



Telford & Wrekin  
Co-operative Council

Protect, care and invest  
to create a better borough

# Draft -Hackney Carriage and Private Hire Licensing Policy

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

**Policing and Crime Act 2017**

**March 2026**

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# 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 191,195 living in over 80,000 households, 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 Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England – updated in November 2023. 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 hackney carriage and private hire licensing; in particular, but not restricted to:

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

### 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 hackney carriage and 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 2031, 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
- 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 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 Licensing 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, 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 the determination of an application by the Council the applicant will receive a copy of the decision in writing. This written decision will be delivered as soon as possible after the decision has been made but in any case within 14 days. This will include information on the right of appeal where appropriate.

The delegated officer/s 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, other local authorities, including Shropshire, Wolverhampton & South Staffordshire 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, including information sharing agreements (ISA) and partnership agreements.

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 – Guidelines for Assessing a Persons Fitness and Propriety 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 hackney carriage and/or private hire vehicle, driver and/or operator licence.

The aim of the guidance is not to punish the applicant/licence holder 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. Where reasonable, the Authorised Officer/Committee may depart from the guidelines.

## 2. Fit and Proper

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. There are no statutory criteria for vehicle licences; therefore, the authority has an absolute discretion.

2.1 The Council’s view of a fit and proper 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 fit and proper person. The Council will only share personal data in accordance with legal requirements.

Any applicant /licence holder 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 an applicant /licence holder 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.

Whilst convictions are to be discussed, the hearing is not an opportunity for the matter to be "re-heard" or appealed. A conviction shows that the person has been found guilty of the offence. If the person disagrees with this, the conviction needs to be appealed to the Courts. If the information on a Disclosure and Barring Service (DBS) certificate is incorrect, an appeal to the DBS must be submitted prior to the Council's consideration of the matter.

Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allows the local authority to suspend, revoke or refuse to renew a licence for failure by the licence holder to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause to include where an applicant/licence holder has any convictions, warnings, cautions or

charges awaiting trial for offences or behaviour outlined in the guidance and matters referred to in the list above at 1.6 can be considered.

#### **4. Outstanding Charges or Summonses**

New Applicants:

If the 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.

Licensed Individuals:

If a licensed person becomes the subject of an outstanding charge or summons, they may be required to attend a review hearing, where a decision will be made based on the evidence available at that time.

#### **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/licence holder has been arrested or charged but not convicted, for a serious offence which suggests the applicant could be a danger to the public, consideration should be given to refusing the application or reviewing any licences held. Such offences would include but not limited to violent and sexual 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. If the licensing authority is made aware of a change in your DBS status or if you fail to renew your DBS subscription you will be required to apply and submit a new DBS Certificate.

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. 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 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.

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 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 hackney carriages or 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 (both hackney carriage and private hire) 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**

In determining the course of action to be taken in connection with an application for a hackney carriage, proprietor or driver licence, private hire vehicle, driver or operator licence or the review of an existing driver's licence or operator's licence, or proprietor's licence the following sanctions will be applied as a guide. In all cases where it is possible to calculate two or more different periods of time, the calculation which results in the longer period shall be used or both periods of time may be considered consecutively or concurrently at the discretion of the delegated officers/Councillors.

### **10.1 Minor Traffic Offences**

The Regulatory Committee takes driving offences very seriously, particularly when the applicant displays a pattern of offences.

- (a) Single offences resulting in a maximum of 3 current penalty points relevant for 'Totting Up' purposes A new licence will normally be granted with a warning.
- (b) Repeat offences resulting in a combined total of 6 current penalty points or more relevant for 'Totting Up' purposes as outlined at

10.4 – will normally revoke or refuse to renew. A new licence will not normally be granted for 5 years. If the points relate to offences committed behind the wheel, a road risk assessment will have to be satisfactorily completed prior to a licence being granted at the applicant's or licence holder's own expense. Licensees may abate a licence review for first offences if they attend a road risk assessment, offered at the Council's discretion and at the driver's expense, in advance.

## **10.2 Driving Licence Disqualification or Revocation**

A disqualification from driving is treated most seriously for applicants and licence holders of Dual Driver licences.

