PRIVATE HIRE AND HACKNEY CARRIAGE LICENCES

GUIDANCE NOTES

01 October 2011
SHROPSHIRE COUNCIL
PRIVATE HIRE AND HACKNEY CARRIAGE LICENCE

GUIDANCE NOTES

1. Introduction
This document is designed to assist the Hackney Carriage and Private Hire proprietors, operators and drivers and to put the Council’s licensing requirements into context.

2. Legislative Framework
The operation of the Council’s licensing service is in accordance with and in support of the following Council Policies:
   - Equal Opportunities Policy
   - Race Equality Scheme
   - Enforcement Policy
   - Data Protection Policy
The licensing of all vehicles, drivers and operators will be in accordance with relevant legislation and licence conditions.

3. Conditions
The Council will adopt any reasonable conditions that it deems necessary and appropriate to ensure that Proprietors, Operators, Drivers and Vehicles comply with these aims and the legislation set down so that the public can travel in a safe, clean and comfortable manner.

4. Administration
The Council’s aim is to provide a responsive service to the trade and members of the public at all times during normal office hours.
To assist drivers and operators, the Council will notify all operators and drivers at least 6 weeks before the expiry of a licence.

5. Operators
Operator licences will run for one year or three years.
The Council will require a standard Operator fee.

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

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

6. Drivers
The Council’s policy is to issue a combined Hackney Carriage/Private Hire Driver’s Licence. These licences will run for an initial probationary period of one year followed by a three yearly renewal.
Applicants must have held a full DVLA driving licence for at least 12 months. This includes European Union (EU) and European Economic Area (EEA) and Northern Irish licences as defined in the Road Traffic Act 1988.

All applicants holding driving licences issued by other than the DVLA should produce a certificate to show a driving record from the country of issue.

7. **CRB / Certificate of Good Conduct**
   The Council will administer Criminal Record Bureau (CRB) checks for drivers. CRB checks will be undertaken at every application.

   A Certificate of Good Conduct will be required for applicants who have not been resident in the UK for the previous 5 years. The applicant should obtain this from the appropriate Embassy or Legation, and a translation will be required if it is not provided in English.

   In the event that an applicant is not able to obtain a Certificate of Good Conduct, they can submit a statutory declaration with regard to their conduct, which must be completed in the presence of a practising Solicitor.

8. **Disqualification / Relevance of Convictions**
   The overriding consideration is the protection of the public. Applications from individuals with a current conviction will be considered in line with Annex A.

9. **Medical**
   To ensure consistency in relation to medical fitness to drive. Members must weigh in the balance when accepting such an amendment that on the one hand the safety of the public should mean that all drivers should have a set minimum standard of medical fitness; and on the other hand a Hackney Carriage driver or Private Hire Vehicle driver might have his licence revoked on medical grounds even though he has been driving safely for years with a medical condition which, because of this amendment, no longer meets the fitness standard.

10. **References**
    To assist the Council in determining whether or not applicants for a licence are suitable, the Council will require two references from either professional or business sources on initial application.

    In this respect, the Council will not accept a reference from a family member or the applicant’s future employer.

11. **Vehicles**
    The Council does not limit the number of hackney carriage or private hire licences that it will issue.

12. **Wheelchair Accessibility/Zones** (Strategic Committee Decision 08 June 2011 to retain zones refers)

12.1 A hackney carriage vehicle would be restricted to working in one zone only. “zone” relates to the areas of Shropshire district boundaries prior to the formation of a Unitary Council, Zone 1: Former District of Bridgnorth Zone 2: Former District of North Shropshire Zone 3: Former Borough of Oswestry Zone 4: Former Borough of Shrewsbury & Atcham Zone 5: Former District of South Shropshire
12.2 All vehicles licensed for zone four would be wheelchair accessible.

13. **Meters**
Hackney Carriage Vehicles will require a tariff meter fitted and tested to ensure that the tariff complies with that agreed by the Council, before a licence is issued. Private Hire Vehicles will not require a meter. However if a meter is fitted it will require calibration over a measured distance.

When hired, a taximeter should be used for the whole of any journey.

14. **Revocation or Suspension of Vehicle Licence**
Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 states:
(1) Notwithstanding anything in the Act of 1847 or in this Part of this Act, Shropshire Council may suspend or revoke, or (on application therefore under section 40 of the Act of 1847 or section 48 of this Act, as the case may be) refuse to renew a vehicle licence on any of the following grounds –

(a) that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;
(b) any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the operator or driver; or
(c) any other reasonable cause.

(2) Where Shropshire Council suspend, revoke or refuse to renew any licence under this section they shall give to the proprietor of the vehicle notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew the licence within fourteen days of such suspension, revocation or refusal.

(3) Any proprietor aggrieved by a decision of the council under this section may appeal to a magistrates’ court.

