



Borough of Telford and Wrekin

Licensing Committee

Tuesday 13 May 2025

6.00 pm

Council Chamber, Third Floor, Southwater One, Telford TF3 4JG

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Committee Members: Councillors G C W Latham-Reynolds (Chair), L Parker (Vice-Chair), E Aston, A J Burford, S Handley, H Rhodes, P J Scott, J Thompson, K T Tomlinson and R Tyrrell
Substitutes Councillors

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LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held on Thursday 19 December 2024 at 6.00 pm in Council Chamber, Third Floor, Southwater One, Telford TF3 4JG

Present: Councillors J Thompson (Chair), S Handley (Vice-Chair), A J Burford and P J Scott

In Attendance: S Hardwick (Lead Lawyer: Litigation & Regulatory), J Clarke (Senior Democracy Officer (Democracy)), R Phillips (Registrars, Public Protection, Legal & Democracy Service Delivery Manager) and A Singh (Licensing & Night-Time Economy Manager)

Apologies: Councillor E Aston, L Parker, K T Tomlinson and R Tyrrell

LIC9 Declarations of Interest

None.

LIC10 Minutes of the Previous Meeting

RESOLVED – that the minutes of the meeting of the Licensing Committee held on 24 October 2024 be confirmed and signed by the Chair.

LIC11 Taxi Licensing Restricted Operator Vehicle Dual Driver Licences Report

The Director: Policy & Governance presented the Taxi Licensing – Restricted Operator, Vehicle & Dual Driver Licences report. Members were asked to consider the introduction of restricted licences for operators, vehicles and drivers to ensure that the Council's offer to the private hire market was compelling.

Currently, Private Hire Drivers Licences with Telford and Wrekin Council were issued with no restrictions on their use, other than as prescribed in legislation. This report sought to introduce a restricted Operators, Vehicles and Private Hire Drivers Licence for use in pre-determined areas of work.

It was hoped that offering restricted licences to operators and drivers would allow the Council to ensure its offer to the private hire trade reflected the nature of their business whilst also ensuring public safety, which was a priority of the Council to ensure licences were proportionate and effective.



It was now emerging that many operators were employing drivers directly to only carry out defined types of private hire work, ie home to school transport, services for the elderly and other contracted work. By restricting the licence the Council and the operator could ensure that only the allocated work was undertaken which would reduce the potential for drivers to take on other work not in the operator's model of operation. Restricted licences would ensure quick resolutions in situations where a driver chose to operate outside of their permitted use.

Members were asked to consider granting delegated authority to the Director: Policy & Governance to agree and attach any conditions deemed necessary to ensure public safety to such restricted licences on a case-by-case basis and make determinations as to any pre-licensing requirements which may be necessary.

During the debate, some Members considered that this proposal may not be as attractive to drivers, but it may be more an advantage for operators and asked why this was important. It was also asked how the licences would be policed. A question was raised in relation to how many cases of drivers working outside of their licence had occurred during the last 12 months.

The Director: Policy & Governance confirmed that some drivers only wanted to undertake specific work as this was more straight forward and less challenging than those a varied passenger base might bring and there was an appetite for this amongst drivers. It was useful for operators in respect of business expedience for them as there were not the same training requirements and they would not have to bear the cost of irrelevant training sessions. In relation to the policing of the licences, this would be undertaken in exactly the same way via agency exercises checking badges as well as checking vehicles and licence conditions. The council also received reports from the public. This gave the council a greater assurance than it currently had with self-employed drivers as operators would remove drivers who from their service if necessary. This gave a greater level of control for the licensing authority and the employer.

The Service Delivery Manager - Registrars, Public Protection, Legal & Democracy explained that operators who carry out specific work employ drivers directly and they would only be licensed to carry out the designated work and having limitations on their licence would reinforce the drivers position if someone tried to flag them down. In relation to drivers working outside of their licence, the employer could raise this as a disciplinary matter.

The Licensing & Night-time Economy Manager explained that there were protocols in place to investigate any complaints. An audit would be taken of the log of journeys and there would be multi-agency stops and plying for hire stops where vehicles and licences were checked. There was no way to stop it



happening but through DBS and pre-application checking, dishonesty by drivers would be picked up. In relation to drivers driving outside of their licence conditions, there had been one prosecution during the previous 16 month period and a number of stops in relation to plying for hire.

Upon being put to the vote it was, unanimously:-

RESOLVED: that

- a) **the introduction of a Restricted Operator, Vehicle & Private Hire Drivers Licence, by way of an amendment to the Hackney Carriage and Private Hire Licensing Policy be approved; and**
- b) **delegated authority be granted to the Director: Policy & Governance to agree and attach any conditions deemed necessary to ensure public safety to such restricted licences on a case-by-case basis and make determinations as to any pre-licensing requirements which may be necessary.**

LIC12 Licensing Team Update

The Licensing & Night-time Economy Manager gave a brief update on the work on the Licensing Team over the last six months.

The Team continued to receive applications covering many areas including alcohol and street licences.

During 2025, the team would continue to protect the public through the licensing framework and by using schemes such as:

- Licensing Security and Vulnerability Initiative (LSAVI)
- Ask Angela
- CCTV within taxis

Timely advice for businesses would also be provided and the officers would keep up to date with any new legislation in order ensure effective services for businesses and members of the public.

Following the Inquiries into the Manchester Arena and London Bridge Bombings, Martins Law would come into force in 2026.

In 2026, work would be undertaken in relation to best practice in relation to private hire licences and Multi Agency work with MATES would be planned in.

Stakeholder groups such as pub watch, the taxi trade and White Ribbon/serious violence groups would continue to meet.



Site visits to licenced premises would be undertaken with Members and the Compliance Officers would go through the processes undertaken by the team during their daily work.

The Licensing Security and Vulnerability Initiative (LSAVI) initiative was being actively promoted and this was a tool to help a premises to be a safe and secure environment for staff and local communities.

During the debate, some Members asked that in terms of capacity in relation to work due to be undertaken and pressures that the local authority currently faced, was staff capacity sufficient and should Members have any worries or concerns around this.

The Director: Policy & Governance explained that although there was a lean authority, the team had undertaken changes during the last few months with experienced and enthusiastic team members. The ways of working were being progressed and would be prioritising resident safety and compliance with the licensing regime. Extra resources would always be welcome, but it was considered that there was currently sufficient resource, but the team would not want a reduction in the current staffing levels. The team were able to respond and address any issues if required.

The meeting ended at 6.23 pm

Chairman:

Date: Tuesday 13 May 2025



Borough of Telford and Wrekin

Licensing Committee

Tuesday 13 May 2025

Taxi Licensing – Restricted Operator, Vehicle & Dual Driver Licences

Cabinet Member:	Cllr Richard Overton - Deputy Leader and Cabinet Member: Highways, Housing & Enforcement
Lead Director:	Anthea Lowe – Director: Policy & Governance
Service Area:	Policy & Governance
Report Author:	Amitabh Singh - Licensing & Night-Time Economy Manager
Officer Contact Details:	Tel: 01952 383683 Email: Amitabh.Singh@telford.gov.uk
Wards Affected:	All Wards
Key Decision:	Not Key Decision
Forward Plan:	Not Applicable
Report considered by:	Licensing Committee – 13 May 2025

1.0 Recommendations for decision:

It is recommended that Licensing Committee:

- 1.1 reviews and approves the adoption of the Restricted Operator, Vehicle & Private Hire Drivers Taxi Policy and conditions of licence as set out at **Appendix A**;
- 1.2 reviews and approves the fees for vehicles and drivers' licences applying for restricted licences; and
- 1.3 approves an amendment to the current Taxi Licensing Policy to allow for manufacturer fitted window tints of 30% or above light transmission on windows rear of the B pillar and no "after market" tint film to be permitted for the reasons set out within this report.

2.0 Purpose of Report

- 2.1 At the meeting of Licensing Committee on 19 December 2024, Members approved the introduction of restricted Operator, driver and vehicle licences as set out in

Restricted Licences for School Contracts – Taxi Policy

Appendix A. Members are now asked to formalise and agree a new policy covering such licences, as well as agree the relevant fees for such licences.

- 2.2 Finally, Members are asked to approve an amendment to the existing Taxi Licensing Policy in respect of window tints to bring the existing policy in line with the legal requirements for a road-worthy vehicle.

3.0 Background

- 3.1 The Restricted Operators, Vehicle and Driver Licence report received approval from the licensing committee on 19 December 2024, thereby enabling the issuance of restricted licences.
- 3.2 The current Council's Taxi Hackney Carriage and Private Hire Licensing Policy, which took effect on 1 April 2023 and accompanying conditions of licence, do not encompass the newly approved restricted licence provision.
- 3.3 The implementation of the Restricted Private Hire Licence Policy and restricted conditions of licence will address the application process and lifecycle, of Restricted Private Hire Licences, which are limited to contracted journeys only, such as school transport provision, and do not permit "normal" Private Hire Work involving telephone/app pre-booked journeys in real time.
- 3.4 The Driver Licence fees for a Private Hire Restricted licence have been calculated to encompass the administration costs of licensing and enforcement associated with issuance and lifecycle management of 1 or 3 years Restricted Driver Licence.
- 3.5 The amendment to the Privacy Window requirement outlined in the current Taxi Licensing Policy has been requested by the Trade, as the existing 34% light transmission standard restricts several vehicle manufacturers' tints at production and limits the number of vehicles eligible for licensing in Telford and, therefore, has an impact upon members of the trade having access to the full range of the most cost-effective vehicle solutions.

4.0 Summary of main proposals

Restricted Operator, Vehicle & Drivers Restricted Policy

- 4.1 A Private Hire Operators, Vehicle & Drivers Licence can be restricted in their use by way of licence conditions and new restricted policy.
- 4.2 The introduction of a Private Hire Restricted Policy and conditions would cover and outline the application process and lifecycle of all licences in one codified document. Members are therefore asked to review and approve the draft policy and conditions of licence at **Appendix A**, for immediate adoption.
- 4.3 It is important that potential operators and drivers understand fully the requirements at the point of application for a restricted licence, including the limited work that such licences will allow to be undertaken. The draft policy therefore is a useful guide for potential licensees and provides clarity for officers overseeing applications and

ongoing compliance matters. The draft policy takes into account the nature of the work which will be undertaken using such restricted licences and aims to streamline the licensing process ensuring the Council remains best placed to organically grow our private hire fleet whilst, most importantly, maintaining a robust standard of public safety.

Restricted Licence Fees

- 4.4 The fees for the Restricted Driver Licence have been established to encompass the administrative and enforcement costs associated with restricted licences. These fees are set at a lower rate compared to our Dual Driver Licence, reflecting the distinct licensing and enforcement requirements for such licences
- 4.5 Members are therefore asked to approve new restricted driver fees, to be set as the following amounts:
- 1-year driver restricted licence fee - £112
 - 3-year driver restricted licence fee - £130

Amendment to Existing Taxi Licensing Policy

- 4.6 Members are also asked to approve the amendment of the current Taxi Licensing Policy which came into effect in April 2023, amending the Privacy Windows requirement from:

Any vehicle submitted for licence which is fitted with tinted windows must have windows which are factory fitted options at the time of the manufacture of the vehicle; and the vehicle shall be constructed and/or designed so as to enable passengers to be seen in the vehicle from any direction when observed from outside of the vehicle. The glass shall have a minimum light transmittance of 75% for the front windscreen, 70% for the front side windows and in addition for standard private hire vehicles (not executive) 34% for all other vehicle window glass.