Drivers may be disqualified for certain offences, such as those in guideline 10.4. Drivers may be disqualified from driving if the total number of driving licence penalty points reaches 12 or more under the "Totting Up" procedure. If the licence has been held for less than two years, the licence may be revoked upon receiving 6 penalty points or more. Licence holders who receive 12 penalty points or more but are not disqualified from driving (for example, due to exceptional hardship) will still normally have their Hackney Carriage or Private Hire Driver licence revoked.

Applicants will normally have their application refused. Exceptional hardship is not a relevant consideration in determining what action a licensing authority should take. Where a driving licence has been revoked on medical grounds, applicants for a Hackney Carriage or Private Hire Driver licence will be required to undergo medical testing at their own expense. Satisfactory results will normally result in a licence being granted.

- (a) First offence – will normally revoke or refuse to renew. A new licence will not normally be granted for 7 years following the expiration of the disqualification period or if not disqualified 7 years from the date of the conviction, caution or in the absence of these the date of the offence or relevant incident and a road risk assessment, at the applicant's or licence holder's own expense, may have to be satisfactorily completed prior to a licence being granted.
- (b) Repeat offences – will normally revoke or refuse to renew. A new licence will not normally be granted.

## **10.3 Major Traffic Offences**

A major traffic offence is a road traffic offence (other than for totting) that can result in four or more penalty points and/or a period of disqualification and/or imprisonment.

For the purpose of these guidelines the following motor offences are classed as 'Major Traffic offences'. However, this is not an exhaustive list.

- AC10** - Failing to stop after an accident
- AC20** - Failing to give particulars or to report an accident within 24 hours
- AC30** - Undefined accident offences
- BA10** - Driving while disqualified by order of Court
- BA30** - Attempting to drive while disqualified by order of Court
- CD10** - Driving without due care and attention
- DD40** - Dangerous driving
- IN10** - Using a vehicle uninsured against third party risks
- LC20** - Driving otherwise than in accordance with a licence
- LC30** - Driving after making a false declaration about fitness when applying for a licence
- LC40** - Driving a vehicle having failed to notify a disability
- LC50** - Driving after a licence has been revoked or refused on medical grounds
- MS50** - Motor racing on the highway
- MS60** - Offences not covered by other codes
- MS90** - Failure to give information as to identity of driver, etc.
- UT50** - Aggravated taking of a vehicle

- (a) First offence – will normally revoke or refuse to renew. A new licence will not normally be granted for 7 years following the expiration of the disqualification period or if not disqualified 7 years from the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.
- (b) Repeat offences – will normally revoke or refuse to renew. A new licence will not normally be granted for 12 years following the expiration of the last disqualification period or if not disqualified 12 years from the date of the most recent conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.

For the purpose of this guideline repeat offences can also include a situation where an applicant or licence holder has a conviction/caution or there is other information which relates to an incident of driving whilst under the influence under guideline 10.4.

#### **10.4 Driving under the Influence of Drink and Drugs**

Any drink or drug driving offence is treated very seriously by the Local Authority. An offence of this nature is highly relevant to the individual's role as a licence holder. All applicants who have a conviction for this category of offence will be subject to medical testing, at the applicant's own expense, before the application is considered complete. This includes any spent convictions and convictions outside of the timescales below.

Those with convictions for this category of offence will be tested for any current alcohol dependency. Those with drug convictions will be tested for any illegal drugs use. Testing is required for each drug the person was under the influence of. Where a test result was not achieved, for example if the individual failed to provide a specimen, they will be required to test for alcohol dependency, cannabis and cocaine use.

For the purpose of these guidelines the following motor offences are relevant.

However, this is not an exhaustive list.

**DG10** Driving or attempting to drive with drug level above the specified limit

**DR10** Driving or attempting to drive with alcohol level above limit

**DR20** Driving or attempting to drive while unfit through drink

**DR30** Driving or attempting to drive then failing to supply a specimen for analysis

**DR31** Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity

**DR40** In charge of a vehicle while alcohol level above limit

**DR60** Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive

**DR50** In charge of a vehicle while unfit through drink

**DR61** Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive

**DR70** Failing to co-operate with a preliminary test

**DR80** Driving or attempting to drive when unfit through drugs

- (a) First offence – will normally revoke or refuse to renew. A new licence will not normally be granted for 7 years following the expiration of the disqualification period or if not disqualified 7 years from the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.
- (b) Repeat offences – will normally revoke or refuse to renew. A new licence will not normally be granted for 12 years following the expiration of the last disqualification period or if not disqualified 12 years from the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.

