



| <u>Committee and Date</u> | <u>Item</u> |
|---|-------------|
| Strategic Licensing Committee 10 th December 2014 | 8 Public |

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

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1. Summary

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

2. Recommendations

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

REPORT

3. Risk Assessment and Human Rights Act Appraisal

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

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

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

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

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

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

3.8 Conversely, by preparing and publishing a policy, the Council demonstrates that it takes its hackney carriage and private hire licensing role seriously. It creates transparency for all stakeholders providing the manner in which the Council intends to undertake its hackney carriage and private hire licensing responsibilities. Furthermore, it provides the Council with a basis for a robust defence to any challenges that may be encountered in respect of decisions made and enforcement action taken. It also demonstrates commitment to and compliance with the Regulators' Code.

3.9 The proposed policy is consistent with national guidance on hackney carriage and private hire licensing and is deemed to be best practice.

3.10 The proposed policy aims to ensure that the human rights of applicants, licence holders and the public who use hackney carriages and private hire services are protected. However, it is recognised that it is a fine balance to ensure that this is achieved for all parties involved. Nevertheless, the policy has been written to assist the Council to comply with the Human Rights Act 1998 and to avoid the risk of adverse Human Rights Act implications as a result of undertaking the hackney carriage and private hire licensing function.

3.11 Whilst there is no legal duty specifically placed on the Council to consult with respect to this policy, it is good practice to do so and is in line with the Department for Transport's 'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance' (March 2010). The full extent of the consultation is set out

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

4. Financial Implications

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

5. Background

5.1 General

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

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

5.2 Relevant national reports

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

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

5.3 Consultation

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

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

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

- 5.3.3** In September 2014, the outcome of the 12 week consultation was presented to the Committee, with a further revision of the Policy. The content now focussed more on safeguarding and the environment as well as incorporating the necessary changes to strengthen the application process and provide the means for robust enforcement to increase compliance across the hackney carriage and private hire trades. Consequently, the Committee supported a further period of consultation, not being less than 4 weeks, being undertaken. This was carried out between 29 September 2014 and 2 November 2014 using the Council's website, an additional 'Taxi Forum' meeting held on the 28 October 2014 in Shrewsbury and a further advertisement in the Shropshire Star.
- 5.3.4** An analysis of the responses received has been undertaken and the results are set out at **Appendix A**. Each response has been fully considered by officers and a summary has been prepared; this is available at **Appendix B**. The summary details the degree to which the proposed policy has/has not been amended, together with explanatory comments where this is necessary. The actual responses (redacted to remove personal details/information) received are set out at **Appendix C**. The notes taken at the 'Taxi Forum' held in October are produced at **Appendix D**.
- 5.3.5** The revised policy, with relevant tracked changes, is set out at **Appendix E**. In addition, the proposed improvements and substantive changes, compared with the current 2011 Policy, are summarised in **Appendix F**.
- 5.3.6** The Enterprise & Growth Scrutiny Committee considered the overarching scope and purpose of the proposed Policy at the meeting held on 6 November 2014. There was overall support for the direction of the Policy with respect to ensuring public safety.

5.4 Particular issues highlighted by responses to the consultation

European Emission Standards

- 5.4.1** The proposed introduction of European Emission Standards for vehicles is based on the impact that these standards have on reducing pollutants which are of concern in Shropshire. Clean air is essential for a good quality of life. In the past air quality was largely affected by pollution caused by industry. Today it is motor vehicle emissions that are the primary source of air pollution concerns in Shropshire and this follows the national picture.
- 5.4.2** Poor air quality has negative effects on the environment in which we live and on human health. Those most at risk are the very young and the elderly, and people already suffering from conditions such as asthma or bronchitis. In high concentrations, air pollution can cause irritation of the eyes, nose and throat, can lead to the worsening of lung and heart diseases, and in very extreme cases it can be associated with the onset of certain cancers. At a local level, air pollution causes soiling and corrosion of buildings and a reduction in the growth of plants. At a global level, it has an adverse and very serious effect on the health of entire ecosystems, as well as being linked to causing acid rain and climate change.
- 5.4.3** Poor air quality is a significant public health issue. The burden of particulate air pollution in the UK in 2008 was estimated to be equivalent of nearly 29,000 deaths at typical ages and an associated loss of population life of 340,000 life years lost. In Shropshire 4.2 % of all mortality is calculated as being as a result of air pollution; this equates to around 130 deaths annually. Consequently, measures to reduce levels of particulate air pollution, or to reduce exposure of the population to such pollution, are regarded as an important public health initiative.
- 5.4.4** In Shropshire there are five air quality management areas where levels of air pollutants exceed the limits set by legislation. The main contributor to air pollution in each of these areas is vehicle emissions. Areas where air quality

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

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

European New Car Assessment Programme (NCAP)

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

Vehicle colour

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

Zones and wheelchair accessibility

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

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

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

6. Conclusions

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

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

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

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

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

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

Cabinet Member: Cllr Steve Charmley

Local Member:

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

Appendices:

Appendix A - Consultation analysis

Appendix B - Summary of the consultation responses with officer comments

Appendix C - Redacted consultation responses

Appendix D - Notes from 'Taxi Forum' held on 28 October 2014

Appendix E - Proposed 'Hackney Carriage and Private Hire Licensing Policy 2015 – 2019'

Appendix F - Proposed improvements and substantive changes

Appendix A

Analysis of consultation responses

1.0 Response rate

1.1 48 responses received:-

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

1.2 Of the 42 trade responses:-

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

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

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

Table 1

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

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

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

2.0 Specific issues highlighted

2.1 The majority of responses provided feedback on multiple issues.

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

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

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

Table 2

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

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

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

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

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

Appendix B

Summary of the Consultation Responses

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

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

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

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

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

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

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

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

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| | | | business model is solely based on undertaking executive work. The proprietor cannot pick and choose which type of licenced vehicle they operate based on the particular job they are undertaking, this was agreed by the Council in 2012 and has only been repeated in the current policy. |
| Doc 17 | 1 | Y | Appendix K removed. |
| Doc 17 | 2 | N | Comments Noted |
| Doc 17 | 3 | Y | Paragraph 3c.35 has been amended to incorporate executive vehicle specifications as set out by the consultee. |
| Doc 17 | 4 | Y | Paragraph 3c.35 has been amended to encourage proprietors to contact the licensing team prior to purchasing vehicles to ensure that the vehicle can be licenced as an executive vehicle. |
| Doc 18 | 1 | Y | Paragraph 3c.35 has been amended to incorporate executive vehicle specifications as set out by the consultee. |
| Doc 19 | 1 | Y | NCAP rating transition dates to be changed to bring in line with the amendments to the emission periods. |
| Doc 19 | 2 | N | Officers of the Council acknowledge the points made. However, the amalgamation of zones has been delayed since 2009 and Officers are of the view that further delaying the amalgamation will not be helpful to the trade or to the Council. |
| Doc 19 | 3 | SP | Consultee supports the introduction of the new front plate. |
| Doc 19 | 4 | In Part | Officers view is that by having a specified colour for Hackney Carriage Vehicles, this is an additional mechanism to assist the public to distinguish between those vehicles that can be hailed in the street and those that must be pre-booked. Officers acknowledge the suggestions made in regard to publicising the differences. |
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| Doc 20 | 1 | Y | Appendix C, Paragraph 1.4 amended to clarify that front plates are not required by Executive Vehicles. |
| Doc 21 | 1 | SP | Consultee supports the introduction of the new front plate. |
| Doc 22 | 1 | N | Officers of the Council acknowledge the points made and accepts that different areas of Shropshire have different market needs. However, servicing these needs does not require the retention of zones. The consultee makes several comments about the need for wheelchair accessible vehicles but fails to provide any specific evidence in this respect. |
| Doc 22 | 2 | N | The Consultee is suggesting that most of the independent Hackney Carriage Drivers will be put out of business by the wheelchair accessible requirements and as a result the ability to transport people away from Oswestry town centre will be reduced; consequently increasing the risk of antisocial behaviour. The Council is mindful of the financial implications and for this reason has incorporated a three year transitional period into the policy. The Police have indicated there is insufficient hackney carriage and private hire provision at critical periods during the weekend. |
| Doc 22 | 3 | N | The consultee suggests that the zones are required in order to better control the operation of unlicensed drivers. Officers of the Council disagree with this on the basis that a county wide enforcement program is utilised and this targets specific areas as required. |
| Doc 22 | 4 | N | Officers of the Council acknowledge the points made and accepts that different areas of Shropshire have different market needs. However, servicing these needs does not require the retention of zones. |
| Doc 22 | 5 | SP | Consultee supports Hackney Carriages being black (consultees |