TO:

Any vehicle submitted for licence which is fitted with tinted windows must have windows which are factory fitted options at the time of the manufacture of the vehicle. No after-market tints will be accepted. The glass shall have a minimum light transmittance of 75% for the front windscreen, 70% for the front side windows and in addition for standard private hire vehicles (not executive) 30% or above for all other vehicle window glass.

- 4.1 The Taxi and Private Hire Vehicle Licensing Best Practice Guidance for Licensing Authorities in England published in 2023, outlines recommendations for effective licensing practices and standards. This guidance issued by the Department for Transport states the following statement regarding tinted windows:

There is a significant cost and inconvenience associated with requiring drivers to replace the standard manufacturer or factory specifications for window glass. Some passengers may feel more comfortable in vehicles that

do not have very heavily tinted rear windows but there is a lack of evidence to suggest that these are detrimental to public safety. Balancing these factors, the department considers that licensing authorities should not require the removal of windows rear of the B-pillar if they have a minimum light transmission of 30% or above. This should maintain passenger confidence whilst ensuring a wide range of vehicles may be licensed.

- 4.2 As members will be aware there are a number of out of area Private Hire Vehicles working in the area with manufacturers tints being allowed by their licensing authority.
- 4.3 Given that these vehicles are licensed outside of our jurisdiction, we are unable to enforce or take action regarding any conditions associated with their licensing. Such matters are reported to the relevant licensing authority for further consideration.
- 4.4 Anecdotal evidence why so many out of area licensed vehicles are being issued, is in part due to their conditions of vehicle licence allowing for manufactured tints being permitted.

For example, Wolverhampton Council Taxi Licensing Vehicle Policy states: *Only factory fitted privacy (tinted) glass will be permitted.*

Shropshire Council vehicle licence conditions states: *Tinted windows will only be permitted in accordance with the manufacturers or specialist coachbuilder's specification and must comply with the Road Vehicles (Construction & Use) Regulations 1986. The Council will not permit any form of additional film to darken or tint the glass on any part of the vehicle.*

- 4.5 The current Taxi Licensing Policy can be perceived as being restrictive in this regard and may pose financial challenges for drivers and operators in purchasing/licensing vehicles, particularly as many newer vehicles, including electric models, are equipped with factory-tinted glass.
- 4.7 The amendment to our existing Taxi Licensing Policy regarding Privacy Glass requirements aims to align with the national guidance issued by the Department of Transport. This adjustment is intended to support members of the trade during these financially challenging times, particularly as newer vehicles are equipped with factory-installed tints as standard.
- 4.8 The proposed modification aims to enhance the appeal for drivers and vehicles to obtain licensing with Telford, as opposed to seeking licences from neighbouring authorities which, in turn, will enable Telford & Wrekin Council to take enforcement action against these vehicles if any issues arise in respect of them operating as drivers.
- 4.9 In asking Members to approve this change, officers have given careful consideration to the public safety aspect of the existing requirement and are content that, practically, the change is limited in scope, will not put passengers at risk and aligns

the Council's policy with the law for new vehicle registrations, Government best practice guidance and our neighbouring licensing authorities.

5.0 Alternative Options

- 5.1 Licensing Committee could determine not to approve the recommendations stated in the report, but in doing so, may risk the Council being less attractive for prospective operators and existing Telford drivers being licensed by other licensing authorities.
- 5.2 In addition, it is widely reported across the Private Hire Industry that the recruitment of drivers is becoming increasingly difficult with lots of competing alternative driving opportunities in the food and parcel delivery service areas. At present, there is a clear deficit of the availability of both private hire vehicles and drivers within the Borough and there is a risk that, without the proposed moderate changes to policy, this trend will not be reversed.

6.0 Key Risks

- 6.1 Local authorities offering this specific type of licence are experiencing a rise in applications, as operators relocate to regions where obtaining licenses for school transport is more efficient. Implementing a comprehensive and distinct Restricted Private Hire Policy helps to prevent confusion with our existing Taxi Licensing Policy, which governs Hackney Carriages and Dual Driver License
- 6.3 Failure to update the Privacy Glass condition within our current policy has the risk of increasing the financial burden on the Private Hire/Taxi Trade, resulting in a barrier for new drivers to get licensed with Telford and apply with neighbouring authorities, with the risk that we are unable to condition drivers and vehicles that are licensed elsewhere but operate within our borough.

7.0 Council Priorities

- 7.1 The recommendations in this report, support the following Council policies:
- Everyone benefits from a thriving economy; and
 - All neighbourhoods are a great place to live.

8.0 Financial Implications

- 8.1 Taxi license fees are calculated on a cost recovery basis and contribute to the overall licensing income target. Should the introduction of this scheme see an unlikely significant uptake in applications, requiring additional resources then this can be addressed in the setting of fees and charges for the service. If this scheme is not introduced and driver numbers continue to fall then any deficit in income against the service cost will need to be considered in the fee setting process. Licence fees are reviewed on a regular basis with any amendments being approved by Licensing Committee.

9.0 Legal and HR Implications

- 9.1 Section 51 and 55 of the Local Government (Miscellaneous Provisions) Act 1976 (“the Act”) relate to private hire drivers and operators and outline that someone should only be granted a licence if they are deemed fit and proper.

Although what constitutes a fit and proper person is not clearly defined, Councils are entitled to have their own policy on this, and the Home Office encourages them to have policy in place which specifies how it is to determine whether a person is fit and proper to hold a licence. Likewise, a policy can assist with determining the suitability of a vehicle for licensing (Section 48 of the 1976 Act).

- 9.2 Sections 48, 51 and 55 of the Act also provides that a district council may attach to the grant of a licence such conditions as they may consider reasonably necessary. This can include attaching a condition to a Private Hire Drivers Licence that will restrict the use for School Contract Work only under the Local Government (Miscellaneous Provisions) Act 1976.
- 9.2 The proposed introduction of the restricted Policy and the amendments detailed within this report to the Council Policy, do not undermine the suitability test for applicants requiring they still be a “fit and proper” person to be granted this restricted licence.
- 9.3 Taxi fees are required by law to be cost neutral and the relevant legislation and case law set out the elements of the licensing process which can be included in the calculation of fees. The relevant legal provisions are set out in the Act and specifically section 53 with respect to driver licences and section 70 in relation to vehicle and operator licences, state that a district council may charge such fees for the grant of vehicle and operators’ licences as may be resolved by them from time to time to be sufficient.

10.0 Health, Social and Economic Implications

- 10.1 There are no health or social implications arising from this report. There are potential economic benefits to the changes outlined within this report which potentially may create more jobs and employment within the Borough.

11.0 Economic Benefits

- Creating employment opportunities for local people through the licensing regime.
- Telford & Wrekin Council being able to attract further Private Hire Operators to be licensed with the authority

12.0 Equality and Diversity Implications

12.1 There are no direct equality or diversity implications arising directly from this report.

13.0 Climate Change and Environmental Implications

13.1 Proprietors and applicants of Private Hire and Hackney Carriage vehicles may find it more cost-effective to invest in new or environmentally friendly vehicles, such as electric, hybrid, or Euro 6/7 rated models, which offer significant environmental benefits.

14.0 Background Papers

- 1 Local Government Miscellaneous Provisions Act 1976
- 2 Taxi and Private Hire Vehicle Licensing Best Practice Guidance for Licensing Authorities in England published in 2023

15.0 Appendices

- A Draft Restricted Private Hire licensing Policy

16.0 Report Sign Off

Signed off by	Date sent	Date signed off	Initials
Finance	02/05/2025	02/05/2025	MLB
Legal	02/05/2025	02/05/2025	SH
Director	02/05/2025	02/05/2025	ACL

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Restricted Private Hire Licensing Policy

**Local Government (Miscellaneous
Provisions) Act 1976**

Policing and Crime Act 2017

1 May 2025

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Appendix D – Telford & Wrekin Council’s Restricted Private Hire Vehicle Licence Conditions

Appendix E – Telford & Wrekin Council’s Restricted Private Hire Operator Licence Conditions

Part 1- Introduction

1. General Information

Telford & Wrekin Council is situated in the ceremonial County of Shropshire which contains one other Unitary Council, Shropshire Council. The Council area has a population of 179,854 living in 81,338 households making it the, covering 112 square miles. The Council area is a mixture of urban and rural districts; which includes the market town of Newport on the north-east corner of the borough, the Ironbridge World Heritage Site to the west of the borough, seven conservation areas in the borough, and the central retail area of Telford town centre.

Telford & Wrekin is a place of socio-economic contrasts with parts of the borough amongst the most deprived nationally - comparable with inner cities – and other areas amongst the least deprived nationally.

More information on Local Area Profiles can be found on the [Council's website](#).

Telford & Wrekin Council is a Co-operative Council, working with local communities to create “Telford & Wrekin – the Place of Partnership, Enterprise and Innovation”. More information on the Council's Plan and Priorities can be found [here](#).

2. Purpose and Scope of the Policy

This Policy has been written having regard to the Department for Transport's Statutory Hackney Carriage and Private Hire Vehicle Standards (the Standards) issued July 2020 under Section 177(4) Policing and Crime Act 2017. This policy will be further reviewed in the event of any further changes to the Standards

This Policy will provide guidance to any person with an interest in restricted private hire licensing;

- Persons who wish to apply for restricted private hire vehicle, driver or operator licences and persons who hold an existing licence who are subject to review.
- Restricted licences are where the driver, vehicle and operator only undertake contract work in connection with:
 - School Contract work
 - Adult Social Care Transportation
 - NHS Transportation Work
- The Council, in its capacity as the licensing authority, including licensing officers, members of the relevant licensing committees
- Magistrates and judges hearing relevant cases

2.1 Primary Objective

The primary objective of this Policy must be to protect the public. Its aim is to ensure the safety and welfare of the public who live and work in, and also visit, Telford & Wrekin, whilst recognising the importance of thriving Hackney carriage and Private Hire businesses to the local economy. Therefore, taking such matters into account, Telford and Wrekin will seek to ensure:

- The safeguarding of children, young persons and vulnerable adults. This means safeguarding them from physical, psychological and emotional harm and protecting them from exploitation.
- 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

2.2. Licences

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 and provides for five different types of licences as follows:

- Hackney carriage Driver Licence
- Private Hire Driver Licence
- Hackney carriage Licence
- Private hire vehicle Licence
- Private Hire Operator Licence

The Licensing Authority is responsible for the administration and determination of applications for the above types of licences. This Policy will explain how the Licensing Authority intends to exercise its restricted private hire licensing functions. This Policy sets out how applications will be looked at and determined.

2.3 Review of the Policy

The Statutory Standards require local authorities to review its licensing policy every five years. This version will remain in force until 2030, when it will be subject to review and further consultation as laid down by the legislation, unless such review or consultation is required in the interim. This Policy will be subject to continuous evaluation and may be reviewed at any time. At the time of any review all interested parties, partners and stakeholders will again be consulted.

