



## **Telford & Wrekin Council**

### **Consultation**

# **on the Review of Hackney Carriage and Private Hire Licensing Policies and Conditions of Licence**

**1<sup>st</sup> August 2016 to 31<sup>st</sup> October 2016**

Telford & Wrekin Council has undertaken a comprehensive review of its Hackney Carriage and Private Hire licensing policies and conditions.

All proposed amendments to the Council's policies and conditions of licence are highlighted in red. The Council's main consideration in reviewing the Council's policies and conditions of licence has been to ensure that public safety has been a priority at all times. The Council's priorities of Protecting and Creating Jobs as a Business Winning Council and of Protecting and Supporting our Vulnerable Children and Adults form an integral part of the review.

I would be pleased to receive any comments you might wish to make in writing to the address below or email [licensingconsultation@telford.gov.uk](mailto:licensingconsultation@telford.gov.uk) by 31<sup>st</sup> October 2016 at the latest.

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# Licensing Policy

## Hackney Carriage and Private Hire



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## Part 1 - Introduction

### 1. General Information

1.1 A hackney carriage is a taxi with a meter which is licensed for up to 8 passengers. It can be hired from a taxi rank and hailed in the street within the district where it is licensed or **booked in advance**.

A private hire vehicle is licensed for up to 8 passengers. It is not licensed to collect passengers from ranks or to be hailed in the street, but is licensed only to be hired by prior arrangement through a licensed Private Hire Operator.

1.2 The primary legislation relating to Hackney Carriage and Private Hire Licensing is contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

1.3 The aim of this policy is to ensure the safety and welfare of the public who live, work and visit in Telford & Wrekin, while recognising the importance of thriving Hackney Carriage and Private Hire businesses to the local economy. Telford and Wrekin are particularly concerned to ensure:

- The safeguarding of children, young persons and vulnerable adults
- That any person who applies to operate, drive or own a hackney carriage or private hire vehicle is a suitable person and does not pose a threat ( in any form) to the public
- That the public are safeguarded from dishonest persons ; and
- That vehicles used to convey passengers are safe and fit for the purpose for which they are licensed

1.4 This policy will provide guidance to any person with an interest in Hackney Carriage and Private hire licensing; in particular, but not restricted to:

- Persons who wish to apply for hackney carriage and private hire vehicle, drivers or operators licences; and their representatives
- Persons who hold existing licences, including those that are the subject of review; and their representatives
- The Council, in its capacity as the licensing authority, including licensing officers, members of the relevant licensing committees
- Magistrates and judges hearing relevant cases

1.5 This policy should be read in conjunction with Telford & Wrekin Council conditions of licence for Hackney Carriage and Private Hire (Dual) Drivers, Hackney Carriages, Private Hire Vehicles and Operators, **Taxi and Private Hire Vehicle Licensing Criminal Convictions Policy and the Manual of Inspection Standards for Licensed Vehicle Testing and Compliance Standards**.

## 2. Consultation

2.1 In determining this Licensing Policy, Telford & Wrekin Council has consulted widely as set out in **Appendix (To be attached to final policy document)**.

2.2. The views of all the appropriate bodies and organisations have been taken into consideration.

## 3. Review of the Licensing Policy

3.1 This policy will be subject to continuous evaluation and may be reviewed at anytime. At the time of the review all interested parties, partners and stakeholders will again be consulted.

## 4. Personal Data

### 4.1 Personal Data held by the Licensing Service :

- Name
- Address
- Date of birth
- Telephone number and email address (if supplied)
- DVLA or driving licence
- Photographs
- Certificate of good conduct (where required)
- Proof of identification
- Proof of right to work in UK
- Driving Standards Assessment Form
- Certificate – Qualification in Transporting Passengers or similar
- Completed medical forms and any supporting medical information from GPs, Opticians or other medical specialists
- Vehicle registrations
- Outcomes of Criminal Records Bureau (DBS) checks
- Details of traffic offences
- Complaints made about drivers or operators

4.2 The retention period for personal data relating to taxi and private hire vehicles (i.e. vehicle registration marks and details of registered keepers) is in all but exceptional circumstances seven years after a licence expires.

### 4.3 How to access your personal data:

You can submit a [subject access request](#) for a copy of your full file (there is a £10 fee), however if you need a copy of a specific document, we may be able to provide this for free upon receipt of a written request. To request personal data held by Telford & Wrekin Council's Licensing Service, please write to:

Principal Licensing Officer  
Telford & Wrekin Council  
Darby House

Lawn Central  
Telford  
TF3 4JA

## Part 2 – Licensing Principles, Process and Delegation

### 5. Introduction

5.1 Telford & Wrekin Council (the Council) has adopted Part II of the Local Government (Miscellaneous Provisions) Act 1976 as amended. Together with the provisions contained in the Town Police Clauses Act 1847, the Council carries out the licensing of hackney carriage drivers and vehicles and private hire drivers, vehicles and operators.

5.2 This part of the policy will focus on the principles the Council will follow when administering licence applications, **reviewing licences**, reviewing conditions, setting fees and setting the table of fares. It explains the roles and duties of the Licensing Committee and officers. **The Policy and associated conditions do not address health and safety at work requirements. Drivers and operators are required to ensure all relevant health and safety at work provisions are satisfied.**

### 6. Licensing Principles

6.1 The Licensing Authority aims to provide a clear consistent service to Licence Holders, Members of the Public and other Stakeholders. We will look to balance the needs of the applicant against the **over-riding duty that the Council has to protect the safety and welfare of the public.**

6.2 All licence applications will be considered and determined on their own merits.

6.3 **As well as the authority to grant licences the Council has the authority to refuse to grant or to renew licences and also to suspend and/or revoke licences in accordance with relevant legislation. The Council may also choose to make written [warnings](#).**

### 7. Licensing Committee

7.1 Telford & Wrekin Council's Licensing Committee is made up of 10 members of the council. The Licensing Committee will deal with policy issues, conditions of licence, the setting of fees and charges and hackney carriage fares. **A Licensing Sub-Committee, made up of a minimum of 5 members of the Licensing Committee, will deal with applications for and reviews of licences.**

7.2 The public must be able to see that the Licensing Committee acts in a fair and reasonable manner at all times.

7.3 Members when determining applications for a licence, renewals or reviews of a licence, will have regard to the Council's Taxi and Private Hire Licensing Criminal Convictions Policy, this Licensing Policy, the Council's Manual of Inspection Standards for Licensed Vehicle Testing and Compliance Standards, the Department for Transport Taxi and Private Hire Vehicle



Licensing Best Practice Guidance, Road Traffic Act 1988, the Human Rights Act 1998, the Equality Act 2010 and relevant Case Law.

## 8. The Licensing Process & Delegation of Functions

- 8.1 The Council has delegated its licensing function to the Council's Licensing Committee who in turn has delegated authority to the Council's Principal Licensing Officer. The Principal Licensing Officer will determine all applications in accordance with the Council's licensing policies and each application will be determined on its own merit. **Where appropriate the Principal Licensing Officer will review licences in accordance with the Council's licensing policies and the Council's Public Protection Enforcement Policy.**
- 8.2 Where an application is referred to the Licensing **Sub-Committee** by the Principal Licensing Officer, the application will be determined at the earliest convenience on its own merits. Members of the Committee will take into consideration the facts of the application and hear the representations of the Applicant.

## 9. Decisions

- 9.1 Following the determination of an application by the Council the applicant will receive a copy of the decision in writing. This written decision will be delivered as soon as possible after the decision has been made. This will include information on the right of appeal where appropriate.
- 9.2 Parties aggrieved by a decision of the Licensing Authority have a right of appeal. This should be lodged with the relevant Court in accordance with the statutory provisions. **The Council strongly advises parties to promptly seek appropriate independent legal advice in such circumstances.**

## 10. Working in Partnership

- 10.1 The Council aims to work in partnership when dealing with Hackney Carriage and Private Hire Licensing issues. Such partnerships will include (but are not restricted to) West Mercia Police, Driver and Vehicle Standards (DVSA) Agency, **UK Border Agency**, Safer Communities, Telford Hackney Carriage Association, Telford Private Hire Operators Association, Telford Private Hire Drivers Association, **Shropshire Council**, **other local authorities**, and **other Council service areas such as Children's and Adult Safeguarding**, consumer groups and all licence holders.

## Part 3 – Licensable Activities

### 11. Introduction

11.1 This part of the Policy will focus on the licensable activities and the necessary steps required to obtain and hold such a licence. These steps will include the standards required and the conditions that applicants and licence holders will be required to attain. The scope of this policy covers Hackney Carriage and Private Hire Drivers and Vehicles, and Private Hire Operators.

11.2 The following are applicable to all licence types:

- The application form must be fully completed and include all relevant information. If any part of the application form is not complete, the applicant will be required to provide all the required information before the application can be accepted for processing.
- In the event that an application for a licence is paid by cheque. In the event that the cheque does not clear and the licence has been issued, the Council will seek to suspend the licence until such time as full payment has been received.
- Where an applicant has failed to declare relevant information or provided false information the application is likely to be refused; where this relates to an existing licence, the licence is likely to be revoked. Applicants are reminded that it is an offence to knowingly or recklessly make a false declaration or omit any material particularly when giving information required by the application for a licence.
- Where a licence has been surrendered or revoked a new application must be submitted in accordance with the relevant new licence procedures before the Council will consider the application.
- When a licence lapses, the Council will not permit any 'periods of grace' for the submission of a renewal application unless there is satisfactory evidence of exceptional circumstances that are accepted by the Council.

11.3 The Council follows the current Disclosure and Barring (DBS) Code of Practice for Registered Persons and Other Recipients of Disclosure Information and abides by the handling of DBS certificate information requirements on the secure storage, handling, use, retention, and disposal of disclosure certificates and certificate information. All DBS disclosures will be required at the maximum level set by legislation. Drivers who undertake work on Telford & Wrekin transport contracts are advised to contact the department of the Council which provides the contracts in order to ascertain what standard of criminal record disclosure is required.

## 12. Drivers

### 12.1 Summary

- Any person who drives a Hackney Carriage must hold the appropriate vehicle driver's licence. Hackney Carriage Vehicle drivers licences are issued in accordance with section 46 of the Town Police Clauses Act 1847.
- Any person who drives a Private Hire Vehicle must hold the appropriate vehicle driver's licence. Private Hire Vehicle drivers licences are issued in accordance with section 51 of the Local Government (Miscellaneous Provisions) Act 1976.

### 12.2 Fit and Proper Person

12.2.1 Licensed drivers provide a public service. The Council will not licence anyone to drive a Hackney Carriage or Private Hire vehicle unless it is satisfied that they are a "fit and proper" person.

12.2.2 In considering the fit and proper person test and in order to ensure the Council is in a position to make as accurate an assessment of the applicant's fitness to hold a licence as is reasonably practicable, all drivers must complete a Disclosure and Barring Service check (DBS) and satisfactory medical examination upon initial application and on renewal at three yearly intervals thereafter. Further checks may be carried out if the Council has reason to believe that a person's medical circumstances have changed or if the person has been convicted of an offence since they were last licensed.

12.2.3 Telford & Wrekin Council will also make additional checks on the Council's Personal Safety Precautions Register, on your personal information held on other relevant local authorities' systems; with West Mercia Police (and other relevant police forces where appropriate); or with any other appropriate organisation, agency or person.

12.2.4 Where Telford & Wrekin Council has concerns regarding your suitability to drive a taxi, the Council will share your relevant personal information with other external organisations.

12.2.5 When assessing the fitness of an applicant to hold a driver licence, the Council will consider the applicants criminal history as a whole, together with all other relevant information and intelligence including their history (e.g. complaints and positive comments from the public, compliance with licensing conditions and willingness to co-operate with licensing officers) whilst holding a licence from the Council or any other licensing authority. Particular attention will be given to patterns of behaviour, irrespective of the time scales over which they have occurred, both in terms of proven criminal behaviour/conduct

that may indicate the safety and welfare of the public may be at risk from the applicant.

- 12.2.6 With specific reference to existing licence holders, where there is any cause for a licence to be reviewed, the Council may request the licence holder to consent to a further DBS check, the cost of which lies with the licence holder. Where a licence holder refuses to consent to a further check the Council will take this into consideration in determining their continuing fitness to hold a licence.

### 12.3 New Applications

- 12.3.1 On initial application, before a licence is granted, applicants are required to:

- Submit a completed application form
- **Submit proof of a Right to Work in the UK**
- Receive a satisfactory enhanced Disclosure & Barring Service Check (DBS) **via the Council's approved process** [\(details on the Council's website\)](#).
- Attend the Council's driver awareness training including disability awareness training (responsibilities under the provisions of the Equality Act 2010.) **and Child Sexual Exploitation awareness training**.
- Pass the Council's knowledge test
- Pass the Road Safety Driver Assessment for Dual Drivers
- Pass a Group 2 medical examination with a doctor who has sight of your medical records
- Hold a DVLA/EC/EEA full category B driving Licence and must have held such a licence for not less than three years prior to applying for the licence.
- Complete a DVLA data protection mandate

- 12.3.2 Telford & Wrekin Council are mindful that a number of drivers have licensed with a neighbouring authority and have relinquished their driver badges. In order to possibly encourage drivers to be licensed with this authority, we will introduce a 'fast-track' application process for such drivers. The process for such individuals previously licensed with Telford & Wrekin Council will be as follows:-

- Submit a completed application form and **Proof of a Right to Work in the UK**
- Provide a photograph endorsed to Passport standards  
Receive a satisfactory enhanced Disclosure & Barring Service (DBS) Check. If drivers can submit a DBS certificate less than 3 months old, the Licensing Service will accept the certificate. DBS certificates older than 3 months will require a new certificate
- **Attend Driver Awareness Training to include Child Sexual Exploitation (CSE) training,**

**Comment [FS1]:** It is an existing requirement that new drivers attend Driver Awareness Training during the application process.

- No knowledge test will be required for drivers whose Telford & Wrekin Council driver licence expired less than 3 years prior to a new application being submitted to Telford & Wrekin Council. Pass a Group 2 medical examination. However, all medicals have a three year expiry date. Providing that driver's medical held on file has not expired, we will not require a medical until such time that the 3 years has lapsed.
- Complete a DVLA data protection mandate
- Pass the Council's Driving Standards Assessment (DSA) or, as authorised by the Principal Licensing Officer, submit a satisfactory Certificate for the Driving Standards Agency Taxi Test
- Pay the Council's licence fee.

**Comment [FS2]:** It is already a condition of licence that existing drivers take this driving test upon renewal of their Dual Driver Licence (unless they have already taken and passed the test).

12.3.3 Where an application has expired, been surrendered or revoked a new application must be submitted in accordance with the relevant new licence procedures;

12.3.4 Telford & Wrekin Council runs an appointment system. Applicants and licence holders will not be seen without an appointment.

12.3.5 An applicant must complete an application form, DVLA mandate, provide proof of the Right to Work in the UK, a DBS disclosure application (and/or Certificate of Good Conduct) and submit a photograph. The approved application process is explained on the Council's website.

12.3.6 The applicant should complete the application process within 3 months. If the applicant fails to do so, the application process must be started again.

#### 12.4 Criminal History

12.4.1 Due to the nature of the occupation, Hackney Carriage and Private Hire Vehicle Drivers are an exempt occupation under the provisions of the Rehabilitation of Offenders Act 1974. As a result, convictions are deemed never to be spent. When considering convictions and endorsements, the Council will only take into consideration such convictions deemed to be relevant.

12.4.2 A criminal record does not automatically bar an applicant from holding a Licence to drive Hackney Carriage and Private Hire Vehicles. Criminal convictions will be considered in light of the [Council's Taxi and Private Hire Licensing Criminal Convictions Policy](#).

12.4.3 On the return of a DBS check where convictions have been disclosed, the Principal Licensing Officer will consider the convictions and either determine the application under delegated authority or may refer the application to the Council's Licensing Sub-

Committee for determination. In addition to conviction/caution information applicants and existing drivers are expected to provide details of all warnings, driving endorsements/disqualification periods relating to minor traffic offences fixed penalties, penalty charge notices and any other similar sanctions, together with any charges or arrests that they are the subject of in connection with criminal offences, whether or not actually charged with the offence, and details of any allegations of involvement in criminal activity or where they have been questioned in connection with any alleged criminal activity or inappropriate/ unacceptable behaviour or any other relevant pending matter.

12.4.4 Persons who have not been resident within the United Kingdom for the five years prior to submitting an application, will be required to produce a certificate of good conduct or equivalent document issued by the relevant Embassy or High Commission. The certificate should be authenticated, translated and sealed by the embassy/consulate. The Council may contact the relevant Embassy or appropriate body to verify any documents provided. Proof of a right to work in the United Kingdom will also be required. Find contact details for embassies and High Commissions in the UK on the [Foreign & Commonwealth Office \(FCO\) website](#). You can also contact FCO General Enquiries on Tel 020 7008 1500

## 12.5 Knowledge Test

12.5.1 Applicants for a licence to drive a Hackney Carriage or Private Hire Vehicle will be required to pass the Council's Knowledge Test. Details of what is required in the Knowledge Test is included [on the Council's website](#).

12.5.2 Normal examination conditions will apply during the Knowledge Test. Any person found to be using unfair means during the test will be excluded from the test and will be required to take a fresh test and pay the appropriate fee. This may also affect their fitness and propriety to be granted a licence.