15. **Lost Property**
All lost property should be handed by the operator or proprietor to the police, regardless of value.

16. **Appearance and General Behaviour**
All licensed drivers will maintain a reasonable standard of appearance and will maintain a reasonable standard of behaviour in their dealings with other road users, the general public, other licensed Operators and drivers of hackney carriage and private hire vehicles. Licensed drivers will also co-operate with any reasonable request from an authorised Officer of the Council or any Police Officer.

17. **Residential Areas**
All licensed drivers must show consideration when driving through a residential area. It is an offence to sound a horn whilst stationary or between the hours of 11.30 p.m. and 7 a.m. in a built up area – see Highway Code Road Vehicles (Construction and Use) Regulations 1986 – and licensed drivers must remember this when calling at residential properties to pick up passengers.

18. **Decision Making**
The Council is of a view that consultation with the trade and the community is vitally important. In order to deliver a transparent, accountable and efficient service the Council will keep an open dialogue with the trade. In particular the Council will meet with representatives at regular intervals of approximately six months to exchange views and information. Other ad hoc meetings will be arranged as appropriate.

It is the Council’s policy to consult with the trade on all matters affecting the policy or conditions. This will follow the following procedures:

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<th>Consultation / notification in writing</th>
<th>Referral to Committee</th>
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<td>Discretionary changes to conditions or policy</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<td>A change in the law</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
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<td>Request for review</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
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19. **Reviews**
Any licensed Driver or Operator may request a review of any condition or policy at any time.

20. **Enforcement**
Enforcement action will be undertaken in accordance with the Public Protection – Statement of Enforcement Policy.

21. **Hackney Carriage Fares**
The Trade will be expected to apply for any change in the hackney carriage fares to be charged. Any proposed changes will be notified to all hackney operators, referred to committee and advertised in the local press before they are adopted.

22. **LPG Converted Vehicles**
Officers of the Council will need to be satisfied that any vehicle that has been correctly converted.

23. **Stretched Limousines**
The Council will license stretched limousines as private hire vehicles and subject to additional conditions detailed in Appendix C
GUIDANCE RELATING TO THE RELEVANCE OF CONVICTIONS AND CAUTIONS
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INTRODUCTION TO THE GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS

1. The purpose of this document is to formulate guidelines which detail the Council’s current stance on the relevance of convictions and cautions in respect of applications for the grant of new licences, and the renewal of existing hackney carriage and private hire vehicle driver’s operators and proprietor’s licences.

2. These guidelines have been produced to assist the regulatory committee in their decision-making and to maintain the consistency of the decisions made. They have also been formulated to provide clearer information to current and potential applicants, with a view to minimising cost and time spent by both Council and the applicant.

3. The aim of these guidelines is not to punish the applicant twice for a conviction or caution, but to ensure that public safety is not compromised.

4. The objective of the licensing regime is to ensure that, so far as possible, those licensed to drive hackney carriages and private hire vehicles are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault customers.

5. These guidelines will be taken into account when dealing with new applications as well as renewal applications for an existing private hire/hackney carriage driver’s licence, private hire/hackney carriage vehicle licence, and a private hire operators licence, and also, when considering whether to suspend or revoke an existing licence.

EACH CASE IS TO BE DECIDED ON ITS OWN MERITS.

6. A person is not permitted to apply for a hackney carriage or private hire licence until they have held a driving licence for a minimum of 12 months.

Legislation

7. The Local Government (Miscellaneous Provisions) Act 1976 Section 51 deals with the issue of driver suitability:

   “…Council shall not grant a licence to drive a (Private Hire/Hackney Carriage Vehicle) unless they are satisfied that the person is a fit and proper person to hold a driver’s licence.”
8. Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 states:

…the district council may suspend or revoke or refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds.

1) That he has since the grant of the licence.
   i) Been convicted of an offence involving dishonesty Indecency or violence.
   or
   ii) Been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of Part of this Act.
   or

2) Any other reasonable cause.

Therefore the wording of the legislation makes it clear that the Council may grant a licence ONLY if it is satisfied that the person is fit and proper - the onus is on the applicant to prove this, NOT the Council to demonstrate that they are not.

**Convictions**

9. The committee is required to look at any past indicators (convictions, speeding offences etc.) that may affect a person’s suitability to hold a hackney carriage/private hire drivers licence and consider the possible implications of granting such a licence.

10. As part of the licence conditions, the applicant is asked to disclose all convictions and cautions. Therefore all convictions must be disclosed, including spent convictions; the Rehabilitation of Offenders Act 1974 s 4, and Rehabilitation of Offenders Act (Exceptions) Order 2003.

11. In addition, applicants must disclose any recent formal cautions they have received or any pending matters.

12. If a licence has been granted to a person on the basis of false or incomplete information supplied by them the Committee may revoke the Licence and require the applicant to submit a further application which will be considered in the light of the full information now available to the Committee.