If a need to change licensing requirements has been identified, this same need will apply to those already in possession of a licence. Any change in policy will be followed by a review of existing licences. The implementation schedule of any changes that affect current licence holders will be transparent and communicated promptly and clearly. Where there is a change, for example, to the suitability criteria in this Policy, Telford & Wrekin Council will consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from this Policy, the Council will consider doing so and will record the reasons for any deviation.

3. Personal Data

Personal Data held by the Licensing Service:

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

3.1 How to access your personal data:

You can submit a [subject access request](#) for a copy of your full file. This service is provided in accordance with the [General Data Protection Regulations](#). There is a fee for providing the information.

4. Licensing Principles

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 children and vulnerable adults.

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

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 give written warnings and/or require the licence holder to undertake a course of action, tests or checks.

5. Licensing Committee

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 3 members of the Licensing Committee, will deal with applications and reviews of licences.

Members, when determining applications for a licence, renewals or reviews of a licence, will have regard to this Policy document.

6. The Licensing Process & Delegation of Functions

6.1 The Council has delegated its licensing function in defined circumstances to the Council's Licensing Committee and Officers. All applications will be determined in accordance with the Council's licensing policy and each application will be determined on its own merit.

6.2 Where an application is referred to the Licensing Sub-Committee by the 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.

6.3 Decisions

Members and Officers responsible for making decisions will have undertaken sufficient training in accordance with the Statutory Taxi and Private Hire Vehicle Standards.

The safeguarding of children and vulnerable adults and protection from exploitation is a significant consideration in making decisions. Each case will be considered on its own merits. Human Rights Act implications will be taken into consideration and the rules of natural justice will be observed. Decisions will be reasonable and proportionate.

Following a determination by the Council the parties 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 but in any case within 14 days. This will include information on the right of appeal where appropriate.

The Licensing Officer will review licences in accordance with the Council's licensing policy and the Council's Public Protection Enforcement Policy. There will be clear separation between investigator and the decision maker.

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. In such circumstances, the Council strongly advises parties to seek appropriate independent legal advice promptly.

6.4 **Work with Partners**

Telford & Wrekin Council works with partners when dealing with Hackney carriage and Private Hire Licensing issues. Such partners include (but are not restricted to) West Mercia Police, Driver and Vehicle Standards (DVSA) Agency, UK Border Agency, Disclosure and Barring Service, Community Safety Partnership, 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 Independent Safeguarding, consumer groups and all licence holders.

Telford & Wrekin Council will maintain close links with partners to ensure effective and efficient information sharing procedures and protocols are in place and are being used.

In particular the Council will make referrals to the Disclosure and Barring Service where:

- An individual has harmed or poses a risk of harm to a child or vulnerable adult
- An individual has satisfied the 'harm test'. (A person satisfies the harm test if they may harm a child or vulnerable adult or put them at risk of harm. It is something a person may do to cause harm or pose a risk of harm to a child or vulnerable adult.): or
- Received a caution or conviction for a relevant offence and;
- The person they are referring is, has or might in future be working in a regulated activity.

Part 2 –Determining the Suitability of a Person to hold a Licence

1. Introduction

This part of the policy provides guidance on the criteria to be used in determining whether an applicant or an existing licence holder is suitable to hold a restricted private hire vehicle, driver and/or operator licence.

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 policy is designed 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 including protection from exploitation.

Where Licensing Officers have delegated powers to grant, refuse, suspend, or revoke licences they will use this Policy in making decisions. However all decisions will be made on the merits of the individual case.

Whilst officers and the licensing sub-committee will have regard to the policy, and in some cases this Policy says “never”, each case will be considered on its individual merits.

2. Safe & Suitable Person

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/private hire vehicle, driver and/or private hire vehicle operator licence is a ‘fit and proper person’ to hold such a licence. The term safe & suitable is a modern version of ‘fit & proper’ and will be better understood. There are no statutory criteria for vehicle licences; therefore, the authority has an absolute discretion.

2.1 The Council’s view of a safe & suitable person is:

- Honest and trustworthy
- Not abusive, exploitative, violent or threatening
- A competent and safe driver fully conversant with relevant - road traffic legislation and licence conditions

- Conversant with the area that they are working in to ensure passengers are carried economically
- Able to communicate effectively with passengers and can read, speak, write and understand English.
- In good physical and mental health

3. Disclosed Criminal History

Applicants applying for the grant or renewal of a driver, vehicle or operator licence will be required to obtain a disclosure from the Disclosure and Barring Service (DBS) to be used in the decision making process to establish whether they are a safe and suitable person. The Council will ONLY share personal data in accordance with legal requirements.

Any applicant who has spent three continuous months or more living outside the United Kingdom from the age of 18 will have to provide evidence of a criminal record check from the relevant country for that period. The DBS website provides guidance at <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

The Council will consider all cautions, convictions, spent or unspent having regard to 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 and the date of conviction.
- 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 factors that might be relevant and the extent of any mitigating factors

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.

4. Outstanding Charges or Summonses

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

5. Non-conviction Information

The Council is entitled to use other records and information in determining applications, including information held by other licensing

authorities, or disclosed by the Police under the Protection of Freedoms Act 2012.

If an applicant or licence holder has been arrested or charged but not convicted, for a serious offence which suggests the applicant or licence holder could be a danger to the public, consideration should be given to refusing the application, revoking or suspending a licence. Such offences would include violent offences and sex offences.

6. Licences issued by other Licensing Authorities

Where an applicant already holds a licence granted by another licensing authority, the provisions of this Policy shall take precedence over any decision of another Licensing Authority.

7. Drivers

An applicant for a new or renewal of a driver's licence will be required to provide an Enhanced Disclosure from the Disclosure and Barring Service (DBS), and to complete a statutory declaration listing any previous convictions

The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 allows the Council to take into account all convictions recorded against an applicant or the holder of a private hire 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.

8. Restricted Private Hire Operators

The applicant will be required to provide a Basic Disclosure from the Disclosure and Barring Service, and to complete a statutory declaration listing any previous convictions. A restricted private hire operator is only required to submit a basic disclosure. If you are already a licensed driver with Telford & Wrekin Council and you want to submit your existing enhanced disclosure instead of a new basic disclosure, the Council will accept that.

Restricted Private Hire Operators will be in receipt of sensitive information such as holiday plans, movement of customers and their families, and details about vulnerable individuals. Therefore public trust and confidence in the overall safety and integrity of the restricted private hire system is vital. The same standards relating to criminal history will be applied to operators as those applied to drivers.

9. Vehicle Proprietors

The Applicant for restricted private hire vehicles will be required to provide a Basic Disclosure from the Disclosure and Barring Service, and to complete a statutory declaration listing any/all previous convictions. A

vehicle proprietor is only required to submit a basic disclosure. If you are already a licensed driver with Telford & Wrekin Council and you want to submit your existing enhanced disclosure instead of a new basic disclosure, the Council will accept that.

Vehicle proprietors have two principal responsibilities to:

- Ensure that the vehicle is maintained to an acceptable standard at all times.
- Ensure that the vehicle is not used for illegal or illicit purposes.

10. Criminal History

10.1 Convictions that will prevent a licence being issued:

- Crimes resulting in death
- Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, criminal exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

- Sex and indecency offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted. This will apply to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

- Immigration Offences

Where a person has been served an immigration penalty or convicted of an immigration offence a licence will not be granted. Where a licence holder has been served an immigration penalty or convicted of an immigration offence the licence shall be revoked immediately.

10.2 Other convictions

In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a Licence will be granted.

Offences involving violence

Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Dishonesty

Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Using a hand-held telephone or hand held device whilst driving

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Other motoring offences

A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes, but is not restricted to, driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Hackney carriage and private hire offences

Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Vehicle use offences

Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7

years have elapsed since the completion of any sentence imposed.

11. Right of Appeal

Any Applicant refused a vehicle, driver or operator licence on the grounds that the Council is not satisfied that they are not a safe & suitable person to hold such a licence, or who has had their licence suspended or revoked has a right to appeal to the relevant Court within 21 days of the notice of decision.

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Part 3 – Licensable Activities and Criteria

1. General

- 1.1 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.
- 1.2 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.
 - 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 fact.
 - During the course of a licence, should a licence holder be arrested, released, charged, or convicted of any offence listed in Part 2 of this document, the Council will review the said 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.
- 1.3 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.

2. Drivers

2.1 Summary

Any person who drives a restricted private hire vehicle must hold the appropriate vehicle driver's licence. Restricted private hire vehicle driver licences are issued in accordance with section 51 of the Local Government (Miscellaneous Provisions) Act 1976. A restricted 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.

2.2 Safe and Suitable Person

Licensed drivers provide a public service. The Council will not licence anyone to drive a restricted private hire vehicle unless it is satisfied that they are a "fit and proper" (Safe and Suitable) person. In determining whether a person is "fit and proper", the Council will use its Taxi (hackney carriage) and Private Hire Licence Policy for determining the suitability of a person to hold a licence.

2.2.1 Disclosed Criminal History

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 assessing the suitability 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 or alleged criminal behaviour/conduct that may indicate the safety and welfare of the public may be at risk from the applicant.

2.2.2 Enhanced Disclosure & Barring Certificate

In considering the safe and suitable person test and in order to ensure the Council is in a position to make as accurate an assessment of the applicant's suitability to hold a licence as is reasonably practicable, all drivers must complete an enhanced Disclosure and Barring Service check (DBS) upon initial application and at the same time sign up to the DBS Update Service.

Any applicant who has spent three continuous months or more living outside the United Kingdom from the age of 18 will have to provide evidence of a criminal record check from the relevant country for that period. The DBS website provides guidance at <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

Further DBS checks will be carried out by the Council every six months for each driver licence issued. Where there is any cause for a licence to be reviewed, the Council may carry out an additional check through the DBS Update Service. Where the Update Service indicates there has been a change to the licence holder's records held by the DBS, a licence holder will be required to submit a new application to the DBS for an enhanced disclosure certificate at their own expense. Where a licence holder refuses to complete an application for a further check the Council will take this into consideration in determining their continuing suitability to hold a licence.

On the return of a DBS check where convictions have been disclosed, the Licensing Officer will consider the convictions and determine the application under delegated authority. Where the application falls within policy it will be granted and where the application falls outside of Council policy it will be refused. However, where the application does not fall within the Council policy and there are mitigating circumstances, the Licensing Officer may refer the application to the Council's Licensing Sub Committee to either grant or refuse. In addition to conviction/caution information applicants and existing drivers are required 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.

2.2.3 Personal Safety Precautions Register

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.

2.2.4 National Register of Taxi Licence Refusals, Revocations and Suspensions

Telford & Wrekin Council provides information to the National Register of Taxi Licence Refusals, Revocations and Suspensions (NR3S), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or private hire vehicle (PHV) driver licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence.

Therefore:

- Where a licence is revoked, or an application for one refused, Telford & Wrekin Council will automatically record this decision on NR3S.
- All applications for a new licence or licence renewal will automatically be checked on NR3S. If a search of NR3S indicates a match with an applicant, Telford & Wrekin Council will seek further information about the entry on the Register from the authority which recorded it. Any information received as a result of an NR3S search will only be used in respect of the specific license application and will not be retained beyond the determination of that application.

