on the appropriate information in accordance with the table set out at 1.32 below.

1.31 The Council will have regard to all unprotected convictions and cautions, and unspent convictions and cautions, as set out in tables 1.32 and 1.33 below, 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

**Convictions and cautions that need to be disclosed**

1.32 The table below sets out the conviction and caution information the Council can request and which you are required to disclose:

	<b>Unspent convictions and cautions</b>	<b>Unprotected convictions and cautions</b>	<b>Protected* spent convictions and cautions</b>
Hackney carriage/private hire drivers	Yes	Yes	No
Hackney carriage/private hire vehicle proprietors	Yes	No	No
Private hire operators	Yes	No	No

\*Protected spent convictions and cautions include but are not restricted to youth reprimands, warnings and cautions

1.33 In addition, any spent convictions and cautions must be disclosed if they meet the circumstances described in the table below:

<b>Disposal</b>	<b>Age when given/sentenced</b>	<b>How long since given/sentences?</b>
Caution for specified offence*	18 or over	Any time
Caution for a non-specified offence	18 or over	Less than 6 years
Conviction for specified offence*	Any age	Any time
Conviction resulting in custodial sentence	Any age	Any time

Conviction for non-specified offence	18 or over	Less than 11 years
	Under 18	Less than 5½ years

\* A specified offence is one which is serious and which relates to sexual offending, violent offending and/or are relevant to safeguarding children and vulnerable adults. The full list of these specified offences can be found on the DBS website. <https://www.gov.uk/government/publications/filtering-rules-for-criminal-record-check-certificates>

**NB** Any other caution or conviction which does not meet the details set out in the table, such as spent youth reprimands, warnings and cautions, is considered protected.

### **The Council's approach when considering non-conviction information**

- 1.34 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.
- 1.35 In addition to conviction/caution information, applicants are expected to provide details, within 48 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.
- 1.36 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.
- 1.37 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**

- 1.38 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?
- 1.39 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 currency of the licence?
- 1.40 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?
- 1.41 If the Council has any doubts as to the fitness of an applicant/existing licensed 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.
- 1.42 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 a meeting of 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**

- 1.43 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.

- 1.44 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**

- 1.45 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>
- 1.46 The Rehabilitation of Offenders Act 1974 applies to everyone convicted of a criminal offence or a service disciplinary offence (for example absence without leave) by either a civilian court (in the cases of criminal offences) or a Service Court or the Commanding Officer (in the cases of criminal or Service disciplinary offences). The same rehabilitation periods apply to sentences which are imposed in the service justice system as are imposed by the civilian justice system (for example a fine imposed by a Magistrates' Court and a fine imposed by a Court Martial, would each have the same rehabilitation period of a year beginning with the date of conviction).
- 1.47 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, B and C 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.
- 1.48 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.
- 1.49 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.
  - 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.
- 1.50 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.

- 1.51 On the 21 July 2020 the Secretary of State for Transport published new Statutory Taxi and Private Hire Vehicle Standards to all licensing authorities. The Standards are aimed at safeguarding children and vulnerable adults. Shropshire Council is under a legal duty, under section 177 of the Police and Crime Act 2017, to have regard to the Standards. The Standards were developed to set-out a range of robust measures to protect taxi and private hire vehicle passengers, particularly those most vulnerable.
- 1.52 There is already clear alignment between the Council's Policy and the majority of the requirements set out in the Standards. Nevertheless, for the purposes of decision making, the requirements of the Standards (as set out in Table A below) will take precedence. Where the Standards do not apply, consideration will be given to the rehabilitation periods as set out by Rehabilitation of Offenders Act 1974 (as set out in Tables B and C below). Each application and review of an existing licence will continue to be determined on their own merits.

**Table A – Statutory Taxi and Private Hire Vehicle Standards**

<b>Convictions</b>	<b>Rehabilitation period</b> (applies from the end date of any sentence or driving disqualification period)
<u>Offences involving violence against a person</u> – A conviction for an offence of violence against the person, or connected with any offence of violence	10 years
<u>Possession of a weapon</u> - A conviction for possession of a weapon or any other weapon related offence	7 years
<u>Dishonesty</u> - A conviction for any offence where dishonesty is an element of the offence	7 years
<u>Drugs</u> - Any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent	10 years
<u>Drugs</u> – A conviction for possession of drugs, or related to the possession of drugs. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs	5 years
Discrimination – A conviction involving or connected with discrimination in any form	<u>7 years</u>
<u>Drink driving/driving under the influence of drugs</u> - A conviction for drink driving or driving under the influence of drugs. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs	7 years
<u>Using a hand-held device whilst driving</u> - A conviction for using a held-hand mobile telephone or a hand-held device whilst driving	5 years
Motoring convictions – Any other motoring convictions not listed in this table	<u>No specific period has been identified*</u>

\*Rehabilitation periods for motoring convictions will be considered in accordance with the requirements of Table C below



**Table B - Rehabilitation of Offenders Act 1974**

<b>Sentence</b>	<b>Rehabilitation period</b> (applies from the end date of the sentence, including any licence period)	<b>Rehabilitation period for young people under 18 at the time of conviction or the time the disposal is administered</b> (applies from the end date of the sentence, including the licence period)
Custodial sentence* of over 48 months, or a public protection sentence**	Never spent	Never spent
Custodial sentence* of over 30 months and up to and including 48 months	7 years	3½ years
Custodial sentence* of over 6 months and up to and including 30 months	4 years	2 years
Custodial sentence of 6 months or less	2 years	18 months
Community order; Youth rehabilitation order	1 year	6 months

\*Custodial sentence includes both an immediate custodial sentence and a suspended sentence, a sentence of detention in a young offenders institution, a sentence of detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000, a detention and training order, a sentence of youth custody, a sentence of corrective training and a sentence of Borstal training.

\*\*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 C - Rehabilitation of Offenders Act 1974**

<b>Sentence</b>	<b>Rehabilitation period</b> (applies from the date of conviction)	<b>Rehabilitation period for young people under 18 at the time of conviction or the time the disposal is administered</b>
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*	2½ years*
Penalty points for a road traffic offence	3 years	3 years
Driving disqualification**	When the disqualification ceases to have effect	When the disqualification ceases to have effect
Community order or youth rehabilitation order with no specified end date	2 years	2 years
Fine	1 year	6 months
Conditional discharge	Period of the order	Period of the order
Absolute discharge	None	None

Conditional caution; Youth conditional caution	3 months or when the caution ceases to have effect if earlier	3 months
Simple caution; Youth caution	Spent immediately	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	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	Period of the order
Referral order	Not available for adults	Period of the order
Reparation order	Not available for adults	None

\* 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.

- 1.53 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.

#### **Disclosure and Barring Service – Duty to Refer**

- 1.54 Shropshire Council has a duty under the Safeguarding Vulnerable Groups Act 2006, Sections 41 and 43, to refer a person to the DBS<sup>25</sup> where the person is a regulated activity provider and Shropshire Council have withdrawn permission for said person to engage in regulated activity, because the person has either:

- Harmed or poses a risk of harm to a child or vulnerable adult; or
- Satisfied the harm test; or
- Received a caution or conviction for a relevant offence.

- 1.55 The duty also applies if Shropshire Council would or might have withdrawn permission for a person to engage in regulated activity if the person has not otherwise ceased to engage in regulated activity. This includes situations where the person was re-deployed to a non regulated activity role or resigned or retired

- 1.56 The duty to refer applies regardless of whether another body has made a referral in relation to the same person.

<sup>25</sup> [Referral duty and power for local authorities and regulatory bodies - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

## **Licensing offences**

- 1.57 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 a meeting of the Licensing Panel and/or the Licensing and Safety Sub-committee with a view to determining whether the licence ought to be suspended or revoked.
- 1.58 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.

## **Exceptional circumstances**

- 1.59 Each application or review of a licence will be decided on its merits. Where a person does not satisfy the requirements of the Policy there is a presumption that unless an applicant can demonstrate exceptional circumstances the Council will refuse to grant a new licence or revoke or suspend an existing licence. 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.

## **Right of appeal**

- 1.60 Any applicant refused a driver, proprietor 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<sup>26</sup> within 21 days of the notice of decision being served upon them .
- 1.61 Should an appeal be lodged by any applicant refused a driver, proprietor 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**

- 1.62 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, private hire vehicle proprietor's licence or operator's licence. However, previous convictions are a significant factor in the decision making process and it will inevitably be more difficult

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<sup>26</sup> With the exception of an application for a new hackney carriage licence which has a right of appeal to Crown Court

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, proprietors and operators 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.

- 1.63 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.<sup>27</sup>

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<sup>27</sup> *Leeds City Council v Hussain* [2002] EWHC 1145 (Admin), [2003] RTR 199 and *Cherwell District Council v Anwar* [2011] EWHC 2943 (Admin)

**APPENDIX J**

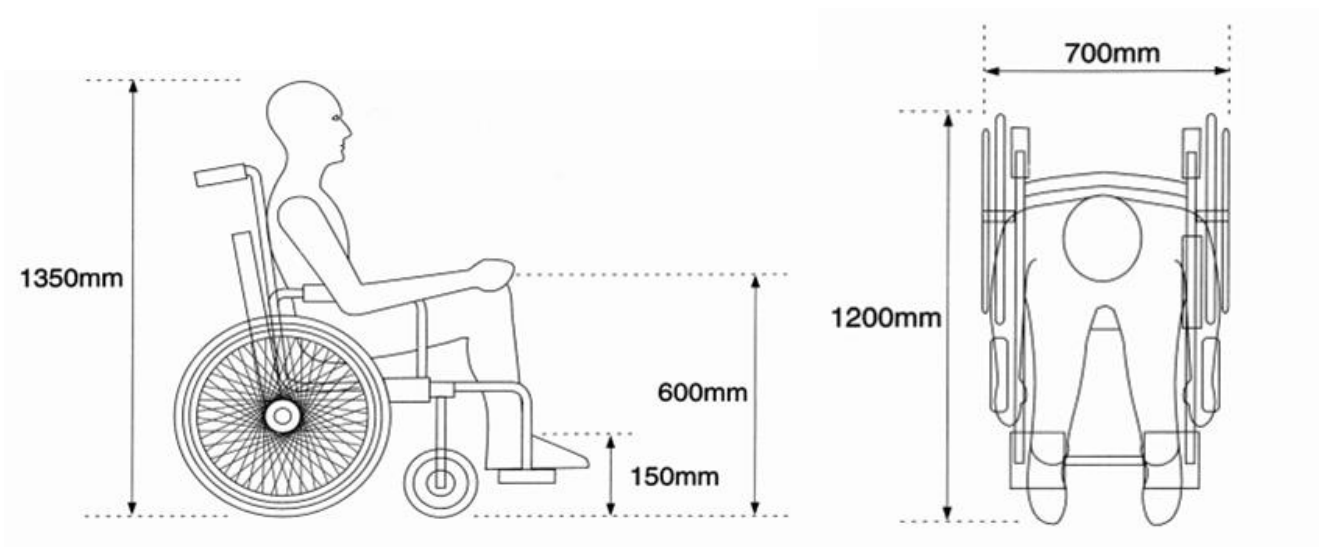
**SPECIFICATIONS FOR**

**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 below<sup>28</sup>:



<sup>28</sup> 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:
- (a) Does not comply with the law or incites someone to break the law;
  - (b) Does not comply with the UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing;
  - (c) Is likely to cause widespread or serious offence to members of the public on account of the nature of the product or service being advertised the wording or design of the advertisement or by way of inference;
  - (d) Depicts men, women or children in a sexual manner or displays nude or semi-nude figures in an overtly sexual context (**NB** whilst the use of underdressed people in most underwear advertising may be seen as an appropriate context, gratuitous use of an overtly sexual nature will be unacceptable);
  - (e) Depicts or refers to indecency or obscenity or uses obscene or distasteful language including that set out in a foreign language;
  - (f) Relates to lap-dancing, 'gentlemen's clubs', escort agencies or massage parlours;
  - (g) Depicts direct or immediate violence to anyone shown in the advertisement;
  - (h) Condone or provokes anti-social behaviour;
  - (i) Contains images or messages, which relate to matters of public controversy and sensitivity;
  - (j) Refers to or portrays (or gives the impression of portraying) a living person unless the written consent of that person is obtained and is produced to Shropshire Council;
  - (k) Contains negative references to Shropshire Council's services or those services provided or regulated by other local authorities;
  - (l) Relates to a political party or parties or a political cause;
  - (m) Relates to or advertises alcohol or tobacco (this includes electronic cigarettes and vaping);
  - (n) In the case of digital media, poses a health and safety risk as a result of flickering or other visual imagery;
  - (o) Depicts any political, racial, cultural, sexual or potentially offensive language, symbols, flags or emblems.

**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 Requirements for Towing Trailers in Great Britain (INF30).
- 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 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.
- 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, Social Inclusion and Health Impact Assessment (ESHIA)**  
**Initial Screening Record 2021-2022**

**A. Summary Sheet on Accountability and Actions**

<b>Name of proposed service change</b>
Hackney Carriage and Private Hire Licensing Policy 2023 to 2027

<b>Name of lead officer carrying out the screening</b>
Mandy Beever, Transactional Management and Licensing Team Manager

<b>Decision, review, and monitoring</b>
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<b>Decision</b>	<b>Yes</b>	<b>No</b>
Initial (part one) ESHIA Only?	✓	
Proceed to Full ESHIA or HIA (part two) Report?		✓

*If completion of an initial or Part One assessment is an appropriate and proportionate action at this stage, please use the boxes above. If a Full or Part Two report is required, please move on to full report stage once you have completed this initial screening assessment as a record of the considerations which you have given to this matter.*

<b>Actions to mitigate negative impact or enhance positive impact of the service change in terms of equality, social inclusion, and health considerations</b>
<p>The policy makes the responsibilities of operators and drivers under the Department for Transport's Access to taxis and private hire vehicles for disabled users<sup>[1]</sup> very clear. In addition to the requirements for the Council to publish a list of designated wheelchair accessible vehicles, the guidance goes further to set out what is expected of operators and drivers in relation to disabled passengers and the support that should be provided. The requirements have been put in place to include booking a licenced vehicle, identifying the vehicle which has been booked and the assistance which should be provided throughout their journey.</p>

<sup>[1]</sup> Department for Transport's Access to taxis and private hire vehicles for disabled users  
<https://www.gov.uk/government/publications/access-to-taxis-and-private-hire-vehicles-for-disabled-users/access-to-taxis-and-private-hire-vehicles-for-disabled-users--2>

The Council has utilised the ESIA in order to consider children and young people who are looked after by Shropshire Council and the families of children in need, when considering the Protected Characteristic grouping of 'Age', and with respect to adults with care and support needs, e.g. adults with learning disabilities, when considering the Protected Characteristic grouping of 'Disability'.

For all the nine Protected Characteristic groupings, the impact is rated as positive; notably, with respect to the 'age', 'disability', 'race' and 'sex', where the impact is anticipated 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. As such, this relates to the tenth groupings we seek to think about in Shropshire, of 'social inclusion'.

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 from the 27 June 2018 to the 4 September 2022, 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.

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.

**Actions to review and monitor the impact of the service change in terms of equality, social inclusion, and health 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/Uniform 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.

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 also the intention that managers and professional leads will continue to engage in hackney carriage and private hire licensing developments at a regional and national level. This will include responding to relevant consultations and participating in events/workshops to ensure that Shropshire Council's position and the impact on the local community and the trade of any national proposals to update, amend or change the hackney carriage and private hire licensing regimes are fully understood by Government before any legislative changes are implemented or guidance introduced.

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 ESHIAs**

Hackney Carriage and Private Hire Licensing Policy 2015 – 2019 (ESIA undertaken in 2014/15)

Amendment to the Hackney Carriage and Private Hire Licensing Policy 2015 – 2019 (ESIA undertaken in February/March 2018)

Equality Act 2010 – Shropshire Council List of Designated Wheelchair Accessible Vehicles (ESIA 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 (ESIA undertaken in June to December 2018)

Hackney Carriage and Private Hire Licensing Policy 2019 – 2023 (ESIA undertaken in 2018/19)



Request for a Review of the Hackney Carriage Fare Card (Table of Fares) in Shropshire (ESIA undertaken in 2022/23)

### **Actions to mitigate negative impact, enhance positive impact, and review and monitor overall impacts in terms of any other considerations. This includes climate change considerations**

In addition to the Council's corporate approach towards prioritising and measuring the overall outcomes that are set out The Shropshire Plan (<https://www.shropshire.gov.uk/shropshire-council/corporate-plan/>), the Licensing Team will continue to utilise the expertise within Environmental Protection Team in Regulatory Services, Public Health, Climate Change and Economic Growth Teams to assess the impact, on both health and the environment, of the proposed shift in the vehicle requirements from an emission standards basis to one that is a combination of both emission standards and vehicle age-restrictions.