13. The disclosure of any conviction will not necessarily detain an applicant from being issued a licence. However, all convictions, spent or live, will be assessed.

14. All hackney carriage and private hire operators, proprietors and drivers must disclose in writing to the Council within 7 days of conviction or caution imposed on him/her during the period of licence.

15. Cautions are included under the definition of convictions and they will also be taken into consideration when reviewing an application. Although these are generally not as serious as convictions, they can give some indication as to an applicant’s character and whether they are a fit and proper person to hold or be granted such a licence.
16. A series of offences over a period of time is more likely to give cause for concern than an isolated conviction. A serious view will be taken when applicants show a pattern of offences. If a pattern is found for any offences, for example, the applicant has received four convictions for a violent action, then serious consideration should be made as to the suitability of that person holding a licence.

17. The timescale within which any cautions have been issued could increase the severity of the offence, for example, for violent convictions within the space of a few years could portray the applicant as someone prone to violence.

18. These guidelines have separated the various offences affecting such an application into 9 categories, each detailing the period of rehabilitation that must elapse for a particular offence within that category, before an applicant can be considered a fit and proper person to hold licence. After consideration from the committee, if a person does not satisfy these guidelines, then the application should be refused or the licence revoked or suspended until the applicant is able to satisfy them.

19. The Committee cannot hear evidence, or decide, that an applicant did not, in actual fact, commit an offence of which a Court has convicted them. The applicant can, however, explain any mitigating factors, which led to them committing the offence and the Committee, can take these into account in deciding whether the applicant is a fit and proper person to hold a licence.

20. If the applicant or holder of a licence has notified the Council of a conviction but is appealing against it to a higher court the matter may be referred to the Committee for a decision as to whether the licence / application should be suspended until such appeal is heard.

21. There is no absolute definition as to what constitutes a “fit and proper person”, however, considering the range of passengers that a driver may carry (for example, elderly people, unaccompanied children, the disabled, those who have had too much to drink, lone women and foreign visitors), the Council relies on good sound judgement. Some areas give rise to particular concern, including:

- Honesty and trustworthiness - taxi drivers often have knowledge that a customer is leaving a house empty; they have opportunities to defraud drunken, vulnerable or foreign people or to steal property left in cars, for example, any passenger would expect to be charged the correct fare for a journey and then given the correct change, they would also expect a driver to hand in any article left by a passenger in a vehicle, and also to maintain confidentiality between driver and fare.

- Not abusive - taxi drivers are often subject to unpleasant or dishonest behaviour. The Council does not consider that this excuses any aggressive or abusive conduct on the part of the driver. A driver will not be expected to have any convictions or cautions for offences of a violent or threatening nature.

- A good and safe driver - those paying for a transport service rely on their driver to get them to their destination safely. They are professional drivers and should be fully aware of all Road Traffic legislation and conditions attached to the licence.
• They should be expected to have a good knowledge of the area that they are working in.
• Good physical and mental health.
• An ability to read, speak, write and understand English.

“Protecting the Public” Question
22. The over-riding consideration of the members of the Committee is to protect the travelling public; having considered and applied the appropriate guidelines, the following question should be applied:

“Would I allow my daughter or son, granddaughter or grandson, spouse, mother or father, or any other person I care for or any vulnerable person I know, to get into a vehicle with this person alone?

23. If answer is yes, then a licence should normally be granted. If the Committee have any doubts, then an application must be refused until those doubts can be satisfied through further evidence being supplied. It is the applicant’s responsibility to provide sufficient evidence to this effect.

Compliance with Conditions and requirements of Licensing Authority
24. The Committee may take into account an applicant’s history while holding a licence, from this or any other authority. The Committee may take into account, in deciding whether a person is a fit and proper person to hold a licence such matters as their record of complaints, or positive comments from members of the public; their compliance with Licence conditions and their willingness to co-operate with Licensing Officers.

The Guidelines
25. To ensure the effective application of these guidelines, a glossary has been incorporated, which attempts to define the various phrases, offences and other terminology used here.
TRAFFIC OFFENCES – NEW APPLICANTS

This section refers to New Applicant’s only

26. Convictions for traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of an offence will be taken into account. In some cases it may be appropriate to issue a licence together with a strong warning as to future driving conduct. If a significant history of offences is disclosed, refusal of an application may result.

27. All the possible traffic offences have been separated into two categories, minor and major offences, depending on the seriousness of the offence. Below are the guidelines as to the rehabilitation period for a specific number of penalty points awarded for offences within that specific category.

Please note:

28. For guidance information on death by careless or dangerous driving, please refer to the Violence section.

29. For information on insurance guidelines, see Insurance Offences.

30. For guidance information on drinking and taking drugs whilst driving, see the relevant Drunkenness and Drugs sections.