12.5.3 There is no charge for the initial Knowledge Test. If an applicant fails the initial Knowledge Test, there will be a retest charge for every subsequent test and every missed test.

12.5.4 If an applicant fails the Knowledge Test 3 times, they must wait 3 months before being able to start the application process again.

## 12.6 Driving Standards Assessment

**Comment [FS3]:** This is not a new requirement for drivers. In order to assist applicants, it is proposed to add this more detailed information regarding the driving to this document.

12.6.1 Applicants for a licence to drive a Hackney Carriage or Private Hire Vehicle will be required to pass the Council's approved Driving Standards Assessment.

12.6.2 At the time of your driving assessment, you will need to bring with you:

- Fee for the Driving Assessment
- A vehicle in good working order. This can be any vehicle, hired or your own.
- Valid MOT Certificate for the Vehicle you use.
- Valid Insurance.
- Valid Driving Licence

12.6.3 If an applicant fails the Driving Assessment 3 times, they must wait 3 months before being able to start the application process again.

## 12.7 Medical Requirements

12.7.1 All applicants for a Hackney Carriage or Private Hire Vehicle Drivers Licence are required to undertake a Group 2 medical examination by a doctor who has seen the applicant's medical records. **Details of where to obtain your medical are on the [Council's website](#).**

**The medical examination includes a vision assessment that must be completed by a doctor or optician/optometrist. Some doctors will be able to fill in both the vision and medical assessment sections of the report. If the doctor is unable to fully answer all the questions on the vision assessment you must have it filled in by an optician or optometrist.**

**Comment [FS4]:** This is an amendment to the Group 2 medical introduced in 2015 by the DVLA.

12.7.2 Should an authorised officer have reason to believe that a licensed Hackney Carriage or Private Hire Vehicle Driver has a medical condition which renders them unfit to drive, a further medical examination will be requested **by the Council in accordance with the approved process**. If it is deemed necessary to do so, the licence may be suspended or revoked in the interests of protecting the public until the further medical examination has been carried out.

## 12.8 English Speaking

12.8.1 Applicants will need to be able to converse in English to a standard that would be reasonably expected of a person undertaking a role as a private hire or a hackney carriage driver.

## 12.9 Duration of Licence

Driver licences (Dual) will normally be issued for a period of 3 years **or for a lesser period as the Council thinks appropriate in the**

circumstances of the case. Licences will not be issued for a period any longer than the length of a person's permission to live and work in the UK.

#### 12.10 DVSA and Other Relevant Driving Licences

12.10.1 A person applying for a Dual licence must have a minimum of three years' driving experience on a full UK/EC/EEA licence.

12.10.2 Applicants will be required to produce the original DVSA photocard driving licence. Copies will not be accepted.

#### 12.11 Renewal of licence

12.11.1 A licence must be renewed before it reaches its expiry date to allow continued driving of a licensed vehicle. Once a licence expires, is revoked or surrendered, it ceases to exist. Only in exceptional circumstances would an application for renewal be entertained after expiry, otherwise a new application will be required.

12.11.2 If a licence has lapsed, surrendered or revoked, then in all cases a new application must be completed in full as outlined in 12.3.2 above before the applicant will be re-licensed.

#### 12.12 Licence Conditions

12.12.1 When a driver is issued with a licence the driver will be asked to sign for his licence and the attached conditions.

12.12.2 If a driver is found to be in breach of the conditions of licence, the driver's licence will be reviewed in accordance with the Council's [Public Protection Enforcement Policy](#).

12.12.2 A copy of the Council's Dual Driver Licence conditions is attached at **Appendix A**.

### 13 Hackney Carriages

#### 13.1 Summary

13.1.1 Hackney Carriage or Public Hire Vehicles are licensed in accordance with the provisions contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

13.1.2 Commonly known as Taxis, Hackney Carriages are licensed to stand for hire at a taxi rank or can be hailed in the street in the area of the council with which it is licensed and may also undertake pre-booked journeys anywhere in the country.



## 13.2 Use of Vehicles

13.2.1 A person applying for a licence for a Hackney Carriage should do so with the intention of using the vehicle in the controlled district of Telford & Wrekin. Where the intention is to use a licensed vehicle in another district for advanced bookings, then the applicant should apply to the said district for an appropriate licence.

13.2.2 In accordance with section 57 of the Local Government (Miscellaneous Provisions) Act 1976 a person applying for a licence will need to indicate whether the vehicle will be used primarily within the Borough of Telford and Wrekin or outside the Borough. Details will be required as to the proportion of business to be carried out both within the Borough and outside it. In addition details of the location of business carried on outside the Borough will be required. Applications received where the primary use of the vehicle is outside the Borough **may** be referred to the Licensing Sub Committee.

## 13.3 Duration of Licence

13.3.1 Vehicle licences will be issued for 12 months.

## 13.4 Application Process

13.4.1 Licences are issued in the interests of public safety. The application process is the same for a new or renewal application. The applicant for a vehicle licence must be a person who is the registered keeper of the vehicle concerned. In addition to completing an application form, a person wishing to license a hackney carriage will need to submit a proof of a Right to Work in the UK, a basic criminal record disclosure from [Disclosure Scotland](#) telephone 0870 609 6006, a valid certificate of insurance for public hire, the V5 registration form, a Telford & Wrekin Council compliance certificate and the licence fee.

13.4.2 The Council accepts that a full V5 registration form in the new owner's name is not always available upon first licence; however, the V5/2 green section of the V5 form must be produced. Where the green section has been produced on first licensing the vehicle, a full V5 form in the new owner's name must be produced at the earliest opportunity and in any case upon renewal of a licence. A V5 form or proof of purchase must be produced upon transfer of a vehicle licence.

## 13.5 Testing of Vehicles

13.5.1 Vehicles licensed to carry persons for hire and reward must be fit, safe, comfortable and suitable for the purpose for which they are licensed. Vehicles will be tested and inspected at the council's approved testing station by a Driver and Vehicle Standards (DVSA) Agency authorised MOT examiner.

13.5.2 Hackney Carriages are subject to much higher annual mileages and more arduous driving than normal private vehicles. Therefore in the interests of passenger and other road user's safety, a more stringent maintenance and testing regime is required. The purpose of the Council's Compliance Test is to confirm vehicles meet these more stringent standards. The test and inspection includes a number of items in addition to the normal MOT test. These elements have been deemed reasonable and necessary in order to protect the public using licensed vehicles. It is not intended that the test be used in lieu of a regular preventative maintenance programme. In assessing the mechanical condition of a vehicle, it is likely that an item which would ordinarily pass an MOT test with an advisory note, could fail the Council's compliance test.

**Comment [FS5]:** This is not a new requirement. For clarification purposes, it is more detailed information now included in this document.

13.5.3 The Council's Manual of Inspection Standards for Licensed Vehicle Testing provides a guide for those who prepare vehicles for/or carry out the statutory tests on Hackney Carriages. It also provides vehicle owners with the compulsory requirements that enable a vehicle to be licensed. On satisfactory completion of the test, a Certificate of Compliance will be issued

13.5.4 To ensure that vehicles licensed within the controlled district of Telford & Wrekin meet these criteria, the Council has determined that vehicles will be subjected to a test to a frequency specified in the Council's conditions of licence. See **Appendix B**.

13.5.5 If the Council's Authorised Officer or Police Constable when inspecting a vehicle is not satisfied as to the fitness of the vehicle or the accuracy of the meter, he may give written notice to the Proprietor to make the Hackney Carriage and/ taxi meter available for further inspection and testing at such reasonable time and place as may be specified and the vehicle licence may be suspended until the Authorised Officer or Police Constable is satisfied as to the vehicle's fitness or as to the accuracy of the taxi meter.

13.5.6 The Certificate of Compliance once issued is only valid in conjunction with a valid Hackney Carriage Licence.

13.5.7 If a vehicle has been off the road for more than a month it must undergo a compliance test before it can return to work in the controlled district of Telford & Wrekin.

### 13.6 Roof Signs

13.6.1 All Hackney Carriages shall be fitted with a roof sign. The roof sign shall display the wording "TAXI" or "For Hire" on the front of the sign. The rear of the sign can be used to display the company or telephone number of the business, or the wording "TAXI" or "For Hire". Roof signs shall not be blank.

### 13.7 Advertising

13.7.1 Proprietors may advertise on Hackney Carriages in accordance with the conditions of licence and subject to written approval from the Licensing Authority.

### 13.8 Closed Circuit Television (CCTV)

13.8.1 Hackney Carriage Vehicles may be fitted with closed circuit television (CCTV) systems in accordance with the council's CCTV policy.

### 13.9 Hackney Carriage Ranks

13.9.1 Hackney Carriage Ranks/Stands are provided in accordance with the Local Government (Miscellaneous Provisions) Act 1976. The Council will work with the Taxi trade, Highways and West Mercia Police to determine where ranks/stands should be situated.

13.9.2 Drivers should use the ranks available to them. Where a driver is standing plying for hire and is illegally parked if, in the opinion of an Authorised Officer of the council or police constable, the driver is plying for hire in a dangerous location the said driver's licence may be reviewed and such conduct may be deemed reasonable cause to revoke or suspend the licence under section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 or any other appropriate action.

### 13.10 Accessibility

13.10.1 Drivers of vehicles adapted to carry disabled passengers must be trained in the use of equipment necessary to convey the passenger safely.

13.10.2 Assistance dogs shall be conveyed in the vehicle with the passenger in accordance with statutory requirements (unless an exemption applies).

### 13.11 Internal Plates

13.11.1 Internal plates shall be securely fixed in the front windscreen on the passenger side of the vehicle or on the partition for vehicles where a partition is fitted.

13.11.2 Tactile Braille plates shall be fixed to the recess on the inside of the rear passenger door.

### 13.12 Renewal of a Licence

13.12.1 A licence must be renewed before it reaches its expiry date to allow the vehicle to continue to be used for hire and reward. Once a licence expires, is revoked (subject to a statutory appeal process) or surrendered, it ceases to exist. Only in exceptional circumstances would an application for renewal be entertained after the licence has lapsed, otherwise a new application will be required.

### 13.13 Licence Conditions

13.13.1 Conditions attached to Hackney Carriage licences will be regularly reviewed to ensure that they are reasonable and fit for purpose. A copy of the conditions attached to Hackney Carriage Licences is attached as **Appendix B**.

## 14 Private Hire Vehicles

### 14.1 Summary

14.1.1 Private Hire Vehicles are licensed in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976. Private Hire Vehicles must not have the appearance of a Hackney Carriage.

14.1.2 When considering whether a vehicle is a Private Hire Vehicle by the nature of the work it does, Telford & Wrekin Council shall have regard to the document Private Hire Vehicle Licensing - A note for guidance from the Department for Transport <http://assets.dft.gov.uk/publications/phv-licensing-guidance-note/phv-licensing-guidance.pdf>

### 14.2 Period of Licence

14.2.1 Vehicle licences will be issued for 12 months.

### 14.3 Application Process

14.3.1 Licences are issued in the interests of public safety. The application process is the same for a new or renewal application. In addition to completing an application form, a person wishing to licence a Private Hire Vehicle will need to submit a proof of a Right to Work in the UK, a basic criminal record disclosure from [Disclosure Scotland](#) telephone 0870 609 6006, a valid certificate of insurance for private hire, the V5 registration form, a Telford & Wrekin Council's compliance certificate and the licence fee.

14.4 The Council accepts that a full V5 registration form in the new owner's name is not always available upon first licence, however, the V5/2 green section of the V5 form must be produced. Where the green section has been produced on first licensing the vehicle, a full V5 form in the new owner's name must be produced at the earliest opportunity and upon renewal of a licence. A V5 form or proof of purchase must be produced upon transfer of a vehicle licence.

#### 14.5 Testing of Vehicles

14.5.1 Vehicles licensed to carry persons for hire and reward must be fit, safe, comfortable and suitable for the purpose for which they are licensed. Vehicles will be tested and inspected at the council's approved testing station by a Driver and Vehicle Standards (DVSA) Agency authorised MOT examiner.

14.5.2 Private hire vehicles are subject to much higher annual mileages and more arduous driving than normal private vehicles. Therefore in the interests of passenger and other road user's safety, a more stringent maintenance and testing regime is required. The purpose of the Council's Compliance Test is to confirm vehicles meet these more stringent standards. The test and inspection includes a number of items in addition to the normal MOT test. These elements have been deemed reasonable and necessary in order to protect the public using licensed vehicles. It is not intended that the test be used in lieu of a regular preventative maintenance programme. In assessing the mechanical condition of a vehicle, it is likely that an item which would ordinarily pass an MOT test with an advisory note, could fail the Council's compliance test.

**Comment [FS6]:** This is not a new requirement. For clarification purposes, it is more detailed information now included in this document.

14.5.3 The Council's Manual of Inspection Standards for Licensed Vehicle Testing provides a guide for those who prepare vehicles for/or carry out the statutory tests on Private Hire Vehicles. It also provides vehicle owners with the compulsory requirements that enable a vehicle to be licensed. On satisfactory completion of the test, a Certificate of Compliance will be issued

14.5.4 To ensure that vehicles within the controlled district of Telford & Wrekin meet these criteria, the Council has determined that

vehicles will be subjected to a test to a frequency specified in the Council's conditions of licence.

14.5.5 The Certificate of Compliance once issued is only valid in conjunction with a valid Private Hire Vehicle Licence.

14.5.6 If a vehicle has been off the road for more than a month it must undergo a compliance test before it can return to work in the Telford & Wrekin area.

#### 14.6 Novelty Vehicles, Stretched Limousines and Vintage Vehicles

14.6.1 Vehicles such as stretched limousines and fire engines will be licensed by the Council, however such types of vehicle would only be licensed as a Private Hire Vehicle **and in accordance with the Council's Conditions of Licence for Private Hire Vehicles. Vehicles should have no more than 8 passenger seats as indicated on the V5 form. If the number of seats differs to what is indicated on the V5, then the vehicle proprietor should contact DVSA. Failure to produce a valid and current V5 for the vehicle will result in the application being refused.**

14.6.2 In addition to the vehicles mentioned in paragraph 19.1 vehicles such as vintage vehicles will also be considered for licensing.

#### 14.7 Closed Circuit Television (CCTV)

14.7.1 Private Hire Vehicles may be fitted with closed circuit television (CCTV) systems in accordance with the Council's CCTV policy.

#### 14.8 Disabled Access and Assistance Dogs

14.8.1 Where a vehicle is adapted to carry disabled passengers, then the driver of the said vehicle should have appropriate training to ensure that the passengers are conveyed safely.

14.8.2 Assistance dogs shall be conveyed in the vehicle with the passenger in accordance with statutory requirements (unless an exemption applies).

#### 14.9 Internal Plates

14.9.1 Internal plates shall be securely fixed in the front windscreen on the passenger side of the vehicle and on the partition for vehicles where a partition is fitted.

#### 14.10. Magnetic Plates

14.10.1 Magnetic plates will only be fitted to vehicles where the Council approved fixing kit cannot be used.

#### 14.11 Renewal of a Licence

14.11.1 A licence must be renewed before its expiry date to allow the vehicle to continue to be used for hire and reward and to retain grandfather rights where applicable. Once a licence expires, is revoked (subject to a statutory appeal process) or surrendered, it ceases to exist. Only in exceptional circumstances would an application for renewal be entertained after expiry, otherwise a new application will be required.

#### 14.12 Licence Conditions

14.12.1 Conditions attached to Private Hire Vehicle licences will be regularly reviewed to ensure that they are reasonable and fit for purpose. A copy of the conditions attached to a Private Hire Vehicle Licence is attached to this policy as **Appendix C.**

### 15 Private Hire Operators

#### 15.1 Summary

15.1.1 Private Hire Operators are licensed in accordance with the Local Government (Miscellaneous Provisions) Act 1976. Any person who wishes to take bookings, in the course of a business for a Private Hire Vehicle must hold a Private Hire Operator Licence.

#### 15.2 Application Process

15.2.1 In addition to completing an application form, an operator must produce a list of the vehicles and drivers which they operate and any fleet insurance they hold with an accompanying schedule of vehicles and named drivers disclosed to the insurance company.

#### 15.3 Criminal Record Disclosure

15.3.1 All applicants for a Private Hire Operators Licence must prove that they are a fit and proper person to hold a licence. Telford & Wrekin Council requires an applicant to **submit proof of a Right to Work in the UK and to** provide a Basic Criminal Record Disclosure from Disclosure Scotland. If the Private Hire Operator is an individual, they must provide the Criminal

Record Disclosure. If the Private Hire Operator is a company, then the company Director(s) named on the application form must provide the basic Criminal Record Disclosure.

- 15.3.2 You can apply to [Disclosure Scotland](#) online, by telephone or in writing:

Telephone: 0870 609 6006

Website: [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk).

Disclosure Scotland

PO Box 250

Glasgow

G51 1YU

#### 15.4 Record Keeping

- 15.4.1 Operators shall keep records in accordance with the conditions attached to their licence. Such records should be available upon request from a Police Constable or Authorised Officer.

#### 15.5 Planning Consent

- 15.5.1 Operators are advised that they should ensure that they have any appropriate planning consent required to operate their business within Telford & Wrekin.