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 Licencing Policy.



**Scrutiny at Part One screening stage**

<b>People involved</b>	<b>Signatures</b>	<b>Date</b>
<i>Lead officer carrying out the screening</i>  <b>Mandy Beever, Transactional Management and Licensing Team Manager</b>		23 September 2022
<i>Any internal service area support*</i>  <b>Kate Roberts, Public Protection Officer (Professional)</b>		26 September 2022
<i>Any external support**</i>  <b>Lois Dale, Rurality and Equalities Specialist</b>		26 <sup>th</sup> September 2022

*\*This refers to other officers within the service area*

*\*\*This refers to support external to the service but within the Council, e.g., the Rurality and Equalities Specialist, the Feedback and Insight Team, performance data specialists, Climate Change specialists, and Public Health colleagues*

**Sign off at Part One screening stage**

<b>Name</b>	<b>Signatures</b>	<b>Date</b>
<i>Lead officer's name</i>		26 September 2022
<i>Accountable officer's name</i>		26 September 2022

*\*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 2019 and is due to expire on 31 March 2023. It is essential that the Council has a revised policy from 1 April 2023 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.
- 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.

- Department for Transport, Statutory Taxi and Private Hire Vehicle Standards July 2020 Statutory & Best Practice Guidance for taxi and PHV licensing authorities ([publishing.service.gov.uk](https://publishing.service.gov.uk))
- Department for Transport, Access for wheelchair users to Taxis and Private Hire Vehicles – Statutory Guidance [uksiod\\_20170342\\_en.pdf](#) ([legislation.gov.uk](https://legislation.gov.uk))
- Safeguarding Vulnerable Groups Act 2006 Safeguarding Vulnerable Groups Act 2006 ([legislation.gov.uk](https://legislation.gov.uk))
- Department for Education, Home to school travel and transport statutory guidance 2014 Home-to-school travel and transport - GOV.UK ([www.gov.uk](https://www.gov.uk))
- Local Government Association, Councillor Handbook: Taxi and Private Hire Licensing 20 July 2021 Councillor Handbook: Taxi and PHV Licensing | Local Government Association
- Information Commissioners Office, Guide to the General Data Protection Regulation, The Data Protection Act 2018 Lawful basis for processing | ICO
- Department for Transport Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 ([legislation.gov.uk](https://legislation.gov.uk))
- Department for Transport Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022, Statutory Guidance Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 - GOV.UK ([www.gov.uk](https://www.gov.uk))
- Finance Bill 2021, Tax Conditionality
- Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guide March 2010

### **Specific consultation and engagement with intended audiences and target groups for the service change**

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 22 June 2022 at Agenda item 6

<https://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=166&MId=4673&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 27 June 2022 to the 4 September 2022.

On 18 August 2022, a 'Taxi Forum' was held to commence the engagement with the hackney carriage and private hire trades. 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 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.

1. Age/emissions for vehicles as whole
2. Consideration for a separate age/emissions section for wheelchair accessible vehicles
3. IVA requirements for a wheelchair accessible vehicle following an accident
4. Updating the trade on the Safer Streets/Shrewsbury Town Council project
5. Review documentation to be sent out as part of the safeguarding course
6. Proactive enforcement exercises to be undertaken by the out of hours officers

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
- 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)
- Regional Taxi Licensing Forum
- Shropshire Council Regulatory Services and Trading Standards & Licensing managers
- Shropshire Council Passenger Transport Team
- Shropshire Council Director of Public Health
- Shropshire Council Assistant Director of Homes and Communities
- Local Business Board
- Oswestry Business Improvement District
- Shrewsbury Business Improvement District
- Chamber of Commerce
- Federation of Small Businesses
- Campaign for Better Transport
- Shropshire Town and Parish Councils
- Team Shrewsbury

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.

The feedback that was received in response to the formal consultation mainly related to the vehicle emission standards and vehicle age-restrictions, the period of time for which they are allowed to be licenced and the financial impact to proprietors for the replacement of those vehicles. Furthermore, requests were made for an extension to the time the vehicles could be licenced for.

**Initial equality impact assessment by grouping (Initial health impact assessment is included below)**

*Please rate the impact that you perceive the service change is likely to have on a group, through stating this in the relevant column.*

*Please state if it is anticipated to be neutral (no impact) and add any extra notes that you think might be helpful for readers.*

<b>Protected Characteristic groupings and other groupings in Shropshire</b>	<b>High negative impact</b> <i>Part Two ESIIA required</i>	<b>High positive impact</b> <i>Part One ESIIA required</i>	<b>Medium positive or negative impact</b> <i>Part One ESIIA required</i>	<b>Low positive, negative, or neutral impact (please specify)</b> <i>Part One ESIIA required</i>
<u>Age</u> (please include children, young people, young people leaving care, people of working age, older people. Some people may belong to more than one group e.g., a child or young			✓ particularly those for whom there	

person for whom there are safeguarding concerns e.g., an older person with disability)			are safeguarding concerns	
<b>Disability</b> (please include mental health conditions and syndromes; hidden disabilities including autism and Crohn's disease; physical and sensory disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; and HIV)			✓ particularly those for whom there are safeguarding concerns	
<b>Gender re-assignment</b> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓
<b>Marriage and Civil Partnership</b> (please include associated aspects: caring responsibility, potential for bullying and harassment)				✓
<b>Pregnancy and Maternity</b> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓
<b>Race</b> (please include ethnicity, nationality, culture, language, Gypsy, Traveller)			✓	
<b>Religion and belief</b> (please include Buddhism, Christianity, Hinduism, Islam, Jainism, Judaism, Nonconformists; Rastafarianism; Shinto, Sikhism, Taoism, Zoroastrianism, and any others)				✓
<b>Sex</b> (this can also be viewed as relating to gender. Please include associated aspects: safety, caring responsibility, potential for bullying and harassment)			✓	
<b>Sexual Orientation</b> (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				✓
<b>Other: Social Inclusion</b> (please include families and friends with caring responsibilities; households in poverty; people for whom there are safeguarding concerns;			✓vulnerable individuals	

people you consider to be vulnerable; people with health inequalities; refugees and asylum seekers; rural communities; veterans and serving members of the armed forces and their families)				
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**Initial health and wellbeing impact assessment by category**

*Please rate the impact that you perceive the service change is likely to have with regard to health and wellbeing, through stating this in the relevant column.*

*Please state if it is anticipated to be neutral (no impact) and add any extra notes that you think might be helpful for readers.*

<b>Health and wellbeing: individuals and communities in Shropshire</b>	<b>High negative impact</b> <i>Part Two HIA required</i>	<b>High positive impact</b>	<b>Medium positive or negative impact</b>	<b>Low positive negative or neutral impact (please specify)</b>
<p><b>Will the proposal have a <i>direct impact</i> on an individual's health, mental health and wellbeing?</b></p> <p>For example, would it cause ill health, affecting social inclusion, independence and participation?</p> <p>.</p>			✓ positive	
<p><b>Will the proposal <i>indirectly impact</i> an individual's ability to improve their own health and wellbeing?</b></p> <p>For example, will it affect their ability to be physically active, choose healthy food, reduce drinking and smoking?</p> <p>.</p>			✓ positive	
<p><b>Will the policy have a <i>direct impact</i> on the community - social, economic and environmental living conditions that would impact health?</b></p> <p>For example, would it affect housing, transport, child development, education, employment opportunities,</p>			✓ positive	

availability of green space or climate change mitigation?				
<p><b>Will there be a likely change in <i>demand</i> for or access to health and social care services?</b></p> <p>For example: Primary Care, Hospital Care, Community Services, Mental Health, Local Authority services including Social Services?</p>				✓neutral

**Identification of likely impact of the service change in terms of other considerations including climate change and economic or societal impacts**

**Climate change**

A significant proportion of the feedback received from the trade related to the impact of the combination of 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 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.

**Health and well being**

Transport has a significant impact on health and wellbeing. It is much more than simply getting from A to B; it is an enabler to get to work, school, shops, healthcare, social events and leisure activities, all of which are important for good physical and mental health and wellbeing. A good transport system, i.e., quality, appropriateness, adequacy and affordable infrastructure and services, is essential for a healthy and equitable society.

Public transport is a vital component of an effective, healthy and equitable transport system. However, the reduction in or lack of public transport services, especially in rural areas like Shropshire can have a negative impact on the access and opportunities available to population groups. Those most vulnerable and at risk from limited transport options and services are already experiencing health inequalities and include people with disabilities, children and young people, women, older people, people without a car, and low income groups. For example, evidence shows that people with disabilities use taxis more than those without a

disability for essential journeys like healthcare and shopping, despite more of them living in relative poverty.<sup>[2]</sup> This is due to a lack of available services, service times and inaccessibility of the services available.<sup>[3]</sup>

### **Economic and societal/wider community**

There are known difficulties around providing adequate transport in rural areas and Shropshire is no exception. Hackney carriages (along with private hire vehicles, drivers and operators) are part of the transport solution in Shropshire, not only for general journeys but also to support the evening and night-time economy, including ensuring the public are transported home safely after nights out in our town centres. This also supports the Safer Streets project (Home Office funded), which is currently underway in Shrewsbury (although the principles apply across the county) to mitigate perceived and actual risks of violence against women and girls, and which is hoped will also reduce the risk of individuals entering the River Severn, the majority of whom have been young men.

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 states 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 policy complies with and exemplifies the Council's Public Sector Equality Duty by helping 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

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<sup>[2]</sup> DfT. (2022). National Statistics: Taxi and private hire vehicle statistics, England: 2022.

<https://www.gov.uk/government/statistics/taxi-and-private-hire-vehicle-statistics-england-2022/taxi-and-private-hire-vehicle-statistics-england-2022>

<sup>[3]</sup> Cooper, E., Gates, S., Grollman, C., Mayer, M., Davis, B., Bankiewicz, U., Khambhaita, P. (2019). Transport, health, and wellbeing: An evidence review for the Department for Transport.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/847884/Transport\\_health\\_and\\_wellbeing.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/847884/Transport_health_and_wellbeing.pdf)

transport options. This is further enhanced through the publishing of the 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 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. 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. By way of illustration, some local authorities focus more overtly upon human rights; some include safeguarding. It is about what is considered to be needed in a local authority's area, in line with local factors such as demography and strategic objectives as well as with the national legislative imperatives.

Carrying out these impact assessments 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.

These screening assessments for any proposed service change go to Cabinet as part of the committee report, or occasionally direct to Full Council, unless they are ones to do with Licensing, in which case they go to Strategic Licensing Committee.

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.

These screening assessments are recommended to be undertaken at timely points in the development and implementation of the proposed service change.

For example, an ESHIA would be a recommended course of action before a consultation. This would draw upon the evidence available at that time, and identify the target audiences, and assess at that initial stage what the likely impact of the service change could be across the Protected Characteristic groupings and our tenth category of Social Inclusion. This ESHIA would set out intended actions to engage with the groupings, particularly those who are historically less likely to engage in public consultation eg young people, as otherwise we would not know their specific needs.

A second ESHIA would then be carried out after the consultation, to say what the feedback was, to set out changes proposed as a result of the feedback, and to say where responses were low and what the plans are to engage with groupings who did not really respond. This ESHIA would also draw more upon actions to review impacts in order to mitigate the negative and accentuate the positive. Examples of this approach include the Great Outdoors Strategy, and the Economic Growth Strategy 2017-2021

Meeting our Public Sector Equality Duty through carrying out these ESHIAs is very much about using them as an opportunity to demonstrate ongoing engagement across groupings and to thus visibly show we are taking what is called due regard of the needs of people in protected characteristic groupings

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.

In practice, Part Two or Full Screening Assessments have only been recommended twice since 2014, as the ongoing mitigation of negative equality impacts should serve to keep them below the threshold for triggering a Full Screening Assessment. The expectation is that Full Screening Assessments in regard to Health Impacts may occasionally need to be undertaken, but this would be very much the exception rather than the rule.

## **2. Council Wide and Service Area Policy and Practice on Equality, Social Inclusion and Health**

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, Social Inclusion and Health Impact Assessments (ESHIA) come in. Where you carry out an ESHIA 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 stand-alone for a member of the public to read. The approach helps to identify

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Committee and Date

Strategic Licensing Committee

5 October 2022

Item

Public

## REVISION OF THE HACKNEY CARRIAGE TABLE OF FARES

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

### 1. Synopsis

- 1.1 This report sets out the proposal for a revised Hackney Carriage Table of Fares.

### 2. Executive Summary

- 2.1. In accordance with the Local Government (Miscellaneous) Provisions Act 1976 (the Act) the Council may fix rates or fares for the hire of a Hackney Carriage Vehicle which operates within the administrative area of the Council.
- 2.2. The current table of Fares came into effect on 1 April 2021.
- 2.3. The Licensing Service received a request from a Hackney Carriage proprietor for the review of the current Hackney Carriage Table of Fares, in accordance with Section 65 of the Act the Council is required to undertake a specified process when reviewing the Hackney Carriage Table of Fares.
- 2.4. A formal consultation process is required as part of the specified process under the Act, this was undertaken between the 4 July and the 31 July 2022.
- 2.5. This report sets out the requirements of the Act and the process which has been followed to revise the Table of Fares.

### 3. Recommendations

- 3.1. That the Strategic Licensing Committee approves, with any necessary modifications, the proposed Table of Fares for the whole administrative area of Shropshire Council, as set out in **Appendix A**, and agrees that it will come into effect from 13 October 2022.

## REPORT

#### 4. Risk Assessment and Opportunities Appraisal

- 4.1. The revised Hackney Carriage Table of Fares at **Appendix A** is considered fair and reasonable when balanced with the rise in fuel prices and the cost of living. Hackney Carriage Proprietors will be able to increase their income to offset some of the increased costs whilst at the same time does not price themselves out of the market.
- 4.2. The Council needs to support, as much as is reasonably practicable, the hackney carriage trade and given the rising cost of living, in particular, the cost of fuel (petrol, diesel and electricity), it is not unreasonable for the Council to allow the fares to be increased. A failure to do this reduces the ability of hackney carriage proprietors to effectively run their business in a competitive marketplace, which may then result in a reduction in the overall number of hackney carriages. As all hackney carriages are required to be wheelchair accessible, this risk will impact on disabled individuals who use wheelchairs and rely on hackney carriages as a means of transport.
- 4.3. Consideration has been made for the impact any increase in Hackney Carriage Fares may have on the travelling public for the same reasons it has on the Hackney Carriage Proprietors themselves. To offset changes in the marketplace and for Hackney Carriage Proprietors to retain their existing customer base they have the ability to charge up to the maximum amount on the Hackney Carriage Table of Fares. This allows them to negotiate a reasonable price with their regular customers and retain their custom, whilst still enabling them to gain a margin of profit.
- 4.4. The formal consultation led to 7 separate responses from 6 different hackney carriage proprietors. Overall, the majority supported the proposal to increase the fares across all four Tariffs equivalent to £0.30/mile for each additional mile travelled. However, one proprietor disagreed and sought a much wider change to the Table of Fares, which proposed increases across the Flag and First Mile as well as to the additional miles travelled and also amendments to the times of day applicable to Tariff 4 (optional tariff for minibuses/larger vehicles) and the creation of two new optional tariffs for minibuses/larger vehicles covering Sundays and Bank Holidays. These proposals were subsequently supported by a further submission from the same proprietor including a petition signed by 23 other hackney carriage proprietors, 22 of whom had not submitted individual responses to the consultation.
- 4.5. The feedback from the formal consultation has been considered by officers and it is clear that there is continued support for an increase to the hackney carriage fares. However, the suggestion that additional charges ought to be introduced for the carriage of luggage, bicycles, prams and pets was deemed unacceptable because this approach does not support a transparent charging regime for passengers. Nevertheless, as a result of the additional support for the wider increases across the Tariffs and the changes for minibuses/larger vehicles, as demonstrated by the number of proprietors that had signed the petition, the Table of Fares has been subject to further increases.