Driving Offences

31. Any new applicant who has 9 Proposed insertion: current penalty points or more on his driving licence should expect their application to be heard at a hearing of the Council’s Regulatory Committee. The Regulatory Committee then have the option of deciding the application on it’s merits, and may:

- Issue the licence with or without a written warning
- Issue the licence conditionally upon the applicant completing a Driver Correction Training Course at the driver’s expense, within 2 months of their decision (if applicable).
- Refuse the application.

32. A Licence may only be granted on the condition that the committee are satisfied that the applicant is a fit and proper person.

33. For any minor offences totalling 8 or fewer points on an applicant’s licence, a licence may be granted by the Licensing Officer with a formal warning with regards to future conduct.

34. A licence may be granted on the condition that the committee are satisfied that the applicant is a fit and proper person.

35. If the applicant has been convicted of a major traffic offence within 2 years of the receipt of his application, then a licence should not be granted until the applicant has completed a period of 2 years free from conviction.
Medical Offences
36. If the applicant’s driving licence has been revoked or refused on medical grounds by the DVLA within the last 5 years or the applicant has received a conviction for driving a vehicle after failing to notify a disability or made a false declaration about fitness and medical health, the application for a hackney carriage or private hire licence should be refused until medical proof of current fitness can be provided.

37. The onus is on the applicant to provide appropriate medical proof from their GP/consultant or authorised practitioner at their own expense, which is to be brought to the committee hearing. The committee should consider issuing a licence if they are satisfied that the report shows a clean bill of health, and that the applicant is a fit person to recommence driving and is deemed to be of no threat to the public.

38. If the committee have any doubts over the applicant’s fitness, then the application should be adjourned or refused until further evidence can be produced by the applicant to contest this.

Cautions
39. If an applicant has received a caution for a traffic offence, given the nature of the offence and the profession of a taxi driver, the applicant may be given a warning as to the future conduct.
TRAFFIC OFFENCES – EXISTING LICENCE HOLDERS

This section applies to Existing Licence Holders only.

40. Private hire and hackney carriage drivers are professional drivers and must be aware of the safety of their passengers and the safety of their vehicles at all times. Any traffic offences show a lack of responsibility whilst driving either due to the maintenance and safety of their vehicles or in the manner of their driving.

41. Convictions for traffic offences should not prevent a person from proceeding with a renewal of their licence. However, the number, type and frequency of an offence will be taken into account. In some cases it may be appropriate to issue a licence together with a strong warning as to future driving requirements.

42. For guidance information on death by careless or dangerous driving, please refer to the Violence section.

43. For the information on Insurance guidelines, see Insurance Offences.

44. For guidance information on drinking and taking drugs whilst driving, see the relevant Drunkenness and Drugs sections.

Traffic Offences

45. (For a detailed list of offences that fall into this category, see Appendix D)

46. Any existing licence holder who has 9 Proposed insertion: current penalty points or more on his driving licence will be expected to go before a Regulatory Committee hearing to explain their convictions. The Regulatory Committee then have the option of deciding the application on its merits, and may

- Take no further action
- Give a written warning
- Require the driver to attend a Driver Correction Training Course at the driver’s expense, within 2 months of their decision (if applicable).
- Suspend the Licence upon conditions or for a period of time
- Revoke the licence.

Medical Offences

47. If the applicant’s driving licence has been revoked or refused on medical grounds by the DVLA or the applicant has received an offence of driving a vehicle after failing to notify a disability or a false declaration about fitness and medical health, the application for renewal hackney carriage or private hire licence should be refused until medical proof of current fitness has been provided.

48. The onus is on the applicant to provide appropriate medical evidence from their GP / consultant or authorised medical practitioner at their own expense, which is to be brought to the committee hearing. The committee should consider issuing a licence if they are satisfied that the report shows that the applicant is a fit person to recommence driving and is deemed to be of no threat to the public.
49. If the committee have any doubts over the applicant’s fitness, then the application should be refused until further evidence can be produced by the applicant to contest this.

Cautions
50. If an applicant has received a caution for a traffic offence, given the nature of the offence and the profession of a taxi driver, the applicant may be given a warning as to future conduct.

INSURANCE OFFENCES
51. The Council takes a serious view of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past should not necessarily bar an applicant from being issued a licence.

52. More than one conviction for these offences should raise serious doubts as to an applicant’s suitability to hold a hackney carriage or private hire licence. In this instance, at least 3 years should elapse (after restoration of the DVLA driving licence) before an applicant, who has been disqualified from driving for insurance offences, is considered for a hackney carriage or private hire licence.