For the purpose of this guideline repeat offences can also include a situation where an applicant or licence holder has a conviction/caution or there is other information which relates to a major traffic offence under guideline 10.3.

## **10.5 Anti-Social Behaviour and Public Order Offences**

Licence holders should display a measured and calming manner in the face of provocation and difficult situations.

- (a) First offence – will normally suspend for up to 6 months or refuse to renew. A new licence will not normally be granted for 2 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.
- (b) Repeat offences – will normally revoke or refuse to renew. A new licence will not normally be granted for 5 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.

### **10.6 Alcohol Abuse, Misuse or Dependency and Drug Use,**

All applicants who have a conviction for drunkenness or drugs possession (excluding in relation to guideline 5.1.7) will be subject to medical testing, at the applicant's own expense, before the application is considered complete. This includes any spent convictions and convictions outside of the timescales below.

Those with convictions for drunkenness will be tested for any current alcohol dependency. Those with drug convictions will be tested for any illegal drugs use.

Testing is required for each drug the person was in possession of.

- (a) First offence – will normally revoke or refuse to renew. A new licence will not normally be granted for 5 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident or date of evidenced dependency.
- (b) Repeat offences – will normally revoke or refuse to renew. A new licence will not normally be granted for 7 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident or date of evidenced dependency.

### **10.7 Dealing/Manufacture/Supply/Possession with Intent to Supply Drugs**

Due to the nature of work carried out in the hackney carriage and private hire industry, the dealing, manufacture or supply of drugs is treated very seriously and will normally preclude a licence being issued for a considerable time.

- (a) First offence – will normally revoke or refuse to renew. A new licence will not normally be granted for 10 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.
- (b) Repeat offences – will normally revoke or refuse to renew. A new licence will not normally be granted.

## **10.8 Public - Indecency Offences**

Public indecency relates to an act or display which is obscene or disgusting to an extent which outrages minimum standards of public decency in contemporary society and is in a place accessible to or in view of the public.

Indecency offences of a sexual nature will normally be dealt with under the Sexual Offences Guidelines (10.9).

The holder of a proprietors, operators and/or dual driver's licence are in a position of trust and hackney carriage/private hire drivers often work in isolation with members of society. Therefore, any offence for indecency is treated very seriously.

- (a) First offence – will normally revoke or refuse to renew. A new licence will not normally be granted for 7 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.
- (b) Repeat offences – will normally revoke or refuse to renew. A new licence will not normally be granted for 12 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.

## **10.9 Sexual Offences**

The holder of a proprietor's, operator's and/or dual driver's licence are in a position of trust and hackney carriage/private hire drivers often work in isolation with members of society.

The Local Authority seeks to minimise risks associated with these persons and for that reason a more serious view will be taken where sexual offences and inappropriate sexualised behaviour is believed to have occurred. This includes, but is not limited to, all offences under the Sexual Offences Act 2003, as amended.

Decisions relating to the determination of an application or review of an existing licence may be informed by discussions with the Police and/or Local Authority Designated Officers.

The licensing authority will not normally grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list, even where their inclusion is under appeal.

Any offence(s)/conviction(s)/caution(s) or behaviour of a sexual nature against any person will normally result in revocation or refuse to renew. A new licence will not normally be granted.

## **10.10 Dishonesty**

All applicants and licence holders are expected to be persons of trust. For these reasons a serious view is taken of any offences or behaviour involving dishonesty.