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

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

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| | | | amended to extend the time frames for the introduction of the standards, in particular more favourable implementation when renewing a vehicle licence but retaining the original implementation date for new applications. |
| Doc 26 | 1 | N | Officers of the Council acknowledge the financial implications for new and existing licensees with respect to the amalgamation of the zones and the requirements for wheelchair accessible hackney carriages. As a consequence Officers have considered incorporating a three year transitional period into the policy. The consultee has referred to the lack of demand for wheelchair accessible vehicles in Oswestry but has provided no supporting evidence. |
| Doc 27 | 1 | N | Officers of the Council acknowledge the financial implications for new and existing licensees with respect to the amalgamation of the zones and the requirements for wheelchair accessible hackney carriages. As a consequence Officers have considered incorporating a three year transitional period into the policy. Based on the consultee's business model (as set out in their response), they appear to be in a fortunate position in that they have scope to satisfy current customer demand for wheelchair accessible vehicles without having to convert or replace any vehicles. |
| Doc 27 | 2 | N | Officers view of the Council's position is that by having a specified colour for Hackney Carriage Vehicles, this is an additional mechanism to assist the public to distinguish between those vehicles that can be hailed in the street and those that must be pre-booked. Officers have considered providing a three year transitional period for the implementation of the colour requirements. |
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| Doc 28 | 1 to 3 | SP | Supporting comments in relation to partnership working and consistencies between the policies and information sharing noted. |
| Doc 28 | 4 | N | Officers of the Council accept the point made in respect of the knowledge test; however Officers are of the view that it is not practical to incorporate streets and premises located in the Borough of Telford and Wrekin Council within the Shropshire Council's knowledge test because it sets an inappropriate precedent i.e. drivers who are based near to the border of other local authorities who will legitimately carry out journeys other than in the Shropshire Council's administrative area. |
| Doc 28 | 5 to 6 | SP | Supporting comment in relation to the plying for hire, consistencies between the council's policies for hackney carriage and private hire vehicles in particular wheelchair accessibility. |
| Doc 28 | 7 | SP | Supporting comments in relation to the number of vehicle MOT tests required. |
| | | N | Officers do not intent to introduce a compliance test on the basis that it is introducing NCAP Safety Ratings to specifically deal with vehicle safety. |
| | | N | The Council's on-going enforcement program will ensure compliance with conditions of licence. |
| Doc 28 | 8 | SP | Supporting comments in relation to Private Hire Operator premises, compliance and enforcement and the consistencies between both Councils' conditions in relation to drivers licences (in particular paring between bookings), hackney carriage and private hire vehicle licence conditions. |
| Doc 28 | 9 | Y | Appendix C, Paragraph 1.25 amended to clarify that the insurance required must relate to pre-booking only. |
| Doc 28 | 10 | SP | Supporting comment with respect to the consistencies between the two councils private hire operators licence conditions. |
| Doc 28 | 11 | Y | Appendix D, Paragraph 1.9 amended to clarify that the insurance required |

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

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

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

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

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

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

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

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

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

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| | | | carriages and private hire vehicles. |
| Doc 41 | 3 | N | The location of the Internal plate has been specified to try to ensure consistency across the fleet to support public safety and enforcement. Officers are not aware of the windscreen location causing a problem with MOTs; if officers become aware that vehicles are failing MOTs or this issue is featuring repeatedly in advisory notes the condition will be reviewed. |
| Doc 42 | 1 | SP | Consultee is supporting the amalgamation of the zones. |
| Doc 42 | 2 | N | The Consultee is suggesting that most of the independent Hackney Carriage Drivers will be put out of business by the wheelchair accessible requirements and as a result the ability to transport people away from Oswestry town centre will be reduced; consequently increasing the risk of antisocial behaviour. Officers of the Council are mindful of the financial implications and for this reason has considered incorporating a three year transitional period into the policy. The Police have indicated there is insufficient hackney carriage and private hire provision at critical periods during the weekend. |
| Doc 42 | 3 | SP | Consultee supports the requirement for a front plate. |
| Doc 43 | | N | The position of the Council is that vehicles are either a Private Hire Vehicle undertaking private hire work or a Private Hire Vehicle plated as an Executive Vehicle because the Council has accepted that the business model is solely based on undertaking executive work. The proprietor cannot pick and choose which type of licenced vehicle they operate based on the particular job they are undertaking, this was agreed by the Council in 2012 and has only been repeated in the current policy. |
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| Doc 44 | 1 | SP | Overall supporting comment regarding the robustness of the policy and encouraged that this will raise standards within the trade giving more strength/stability in the future. Note: petition included containing 11 signatures in support. |
| Doc 44 | 2 | SP | Support and welcome majority of the review and the manor in which it was conducted; able to add constructively and listened to. |
| Doc 44 | 3 | Y | Plate Transfers are being treated as new applications. Officers of the council have amended the specific requirements in paragraphs 3b.14 and 3c.8 in favour of the trade to take into account a number of comments received from the trade during the consultation. |
| Doc 44 | 4 | SP | Comments in support of the amalgamation of zones, colour and wheelchair accessibility. |
| Doc 44 | 5 | Y | Officers have reviewed the comments made by the consultee and the alternatives suggestions provided when making the final draft of the proposed policy. |
| Doc 44 | 6 | Y | Paragraph 3b.5 has been amended as requested. |
| Doc 44 | 7 | Y | Appendix B, Paragraph 1.24 amended to ensure roof signs contain only the word 'Taxi'. |
| Doc 44 | 8 | Y | Paragraph 3b.21 and 3c.25 have been amended to correct the references and make it clear that an annual certificate/report is required for a taximeter. Paragraph 3b.21 and 3c.25 have been amended to correct the references and make it clear that an annual certificate/report is required for a taximeter. |
| Doc 44 | 9 | Y | Paragraph 3b.18(l) has been amended to clarify the definition of tilting seats. |
| Doc 44 | 10 | Y | Appendix D, Paragraph 1.5 – a new paragraph has been added requiring operators to report to the Council any drivers who they have dismissed. |
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| Doc 45 | 1 | N | Note the point made regarding the |

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Additional Public Protection Amendments

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