The information recorded on NR3S itself will be limited to:

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

Information will be retained on NR3S for a period of 25 years.

This is a mandatory part of applying for a licence to drive hackney carriages/restricted private hire vehicles. Telford & Wrekin Council has published principles it will follow on the approach it will take to requests by other authorities for further information about entries on NR3S, and about the use it will make of any further information provided to it. The principles are attached at Appendix A to this Policy.

Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under NR3S are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3S data will be transferred out of the United Kingdom.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer.

This includes submitting a subject access request.

You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website: <https://ico.org.uk/make-a-complaint>

2.2.5 Sharing of Information

The information provided will be used in the process of considering the application and may be sent to authorised bodies including: Police, benefits agencies, Councillors in the course of considering applications, Inland Revenue,

other local authorities. The Council is under a duty to protect the public funds that it administers and to this end we may share your information internally or with other organisations for the prevention and detection of a crime or any matters connected to a breach of the Council's licensing policy. We will not transfer your personal data outside the European Economic Area or disclose it to any third party other than for legitimate purposes such as those outlined above.

2.2.6 Full Driving Licence

- All applicants must, upon application for a new or renewed licence 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. 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.

2.2.7 Medical Examination

All applicants must, upon application for a new or renewed licence, complete a satisfactory medical examination to Group 2 standards carried out by a doctor who has sight of the applicant's full medical records. Details of where to obtain your medical are on the [Council's website](#).

If during the period of a licence, the Council has reason to believe that a person's medical circumstances have changed, the person will be required to undergo another Group 2 medical examination.

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.

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.

2.2.8 Restricted Driver Training

Applicants for a licence to drive a restricted private hire vehicle will be required to attend the restricted driver

training. The training will include disability awareness training (responsibilities under the provisions of the Equality Act 2010.) and Child Sexual Exploitation awareness training. If during the period of a licence, the Council receives complaints about a driver or the licensed driver breaches licence conditions, the driver may be required to attend the Council's Driver Training.

Any person found to be using unfair means during any required 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.

If an applicant or licence holder fails any required course 3 times, the application or licence will be refused or revoked.

2.3 New Applicants

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

- Submit a completed application form
- Provide a photograph endorsed to Passport standards
- 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](#)), and/or where relevant, [an overseas criminal record check](#)
- Sign up to the DBS update service.
- Receive a satisfactory DVLA driving record via the Council's approved process ([details on the Council's website](#)).
- Attend and pass the Council's Restricted Driver Training.
- Pass a Group 2 medical examination

2.4 Renewing Applicants

2.4 Returning Drivers who are currently licensed by another Council

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 all drivers currently licensed by another Council and who were previously licensed by Telford & Wrekin Council. 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. Where the applicant has subscribed to the DBS update service and a check of the online service does not indicate that a new DBS certificate is required, then a new DBS Certificate will not be required.
- Sign up to the DBS update service (unless already signed up).
- Attend Restricted Driver Training.
- Pass a Group 2 medical examination. However, all medicals have a three year expiry date. Providing that the driver's medical certificate held on file by Telford & Wrekin Council has not expired, we will not require a medical examination until such time that the 3 years duration of the licence has lapsed, but the driver will be required to complete a medical declaration form.
- Complete a DVLA record check.
- Pay the Council's licence fee.

2.5

Where an application has expired, been surrendered or revoked a new application must be submitted in accordance with the 2.3 above.

2.6 **Duration of the Application Process**

The application process for a restricted licence must be completed within 3 months of the date of the DBS Certificate, Medical Certificate or application form (whichever is the earlier). After 3 months the application will be determined. Where the application process is not completed within 3 months, the application will be refused.

2.7 **Renewal of a Licence**

A licence renewal for a restricted application must be submitted, determined and issued before it reaches its expiry date to allow the driver to continue driving 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.

2.8 **Duration of Licence**

Driver licences 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.

2.9 **Driver Licence Conditions**

When a driver is issued with a licence the driver will be deemed to have accepted all asked to sign for the licence and the attached conditions. If a driver is found to be in breach of the conditions of licence, the driver's licence will be reviewed in accordance with this policy and the Council's [Public Protection Enforcement Policy](#).

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

2.10 **Equality Act 2010**

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

In accordance with statutory requirements a licensed driver shall not refuse to convey Wheel chair users and/or assistance dogs in the vehicle unless an exemption applies (see **Part 4** of this document).

3. **Vehicles**

3.1 **Summary**

A district council is responsible for licensing vehicles which carry up to 8 passengers. There are two type of vehicles, hackney carriages and private hire vehicles.

3.1.2 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.

A restricted private hire vehicle **cannot be** hired from a rank or hailed in the street. It must always be pre-booked through a licensed private hire operator.

3.2 **Type Approval**

All vehicles submitted to the Council for licensing as a Hackney carriage or restricted private hire vehicle shall meet the safety standards of one of the following; M1 Category European Whole Vehicle Type Approval; British National Type approval; or in the

case of converted vehicles British Single Vehicle Approval (before 29 April 2009); or Individual Vehicle Approval (from 29 April 2009).to M1 standards. For more information visit <https://www.gov.uk/vehicle-approval>

3.3 Registered Keeper

An applicant for a vehicle licence must be the registered keeper of the vehicle concerned.

The Council accepts that a full V5 registration form in the new owner's name is not always available upon first application for a licence; however, the V5/2 green section of the V5 form must be produced or equivalent acceptable form of legal ownership or interest. 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.

3.4 Criminal Record Check

An individual person, partner, or company director wishing to licence a restricted private hire vehicle must complete a [basic criminal record disclosure application](#) (except where an applicant is a driver currently licensed by Telford & Wrekin Council and they want to submit their existing enhanced disclosure instead of a new basic disclosure, the Council will accept that).

3.5 Insurance

During the currency of the vehicle licence, the Proprietor shall keep in force, in relation to the use of the vehicle for hire and reward, a policy which complies with the provisions of Section 145 of Part VI Road Traffic Act 1988 and 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 on licence application and to an Authorised Officer of the Council for inspection whenever required.

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.

3.6 MOT and Council Compliance Test

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 applying for a restricted licence will be tested at testing stations agreed by the Council

3.7 A proprietor shall submit the vehicle for a compliance/MOT inspection when requested and at least:

- On first application for a licence (where vehicle mileage exceeds 500)
- For any change of vehicle.
- Annually in respect of vehicles up to five years old.
- Six monthly in respect of vehicles over five years old.
- On any other occasion at the request of an Authorised Officer.
- After any repair made necessary by an accident affecting the safety and comfort of passengers or the performance or appearance of the vehicle.

The Council's Inspection Standards for Licensed Vehicle Testing and Compliance Standards (see **Part 7** of this document) provides a guide for those who prepare vehicles for/or carry out the statutory tests on restricted private hire vehicles. It also provides vehicle owners with the compulsory requirements that enable a vehicle to be licensed. (See **Part 7.**)

Licensed vehicles are subject to much higher annual mileages and more arduous driving than average family vehicles. Therefore in the interests of passenger and other road users' safety, a more stringent maintenance and testing regime is required. The purpose of the Council's Compliance Test is to confirm that restricted private hire vehicles meet these more stringent standards. The Test includes a standard MOT test and an inspection of additional items identified by way of conditions of licence. These additional items have been deemed reasonable and necessary in order to protect the public using licensed vehicles. It is not intended that the Test and inspection be used in lieu of a regular preventative maintenance programme.

To ensure that vehicles licensed within the borough of Telford & Wrekin are fit for purpose, the Council has determined that vehicles will be subjected to a test, to a frequency specified in the Council's conditions of licence. See **Appendices C & D.**

If a vehicle has been off the road for more than a month it must undergo and pass a compliance test before it can return to work as a licensed vehicle.

3.7 **Closed Circuit Television (CCTV)**

Vehicles may be fitted with closed circuit television (CCTV) systems with prior agreement with the licensing department.

3.8 Accessible Vehicles

Certification should be produced, at the time of application for a licence, showing all of the fittings used to secure wheelchairs to the floor of the vehicle, ramps and tail lifts are to Department for Transport specifications.

3.9 Applications

[The application process](#) is the same for a new or renewal application for both types of licensed vehicles. The applicant must submit:

- A completed application form
- V5 form or equivalent proof of ownership
- Valid insurance certificate
- Basic Disclosure Certificate
- Licence fee
- Certificate of Vehicle Type Approval (New Applications only)
- Certification for wheelchair fittings, ramps and tail lifts (for accessible vehicles) (New Applications only)

Upon application, a new or renewed licence will **not be** issued until a vehicle passes the Compliance Test.

3.10 Renewal of a Licence

A licence renewal application must be submitted, determined and issued before it reaches its expiry date to allow the vehicle to continue to be used for hire and reward. All vehicle licences cease on expiry, revocation or surrender. Only in exceptional circumstances would an application for renewal be considered after expiry, otherwise a new application will be required.

3.11 Duration of Licence

Vehicle licences will be issued for a maximum of 12 months or for a lesser period if the vehicle will reach the Council's age limits during the period of the licence. (**See Appendices C & D.**)

3.12 Conditions of Licence

When a vehicle proprietor is issued with a licence the proprietor will be asked to sign for the licence and the attached conditions. If a proprietor is found to be in breach of the conditions of licence, the vehicle licence will be reviewed in accordance with the Council's [Public Protection Enforcement Policy](#).

Copies of the Restricted Private Hire Licence conditions are attached at **Appendices C & D**.

3.13 **Transfer of Licence**

A vehicle licence can be transferred from one proprietor to another upon application to the Council and must be done within 14 days of the vehicle changing ownership. 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.

3.154 **Restricted Private Hire Vehicles**

Use of Vehicle

When considering whether a vehicle is a restricted 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](#).

Numbers of Licences

The Council cannot restrict the numbers of licences issued.

Type of Vehicle

All restricted private hire vehicles will only be of the type approved for restricted private hire use by the Council, namely a motor car or a multi-purpose vehicle built to carry up to eight passengers with factory fitted seatbelts subject to the types of restricted private hire vehicles being approved by way of an [approved list](#) that will specify as many different makes and models of vehicles as possible. The vehicle must **not** be of a make and model approved by the Council for Public Hire. (hackney carriage). The list is not exhaustive and each vehicle will be judged on its merits. Operators are advised to contact the Licensing Service, prior to purchasing a make and model of vehicle not on the approved list.

The list will specify as many different types of vehicle as possible which allow the trade to put forward makes and models of vehicles that are wheel chair accessible. Where the vehicle is an accessible vehicle, a certificate should be produced showing all of the fittings used to secure wheelchairs to the floor of the vehicle are to Department for Transport specifications.

The Council will only licence suitable vehicles which do not exceed the age limit of twelve years. Vehicles to be compliance tested every six months from five years of age in line with best practice guidance.

3.16 Designated List of Vehicles under Section 165 of the Equality Act 2010.

The Council has published a [Designated List of Vehicles](#), together with its Policy (see Part 3 of this document). A vehicle will only be included in the Council's list of designated vehicles if it can accommodate a reference wheelchair, dimensions are set out by the Disabled Persons Transport Advisory Committee 2001. :

A 'reference wheelchair' is defined as having the following dimensions Length: 1200mm (approx. 48") including footplates Width: 700mm (28") Total seated Height: 1350mm (54") Height of Footrest: 150mm (6")

Licence applications for vehicles which can only accommodate wheelchairs that are smaller than a Reference Wheelchair will not be granted.