#### 15.6 Licence Conditions

- 15.6.1 Conditions attached to Private Hire Operator licences will be regularly reviewed to ensure that they are reasonable and fit for purpose. A copy of the conditions attached to a Private Hire Operator Licence is attached to this policy as **Appendix D**.

#### 15.7 Safeguarding

- 15.7.1 Safeguarding is a priority for Telford & Wrekin Council and therefore, Private Hire Operators will be expected to employ a suitably trained Designated Person with specific responsibility for Safeguarding.



## **Part 4 - Compliance and Enforcement**

### **16. Summary**

- 16.1 The Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 contain a number of offences. These offences relate to the protection of the public.
- 16.2 The Council's Compliance and Licensing Officers will work closely with the Hackney Carriage and Private Hire trades to achieve compliance with the legislation and the Council's conditions of licence and will do so in accordance with the Council's Public Protection Enforcement Policy.
- 16.3 The Licensing Service will also look to work closely with other enforcement authorities when dealing with licensed and or unlicensed vehicles and drivers, especially concerning cross boundary related issues.
- 16.4 The Local Government (Miscellaneous Provisions) Act 1976 also gives the authority powers to serve notice on proprietors of Hackney Carriage and Private Hire Vehicles to produce their vehicle for inspection to ascertain its fitness. Where a vehicle is deemed unfit for its intended purpose the proprietor will be issued with a suspension notice in accordance with section 60 or section 68 of the Local Government (Miscellaneous Provisions) Act 1976. Where the vehicle defects are not rectified within two months from the date of the notice, the licence will automatically be deemed to be revoked.
- 16.5 Where the vehicle has defects which are in breach of licence conditions, a Breach of Conditions Notice will be issued. If the fault is not rectified within the time specified in the Notice, the licence will be suspended under section 68.

### **17. Complaints**

- 17.1 The Licensing Service will investigate all complaints reported to the Service. Where appropriate, complainants will be encouraged to raise the complaint with the licence holder or business concerned in the first instance.

### **Contact Details**

For information, advice and guidance relating to licensing and the application process please contact;

Licensing Service  
Telford & Wrekin Council  
Darby House  
Lawn Central  
Telford  
TF3 4JA

Telephone: 01952 381818  
Fax: 01952 381993  
Email: [licensing@telford.gov.uk](mailto:licensing@telford.gov.uk)

## Appendix A – Dual Driver Conditions

### 1. General

1.1	Throughout the currency of his/her licence the holder of a Dual Driver licence shall be a fit and proper person to hold such a licence. New applicants will be subject to a satisfactory Disclosure & Barring Service check and all licence holders will be subject to a Disclosure & Barring Service check every three years.
1.1.2	The driver must contact the Council within 7 days from receiving the Disclosing & Barring Service Certificate to produce the Certificate.
1.2	Throughout the currency of his/her Driver's Licence, the holder of a Dual Driver Licence must possess a full Category B DVLA driving licence and must have held one for at least the preceding 3 years (3 years actual driving experience). The Licence referred to is one issued under Part III Road Traffic Act, 1988, as amended by the Road Traffic Act, 1991, authorising the holder to drive a motor car.

### 2. Medical Fitness and Medical Examination

2.1	Throughout the currency of his/her Licence the holder of a Dual Driver Licence must be and must remain medically fit. To enable the Council to be satisfied as to medical fitness the following requirements will apply:-
2.1.2	All drivers should have medicals on application and then every three years.
2.1.3	If once granted, the Driver's medical circumstances change during the currency of that Licence, he/she must inform the Council as soon as possible. If the Council then requests, the Driver must immediately submit to a further medical examination and thereafter, provide written evidence (in the form of an approved medical certificate as detailed above) of the outcome of this examination and of his fitness to continue as a driver of a Hackney Carriage/Private Hire Vehicle.
2.1.4	Should an authorised officer of the Council have reason to believe that any driver has a medical condition that renders them unfit to drive for hire and reward, a further medical examination will be requested.
2.1.5	The Council reserves the right to refer any such matter to its own appointed Medical Officer whose decision will be final
2.1.6	The Council will not grant or renew (as the case may be) any Driver's Licence unless the foregoing provisions are complied with (as appropriate) and the applicant can thereby demonstrate that he is medically fit to hold a Dual Driver Licence.
2.1.7	The Council may revoke or suspend an existing Licence if the holder is unable to demonstrate as necessary that he/she remains medically fit to hold such Licence. The Council reserves the right to refer any such matter to its own appointed Medical Officer whose decision will be final.

### 3. Medical Exemptions

3.1	Medical exemptions involving the carriage of Disabled persons and also the carriage of Guide, Hearing or Other Assistance Dogs may apply to new or existing drivers who suffer certain medical conditions and if so must submit themselves to a medical examination and provide proof that they have a history of a specific health problem to qualify for such exemption.
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### 4. Disclosure and Barring Service Checks, Conviction and Non Conviction Notification

4.1	The Licence holder shall notify the Council in writing of any conviction, caution, warning or charge recorded against him/her by any Authority within 7 days of such a conviction, caution, warning or charge being imposed.
4.2	The Licence holder shall within 42 days of such an offence notify the Council in writing of any fixed penalty notice imposed upon him/her which results in an endorsement upon his/her UK driver's licence.

<b>5.Return of Badge and Licence</b>	
5.1.	On suspension, revocation, refusal to renew, or expiry of the Driver's Licence, the holder of the Licence shall, if requested by an authorised officer, return the Badge and Licence to the Council within 48 hours.
<b>6.Knowledge Test</b>	
6.1	At the discretion of the Council the holder of a Dual Driver Licence can, during the currency of the Licence, be required to undertake a further knowledge test or tests. (Where a Dual Driver Licence has previously been held but has lapsed for 12 months or more, the Council will invariably require a knowledge test to be taken before issuing a Licence.) Failure to submit to, or pass, any knowledge test so required will permit the Council to refuse to grant (or renew) a Dual Driver Licence or to revoke or suspend a Dual Driver Licence (as the case may be).
<b>7.Training</b>	
7.1	All successful applicants <b>may</b> be required to undertake up to two days training per annum at the discretion of the Council.
7.1.1	The direct costs of the training <b>may</b> be borne by the Council; however, the costs of driver time will not be met. Failure to submit to, or pass, any training so required by the Council will permit the Council to refuse to grant (or renew) a Dual Driver's Licence or to revoke or suspend a Dual Driver's Licence (as the case may be).
7.1.2	Training courses will be designed around the basic needs required by Dual Drivers and held on several pre-determined dates during the year commencing January to December. <b>Upon request from the Council</b> , all candidates shall be expected to complete a course within the period of the licence which has been issued to them.
7.2	All drivers must undertake a qualification in "Transporting passengers by taxi and private hire" or similar qualification within 24 months of first being licensed or for <b>existing drivers (who have not undertaken such a qualification) within 12 months of their licence being renewed.</b>
7.3	All drivers must undertake the Council's Road Safety & Sustainable Transport Assessment. In <b>cases of dispute</b> and as approved by the Council, they may undertake the <b>Driving Standards Agency Assessment for Taxi and Private Hire Vehicles</b> . This assessment must be completed prior to the renewal of their Dual Driver's licence.
<b>8.Production of Driving Licences</b>	
8.1	The holder of a DVLA Driver's Licence shall, at the request of any Authorised Officer of the Council or any Police Constable, produce his Driving Licence for inspection either forthwith, or within 7 clear days of the request.
8.2	Any driver requesting a photocopy of his/her driver's licence from Council records must have a valid reason for doing so and shall be charged a fee.
<b>9. Conduct of Driver</b>	
9.1	The holder of a Dual Driver Licence shall, when driving a Hackney Carriage/Private Hire Vehicle :
9.1.1	At all times be clean and respectable in his/her dress and appearance and maintain a high standard of personal hygiene.
9.1.2	Tailored shorts may be worn in hot weather. They shall be of one colour and of knee length or below knee length (in the sitting position). Cut off jeans or similar shall not be worn.

9.1.3	Drivers of Executive status vehicles shall be dressed appropriate to the occasion at all times and as a minimum standard shall adopt smart casual clothes with jacket, collar and tie.
9.1.4	Not without the express consent of the hirer eat or drink in the Hackney Carriage/Private Hire vehicle
9.1.5	<b>Shall not at any time vape in the vehicle, or at any time smoke in the vehicle or allow passengers to smoke within the vehicle as required by the Health Act 2006 and the Smoke-Free (Exemptions and Vehicles) Regulations 2007</b>
9.1.6	Not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the Hackney Carriage/Private Hire vehicle.
9.1.7	Not at any time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which the Licence holder is driving be a source of annoyance to any person whether inside or outside the Hackney Carriage/Private Hire Vehicle.
9.1.8	At all times, behave in a civil and orderly manner towards all other road users, pedestrians and persons seeking to hire or being conveyed in the vehicle.
9.1.9	When having agreed to attend a location at an appointed time shall, unless delayed and prevented by some sufficient cause, punctually attend at such appointed time and place.
9.1.10	Shall at all times when hired afford reasonable assistance to the passenger and convey them subject to any instructions given by the hirer, to their destination by the shortest practicable route.
<b>10. Animals</b>	
10.1	When driving a Hackney Carriage/Private Hire vehicle, the holder of a Dual Driver Licence:
10.2	Shall not carry any animal belonging to or in their custody whilst fare paying passengers are being conveyed in the vehicle. However it will be allowed to make the transportation of animals at the discretion of the vehicle owner/company (with the exception of assistance dogs as defined by the Equality Act 2010). They may however allow any animal belonging to or in the custody of a passenger to be conveyed in the vehicle but in the case of a Private Hire Vehicle only in the rear (in the foot well or floor pan of the vehicle).
<b>11. Receipt for Fare</b>	
11.1	The Licence holder shall, if requested by the hirer, supply the hirer with a written receipt for any fare paid.
<b>12. Accidents</b>	
12.1	The Licence holder shall, notwithstanding his/her responsibilities under the Road Traffic Act, report to the Council within 72 hours, any accident involving a Hackney Carriage/Private Hire Vehicle under their control. In any case the licence holder shall notify the Council immediately, of any vehicle being under their control which has suffered damage of any kind which materially affects the safety performance or appearance of the vehicle, or the comfort convenience of the fare paying passengers.
<b>13. Change of Particulars</b>	

13.1	The holder of a Dual Driver Licence shall notify the Council in writing of any change of his circumstances which may occur during the currency of his Licence, including any change of address or change of employers. Any such change shall be so notified within 7 days of it taking place. Failure to do so is an offence.
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#### 14. Roof Signs

The Driver of a Private Hire Vehicle shall ensure the roof signs are maintained and kept in such a condition that the information contained is clearly visible to public view at all times and that the roof sign is illuminated when the vehicle is in service during lighting up times.

#### 15. Hirer's (Lost) Property

15.1	The Licence holder shall immediately after termination of any hiring, or as soon as practicable thereafter, search the Hackney Carriage/Private Hire Vehicle for any property which may have been left therein.
15.1.1	The Licence holder shall, if any property is accidentally left therein by any person who may have been conveyed in the vehicle and be found by or handed to him/her, carry it as soon as possible and in any event within 24 hours if not sooner claimed by or on the behalf of its owner, to a Police Station in the district in order to receive instructions from the Police regarding its custody.

**Comment [e7]:** It is proposed to remove the requirement for Private Hire Vehicles to display roofsigns. If the requirement to display roofsigns is maintained, then it is proposed to add that only roofsigns of a type approved by the Council may be displayed.

#### 16. Passengers

16.1	The Licence holder shall at all times when a Hackney Carriage/Private Hire Vehicle is hired take all reasonable steps to ensure the safety of passengers conveyed therein and persons entering and alighting from the vehicle.
16.2	The Licence holder shall not permit a Hackney Carriage/Private Hire Vehicle to carry a greater number of passengers than the number prescribed in the Licence.

#### 17. Parking and Plying for Hire

17.1	All Dual Drivers when driving a Private Hire Vehicle, as soon as they have dropped passengers shall, unless prevented by another prior booking, return to the Operators licensed base of operations or other approved parking areas (as per the approved list – which shall be subject to continual review) within the controlled district to await further bookings or instructions.
17.2	<b>Drivers of private hire vehicles must NOT take fares which have not been pre-booked through their licensed operator</b>

**Comment [e8]:** It is proposed to review whether this condition is still required. If it is deemed to be required, the list of approved parking areas needs to be reviewed and Consultees will be invited to suggest suitable parking areas. If this condition is removed it is proposed to replace it with the following condition:  
*As soon as a driver has dropped off their passengers at their required destination and unless prevented from doing so by another booking, return to a suitably safe place to park that is not outside shops, train stations, bus stations, public houses, nightclubs, restaurants, cafes and similar establishments.*

#### 18. Fares

18.1	The Driver of a Private Hire Vehicle shall not demand a fare which is more than the fare set by the Operator, unless previously agreed between the hirer and the Operator at the time of booking.
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#### 19. Meters

19.1	Any Hackney Carriage or Private Hire Vehicle fitted with a Meter approved by the Council, and into which the restrictions and the Council's/Operating company's fare rates have been programmed, shall be tested and sealed by the Council and the following instructions shall apply;
19.1.1	The Dual Driver shall not cancel the fare recorded upon the Meter until the hirer has had a reasonable opportunity of examining it and has paid the fare.
19.1.2	The Dual Driver shall ensure that the Meter is sufficiently illuminated that when in use it is visible to all passengers.
19.1.3	The Dual Driver shall ensure that the fare or charge shall be calculated from the point in the district at which the hirer commences the journey and shall not exceed that displayed on the Meter on the completion of such journey.

19.1.4	The Dual Driver shall ensure that the Meter is only brought into action at the commencement of the hirer's journey and the correct tariff for that journey is displayed.
<b>20.Driver's Responsibilities</b>	
20.1	It is the Dual Driver's responsibility to ensure that an approved serviceable Fire Extinguisher is carried in the vehicle whenever it is used for hire and reward.
20.2	It is the Dual Driver's responsibility to ensure that an approved and complete First Aid Kit is carried in the vehicle whenever it is used for hire and reward.
20.3	It is the Dual Driver's responsibility to ensure that there is a valid certificate or cover note of insurance in existence for him/her to drive the vehicle. Insurance covering Public Hire for Private Hire vehicles will not be accepted by the Council.
20.4	The Dual Driver shall ensure that if there are any points recorded on their DVLA Licence that these convictions are disclosed to the Council and the Insurer. A copy of the proposal form relating to such a disclosure must be produced to the Council on request.
20.5	The Dual Driver shall ensure that any other material facts are disclosed to the insurer and the vehicle proprietor.
<b>21.Radio Scanning Devices</b>	
21.1	The Dual Driver shall ensure that no Radio Scanner or Scanning Device of whatsoever type is used at the base of operations, fitted to, carried in, or used in the vicinity of any licensed Hackney Carriage/Private Hire Vehicle.
<b>22.Signage</b>	
22.1	Dual Drivers shall display a replica of their Dual Driver badge issued by the Council, affixed to the inside of the vehicle, in the prescribed manner, so as to be plainly visible to fare paying passengers.
<b>Additional Notes</b>	
<p>This list of conditions is not finite and additional information regarding all aspects of Dual Driver licensing in detail can be found in the Telford &amp; Wrekin Council's Hackney Carriage &amp; Private Hire Policy document..</p> <p>Any requirements of legislation which effect the operations being carried out under the terms of this licence shall be regarded as if they are conditions of this licence. Wherever there appears in the licence Conditions or Policy, a summary of any statutory provision you are advised that such summary is not exhaustive.</p> <p>If you are in any doubt about any information contained in this document please contact the Licensing Service for advice on 01952 381818 or email <a href="mailto:licensing@telford.gov.uk">licensing@telford.gov.uk</a>.</p>	

## Appendix B – Hackney Carriage Conditions

1. Identification Plates	
1.1	The external identification plate issued by the Council shall at all times be fixed to the outside rear of the Hackney Carriage by the proprietor to the place provided by the manufacturer or by means of a Council approved fixing kit. On the suspension of a vehicle licence and where a "Licence Expired" plate has been fitted to the vehicle that plate may only be removed by an Authorised Officer of the Council.
1.2	The fare card where issued by the Council shall at all times be kept and maintained inside the vehicle.
1.3	The proprietor of the vehicle shall ensure the identification plates are maintained and kept in such a condition that the information contained on the plate is clearly visible to public view at all times. The identification plate remains the property of the Council and must be returned to the Council within 7 days of expiry of the vehicles licence if not renewed. Plates are not transferable except on application.
1.4	The Council will not licence a vehicle for hire & reward which is licensed by another Local Authority or allow or permit a Hackney Carriage identification plate issued by another Authority to be displayed upon the vehicle.
2. Type of Vehicle	
2.1	All vehicles submitted to the Council for licensing as Hackney Carriages shall meet the safety standards of <b>one of the following</b> ; M1 Category European Whole Vehicle Type <b>Approval</b> ; <b>British National Type approval</b> ; or <b>British Single Vehicle Approval (before 29 April 2009)</b> ; or <b>Individual Vehicle Approval (from 29 April 2009)</b> .
2.2	The proprietor shall ensure that the Hackney Carriage vehicle shall only be of the type approved for Hackney Carriage use by the Council, namely a purpose-built/ <b>multi purpose</b> vehicle built to carry up to eight passengers with factory fitted seatbelts, <b>and an engine capacity not less than 1600cc</b> , subject to the following: Hackney Carriage vehicles are approved by way of a list that will specify as many different types of vehicles as possible.
2.3	The vehicle must have provision for a minimum of at least one wheelchair,
2.4	A certificate should be produced showing all of the fittings used to secure wheelchairs to the floor of the vehicle are to Department of Transport specifications.
2.5	The appropriate ramps and associated equipment for loading wheelchairs into the vehicle in the approved manner must be carried and used at all times.
2.6	The age limit for Hackney Carriage <b>for purpose built</b> vehicles is twelve years. The Council may waiver the age restriction in the case of individual purpose built vehicles where an application is made and the Council considers that the vehicle is of "exceptional condition". Where vehicles are of "exceptional condition" and continue to be licensed over the <b>Council's</b> age limit, the vehicle will be subject to 6 monthly compliance tests. The age limit. <b>for multi purpose vehicles is ten years</b> . Vehicles to be tested every six months from five years of age in line with best practice guidance
2.7	All Hackney Carriage vehicles must be fitted with manufacturers approved tyres of the same size and type including the spare wheel.
2.8	The Council shall refuse any vehicle submitted for licensing which if fitted with

**Comment [e9]:** In accordance with DfT Best Practice Guidance, it is proposed to broaden the type of vehicle the Council will licence as a hackney carriage, whilst maintaining the requirement for the vehicle to be accessible.