SEXUAL OFFENCES
53. As hackney carriage and private hire drivers often carry unaccompanied passengers, any new applicants with convictions, or cautions, for soliciting, importuning, indecent exposure, or any sexual offence, should expect their application to be heard at a hearing of the Regulatory Committee. New applicants will normally be refused a licence until they can show a substantial period (usually between 7 and 12 years) free from any conviction.

54. Any current licence holder, declaring a charge, conviction or caution for any sexual offence, will be expected to attend a hearing of the Regulatory Committee. Depending on the nature of the conviction, the Committee may:-
   A) Take no further action
   B) Issue a written warning
   C) Suspend the Licence
   D) Revoke the licence

55. The following guidelines illustrate the council’s stance on rehabilitation periods after an applicant has been convicted of a sexual/indecency offence.

56. A strict warning as to future conduct should be issued to any applicant who is granted a licence. Any existing licence holder charged with or convicted of a sexual offence or issued with a formal caution whilst licensed with the authority, will be required to attend a hearing of the Regulatory Committee.
57. The following offences are listed under this section together with their rehabilitation periods:

- **Rape** - Licence should be revoked / refused until a minimum period of 12 years after conviction has elapsed.
- **Indecent Assault** - Licence should be revoked/refused until a period of 10 years after conviction has elapsed.
- **Gross Indecency with a Female** - Licence should be revoked / refused until a period 8 years after conviction has elapsed.
- **Gross Indecency with a Male** - Licence should be revoked / refuse until a period of 8 years after conviction has elapsed.
- **Indecent Assault on a Child** - Licence should be revoked / refused until a period of 12 years after conviction has elapsed.
- **Buggery** – Licence should be revoked / until a period of 8 years after conviction has elapsed.

**DRUNKENNESS**

58. This section has been divided into two separate sections; drink driving with a motor vehicle and drunkenness without a motor vehicle. Both sections apply to new applicants as well as existing licence holders.

(a) **With a Motor Vehicle**

59. The Council views driving or being in charge of a vehicle whilst under the influence of alcohol as a serious offence.

The offences that apply to this section include:

- Driving or attempting to drive with alcohol above the limit
- In charge of a vehicle, driving or attempting to drive when unfit through drink
- Refusal to provide a specimen of breath or blood for analysis

**New Applicants**

60. Although an isolated incident will not necessarily debar an applicant, a single conviction for any drink driving offence will require a period of 1 year to elapse after the restoration of their DVLA licence, before being considered for a licence.

61. More than one incident should raise grave doubts as to future behaviour and the applicant’s fitness to hold a licence. At least 2 years should elapse (after restoration of the DVLA licence) before an application is considered.

**Existing Drivers**

62. A driver found guilty of driving passengers for hire and reward whilst under the influence of drink or of refusing to provide a specimen of breath or blood for analysis.
63. Should expect to have his hackney carriage or private hire drivers licence revoked IMMEDIATELY and a further application should not normally be considered until a period of 5 years has elapsed after restoration of the DVLA licence.

64. If a driver’s licence has been revoked by the DVLA for offences relating to drink driving, but not when driving for hire or reward then any application to renew a hackney carriage or private hire vehicle licence should not be considered until a period of 2 years has elapsed, (after restoration of their DVLA licence).

(b) Without a Motor Vehicle

65. An isolated conviction for drunkenness not associated with a motor vehicle will not necessarily result in an application being refused, however any new application or current licensee should expect to attend a hearing of the Regulatory Committee.

- One or 2 convictions for drunkenness not confined to a year should result in a warning as to future conduct.
- 2 convictions within a year, a current licence should be suspended for a period of no more than 2 weeks, and a new application may be refused, or granted with a written warning.
- 3 or more convictions, any current licence should be suspended for a period of no more than a month. Any new application should be refused until a period of 12 months free convictions.

In both cases

66. More than one conviction of drunkenness or refusal to provide a specimen may indicate a medical problem and the applicant may be asked to submit to a medical examination by a medical practitioner nominated by the Council, before the application is entertained. If the results of the examination show the applicant to be an alcoholic, a period of 5 years should lapse after treatment is complete and the committee must agree that, that person is a fit and proper person to hold such a licence before a further application is considered.

DRUG OFFENCES

67. A serious view is taken of any drug related offence. An applicant with a conviction for a drug related offence (including the supply or trafficking of drugs) should be required to show a period of at least 3 years free of convictions before an application is entertained.

68. If the applicant was required to undergo detoxification treatment, a period of 5 years free from conviction after the end of treatment is required. More than one conviction for a drugs related offence should debar an applicant for 7 years at least. In both instances, before a further application is entertained, a specialist medical examination will be required with negative urine/blood screen for drugs or abuse.

69. Any new applicant that has served a custodial sentence for a period of 5 years or more for supplying controlled drugs, and has submitted their application within a period of 5 years from the date of release, should not be considered for a licence.