- 4.6. The percentage increases for each Tariff when compared with the current Table of Fares equates to:

	Tariff 1	Tariff 2	Tariff 3	Tariff 4	Tariff 5	Tariff 6
<b>Flag and First Mile</b>	12%	8%	6%	0%	New	New
<b>Additional miles</b>	20%	12%	10%	10%	New	New
<b>Waiting time</b>	0%	0%	0%	0%	New	New

**NB** There is no increase to the soiling charge.

- 4.7. An Equality, Social Inclusion and Health Impact Assessment (ESHIA) has been undertaken. The full ESHIA document is set out at **Appendix B**.
- 4.8. The initial assessment of the changes proposed to the hackney carriage Table of Fares indicates that for the protected groups ‘age’ and ‘disability’ the impact is anticipated to be low positive. This will also be the case in relation to the tenth category, social inclusion, that we think about in Shropshire, in addition to the nine protected characteristics set out in the Equality Act 2010. The social inclusion category includes people in rural areas and people or households that we may describe as vulnerable. This low positive impact is likely to extend to the health, mental health and wellbeing of individuals and with respect to the community insofar as it relates to transport. In all other respects, the impact is likely to be neutral – neither positive nor negative – with no anticipated need to take actions to mitigate or enhance the impact.
- 4.9. It is acknowledged that the feedback from both the informal and formal consultations has come solely from hackney carriage proprietors; however, the number who have responded to the formal consultation, if those who signed the petition are included, equates to 36 and this is 42% of those who currently hold a hackney carriage licence with the Council. This is a positive response in terms of the trade; nevertheless, it is clear that we do not have any other stakeholder views on the proposals, particularly notable is the absence of a customer/passenger perspective.
- 4.10. The Licensing Team will continue to monitor the service change to mitigate negative impacts or enhance positive impacts of the proposed service change for groupings in the community.
- 4.11. There will be ongoing dialogue with the hackney carriage trade through direct contact and ‘Taxi Forums’ or similar meetings and with local disability groups in order to provide the trade and disabled passengers with the opportunity to provide feedback directly to the Licensing Team.
- 4.12. 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 fare increases. In addition, these contacts, together with social media contacts, will be publicised in hackney carriages to encourage passengers to provide feedback to the Council.

- 4.13. The Table of Fares can be reviewed at any time by the Council and the hackney carriage trade can request such a review at any time in line with the Council's Hackney Carriage and Private Hire Licensing Policy.
- 4.14. The feedback from the formal consultation (from two responses) also indicated that hackney carriage proprietors may welcome the Council being proactive and undertaking an annual review of the Table of Fares in order for the fares to keep pace with inflation without the trade being expected to apply for a review each year.
- 4.15. The Licensing Team will explore further with the trade whether the potential benefits of adopting a proactive approach to an annual review of the Table of Fares outweighs any identified disadvantages.

## 5. Financial Implications

- 5.1. There is no immediate financial impact to the Council however, the Council needs to ensure, as practically as possible, that it is supporting the Hackney Carriage provision. Failure to do this could result in a reduction of Hackney Carriages and in turn a reduction in licence fee income. Furthermore, failure to support an increase in Hackney Carriage Fares reduces the ability for Hackney Carriage Proprietors to effectively run their business in a competitive marketplace.
- 5.2. Any financial implications will be offset against future fee calculations.

## 6. Climate Change Appraisal

- 6.1. There are no anticipated climate change or environmental impacts associated with the recommendations in this report.

## 7. Background

- 7.1. The current Hackney Carriage Tables of Fares came into effect on the 1 April 2021 and can be found at **Appendix C**.
- 7.2. On the 29 April 2022 the Licensing Service received a request for review of the Hackney Carriage Table of Fares, this request was received from a Hackney Carriage proprietor.
- 7.3. Officers revised the current Table of Fares to take into account the proposed changes and sent notification of an informal consultation to the trade inviting submissions on the revised Tables of Fares. This was sent out by email to the trade on 10 May 2022 and closed on 18 May 2022. A copy of the Table of Fares included in the informal consultation can be found at **Appendix D**.
- 7.4. Submissions were received to the informal consultation and officers considered the comments made along with the additional proposals. The

fares set on the revised Table of Fares was then updated considering the informal responses received.

- 7.5. On the 22 June 2022 the revised Table of Fares was considered at a meeting of the Strategic Licensing Committee and the Committee resolved to undertake a period of formal consultation.
- 7.6. Following the formal consultation, and prior to new fares coming into force, there is a requirement for the table of fares to be advertised in the local paper with a minimum 14 day consultation period. A copy of the notice can be found at **Appendix E**. If no representations are received, the fares would be introduced on the date stated, which in this case was 1 September 2022. If representations are made, the council must set a date, no later than two months after the proposed implementation date, for the fares to come into effect, with or without changes. Representations were received during the formal consultation and the proposed implementation date has been set as 13 October 2022.
- 7.7. A formal consultation process was undertaken between the 4 July and the 31 July 2022. An official noticed of the consultation was placed in all editions of the Shropshire Star on 4 July 2022, the Council's Get Involved pages were used to run the consultation along with an email notifying the trade of the consultation and how to get involved.
- 7.8. Submissions were received to the formal consultation and officers considered the comments made along with the additional proposals. The fares set on the revised Table of Fares was then updated considering the formal responses received. An officer summary of the submissions can be found at **Appendix F** and the individual responses can be found at **Appendix G** documents 1 to 7.
- 7.9. The fares set on the current Table of Fares has been revised considering the officers summary of the comments made. The updated version of the Table of Fares can be found at **Appendix A**.
- 7.10. It is important to note that the Table of Fares states the maximum fare that can be charged. The proprietor can agree a lower fare with the passenger. A meter can also be set at a level lower than the Council's agreed fares on condition that the proprietor displays two Tables of Fares, these being the Council's agreed Table of Fares and one to show the lower fare to which the meter has been set.

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

Local Government (Miscellaneous) Provisions Act 1976

[Local Government \(Miscellaneous Provisions\) Act 1976 \(legislation.gov.uk\)](https://legislation.gov.uk)

Strategic Licensing Committee – Hackney Carriage Fare Card Report dated 7 October 2020

[201007 Hackney Carriage Fare Card Report.pdf \(shropshire.gov.uk\)](#)

Strategic Licensing Committee – Hackney Carriage Table of Fares Report 5 dated 22 June 2022

[Agenda for Strategic Licensing Committee on Wednesday, 22nd June, 2022, 10.00 am — Shropshire Council](#)

**Cabinet Member (Portfolio Holder)**

Councillor Ed Potter, Deputy Leader, Economic Growth, Regeneration and Planning

**Local Member**

Not applicable – report has county wide application

**Appendices**

Appendix A – Proposed Hackney Carriage Table of Fares

Appendix B – Equality, Social Inclusion and Health Impact Assessment (ESHIA)

Appendix C – Current Hackney Carriage Table of Fares 01042021

Appendix D – Informal Consultation Hackney Carriage Table of Fares

Appendix E – Formal Consultation Hackney Carriage Table of Fares

Appendix F – Officer Summary of Formal Consultation Responses

Appendix G - Formal Consultation Hackney Carriage Table of Fares Responses





## HACKNEY CARRIAGE TABLE OF FARES

Applicable to the whole administrative area of Shropshire Council

<b>Tariff 1</b>	
<b>(From 07.00 hrs to 23.00 hrs Mon - Sat)</b>	
Flag & First Mile (1,760 yards (1,609 metres))	£5.50
For each 176 yards or uncompleted part thereof (equivalent to £1.80 per mile)	£0.18
Waiting time (equivalent to £18 per hour)	£0.15 per 30 sec
<b>Tariff 2</b>	
<b>(23.00 to 07.00 hrs including all day Sunday and Bank Holidays, with the exception of those listed below)</b>	
Flag & First Mile (1,760 yards (1,609 metres))	£6.50
For each 176 yards or uncompleted part thereof (equivalent to £2.80 per mile)	£0.28
Waiting time (equivalent to £30 per hour)	£0.25 per 30 sec
<b>Tariff 3</b>	
<b>(From 00.01 hrs to 24.00 hrs on Easter Sunday, Christmas Eve, Christmas Day, New Year's Eve and New Year's Day)</b>	
Flag & First Mile (1,760 yards (1,609 metres))	£7.00
For each 176 yards or uncompleted part thereof (equivalent to £3.30 per mile)	£0.33
Waiting time (equivalent to £36 per hour)	£0.30 per 30 sec
<b>Tariff 4</b>	
<b>Optional tariff for minibus or larger vehicles where 5 or more passengers are carried</b>	
<b>(From 07.00 hrs to 23.00 hrs Mon - Sat)</b>	
Flag & First Mile (1,760 yards (1,609 metres))	£7.50
For each 176 yards or uncompleted part thereof (equivalent to £3.30 per mile)	£0.33
Waiting time (equivalent to £36 per hour)	£0.30 per 30 sec
<b>Tariff 5</b>	
<b>Optional tariff for minibus or larger vehicles where 5 or more passengers are carried</b>	
<b>(23.00 to 07.00 hrs including all day Sunday and Bank Holidays, with the exception of those listed below)</b>	
Flag & First Mile (1,760 yards (1,609 metres))	£8.50
For each 176 yards or uncompleted part thereof (equivalent to £3.30 per mile)	£0.33
Waiting time (equivalent to £36 per hour)	£0.30 per 30 sec
<b>Tariff 6</b>	
<b>Optional tariff for minibus or larger vehicles where 5 or more passengers are carried</b>	
<b>(From 00.01 hrs to 24.00 hrs on Easter Sunday, Christmas Eve, Christmas Day, New Year's Eve and New Year's Day)</b>	
Flag & First Mile (1,760 yards (1,609 metres))	£9.50
For each 176 yards or uncompleted part thereof (equivalent to £3.30 per mile)	£0.33
Waiting time (equivalent to £36 per hour)	£0.30 per 30 sec
<b>Extra Charges</b>	
Soiling charge	£100.00

All of the above fees are inclusive of VAT where applicable.

Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND.

Tel: 0345 678 9026

Email: [Taxis@shropshire.gov.uk](mailto:Taxis@shropshire.gov.uk)

Responsible Officer: Mrs A Beech

Date: TBC

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**Shropshire Council**  
**Equality, Social Inclusion and Health Impact Assessment (ESHIA)**  
**Initial Screening Record 2021-2022**

**A. Summary Sheet on Accountability and Actions**

<b>Name of proposed service change</b>
Request for a Review of the Hackney Carriage Fare Card (Table of Fares) in Shropshire

<b>Name of lead officer carrying out the screening</b>
Frances Darling, Head of Business and Consumer Protection

<b>Decision, review, and monitoring</b>
---

<b>Decision</b>	<b>Yes</b>	<b>No</b>
Initial (part one) ESHIA Only?	✓	
Proceed to Full ESHIA or HIA (part two) Report?		✓

*If completion of an initial or Part One assessment is an appropriate and proportionate action at this stage, please use the boxes above. If a Full or Part Two report is required, please move on to full report stage once you have completed this initial screening assessment as a record of the considerations which you have given to this matter.*

<b>Actions to mitigate negative impact or enhance positive impact of the service change in terms of equality, social inclusion, and health considerations</b>
<p>The Council needs to support, as much as is reasonably practicable, the hackney carriage trade and given the rising cost of living, in particular, the cost of fuel (petrol, diesel and electricity), it is not unreasonable for the Council to allow fares to be increased. A failure to do this reduces the ability of hackney carriage proprietors to effectively run their business in a competitive marketplace, which may then result in a reduction in the overall number of hackney carriages. As all hackney carriages are required to be wheelchair accessible, this risk will impact on individuals with disabilities or other health needs who use wheelchairs and rely on hackney carriages as a means of transport. This will further reduce the Council's licensing fee income and adversely impact the Council's ability to adequately administer and enforce not only the hackney carriage regime but also the wider licensing regime.</p> <p>An initial assessment of the changes proposed to the hackney carriage Table of Fares indicates that for the protected characteristic groupings of 'age', 'disability', 'sex' and 'pregnancy and maternity', the impact is anticipated to be low positive due to continued financial viability for proprietors and thus a continued service, despite the negative impact for households and individuals of an increase in fare</p>

costs. This will also be the case in relation to the tenth category, social inclusion, that we think about in Shropshire, in addition to the nine protected characteristics set out in the Equality Act 2010. The social inclusion category includes people in rural areas and people or households that we may describe as vulnerable. This overall low positive impact is likely to extend to the health, mental health and wellbeing of individuals and with respect to the community insofar as it relates to transport. In all other respects, the impact is likely to be neutral – neither positive nor negative – with no anticipated need to take actions to mitigate or enhance the impact.

An informal engagement period enabled the Council to seek comments specifically from the hackney carriage trade and the public consultation period, which required compliance with a formal legal process, provided an opportunity for all to comment on the proposals, including the public who have previously or may use hackney carriages in the future and also other stakeholders who may be less directly impacted by the fares charged.

It is acknowledged that the feedback from both the informal engagement and the formal consultation has come solely from hackney carriage proprietors; however, the number who have responded, if those who signed the petition are included, equates to 36 and this is 43% of those who currently hold a hackney carriage licence with the Council. This is a positive response in terms of the trade; nevertheless, it is clear that we do not have any other stakeholder views on the proposals, particularly notable is the absence of a customer/passenger perspective.

In order to mitigate against this, potential passengers, along with applicants, existing hackney carriage licence holders, and other stakeholders, including any who may not already be aware of the revision of the Table of Fares as a result of the engagement/consultation undertaken in the summer of 2022, will be made aware of the implementation of the fare changes through the requirement for the fares to be displayed in all hackney carriages and the fact that the information will be published on the Council's website. This will ensure that passengers, along with the hackney carriage trade and other relevant stakeholders, will have ongoing access to the fares that can be charged by hackney carriage proprietors.

Any complaints/information that indicate licensed hackney carriage proprietors are overcharging passengers/failing to comply with the Table of Fares or are discriminating against disabled or other passengers in any way, e.g., in respect of carrying luggage/other items, will be fully investigated by the Business and Consumer Protection 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.

Any adverse impacts of the increase in fares on hackney carriage proprietors who may themselves have protected characteristics is mitigated against by virtue of the fact that the Council's Hackney Carriage and Private Hire Licensing Policy makes it clear that the trade can seek a review of the fares at any time and the Council can initiate such a review independently.

Consideration has been given to the impact that the increase in hackney carriage fares may have on the travelling public as they too are also impacted by the rising cost of living. As a result, fare increases may mean the public are unable to afford to travel by hackney carriage, which then may adversely affect their ability to access services, e.g., health and social care, education provision, shops for supplies; this is potentially compounded by the rural nature of the county and brings added risks to social inclusion.

To mitigate this, hackney carriage proprietors are not mandated to charge the full fares set out in the Table of Fares; they can charge less. This allows proprietors to negotiate a reasonable price with any customer, but in particular with any regular customers in order to retain their custom. The 'taxi meter' can also be set at a level lower than the Council's agreed Table of Fares providing the proprietor displays two separate fare cards in their vehicle, i.e., one showing the Council's agreed Table of Fares and one showing the lower fares to which the meter has been set. These mitigations enable proprietors to remain in control of the margin of profit they obtain from each journey, and still allows them to enhance this margin if they decide to charge the full fares as set out in the Council's agreed Table of Fares.

The revised Hackney Carriage Table of Fares is considered fair and reasonable when balanced against the rise in fuel prices and the cost of living, and in the light of the evidence available at this time. Hackney carriage proprietors will be able to increase their income to offset some of their increased costs, whilst at the same time not pricing themselves out of the market. Passengers will be able to avail themselves of a continued service, across our rural county, despite the increases, rather than a reduced provision as could occur if fares were to stay the same.

#### **Actions to review and monitor the impact of the service change in terms of equality, social inclusion, and health considerations**

The Table of Fares can be reviewed at any time by the Council and the hackney carriage trade can request such a review at any time in line with the Council's Hackney Carriage and Private Hire Licensing Policy. This Policy is available on the Council's website and all licence applicants and existing licence holders are made aware of the Policy and where to locate it. The Licensing Team will explore further with the trade whether the potential benefits of adopting a proactive approach to an annual review of the Table of Fares outweighs any identified disadvantages.