**Comment [FS10]:** It is proposed to remove the engine size requirement as it is not needed with the list of approved vehicles.

**Comment [FS11]:** The 10yr age limit for multipurpose vehicles is consistent with the age limit already in place for multipurpose private hire vehicles.



	tinted windows to the rear of the driver which are not factory fitted at the time of manufacture of the vehicle.
2.9	The proprietor of the taxi shall ensure that no non-standard unauthorised alterations or modifications are carried out to the vehicle or to the engine.
2.10	The proprietor of the taxi shall ensure that the exterior colour of the taxi is one of the manufacturer's colours. <b>Vehicles which are of a colour other than that of the manufacturer must be approved by the Council.</b>
<b>3.</b>	<b>Condition of Vehicle</b>
3.1	The proprietor shall ensure that the Hackney Carriage shall be maintained in a sound mechanical and structural condition at all times and be capable of satisfying the Council's mechanical and structural inspection at any time during the continuance of the vehicles licence. The interior and exterior of the Hackney Carriage shall be maintained in a clean, safe condition by the proprietor. The proprietor shall not allow the mechanical and structural specification of the vehicle to be varied without the consent of the Authorised Officer of the Council.
<b>4.</b>	<b>Fire Extinguisher and First Aid Kit</b>
4.1	Fire Extinguisher – Road Vehicle (Construction & Use) Regs. 1986 – Schedule 7 Must be suitable to the risk and is to be carried in the vehicle at all times and securely fixed in the approved manner and in such a position as to be readily available in any emergency.
4.2	First Aid Kit - Road Vehicle (Construction & Use) Regs. 1986 – Schedule 7 A standard size and type of first aid equipment which complies with the requirements laid down by the Department of Transport for taxis and minibuses in accordance with Regulation 43 and must be carried on the vehicle at all times.
<b>5.</b>	<b>Child Safety Seats</b>
5.1	The Vehicle Proprietor in conjunction with the Operator and the Driver, shall provide and make available to any customer so requesting, an approved infant or booster seat or the provision of extra equipment to facilitate the safe conveyance of children during bookings or from Taxi Ranks. (The number of seats held by the company shall be determined by the Operator and the Vehicle Proprietor in accordance with an assessment of supply and demand). <b>All seats provided shall conform to the United Nations standard, ECE Regulation 44.04 (or R 44.03) or to the new i-size regulation, R129.</b>
5.2	The Vehicle Proprietor in conjunction with the company and/or the Driver shall ensure that any infant seat used during a Hackney Carriage journey shall be <b>suitable for the child's weight and size</b> and will be used in accordance with the manufacturer's instructions.
5.3	Based upon supply and demand, the Proprietor in conjunction with the Operator and Driver shall decide, whether or not the child safety seats provided by them are kept at the company base, and made available to drivers as and when required, or kept upon selected licensed vehicles or both.
<b>6.</b>	<b>Light Trailers</b>
6.1	All Trailers must be of a design such that when close coupled to the prime mover (the vehicle towing it) it does not interfere in any way whatsoever with the operation of any rear door, emergency exits or wheelchair access ramps etc.
6.2	If the unladen weight of any Trailer submitted for testing exceeds 1,200 kgs, a prescribed Ministry Plate must be fitted to the nearside of the Trailer except where said Trailer is fitted with parking brakes and brakes that act automatically on the overrun of the Trailer.

Comment [e12]: Deleted black or

Comment [e13]: Deleted need to display tax disc

Comment [e14]: No longer a legal requirement.

6.3	In any case all Trailers shall meet the braking requirements in accordance with the type and size of said Trailer.
6.4	All such Trailers shall not exceed the gross weight limit of 3,500 kgs but in all cases the proprietor should consult the vehicle handbook regarding manufacturer's recommendations particularly where unbraked trailers may be in use.
6.5	All Trailers will be subjected to a Compliance Standards check and if found to be satisfactory, issued with a one year certificate
6.6	The Trailer shall be fitted with a rigid hard top and shall be sealed against rain and water to protect luggage and goods.
6.7	The owner/operator of the Trailer shall ensure that the material facts are disclosed to the Insurer and that adequate insurance cover is arranged for the carriage of luggage and/or goods and proof of such cover is to be provided to the council.
<b>7.</b>	<b>Signage</b>
7.1	The following signs and notices will be displayed on licensed Hackney Carriages during the currency of the Licence:-
7.1.2	Notices issued from time to time by Telford & Wrekin Council for the information of the travelling public.
7.1.3	A sign stating 'Seat Belt Regulations – Seat Belts must be worn'.
7.1.4	A sign bearing the words 'First Aid Kit Carried' fixed to the rear body work of the vehicle.
7.1.5	A sign issued by the council inside the rear of the vehicle regarding No Smoking
7.1.6	A sign (the nationally recognised symbol) confirming that the taxi is wheelchair accessible and caters for the needs of the disabled.
7.1.7	A sign (if applicable) confirming that the driver of the vehicle accepts travel tokens.
7.1.8	A certificate (if applicable) confirming that the driver named on such certificate is exempt on medical grounds from carrying wheelchair bound passengers.
7.1.9	A certificate, if applicable, confirming that the driver is exempt on medical grounds from carrying approved Guide Hearing and other Assistance Dogs.
7.1.10	Hackney Carriages should display a replica Hackney Carriage Licence plate issued by the Council, affixed to the inside of the vehicle, in the prescribed manner, so that it can be clearly seen by fare paying passengers.
<b>8..</b>	<b>Advertisements</b>
8.1	Commercial advertisements may be displayed on the exterior of the front doors of licensed vehicles (although advertising may be considered on other areas) but in any case all advertising must comply with the following requirements;
8.1.2	The Council's written permission is required before the display of any advertisement,
8.1.3	Any advertisements shall not advertise unsuitable material, such material to be at the sole discretion of the Council.
8.1.4	No advertisement shall relate to or advertise alcohol or tobacco or be of a political nature.
8.1.5	No sign shall exceed 51 centimetres wide by 8 centimetres high (although this condition only relates to internal signs);
8.1.6	A sign shall not display anything other than the name of a firm, radio circuit or association and/or telephone number;
8.1.7	No sign shall refer to any firm, radio circuit or association or telephone number which is outside the Telford & Wrekin Council area;
8.1.8	No such sign shall be illuminated.

<b>9.</b>	<b>Council Notices</b>
9.1	The proprietor when asked by the Council shall display any sign or notices so that they may be clearly seen by passengers.
<b>10.</b>	<b>Taximeters</b>
10.1	The proprietor shall fit the vehicle with <b>an automatic tariff changing</b> taximeter approved by the Council and for it to be located within the vehicle in accordance with the reasonable instructions of an Authorised Officer of the Council.
10.2	The proprietor shall ensure that any meter fitted shall be technically capable of accepting any restrictions or fare scales that the council wishes to programme into that meter.
10.3	Any Hackney Carriage vehicle so fitted with a meter must be equipped with the standard size tyres as approved by the manufacturer of the vehicle. Retro-fitted low profile tyres which will affect the performance and accuracy of a meter are not acceptable if fitted after the meter has been tested and sealed. Any such tyres of a low profile type must be fitted before the meter is tested. Any contravention of this condition will result in the immediate suspension of a Hackney Carriage licence.
<b>11..</b>	<b>Fare Tables</b>
11.1	The proprietor shall ensure that a copy of the current fare table supplied by the Council is exhibited inside the vehicle at all times in the location provided by the manufacturers of the vehicle or in accordance with the reasonable instructions of an Authorised Officer of the Council.
<b>13.</b>	<b>Insurance</b>
13.1	Insurance certificates or cover notes issued to cover "any vehicle" or "any driver" must be accompanied by "any vehicle and/or any driver" schedule(s) together with a signed statement of undertaking by the insurance policy holder that the schedule(s) does not contain information or details relating to vehicles and drivers which would fall into exemptions stipulated by the Insurance Company when the policy was issued.
13.2	Proprietors shall provide to the Council proof of Public Liability Insurance to the value of £5,000,000
<b>14.</b>	<b>Convictions</b>
14.1	<b>The Licence holder shall notify the Council in writing of any conviction, caution, warning or charge recorded against him/her by any Authority within 7 days of such a conviction, caution or charge being imposed. All licence holders will be subject to a Disclosure and Barring Service check every three years</b>
<b>15.</b>	<b>Transfer of Licence</b>
15.1	The Proprietor of a Licensed Hackney Carriage wishing to replace a licensed vehicle with another vehicle must apply for a new vehicle licence. The proprietor will be required to supply to the Council all relevant information relating to the new vehicle.
<b>16.</b>	<b>Equipment</b>
16.1	The proprietor shall ensure that all Hackney Carriages must carry at all times a warning triangle and an appropriate set of vehicle spares (e.g. spare bulbs etc).
<b>N.B.</b>	<b>Additional Notes</b>
1.	This list of conditions is not finite and additional information regarding all aspects of Hackney Carriage licensing in detail can be found in Telford & Wrekin Council's Hackney Carriage & Private Hire Policy document.
2.	Any requirements of legislation which effect the operations being carried out under the terms of this licence shall be regarded as if they are conditions of this licence.

**Comment [e15]:** It is proposed to make it a condition that all taximeters are automated to calendar changes so that the correct tariff rate is automatically applied.

Wherever there appears in the licence Conditions or Policy, a summary of any statutory provision you are advised that such summary is not exhaustive. If you are in any doubt about any information contained in this document please contact the Licensing Service for advice on 01952 381818, email [licensing@telford.gov.uk](mailto:licensing@telford.gov.uk).

### **Criteria for “Exceptional Condition” – Hackney Carriages**

1. Exceptional condition, relates to the standard of the vehicle only and does not include circumstances pertinent to the proprietor.
2. Any request for an exemption due to a licensed vehicle being in “exceptional condition” would normally be granted for a maximum 12-month period, after which time the decision must be reconsidered against the agreed standards.
3. That the consideration for an exemption to the age limit would normally only be considered for vehicles currently licensed with the Council.
4. That any vehicle licensed outside of the standard age limit policy should be subject to 6 monthly vehicle compliance tests at the owners expense.
5. Any vehicle inspection resulting in a fail due to any major item or more than 3 minor items, as defined in Telford & Wrekin Council's Manual of Inspection Standards for Licensed Vehicle Testing and Compliance Standards, will usually result in the vehicle no longer being classed as in exceptional condition upon expiry of the licence. However, if after testing, the vehicle fails on one major fault, the driver will be allowed to rectify this. If after a further compliance check the vehicle again fails, then the said vehicle will not be relicensed.
6. As an indicator, it is not normally expected that vehicles that have accrued higher than average mileage for the particular type of vehicle will be able to meet the required standard for “exceptional condition. A good average mileage for a purpose built vehicle working 6 days a week is 35000 miles per annum.

### **In determining “Exceptional Condition” the following standards should usually be attained:**

1. The vehicle must pass Telford & Wrekin Council's compliance test, except where the failure was the result of no more than three minor items (as stipulated in the licensed vehicle testing manual of inspection standards).
2. The bodywork should be in near perfect condition with no signs of panel age deterioration, dents, scratches, stone chips or rust or any other abrasions that may detract from the overall appearance of the vehicle.
3. The general paint condition should not show signs of fading, discolouration or mismatching that may detract from the overall appearance of the vehicle.
4. The interior trim, panels, seating and carpets etc should be in excellent condition clean, free of damage and discoloration and as manufactured, i.e. no seat covers.
5. The vehicle service record can be used as supporting evidence of exceptional condition in that a vehicle of exceptional condition would normally be expected to demonstrate regular servicing and maintenance in accordance with the manufacturer's service specification.

6. The vehicle to be in excellent mechanical condition and in all respects safe and roadworthy with no signs of corrosion to the mechanical parts, chassis, underside or body work.
7. The boot or luggage compartment to be in good condition, clean and undamaged.
8. Passenger areas should be free from damp or any other odours that may cause passenger discomfort.
9. The ramp and any other accessible features should be shown to be in full working order and showing no signs of rust or excessive wear to components?

Appendix C – Private Hire Vehicle Conditions	
<b>1.</b>	<b>Identification Plates</b>
1.1	The external identification plate issued by the Council shall at all times be fixed to the outside front and rear of the Private Hire Vehicle by means of a Council approved fixing kit.
1.2	On the suspension of a vehicle licence and where a "Licence Expired" plate has been fitted to the vehicle that plate may only be removed by an Authorised officer of the Council.
1.3	The internal identification plates (two in number) for Executive Vehicle licences issued by the Council shall be affixed by the proprietor of the vehicle one on the nearside/left hand side of the front windscreen and one on the nearside/left hand side of the rear windscreen in a distinctly visible position that does not interfere with the drivers view of the road. The plates will be displayed at all times in accordance with Council instructions.
1.4	The proprietor of the vehicle shall ensure the identification plates are maintained and kept in such a condition that the information contained on the plate is clearly visible to public view at all times. The identification plate remains the property of the Council and must be returned to the Council within 7 days of expiry of the vehicles licence if not renewed. Plates are not transferable except on application.
1.5	No vehicle which is licensed by another Local Authority or bears a licence plate issued by another Local Authority will be licensed by the Council
<b>2..</b>	<b>Bonnet/door stickers</b>
2.1	<del>External roof signs shall be the responsibility of the Operator of the company and must be kept to an approved standard. The roof signs shall be of a type and size approved by the Council and shall at all times be affixed to the roof of the Private Hire vehicle.</del> External door/bonnet stickers of a type and size approved by the Council shall read "Advance Bookings Only" and display the Council's plate number. These will be affixed to the Private Hire vehicle as directed by the Council at all times.
2.2	All roof signs on Private Hire vehicles shall be connected to the vehicle electrical wiring system and will be illuminated when the vehicle is in service during lighting up times and/or adverse weather conditions.
2.3	The Proprietor shall ensure that any roof sign attached to any licensed Private Hire vehicle owned or operated by them displays the company name and telephone contact number and nothing else save for "Advance Bookings Only" which shall be clearly visible and legible at all times on the front of the roof sign.
2.4	The proprietor of the vehicle shall ensure the roof signs are maintained and kept in such a condition that the information contained is clearly visible to public view at all times.
2.5	For whatever reason, when a Private Hire vehicle licence is suspended the licence plate and the roof sign shall be removed by an Authorised Officer of the Council. The roof sign shall be kept in the custody of the Operator until such time as the vehicle is made fit again for service and the suspension lifted by the Council. Only at that point will the roof sign be returned to the vehicle proprietor/driver by the Operator.
<b>3.</b>	<b>Types of Vehicle</b>
3.1	The proprietor shall ensure that the Private Hire vehicle shall only be of the type

**Comment [e16]:** In accordance with DT Best Practice Guidance, It is proposed to remove the requirement for roof signs and replace with a requirement for door signs and/or bonnet sign saying "Advanced Bookings Only" and the Council's plate number.

	approved for Private Hire by the Council, namely a motor car or a multi- purpose vehicle built to carry up to eight passengers with factory fitted seatbelts and an engine capacity not less than 1600cc, subject to the following:
3.2	By way of a list that will specify as many different types of vehicle as possible or a range of general criteria which allow the trade to put forward vehicles of choice that meet the criteria. Will provide greater flexibility for new vehicle types.
3.3	A list of designated vehicles shall be maintained that will specify as many different types of vehicle as possible which allow the trade to put forward vehicles of choice that meet the criteria for wheelchair accessibility.
3.4	That all vehicles submitted to the Council for licensing as Private Hire Vehicles shall meet the safety standards of M1 Category European Whole Vehicle Type Approval and will comply with all current and statutory requirements, inc Road Vehicles (Construction and Use) Regulations 1986, the Motor Vehicle (Wearing of Seatbelts) Regulations 1993 & Motor Vehicle (Wearing of Seatbelts by Children in Front Seats) Regulations 1993.
3.5	All vehicle proprietors must obtain written consent from the Council prior to licensing Mini-Bus derivatives, Limousines or any other vehicle (converted or adapted) which may or may not fall into the Special Types Category. Such vehicles must not be purchased until it is clear, in writing that the council is prepared to licence them for hire and reward.
3.6	The Council will only licence suitable vehicles which do not exceed that age limit for motor cars and Multi Purpose Vehicles of ten years. Vehicles to be tested every six months from five years of age in line with best practice guidance.
3.7	The vehicle must not be of a type approved by the Council for Public Hire. (Hackney Carriage).
<b>4</b>	<b>Executive Vehicles</b>
4.1	The current Telford & Wrekin guidance on executive vehicles provides a list of vehicles and trim levels as a guide to what vehicles are considered appropriate to be licensed as executive vehicles. The list is not exhaustive and each vehicle will be judged on its merits. If an operator is thinking of asking the Licensing Service to licence another type of vehicle they are advised to speak to a member of the Licensing Service in advance of purchasing the vehicle.  The current guidance also states that: <ul style="list-style-type: none"> <li>a) The vehicle must be immaculate condition.</li> <li>b) The vehicle needs to be large enough to carry at least three passengers and their luggage.</li> <li>c) The vehicle will have air conditioning or climate control and alloy wheels.</li> <li>d) The vehicle may have tinted windows but not so strong that you cannot see into the vehicle.</li> <li>e) The vehicle must be maintained to a very high standard.</li> <li>f) The passenger capacity will be restricted to the number of seats for adults.</li> </ul>
4.1.1	It shall be a condition that vehicles which are licensed as Executive vehicles will only be permitted to undertake executive work and not for general Private Hire usage. It will also be a condition that Executive vehicle owners should produce to the Council written confirmation from their Private Hire Operator that the vehicle will only undertake Executive work.
<b>5</b>	<b>Limousines</b>
5.1	Any limousine built under a Ford QVM (stretched up to 120 inches) or Cadillac CMC (stretched up to 130 inches) .scheme is automatically approved as a suitable vehicle.