For the purpose of these guidelines the following offences are classed as 'Dishonesty', however, this is not an exhaustive list:

- Theft.
  - Burglary.
  - Fraud.
  - Benefit fraud (including offences under Section 111A and 112 of the Social Security Administration Act 1992).
  - Handling or receiving stolen goods.
  - Forgery (e.g. producing false insurance policy).
  - Conspiracy to defraud.
  - Obtaining money or property by deception.
  - Bribery or attempting to bribe.
  - Perverting the course of justice.
  - Money laundering.
  - Illegal money lending.
  - Other deception.
- (a) First offence – will normally revoke or refuse to renew. A new licence will not normally be granted for 7 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.
- (b) Repeat offences – will normally revoke or refuse to renew. A new licence will not normally be granted for 12 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.

#### **10.11 Obstruction of Police Officer/Authorised Officer/Immigration Officer (to include failure to surrender to bail and breach of probation requirements)**

These offences demonstrate a lack of compliance with legal requirements.

- (a) First offence – will normally revoke or refuse to renew. A new licence will not normally be granted for 7 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.
- (b) Repeat offences – will normally revoke or refuse to renew. A new licence will not normally be granted for 12 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.

#### **10.12 Violence**

For the purpose of these guidelines the following are classed as 'violent offences', however, this is not an exhaustive list and behaviour of violent nature is included in this guideline:

- Affray.
  - Battery.
  - Common assault.
  - Criminal damage.
  - Possession of offensive weapon.
  - S4 Public Order Act 1986 (fear of provocation of violence).
  - S4A Public Order Act 1986 (intentional harassment, alarm or distress).
  - S5 Public Order Act 1986 offence or distress/harassment, alarm.
  - Violence against animals
  - Witness, juror or judge intimidation or interference.
  - Other violent offences.
- (a) First offence – will normally revoke or refuse to renew. A new licence will not normally be granted for 10 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.
- (b) Repeat offences – will normally revoke or refuse to renew. A new licence will not normally be granted for 12 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.

For the purpose of this guideline repeat offences can also include a situation where an applicant or licence holder has a conviction/caution or there is other information which relates to one incident of violence together with one incident of serious violence defined under guidelines 10.12 and 10.13.

### **10.13 Violence (Serious)**

For the purpose of these guidelines the following are classed as 'serious violent offences', however, this is not an exhaustive list:

- Actual bodily harm
- Arson
- Assault Police
- False imprisonment
- Grievous bodily harm with intent
- Kidnapping
- Malicious wounding or grievous bodily harm
- Possession of firearm

- Racially aggravated
- Resisting arrest
- Riot
- Robbery
- Violent disorder
- Wounding
- Other serious violence

- (a) First offence – will normally revoke or refuse to renew. A new licence will not normally be granted for 10 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident
- (b) Repeat offences – will normally revoke or refuse to renew. A new licence will not normally be granted.

For the purpose of this guideline repeat offences can also include a situation where an applicant or licence holder has a conviction/caution or there is other information which relates to one incident of violence together with one incident of serious violence defined under guidelines 10.12 and 10.13. 10.14 Offences or unlawful act resulting in Loss of Life or with the Intent to cause loss of life:

#### **10.14 Cause Loss of Life**

A conviction or caution for the following offences would normally preclude the applicant / licence holder from holding a licence due to the nature of the work involved. For the purpose of these guidelines, the following are offences resulting in loss of life or intent to cause loss of life:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Attempted murder
- Corporate manslaughter
- Causing death by dangerous driving
- Causing death by careless driving when under the influence of drink or drugs or having failed either to provide a specimen for analysis or to permit analysis of a blood sample.

This is not an exhaustive list.

Any offence(s)/conviction(s) / cautions of a similar nature resulting in loss of life or intent to cause loss of life will normally result in revocation or refusal to renew. A new licence will not normally be granted.

### **10.15 Terrorism**

Terrorism means the use or threat of action where designed to influence the Government or an international governmental organisation or to intimidate the public or a section of the public, for the purpose of advancing a political, religious or ideological cause.

'Action' includes serious violence against a person, serious damage to property, endangering a person's life, other than that of the person committing the action, creating a serious risk to the health or safety of the public or a section of the public, or an act designed to seriously interfere with or seriously to disrupt an electronic system, or the use of firearms or explosives.