4. Restricted Private Hire Operators

4.1 Summary

Restricted private hire operators are licensed in accordance with the Local Government (Miscellaneous Provisions) Act 1976. Any person who takes bookings, in the course of a business for a restricted private hire vehicle must hold a private hire operator licence.

4.2 Company Name and Logo

When applying for a restricted private hire operator licence, the applicant should include their company name and/or trading name. These will be stated on the licence. It is these names only which are permitted to appear as advertising on a licensed vehicle, together with a telephone or text number, website or app address.

The applicant's company logo must be approved in writing by the Council and artwork should be submitted with the application. The logo must not contain any national, political, racial, cultural, sexual or potentially offensive language, symbols, flags or emblems.

4.3 Criminal Record Disclosure

All applicants for a private hire operator licence must prove that they are a fit and proper person to hold a licence (unless the applicant is a current driver licensed by Telford & Wrekin Council and they want to submit their existing enhanced disclosure instead of a new basic disclosure, the Council will accept that).

Telford & Wrekin Council requires a licensed operator to provide an annual [Basic Criminal Record Disclosure](#).

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.

4.4 **Right to Work**

Applicants for a private hire operator licence must have a right to work in the UK. If the private hire operator is an individual, they must provide the [proof of Right to Work](#). If the private hire operator is a company, then the company director(s) named on the application form must provide proof of their Right to Work.

4.5 **Insurance**

Private hire operators are required to have Public Liability Insurance to a minimum value of £5,000,000. They are also required to ensure that for every private hire vehicle owned or operated by themselves that there is a valid 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.

4.6 **Safeguarding**

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 and to whom drivers can report issues relating to Child Sexual Exploitation.

The Council may insist that company representatives undertake safeguarding and Child Sexual Exploitation training.

Applicants for a licence must submit with their application, their policy on employing ex-offenders in roles that take bookings or dispatch vehicles.

All staff employed by Operators (including contractors) who take bookings or dispatch vehicles must also obtain a Basic Disclosure. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as

part of their employment contract, to advise the operator of any convictions while they are employed in this role.

All operators must maintain a register which should be a “living document” that maintains records of all those in these roles for the same duration as booking records are required to be kept. This will enable cross-referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.

4.7 Applications

The applicant can be an individual, partnership or limited company.

Applicants for a new licence must submit:

- A completed application form
- Valid public liability insurance certificate
- Basic Disclosure Certificate(s)
- Proof(s) of a Right to Work in the UK (only required upon renewal for a person with time limited Right to Work in the UK)
- Policy on employing ex-offenders
- Complaints procedure (private hire operator condition number 10)
- Licence fee
- Artwork for Company Logo
- Specification of the proposed computerised booking and dispatching system which shows that it complies with the requirements of condition 6.6 of the Council's Private Hire Operator Conditions annexed to this document at **Appendix E**
- A template register of all staff that take bookings or dispatch vehicles (completed if booking or dispatch staff are already employed)

Applicants for a renewal of a licence must submit:

- A completed application form
- Valid public liability insurance certificate
- Basic Disclosure Certificate(s)
- Proof(s) of a Right to Work in the UK (only required upon renewal for a person with time limited Right to Work in the UK)
- Policy on employing ex-offenders

- Complaints procedure (see Appendix E private hire operator condition number 9)
- Licence fee
- List of all driver and vehicles operated by the company
- A register of all staff that take bookings or dispatch vehicles

4.8 **Renewal of a Licence**

A licence renewal application must be submitted, determined and issued before it reaches its expiry date to allow the private hire operator to continue to take bookings and dispatch licensed vehicles. All operator licences cease on expiry, revocation or surrender. Only in exceptional circumstances would an application for renewal be entertained after expiry, otherwise a new application will be required.

4.9 **Duration of Licence**

Private Hire Operator licences will be issued for a period of 5 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.

4.10 **Conditions of Licence**

When a restricted private hire operator is issued with a licence the proprietor will be asked to sign for the licence and the attached conditions. If a proprietor is found to be in breach of the conditions of licence, the restricted private hire operator licence will be reviewed in accordance with the Council's [Public Protection Enforcement Policy](#).

A copy of the Council's private hire operator licence conditions is attached at **Appendix E**.

4.11 **Transfer of a Licence**

A private hire operator licence cannot be transferred.

4.12 **Planning Consent**

Operators are advised that they should ensure that they have any appropriate planning consent required to operate their business within Telford & Wrekin. Contact our [Planning team](#) for further advice.

4.13 **Record Keeping**

Private hire operators are required to 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.

5. Compliance and Enforcement

5.1 Summary

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.

The Council's Public Protection and Licensing Officers will work closely with the restricted private hire trade 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.

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.

5.2 Hackney Carriages and Private Hire Vehicles

The Local Government (Miscellaneous Provisions) Act 1976 also gives the authority powers to serve notice on proprietors of hackney carriages 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.

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.

6. Complaints

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.

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

https://www.telford.gov.uk/info/20357/taxi_and_private_hire_licences

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Part 4 – Designated List of Vehicles under Section 165 of the Equality Act 2010.

This Policy states the Council's requirements to determine when and what vehicles will be permitted onto the Council's Designated List of Vehicles, in accordance with section 167 of the Equality Act 2010.

The Council's Designated List of Vehicles is based upon "Accessibility Requirements" which are requirements for securing that it is possible for disabled persons in a wheelchairs –

- (a) To get into and out of vehicles in safety and
- (b) To travel in vehicles in safety and reasonable comfort, either staying in their wheelchairs or not (depending on which they prefer).

A vehicle will only be included in the Council's list of designated vehicles if it can accommodate a reference wheelchair, dimensions for which are set out by the Disabled Persons Transport Advisory Committee 2001. All vehicles which can accommodate a reference wheelchair will be placed on the list. Applications for vehicles which can only accommodate wheelchairs that are smaller than a Reference Wheelchair will not be granted.

Telford & Wrekin Council's List will contain the following information:

- Telford and Wrekin Council's hackney carriage or private hire vehicle licence number
- Make and model of vehicle
- Name of Operator
- Number of reference wheelchairs it will carry
- Whether wheelchairs larger than a reference wheelchair can be accommodated

Section 172 of the Equality Act enables vehicle owners to appeal against the decision of Telford & Wrekin Council to include their vehicles on the designated list. Any vehicle owner wishing to appeal the decision should submit an Application to Appeal to the Magistrates Court within 28 days of the vehicle in question being included on the Local Authority's published list.

Part 5 - Exempting Drivers under Sections 166, 169 and 171 of the Equality Act 2010

1. Introduction

Telford & Wrekin Council have published a list of designated vehicles under section 167 of the Equality Act 2010. This part of the Equality Act allows licensing authorities to maintain a list of designated vehicles, i.e. a list of wheelchair accessible hackney carriages and all private hire vehicles licensed that conform to such accessibility requirements as the licensing authority thinks fit.

Drivers of vehicles which are on the designated list must:

- Carry the passenger while in the wheelchair
- Not to make any additional charge for doing so
- If the passenger chooses to sit in a passenger seat, to carry the wheelchair
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort
- To give the passenger such mobility assistance as is reasonably required.

Drivers of vehicles on the designated list who fail to carry out the above duties commit an offence unless the licensing authority has issued the driver with an exemption. Under section 166, Telford & Wrekin Council will exempt drivers from the duties to assist passengers in wheelchairs if the Council is satisfied that it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties.

Under sections 169 and 171 of the Equality Act, Telford & Wrekin Council will also exempt drivers from the duties to transport assistance dogs if it is satisfied that it is appropriate to do so on medical grounds.

The Council's Medical Exemption Certificate Procedure applies to all drivers who are licensed by Telford & Wrekin Council who wish to apply for an exemption from duties required by section 165 (requirement to assist wheelchair accessible passenger) and sections 168 & 170 (requirement to carry assistance dogs) of the Equality Act 2010.

2. Medical Exemption Certificate Procedure

- 2.1 The driver must fully complete a Telford & Wrekin Council's on line "[Application for a Medical Exemption Certificate Form](#)"
- 2.2 The driver will be required to undertake a medical with a medical practitioner approved by Telford & Wrekin Council. The medical will be paid for by the driver. The medical practitioner will complete the Statement of Fitness on the driver's capability to undertake the duties of sections 165, 168 and 170 of the Equality Act in terms of their medical and/or physical condition and for how long. It will include the following :
- i. Date that the condition was first noted
 - ii. What duties cannot be undertaken
 - iii. Why they cannot be undertaken
 - iv. Period of time that they cannot be undertaken
- 2.3 If the Statement of Fitness states that the driver is unfit to carry passengers in wheelchairs and/or assistance dogs for a specified time period (up to a maximum of 3 months), a 'Temporary Exemption Certificate' will be issued with an expiry date in line with the information received on the Fitness Statement.
- 2.4 If the Fitness Statement is not clear or is ambiguous in any way, the matter will be referred to the Principal Licensing Officer for review and further information may be requested from the medical practitioner or driver.
- 2.5 Upon expiry of the Temporary Exemption Certificate, Telford & Wrekin Council will deem the driver fit to undertake all duties under the Equality Act 2010 and the driver must return the notice to the Licensing Service within 7 days, commencing the day after the expiration date. The driver will be expected to resume normal duties. Failure to do this would result in the driver being referred to the Principal Licensing Officer for a review of the driver's licence.
- 2.6 If the driver wishes the period of temporary exemption to be extended, the request must be made in writing to the Licensing Officer, Licensing Service, Public Protection Darby House, Lawn Central, Telford, TF3 4JA or by email to licensing@telford.gov.uk. The driver will then be expected to attend a further assessment/consultation with the approved medical practitioner **prior to the expiry date of the Temporary Exemption Certificate.**
- 2.7 Should the driver be declared permanently unfit to carry passengers in wheelchairs and/or assistance dogs the Temporary Exemption Certificate will be replaced with a Permanent Exemption.
- 2.8 All permanent exemption certificates will be reviewed upon renewal of the driver's Dual Driver Licence at which time the driver will be required

to undertake a routine medical. To maintain the exemption the driver must ensure that the Medical Practitioner includes an assessment of whether the exemption is still valid or the driver can resume his or her normal duties.

2.9 A Temporary or Permanent Exemption Certificate will be issued by the Licensing Service and will include a colour photograph of the driver who has been granted the Exemption. This certificate **must** be displayed prominently in the vehicle for public viewing.

2.10 Exemption Certificates will remain the property of Telford & Wrekin Council and must be returned with the drivers badge on surrender, suspension or revocation of the drivers licence.

2.11 Drivers who are refused a request for an exemption by Telford & Wrekin Council have a right of appeal to the Magistrates Court within 28 days beginning with the date that notice is given of the refusal.