**Comment [e17]:** Is this still appropriate in light of improved engineering of motor vehicles or is a minimum engine capacity of 1400cc more appropriate?

**Comment [e18]:** Deleted or for purpose built or adapted minibuses



	(Any limousine not built under a manufacturer's approved scheme will be referred to DVSA for inspection and confirmation as to the safety and standard of the build quality who will then issue a certificate of suitability). The vehicle must have (European Community Whole Vehicle Type Approval, or Single Vehicle Approval, or Individual Vehicle Approval).
5.2	There is no age limit for a limousine. The safety of the vehicle will be the paramount consideration.
5.3	Vehicles will be compliance checked every 10 weeks.
5.4	Council executive plates must be displayed.
5.5	Tyres must be of an appropriate weight loading for the limousine as approved by the Licensing Service.
5.6	Novelty vehicles including stretch limousines with side facing seats will not be permitted to carry passengers under 16 years of age, regardless of whether the vehicle is fitted with or without seatbelts.
5.7	All front passenger seats should be removed.
5.8	The inclusion of sale of alcohol in the vehicles must be covered by a separate licence.
<b>6.</b>	<b>Condition of Vehicle</b>
6.1	The proprietor shall ensure that:-
6.1.1	The Private Hire vehicle shall be maintained in a sound mechanical electrical and structural condition at all times and be capable of satisfying the council's mechanical electrical and structural inspection at any time during the continuance of the vehicles licence.
6.1.2	The interior and exterior of the vehicle shall be maintained in a clean safe condition by the proprietor.
6.1.3	Provide sufficient means by which any person in a Private Hire vehicle may communicate with the driver during the course of the hiring.
6.1.4	The Council shall refuse any vehicle submitted for licence which is fitted with tinted windows to the rear of the driver which are not factory fitted options at the time of the manufacture of the vehicle.
6.1.5	Vehicle Tyres - restrictions as per Manufacturers' standards.
<b>7</b>	<b>Fire Extinguisher &amp; First Aid Kit</b>
7.1	Fire Extinguisher –Construction & Use Regulations – Schedule 7 Must be suitable to the risk and is to be carried in the vehicle at all times.
7.2	First Aid Kit – Road Vehicles Construction & Use Regulations 1986 Schedule 7 A standard size and type of first aid equipment which complies with the requirements laid down by the Department of Transport for mini-buses, in accordance with regulation 43. This is a testable item for the purposes of Compliance Standard Testing of licensed Private Hire vehicles.
<b>8.</b>	<b>Light Trailers</b>
8.1	All Trailers must be of a design such that when close coupled to the prime mover (the vehicle towing it) it does not interfere in any way whatsoever with the operation of any rear door, emergency exits or wheelchair access ramps etc.
8.2	If the unladen weight of any Trailer submitted for testing exceeds 1,200 kgs, a prescribed Ministry Plate must be fitted to the nearside of the Trailer except where said Trailer is fitted with parking brakes and brakes that act automatically on the overrun of the Trailer.
8.3.	In any case all Trailers shall meet the braking requirements in accordance with the type and size of said Trailer.

**Comment [e19]:** This is in accordance with Best Practice Guidance for the Inspection of HC and Private Hire Vehicles

8.4	All such Trailers shall not exceed the gross weight limit of 3,500 kgs but in all cases the proprietor should consult the vehicle handbook regarding manufacturer's recommendations particularly where unbraked trailers may be in use.
8.5	All Trailers will be subjected to a Compliance Standards check and if found to be satisfactory, issued with a one year certificate.
8.6	The Trailer shall be fitted with a rigid hard top and shall be sealed against rain and water to protect luggage and goods.
8.7	The owner/operator of the Trailer shall ensure that the material facts are disclosed to the Insurer and that adequate insurance cover is arranged for the carriage of luggage and/or goods and proof of such cover is to be provided to the Council.
<b>9.</b>	<b>Signage</b>
9.1	The following signs and notices will be displayed on licensed Private Hire vehicles during the currency of the Licence:-
9.1.2.	Notices issued from time to time by Telford & Wrekin Council for the information of the travelling public.
9.1.3	A sign stating 'Seat Belt Regulations – Seat Belts must be worn'.
9.1.4	A sign bearing the words 'First Aid Kit Carried' fixed to the rear body work of the vehicle.
9.1.5	A sign on both rear doors of the vehicle as issued by the Council regarding No Smoking.
9.1.6	Private Hire Vehicles should display a replica Private Hire Vehicles Licence plate issued by the Council, affixed to the inside of the vehicle, in the prescribed manner, so as to be plainly visible to fare paying passengers.
<b>10.</b>	<b>Advertisements</b>
10.1	No advertising is permissible on any licensed Private Hire Vehicle, save for the business name, address and telephone number of the operator which may be displayed.
10.2	The proprietor shall not display any sign or notice which consists of or includes the word Taxi or Cab whether in the singular or plural or any word of similar meaning or appearance to any of those words, whether alone or as part of another word, except where the Operator also makes Hackney Carriages available for hire and on such sign or notice must indicate that he/she also operates Private Hire vehicles
10.3	The Proprietor shall ensure that no Executive vehicle owned or operated by them bears any form of advertising whatsoever.
<b>11.</b>	<b>Passengers</b>
11.1	The Licence holder shall at all times when a vehicle is hired take all reasonable steps to ensure the safety of passengers conveyed therein and persons entering and alighting from the vehicle.
<b>12.</b>	<b>Meters</b>
12.1	If a proprietor wishes to fit a meter to a Private Hire vehicle the proprietor shall follow the procedures approved by the Council relating to the type of meter and the calibration and testing of such a meter.
12.2	The proprietor shall, if the vehicle is fitted with a meter, install the meter and calibrate it in the approved manner prior to testing by the Council and for it to be located within the vehicle in accordance with the reasonable instructions of an Authorised Officer of the Council.
12.3	The licence holder shall ensure that the meter is sufficiently illuminated and that when in use it is visible to all passengers.
12.4	The proprietor shall maintain the meter in a sound electrical and mechanical

	condition at all times.
12.5	The proprietor shall not use or permit to be used a meter that the Council has not sealed to prevent unauthorised adjustment of the meter.
12.6	The proprietor undertakes to ensure that the meter will not be replaced without written prior permission of an Authorised Officer of the Council and that any replacement meter conforms to all other conditions and be tested and sealed at the earliest opportunity.
12.7	The proprietor shall notify the Council prior to any proposed fare scale changes and shall alter the meter accordingly and retested before recommencing service for hire and reward.
12.8	Any Private Hire vehicle fitted with a meter must be equipped with the standard size tyres as approved by the manufacturer of the vehicle. Retrofitted low profile tyres which will affect the performance and accuracy of a meter are not acceptable if fitted <u>after the meter has been tested and sealed</u> . Any such tyres of a low profile type must be fitted <u>before</u> the meter is tested. Any contravention of this condition will result in the immediate suspension of a Private Hire Vehicle licence.
<b>13.</b>	<b>Inspection of Vehicle and Meter</b>
13.1	A licensed Private Hire vehicle and any meter affixed to the vehicle may be inspected and tested by an Authorised Officer of the Council or by a Police Officer at all reasonable times.
13.2	If the Authorised Officer of the Council or Police Constable inspecting the vehicle is not satisfied as to the fitness of the vehicle or the accuracy of the meter, he may give written notice to the Proprietor to make the Private Hire vehicle and/or meter available for further inspection and testing at such reasonable time and place as may be specified, and the vehicle licence may be suspended until the Authorised Officer of the Council or Police Constable is satisfied as to the vehicle's fitness or as to the accuracy of the meter.
<b>14.</b>	<b>Insurance</b>
14.1	During the currency of the vehicle licence, the Proprietor shall keep in force, in relation to the use of the vehicle as a Private Hire vehicle, a policy for Private Hire insurance and security complying with the provisions of Section 145 of Part VI Road Traffic Act 1988 which covers third party liability both in respect of physical injury or death AND in respect of damage to personal belongings. The certificate of insurance shall be produced to an Authorised Officer of the Council for inspection whenever required. <b>A policy for public hire insurance will not be accepted by the Council.</b>
14.2	If the Proprietor fails to produce a certificate of insurance cover on request he shall produce it forthwith, or within 7 clear days of the request to any Authorised Officer of the Council. Failure to comply with these provisions shall result in automatic suspension of the vehicle licence (and may lead to the ultimate revocation of the Licence, if a certificate is unable to be produced which confirmed that insurance cover was in place at the date of the original request).
14.3	Insurance certificates or cover notes issued to cover "any vehicle" or "any driver" must be accompanied by "any vehicle and/or any driver" schedule(s) together with a signed statement of undertaking by the insurance policy holder that the said schedule(s) does not contain information or details relating to vehicles and drivers which would fall into exemptions stipulated by the Insurance Company when the policy was issued.
14.4	The proprietor shall provide proof of Public Liability Insurance to the Council to the value of £5,000,000.
<b>15.</b>	<b>Convictions</b>

15.1	The Licence holder shall notify the Council in writing of any conviction, <b>caution, warning or charge</b> recorded against him/her by any Authority within 7 days of such a conviction, <b>caution or charge being imposed. All licence holders will be subject to a Disclosure and Barring Service check every three years</b>
<b>16.</b>	<b>Transfer of a Licence</b>
16.1	The Proprietor of a Licensed Private Hire vehicle wishing to replace a licensed vehicle with another vehicle must apply for a new Private Hire vehicle licence. The Proprietor will be required to supply to the Council all relevant information relating to the new vehicle.
16.2	It must be noted by all vehicle proprietors that under no circumstances will vehicle licences be transferred unless the transfer relates to a permanently replaced vehicle such as one to replace another vehicle taken out of service due to age limits or written off or for similar reasons. Licences of vehicles that are temporarily of the road (with mechanical defects or awaiting spares etc) and can be brought back into service at a later date will not qualify for such licence transfers.
<b>17.</b>	<b>Equipment</b>
<b>17.1</b>	The proprietor shall ensure that all Private Hire Vehicles must carry at all times a warning triangle and an appropriate set of vehicle spares (e.g. spare bulbs etc).

<b>N.B. Additional Notes</b>	
1.	This list of conditions is not finite and additional information regarding all aspects of Private Hire Vehicle licensing in detail can be found in Telford & Wrekin Council's Hackney Carriage & Private Hire Policy document.
2.	Any requirements of legislation which effect the operations being carried out under the terms of this licence shall be regarded as if they are conditions of this licence. Wherever there appears in the licence Conditions, or Policy, a summary of any statutory provision you are advised that such summary is not exhaustive. If you are in any doubt about any information contained in this document please contact the Licensing Service for advice on 01952 381818 or email <a href="mailto:licensing@telford.gov.uk">licensing@telford.gov.uk</a> .

## Appendix D– Private Hire Operator Conditions

### 1. General Requirements

- 1.1 Throughout the currency of his/her Licence, the holder of a Private Hire Operators Licence shall be a fit and proper person to hold such a licence. All licence holders will be subject to a Disclosure and Barring Service check every three years.
- 1.2 ~~The Licence holder shall notify the Council in writing of any conviction, caution, warning or charge recorded against him/her by any Authority within 7 days of such a conviction, caution or charge being imposed.~~
- 1.3 ~~The Operator shall not allow any driver in his/her employment to park on any road, street, car park or private ground either with the intention of plying for hire or for taking rest breaks or for any other reason and shall instruct said drivers to proceed to council approved parking areas (as set out in Section 11 (1) of these conditions of licence)~~ ~~The Operator must ensure that all private hire drivers and employees are aware of the meaning of plying for hire and that private hire drivers are not permitted to ply for hire under any circumstances~~
- 1.4 ~~The Operator must ensure that all licensed drivers and employees are made aware of the provisions of section 167 of the Criminal Justice and Public Order Act 1994 with respect to touting and that subject to certain provisions, it is an offence in a public place to tout people to hire their vehicles in order to carry them as passengers.~~
- 1.5 The Operator shall be required to display his/hers Operators licence in a prominent position at the premises and have available a copy of these conditions for public scrutiny if requested.

**Comment [e20]:** The requirement for all applicants to be the subject of a satisfactory DBS check is contained within the main part of the Policy document

**Comment [e21]:** Deleted New applicants will be subject to a satisfactory CRB check

**Comment [e22]:** See no. 17 of the Council's Dual Driver Conditions of Licence above. If condition 17. Is removed it is proposed to also remove this Operator condition and replace with the following conditions: *The Operator must ensure that all private hire drivers and employees are aware of the meaning of plying for hire and that private hire drivers are not permitted to ply for hire under any circumstances.*

### 2. LG(MP) Act 1976 – Conditions Attached To Licences

- 2.1 The Operator shall make available, on any premises from which he /she operates, for inspection by members of the public, these conditions and the conditions of Hackney Carriages & Private Hire Vehicles and Drivers licences whichever is applicable.

**Comment [e23]:** Deleted A copy of the LGMPA 76

### 3. Records Of Vehicles And Drivers

- 3.1 Except with reasonable care the Operator shall have in his/her care:-
- 3.1.1 The current Private Hire driver licence issued by the council of any driver employed as a Private Hire driver whether or not the vehicle is owned by him/her (unless the vehicle used is operated by another licensed Operator by sub-contact); and
- 3.1.2 The current Private Hire vehicle licence issued by the council of any vehicle operated by him/her (unless the vehicle used is operated by another licensed Operator by sub-contract).
- 3.2 The Operator shall maintain an up-to-date list of the owners, the description and registration numbers of all Private Hire vehicles employed by their business and their drivers which shall include details of any radio or computer call sign used to identify a vehicle. The Operator shall produce such a list on request to an Authorised Officer of the Council or to a Police Constable.
- 3.3 The Operator shall immediately notify the Council when any vehicle or driver ceases in his/her employ, or any vehicle or driver commences in his/her employ.
- 3.4 ~~The Operator shall notify the Council of any change of his/her address. and of any change of address relating to any driver or vehicle proprietor they employ or allow to operate within the company, this to be done within seven days of any such change taking place.~~ **The Operator shall notify the Council within 7 days when**

**Comment [FS24]:** It is a condition of licence for drivers to notify the Council with this information. It is proposed to replace this Private Hire Operator condition of licence with "The Operator shall notify the Council within 7 days when a driver or vehicle ceases to operate under this licence".