This also includes any offence, act or omission linked to a terrorism offence. Any offence(s)/conviction(s) / cautions relating to terrorism will normally result in revocation or refusal to renew. A new licence will not normally be granted.

### **10.16 Hate Crime**

A hate crime is any criminal offence that is motivated by hostility or prejudice based upon the victim's disability, race, sexual orientation, transgender, religion or belief.

- (a) First offence – will normally revoke or refuse to renew. A new licence will not normally be granted for 7 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.
- (b) Repeat offences – will normally revoke or refuse to renew. A new licence will not normally be granted.

### **10.17 Plying/Standing for Hire**

Convictions for plying/standing for hire and related no insurance offences show that a driver is unable to work within the legal restrictions of a private hire/hackney carriage driver's licence. Offences of this nature generally result in passengers being uninsured during the journey.

- (a) First offence – will normally revoke or refuse to renew. A new licence will not normally be granted for 7 years following the date of conviction, caution or in the absence of these the date of offence or relevant incident.
- (b) Repeat offences – will normally revoke or refuse to renew the private hire or hackney carriage driver's licence. A new licence will not normally be granted for 12 years following the date of conviction,

caution or in the absence of these the date of offence or relevant incident.

### **10.18 Non-Disclosure/Late Disclosure of Relevant Information**

Declarations of information as required by the licensee's conditions are vitally important in order for the Local Authority to review the suitability of licence holders.

Failure to declare any of the above can result in unsuitable drivers holding a licence.

(a) First offence – will normally suspend for up to 2 months or refuse to renew. A new licence will not normally be granted for 2 months from the date of revocation or refusal to renew. This may be abated by completion of a targeted enhanced training course relevant to the breach and will be subject to the licence holder's own expense.

(b) Second offence – will normally suspend for up to 6 months or refuse to renew. A new licence will not normally be granted for 6 months from the date of revocation or refusal to renew.

(c) Three or more offences – will normally revoke or refuse to renew. A new licence will not normally be granted for 3 years from the date of revocation or refusal to renew.

### **10.19 Breach of Licence Conditions / Byelaws**

Licences are issued with conditions and byelaws, applying to them; this is to ensure that the trade operates in a fair and consistent manner. Breaches of conditions/byelaws can result in poor service to customers. Serious breaches of conditions/byelaws will result in a review. A review will also normally be called where a driver/proprietor/operator has persistently breached conditions, in accordance with our enforcement policy.

Where this relates to a driver failing to evidence continuous subscription to the DBS Update Service, the suspension may be up until the expiry date of the licence, or until a new DBS certificate is provided.

(a) First offence – will normally suspend for up to 2 months or refuse to renew. A new licence will not normally be granted for 2 months from the date of revocation or refusal to renew. This may be abated by completion of a targeted enhanced training course relevant to the breach and will be subject to the licence holder's own expense.

(b) Second offence – will normally suspend for up to 6 months or refuse to renew. A new licence will not normally be granted for 6 months from the date of revocation or refusal to renew.

(c) Three or more offences – will normally revoke or refuse to renew. A new licence will not normally be granted for 3 years from the date of revocation or refusal to renew.

## **10.20 Any other relevant regulatory offences**

This includes regulatory offences under any the Local Government (Miscellaneous

Provisions) Act 1976, Town Police Clauses Act 1847 (including 'touting', using/operating private hire vehicles without a licence) as well as any other regime, such as food hygiene legislation.

- (a) First offence – will normally revoke or refuse to renew. A new licence will not normally be granted for 7 years following the date of conviction, caution or in the absence of these the date of offence or relevant incident.
- (b) Repeat offences – will normally revoke or refuse to renew. A new licence will not normally be granted for 10 years following the date of conviction, caution or in the absence of these the date of offence or relevant incident.

## **10.21 Physical Fitness and Medical Conditions**

Applicants for a hackney carriage and/or private hire driver licence must satisfy the

medical fitness standards issued by the Driver and Vehicle Licensing Agency (DVLA), at their own expense. The agreed standard is the Group 2 Standard for vocational drivers.