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Part 6 – The Installation of CCTV in Licensed Vehicles

1. Introduction

This Policy complies with :

- [Information Commissioner Office - A data protection code of practice for surveillance cameras and personal information](#)
- [Home Office - Surveillance Camera Code of Practice](#)
- [Surveillance Camera Commissioner Code of Practice – A guide to the 12 principles](#)

And has regard to :

- [Local Government Association – Developing an approach to mandatory CCTV in taxis and PHVs](#)

It shall apply to the voluntary (i.e. not compulsory) closed circuit television surveillance scheme installed in vehicles licensed by Telford & Wrekin Council.

2. Purpose and objectives of the scheme

The objectives of a voluntary CCTV scheme in Telford & Wrekin Council licenced Vehicles is the following:

- To seek to safeguard vulnerable passengers
- To provide assurance to drivers to protect them from unjustified allegations
- To try to prevent and detect crime, disorder and anti-social behaviour
- To reduce both the real and perceived level of crime, disorder and anti-social behaviour
- To provide reassurance to law abiding citizens by the legal and effective use of CCTV.
- To assist in the apprehension and prosecution of offenders
- To support the detection of offences and to provide evidential material for court proceedings
- To gather evidence by a fair and accountable method.

3. Permitted Systems

Only CCTV systems approved by Telford & Wrekin Council and which comply with this Policy and with the ICOs blog [“ICO on CCTV in taxis 10th”](#)

September 2018” will be permitted to be installed in licensed vehicles. Connected (data can be downloaded via the data processor who can access the box remotely and send the encrypted data to the data controller) and unconnected systems (where the box has to be removed from the vehicle in order to download data) will be permitted.

All systems must comply with the following requirements:

- The installation of CCTV equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite, card payment device or radio system in the vehicle.
- CCTV equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers.
- Viewing screens within the vehicle for the purpose of viewing captured images are not permitted.
- All CCTV equipment must be checked regularly and maintained to operational standards, including any repairs after damage. All system components requiring calibration in situ should be easily accessible.
- All equipment must be protected from the elements, secure from tampering and located such as to have the minimum intrusion into any passenger or driver area or impact on the luggage carrying capacity of the vehicle.
- Continuous recording of images only
- .

4. Signage

Visible signage which shows that there is CCTV inside the vehicle must be displayed on the outside of the vehicle so that the public are aware that they are entering an area which is covered by a camera. Further signage which complies with the Information Commissioner’s document “A data protection code of practice for surveillance cameras and personal information” must be fixed to the inside of the vehicle. The signs will state the following information:

- The purposes of the scheme
- The name of the Data Controller
- The Data Controller’s contact telephone number
- That it includes audio by the activation of an emergency audio button
- Direction to the Council’s privacy notice

5. Data Protection

There will be a formal written contract between the data controller and the data processor (service provider).

Telford & Wrekin Council will ensure the protection of individuals and the public by complying with the Information Commissioner’s document “A data

protection code of practice for surveillance cameras and personal information”.

Only the Data Controller (Telford & Wrekin Council) will have access to images and audio recordings. Images and audio recordings will be processed for authorised purposes only. Such data will be processed and downloaded only in accordance with section 7. below. The data will be stored securely in accordance with the Data Protection Act 2018 and in accordance with the Council’s Data Protection Impact Assessment which can be viewed on Telford & Wrekin Council’s website.

Statutory bodies such as the Police may have access to information permitted for disclosure on application to Telford & Wrekin Council.

6. Authorised Purposes for the Use of Recorded Images

Data will only be downloaded in exceptional circumstances, where a legal base exists under the data protection legislation, for, example:

- Where a crime has been reported which involves the specific vehicle and the police have formally requested the data
- When a substantive complaint has been made to the Licensing Authority regarding a specific vehicle/driver and that complaint is evidenced in writing (and cannot be resolved in any other way)
- Where a Data request is received from an applicant e.g. police or other Statutory Body that has a legal basis to have access to the data requested to assist them in an investigation that involves a licensed vehicle or driver
- Where a Subject Access Request compliant with GDPR is made to the Licensing Authority

7. Release of Information to the Public

Individuals may request to view information concerning themselves held on record in accordance with the Data Protection Act 2018 by visiting Telford & Wrekin Council’s website and making a request to access personal data.

8. Audit and Policy Review

Regular audits carried out by the Public Protection Manager will check the operation of both the procedural requirements of the scheme and the installed hardware systems for compliance with the Policy. It will consider the following:

- The level of attainment of the scheme’s objectives and procedures
- Audits of the data log and release of information.

9. Complaints

A member of the public wishing to make a complaint about the system may do so through Telford & Wrekin Council's [complaint procedure](#) by visiting Telford & Wrekin Council's website.

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Part 7 – Inspection Standards for Licensed Vehicle Testing and Compliance Standards

- 1. Introduction**
- 2. Telford & Wrekin Council Compliance Standards for Restricted Private Hire Vehicles**
- 3. Telford & Wrekin Council Compliance Standards for Wheel Chair Facilities for Licensed Restricted Private Hire Vehicles**
- 4. Summary of Items to be tested**

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1. Introduction

These Inspection Standards provide a guide for those who prepare vehicles for/or carry out the statutory tests on restricted 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.

Restricted 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. By the very nature of their work restricted private hire vehicles are subjected to frequent use and high mileage. They will reach the stage where a MOT advisory becomes a danger to the public in a shorter period of time than they would on a vehicle in normal use. Advisories on areas 1. to 4. below will be looked at on a case by case basis. Where an advisory is deemed to be in urgent need of rectification by the Tester, the applicant will be notified in writing by the Licensing Service of the item identified to be in urgent need of rectification. A vehicle licence will not be granted until the item is rectified and evidence is produced to show that the advisory point has been repaired or replaced (this would typically involve the showing of a receipt for the work done).

1. Any part of the steering mechanism
2. Any part of the braking system
3. Tyres
4. Any part of the suspension system.

Those vehicles which have an advisory identified by the Tester as being urgent at a six monthly MOT and Compliance Test (i.e. between licensing) will be issued with a Breach of Condition Notice to have the advisory

remedied normally no longer than 15 working days from the date of the MOT and produce evidence of repair to the Licensing Authority. Failure to have the repair(s) carried out and / or produce evidence of such would lead to consideration of suspension of the vehicle licence.

Any owner wishing to alter or modify their restricted private hire vehicle including the fitting of extras or alternative parts to those supplied by the manufacturer must consult the Licensing Service 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 under s68 Local Government (Miscellaneous Provisions) Act 1976 prohibiting the use of the vehicle for hire and reward until the effect has been rectified.

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2. Telford & Wrekin Council Compliance Standards for Restricted Private Hire Vehicles

2.1 Condition of Vehicle

Restricted private hire vehicles 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.

2.2 Privacy Windows

Any vehicle submitted for licence which is fitted with tinted windows must have windows which are factory fitted options at the time of the manufacture of the vehicle.

2.3 Identification Plates

Once licensed, the internal identification plate issued by the Council should be fixed to the top left of the windscreen of the restricted private hire vehicle by means of Council approved fixing kit..

When a restricted private hire vehicle licence is suspended, for whatever reason, the internal licence plate shall be removed and returned to the Council..

2.4 Tyres

Restrictions as per manufacturers' standards.

2.5 Signage

The following signs and notices will be displayed on licensed restricted private hire vehicles during the currency of the Licence:

- A sign stating 'Seat Belt Regulations – Seat Belts must be worn'.
- A sign on both rear doors of the vehicle regarding No Smoking.

- A sign (the nationally recognised symbol) confirming that the vehicle is wheelchair accessible and caters for the needs of the disabled (accessible vehicles only).
- A sign advising passengers how to complain.
- CCTV signage (on vehicles where a CCTV system is installed)

3. Telford & Wrekin Council Compliance Standards for Wheel Chair Facilities for Restricted Private hire vehicles

- Approved ramps/tail lifts must be securely installed.
- The ramps must be free from damage, sharp edges or corners.
- Check, as applicable, the non-slip provision and locating dowel pins.
- Check condition and operation of wheelchair restraints.
- Check disabled person's seat belt.

4. Summary of Items to be tested

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

Lamps, Reflectors and Electrical Equipment

Front and Rear Position Lamps, End Outline Marker Lamps, Registration Plate Lamps

Stop Lamps

Rear Fog Lamps

Direction Indicators and Hazard Warning Lamps

Rear Reflectors

Headlamp Aim

Audible Warning (Horn)

Steering & Suspension

Steering control

Steering System

Power steering

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 Belt Mountings and Condition

Windscreen Wipers & Washers

Exhaust system

Exhaust emissions

Vehicle structure

Internal lights

Information/warning markings

Exterior body condition

Luggage compartment

Oil leaks

Seating

Ramps

Taxi/Private Hire Buses

Fuel cut off device

Grab rails & vanity covers

Access to exits

Rear seat belts

Ramps/Tail Lifts

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Appendix A - Information Sharing

Introduction

The policy contains a number of references to information sharing and therefore the purpose of this Appendix is to set out clearly how information is dealt with, in terms of who information is shared with, and requested from, and in what circumstances.

The Council processes information in accordance with the UK Data Protection Act (DPA) and UK General Data Protection Regulation (GDPR) and the Human Rights Act 1998 (HRA). This legislation sets out the guiding principles for sharing information and that there is a lawful basis for sharing information in furtherance of regulatory duty and in the public interest.

The legal basis for the processing of taxi licence related information is that it is necessary for the compliance with a statutory and/or legal obligation. All information is held for the purpose of assessing the suitability of the licence holder/proposed licence holder to be granted a licence or to have their licence reviewed or relating to historical information relating to safeguarding matters.

The legal basis that are relied upon are:

- The Local Government (Miscellaneous Provisions) Act 1976
- The Town Police Clauses Act 1847
- Article 6.1.c (GDPR) – compliance with a legal obligation
- Article 6.1.e (GDPR) – performance of a task carried out in public interest

Where special category data and/or data related to criminal convictions and offences is processed the following legal basis are relied upon:

- Article 9.2.g (GDPR) – processing data for reasons of substantial public interest
- Schedule 1, Part 2, Paragraphs 6 and 12 (GDPR)

The council may seek and share your relevant information with the following third parties in order to ensure public safety, protect public funds and for the prevention and detection of crime:

Initial application

The Licensing Authority (LA) will seek information from:-

- the Council's Independent Safeguarding team, including the Local Authority Designated Officer and the Multi-Agency Safeguarding Hub (MASH);
- the Council's Personal Safety Precautions register(PSP);
- West Mercia Police , or other relevant police force;
- Other local authorities with licensing responsibilities (where appropriate) – this includes, but is not limited to, their licensing teams and their safeguarding teams;

- the NR3S National Register of Refusals, Revocations and Suspensions
- the Disclosure & Barring Service (including information on the Barred Lists);
- Private Hire Operators (where appropriate);
- The Council's complaints team
- Any other organisation, team or agency that may hold information that is relevant to an application for a dual driver's licence, vehicle proprietor licence or private hire operator's licence.

The purpose of this activity is to seek information from a wide range of organisations that would be relevant when considering whether an applicant is a fit and proper person to hold the licence that they have applied for. In order to seek such information, it will be necessary for the Council to securely share relevant personal and special category data of the applicant, including:-

- Name (including any known pseudonyms/aliases and any previous names);
- Address (including previous addresses);
- Date of birth;
- Gender;
- National Insurance details;
- Criminal convictions including motoring offences;
- Other relevant personal and special category data.