	<b>a driver or vehicle ceases to operate under this licence.</b>
3.7	<del>The Operator shall inform the Council of any changes relating to licensed vehicles and drivers within seven days of those changes taking place.</del>
3.5	The Operator shall provide the council with a complete and up to date list of all drivers and vehicles employed by the company <b>on 1<sup>st</sup> January every year and upon renewal of their licence.</b>
3.6	Any information relating to licensed Operators, vehicles and drivers must be produced to an Authorised Officer on demand.
<b>4.</b>	<b>ROOF SIGNS <del>Bonnet/door signs</del></b>
4.1	<del>External roof signs shall be the responsibility of the Operator of the company and must be kept to an approved standard. The roof signs shall be of a type and size approved by the Council and shall at all times be affixed to the roof of the private hire vehicle by the proprietor to the place recommended by the manufacturer or in accordance with reasonable instructions of an Authorised Officer of the Council. The roof sign should be fitted in such a manner as to be easily removable by such Officer or Police Constable.</del> <b>External bonnet/door stickers shall be the responsibility of the Operator of the company and must be kept to an approved standard. The bonnet/door signs shall be of a type and size approved by the Council and shall at all times be affixed to the private hire vehicle by the proprietor to the place recommended by the manufacturer or in accordance with reasonable instructions of an Authorised Officer of the Council. The signs should be fitted in such a manner as to be easily removable by such Officer or Police Constable.</b>
4.2	For whatever reason, when the Private Hire vehicle licence is suspended the plate and the Roof Sign shall be removed by an Authorised Officer of the Council. The Roof Sign shall be retained in the sole custody of the company Operator until such time as the vehicle is made fit again for service and the suspension is lifted. Only at that point will the Roof Sign be returned to the vehicle proprietor by the Operator.
4.3	The Operator shall ensure that Roof Signs are maintained and kept in such condition that the information contained thereon is clearly visible to public view at all times and shall display the wording "Advanced Bookings Only." No advertising is placed upon them save for the name and telephone contact number of the company.
4.4	All Roof Signs shall be connected to the vehicles electrical wiring system and will be illuminated when the vehicle is in service during lighting up times and/or during adverse weather conditions.
<b>5.</b>	<b>Telephones, Staff And Facilities</b>
5.1	The Operator shall provide adequate telephone facilities and staff to provide an efficient service to the public using the Operators facilities.
5.2	The Operator shall ensure that where any passenger waiting area is provided, it is kept physically separate from any driver rest area and radio operations room and that any company staff member, driver or vehicle proprietor do not congregate in any passenger waiting area or room.
5.3	The Operator, where a waiting area or room is provided for the use of passengers or prospective passengers;
5.3.1	Shall provide adequate seating for the use of those passengers and prospective passengers and
5.3.2	Shall ensure that such a room or area is kept clean, adequately heated, ventilated and lit; and
5.3.3	Shall ensure that the interior and exterior of the premises is kept in good repair, to

**Comment [e25]:** Deleted Such list will be provided by the operator by the end of the first working week in January, March, June and September of each year

	the satisfaction of an Authorised Officer of the Council.
<b>6.</b>	<b>Child Safety Seats</b>
6.1	The Vehicle Proprietor in conjunction with the Operator and the Driver, shall provide and make available to any customer so requesting, an approved infant or booster seat or the provision of extra equipment to facilitate the safe conveyance of children during Private Hire vehicle bookings. <b>All seats provided shall conform to the United Nations standard, ECE Regulation 44.04 (or R 44.03) or to the new i-size regulation, R129.</b>
6.2	The Operator in conjunction with the Vehicle Proprietor and the Driver shall ensure that any infant seat used during a Private Hire booking will be <b>suitable for the child's weight and size</b> and will be used in accordance with the manufacturer's instructions.
6.3	Based upon supply and demand, the Operator in conjunction with the Vehicle Proprietor and Driver shall decide, whether or not the seats provided by them are kept at the company base, and made available to drivers as and when required, or kept upon selected licensed vehicles or both.
<b>7.</b>	<b>Hirings And Recording Of Hirings</b>
7.1	The Operator will make all reasonable provision that the system in place works effectively and that it enables the company to honour any bookings that they accept and the Operator shall be responsible for monitoring the system to make certain that drivers and vehicles are available to fulfil the arrangements agreed by the company and the Hirer.
7.2	When the Operator accepts a hiring he/she shall, unless prevented by some sufficient cause, ensure that the licensed Private Hire Vehicles attend at the appointed time and place.
7.3	The Operator must not purchase, hire or install any computerised booking or dispatching system without prior written consent from the Council, based upon the system meeting approved technical specifications and the Local Government (Miscellaneous Provisions) Act 1976.
7.4	Where the Operator employs any form of computerised data entry, bookings may be entered via a computer subject to a hard (paper) copy being printed from the records at the request of an Authorised Officer of the Council. Where an Operator employs a system of manual entries of hirings on to a booking sheet, those records or a copy of those records must be made available on request to an Authorised Officer of the Council.
7.5	The records of hirings accepted by the Operator is required to be kept under Section 56 of the Local Government Miscellaneous Provisions Act 1976 and shall be the responsibility of the Operator who, immediately prior to the commencement of the journey, will enter all the details of the hirer legibly in ink on to the company record sheets or into a computer system in the prescribed manner. The records shall contain the following;
7.5.1	The name of the hirer.
7.5.2	The time of the pick up.
7.5.3	The point of pick up.
7.5.4	The hirers required destination.
7.5.5	Information indicating the vehicle dispatched and the driver used.
7.5.6	Remarks, including details of any instructions from the hirer or regarding sub-contract to or from another Operator.
7.6	The Operator shall not dispose of any record of hirings made under the LG(MP) ACT 1976 within six months of the last hiring contained therein.
7.7	At the start of each shift the Operator shall ensure that a full record of <u>all</u> vehicles

	and drivers used by the company for that shift are kept. Such record will include details of vehicle registration numbers and vehicle radio or computer call signs. It will also include drivers' full names and driver licence numbers and such record will be attached to the relevant days booking sheet or other appropriate systems.
<b>8.</b>	<b>Employment Of Private Hire Drivers &amp; Other Staff</b>
8.1	The Private Hire Operator shall not, knowingly or without prior consent of the council, employ or be employed by, engage in partnership with, or allow any involvement in the management of the licensed operation:-
8.1.1	Any person who has been convicted of an offence under the Local Government (Miscellaneous Provisions) Act 1976 or any other legislation relating to Private Hire and Hackney Carriage Licensing; and
8.1.2	Any person who, for the purposes of Part II of the said Act, has been found not to be a Fit and Proper Person to hold a Drivers, Vehicle or Operators licence ; and
8.2	The Operator shall be responsible for the actions of any manager, supervisor or any other person appointed to run or play any part in the management of the Private Hire business; and
8.2.1	The Operator shall in any case, ensure that they have examined the Private Hire Drivers licence issued by the Council and that it is valid.
8.3	The Operator must also ensure that the said licence is lodged with the company before the driver is employed to carry out private hire work for the company and shall retain the licence in his/her possession while such driver remains in his/her employ.
8.4	On leaving the employ of an Operator a driver or vehicle proprietor shall be entitled to receive immediately on demand the return of his/her driver and /or vehicle licence. If the Licence holder has been guilty of misconduct the Operator may not return the licence and must forthwith issue a summons to have his/her cause of complaint determined by the Courts. (If the Courts find that the licence has been improperly retained they have powers to order its return and also to award compensation).
8.5	The Operator shall display on the premises, information relating to Child Sexual Exploitation provided by Telford & Wrekin Council. This information should be prominently displayed where it is clearly visible to the licensed drivers and telephone operators.
<b>9.</b>	<b>Radios And Call Signs</b>
9.1	The Operator shall ensure that any radio equipment that is fitted to any licensed vehicle operated by the company, is correctly licensed by the relevant authority and is fitted to the vehicle in the approved manner. It must at all times be kept in a safe and sound condition and maintained in proper working order and that the use of such a system is disclosed to the Operators and/or vehicle proprietor's Insurance company.
<b>10.</b>	<b>Complaints</b>
10.1	The Operator shall set up an effective internal procedure to deal with complaints made by the public against the company, vehicle proprietors and/or drivers.
10.2	The procedure shall be approved by the Council and must be set up in such a way that complaints are dealt with by the Operator or a member of his/her staff not directly connected with dealing with the invitation of Private Hire bookings or the dispatching of drivers and vehicles.
10.3	The Operator shall ensure that all complaints received by the company are properly recorded in the first instance and all information relating to any action taken is also recorded. Such information shall include details of the booking (who accepted it on behalf of the company) and of the vehicle, and driver involved.



	Records will be made in a book (or other appropriate recording method) and not on loose leaf paper and pages shall be consecutively numbered.
10.4	The Operator shall on receipt of any complaint relating to a contract for hire or purported contract for hire relating to or arising from his /her business, immediately notify the complainant of their right to forward the complaint to the Council.
10.5	Any complaint shall be investigated immediately by the Operator or by his/her independently appointed representative within the company and the complainant kept informed and notified of the outcome within a reasonable amount of time.
10.6	Where a complaint is received by an Authorised Officer of the Council the Operator shall conform to any directions of the officer in respect of that complaint.
10.7	The complaint book kept by the Operator shall be made available upon demand to any Authorised Officer of the Council and its contents may be used as evidence in investigating said complaints.
10.8	The Operator shall from time to time monitor and if necessary review the company complaint's procedure to ensure that it is being conducted correctly and effectively.
<b>11.</b>	<b>Accidents</b>
11.1	The Operator shall, notwithstanding his/her responsibilities under the Road Traffic Act, report to the Council within 72 hours, any accident involving a Private Hire Vehicle under their control. In any case the licence holder shall notify the Council immediately, of any vehicle being under their control which has suffered damage of any kind which materially affects the safety performance or appearance of the vehicle, or the comfort convenience of the fare paying passengers.
<b>12.</b>	<b>Insurance</b>
12.1	During the currency of all licensed Private Hire vehicles owned or operated by the Operator, he/she shall ensure that a policy of insurance and security complying with the provisions of Section 145 of Part VI Road Traffic Act 1988 which covers third party liability both in respect of physical injury or death AND in respect of damage to personal belongings. The certificate of insurance shall be produced to an Authorised Officer of the Council on demand.
12.2	The Operator shall ensure that any licensed Private Hire vehicle that he/she owns or operates have current, valid insurance covering "Private Hire". "Public Hire" insurance will not be accepted by the Council if that insurance cover relates to Private hire vehicle(s).
12.3	If the Operator fails to produce a certificate of insurance cover on request he shall produce it forthwith, or within seven clear days of the request, to an Authorised Officer of the Council. Failure to comply with these provisions may result in the Operators right to hold a licence being brought into question under Fit and Proper Persons (Section 1.1 of these conditions). Failure to comply with these provisions shall also result in automatic suspension of the Private Hire vehicle licence and may lead to the ultimate revocation of the licence, if a certificate is unable to be produced which confirmed that insurance cover was in place at the date of the original request.
12.4	Insurance certificates or cover notes submitted to the Council in support of vehicle licence applications or renewals and issued by the insurance company to cover "any vehicle" or "any driver" must be accompanied by "any vehicle and/or any driver" schedule(s) together with a signed statement of undertaking by the insurance policy holder that the said schedule(s) does not contain information or details relating to vehicles and drivers which would fall into the exemptions stipulated by the Insurance Company when the policy was issued.
12.5	Operators shall provide to the council proof of Public Liability Insurance to the value of £5,000,000.

<b>13.</b>	<b>Advertisements</b>
13.1	No form of advertising is permissible on any licensed Private Hire vehicle other than displaying the business name, address and telephone number.
13.2	The Operator shall ensure that no Executive vehicle owned or operated by them bears any form of advertising whatsoever.
<b>14.</b>	<b>Executive Vehicles</b>
14.1	The Operator will only permit vehicles which are licensed as Executive vehicles to undertake executive work and not for general Private Hire usage.

<b>N.B. Additional Notes (Not to be considered as Licensing Conditions)</b>	
1.	This list of conditions is not finite and additional information regarding all aspects of Private Hire Operator, Vehicle and Driver licensing in detail can be found in Telford & Wrekin Council's Hackney Carriage & Private Hire Policy document.
2.	Any requirements of legislation which effect the operations being carried out under the terms of this licence shall be regarded as if they are conditions of this licence. Wherever there appears in the licence Conditions or Policy, a summary of any statutory provision you are advised that such summary is not exhaustive. If you are in any doubt about any information contained in this document please contact the Licensing Service for advice on 01952 381818, email <a href="mailto:licensing@telford.gov.uk">licensing@telford.gov.uk</a> .



# Taxi (Hackney Carriage) and Private Hire Licensing Criminal Convictions' Policy

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## Introduction

The purpose of this policy is to provide guidance on the criteria taken into account by the Council when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire vehicle driver and/or operator licence and **to maintain the consistency of the decisions made.**

This policy relates specifically to convictions and cautions.. The policy should be read in conjunction with the Council's Licensing Policy, Hackney Carriage and Private Hire.

**The aim of the guidance is not to punish the applicant twice for a conviction or caution but to ensure that public safety is not compromised. The Council cannot review the merits of any conviction.**

The overriding consideration when having regard to this policy is to protect the safety of the public. The Licensing Authority is concerned to ensure:

- That a person is a fit and proper person.
- That the person does not pose a threat to the public.
- That the public are safeguarded from dishonest persons.
- The safeguarding of children, young persons **and vulnerable adults.**

This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively to:

- Applicants for driver/operator licences
- Existing licensed drivers/operators whose licences are being reviewed
- Licensing Officers
- Members of the Licensing Committee/ Panel (or other relevant decision making body)
- Magistrates hearing appeals against local authority decisions

Where licensing officers have delegated powers to grant/**refuse/suspend/revoke** licences, they will utilise these guidelines when making a decision to grant **or review** a licence. In all other cases applications for licences will be referred to the licensing committee.

Whilst officers and the committee will have regard to the guidelines contained in the policy, **each case will be considered on its individual merits and, where the circumstances demand, the committee/officer may depart from the guidelines.**

## General Policy

Under the provisions of sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the Council is required to ensure that an applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle driver licence and/or private hire vehicle operator licence is a 'fit and proper' person to hold such a licence.

Therefore 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 the applicant is not fit and proper.

### Defining a 'fit and proper person'

There is no legal definition as to what definitively constitutes a 'fit and proper person'. However, because of the potentially vulnerability of the passengers that drivers and operators may come into contact with, e.g. elderly people, unaccompanied children, the disabled, those who may have consumed excessive quantities of alcohol, lone females and foreign visitors, it is incumbent on the Council to take a very robust stance when deciding whether or not a person is fit and proper to hold a licence granted by the Council.

In essence, a fit and proper person will be:

- Honesty and trustworthy - drivers and operators have, for example, access to a large amount of personal information that could be misused and significant opportunities to defraud drunken, vulnerable or foreign people or to steal property left in cars.
- Not abusive, violent or threatening – abusive, violent or threatening behaviour is not acceptable conduct on the part of a driver/operator even when they are subjected to unpleasant or dishonest passenger behaviour.
- A competent and safe driver - they are expected to be professional drivers and must be fully aware of all road traffic legislation, conditions attached to their driving licence, the safety of their passengers and the safety of their vehicles at all times; passengers rely on their driver to get them to their destination safely and using the most direct route, therefore, a good knowledge of the area that they are working in is also appropriate.
- Able to communicate effectively with passengers – in the main this means able to read, speak, write and understand English.
- In good physical and mental health – to ensure they do not put passengers at risk through, for example, suffering a heart attack whilst conveying passengers.

### Consideration of Disclosed Criminal History

The licensing authority conducts disclosures from the Disclosure & Barring Service (DBS) of applicants for a driver licence. The licensing authority follows the DBS Code of Practice on the fair use of disclosure information. A copy is available on request.

Applicants applying for the grant or a renewal of a drivers' licence will be required to obtain a disclosure at their expense. The licensing authority abides by the DBS Policy on the secure storage, handling, use, retention and disposal of disclosure information, which is available on request.

More information about the DBS can be found on their website at [www.disclosure.gov.uk](http://www.disclosure.gov.uk).

Where the Disclosure & Barring Service is unlikely to have any information on a person, due to a short period of residence in the UK, applicants must obtain (at the cost of the applicant) a certificate of good conduct from their embassy or consulate. The certificate should be authenticated, translated and sealed by the embassy/consulate. The Disclosure & Barring Service provides information on most relevant embassies/consulates. Means of obtaining a certificate can be found on the DBS website [www.gov.uk/government/organisations/disclosure-and-barring-service](http://www.gov.uk/government/organisations/disclosure-and-barring-service).

The disclosure of any convictions or cautions will not necessarily mean an applicant is not a fit and proper person and, therefore, automatically prevented from being issued a licence. However, the Council will have regard to all convictions, spent or unspent, and they will be assessed accordingly. Consideration will be given, but not restricted to, the following:

- How relevant the offence(s) are to the licence being applied for.
- How serious the offence(s) were.
- When the offence(s) were committed.
- The date of conviction.
- ~~Circumstances of the individual concerned~~
- Sentence imposed by the court.
- **The applicant's age at the time of conviction**
- **Whether they form part of a pattern of offending or indicate a pattern of unacceptable behaviour.**
- Any other character check considered reasonable (e.g. personal references)
- Any other factors that might be relevant.
- The extent of any mitigating factors.

**Comment [FS1]:** Local Government Lawyer, 20 November 2015 *When making decisions at both the application stage or in a disciplinary situation with an existing driver, the sole deciding factor should be the safety of the travelling public. Exceptional mitigation may be relevant to assessing the risk to the travelling public, if it shows that the driver/ applicant acted out of character, so that the misdemeanour is unlikely to be repeated – however his personal circumstances are not a factor to weigh in the balance against the safety of passengers. [6]*

If the applicant has notified the Council of a conviction but is appealing against it to a higher court, the application will be determined in accordance with this policy.

If the holder of a licence has notified the Council of a conviction but is appealing against it to a higher court the licence will be reviewed for a decision as to whether the licence ought to be suspended or revoked.

There may be occasions where it is appropriate to depart from the guidelines, for example where the offence is a one-off occasion or there are mitigating circumstances or alternatively where there are many or continuous offences which may show a pattern of offending and unfitness.

A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to:

- a. Remain free of conviction for an appropriate period; and
- b. Show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence).  
(Simply remaining free of conviction will not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence).