- (a) In the case of a new application or an application to renew a licence, if the applicant fails to meet the required medical standard the licence will normally be refused. A new licence will not normally be granted for one year after the date of the medical examination or any period advised by an approved medical practitioner.
- (b) In the case of existing licence holders, if a person has a medical condition which falls below the standard outlined in the Group 2 Standard of the published medical standards or they fail to attend medical testing at the request of the Council, the licence may be suspended, revoked, or the renewal of a licence refused, dependent on the nature of the condition along with any recuperation or rehabilitation periods.

## **10.22 Investigation of Serious Offences (involving violence, sexual offences, child sexual exploitation, safeguarding etc.) and unlisted/miscellaneous offences.**

Where information is received in relation to an existing licence holder or a new applicant from the Police or other enforcement bodies that an individual(s) are under investigation or have been under investigation for a matter that relates to any of the offences outlined in sections 10, the Local Authority may consider the information provided and take action in relation to the information provided. This may mean a licence is suspended, revoked, a renewal of a

licence or a new licence is refused. The power to suspend or revoke immediately may also be used in these circumstances if it is in the interests of public safety. Where an offence which is not listed in this document appears in relation to a new licence applicant, a new licence will not normally be granted.

### **10.23 Breach of Requirements as to Control of the Vehicle, such as using a Mobile Phone etc**

This type of offence is treated very seriously as it increases the likelihood of an accident.

- (a) First offence – will normally revoke or refuse to renew. A new licence will not normally be granted for 7 years following the expiration of the disqualification period or if not disqualified 7 years from the date of conviction, caution or in the absence of these the date of offence or relevant incident.
- (b) Repeat offences – will normally revoke or refuse to renew. A new licence will not normally be granted for 12 years following the expiration of the last disqualification period or if not disqualified 12 years from the date of conviction, caution or in the absence of these the date of offence or relevant incident.

### **10.24 Health Act**

A hackney carriage or private hire licence is a badge of approval, it states the Local Authority feels the holder is fit and proper and suitable in every way. The standard of behaviour and level of trust expected should be demonstrated in the conduct of those licensed at all times.

Drivers must not smoke (including vaping/e-cigarettes) in a licensed vehicle. Any offence under this act can risk the health of both the driver and passengers.

- (a) First offence – will normally suspend for up to 6 months. A new licence will not normally be granted for 6 months following the date of conviction, caution or in the absence of these the date of offence or relevant incident.
- (b) Repeat offences – will normally revoke or refuse to renew. A new licence will not normally be granted for 3 years following the date of conviction, caution or in the absence of these the date of offence or relevant incident.

### **10.25 Conduct of Applicants / Licence Holders**

A hackney carriage or private hire licence is a badge of approval, it states the Local Authority feels the holder is fit and proper and suitable in every way. The standard of behaviour and level of trust expected should be demonstrated in the conduct of those licensed at all times. This includes when drivers are operating beyond the boundary of the licensing authority, where drivers are expected to co-operate with reasonable requests from compliance staff

authorised in other areas. If the applicant or driver/proprietor/operator licence holder's behaviour falls below

that expected from a licence holder the following will apply;

- (a) First instance – will normally suspend for up to 12 months or refuse to renew. A new licence will not normally be granted for 12 months following a relevant incident or the outcome of any review hearing in relation to the incident, whichever is the later.
- (b) Repeat instance – will normally revoke or refuse to renew. A new licence will not normally be granted for 3 years following a relevant incident or the outcome of any review hearing in relation to the incident, whichever is the later.

It should be noted that conduct is a wide-open area and as such there may be occasions where one incident falls so far below the standards expected that a refusal, revocation, suspension or refusal to renew is felt the appropriate course of action, even in the first instance. This may include factors such as improper conduct in other areas, the severity of the conduct, the involvement of passengers or other aggravating factors.

### **10.26 Driving Standards**

Applicants/drivers of hackney carriage and/or private hire driver's licences must satisfy the Local Authority they are able to drive at a standard that meets the National Standard of driving. This includes, but is not limited to, where unauthorised drivers enter a hackney carriage stand (taxi rank) or drivers' using vehicles with unlawful tyres (whether that be with tread below the legal limit or otherwise).