Relevant personal and special category data will only be shared to the extent that it is necessary for seeking accurate information from the relevant organisations referred to above.

Renewal applications

The Licensing Authority (LA) will seek information from:-

- the Council's Independent Safeguarding team, including the Local Authority Designated Officer and the Multi-Agency Safeguarding Hub (MASH);
- the Council's Personal Safety Precautions register(PSP);
- West Mercia Police , or other relevant police force;
- Other local authorities with licensing responsibilities (where appropriate) – this includes, but is not limited to, their licensing teams and their safeguarding teams;
- the NR3S National Register of Refusals, Revocations and Suspensions
- the Disclosure & Barring Service (including information on the Barred Lists);
- Private Hire Operators (where appropriate);
- The Council's complaints team
- Any other organisation, team or agency that may hold information that is relevant to an application for a dual driver's licence, vehicle proprietor licence or private hire operator's licence.

The purpose of this activity is to seek information from organisations that is relevant when considering whether an applicant is a fit and proper person to hold the licence

that they have applied for. In order to seek such information, it will be necessary for the Council to share personal and special category data of the applicant, including:-

- Name (including any known pseudonyms/aliases and any previous names);
- Address (including previous addresses);
- Date of birth;
- Gender;
- National Insurance details.
- Criminal convictions including motoring offences
- Other relevant personal and special category data.

Such personal and special category data will only be shared to the extent that it is necessary for seeking accurate information from the relevant organisations referred to above.

In addition to these checks, the council will carry out at a minimum 6 monthly DBS checks throughout the duration of a licence.

Complaints

When the Council receives a complaint regarding a licensed driver, vehicle proprietor or private hire operator, it is required to consider what action, if any, it is necessary to take to investigate that complaint and to keep members of the public safe during that period. The Licensing Authority may choose to:-

- Revoke a licence;
- Suspend a licence;
- Take action short of revocation or suspension;
- Take no further action.

In most cases, information will only be securely shared once the outcome of a complaint is known and the Council has decided what action, if any, it will take. However, in cases involving very serious complaints, the Council may choose to securely share relevant information prior to any action it takes in relation to the licence. In most cases, the sharing of this information will only be in cases where revocation or suspension of a licence is being considered (see exceptions below). Information about the complaint may be shared with:-

- The Council's Safeguarding Team including the Local Authority Designated Officer and the MASH;
- Other Licensing Authorities where there is reason to believe that the licence holder may also hold a licence with that authority;
- West Mercia Police; or other relevant police force;
- Private Hire Operator if the complaint relates to a driver working with that operator; and
- Any other government or local authority regulatory body or agency where the information relates to public safety, protection of public funds and for the prevention and detection of crime.

Exceptions

There are two exceptions to the above.

The first is where any complaint is made which could reasonably indicate that the licence holder poses a risk of harm to children. In this case, irrespective of the seriousness of the complaint, this information will be shared with the relevant Council's Safeguarding Team so that appropriate investigations can be made in relation to any children who may have contact with the licence holder. The information will also be shared with the relevant Council's Passenger Transport team so that appropriate action can be taken in relation to school contracts (irrespective of whether or not the licence holder currently holds a school contract).

The second exception is where the complaint relates to a driver who is known to hold a school contract. In this case, details of all complaints will be shared with the relevant Passenger Transport team.

All other cases

In all other cases, once a complaint has been concluded, the Council may share information with the following:-

- The Council's Safeguarding Team including the Local Authority Designated Officer and the MASH;
- Other Licensing Authorities where there is reason to believe that the licence holder may also hold a licence with that authority;
- West Mercia Police; or other relevant police force and
- Private Hire Operator if the complaint relates to a driver working with that operator.
- Any other government or local authority regulatory body or agency.

Only relevant information will be securely shared on a lawful basis if it relates to protection of public safety, protection of public funds and for the prevention and detection of crime.

Other

The Council also shares information with:

- Cabinet Office for National Fraud Initiative purposes – for prevention and detection of fraud
- HMRC
- Department for Environment, Food and Rural Affairs (DEFRA).

Appendix B – Telford & Wrekin Council’s Overarching principles for the National Register of Refusals, Revocations and Suspensions

This Policy covers the use that Telford & Wrekin Council will make of the ability to access and use information contained on the National Register of Taxi Licence Refusals, Revocations and Suspensions (NR3S). The NR3S contains information relating to any refusal to grant, or revocation of, a taxi driver’s licence. This information is important in the context of a subsequent application to another authority for a driver’s licence by a person who has had their licence refused or revoked in the past.

Throughout this Policy reference is made to ‘taxi driver licence.’ This generic term covers a hackney carriage driver licence, a restricted private hire driver licence and a combined/dual licence.

Telford & Wrekin Council has signed up to the NR3S. This means that when an application for a taxi driver licence is refused, or when an existing taxi driver’s licence is revoked, that information will be placed upon the Register.

When an application for a new driver licence, or renewal of an existing driver licence is received, Telford & Wrekin Council will make a search of the NR3S. The search will only be made by an officer who has been trained in the use of the NR3S and who is acting in accordance with this Policy. If details are found that appear to relate to the applicant, a request will be made to the authority that entered that information for further details.

Any information that is received from any other authority in relation to an application will only be used in relation to that application, and the determination of it and will not be used for any other purpose. Any data that is received will only be kept for as long as is necessary in relation to the determination of that application. This will include the period of processing that application, making a decision, notifying the applicant of the outcome of that decision, and the appeal processes.

For the avoidance of doubt, any such data will be kept for a period of no more than 35 days from the date of the service of the written notification of the determination of the application

Where an appeal to the magistrates’ court is made, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the

magistrates' court, there is a further right of appeal to the Crown Court. In these circumstances, the data will be retained for a period of no more than 35 days from the date of the decision of the magistrates' court. If an appeal is made to the Crown Court, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court or the Crown Court, it is possible to appeal the decision by way of case stated. Accordingly, the data will be retained for a period of no more than 35 days from the date of the decision of the Crown Court (if the decision was made by the magistrates' court, the retention period has already been addressed). If an appeal by way of case stated is made, the data will be retained until all court proceedings relating to that appeal by way of case stated (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined.

The data will be held securely in accordance with Telford & Wrekin Council's Corporate [Data Retention Schedule](#). At the end of the retention period, the data will be erased and/or destroyed in accordance with Telford & Wrekin Council's general policy on the erasure and destruction of personal data which can be found on the Councils' website [Data Protection Policy](#).

Appendix C – Telford & Wrekin Council’s Restricted Private HireDriver Licence Conditions

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Restricted Private Hire Driver Conditions

1. Disclosure and Barring Service Checks, Conviction and Non Conviction Notification

1.1	Throughout the currency of his/her licence the holder of a Restricted 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 six months. All licence holders are required to sign up to the Disclosure and Barring Update Service.
1.2	The driver must contact the Council within 7 days from receiving the Disclosing & Barring Service Certificate, to produce the Certificate.
1.3	The Licence holder shall notify the Council in writing within 48 hours of an arrest and release, charge or conviction of any criminal offence, and any motoring or vehicle use offence (including fixed penalties) recorded against him/her by any Authority.
1.4	Throughout the currency of his/her Driver's Licence, the holder of a Restricted Driver Licence must possess a full Category B DVLA driving licence. 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 Restricted 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:-
2.1.1	All drivers should have medicals on application and then every three years.
2.1.2	If, once granted, the Driver's medical circumstances change during the currency of that Licence, he/she must inform the Council immediately. 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 restricted private hire vehicle.
2.1.3	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, the driver will be required to provide the Council with a medical certificate or medical report within such reasonable timescale as may be specified in writing by an authorised officer.
2.1.4	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 in order to provide proof that they have a history of a specific health problem to qualify for such exemption.
3.1.2	Upon expiry of an Exemption Certificate, the driver must return it to the Licensing Service within 7 days commencing the day after the expiry date.
4. Return of Badge and Licence	
4.1.	On suspension, revocation, refusal to renew, or expiry of the Restricted 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.
5. Restricted Driver Training	
5.1	At the discretion of the Council the holder of a Restricted Driver Licence can, during the currency of the Licence, be required to undertake further Driver Training, or Driving Standards Assessment. Failure to submit to the above, as so required will permit the Council to refuse to grant (or renew) a Driver Licence, or to revoke or suspend a Restricted Driver Licence (as the case may be).
6. Training	
6.1	All licence holders may be required to undertake up to two days training per annum at the discretion of the Council.
6.1.1	The direct costs of the training may 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 Driver's Licence, or to revoke or suspend a Driver's Licence (as the case may be).
7. Production of Driving Licences	
7.1	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. Conduct of Driver	
8.1	The holder of a Restricted Driver Licence shall, when driving a restricted private hire vehicle :

8.1.1	At all times be clean and respectable in his/her dress and appearance and maintain a high standard of personal hygiene.
8.1.2	Not without the express consent of the hirer, may you eat or drink in the restricted private hire vehicle.
8.1.3	Not at any time vape in the vehicle, or at any time smoke in the vehicle or allow passengers to vape or smoke within the vehicle, as required by the Health Act 2006 and the Smoke-Free (Exemptions and Vehicles) Regulations 2007.
8.1.4	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 restricted private hire vehicle.
8.1.5	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 restricted private hire vehicle.
8.1.6	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.
8.1.7	When having agreed to attend a location at an appointed time, unless delayed and prevented by some sufficient cause, punctually attend at such appointed time and place.
8.1.8	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.
9. Animals	
9.1	When driving a restricted private hire vehicle, the holder of a Driver Licence shall not carry any animal belonging to them or in their custody, whilst fare paying passengers are being conveyed in the vehicle. However it is permitted 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 restricted private hire vehicle only in the rear (in the foot well or floor pan of the vehicle).
10. Receipt for Fare	
10.1	The License holder shall, if requested by the hirer, supply the hirer with a written receipt for any fare paid.
11. Accidents	

11.1	The Licence holder shall, notwithstanding his/her responsibilities under the Road Traffic Act, report to the Council within 72 hours, any accident involving a restricted 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.
12. Change of Particulars	
12.1	The holder of a Restricted Driver Licence shall notify the Council in writing or by email to licensing@telford.gov.uk of any change of his circumstances which may occur during the currency of his Licence, including any change of address, phone number or email 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.
13. Hirer's (Lost) Property	
13.1	The Licence holder shall immediately after termination of any hiring, or as soon as practicable thereafter, search the restricted private hire vehicle for any property which may have been left therein.
131.1	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.
14. Passengers	
14.1	The Licence holder shall at all times when a restricted 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.
14.2	The Licence holder shall not permit a restricted private hire vehicle to carry a greater number of passengers than the number prescribed in the Licence.
15. Parking and Plying for Hire	
15.1	As soon as drivers of restricted private hire vehicles have dropped off their passenger(s) at the required destination and while waiting for their next job, drivers are not permitted to park where they may cause a nuisance to others, nor to park outside shops, train stations, bus stations, public houses, nightclubs, restaurants, cafes and similar establishments
152	Drivers of restricted private hire vehicles must NOT take fares which have not been pre-booked through their licensed operator.
15.3	Drivers of restricted private hire vehicles must not make the booking on behalf of a passenger, including by way of their radio or mobile phone.