There will be ongoing dialogue with the hackney carriage trade through direct contact and 'Taxi Forums' or similar meetings and with local disability groups in order to provide the trade and disabled passengers with the opportunity to provide feedback directly 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 fare increases. In addition, these contacts, together with social media contacts, will be publicised in hackney carriages to encourage passengers to provide feedback to the Council. All feedback will be recorded either on the Idox/Uniform system used to administer the licensing regime or in appropriate electronic files maintained by the Licensing Team Manager.

Elected Member involvement will continue through the Strategic Licensing Committee and the Licensing & Safety Sub-Committee, with issues brought before these Committees as appropriate.

If complaints are received from the public about the increase in fares, the Licensing Team will consider whether a benchmarking exercise in relation to the Table of Fares being used in other neighbouring and rural authorities may assist in determining whether the Council's fares are reasonable and/or if a further review is required.

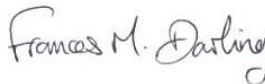




#### **Associated ESHIAs**

- 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)
- Hackney Carriage and Private Hire Licensing Policy 2019 – 2023 (ESIIA undertaken in 2018/19)

#### **Actions to mitigate negative impact, enhance positive impact, and review and monitor overall impacts in terms of any other considerations. This includes climate change considerations**

In addition to the Council's corporate approach towards prioritising and measuring the overall outcomes that are set out The Shropshire Plan (<https://www.shropshire.gov.uk/shropshire-council/corporate-plan/>), the Licensing Team will continue to utilise the expertise within Public Health, Climate Change and Economic Growth Teams to assess the impact (if any) of the fare increases on the way hackney carriages are used and the number that continue to be licensed and how this then impacts on health, the environment and the economy.

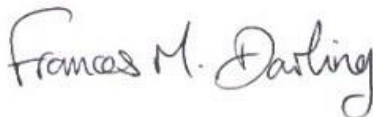
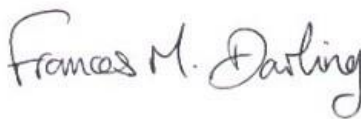
**Scrutiny at Part One screening stage**

People involved	Signatures	Date
<i>Lead officer carrying out the screening</i> <b>Frances Darling, Head of Business and Consumer Protection</b>		29 August 2022
<i>Any internal service area support*</i> <b>Mandy Beever, Transactional Management and Licensing Team Manager</b> <b>Kate Roberts, Public Protection Officer (Professional)</b>	 	22 September 2022 22 September 2022
<i>Any external support**</i> <b>Lois Dale, Rurality and Equalities Specialist</b> <b>Amanda Cheeseman, Public Health Development Officer</b> <b>Adrian Cooper, Climate Change Team Manager</b>	 	14 <sup>th</sup> September 2022 15 <sup>th</sup> September 2022

\*This refers to other officers within the service area

\*\*This refers to support external to the service but within the Council, e.g., the Rurality and Equalities Specialist, the Feedback and Insight Team, performance data specialists, Climate Change specialists, and Public Health colleagues

**Sign off at Part One screening stage**

Name	Signatures	Date
<i>Lead officer's name</i> <b>Frances Darling, Head of Business and Consumer Protection</b>		22 September 2022
<i>Accountable officer's name</i> <b>Frances Darling, Head of Business and Consumer Protection</b>		22 September 2022

\*This may either be the Head of Service or the lead officer

**B. Detailed Screening Assessment**

### Aims of the service change and description

In accordance with the Local Government (Miscellaneous) Provisions Act 1976 ('the Act'), Shropshire Council may fix rates or fares ('Table of Fares') to be paid for the hire of hackney carriages that operate within the administrative area of the Council. These rates can relate to time, distance and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle. The current table of fares came into effect on 1 April 2021 and is set out below.

### HACKNEY CARRIAGE TABLE OF FARES

**Applicable to the whole administrative area of Shropshire Council**

#### Tariff 1

**(From 07.00 hrs to 23.00 hrs Mon - Sat)**

Flag & First Mile (1,760 yards (1,609 metres))	£4.90
For each 176 yards or uncompleted part thereof (equivalent to £1.50 per mile)	£0.15
Waiting time (equivalent to £18 per hour)	£0.15 per 30 sec

#### Tariff 2

**(23.00 to 07.00 hrs including all day Sunday and Bank Holidays with the exception of those listed below)**

Flag & First Mile (1,760 yards (1,609 metres))	£6.00
For each 176 yards or uncompleted part thereof (equivalent to £2.50 per mile)	£0.25
Waiting time (equivalent to £30 per hour)	£0.25 per 30 sec

#### Tariff 3

**(From 00.01 hrs to 24.00 hrs on Easter Sunday, Christmas Eve, Christmas Day, New Year's Eve and New Year's Day)**

Flag & First Mile (1,760 yards (1,609 metres))	£6.60
For each 176 yards or uncompleted part thereof (equivalent to £3.00 per mile)	£0.30
Waiting time (equivalent to £36 per hour)	£0.30 per 30 sec

#### Tariff 4

**Optional tariff for minibus or larger vehicles where 5 or more passengers are carried.**

Flag & First Mile (1,760 yards (1,609 metres))	£7.50
For each 176 yards or uncompleted part thereof (equivalent to £3.00 per mile)	£0.30
Waiting time (equivalent to £36 per hour)	£0.30 per 30 sec

#### Extra Charges

Soiling charge	£100.00
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**All of the above fees are inclusive of VAT where applicable. Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND. Tel: 0345 678 9026 Email: [Taxis@shropshire.gov.uk](mailto:Taxis@shropshire.gov.uk)**

**Responsible Officer: Mrs A Beever**

**Date: 1st April 2021**

In line with the provisions set out in Section 3b.90 of the Council's Hackney Carriage and Private Hire Licensing Policy 2019 – 2023 (see text in italics below), the Licensing Service received a request from a Hackney Carriage proprietor to review the current Hackney Carriage Table of Fares.

*“3b.90 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.”*

The Council, through its Strategic Licensing Committee, is required to undertake a specific legal process in order to change (vary) the Hackney Carriage Table of Fares. This is set out in detail in Section 65 of the Act and is summarised below.

- The Council must publish a notice of the Table of Fares in at least one local newspaper and specify the period, which must not be less than fourteen days from the date of the first publication of the notice, within which and the manner in which objections to the variation to the Table of Fares can be made.
- A copy of the notice must for the period of fourteen days from the date of the first publication be deposited at Shirehall and must at all reasonable hours be open to public inspection without payment.
- If no objections are made, or if all objections made are subsequently withdrawn, the variations automatically come into operation on the relevant specified date; in this case it would be 1 September 2022.
- If objections are made and not withdrawn (and in this case, objections have been made and not withdrawn), the Council must set a further date, not later than two months after the first specified date, on which the Table of Fares will come into force with or without modifications as decided by the Strategic Licensing Committee after consideration of the objections.
- Any Table of Fares previously agreed by the Council cease to have effect.
- A copy of the Table of Fares, when confirmed, must remain available for public inspection, without payment, and a copy provided to anyone who requests a copy, for which a charge can be made. In practice, the information is published on the Licensing pages of the Council's website.

### Intended audiences and target groups for the service change

- Hackney carriage proprietors
- Persons who wish to apply for hackney carriage and driver licences
- Persons who hold existing hackney carriage and driver licences
- 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/licence holders
- Magistrates and judges hearing appeals against Council decisions
- Members of the public, particularly those with disabilities, who use/rely on hackney carriages, 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)
- Shropshire Council Elected Members, particularly those who are Members of the Council's Strategic Licensing Committee
- 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
- Department for Transport
- Competitions and Markets Authority

### Evidence used for screening of the service change

The rising cost of living has seen significant increases in the cost of petrol, diesel and electricity and other living costs, including food, with inflation running at over 10% and predicted to continue rising over the coming months. Wages for many people are not keeping pace with the rising prices and overall, the real value of pay has fallen by around 3% compared to 12 months ago.

The impact of the Council's Hackney Carriage and Private Hire Licensing Policies since 2015, has included significant changes made in relation to safeguarding, improvements to vehicle safety and emissions standards, the removal of what

were the pre-unitary hackney carriage zones and the requirement for hackney carriages to be wheelchair accessible with effect from 1 April 2021. Whilst there are other factors outside the Council's control, e.g., deregulation and cross-border hiring, which have impacted the hackney carriage trade, the Council's policy changes have also led to a shift from licensed hackney carriages towards licensed private hire vehicles over the previous 5 years.

Against this background, on 29 April 2022 there was a specific request from a hackney carriage proprietor to vary the Table of Fares as follows:

- No change to start price of all fares
- An increase of 30 pence per mile on the running mile of all 4 tariffs (3 pence per tenth of mile)
- This change is to take into account the increased cost of fuel and general running costs that hackney carriage proprietors now have to pay

A subsequent period of informal engagement led to 9 separate responses from 8 different hackney carriage proprietors. The majority of proprietors supported the proposed increase to the Tariff 1 rate; however, one disagreed as they did not wish to increase costs for the public. Additional requests were also made as follows:

- increasing the Flag and First Mile rate for Tariff 1
- increasing the rate for each additional mile but at a lesser rate than had been originally proposed for Tariff 1
- increasing all the Tariffs and amending the times of day applicable to each Tariff resulting in the creation of additional Tariffs
- introducing additional charges for the carriage of luggage, bicycles, prams and pets

Overall, the primary conclusion from the informal engagement was that all but one of the proprietors who responded were in favour of increasing the fares and this was largely to address the increasing costs associated with fuel and the wider concerns about the general cost of living increases. As a result, it was agreed by the Strategic Licensing Committee that the Table of Fares would go out to formal consultation with an increase across all four Tariffs equivalent to £0.30/mile for each additional mile travelled, but with no additional charges for the carriage of luggage/other items or any wider amendments to the Tariffs.

The formal consultation led to 7 separate responses from 6 different hackney carriage proprietors. Overall, the majority supported the proposal to increase the fares across all four Tariffs equivalent to £0.30/mile for each additional mile travelled. However, one proprietor disagreed and sought a much wider change to the Table of Fares, which proposed increases across the Flag and First Mile as well as to the additional miles travelled and also amendments to the times of day applicable to Tariff 4 (optional tariff for minibuses/larger vehicles) and the creation of two new optional tariffs for minibuses/larger vehicles covering Sundays and Bank Holidays. These proposals were subsequently supported by a further submission from the same proprietor including a petition signed by 23 other hackney carriage proprietors, 22 of whom had not submitted individual responses to the consultation.

The feedback from the formal consultation has been considered by officers and it is clear that there is a depth of support for an increase to the hackney carriage fares. However, the suggestion that additional charges ought to be introduced for the carriage of luggage, bicycles, prams and pets was deemed unacceptable because this approach does not support a transparent charging regime for passengers. Nevertheless, as a result of the additional support for the wider increases across the Tariffs and the changes for minibuses/larger vehicles, as demonstrated by the number of proprietors that had signed the petition, the Table of Fares has been subject to a further revision, which can be seen below. This revised version of the Table of Fares will be presented to the Strategic Licensing Committee for consideration on 5 October 2022.

## **HACKNEY CARRIAGE TABLE OF FARES**

### **Applicable to the whole administrative area of Shropshire Council**

#### **Tariff 1**

##### **(From 07.00 hrs to 23.00 hrs Mon - Sat)**

Flag & First Mile (1,760 yards (1,609 metres))	£5.50
For each 176 yards or uncompleted part thereof (equivalent to £1.80 per mile)	£0.18
Waiting time (equivalent to £18 per hour)	£0.15 per 30 sec

#### **Tariff 2**

##### **(23.00 to 07.00 hrs including all day Sunday and Bank Holidays with the exception of those listed below)**

Flag & First Mile (1,760 yards (1,609 metres))	£6.50
For each 176 yards or uncompleted part thereof (equivalent to £2.80 per mile)	£0.28
Waiting time (equivalent to £30 per hour)	£0.25 per 30 sec

#### **Tariff 3**

##### **(From 00.01 hrs to 24.00 hrs on Easter Sunday, Christmas Eve, Christmas Day, New Year's Eve and New Year's Day)**

Flag & First Mile (1,760 yards (1,609 metres))	£7.00
For each 176 yards or uncompleted part thereof (equivalent to £3.30 per mile)	£0.33
Waiting time (equivalent to £36 per hour)	£0.30 per 30 sec

#### **Tariff 4**

##### **Optional tariff for minibus or larger vehicles where 5 or more passengers are carried**

##### **(From 07.00 hrs to 23.00 hrs Mon - Sat)**

Flag & First Mile (1,760 yards (1,609 metres))	£7.50
For each 176 yards or uncompleted part thereof (equivalent to £3.30 per mile)	£0.33
Waiting time (equivalent to £36 per hour)	£0.30 per 30 sec

**Tariff 5**

**Optional tariff for minibus or larger vehicles where 5 or more passengers are carried**

**(23.00 to 07.00 hrs including all day Sunday and Bank Holidays, with the exception of those listed below)**

Flag & First Mile (1,760 yards (1,609 metres))	£8.50
For each 176 yards or uncompleted part thereof (equivalent to £3.30 per mile)	£0.33
Waiting time (equivalent to £36 per hour)	£0.30 per sec

**Tariff 6**

**Optional tariff for minibus or larger vehicles where 5 or more passengers are carried**

**(From 00.01 hrs to 24.00 hrs on Easter Sunday, Christmas Eve, Christmas Day, New Year's Eve and New Year's Day)**

Flag & First Mile (1,760 yards (1,609 metres))	£9.50
For each 176 yards or uncompleted part thereof (equivalent to £3.30 per mile)	£0.33
Waiting time (equivalent to £36 per hour)	£0.30 per 30 sec

**Extra Charges**

Soiling charge	£100
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**All of the above fees are inclusive of VAT where applicable. Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND. Tel: 0345 678 9026 Email: [Taxis@shropshire.gov.uk](mailto:Taxis@shropshire.gov.uk)**

**Responsible Officer: Mrs A Beever**

**Date: xxxxxxxx**

The percentage increases for each Tariff when compared with the current Table of Fares equate to:

	Tariff 1	Tariff 2	Tariff 3	Tariff 4	Tariff 5	Tariff 6
<b>Flag and First Mile</b>	12%	8%	6%	0%	New	New
<b>Additional miles</b>	20%	12%	10%	10%	New	New
<b>Waiting time</b>	0%	0%	0%	0%	New	New

There is no increase to the soiling charge.

The feedback from the formal consultation (from two responses) also indicated that hackney carriage proprietors may welcome the Council being proactive and undertaking an annual review of the Table of Fares in order for the fares to keep pace with inflation without the trade being expected to apply for a review each year.

### **Specific consultation and engagement with intended audiences and target groups for the service change**

Following receipt of the request to vary the Table of Fares, Officers revised the current Table of Fares to take into account the specific request. On the 10 May 2022, notification of the proposed changes was emailed to all hackney carriage proprietors inviting feedback on the draft proposals. This was a short period of informal engagement, which ended on 18 May 2022.

Feedback was received from hackney carriage proprietors, and this led to further amendments to the Table of Fares, which then formed the basis of the formal public consultation, which was carried out from 4 to 31 July 2022 through the Council's 'Get Involved' pages of its website and with additional direct communication, again by email, to existing hackney carriage proprietors and licence holders.

Full details of the informal engagement process and the commencement of the formal consultation period are available in the report entitled 'Request for a Review of the Hackney Carriage Fare Card', which was presented to the Council's Strategic Licensing Committee on the 22 June 2022. The report can be found on the Council's website at [Agenda for Strategic Licensing Committee on Wednesday, 22nd June, 2022, 10.00 am — Shropshire Council](#).

The formal consultation led to further feedback from hackney carriage proprietors, which the Strategic Licensing Committee will have the opportunity to consider on 5 October 2022.

A summary of the feedback from the informal and formal consultation and the adjustments made as a result of the feedback are set out in the section above headed, 'Evidence used for screening of the service change'.