If the applicant/driver's standard of driving falls below that expected of a licence holder the following will apply:

- (a) First instance – will normally suspend until outcome of occupational competence/road risk assessment, revoke or refuse to renew. A new licence will not normally be granted for 6 months following the outcome of any review hearing in relation to any incident relating to driving standards. Licensees may abate a licence review for first offences if they attend a road risk assessment, offered at the Council's discretion and at the driver's expense, in advance.
- (b) Repeat instances – will normally revoke or refuse to renew. A new licence will not normally be granted for 3 years following the outcome of any review hearing in relation to any incidents relating to driving standards.

### **10.27 Immigration Offences**

Applicants/licence holders must satisfy the Local Authority that they have a right to work in the UK. Failure of a licence applicant to provide satisfactory documentary evidence of a legal right work in the UK, whilst performing the licensable activity, will result in refusal of any application.

Failure of a licence holder to provide satisfactory documentary evidence of a legal right to work in the UK, whilst performing the licensable activity, will result in revocation.

For the purpose of these guidelines the following are classed as 'Immigration Offences, however, this is not an exhaustive list:

- Absconding
- Breach of Deportation Order
- Deception (Immigration Act 1971 s24A)
- Entering the United Kingdom without a passport
- Facilitation offences, including 'Assisting unlawful immigration to the UK' (s25) and 'Helping asylum seekers to enter the UK' (s25A) of the Immigration Act 1971
- Facilitating the commission of a breach of UK immigration law
- Failing to co-operate with the re-documentation process
- Illegal / Unauthorised working / employment
- Knowingly arriving in the United Kingdom without valid entry clearance
- Knowingly entering the United Kingdom without leave
- Obstructing an immigration officer
- Possession of false identity documents
- Wrongful disclosure

Any immigration offence(s)/conviction(s)/caution(s) will normally result in revocation or refuse to renew. A new licence will not normally be granted.

### **10.28 Duties to Disabled People - Equality Act 2010**

Licence holders have significant duties to disabled people under the Equality Act, as amended by the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022.

The Council medical exemption certificates issued in accordance with Section 171 of the Equality Act must be displayed in accordance with the Council's instructions.

Private Hire Vehicle Drivers have a responsibility to ensure that their operator is aware of such a medical condition when they are first employed. Medical testing is at the applicant/licence holder's own expense. Breach of this condition is deemed serious and therefore shall normally result in revocation.

- (a) First instance - A new licence will not normally be granted for 7 years following the date of conviction, caution or in the absence of these the date of offence or relevant incident or the outcome of any review

hearing in relation to the incident, whichever is the later. The power to suspend or revoke immediately may also be used in these circumstances if it is in the interests of public safety.

- (b) Repeat offences - will normally revoke or refuse to renew. A new licence will not normally be granted.

### **10.29 Environmental Crime Act**

A hackney carriage or private hire licence is a badge of approval, it states the Local Authority feels the holder is fit and proper and suitable in every way. The standard of behaviour and level of trust expected should be demonstrated in the conduct of those licensed at all times.

- (a) First offence – will normally suspend for up to 6 months. A new licence will not normally be granted for 6 months following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident
- (b) Repeat offences – will normally revoke or refuse to renew. A new licence will not normally be granted for 3 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.

### **10.30 Exploitation**

This includes behaviour 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.

For the purpose of these guidelines, the following are offences/situations of exploitation, however, this is not an exhaustive list:

- Abuse
- Child criminal exploitation
- Child sexual abuse/exploitation
- Criminal harassment
- Coercive control
- Conspiracy to intimidate a witness
- Cuckooing
- Exploitation
- Facilitating travel with a view to exploitation
- Forcing someone to work
- Forced marriage
- Grooming

- Possession, making or distribution of child sexual exploitation material
- Psychological, emotional or financial abuse
- Sexual exploitation (including trafficking)
- Slavery
- Stalking
- Trafficking

Any offence(s)/conviction(s)/caution(s) or behaviour of an exploitative nature against any person will normally result in revocation or refusal to renew. A new licence will not normally be granted.

## **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 Fit and Proper person to hold such a licence, or who has had their licence suspended or revoked has a right to appeal to the relevant Court within 21 days of the notice of decision.

