



## Borough of Telford and Wrekin

### Licensing Committee

Tuesday 13 May 2025

#### Taxi Licensing – Restricted Operator, Vehicle & Dual Driver Licences

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<b>Cabinet Member:</b>	Cllr Richard Overton - Deputy Leader and Cabinet Member: Highways, Housing & Enforcement
<b>Lead Director:</b>	Anthea Lowe – Director: Policy & Governance
<b>Service Area:</b>	Policy & Governance
<b>Report Author:</b>	Amitabh Singh - Licensing & Night-Time Economy Manager
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<b>Wards Affected:</b>	All Wards
<b>Key Decision:</b>	Not Key Decision
<b>Forward Plan:</b>	Not Applicable
<b>Report considered by:</b>	Licensing Committee – 13 May 2025

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#### 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

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**

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