### **Initial equality impact assessment by grouping (Initial health impact assessment is included below)**

*Please rate the impact that you perceive the service change is likely to have on a group, through stating this in the relevant column.*

*Please state if it is anticipated to be neutral (no impact) and add any extra notes that you think might be helpful for readers.*

<b>Protected Characteristic groupings and other groupings in Shropshire</b>	<b>High negative impact</b> <i>Part Two ESIIA required</i>	<b>High positive impact</b> <i>Part One ESIIA required</i>	<b>Medium positive or negative impact</b> <i>Part One ESIIA required</i>	<b>Low positive, negative, or neutral impact (please specify)</b> <i>Part One ESIIA required</i>
<u>Age</u> (please include children, young people, young people leaving care, people of working age, older people. Some people may belong to more than one group e.g., a child or young person for whom there are				Low negative due to fare increase, balanced by low positive

safeguarding concerns e.g., an older person with disability)				due to retention of service
<b>Disability</b> (please include mental health conditions and syndromes; hidden disabilities including autism and Crohn's disease; physical and sensory disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; and HIV)				Low negative due to fare increase, balanced by low positive due to retention of service
<b>Gender re-assignment</b> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				Neutral
<b>Marriage and Civil Partnership</b> (please include associated aspects: caring responsibility, potential for bullying and harassment)				Neutral
<b>Pregnancy and Maternity</b> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				Low negative due to fare increase, balanced by low positive due to retention of service
<b>Race</b> (please include ethnicity, nationality, culture, language, Gypsy, Traveller)				Neutral
<b>Religion and belief</b> (please include Buddhism, Christianity, Hinduism, Islam, Jainism, Judaism, Nonconformists; Rastafarianism; Shinto, Sikhism, Taoism, Zoroastrianism, and any others)				Neutral
<b>Sex</b> (this can also be viewed as relating to gender. Please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				Low negative due to fare increase, balanced by low positive due to retention of service
<b>Sexual Orientation</b> (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				Neutral

<p><b>Other: Social Inclusion</b>          (please include families and friends with caring responsibilities; households in poverty; people for whom there are safeguarding concerns; people you consider to be vulnerable; people with health inequalities; refugees and asylum seekers; rural communities; veterans and serving members of the armed forces and their families)</p>				<p>Low negative due to fare increase, balanced by low positive due to retention of service</p>
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**Initial health and wellbeing impact assessment by category**

*Please rate the impact that you perceive the service change is likely to have with regard to health and wellbeing, through stating this in the relevant column.*

*Please state if it is anticipated to be neutral (no impact) and add any extra notes that you think might be helpful for readers.*

<p><b>Health and wellbeing: individuals and communities in Shropshire</b></p>	<p><b>High negative impact</b> <i>Part Two HIA required</i></p>	<p><b>High positive impact</b></p>	<p><b>Medium positive or negative impact</b></p>	<p><b>Low positive negative or neutral impact (please specify)</b></p>
<p><b>Will the proposal have a direct impact on an individual's health, mental health and wellbeing?</b></p> <p>For example, would it cause ill health, affecting social inclusion, independence and participation?</p> <p>.</p>			<p>Medium negative: Potential impact on at risk and vulnerable e.g., people with disabilities accessing healthcare and shopping, children and young people travelling to school or for education, women accessing night-time economy travelling in the evening and night time, and others who consider</p>	



			<p>themselves to be vulnerable</p> <p>Medium positive:</p> <p>For Hackney Carriage drivers to be able to have job, housing, fuel and food security</p>	
<p><b>Will the proposal indirectly impact an individual's ability to improve their own health and wellbeing?</b></p> <p>For example, will it affect their ability to be physically active, choose healthy food, reduce drinking and smoking?</p>			<p>Medium negative</p> <p>Potential impact on at risk and vulnerable groups reliant on taxis for essential journeys, would need to offset cost in other areas e.g., reduce food / choose less healthy options or not attend appointments</p> <p>Medium positive:</p> <p>For Hackney Carriage drivers to be able to access healthy food, healthy lifestyles and health benefitting activities</p>	
<p><b>Will the policy have a direct impact on the community - social, economic and environmental living</b></p>			<p>Medium negative</p> <p>Potential to impact certain population</p>	

<p><b>conditions that would impact health?</b></p> <p>For example, would it affect housing, transport, child development, education, employment opportunities, availability of green space or climate change mitigation?</p> <p>.</p>			<p>groups (people with disabilities, children, young, women, older people, low income) ability to access appropriate and accessible transport to get to school, etc.</p> <p>Medium positive: For Hackney Carriage drivers to remain in sustainable employment and offer an essential public service. This includes night-time economy and the Safer Streets project safety</p>	
<p><b>Will there be a likely change in <i>demand</i> for or access to health and social care services?</b></p> <p>For example: Primary Care, Hospital Care, Community Services, Mental Health, Local Authority services including Social Services?</p> <p>.</p>				<p>Low negative potential increase in health and social care services including mental health services</p>

**Identification of likely impact of the service change in terms of other considerations including climate change and economic or societal impacts**

---

### ***Climate change***

It is anticipated that the increase in hackney carriage fares is expected to have a 'no effect' outcome on the climate change impacts listed below:

- renewable energy generation;
- carbon offsetting or mitigation; and
- climate change adaptation.

However, with respect to energy and fuel consumption (buildings and/or travel), the ability of hackney carriage businesses to charge more for journeys means there is a greater likelihood that they will remain economically viable and, as a result, in a better position to invest in vehicles that meet the highest emission standards, including moving towards the purchase of electric vehicles in the future.

### ***Health and well being***

Transport has a significant impact on health and wellbeing. It is much more than simply getting from A to B; it is an enabler to get to work, school, shops, healthcare, social events and leisure activities, all of which are important for good physical and mental health and wellbeing. A good transport system, i.e., quality, appropriateness, adequacy and affordable infrastructure and services, is essential for a healthy and equitable society.

Public transport is a vital component of an effective, healthy and equitable transport system. However, the reduction in or lack of public transport services, especially in rural areas like Shropshire can have a negative impact on the access and opportunities available to population groups. Those most vulnerable and at risk from limited transport options and services are already experiencing health inequalities and include people with disabilities, children and young people, women, older people, people without a car, and low income groups. For example, evidence shows that people with disabilities use taxis more than those without a disability for essential journeys like healthcare and shopping, despite more of them living in relative poverty.<sup>1</sup> This is due to a lack of available services, service times and inaccessibility of the services available.<sup>2</sup>

The proposed increase in fares will impact those who are most reliant on taxis for the reasons cited above, especially if no other viable and affordable option is available to these identified population groups. However, this has been mitigated somewhat by not making the fare increases mandatory, therefore, giving the hackney carriage proprietors control and choice over fare pricing up to the maximum set. Whilst this increase will impact the members of the public, many of whom will be struggling with the rise in fuel prices and cost of living crisis, there is a need to balance this with the health and wellbeing needs of taxi drivers. To continue to afford to work and live, i.e., a liveable wage, as fuel and living costs rise it is necessary for taxis drivers, many of whom could themselves be vulnerable or at risk individuals, to maintain their health and wellbeing under the pressures of the current cost of living crisis.<sup>3</sup>

<sup>1</sup> DfT. (2022). National Statistics: Taxi and private hire vehicle statistics, England: 2022.

<https://www.gov.uk/government/statistics/taxi-and-private-hire-vehicle-statistics-england-2022/taxi-and-private-hire-vehicle-statistics-england-2022>

<sup>2</sup> Cooper, E., Gates, S., Grollman, C., Mayer, M., Davis, B., Bankiewicz, U., Khambhaita, P. (2019). Transport, health, and wellbeing: An evidence review for the Department for Transport.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/847884/Transport\\_health\\_and\\_wellbeing.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/847884/Transport_health_and_wellbeing.pdf)

<sup>3</sup> Living Wage Foundation (2021) Life on low pay.

[https://www.livingwage.org.uk/sites/default/files/LW\\_LifeOnLowPayPandemic\\_Feb2020.pdf](https://www.livingwage.org.uk/sites/default/files/LW_LifeOnLowPayPandemic_Feb2020.pdf)

### ***Economic and societal/wider community***

There are known difficulties around providing adequate transport in rural areas and Shropshire is no exception. Hackney carriages (along with private hire vehicles, drivers and operators) are part of the transport solution in Shropshire, not only for general journeys but also to support the evening and night-time economy, including ensuring the public are transported home safely after nights out in our town centres. This also supports the Safer Streets project (Home Office funded), which is currently underway in Shrewsbury (although the principles apply across the county) to mitigate perceived and actual risks of violence against women and girls, and which is hoped will also reduce the risk of individuals entering the River Severn, the majority of whom have been young men.

## **Guidance Notes**

### **1. 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. By way of illustration, some local authorities focus more overtly upon human rights; some include safeguarding. It is about what is considered to be needed in a local authority's area, in line with local factors such as demography and strategic objectives as well as with the national legislative imperatives.

Carrying out these impact assessments 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.

These screening assessments for any proposed service change go to Cabinet as part of the committee report, or occasionally direct to Full Council, unless they are ones to do with Licensing, in which case they go to Strategic Licensing Committee.

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.

These screening assessments are recommended to be undertaken at timely points in the development and implementation of the proposed service change.

For example, an ESHIA would be a recommended course of action before a consultation. This would draw upon the evidence available at that time, and identify the target audiences, and assess at that initial stage what the likely impact of the service change could be across the Protected Characteristic groupings and our tenth category of Social Inclusion. This ESHIA would set out intended actions to engage with the groupings, particularly those who are historically less likely to engage in public consultation eg young people, as otherwise we would not know their specific needs.

A second ESHIA would then be carried out after the consultation, to say what the feedback was, to set out changes proposed as a result of the feedback, and to say where responses were low and what the plans are to engage with groupings who did not really respond. This ESHIA would also draw more upon actions to review impacts in order to mitigate the negative and accentuate the positive. Examples of this approach include the Great Outdoors Strategy, and the Economic Growth Strategy 2017-2021

Meeting our Public Sector Equality Duty through carrying out these ESHIAs is very much about using them as an opportunity to demonstrate ongoing engagement across groupings and to thus visibly show we are taking what is called due regard of the needs of people in protected characteristic groupings

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.

In practice, Part Two or Full Screening Assessments have only been recommended twice since 2014, as the ongoing mitigation of negative equality impacts should serve to keep them below the threshold for triggering a Full Screening Assessment. The expectation is that Full Screening Assessments in regard to Health Impacts may occasionally need to be undertaken, but this would be very much the exception rather than the rule.

## **2. Council Wide and Service Area Policy and Practice on Equality, Social Inclusion and Health**

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, Social Inclusion and Health Impact Assessments (ESHIA) come in. Where you carry out an ESHIA 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 stand-alone 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 or households that we may describe as vulnerable.

Examples could be households on low incomes or people for whom there are 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. Another specific vulnerable grouping is veterans and serving members of the Armed Forces, who face particular challenges with regard to access to Health, to Education, and to Housing.

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 ESHIA, you still need to demonstrate and record 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 ESHIA, 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 ESHIA:*

- 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 that 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.

### **3. Council wide and service area policy and practice on health and wellbeing**

This is a relatively new area to record within our overall assessments of impacts, for individual and for communities, and as such we are asking service area leads to

consider health and wellbeing impacts, much as they have been doing during 2020-2021, and to look at these in the context of direct and indirect impacts for individuals and for communities. A better understanding across the Council of these impacts will also better enable the Public Health colleagues to prioritise activities to reduce health inequalities in ways that are evidence based and that link effectively with equality impact considerations and climate change mitigation.

### **Health in All Policies – Health Impact Assessment**

Health in All Policies is an upstream approach for health and wellbeing promotion and prevention, and to reduce health inequalities. The Health Impact Assessment (HIA) is the supporting mechanism

- Health Impact Assessment (HIA) is the technical name for a common-sense idea. It is a process that considers the wider effects of local policies, strategies and initiatives and how they, in turn, may affect people's health and wellbeing.
- Health Impact Assessment is a means of assessing both the positive and negative health impacts of a policy. It is also a means of developing good evidence-based policy and strategy using a structured process to review the impact.
- A Health Impact Assessment seeks to determine how to maximise health benefits and reduce health inequalities. It identifies any unintended health consequences. These consequences may support policy and strategy or may lead to suggestions for improvements.
- An agreed framework will set out a clear pathway through which a policy or strategy can be assessed and impacts with outcomes identified. It also sets out the support mechanisms for maximising health benefits.

The embedding of a Health in All Policies approach will support Shropshire Council through evidence-based practice and a whole systems approach, in achieving our corporate and partnership strategic priorities. This will assist the Council and partners in promoting, enabling and sustaining the health and wellbeing of individuals and communities whilst reducing health inequalities.

### **Individuals**

**Will the proposal have a *direct impact* on health, mental health and wellbeing?**



For example, would it cause ill health, affecting social inclusion, independence and participation?

Will the proposal directly affect an individual's ability to improve their own health and wellbeing?

This could include the following: their ability to be physically active e.g., being able to use a cycle route; to access food more easily; to change lifestyle in ways that are of positive impact for their health.

An example of this could be that you may be involved in proposals for the establishment of safer walking and cycling routes (e.g., green highways), and changes to public transport that could encourage people away from car usage. and increase the number of journeys that they make on public transport, by foot or on bicycle or scooter. This could improve lives.

**Will the proposal *indirectly impact* an individual's ability to improve their own health and wellbeing?**

This could include the following: their ability to access local facilities e.g., to access food more easily, or to access a means of mobility to local services and amenities? (e.g. change to bus route)

Similarly to the above, an example of this could be that you may be involved in proposals for the establishment of safer walking and cycling routes (e.g. pedestrianisation of town centres), and changes to public transport that could encourage people away from car usage, and increase the number of journeys that they make on public transport, by foot or on bicycle or scooter. This could improve their health and well being.

### **Communities**

Will the proposal directly or indirectly affect the physical health, mental health, and wellbeing of the wider community?

A *direct impact* could include either the causing of ill health, affecting social inclusion, independence and participation, or the promotion of better health.

An example of this could be that safer walking and cycling routes could help the wider community, as more people across groupings may be encouraged to walk more, and as there will be reductions in emission leading to better air quality.

An *indirect impact* could mean that a service change could indirectly affect living and working conditions and therefore the health and well being of the wider community.

An example of this could be: an increase in the availability of warm homes would improve the quality of the housing offer in Shropshire and reduce the costs for households of having a warm home in Shropshire. Often a health promoting approach also supports our agenda to reduce the level of Carbon Dioxide emissions and to reduce the impact of climate change.

Please record whether at this stage you consider the proposed service change to have a direct or an indirect impact upon communities.

### **Demand**

#### **Will there be a change in demand for or access to health, local authority and social care services?**

For example: Primary Care, Hospital Care, Community Services, Mental Health and Social Services?

An example of this could be: a new housing development in an area would affect demand for primary care and local authority facilities and services in that location and surrounding areas. If the housing development does not factor in consideration of availability of green space and safety within the public realm, further down the line there could be an increased demand upon health and social care services as a result of the lack of opportunities for physical recreation, and reluctance of some groupings to venture outside if they do not perceive it to be safe.

***For further information on the use of ESHIAs: 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](mailto:lois.dale@shropshire.gov.uk).***

***For further guidance on public health policy considerations: please contact Amanda Cheeseman Development Officer in Public Health, via telephone 01743 253164 or email [amanda.cheeseman@shropshire.gov.uk](mailto:amanda.cheeseman@shropshire.gov.uk)***



## HACKNEY CARRIAGE TABLE OF FARES

**Applicable to the whole administrative area of Shropshire Council**

### Tariff 1

**(From 07.00 hrs to 23.00 hrs Mon - Sat)**

Flag & First Mile (1,760 yards (1,609 metres))	£4.90
For each 176 yards or uncompleted part thereof (equivalent to £1.50 per mile)	£0.15
Waiting time (equivalent to £18 per hour)	£0.15 per 30 sec

### Tariff 2

**(23.00 to 07.00 hrs including all day Sunday and Bank Holidays  
with the exception of those listed below)**

Flag & First Mile (1,760 yards (1,609 metres))	£6.00
For each 176 yards or uncompleted part thereof (equivalent to £2.50 per mile)	£0.25
Waiting time (equivalent to £30 per hour)	£0.25 per 30 sec

### Tariff 3

**(From 00.01 hrs to 24.00 hrs on Easter Sunday, Christmas Eve,  
Christmas Day, New Year's Eve and New Year's Day)**

Flag & First Mile (1,760 yards (1,609 metres))	£6.60
For each 176 yards or uncompleted part thereof (equivalent to £3.00 per mile)	£0.30
Waiting time (equivalent to £36 per hour)	£0.30 per 30 sec

### Tariff 4

**Optional tariff for minibus or larger vehicles where 5 or  
more passengers are carried.**

Flag & First Mile (1,760 yards (1,609 metres))	£7.50
For each 176 yards or uncompleted part thereof (equivalent to £3.00 per mile)	£0.30
Waiting time (equivalent to £36 per hour)	£0.30 per 30 sec

### Extra Charges

Soiling charge	£100.00
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All of the above fees are inclusive of VAT where applicable.  
Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND.  
Tel: 0345 678 9026  
Email: [Taxis@shropshire.gov.uk](mailto:Taxis@shropshire.gov.uk)

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## Appendix D

### Hackney Carriage - Table of Fares - Informal Consultation

To:

Date 10/05/2022

Dear Hackney Carriage Proprietor

The Licensing Team have received a request to review the current Hackney Carriage Table of Fares, the request has been made due to the increased cost of fuel and general running costs.