16. Fares	
16.1	The Driver of a restricted 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.
17. Driver's Responsibilities	
17.1	The holder of a restricted private hire driver licence, can only undertake contract work in connection with, School Contract Work, Adult Social Care Transportation and NHS Transportation Work.
18.2	
18.3	It is the 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 which complies with the provisions of Section 145 of Part VI Road Traffic Act 1988 and 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.
18.4	The Dual Driver shall ensure that if there are any points recorded on their DVLA Licence that these convictions are disclosed to the Council within 48 hours and to the Insurer. A copy of the proposal form relating to such a disclosure must be produced to the Council on request.
18.5	The Dual Driver shall ensure that any other material facts are disclosed to the insurer and the vehicle proprietor.

18. Radio Scanning Devices

18.1	The 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 restricted private hire vehicle.
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19. Signage

19.1	Drivers shall display a replica of their restricted private hire 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.
19.2	A certificate (if applicable) confirming that the driver named on such certificate is exempt on medical grounds from carrying wheelchair bound passengers.
19.3	A certificate, if applicable, confirming that the driver is exempt on medical grounds from carrying approved Guide Hearing and other Assistance Dogs.

Additional Notes

This list of conditions should be read in conjunction with Telford & Wrekin Council's Hackney Carriage and Private Hire Licencing Policy.

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 licensing@telford.gov.uk

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Appendix D – Telford & Wrekin Council’s Restricted Private Hire Vehicle Licence Conditions

Restricted Private Hire Vehicle Conditions	
1.	Identification Plates
1.1	The internal identification plate for Restricted Private Hire 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 in a distinctly visible position that does not interfere with the drivers view of the road. The plate will be displayed at all times in accordance with Council instructions.
1.2	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.
1.3	No vehicle which is licensed by another Licensing Authority or bears a licence plate issued by another Licensing Authority will be licensed by the Council.
2.	Door Signs
2.1	The Proprietor shall ensure for the affixing of any external door signs or Logos approval is sought from the Council and signage shall be affixed to the restricted private hire vehicle as directed by the Council at all times.
2.2	The Vehicle Proprietor shall ensure that door signs are maintained and kept in such condition that the information contained thereon is clearly visible to public view at all times.

4.1.3	A sign on both rear doors of the vehicle as issued by the Council regarding No Smoking.
4.1.4	Restricted Private hire vehicles shall display a Restricted 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.
41.5	A sign informing passengers how to complain.
5.	Advertisements
5.1	No advertising is permissible on any licensed restricted private hire vehicle, save for the business name and/or trading name as stated on the Operator's Licence, telephone or text number, website or app address of the operator which may be displayed only on the vehicle's front driver and/or passenger doors..
5.2	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 restricted private hire vehicles or where the use of Taxi or Cab is part of the business name or trading name as in 10.1.
5.3	The proprietor shall not display any sign or notice on the vehicle which contains national, political, racial, cultural, sexual or potentially offensive language, symbols, flags or emblems.
6.	Passengers
6.1	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.
7.	Inspection of Vehicle and Meter
7.1	A licensed restricted 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.
7.2	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 restricted 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.
7.3	A proprietor shall submit the vehicle for a compliance/MOT inspection when requested and at least:

	<ul style="list-style-type: none"> • On first application for a licence (where vehicle mileage exceeds 500) • For any change of vehicle. • Annually in respect of vehicles up to five years old. • Six monthly in respect of vehicles over five years old. • On any other occasion at the request of an Authorised Officer. • After any repair made necessary by an accident affecting the safety and comfort of passengers or the performance or appearance of the vehicle. <p>Vehicles over 5 years of age must be compliance tested every 6 months. Those vehicles which have an advisory identified by the Tester as being urgent at a six monthly MOT (i.e. between licensing) will be issued with a Breach of Condition Notice to have the advisory remedied normally no longer than 15 working days from the date of the MOT and produce evidence of repair to the licensing authority. Failure to have the repair(s) carried out and / or produce evidence of such would lead to consideration of suspension of the vehicle licence.</p>
8.	Insurance
8.1	During the currency of the restricted private hire 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.
8.2	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).
9	Disclosure and Barring Service Checks, Conviction and Non Conviction Notification
9.1	The Licence holder shall notify the Council in writing within 48 hours of an arrest and release, charge or conviction of any criminal offence, and any motoring or vehicle offence (including fixed penalties) recorded against him/her by any Authority. All licence holders will be subject to an annual Basic Criminal Record Disclosure check.
10	Insurance
14.1	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.
14.2	Where CCTV is installed in the vehicle, it must be with prior written agreement from the Council. comply with the Council's CCTV policy in licensed vehicles and access to it must be made readily available to an authorised officer. 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	Additional Notes Disclosure and Barring Service Checks, Conviction and Non Conviction Notification
15.	This list of conditions should be read in conjunction with Telford & Wrekin Council's Hackney carriage and Private Hire Licencing Policy. The Licence holder shall notify the Council in writing within 48 hours of an arrest and release, charge or conviction of any criminal offence, and any motoring or vehicle offence (including fixed penalties) recorded against him/her by any Authority. All licence holders will be subject to an annual Basic Criminal Record Disclosure check.
15.1	The holder of a restricted private hire vehicle licence, can only undertake contract work in connection with, School Contract Work, Adult Social Care Transportation and NHS Transportation Work.
1015.2	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 licensing@telford.gov.uk 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. All seats provided shall conform to current National Standards.
N.B.	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 suitable for the child's weight and size and will be used in accordance with the manufacturer's instructions.

1.	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.
2.	Where CCTV is installed in the vehicle, it must comply with the Council's CCTV policy in licensed vehicles and access to it must be made readily available to an authorised officer. 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 suitable for the child's weight and size and will be used in accordance with the manufacturer's instructions.
3	Additional Notes 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.
	This list of conditions should be read in conjunction with Telford & Wrekin Council's Hackney carriage and Private Hire Licencing Policy. Equipment
	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).
	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 licensing@telford.gov.uk Where CCTV is installed in the vehicle, it must comply with the Council's CCTV policy in licensed vehicles and access to it must be made readily available to an authorised officer.
	Additional Notes
	This list of conditions should be read in conjunction with Telford & Wrekin Council's Hackney carriage and Private Hire Licencing Policy.
	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 licensing@telford.gov.uk

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Appendix E – Telford & Wrekin Council’s Private Hire Operator Licence Conditions

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 an annual Basic Criminal Record Disclosure check.
1.2	The Licence holder shall notify the Council in writing within 48 hours of an arrest and release, charge or conviction of any criminal offence, and any motoring or vehicle offence (including fixed penalties) recorded against him/her by any Authority.
1.3	The Operator must ensure that all restricted private hire drivers and employees are aware of the meaning of plying for hire and that restricted private hire drivers are not permitted to ply for hire under any circumstances.
1.4	The Operator must not accept any booking made by a driver on behalf of a passenger.
1.5	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 as outlined in the Act, it is an offence in a public place to tout people to hire their vehicles in order to carry them as passengers.
1.6	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.
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 and private hire vehicles and driver licences whichever is applicable.
3.	Records Of Vehicles And Drivers

3.1	Except with reasonable care the Operator shall have in his/her care:-
3.1.1	A copy of the current Driver licence issued by the council of any driver employed as a restricted 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	A copy of the current Restricted 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 by email 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 by email of any change of his/her address. The Operator shall notify the Council by email within 7 days when a driver or vehicle ceases to operate under this licence.
3.5	The Operator shall provide the council with a complete and up to date list of all drivers and vehicles operated by the company by 31st January every year and upon renewal of their licence.
3.6	Any information relating to licensed Operators, vehicles and drivers must be produced to an Authorised Officer on demand.
4.	Telephones, Staff And Facilities
4.1	The Operator shall provide adequate telephone facilities and staff to provide an efficient service to the public using the Operators facilities.
4.2	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.
4.3	The Operator, where a waiting area or room is provided for the use of passengers or prospective passengers;
4.3.1	Shall provide adequate seating for the use of those passengers and prospective passengers and
4.3.2	Shall ensure that such a room or area is kept clean, adequately heated, ventilated and lit; and

4.3.3	Shall ensure that the interior and exterior of the premises is kept in good repair, to the satisfaction of an Authorised Officer of the Council.
5	Hiring And Recording of Hiring
5.1	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.
5.2	When the Operator accepts a hiring he/she shall, unless prevented by some sufficient cause, ensure that the licensed Restricted Private hire vehicles attend at the appointed time and place.
5.3	The use of a Public Service Vehicle (PSV) driven by a 'Passenger Carrying Vehicle' licensed driver to fulfil a fare, without the informed consent of the booker is prohibited. The booker must be informed that the driver is subject to different checks and not required to have an enhanced DBS check.
5.4	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.
5.5	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 hiring's 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. Records of any contract work undertaken must be disclosed to the Council on request, including contractual agreements.
5.6	The records of hiring's 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:
5.6.1	The name of the hirer.
5.6.2	The time of the pick-up.
5.6.3	The point of pick-up.
5.6.4	The hirers required destination.

5.6.5	Information indicating the vehicle dispatched and the driver used.
5.6.6	Remarks, including details of any instructions from the hirer or regarding sub-contract to or from another Operator.
5.7	The Operator shall not dispose of any record of hiring's made under the LG(MP) ACT 1976 within six months of the last hiring contained therein.
5.8	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.
6.	Employment Of Private Hire Drivers & Other Staff
6.1	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:-
6.1.1	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
6.1.2	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
6.2	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;
6.3	The Operator shall keep a register of all staff that will take bookings or dispatch vehicles and shall be required to evidence that they have had sight of a Basic DBS for all staff. A copy to be sent to the Licensing Authority.
6.4	The operator shall have in place a policy on employing ex-offenders in roles that take bookings or dispatch vehicles.
6.5	The Operator shall, ensure that they have examined the Dual Restricted Private Hire Driver licence issued by the Council and that it is valid.
6.6	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.
7.	Radios And Call Signs
7.1	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.
8.	Complaints
8.1	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.
8.2	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.
8.3	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.
8.4	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.
8.5	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.
8.6	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.
8.7	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.
8.8	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.
9.	Accidents
9.1	The Operator shall, notwithstanding his/her responsibilities under the Road Traffic Act, report to the Council within 72 hours, any accident involving a Restricted 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.
10.	Insurance

10.1	Operators shall provide to the council proof of Public Liability Insurance to a minimum value of £5,000,000.
11	Advertisements
11.1	All operator company/business logos must be approved in writing by the Council and must not contain national, political, racial, cultural, sexual or potentially offensive language, symbols, flags or emblems.
11.2	The Operator shall ensure that no executive vehicle owned or operated by them bears any form of advertising whatsoever.
12.	Restricted Private Hire Vehicles
12.1	The Operator will only permit vehicles which are licensed as Restricted Private Hire or executive private hire vehicles to undertake executive contract work and not for general private hire usage.
N.B.	Additional Notes (Not to be considered as Licensing Conditions)
1.	This list of conditions should be read in conjunction with Telford & Wrekin Council's Hackney Carriage and Private Hire Licensing Policy.
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 licensing@telford.gov.uk