70. A hackney carriage or private hire driver found guilty of driving whilst under the influence of drugs, or convicted of any other drug-related offence should expect to
have their licence revoked immediately. At least five years should elapse from conviction before a new application by that person will be considered.

VIOLENCE

71. As hackney carriage and private hire drivers maintain close contact with the public, any previous convictions for violence will be taken seriously.

(a) An application/licence will normally be refused for the following offences, and where the conviction is **less than 15 years** prior to the date of application:

- Murder
- Manslaughter
- Causing death by reckless driving, including:
- Causing death by reckless driving when unfit through drugs:
- Causing death by careless driving when unfit though drink
- Causing death by careless driving with alcohol level above the limit
- Causing death by careless driving then failing to supply a specimen for analysis
- Manslaughter or culpable homicide while driving a vehicle
- Causing death by dangerous driving

(b) An application/licence should be revoked or suspended where the applicant has a conviction for one of the following offences and where the conviction is **less than 10 years** prior to the date of application:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated

(c) An application/licence should be revoked or suspended where the applicant has a conviction for one of the following offences and where the conviction is **less than 8 years** prior to the date of application:

- Grievous bodily harm with intent
- Grievous bodily harm
- Robbery
- Racially-motivated criminal damage
- Racially-motivated s.4 Public Order Act 1986 offence (fear or provocation of violence)
- Racially-motivated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Racially-motivated harassment
- Racially-motivated fear of violence

(d) An application/licence should be revoked or suspended where the applicant has a conviction for one of the following offences and where a conviction is **less than 5 years** prior to the date of application:

- Common assault
- Common assault which is racially-motivated
- Assault occasioning actual bodily harm
- Assault on the police
- Affray
- Riot
- Obstruction
- Possession of offensive weapon
- Possession of firearm
- Criminal damage
- Violent disorder
- Resisting arrest

**More than one offence**

72. The above guidelines are applicable to applicants who have been convicted of one offence.

73. If an applicant has been convicted of two or three violent offences, the licence should normally be revoked.

74. If an applicant has a history of violence (four or more convictions of any type of violence) their licence should normally be revoked. If it is a new application, the guidance is to refuse.

**Possession of a Weapon**

75. If an applicant has been convicted for possession of a weapon or any other weapon-related offence, then serious consideration must be made as to whether this person is fit and proper to hold such a licence.

76. If the applicant has been convicted of wielding or using a weapon at someone, then an application should normally be refused or a licence revoked.

**DISHONESTY**

77. Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public, for example, by demanding more than the legal fare or giving incorrect change. Overseas visitors can be confused by the change in currency and become “fair game” for an unscrupulous driver. Similarly, any customer can be defrauded by a driver taking them by any other than the shortest route or by them retaining any lost property left in their vehicle.

78. Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. For these reasons a serious view is taken at any convictions involving dishonesty.

An application will normally be expected to be free from convictions of the following offences between 3-5 years. prior to the date of application:

- Theft
- Burglary
- Fraud
- Benefit fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception

COMPLAINTS AGAINST DRIVERS

79. Complaints are frequently made against hackney carriage and private hire drivers. Such complaints include refusal to assist a disabled passenger, use of abusive language or refusal to accept a far. Such complaints should be considered first by the Licensing Officer for consideration as to the nature of the complaint being serious enough to be forwarded to the committee.

80. The committee should consider the history of all complaints made against the driver to assess any patterns. If a problem is inherent, then the Committee should consider whether the driver is fit and proper person to hold such a licence.

CONCLUSION

81. Any applicant having a previous or current conviction should not debar them from obtaining a hackney carriage or private hire licence. However, it is this Council's policy to consider the protection of the public by ensuring all licensed drivers are in good health, are safe and competent driver and are able to maintain their vehicles to an acceptable standard.

82. A man or woman who has committed an offence and who is made to wait for a rehabilitation period to lapse prior to their application being accepted, is more likely to value their licence and act accordingly.

83. Any applicant refused a driver’s licence on the grounds that the committee is not satisfied he/she is a fit and proper person to hold such a licence, or who has had their licence suspended or had a condition attached with which they disagree has a right of appeal by way of written complaint, to the magistrates’ court within 21 days of the notice of decision.
GLOSSARY

**Appeal**  
A means by which a Committee hearing decision can be reviewed by the Magistrates Court or the Crown Court. The decision of the Committee may be upheld or overturned.

**Committee**  
Local Councillors gathered together to discuss the suitability of a person to hold a taxi related licence. Any reference to “Committee” will be classed as the Regulatory Committee for the purposes of Licensing.

**Conviction**  
Judicially determining that someone is guilty of a crime.

**Fit and Proper Person**  
A person who is of no threat to the general public, has a good character and is therefore deemed fit and able to hold a licence.