The proposal is for an increase of 30p per mile for each additional mile across all 4 tariffs. It is proposed that the Flag and First Mile for each of the 4 tariffs remains unchanged.

**For example:**

<b>Current Table of Fares:</b>		<b>Proposed Table of Fares:</b>	
<b>Tariff 1</b>		<b>Tariff 1</b>	
<b>(From 07.00 hrs to 23.00 hrs Mon - Sat)</b>		<b>(From 07.00 hrs to 23.00 hrs Mon - Sat)</b>	
Flag & First Mile (1,760 yards (1,609 metres))	£4.90	Flag & First Mile (1,760 yards (1,609 metres))	£4.90
For each 176 yards or uncompleted part thereof		For each 176 yards or uncompleted part thereof	
(equivalent to £1.50 per mile)	£0.15	(equivalent to £1.80 per mile)	£0.18
Waiting time (equivalent to £18 per hour)	£0.15 per 30 sec	Waiting time (equivalent to £18 per hour)	£0.15 per 30 sec

We are interested in your views on the proposed increase and if you have any other proposals you would like to put forward?

This email represents an informal consultation, any proposals submitted will be considered and a revised proposal will be formally consulted on in due course.

Please email all proposals to [taxis@shropshire.gov.uk](mailto:taxis@shropshire.gov.uk) by no later than Wednesday 18<sup>th</sup> May 2022.

Comments submitted relating to this consultation must clearly state that they are being submitted in relation to the informal consultation on the hackney carriage table of fares.

Kind regards

## SHROPSHIRE COUNCIL

LOCAL GOVERNMENT (Miscellaneous Provisions) Act 1976  
SECTION 65

## HACKNEY CARRIAGE TABLE OF FARES

NOTICE IS HEREBY GIVEN under the above Act that Shropshire Council proposes to vary the Hackney Carriage Table of Fares for the administrative area of Shropshire Council in accordance with the following table:

<b>Tariff 1</b>	
<b>(From 07.00 hrs to 23.00 hrs Mon - Sat)</b>	
Flag & First Mile (1,760 yards (1,609 metres))	£4.90
For each 176 yards or uncompleted part thereof (equivalent to £1.80 per mile)	£0.18
Waiting time (equivalent to £18 per hour)	£0.15 per 30 sec
<b>Tariff 2</b>	
<b>(23.00 to 07.00 hrs including all day Sunday and Bank Holidays, with the exception of those listed below)</b>	
Flag & First Mile (1,760 yards (1,609 metres))	£6.00
For each 176 yards or uncompleted part thereof (equivalent to £2.80 per mile)	£0.28
Waiting time (equivalent to £30 per hour)	£0.25 per 30 sec
<b>Tariff 3</b>	
<b>(From 00.01 hrs to 24.00 hrs on Easter Sunday, Christmas Eve, Christmas Day, New Year's Eve and New Year's Day)</b>	
Flag & First Mile (1,760 yards (1,609 metres))	£6.60
For each 176 yards or uncompleted part thereof (equivalent to £3.30 per mile)	£0.33
Waiting time (equivalent to £36 per hour)	£0.30 per 30 sec
<b>Tariff 4</b>	
<b>Optional tariff for minibus or larger vehicles where 5 or more passengers are carried</b>	
<b>(From 07.00 hrs to 23.00 hrs Mon - Sat)</b>	
Flag & First Mile (1,760 yards (1,609 metres))	£7.50
For each 176 yards or uncompleted part thereof (equivalent to £3.30 per mile)	£0.33
Waiting time (equivalent to £36 per hour)	£0.30 per 30 sec
<b>Tariff 5</b>	
<b>Optional tariff for minibus or larger vehicles where 5 or more passengers are carried</b>	
<b>(23.00 to 07.00 hrs including all day Sunday and Bank Holidays, with the exception of those listed below)</b>	
Flag & First Mile (1,760 yards (1,609 metres))	£8.50
For each 176 yards or uncompleted part thereof (equivalent to £3.30 per mile)	£0.33
Waiting time (equivalent to £36 per hour)	£0.30 per 30 sec
<b>Tariff 6</b>	
<b>Optional tariff for minibus or larger vehicles where 5 or more passengers are carried</b>	
<b>(From 00.01 hrs to 24.00 hrs on Easter Sunday, Christmas Eve, Christmas Day, New Year's Eve and New Year's Day)</b>	
Flag & First Mile (1,760 yards (1,609 metres))	£9.50
For each 176 yards or uncompleted part thereof (equivalent to £3.30 per mile)	£0.33
Waiting time (equivalent to £36 per hour)	£0.30 per 30 sec
<b>Extra Charges</b>	
Soiling charge	£100.00

In accordance with Section 65(2)(b) of the Local Government (Miscellaneous Provisions) Act 1976 a copy of this notice may be inspected without payment during normal office hours at the Shirehall, Abbey Foregate, Shrewsbury SY2 6ND until noon on 31 July 2022.

Any objections to the proposed fares should be made in writing and addressed to Licensing, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury SY2 6ND or by e-mail to [taxis@shropshire.gov.uk](mailto:taxis@shropshire.gov.uk) by noon on 31 July 2022.

If no objection to this proposal is received within the specified period, then the proposed table of fares will come into force at noon on 1 September 2022. It is intended that any objections received by the stated date (31 July 2022), will be considered by Shropshire Council's Strategic Licensing Committee at a meeting on 5 October 2022.

**Mandy Beever Transactional and Licensing Manager Shropshire Council**

**Dated 23 June 2022**



## Appendix F

Officers' response to consultation responses received

Appendix Letter/ Document Number	Para. No.	Supporting Proposals (SP), Not Supporting Proposals (NSP), (AR) Additional Request or Not Applicable (NA)	Officer Comments Explanatory Notes	
1	1	AR	Comments noted – the revised Tarif card has been amended to incorporate some of the proposals contained in this submission along with proposals made by other members of the trade.	<i>Hackney Carriage Proprietor</i>
2	1	SP	Supporting comment noted.	<i>Hackney Carriage Proprietor</i>
2	2	AR	Amendments to the Tarif card are requested by the Trade and there is nothing to prevent the Trade from requesting this on an annual basis.	<i>Hackney Carriage Proprietor</i>
2	3	NA	The Hackney Carriage fare card was previously consulted on, and a revised version came into effect on 1 April 2021, with an increase of 90p on Tariff 1 contrary to the comment made.	<i>Hackney Carriage Proprietor</i>
2	4-5	NA	The Council are unable to take immediate action as there are legal requirements to consult with Trade representatives on any revisions to the Tariff Card which are required. In order to prevent the misuse and in line with legislation officers have not included the proposal to use the 'extras button' as part of the revised Tarif card.	<i>Hackney Carriage Proprietor</i>
3	1	AR	Comments noted – the revised Tarif card has been amended to incorporate some of the proposals contained	<i>Hackney Carriage</i>

			in this submission along with proposals made by other members of the trade.	<i>Proprietor</i>
4	1	SP	Comment noted.	<i>Hackney Carriage Proprietor</i>
5	1	SP	Comment noted.	<i>Hackney Carriage Proprietor</i>
5	2	AR	The Hackney Carriage fare card was previously consulted on, and a revised version came into effect on 1 April 2021, with an increase of 90p on Tariff 1 contrary to the comment made. The Council are unable to take immediate action as there are legal requirements to consult with Trade representatives on any revisions to the Tariff Card. which are required.	<i>Hackney Carriage Proprietor</i>
6	1	SP	Comment noted.	<i>Hackney Carriage Proprietor</i>
7	2	NA	Comment has been included in the Hackney Carriage and Private Hire Licensing Policy 2023 to 2027 consultation as not relevant to the revision of the Hackney Carriage Tariff Card.	<i>Hackney Carriage Proprietors including 24 signatures 22 of which have not submitted an individual comment</i>

## Appendix G

### Document 1

Fare card proposal

Mon 04/07/2022 15:10

To: Taxis

Good afternoon

Regards to Council statement in Shropshire star

That taxi Fares going to rise by 20% could you please show me the figures how that was worked out, 90% of our fares are less than 3 miles, so in reality we will get less than 5% increase which is not acceptable by majority of drivers.

All over the country taxi fares have been increased by 20% to 30%

We will be sending a signed petition by drivers

Supporting my fare card proposal which at least will give us a reasonable fare rise.

### Attached new fare card proposal

#### Tariff 1

(From 06.00 hrs to 21.00 hrs Mon-Thurs) & (06.00 hrs to 18.00 hrs Friday)

Flag & First Mile (1,760 yards (1,609 metres) £5.90

For each 176 yards or uncompleted part thereof (equivalent to £2.00 per mile)  
£0.20

Waiting time (equivalent to £24 per hour) £0.20 per  
30 sec

#### Tariff 2

(From 21.00 hrs to 06.00 hrs Mon-Thurs) & (from Friday 18.00 hrs to Mon 06.00 hrs)

Flag & First Mile (1,760 yards (1,609 metres) £6.90

For each 176 yards or uncompleted part thereof (equivalent to £2.80 per mile)  
£0.28

Waiting time (equivalent to £34 per hour) £0.28 per  
30 sec

#### Tariff 3

(From 00.01 hrs to 24.00 hrs on ALL Bank Holidays including Christmas Eve & New Year's Eve)

Flag & First Mile (1,760 yards (1,609 metres) £7.50

For each 176 yards or uncompleted part thereof (equivalent to £3.30 per mile)  
£0.33

Waiting time (equivalent to £36 per hour) £0.30 per  
30 sec

#### Tariff 4

(From 06.00 hrs to 21.00 hrs Mon-Sun) Minibus or larger vehicles where 5 or more passengers are carried

Flag & First Mile (1,760 yards (1,609 metres) £7.90

For each 176 yards or uncompleted part thereof (equivalent to £3.30 per mile)  
£0.33

Waiting time (equivalent to £40 per hour) £0.33 per  
30 sec

#### Tariff 5

(From 21.00 hrs to 06.00 hrs Mon-Sun) Minibus or larger vehicles where 5 or more passengers are carried

Flag & First Mile (1,760 yards (1,609 metres) £8.50

For each 176 yards or uncompleted part thereof (equivalent to £3.50 per mile)  
£0.35

Waiting time (equivalent to £42 per hour) £0.35 per  
30 sec

#### Tariff 6

(From 00.01 hrs to 24.00 hrs on ALL Bank Holidays including Christmas Eve & New Year's Eve)

Minibus or larger vehicles where 5 or more passengers are carried

Flag & First Mile (1,760 yards (1,609 metres) £9.50

For each 176 yards or uncompleted part thereof (equivalent to £4.00 per mile)  
£0.40

Waiting time (equivalent to £48 per hour) £0.40 per  
30 sec

#### EXTRA CHARGES

Soiling charge £100.00

OPTIONAL CHARGES FOR EXTRAS such as bicycles, suitcases, prams, pets  
£1.00

## Document 2

Fare card increase for September

Wed 06/07/2022 19:52

To: Taxis

Hi there

- 1) I would accept the proposed tariff increase mentioned in your email recently
- 2) and also propose that we receive a yearly increase every April that follows the usual mechanism's so that any yearly increase is linked to RPI and inflation figures that are available to yourselves at that time and to include viewpoints from the taxi trade at the same time when deciding any increases
- 3) We should have done this year's ago, as we haven't had a mileage increase since 2013, and we all know how much fuel has increased over the past 9 years
- 4) Also with ever spiralling price of diesel and petrol I would welcome a condition that if the prices continue on there very upward trend, that we are allowed to take immediate action, with yourselves again to increase our fares within days if the prices continue to rocket ,
- 5) We could do this on our extras button which is on every taxi meter , hopefully this wouldn't be necessary, but we might have to if the prices don't stabilise soon.

Thanks for your help

### Document 3

Fare card

Wed 06/07/2022 19:50

To: Taxis

Hi please kindly can you update new fare card as I stated before 60 liters diesel full tank was 1.35 full tank 80 pounds Now it's 1.99 so full tank casting 119 pounds almost 40 pounds extra and if you like upgrades vehicle that's nightmare as everything gone up even private hire have increased there fares we will be out of business buying expensive fuel and vehicles not on 50p extra per mile please if you help that will very kind

**Document 4**

New fare card proposal

Wed 06/07/2022 18:49

I would like to support the new proposed Hackney fare card.

## Document 5

New Hackney Fare Card consultation response

Wed 06/07/2022 17:18

Good Afternoon

Regarding the proposed new hackney fare card.

- 1) I am in full agreement that it should be implemented,
- 2) I also think it should be reviewed on an annual basis and maybe increased relative to inflation every year, that way it will not fall behind as much as it has in the past, given this will only be the second fare change in 8 years.

Regards



## **Document 6**

(no subject)

Fri 15/07/2022 16:30

- 1) I agree to the new fare card ,
- 2) But not to 6 years old proposers idear of new 2016 taxis

## Document 7

Table of fares

Thu 28/07/2022 23:59

Good Evening Kate

Majority of the Hackney carriage drivers reject the fare card proposal put forward by council, which is less than 5 percent on 80 percent of jobs and Majority of local jobs nothing at all

They support the fare card proposal I've put forward which most drivers think is fair,

I've attached petition signed by Majority of Hackney drivers which most of them work on Ranks around Shropshire

Kind Regards

**Please note a list of 24 signatures were received as part of this submission who were in support of the 'Attached new fare card proposal' contained in Document 1.**



Committee and Date

Strategic Licensing Committee

5 October 2022

Item

Public

## Proposed Variation of the Designation of Licenced Streets

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

### 1. Synopsis

1.1 The purpose of this report is to seek the Committee's approval for the variation of some Licenced Streets previously designated as Licence Streets on 1 April 2018 in accordance with Local Government (Miscellaneous Provisions) Act 1982.

### 2. Executive Summary

- 2.1. The Council adopted the Street Trading provisions under the Local Government (Miscellaneous provisions) Act 1982 for the whole of the Shropshire Council administrative area on the 26 January 2017.
- 2.2. The administration of Street Trading includes the determination, variation and rescinding of Prohibited, License and Consent Streets, the setting of fees, the administration of licenses and consents, and enforcement in the event of non-compliance.
- 2.3. The Council's existing Designated Streets came into effect from 1 April 2018.
- 2.4. Work has been undertaken to review the existing Street Trading Policy, rationalise and align Street Trading controls across the whole administrative area of the Council. The responses to this review have led to proposed variations to designated streets.
- 2.5. A revised Street Trading Policy is currently being drafted in response to a public consultation that was undertaken between the 27 June 2022 and the 21 August 2022; this will form the subject of a future report to the committee and will include any variations to the designated streets.

### 3. Recommendation

- 3.1 That the Strategic Licensing Committee resolve to vary the list of designated streets that are currently contained in the policy by removing those streets identified as set out in **Appendix A, documents 1 to 5** of the report.

- 3.2** That the Committee instructs the Transactional and Licensing Team Manager to publish and serve the relevant notices, setting out the designation of streets, as required by Section 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 3.3** That where there are representations that object to the designation of streets as set out in **Appendix A, documents 1 to 5** the Committee instructs the Transactional and Licensing Team Manager to bring a further report before the Committee to enable those representations to be considered in accordance with Section 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 3.4** That where no representations or only supporting or neutral representations are received, the Council resolves through delegated authority granted to the Strategic Licensing Committee, to pass a resolution designating the streets as set out in **Appendix A, documents 1 to 5** with effect from 1 April 2023 and further instructs the Transactional and Licensing Team Manager to make the necessary arrangements as set out within Section 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 to give effect to the designations.