**Where an applicant has been convicted of a criminal offence, the council cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)]**

## Cautions

Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence.

## Patterns of Behaviour

A series of offences or a pattern of behaviour/conduct over a period of time is more likely to give cause for concern than an isolated conviction/incident. However, that is not to say that an isolated conviction/incident cannot give cause for concern in its own right, particularly where it relates to a serious matter. In such circumstances, the Council will give significant consideration to refusing to grant a licence or to suspending and/or revoking an existing licence.

A serious view will always be taken where an applicant shows any tendency towards criminal and/or unacceptable/inappropriate behaviour patterns. In such instances, the Council is unlikely to consider such an applicant/existing licence holder to be a fit and proper person to hold a licence and will give significant consideration to refusing to grant a licence or to suspending/revoking an existing licence.

The licensing authority is entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the licensing authority or other licensing authorities, and information disclosed by the police under.

It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement, or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

## Outstanding Charges or Summonses

If an applicant has any convictions, warnings, cautions or charges awaiting trial, the Council will look into:

- How relevant the offence(s) are to the licence being applied for.
- How serious the offence(s) were.
- When the offence(s) were committed.
- The date of conviction.
- Circumstances of the individual concerned
- Sentence imposed by the court.
- **The applicant's age at the time of conviction**
- Whether they form part of a pattern of offending.
- Any other factors that might be relevant

If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings.

If the outstanding charge or summons involves a serious offence and the individual's conviction history (including 'spent' convictions) indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the application may be refused.

### **Non-conviction Information**

If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application. Such offences would include violent offences and sex offences.

The licensing authority is entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the licensing authority or other licensing authorities, and information disclosed by the police under **Protection of Freedoms Act**.

In assessing the action to take, the safety of the travelling public must be the paramount concern.

### **Licensing Offences**

In addition to the consideration of convictions and cautions, here an existing licence holder is found guilty of hackney carriage or private hire related offences such as, but not restricted to, plying for hire, over-charging, refusing to carry disabled persons or multiple breaches of licence conditions, **the licence will be reviewed by the Council, having regard to this policy, the Council's Licensing Policy for Hackney Carriage and Private Hire and the Council's Public Protection Enforcement Policy**. Such offences would normally prevent a licence being granted or renewed until a period of 3 years has passed since conviction

### **Licences Issued By Other Licensing Authorities**

Where an application for a taxi and/or private hire vehicle driver's licence/private hire operator's licence has been referred to the licensing committee for determination with regard to this policy, and the applicant already holds such a licence granted by another licensing authority, the guidance in this policy shall take precedence over any decision of another licensing authority.

### **Powers/Legislation**

Section 61 and Section 62 of the Local Government (Miscellaneous Provisions) Act 1976 allow the Licensing Authority to suspend, revoke or refuse to renew a driver licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.

The [Rehabilitation of Offenders Act 1974 \(Exceptions\) Order 1975](#), [The Rehabilitation of Offenders Act 1974 \(Exceptions\) Order 1975 \(Amendment\) \(England and Wales\) Order 2013](#) allows the council to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore the Licensing Authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.

In this policy the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant



must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

In considering whether to revoke a hackney carriage or private hire driver or operator licence in accordance with s61 of the Local Government (Miscellaneous Provisions) Act 1976, the decision will be made by the Principal Licensing Officer following consultation with the Chair of the Council's Licensing Committee or the Principal Licensing Officer may choose to defer the decision to the Licensing Sub Committee. Further in considering whether to suspend or revoke a Private Hire or Hackney Carriage Driver licence, if it appears that the interests of public safety require the suspension or revocation to have immediate effect, the decision will be made in accordance with section 61 of the Local Government (Miscellaneous Provisions) Act, 1976 as amended by s52 of the the Road Safety Act 2006

### **Right of Appeal**

Any applicant refused a driver's or operator's licence on the grounds that the council is not satisfied that they are not a fit and proper person to hold such a licence, or who has had their licence suspended or revoked has a right to appeal to the Magistrates' Court within 21 days of the notice of decision.

### **Summary**

To summarise, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licenced. **However, previous convictions are a significant factor in the decision making process and it will inevitably be more difficult for such applicants to obtain a licence.**

**It is this Council's policy to consider the protection of the public above all else by ensuring all licensed drivers are honest, will not be a threat to the public, are in good health, are safe and competent drivers and are able to maintain their vehicles to a safe standard.**

As the preceding paragraphs indicate, in most cases, an applicant would be expected to remain free from conviction for 3 to 5 years, according to circumstances, before an application can be considered. However, there may be occasions when an application can be allowed before 3 years free from conviction have elapsed.

While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when period of time is more likely to give cause for concern than an isolated minor conviction.

Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

Applicants can discuss further what effect a caution/conviction may have on any application by contacting the Principal Licensing Officer on 01952 381818 in confidence for advice.

Detailed within Appendix 1 are examples which afford a general guide on the action to be taken where convictions are disclosed.

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## Appendix 1

### Minor Traffic Offences

Convictions for minor traffic offences, e.g. obstruction, waiting in a restricted street, speeding, etc, should not prevent a person from proceeding with an application for a private hire/hackney carriage driver licence, however, the application may be referred to the Council's Licensing **Sub** Committee for determination.

If sufficient points have been accrued to require a period of disqualification of the applicant's driving licence then a hackney carriage or private hire driver's licence will be reviewed by the Council. The decision will either be made by the Principal Licensing Officer or by the Council's Licensing Sub Committee.-

Offences in this category include but are not limited to:-

AC10	Failing to stop after an accident
AC20	Failing to give particulars or report an accident within 24 hours.
AC30	Undefined accident offence
CU10	Using vehicle with defective brakes
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30	Using a vehicle with defective tyres
CU40	Using a vehicle with defective steering
CU50	Causing or likely to cause danger by reason of load or passengers
CU80	Breach of requirements as to control of the vehicle, mobile telephone etc
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
MS10	Leaving a vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Playstreet offences
MS60	Offences not covered by other codes
MS70	Driving with uncorrected defective eyesight
MS80	Refusing to submit to an eyesight test
MS90	Failure to give information as to identity of driver etc
MW10	Contravention of Special Road Regulations (excluding speed limits)
PC10	Undefined Contravention of Pedestrian Crossing Regulations
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle
PL10	Driving without 'L' plates
PL20	Not accompanied by a qualified person
PL30	Carrying a person not qualified
PL40	Drawing an unauthorised trailer
PL50	Undefined failure to comply with conditions of a Provisional Licence

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

Causing or permitting offences in the above category also fall within this policy.

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## Serious Road Traffic Offences

A serious view will be taken of convictions [for an offence in this category](#). An isolated incident in the past will not necessarily stop a private hire or hackney carriage driver licence being granted provided he/she has been free of conviction for 3 years, however strict warning should be given as to future behaviour. More than one conviction for these offences would normally prevent a licence being granted or renewed.

At least three years should elapse (after the restoration of the DVLA driving licence), before a licence would normally be granted for a hackney carriage or private hire drivers licence.

An operator found guilty of aiding and abetting the driving passengers for hire and reward whilst without insurance will have his operators' licence revoked immediately and prevented from holding a licence for three years.

An isolated conviction for driving without due care and attention etc, should normally merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire vehicle drivers. More than one conviction for this type of offence within the last two years may be referred to Licensing Sub Committee.

Offences in this category include but are not limited to :-

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
IN10	Using a vehicle uninsured against third party risks
BA10	Driving while disqualified by order of Court
BA30	Attempting to drive while disqualified by order of Court
DD40	<a href="#">Dangerous Driving</a>
DD90	<a href="#">Furious driving</a>
MS50	<a href="#">Motor racing on the highway</a>
UT50	<a href="#">Aggravated taking of a vehicle</a>

[Inciting Offences in the above category also fall within this policy](#)

An application received which details one of the following offences on the DVLA driving licence [may](#) be referred to the Council's Licensing [Sub](#) Committee for determination.

A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life. A licence will not normally be granted unless the applicant is free of conviction for [7-11](#) years or (or at least 3 years must have passed since the completion of the sentence, whichever is longer) if he has a conviction for:

BA40	<a href="#">Causing death by driving while disqualified</a>
BA60	<a href="#">Causing serious injury by driving while disqualified</a>
CD40	<a href="#">Causing death through careless driving when unfit through drink</a>
CD50	<a href="#">Causing death by careless driving when unfit through drugs</a>
CD60	<a href="#">Causing death by careless driving with alcohol level above the limit</a>
CD70	<a href="#">Causing death by careless driving then failing to supply a specimen for alcohol analysis</a>

**Comment [e2]:** It is proposed to incorporate the sentiment of this to all Serious Road Traffic Offences, not just driving without due care and attention.

**Comment [e3]:** 11yrs is the length of time codes CD40 to CD70 stay on a driving record

CD80	Causing death by careless, or inconsiderate, driving
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers
DD10	Causing serious injury by dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
DG60	Causing death by careless driving with drug level above the limit

DRAFT

## Drink Driving/Driving under the Influence of Drugs

As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. An isolated incident would not necessarily debar an applicant from proceeding on the restoration of his DVLA driving licence but he should be warned as to the significant risk to his licence status in the event of re-offending.

More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public. At least 3-5 years, after the restoration of the driving licence following a drink drive conviction should elapse before an application will be considered. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed.

**Comment [e4]:** It is proposed to bring the period free of conviction in line with the proposed period for Drugs below.

Offences in this category include but are not limited to :-

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 refusing to supply a specimen for analysis
DR31	Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity
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
DR61	Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive
DR70	Failing to provide a specimen for breath test
DG10	Driving or attempting to drive with drug level above the specified limit
DG40	In charge of a vehicle while drug level above specified limit
DR80	Driving or attempting to drive when unfit through drugs
DR90	In charge of a vehicle when unfit through drugs

An application with details of a conviction for an offence in this category may be put before the Council's Licensing Sub Committee for determination.

## Drunkenness/Drugs

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However a number of convictions for drunkenness could indicate a medical problem necessitating critical examinations (see (1.) above). In some cases, a warning may be sufficient.

**Comment [e5]:** It is proposed to amend drunkenness related offences so that they are consistent with drug related offences.

## Drugs

A serious view shall be taken of convictions of this nature. An isolated incident should not necessarily debar an applicant but strict warnings should be given as to future behaviour. More than one conviction for these offences should raise grave doubts as to the applicant's fitness to hold a licence. An application with a conviction for a drunkenness or drug related offence should be required to show a period of at least 3-5 years free of convictions before an application is entertained.

**Comment [e6]:** It is proposed to bring the period of time free of conviction in line with the period of time an applicant should show evidence of being free from drug taking.

If there is evidence of persistent alcohol/drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

Offences in this category includes but is not limited to :-

	Drunk in a Public Place
	Drunk and Disorderly in a Public Place
	Drunk and behaving in a riotous or disorderly manner
1.	Possessing Controlled Drug
2.	Possessing Controlled Drug with Intent to Supply
3.	Producing Controlled Drug
4.	Import Drugs

An application with details of a conviction for an offence in this category may be put before the Council's Licensing Sub Committee for determination.



## Sexual Offences

As hackney carriage and private hire vehicle drivers often carry unaccompanied passengers including schoolchildren and vulnerable adults, applicants with convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, should be refused until they can show a substantial period (~~at least 3 to 5 to 10~~ years) free of such offences. ~~More than one conviction of this kind should preclude consideration for at least 5 years.~~ In either case if a licence is granted a strict warning as to future conduct should be issued.

Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence such as rape, assault by penetration, offences involving children or vulnerable adults or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

In addition to the above the licensing authority will not normally grant a licence to any applicant who is currently on the Sex Offenders Register.

A licence will not normally be granted if an applicant has more than one conviction for any sex or indecency offence.

Offences in this category include but are not limited to:-

1.	rape
2.	assault by penetration
3.	sexual assault
4.	causing a person to engage in sexual activity without consent
5.	rape of a child under 13
6.	assault of a child under 13 by penetration
7.	sexual assault of a child under 13
8.	causing or inciting a child under 13 to engage in sexual activity
9.	sexual activity with a child
10.	causing or inciting a child to engage in sexual activity
11.	engaging in sexual activity in the presence of a child
12.	causing a child to watch a sexual act
13.	arranging or facilitating commission of a child sex offence
14.	meeting a child for sexual grooming etc
15.	abuse of position of trust: sexual activity with a child
16.	abuse of position of trust: causing or inciting a child to engage in sexual activity
17.	abuse of position of trust: sexual activity in the presence of a child
18.	abuse of a position of trust: causing a child to watch a sexual act
19.	sexual activity with a child family member
20.	inciting a child family member to engage in sexual activity
21.	sexual activity with a person with a mental disorder impeding choice
22.	causing or inciting a person with a mental disorder impeding choice, to engage in sexual activity
23.	engaging in sexual activity in the presence of a person with a mental disorder impeding choice
24.	causing a person with a mental disorder impeding choice, to watch a sexual act
25.	inducement, threat or deception to procure sexual activity with a person with a mental disorder.
26.	causing a person with a mental disorder to engage or agree to engage in sexual activity by inducement, threat or deception

### **Comment [e7]:**

The policies adopted by English councils tend to be similar to each other because they were all based on the Home Office Circular issued in 1992. There is widespread recognition now that the Circular's references to sexual misconduct are excessively lenient. It is therefore proposed to increase the period free of conviction from 3 to 5 years to 5 to 10 years.

**Comment [e8]:** See 3<sup>rd</sup> paragraph below this.

27.	engaging in the sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder
28.	causing a person with a mental disorder to watch a sexual act by inducement, threat or deception
29.	care workers: sexual activity with a person with a mental disorder
30.	care workers: causing or inciting sexual activity
31.	care workers: sexual activity in the presence of a person with a mental disorder
32.	care workers: causing a person with a mental disorder to watch a sexual act
33.	indecent photographs of persons aged 16 or 17
34.	paying for sexual services of a child
35.	causing or inciting child prostitution or pornography
36.	controlling a child prostitute or a child involved in pornography
37.	arranging or facilitating child prostitution or pornography
38.	causing or inciting prostitution for gain
39.	controlling prostitution for gain
40.	Paying for sexual services of a prostitute subjected to force etc.
41.	Soliciting
42.	Possessing or distributing obscene material
43.	Indecent or nuisance telephone calls
44.	trafficking into the UK for sexual exploitation
45.	trafficking within the UK for sexual exploitation
46.	trafficking out of the UK for sexual exploitation
47.	administering a substance with intent
48.	committing an offence with intent to commit a sexual offence
49.	trespass with intent to commit a sexual offence
50.	sex with an adult relative: penetration
51.	sex with an adult relative: consenting penetration
52.	exposure
53.	voyeurism
54.	intercourse with an animal
55.	sexual penetration of a corpse
56.	Sexual activity in a public lavatory

Any application with a conviction within this category **will automatically may** be put before the Council's Licensing **Sub** Committee for determination.

## Violence

A serious view shall be taken of convictions of this nature. An isolated incident should not necessarily debar an applicant but strict warnings should be given as to future behaviour. More than one conviction for these offences should raise grave doubts as to the applicant's fitness to hold a licence. As hackney carriage and private hire vehicle drivers maintain close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least 3-5 years free of such convictions should be shown before an application is entertained and even then a strict warning should be administered.

Offences in this category include but are not limited to :-

1.	Battery/Common Assault
2.	Aggravated Common Assault
3.	Assault - Section 47
4.	Wounding - Section 20
5.	Grievous Bodily Harm - Section 18
6.	Resist Arrest/Obstruct/Assault Police
7.	Riot
8.	Violent Disorder
9.	Affray
10.	Using Threatening, Abusive Words or Behaviour
11.	Intentional harassment alarm or distress
12.	Harassment alarm or distress
13.	Drunk and Disorderly
13.	Aggravated Burglary
14.	Robbery
15.	Possession of bladed article or point in a public place or on school premises
16.	Possess Offensive Weapon
17.	Possession offensive weapon on school premises
18.	Possess Firearm
19.	Possess Firearm with Intent
20.	Criminal Damage
21.	Arson
22.	Kidnapping
23.	False Imprisonment
24.	Manslaughter
25.	Murder

**Comment [e9]:** It is proposed to move this offence to Drunkenness/Drugs above.

An application with a conviction within this category may be put before the Council's Licensing Sub Committee for determination.

Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as murder, manslaughter or culpable homicide while driving, terrorism offences, or any similar offences (including attempted or conspiracy to commit) offences which replace the above

## Dishonesty

Hackney carriage and private hire vehicle drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare, etc. Overseas visitors can be confused by the change in currency and become 'fair game' for an unscrupulous driver. For these reasons a serious view should be taken of any conviction involving dishonesty. In general, a period of 3 to 5 years free of conviction should be required before entertaining an application.

Offences in this category include but are not limited to :-

1.	Theft
2.	Theft - Shoplifting
3.	Theft - Employee
4.	Theft - From Vehicle
5.	Making off without payment
6.	Burglary & Theft - Dwelling
7.	Burglary & Theft - Non Dwelling
9.	Fraudulent Use
10.	Handling Stolen Goods
11.	Receiving
12.	Forgery
13.	Conspiracy to Defraud
14.	Obtain Money by Deception
15.	Obtain Money by Forged Instrument
16.	Obtain Goods or Services by Deception
17.	False Accounting
18.	False Statement to Obtain Benefit
19.	Going Equipped
20.	Taking/Driving or attempt to Steal Vehicle
21.	Allow to be Carried in Stolen Vehicle
22.	Perverting the Course of Justice
23.	Aggravated taking of a vehicle

**Comment [e10]:** This offence has been moved to Serious Road Traffic Offences above as if convicted of this offence it is automatic disqualification.