**Hackney Carriages**  
A vehicle that can carry passengers for hire or reward, can be hailed a prospective passenger and can park on a rank to await the approach of passengers; a car available for public hire.

**Mitigating Circumstances**  
The conditions surrounding a conviction. These conditions may alter the seriousness of a crime.

**Plying for Hire**  
To actively invite or responded to a hail for a taxi with the intent to charge a specific fare for the service.

**Private Hire Vehicles**  
A car which must be pre-booked with a private hire operator. This type of vehicle cannot stand in a rank or ply for hire.

**Proprietor**  
The person in possession of a vehicle which is the subject of a hiring agreement or hire purchase agreement.

**Operator**  
This is the business section, which in this country can cover anything from sole proprietor (not being just a driver or proprietor) up to the largest firm in the country, which runs 2,500 vehicles.

**Rehabilitation**  
The period to which the standing authority feels a person has repented their crimes.

**Revoke**  
To take back something for an indefinite period of time.

**Suspend**  
To hold something away from its owner for a period of
Time.

**Written Warning**  
A letter advising that although a conviction was not serious enough to have warranted the suspension or revocation of the licence, the offence committed as unacceptable and has caused concern among the the committee as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the consequences could be much more severe, possibly leading to the suspension of the licence.

**Current**  
For DVLA convictions, current penalty points mean those that the DVLA consider not spent.
Trailer Guidance

Private Hire and Hackney Carriage vehicles licensed by the Council are permitted to tow trailers when undertaking the licensed activity providing that the following conditions are complied with at all times: -

1. The use of trailers is only permitted for vehicles of the multi-passenger type (more than 4 passenger seats) and on pre-arranged journeys where passenger’s luggage cannot be safely accommodated within the vehicle.
2. The licensed towing vehicle’s insurance must cover the towing of a trailer.
3. Trailers must not be left unattended anywhere on the highway.
4. The speed restrictions applicable to trailers must be observed at all times.
5. A spare wheel for the trailer and adequate tools to change a wheel must be carried at all times by a licensed vehicle whilst towing a trailer.
6. The towing of a trailer by a licensed vehicle shall only permit the conveyance of luggage and belongings owned by a passenger whilst the vehicle is hired by a passenger within the vehicle.
7. The tow bar must comply with the type approval regulations in respect of all tow bars fitted to cars after August 1998.
8. Drivers of vehicles towing trailers must ensure that they have the correct driving licence group to permit them to tow the relevant trailer, as per the DVLA guidance (info 30) Driving Licensing Requirements for Towing Trailers in Great Britain.
9. Trailers must be inspected at initial licensing and annually thereafter by a garage approved by the Council for that purpose.
10. An additional plate will be issued by the Council for each vehicle licensed to tow trailers and the relevant plate must be affixed to the rear of the trailer near the vehicle number plate.
11. Un-braked trailers shall be less than 750 KGs gross weight.
12. Trailers over 750 KGs gross weight shall be braked acting on at least two road wheels.
13. The towing vehicle must have a kerb weight of at least twice the gross weight of the trailer.
14. A suitable lid or other approved means of enclosure shall be fitted to secure the contents within the trailer when in use and to keep it watertight.
15. The maximum permissible length of the trailer shall be 7 metres including the drawbar and coupling.
16. The width of the trailer shall not be greater than the towing vehicle subject to no trailer being wider than 2.3 metres.
17. The maximum length for braked twin axle trailers is 5.54 metres.
18. The trailer must at all times comply with all Road Traffic legislation requirements, in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986.
19. The trailer shall not display any form of sign or advertisement not required or approved by the Council or Road Traffic legislation.
Stretched Limousine Guidance

For the purpose of licensing a limousine by the Council, a limousine is described as a luxurious vehicle that has been stretched by the insertion of an additional section not exceeding 3048 millimetres to extend the length of the vehicle. The vehicle shall be capable of carrying up to but not exceeding eight passengers.

This type of vehicle will be subject to all the private hire vehicle conditions detailed above and will also be required to produce a number of additional documents. The following documentation in original form or certified copies (not photocopies) shall be produced prior to licensing:

- Completed importation documentation – Single Vehicle Approval (SVA) or
- A qualified Vehicle Modifier certificate – (QVM). This is issued by the Coach Builder
- DVLA registration document (V5)
- Insurance documents covering Hire and Reward, Public Liability Insurance and where drivers other than the proprietor are used, Employer Liability Insurance
- Vehicles converted to run on LPG must produce an installation certificate from a LPGA approved UK vehicle conversion company
- Documentation to show the overall weight of the vehicle (as displayed on the vehicle.)
APPENDIX D

RELEVANCE OF PREVIOUS CONVICTIONS

MAJOR TRAFFIC OFFENCES

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

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

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

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

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

IN 10  Using a vehicle uninsured against third party risks

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

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

UT50  Aggravated taking of a vehicle
Aiding, abetting, counselling or procuring
Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12)