## REPORT

### 4. Risk Assessment and Opportunities Appraisal

- 4.1. The Council adopted the Street Trading provisions under the Local Government (Miscellaneous provisions) Act 1982 for the whole of the Shropshire Council administrative area on the 26 January 2017.
- 4.2. Following the formal adoption, it is now necessary to ensure that the streets have the appropriate designation. For this purpose a consultation process was undertaken. Initially this related to a revised Street Trading Policy together with a review of the existing designated streets. This was to determine whether the existing Prohibited, Licenced and Consent Streets were fit for purpose; particularly given the very different economic climate within which Street Trading is now undertaken in comparison to when the legislation was originally adopted forty years ago.
- 4.3. A decision has subsequently been taken to separate the development of the policy from the designation of specific streets and as a result this report focuses on the designation. However, the responses to the consultation, as set out at **Appendix B**, relate to both on the basis that separation was impractical without losing the necessary context.
- 4.4. The responses to the consultation and officer comments are set out at **Appendix C**.
- 4.5. Town and Parish Councils were contacted and asked to consider the requirements of the existing Policy and how this has affected the running of some of their events since it came into effect. A copy of the email sent to all Town and Parish Councils can be found at **Appendix D**.

- 4.6. Bridgnorth Town Council responded to the consultation with a request to vary the Licenced Streets of Severn Park (WV15 5AE), Crown Meadow (WV16 4HL) and Castle Grounds (WV16 4AB) and make them areas where Consent or Licenced Streets do not apply. This was to allow Bridgnorth Town Council to run their own events without any Street Trading Restrictions.
- 4.7. Oswestry Town Council responded to the consultation with a request to vary Cae Glas Park in Oswestry and make this an area where Consent or Licenced Streets do not apply. This was to allow the Cae Glas Charity to run their own events to raise fees for the use of the park to offset the running costs, without any Street Trading Restrictions.
- 4.8. A street which has not been designated as either Prohibited, Licence or Consent, the Council has no regulatory responsibility under Street Trading legislation and therefore, no permissions are required from the Council.
- 4.9. Enabling Bridgnorth Town Council and the Cae Glas Charity to run their own events without any Street Trading restrictions at a local level has clear benefits, allowing for more independent decisions on how they run events in accordance with the nature of the local area. Furthermore, enabling them to reinvest any money raised back into the area.

## **5. Financial Implications**

- 5.1. Consideration has been given for the possible loss of licensing fees to Shropshire Council for the areas requested in paragraphs 4.6 and 4.7 above by Bridgnorth Town Council and the Cae Glas Charity. A review of the Street Trading Licence fees was undertaken for the financial years 2019/20, 2020/21 and 2021/22 for the associated licence fees. No applications for a Street Trading Licence were received in any of the areas listed for each of the financial years.

## **6. Climate Change Appraisal**

- 6.1. There are no anticipated climate change or environmental impacts associated with the recommendations in this report.

## **7. Background**

- 7.1. The legal controls relating to Street Trading are contained in Section 3 and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. These include the designation, variation and rescinding of streets, setting of fees, the administration of licences and consents, and enforcement in the event of non-compliance.
- 7.2. Street trading means the selling or exposing or offering for sale of any article (including a living thing) in a street. Streets are designated as either prohibited, licence or consent and they are defined as:
  - Prohibited Street' means a street in which street trading is prohibited.

- ‘Licence Street’ means a street in which street trading is prohibited without a licence granted by the Council.
  - ‘Consent Street’ means a street in which street trading is prohibited without the consent of the Council
- 7.3. Where a street has not been designated as either Prohibited, Licence or Consent, the Council has no regulatory responsibility under Street Trading legislation and therefore, no permissions are required from the Council. However, Street Traders must always seek permission to use the land from the land owner. This includes Shropshire Council’s Highways Service or the Highway Authority for the Strategic Road Network (SRN) (National Highways) where the land is a highway.
- 7.4. It is illegal to trade in those streets designated as Prohibited Streets and the Council cannot subsequently give permission without removing the prohibition. In order to trade legally in a Licence or Consent Street, traders must apply for a Street Trading Licence or Consent and be granted permission to trade. Within the Council this process is undertaken by the Licensing Team.
- 7.5. Prior to submitting an application, the Street Trader must ensure they have permission to use the land from the land owner. The permission to use the land is separate from gaining permission to trade.
- 7.6. Any area or street identified as an area or street where consent does not have an effect would still require permission to use the land from the land owner. Bridgnorth Town Council and the Cae Glas Charity would like the streets/areas as set out at paragraphs 4.6 and 4.7 above or Appendix XX to be areas or streets where consent does not have an effect. This would result in Bridgnorth Town Council and the Cae Glas Charity being able to solely manage these areas without the application of the Street Trading provisions.

## 8. Conclusions

- 8.1. The recommendations make it clear that the resolution to designate the streets will only become effective where there are no objections received as part of the legal process. If objections are received this will come before the Committee for a final decision.

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

Local Government Act 1972 s101 (1) (b)

Local Government (Miscellaneous Provisions) Act 1982 s.3 and Schedule 4

Strategic Licensing Committee, 4th October 2017: Street Trading Adoption of Streets. <https://shropshire.gov.uk/committee-services/documents/s16627/Agenda%20Item%205%20Street%20Trading.pdf>

Strategic Licensing Committee, 25th January 2017: Street Trading Policy Consultation <https://shropshire.gov.uk/committee-services/documents/s14166/Item%207%20Adoption%20of%20Misc%20Provisions%201982%20Act%20-%20Street%20Trading.pdf>

Strategic Licensing Committee, 22 June 2022: Review of the Street Trading Policy 2023 to 2028 [Agenda for Strategic Licensing Committee on Wednesday, 22nd June, 2022, 10.00 am — Shropshire Council](#)

**Cabinet Member (Portfolio Holder)**

Councillor Ed Potter, Deputy Leader, Economic Growth, Regeneration and Planning

**Local Member**

Not applicable – report has county wide application

**Appendices**

- Appendix A, documents 1 to 5 – List of Streets and associated maps
- Appendix B – Individual Formal Consultation Responses
- Appendix C – Officer Summary of Consultation Responses
- Appendix D – Email sent to Town and Parish Councils

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SHROPSHIRE COUNCIL

Local Government (Miscellaneous Provisions) Act 1982 – Schedule 4

STREET TRADING

**Bridgnorth Streets/areas where consent or licence does not have effect for Street Trading purposes**

Severn Park (WV15 5AE)  
Crown Meadow (WV16 4HL)  
Castle Grounds (WV16 4AB)

**Oswestry Streets/areas where consent or licence does not have effect for Street Trading purposes**

Cae Glas Park

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Severn Park – Bridgnorth



Page 463

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Crown Meadow- Bridgnorth



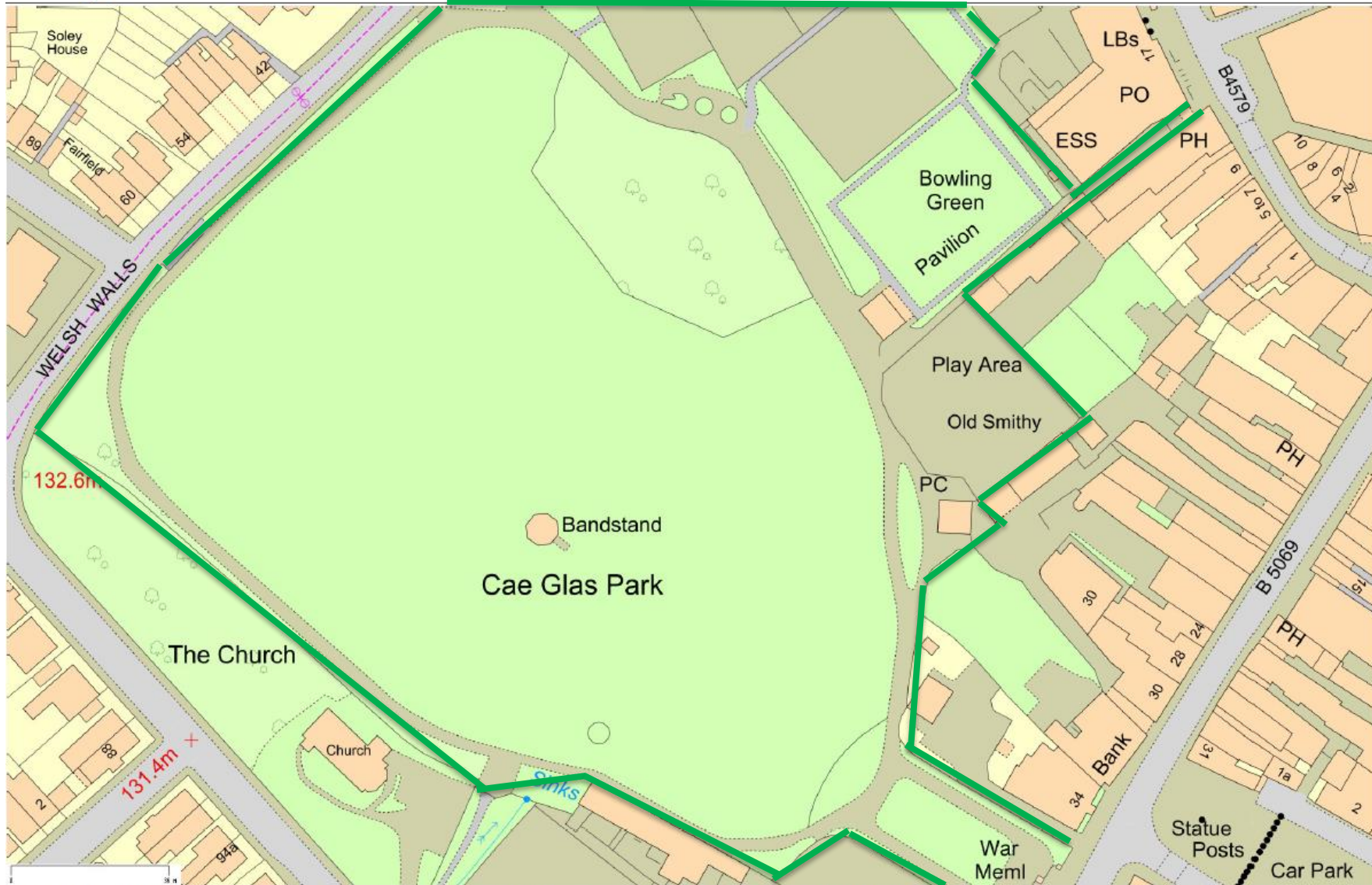
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Castle Grounds- Bridgnorth



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## Appendix B

### Document 1

#### Street Trading Policy 2023 – 2028

To: Licensing

Fri 29/07/2022 11:14

Good morning

Bridgnorth Town Council would like to make the following comments:

To include Severn Park (WV15 5AE), Crown Meadow (WV16 4HL) and Castle Grounds (WV16 4AB) in Bridgnorth as areas that are excluded from Shropshire Councils licencing arrangements.

We would wish to have the right to choose ourselves who, what and how we might award concessions on these sites from time to time.

Could you please acknowledge receipt of this email.

Kind regards

**Interim Town Clerk**

**Bridgnorth Town Council**

**Note: Maps can be found at Appendix A, documents 2 to 4.**

Document 2

Street Trading Policy 2023 – 2028

To: Licensing

Wed 03/08/2022 16:13

Dear Licensing

At Full Council on Monday 1<sup>st</sup> August 2022, Members considered the Street Trading Policy 2023-2028 and resolved:-

**FC/131 SHROPSHIRE COUNCIL CONSULTATION – STREET TRADING**

**RESOLVED (unanimous) GG/TG**

That the Town Council supports street trading being administered by councils at a local level.

Kind regards.

Admin Assistant

Ludlow Town Council

The Guildhall

Mill Street

Ludlow

Shropshire

SY8 1AZ

**Document 3**

**Street Trading Policy 2023 – 2028**

**To: Licensing**

**Fri 12/08/2022 10:46**

Dear Licensing

Thank you for your recent correspondence regarding the consultation on the Street Trading policy for Shropshire. I would like to formally confirm the details of our conversation that Oswestry Town Council requests that Cae Glas Park is an area where Street Trading consent does not have effect to enable the Cae Glas Charity to raise fees to offset the cost of running Cae Glas Park.

We trust that this is the information that you need at this stage.

Kind regards

Town Clerk

Oswestry Town Council

**Note: Maps can be found at Appendix A, document 5.**

**Document 4**

**Street Trading Policy 2023 – 2028 Consultation**

**To: Licensing**

**Thu 18/08/2022 15:07**

- 1) I wish to comment on, and raise deep concerns about Shropshire Council's proposals for street trading licenses.
- 2) I want to stress from the start how essential street events are to protect and enhance the vitality and sustainability of so many small towns in Shropshire.
- 3) I had thought that this was appreciated and even encouraged by Shropshire Council.
- 4) This consultation brings that assumption into question.
- 5) The existing regime and the proposals have been made with no apparent analysis of the risks and suitable, workable controls; many of which are already well covered by other enforcement bodies and a highly litigious society.
- 6) There are famously, no spare resources at Shropshire Council to carry out core responsibilities; apart from a non specified licensing fee, how will this be paid for?
- 7) The proposals are highly bureaucratic and overbearing for the majority of traders who are micro businesses with little or no spare financial nor management resources.
- 8) It is clear that no assessment has been made on the effects on these businesses, indeed, it is clear that there is little or no understanding, nor thought about how these businesses will cope or even bother to participate in street events.
- 9) Should Shropshire Council charge fees that cover the cost of this proposed regime, it will almost certainly kill many events off entirely.
- 10) I believe very strongly that the whole thought process on this consultation is wrong and should be rethought in a way that understands the risks, understands that suitable controls are in place already, and understands that embarking on the suggested strategy poses severe threats to the commercial and cultural health of Shropshire communities.

Yours sincerely

Much Wenlock

## Appendix C

Officer response to consultation responses received for the revision of the Street Trading Policy 2023 to 2028

Appendix Letter/ Document Number	Para. No.	Included in Revised Policy [Y/N or In Part]	Officer Comments Explanatory Notes
1	1	N	Comments noted - All requests to amend the streets where consent, licenced or prohibition apply will form part of a formal adoption process which is outside of this policy review. Appendix 1 of the policy document which contains a list of all consent, licenced or prohibited streets will be updated upon completion of the formal adoption process.
2	1	Y	Supportive comment noted.
3	1	N	Comments noted - All requests to amend the streets where consent, licenced or prohibition apply will form part of a formal adoption process which is outside of this policy review. Appendix 1 of the policy document which contains a list of all consent, licenced or prohibited streets will be updated upon completion of the formal adoption process.
4	1 to 5	In Part	Comments noted – All Town and Parish Councils have been consulted with specific reference to ‘Special Events’ as part of an initial informal consultation to inform the drafting of the policy document which was then formally consulted upon. All comments were considered when drafting the formal consultation policy document which resulted in an additional section of the policy specifically for ‘Special Events’.
4	6	In Part	Comments noted - Licensing fees are set annually and are calculated on a cost recovery basis. The process of setting Licensing fees includes the use of a financial modelling tool designed to calculate the costs for every process undertaken with an application. The law determines the processes required to be undertaken by officers from the initial receipt to the determination of the application and the modelling tool has been set up to take account of each

			process. The tool draws together detailed information regarding the costs associated with undertaking the administrative procedures and formalities associated with all licensing procedures, including the costs of investigating the background and suitability of applicants for licences together with the cost of monitoring the compliance of those who are licensed against the conditions of their licences. In addition, the cost of enforcing the licensing regime against unlicensed operators is included in licence fees.
4	7 to 8	In Part	Comments noted - see response to paragraphs 1 to 5 above
4	9	N	Comments noted – see response to paragraph 6 above
4	10	In Part	Comments noted – see response to paragraphs 1 to 5 above



## Appendix D

CONSULTATION: Shropshire Council Street Trading Policy 2023 – 2028

To:

Thu 30/06/2022 09:20

Good morning

**We are seeking your comments on the review of the Shropshire Council Street Trading Policy 2023 to 2028.**

The existing Street Trading Policy came into effect from 1 April 2019. The Street Trading Policy requires updating to reflect our priorities and outcomes for 2023 to 2028, 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 with the Street Trading Policy

Further details and a copy of the proposed policy can be found at the following link: <https://www.shropshire.gov.uk/get-involved/street-trading-policy-2023-2028/>.