An application with a conviction within this category may be put before the Council's Licensing [Sub](#) Committee for determination.

Nothing in this criteria will remove an applicant's right to appeal to a Magistrates Court against the Council's refusal to grant or renew a licence, or decision to suspend or revoke a licence, or against any conditions which may have been imposed on any such licence by the local authority. Such appeal to be made within 21 days of the refusal or decision.



# Manual of Inspection Standards For Licensed Vehicle Testing and Compliance Standards

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## **Preface to Telford & Wrekin Council's Manual of Inspection Standards**

This manual provides a guide for those who prepare vehicles for/or carry out the statutory tests on Hackney Carriage and Private Hire Vehicles. It also provides vehicle owners with the compulsory requirements that enable a vehicle to be licenced.

The vehicle must comply with the requirements of any Legislation or Regulations relating to motor vehicles in force at the time of licensing. The contents of the manual should not be regarded as a substitute for the relevant statutory provisions and regulations.

The vehicle will be tested in accordance with the current Driver and Vehicle Standards Agency (DVSA) MOT Inspection Manual for Class 3, 4, 5 and 7 including Notes on the Statutory Provisions and Regulations for testing vehicles, under section 45 of the Road Traffic Act 1988 and also in accordance with Telford & Wrekin Council's Policy and Conditions of Licence.

Hackney Carriages and private hire vehicles are subject to much higher annual mileages and more arduous driving than normal private vehicles. Therefore in the interests of passenger and other road user's safety, a more stringent maintenance and testing regime is required. The purpose of the Council's Compliance Test is to confirm vehicles meet these more stringent standards. The test and inspection includes a number of items in addition to the normal MOT test. These elements have been deemed reasonable and necessary in order to protect the public using licensed vehicles. It is not intended that the test be used in lieu of a regular preventative maintenance programme. In assessing the mechanical condition of a vehicle, it is likely that an item which would ordinarily pass an MOT test with an advisory note, could fail the Council's compliance test.

Any owner wishing to alter or modify his Hackney Carriage or Private Hire Vehicle including the fitting of extras or alternative parts to those supplied by the manufacturer must consult the Licensing Team at Telford & Wrekin Council before incurring any expense. Only approved fittings may be attached to or carried upon the inside or outside of the vehicle and a Certificate of Vehicle Type Approval from the DVSA must be submitted to the Licensing Service.

If any unsuitable features arise following the period of any licence issued and, if any defects are found, the owner will be issued with a notice prohibiting the use of the vehicle for hire and reward until the effect has been rectified.

## Telford & Wrekin Council Compliance Standards For Hackney Carriages

### Type of Vehicle

All vehicles submitted to the council for licensing as Hackney Carriages shall meet the safety standards of **one of the following ; M1 Category European Whole Vehicle Type Approval, British National Type approval; or British Single Vehicle Approval (before 29 April 2009); or Individual Vehicle Approval (from 29 April 2009).** The proprietor shall ensure that the Hackney Carriage vehicle shall only be of the type approved for Hackney Carriage use by the Council, namely a purpose-built/**multi purpose** vehicle built to carry up to eight passengers with factory fitted seatbelts and an engine capacity not less than 1600cc. subject to the following:

**Comment [e1]:** In accordance with DfT Best Practice Guidance, it is proposed to broaden the type of vehicle the Council will licence as a hackney carriage, whilst maintaining the requirement for the vehicle to be accessible

Hackney Carriage vehicles are approved by way of a list that will specify as many different types of vehicles as possible.

The age limit for purpose built Hackney Carriage vehicles is twelve years **and for multi purpose vehicles is ten years.** The Council may waive the age restriction in the case of individual purpose built vehicles where an application is made and the Council considers that the vehicle is of "exceptional condition". Where vehicles are of "exceptional condition" and continue to be licensed over the 12 year age limit, the vehicle will be subject to 6 monthly compliance tests. **Multi purpose vehicles over 5yrs of age will be subject to 6 monthly compliance tests.**

**Comment [e2]:** This is consistent with Private Hire Vehicles which are not purpose built.

**Comment [FS3]:** This is consistent with the requirements of PHVs

### Condition of Vehicle

There shall be no non-standard unauthorised alterations or modifications carried out to the vehicle or to the engine.

The exterior colour of the taxi shall be **one of the manufacturer's colours. Vehicles which are of a colour other than that of the manufacturer must be approved by the Council**

The Hackney Carriage shall be maintained in a sound mechanical and structural condition at all times and be capable of satisfying the Councils mechanical and structural inspection at any time during the continuance of the vehicle's license.

The interior and exterior of the Hackney Carriage shall be maintained in a clean, safe condition.

### Wheel Chair Accessibility

The vehicle must have provision for a minimum of at least one wheelchair.

A certificate should be produced showing all of the fittings used to secure wheelchairs to the floor of the vehicle are to Department of Transport specifications.



The appropriate ramps and associated equipment for loading wheelchairs into the vehicle in the approved manner must be carried and used at all times.

### **Wheels**

All Hackney Carriages must be fitted with manufacturers approved tyres of the same size and type including the spare wheel.

### **Privacy Windows**

The Council shall refuse any vehicle submitted for licensing which is fitted with tinted windows to the rear of the driver which are not factory fitted options at the time of the manufacture of the vehicle.

### **Fire Extinguisher - Road Vehicle (Construction & Use) Regs. 1986 – Schedule 7**

A fire extinguisher shall be carried on the vehicle at all times. The fire extinguisher must be suitable to the risk and is to be carried in the vehicle at all times and securely fixed in the approved manner and in such a position as to be readily available in any emergency.

### **First Aid Kit - Road Vehicle (Construction & Use) Regs. 1986 – Schedule 7**

A standard size and type of first aid equipment which complies with the requirements laid down by the Department of Transport for taxis and minibuses in accordance with regulation 43 and must be carried on the vehicle at all times.

### **Other Equipment**

All Hackney Carriages being compliance tested for a new licence must carry a warning triangle and a set of spare bulbs.

### **Identification Plates**

Once the vehicle is licenced, the external identification plate issued by the Council shall at all times be fixed to the outside rear of the Hackney Carriage to the place provided by the manufacturer or by a Council approved fixing kit.

Hackney Carriage Vehicles should display a replica Hackney Carriage Licence plate issued by the Council, affixed to the inside of the vehicle, in the prescribed manner, so as to be plainly visible to fare paying passengers.

### **Signage**

Once a vehicle is licenced, a copy of the approved table of fares shall be displayed in a clearly visible position.

The following signs and notices will be displayed on licensed Hackney Carriages during the currency of the Licence:

- A sign stating 'Seat Belt Regulations – Seat Belts must be worn'.
- A sign bearing the words 'First Aid Kit Carried' fixed to the rear bodywork of the vehicle.
- A sign on both rear doors of the vehicle regarding No Smoking.
- A sign (the nationally recognised symbol) confirming that the taxi is wheelchair accessible and caters for the needs of the disabled.
- A sign (if applicable) confirming that the driver of the vehicle accepts travel tokens

### **Taximeters**

The vehicle shall to be fitted with **an automatic** taximeter approved by the Council and it shall be located within the vehicle in accordance with the reasonable instructions of an Authorised Officer of the Council.

**Comment [e4]:** It is proposed to make it a condition that all taximeters are automated to calendar changes so that the correct tariff rate is automatically applied

Any meter fitted shall be technically capable of accepting any restrictions or fare scales that the Council wishes to programme into that meter.

The meter shall be tested and sealed by an Authorised Officer of the Council. Any Hackney Carriage fitted with a meter must be equipped with the standard size tyres as approved by the manufacturer of the vehicle.

Retro-fitted low profile tyres which will affect the performance and accuracy of a meter are not acceptable if fitted after the meter has been tested and sealed. Any such tyres of a low profile type must be fitted before the meter is tested. Any contravention of this condition will result in the immediate suspension of a Hackney Carriage Licence.

### **Light Trailers**

All trailers will be subject to a Compliance Standards check and if found to be satisfactory, issued with a one year certificate.

If the unladen weight of any trailer submitted for testing exceeds 200kgs, a prescribed Ministry Plate must be fitted to the nearside of the trailer except where said trailer is fitted with parking brakes and brakes that act automatically on the overrun of the trailer. In any case all trailers shall meet the braking requirements in accordance with the type and size of said trailer.

All such trailers shall not exceed the gross weight limit of 3,500kgs but in all cases the proprietor should consult the vehicle handbook regarding manufacturer's recommendations particularly where unbraked trailers may be in use.

The trailer shall be fitted with a rigid hard top and shall be sealed against rain and water to protect luggage and goods.



## Telford & Wrekin Council Compliance Standards For Private Hire Vehicles

### Type of Vehicle

All vehicles submitted to the Council for licensing as Private Hire Vehicles shall meet the safety standards of **one of the following ; M1 Category European Whole Vehicle Type Approval, British National Type approval; or British Single Vehicle Approval (before 29 April 2009); or Individual Vehicle Approval (from 29 April 2009).** and will comply with all current and statutory requirements, inc Road Vehicles (Construction and Use) Regulations 1986, the Motor Vehicle (Wearing of Seatbelts) Regulations 1993 & Motor Vehicle (Wearing of Seatbelts by Children in Front Seats) Regulations 1993.

Private Hire Vehicles shall only be of the type approved for Private Hire by the Council. This is detailed by a list specifying as many different types of vehicle as possible or a range of general criteria which allow the trade to put forward vehicles of choice that meet the criteria and by way of a list of designated vehicles that will specify as many different types of vehicle as possible which allow the trade to put forward vehicles of choice that meet the criteria for wheelchair accessibility. The vehicle shall be a motor car or a multi- purpose vehicle built to carry up to eight passengers with factory fitted seatbelts and an engine capacity not less than **1600cc, or** a Mini-Bus or similar purpose built vehicle designed to carry up to eight passengers.

**Comment [e5]:** Is this still appropriate in light of improved engineering of motor vehicles or is a minimum engine capacity of 1400cc more appropriate?

The Council will only license suitable vehicles which do not exceed that age limit for motor cars and Multi Purpose Vehicles (~~or for purpose built or adapted minibuses~~) of ten years. Vehicles to be tested every six months from five years of age in line with best practice guidance.

All vehicles will be considered on their own merits so long as they comply with all current and statutory requirements, inc Road Vehicles (Construction and Use) Regulations 1986, the Motor Vehicle (Wearing of Seatbelts) Regulations 1993 & Motor Vehicle (Wearing of Seatbelts by Children in Front Seats) Regulations 1993.

### Condition of Vehicle

The Private Hire vehicle should be maintained in a sound mechanical electrical and structural condition at all times and be capable of satisfying the council's mechanical electrical and structural inspection at any time during the duration of the vehicle licence.

The interior and exterior of the vehicle shall be maintained in a clean safe condition by the proprietor.

### Privacy Windows

The Council shall refuse any vehicle submitted for licence which is fitted with tinted windows to the rear of the driver which are not factory fitted options at

the time of the manufacture of the vehicle.

### **Roof Signs**

Roof signs shall be of a type and size approved by the Council and shall at all times be affixed to the roof of the Private Hire vehicle to the place recommended by the manufacturer or in accordance with reasonable instructions of an Authorised Officer of the Council. The roof sign should be fitted in such a manner as to be easily removable by such Officer or Police Constable.

All roof signs on Private Hire Vehicles shall be connected to the vehicle electrical wiring system and will be illuminated when the vehicle is in service during lighting up times and /or adverse weather conditions.

Roof signs must be maintained and kept in such a condition that the information contained is clearly visible to public view at all times.

For whatever reason, when a Private Hire Vehicle licence is suspended the licence plate and the roof sign shall be removed by an authorised officer of the Council. The roof sign shall be kept in the custody of the Operator until such time as the vehicle is made fit again for service and the suspension lifted by the Council. Only at that point will the roof sign be returned to the vehicle proprietor/driver by the Operator.

**Comment [e6]:** It is proposed to remove the requirement for roof signs in accordance with the DfT Best Practice and replace with bonnet/door signs which shall read "Advance Bookings Only" and the Council's plate number.

### **Identification Plates**

Once licensed, the external identification plates issued by the Council should be fixed to the outside front and rear of the Private Hire Vehicle by means of Council approved fixing kit.

Private Hire Vehicles should display a replica Private Hire Vehicles Licence plate issued by the Council, affixed to the inside of the vehicle, in the prescribed manner, so as to be plainly visible to fare paying passengers.

The internal identification plates (two in number) for Executive Vehicle licences issued by the Council shall be affixed by the proprietor of the vehicle one on the nearside/left hand side of the front windscreen and one on the nearside/left hand side of the rear windscreen in a distinctly visible position that does not interfere with the drivers view of the road.

### **Tyres**

Restrictions as per Manufacturers' standards.

### **Fire Extinguisher Construction & Use Regulations – Schedule 7**

All Private Hire Vehicles must carry a fire extinguisher. The fire extinguisher must be suitable to the risk and should be carried in the vehicle at all times.

## **First Aid Kit–Road Vehicles Construction & Use Regulations 1986 Schedule 7**

A standard size and type of first aid equipment, which complies with the requirements, laid down by the Department of Transport for mini-buses, in accordance with regulation 43 must be carried on the vehicle.

### **Other Equipment**

All Private Hire Vehicles must carry at all times a warning triangle and an appropriate set of vehicle spares (e.g. spare bulbs etc).

### **Signage**

The following signs and notices will be displayed on licensed Private Hire Vehicles during the currency of the Licence:

A sign stating 'Seat Belt Regulations – Seat Belts must be worn'.

A sign bearing the words 'First Aid Kit Carried' fixed to the rear bodywork of the vehicle.

A sign on both rear passenger windows of the vehicle regarding No Smoking.

### **Meters**

Where meters are fitted to a Private Hire Vehicle, the meter shall be maintained in a sound electrical and mechanical condition at all times.

Any meter affixed to the vehicle may be inspected and tested by an Authorised Officer of the Council.

Any Private Hire vehicle so fitted with a meter must be equipped with the standard size tyres as approved by the manufacturer of the vehicle. Retrofitted low profile tyres which will affect the performance and accuracy of a meter are not acceptable if fitted after the meter has been tested and sealed. Any such tyres of a low profile type must be fitted before the meter is tested

### **Light Trailers**

All trailers will be subjected to a Compliance Standards check and if found to be satisfactory, issued with a one-year certificate.

All trailers must be of a design such that when close coupled to the prime mover (the vehicle towing it) it does not interfere in any way whatsoever with the operation of any rear door, emergency exits or wheelchair access ramps etc.

If the unladen weight of any Trailer submitted for testing exceeds 1,200kgs, a prescribed Ministry Plate must be fitted to the nearside of the Trailer except

where said Trailer is fitted with parking brakes and brakes that act automatically on the overrun of the Trailer. In any case all Trailers shall meet the braking requirements in accordance with the type and size of said Trailer.

All such trailers shall not exceed the gross weight limit of 3,500kgs but in all cases the proprietor should consult the vehicle handbook regarding manufacturer's recommendations particularly where unbraked trailers may be in use.

The trailer shall be fitted with a rigid hard top and shall be sealed against rain and water to protect luggage and goods.

## **Wheel Chair Facilities For Licensed Hackney Carriages And Private Hire Vehicles**

1. Where a vehicle has been converted it must be approved by the Council.
2. Approved ramps must be securely installed.
3. The ramps must be free from damage, sharp edges or corners.
4. Check, as applicable, the non-slip provision and locating dowel pins.
5. Check condition and operation of wheelchair restraints.
6. Check disabled person's seat belt.



## Summary of Items to be Tested

This is a summary of testable items, but the list is not exhaustive.

### **Front & Rear Lamps**Lamps, Reflectors and Electrical Equipment

HeadlampsFront and Rear Position Lamps, End Outline Marker Lamps, Registration

Plate Lamps

Headlamp Aim

Stop Lamps

Rear Fog Lamps

Direction Indicators and Hazard Warning Lamps

Rear ~~Reflections~~Reflectors

Direction IndicatorsAudible Warning (Horn)

Hazard LampsHeadlamp Aim

### **Steering & Suspension**

Steering control

Steering ~~mechanism~~/System

Power steering

~~Transmission shafts~~Drive Shafts

Wheel bearings front and rear

Front suspension

Rear suspension

Shock absorbers

### **Brakes**

Controls ABS warning system

Condition of service brake system

Condition of parking brake system

Service brake performance

Parking brake performance

### **Tyres & Wheels**

Tyre type

Tyre condition

Road wheels

### **Seat Belts**

Mountings

Condition

### **Windscreen Wipers & Washers**

Horn

Exhaust system

Exhaust emissions

Vehicle structure

First aid kit

Fire extinguisher

Internal lights

Information/warning markings  
Exterior body condition  
Luggage compartment  
Meter calibration  
Meter seal  
Oil leaks  
Seating  
[Ramps](#)

**Taxi Buses**  
Fuel cut off device  
Grab rails & vanity covers  
Access to exits  
Rear seat belts  
[Ramps/Tail Lifts](#)