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

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

MINOR TRAFFIC OFFENCES

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>MS10</td>
<td>Leaving a vehicle in a dangerous position</td>
</tr>
<tr>
<td>MS20</td>
<td>Unlawful pillion riding</td>
</tr>
<tr>
<td>MS30</td>
<td>Play street Offences</td>
</tr>
<tr>
<td>MS40</td>
<td>Driving with uncorrected defective eyesight or refusing to submit to a test</td>
</tr>
<tr>
<td>MS70</td>
<td>Driving with uncorrected defective eyesight</td>
</tr>
<tr>
<td>MS80</td>
<td>Refusing to submit to an eyesight test</td>
</tr>
<tr>
<td>MS90</td>
<td>Failure to give information as to identity of driver, etc.</td>
</tr>
<tr>
<td>MW10</td>
<td>Contravention of Special Road Regulations (excluding speed limits)</td>
</tr>
<tr>
<td>PC10</td>
<td>Undefined contravention of Pedestrian Crossing Regulations</td>
</tr>
<tr>
<td>PC20</td>
<td>Contravention of Pedestrian Crossing Regulations with moving vehicle</td>
</tr>
<tr>
<td>PC30</td>
<td>Contravention of Pedestrian Crossing Regulations with stationary vehicle</td>
</tr>
<tr>
<td>TS10</td>
<td>Failing to comply with traffic light signals</td>
</tr>
<tr>
<td>TS20</td>
<td>Failing to comply with double white lines</td>
</tr>
<tr>
<td>TS30</td>
<td>Failing to comply with a &quot;Stop&quot; sign</td>
</tr>
<tr>
<td>TS40</td>
<td>Failing to comply with direction of a constable or traffic warden</td>
</tr>
<tr>
<td>TS50</td>
<td>Failing to comply with traffic sign (excluding &quot;Stop&quot; sign, traffic lights or double white lines)</td>
</tr>
<tr>
<td>TS60</td>
<td>Failing to comply with school crossing patrol sign</td>
</tr>
<tr>
<td>TS70</td>
<td>Undefined failure to comply with a traffic direction sign</td>
</tr>
</tbody>
</table>

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

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

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

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>CU10</td>
<td>Using vehicle with defective brakes</td>
</tr>
<tr>
<td>CU20</td>
<td>Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition</td>
</tr>
<tr>
<td>CU30</td>
<td>Using a vehicle with defective tyre(s)</td>
</tr>
<tr>
<td>CU40</td>
<td>Using a vehicle with defective steering</td>
</tr>
<tr>
<td>CU50</td>
<td>Causing or likely to cause danger by reason of load or passengers</td>
</tr>
</tbody>
</table>
SP10  Exceeding goods vehicle speed limit
SP20  Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30  Exceeding statutory speed limit on a public road
SP40  Exceeding passenger vehicle speed limit
SP50  Exceeding speed limit on a motorway
SP60  Undefined speed limit offence

Aiding, abetting, counselling or procuring
Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12)

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

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

Advertising on Hackney Carriages and Private Hire Vehicles.

Advertisements will not be permitted by Shropshire Council if, in Shropshire Council’s reasonable opinion, the advertisement falls within any of the following categories.

(a) The advertisement does not comply with the law or incites someone to break the law.

(b) The advertisement does not comply with the British Code of Advertising, Sales Promotion and Direct Marketing.

(c) The advertisement is likely to cause widespread or serious offence to members of the public on account of the nature of the product or service being advertised the wording or design of the advertisement or by way of inference.

(d) The advertisement depicts men, women or children in a sexual manner or displays nude or semi-nude figures in an overtly sexual context.

For example, while the use of underdressed people in most underwear advertising may be seen as an appropriate context, gratuitous use of an overtly sexual nature will be unacceptable.

(e) The advertisement depicts or refers to indecency or obscenity or uses obscene or distasteful language including that set out in a foreign language.

(f) The advertisement relates to lap-dancing, ‘gentlemen’s clubs’, escort agencies or massage parlours.

(g) The advertisement depicts direct or immediate violence to anyone shown in the advertisement.

(h) The advertisement condones or provokes anti-social behaviour.

(i) The advertisement relates to films that have not been granted permission for public exhibition.

(j) The advertisement contains images or messages, which relate to matters of public controversy and sensitivity.

(k) The advertisement refers to or portrays (or gives the impression of portraying) a living person unless the written consent of that person is obtained and is produced to Shropshire Council.

(l) The advertisement contains negative references to Shropshire Council’s services or those services provided or regulated by other Local Authorities.

(m) The advertisement relates to a political party or parties or a political cause.

(n) In the case of digital media, the advertisement must not pose a health and safety risk as a result of flickering or other visual imagery.