Any feedback on the proposed Street Trading Policy should be made by e-mail to [licensing@shropshire.gov.uk](mailto:licensing@shropshire.gov.uk) with the subject 'Street Trading Policy 2023 – 2028' by midnight on 21 August 2022.

Kind regards

**Licensing Team**

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<p><u>Committee and Date</u></p> <p>Strategic Licensing Committee</p> <p>5 October 2022</p>
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<p><u>Item</u></p>   <p><u>Public</u></p>
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## Responsibilities of Premises Licence Holders under the Licensing Act 2003

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

### 1. Synopsis

1.1    This report sets out the responsibilities placed on premises licence holders, when undertaking licensable activities that are authorised under the Licensing Act 2003 ('the 2003 Act'), with a focus on the safety of those who attend licensed premises.

### 2. Executive Summary

- 2.1    This report is in response to a Motion that was agreed by Council, part of which requested clarity on the obligations placed on premises licence holders, who sell/supply alcohol as it relates to the safety of those who attend licensed premises.
  
- 2.2    The 2003 Act exists to regulate the carrying on of licensable activities taking place on or from licensed premises and focuses on the promotion of four statutory licensing objectives, which must be addressed when licensing functions are undertaken. The licensing objectives aim to protect the public from harm.
  
- 2.3    The report sets out the most relevant legal responsibilities placed on premises licence holders as they relate to adult customers and highlights the advice available in statutory guidance. Compliance with the statutory guidance helps licensees to demonstrate that they have satisfied their legal responsibilities.

### 3. Recommendation

3.1    That Members consider and note the information provided in the report.

## REPORT

### 4. Risk Assessment and Opportunities Appraisal

- 4.1 As this is an information report a risk assessment and opportunities appraisal has not been carried out.

### 5. Financial Implications

- 5.1 There are no financial implications associated with this report.

### 6. Climate Change Appraisal

- 6.1 There are no anticipated climate change or environmental impacts associated with the recommendations in this report.

### 7. Background

- 7.1 At a meeting of the Full Council on the 12 May 2022, the following motion was agreed:

*“Call a meeting of the Strategic Licensing Committee to clarify the obligations on liquor licensees regarding care and protection of their users and work with the Police to ensure that the responsibilities are exercised, including giving advice to vulnerable people on leaving such premises.”*

- 7.2 The 2003 Act replaced the Licensing Act 1964 and reference to ‘liquor licensees’ was amended. The 2003 Act refers to premises licence holders and the supply of alcohol is a licensable activity for which a premises licence can be held.

- 7.3 The 2003 Act exists to regulate the carrying on of licensable activities taking place on or from licensed premises. The licensable activities are:

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late-night refreshment

- 7.4 The 2003 Act focuses on the promotion of four statutory licensing objectives which must be addressed when licensing functions are undertaken:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

- 7.5 The promotion of the four objectives is paramount in any decision making under the 2003 Act and in the operation of any premises authorised to carry out licensable activities under the 2003 Act. This is managed through a set of mandatory conditions, which are set out in the 2003 Act and attached to all premises licences, together with licence specific conditions which are determined through the application process for a new licence, and through its ongoing management once granted.
- 7.6 Ensuring the safety of people using licensed premises is one of the main responsibilities of premises licence holders. This responsibility includes implementing measures to prevent accidents and injuries occurring on a premises and preventing the immediate harms that can occur as a result of the consumption of alcohol. The specific measures required are determined on a case-by-case basis as they must be capable of addressing identified risks, which will be different at different premises.
- 7.7 The guidance issued under section 182 of the 2003 Act ('the Section 182 Guidance') states that licence holders should make provision to ensure that those using their premises are able to leave safely, which might include steps such as providing information on local taxi companies inside the premises and ensuring adequate lighting outside the premises and in any carparks associated with it. Importantly, the Section 182 Guidance does not extend the licence holder's responsibility for customer safety to those who have already left the premises. Furthermore, a premises that has implemented measures described in the Section 182 Guidance (and any other measures deemed necessary/appropriate) does not guarantee that customers will make use of these measures. Making it possible for customers to leave safely does not necessarily mean that they will; this ultimately remains in the control of individual customers.
- 7.8 To further protect customers of licensed premises from the potential harms of alcohol consumption, the 2003 Act makes it an offence under section 141 to knowingly sell or attempt to sell alcohol to a person who is drunk, or to knowingly allow alcohol to be sold to such a person on a licensed premises. The clear intention of this is to protect customers of licensed premises from the immediate risks of alcohol consumption both on licensed premises and once they have left them. This offence can be enforced by both the Police and the Licensing Authority. It is generally accepted that the best professional opinion on whether a person is drunk would come from a police officer, because they are also responsible for enforcing public order offences such as being drunk and disorderly and are professionally trained to recognise the signs of intoxication.
- 7.9 There is, however, no precise legal definition of 'drunk', and no official guidance available to premises licence holders on how to accurately assess levels of drunkenness. Alcohol affects people in different ways, different people can consume different amounts before they might be deemed 'drunk' and there are many other variables which could impact on a person's behaviour, e.g., prescription or illegal drugs or a medical condition. The way in which alcohol is consumed has also changed greatly in recent years. 'Pre-loading' is now common practice, so a person may only need to consume one drink in a licensed premises to become 'drunk', having already consumed significant amounts at home.

- 7.10 Proving that a section 141 offence has taken place is challenging, primarily because it is about knowingly selling or allowing the sale of alcohol to a person who is drunk. Firstly, it must be proven that the person who has been sold the alcohol was drunk (for which there is no legal definition, and a professional opinion would be required) and that the person who sold to them knew they were drunk. Clearly, proving what a person did or did not know is very difficult and consequently there is a very high evidential bar. Very few prosecutions are taken for this offence nationally, and even fewer are successful.
- 7.11 It is right that premises licence holders should be expected to do everything within their power on their premises to ensure the safety of their customers, both when they are in the premises and when they leave. It is standard practice for premises licences issued by Shropshire Council to include conditions on new and varied premises licences that, amongst other measures, require licensees to make available telephone numbers for local taxi firms, to train all their staff in their responsibilities under the 2003 Act (including not serving a person who is drunk) and to keep a log of people they have refused to serve, in order to protect public safety.
- 7.12 The extent to which a premises licence holder's responsibility extends to areas away from the licensed premises, and for customers who have left the premises, is not defined by the 2003 Act. Where a licence holder has met their responsibilities, as defined by the Act, and no offences have been committed, the 2003 Act does not hold premises licence holders responsible for what may happen to a customer once they have left the premises.
- 7.13 Caution does need to be exercised in terms of correlating licensed premises that sell/supply alcohol with any specific public safety issue as there are a number of variables that will impact on this, many of which may be unknown. Focusing on licensed premises as a cause of any specific issue may be misleading, could inadvertently mask another issue and potentially damage businesses.
- 7.14 Where an individual or organisation considers that a licensee has failed/is failing to meet their responsibilities referred to above, it is important that this information is reported to the Council's Licensing Team and/or the relevant responsible authority. This will ensure the issues are investigated and, where necessary, a licence review can be brought before the Strategic Licensing Committee. The Committee can then apply further conditions to the premises licence or amend existing conditions aimed at addressing the failures of the licensee. The licensee will be responsible for ensuring compliance with these conditions. In the most serious cases, such a review can lead to the revocation of a premises licence.

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

- Full Council Meeting on Thursday 12 May 2022  
[Agenda for Council on Thursday, 12th May, 2022, 10.00 am — Shropshire Council](#)
- The Licensing Act 2003  
<https://www.legislation.gov.uk/ukpga/2003/17/contents>
- Revised guidance issued under section 182 of the Licensing Act 2003  
[Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK \(www.gov.uk\)](#)

**Cabinet Member (Portfolio Holder)**

Councillor Ed Potter, Deputy Leader, Economic Growth, Regeneration and Planning

**Local Member**

Not applicable – report has county wide application

**Appendices**

None

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<u>Committee and Date</u>
Strategic Licensing Committee
5 October 2022

<u>Item</u>
<u>Public</u>

## REPORT HEADING

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

### 1. Synopsis

- 1.1 This report gives details of the licences issued and the variations that have been made between 1 June 2022 and the 31 August 2022 and a summary of applications considered by the Committee.

### 2. Executive Summary

- 2.1 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 regarding general and public health licences.
- 2.2 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.
- 2.3 This report gives details of the licences issued and the variations that have been made between 1 June 2022 and the 31 August 2022 and a summary of applications considered by the Committee.

### 3. Recommendations

- 3.1 That members note the position as set out in the report.

## REPORT

### 4. Risk Assessment and Opportunities Appraisal

- 4.1 This is an information report giving Member's information on the work undertaken by the Licensing Team and Committee and therefore a risk assessment and opportunities appraisal has not been carried out.

## 5. Financial Implications

5.1. There are no financial implications associated with this report.

## 6. Climate Change Appraisal

6.1. There are no anticipated climate change or environmental impacts associated with the recommendations in this report.

## 7. Background

7.1 Information regarding the issue of licences by Officers under delegated powers is reported to Committee on a quarterly basis.

7.2 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 2019 to 2023 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 2019 to 2023 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 2019 to 2023 is not met and the officer does not consider there to be any special reason for an exception to be made.

7.3 The table in **Appendix A** shows the complete range of licences issued by the licensing team during the period of 1 June 2022 and the 31 August 2022. During this period the total number of licences processed was 1252.

7.4 The Table in **Appendix B** shows that there were no Licensing and Safety Sub-Committee Meetings held between the 1 June 2022 and the 31 August 2022.

7.5 The Table at **Appendix C** shows that there were no Licensing Act Sub Committee premise hearings held between the 1 June 2022 and the 31 August 2022.

7.6 Following the decision at the Strategic Licensing Committee on 18 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:-

<b>Driver</b>	<b>Granted</b>	<b>Granted and/or Warning Letter, Suspension</b>	<b>Letter Council is 'Minded to refuse' or 'Revoke'</b>	<b>Refuse to Grant</b>	<b>Revoke</b>	<b>To refer to Committee</b>
New	3	1		3		
Renew						
Conduct		3	4		3	
<b>Vehicle</b>	<b>Granted</b>	<b>Granted and/or Warning Letter</b>	<b>Letter Council is 'Minded to refuse' or 'Revoke'</b>	<b>Refuse to Grant</b>	<b>Revoke</b>	<b>To refer to Committee</b>
New						
Renewal	1		1			
Condition				1		
<b>Operator</b>	<b>Granted</b>	<b>Granted and/or Warning Letter</b>	<b>Letter Council is 'Minded to refuse' or 'Revoke'</b>	<b>Refuse to Grant</b>	<b>Revoke</b>	<b>To refer to Committee</b>
New						
Renewal						
Conduct			4		4	

## 8. Conclusions

- 8.1 During the period captured in this report the workload for the Licensing team has continued to be high. The team have worked together to answer all the queries, support businesses and 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 Ed Potter, Deputy Leader, Economic Growth, Regeneration and Planning

**Local Member**

Cover all areas of Shropshire

**Appendices:**

**Appendix A** – Licences processed between 1 June 2022 and the 31 August 2022.

**Appendix B** – Number of Hackney Carriage / Private Hire Vehicle applications considered at the Licensing and Safety Sub-Committees from 1 June 2022 to the 31 August 2022.

**Appendix C** – Hearings held for licensed premises at the Licensing Act Sub-Committees from 1 June 2022 to the 31 August 2022.

**Licences processed – from the 1 June 2022 to the 31 August 2022.**

<b>General Licensing</b>	<b>Renewal Period</b>	<b>Total</b>
Acupuncture Personal	For life	
Acupuncture Premises	For life	
Activities Involving Animals Licence	Up to 3 years	29
Caravan Sites	For life	6
Mobile Homes Fit and Proper Person Register	Up to 5 Years	
Cosmetic Piercing Personal	For life	17
Cosmetic Piercing Premises	For life	6
House to House Collection	For the period applied for, no longer than 12 months	5
House to House Exemption Order	Exemption certificate is issued by the Home Office	2
Scrap Metal Site (new/renewal)	3 Years	
Scrap Metal Collector (new/renewal)	3 Years	3
Sex Establishment Licence	1 Year	
Sex Shop Licence	1 Year	
Street Collection	Covers the dates applied for	27
Street Trading Licence (new/renewal)	1 Year (daily licence also available which covers maximum of 7 days in a 12-month period)	11
Tattooing Personal	For life	
Tattooing Premises	For life	
Electrolysis Personal	For life	
Electrolysis Premises	For life	
Dangerous Wild Animals	2 Years	1
Zoo	New licences last 4 years, upon renewal they can be granted for 6 years	2
Distribution of Free Printed Matter	7 consecutive days, 28 consecutive days, 1 year – dependent on what is applied for	
Storage of Explosives	1 Year	12
Year-round Fireworks Sales	1 Year	
Pavement Licence	1 Year	10
Pavement Permit	1 Year	19
<b>Total Applications General</b>		<b>150</b>

<b>Taxi Licensing</b>		<b>Renewal Period</b>	<b>Total</b>
Hackney Carriage	N	1 Year	4
Hackney Carriage	R	1 Year	12
Joint HC/PH Driver	N	Up to 3 Years	17

Joint HC/PH Driver	R	Up to 3 Years	42
Private Hire Operator	N	Up to 5 Years	2
Private Hire Operator	R	Up to 5 Years	1
Private Hire Vehicle	N	1 Year	37
Private Hire Vehicle	R	1 Year	123
Hackney Vehicle Transfer		For period left on existing licence	1
Private Hire Vehicle Transfer		For period left on existing licence	9
Private Hire Licensee Transfer		For period left on existing licence	
Trailer Licence		1 Year	
<b>Total Taxi Applications</b>			<b>248</b>

<b>Taxi Licensing (Surrendered)</b>	<b>Total</b>
Private Hire Vehicles	0
Hackney Carriages	0
<b>Total Surrendered Vehicles</b>	<b>0</b>

<b>Licensing Act 2003</b>	<b>Renewal Period</b>	<b>Total</b>
Club Premises Certificate	For Life	
Personal Alcohol (variation/new)	For Life	71
Premises Licence	For Life	20
Temp Event Notice no Alcohol	For the dates applied for	
Temp Event Notice with Alcohol	For the dates applied for	419
Minor Variation Application	For Life	6
Designated Premises Supervisor (DPS) Change/Variation	For Life	53
Disapply DPS	For Life	
Premises Licence Transfer Application	For Life	21
Annual Fee	Due each year on anniversary of granting of original licence	225
Notification of Interest	For Life	1
Premises Licence with Alcohol - Full Variation	For Life	6
Premises Licence without Alcohol - Full Variation	For Life	
<b>Total Licensing Act Applications</b>		<b>822</b>

<b>Gambling Act 2005</b>	<b>Renewal Period</b>	<b>Total</b>
Bingo Premise Licence	For Life	

Betting Premise Licence (other than track)	For Life	
Betting Premises Licence (track)	For Life	
Licensed Premise Gaming Machine Permit	For Life	1
Notification of Intent to have gaming machines	For Life	1
Prize Gaming Permit	10 Years	
Club Machine Permits	10 Years	
Club Gaming Permit	10 Years	
Occasional Use Notice	For the dates applied for	1
Temporary Use Notice	For the dates applied for	
Adult Gaming Centre	For Life	
Small Society Lotteries	For Life	13
Change of Promoter	As necessary	
Annual Fee	Due each year on anniversary of granting of original licence	16
Family Entertainment gaming machine permit	10 Years	
<b>Total Gambling Act 2005 Applications</b>		<b>32</b>

<b>Total Applications</b>	<b>1252</b>
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<b>Total Surrendered Vehicles</b>	<b>0</b>
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**APPENDIX B**

**Licensing and Safety Sub-Committee Meetings from 1 June 2022 to the 31 August 2022.**

<b>Date of Meeting</b>	<b>Scheduled/ Additional</b>	<b>Item</b>	<b>Meeting Venue</b>	<b>Decisions</b>
None				

**APPENDIX C**

**Licensing Act Sub-Committees.**

**Hearings held for licensed premises from 1 June 2022 to the 31 August 2022.**

<b>Date</b>	<b>Premises</b>	<b>Type of Application</b>	<b>Councillors</b>	<b>Decision</b>	<b>Review Requested by</b>
None					