# 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 hackney carriage must hold the appropriate driver's licence. Hackney carriage driver licences are issued in accordance with section 46 of the Town Police Clauses Act 1847. A hackney carriage is a taxi with a meter which is licensed for up to 8 passengers. It can be hired from a taxi rank and hailed in the street within the district where it is licensed or booked in advance.

Any person who drives a private hire vehicle must hold the appropriate vehicle driver's licence. Private hire vehicle driver licences are issued in accordance with section 51 of the Local Government (Miscellaneous Provisions) Act 1976. A private hire vehicle is licensed for up to 8 passengers. It is not licensed to collect passengers from ranks or to be hailed in the street, but is licensed only to be hired by prior arrangement through a licensed private hire operator.

This Council's process for an application to drive a hackney carriage or an application to drive a private hire vehicle is the same. It, therefore, issues a Dual Driver Licence which permits a person to driver either a hackney carriage or private hire vehicle.

### **2.2 Fit and Proper**

Licensed drivers provide a public service. The Council will not licence anyone to drive a hackney carriage or private hire vehicle unless it is satisfied that they are a "fit and proper" person. 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 Principal 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 Principal 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 hackney carriage/ PHV 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/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 12 months 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. At age 65, licensed drivers are required to undergo and submit an annual medical examination. 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 Driver Awareness Training and Knowledge Test

Applicants for a licence to drive a Hackney carriage or Private hire vehicle will be required to attend the [Council's Driver Awareness Training and Knowledge Test](#). The training will include disability awareness training (responsibilities under the provisions of the Equality Act 2010.) and Child Sexual Exploitation awareness training and pass the Knowledge Test. This will test the applicant's listening and language skills by the instructions given and reading written English by being able to read the knowledge test paper. 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 Awareness Training and/or Knowledge Test. Details of what is required in the Knowledge Test is included [on the Council's website](#).

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

If an applicant fails the Knowledge Test 3 times the application will be refused and not eligible to reapply for a period of 12 months

#### 2.2.9 Driving Standards Assessment

Applicants for a licence to drive a Hackney carriage or Private hire vehicle will be required to pass the [Council's approved Driving Standards Assessment](#).

At the time of your driving assessment, you will need to bring with you a vehicle in good working order. This can be any vehicle, hired or your own.

If an applicant fails the Driving Assessment 3 times, the application will be refused.

### 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 Driver Awareness Training and Knowledge Test.
- Pass the Council's Driving Standards Assessment
- 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 Driver Awareness Training. (No knowledge test will be required for drivers whose Telford & Wrekin Council driver licence expired less than 2 years prior to a new application being submitted to Telford & Wrekin Council.)
- Applicants must pass the Council's Driving Standards Assessment (DSA) unless they have already passed Telford & Wrekin's DSA within the last two years. An

authorised officer may also accept an equivalent test if it is judged to meet a comparable standard

- 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 **Returning drivers who have either surrendered their previous licence or who had their previous licence revoked.**

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 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 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 (Dual) will normally be issued for a period of 3 years or for a lesser period as the Council thinks appropriate in the circumstances of the case. Licences will not be issued for a period any longer than the length of a person's permission to live and work in the UK.

## 2.9 **Driver Licence Conditions**

When a driver is issued with a licence the driver will be 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 Dual 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.

3.1.1 Hackney carriages are licensed in accordance with the provisions contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, in the interests of public safety.

A hackney carriage is fitted with a meter and is licensed for up to 8 passengers. Commonly known as a Taxi, a hackney carriage can be hired from a taxi rank and hailed in the street within the district where it is licensed or it can be pre booked.

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 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 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. 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. For vehicles that are being leased we will require a vehicle lease agreement permitting private or public hire as appropriate.

#### **3.4 Criminal Record Check**

An individual person, partner, or company director wishing to licence a hackney carriage or 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 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 will be tested and inspected at either the council offices or the Council's approved testing station by a Driver and Vehicle Standards Agency (DVSA) authorised MOT examiner.

All new and renewal applications must submit a current MOT test certificate issued no earlier than 10 days before the date of application.

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

If a vehicle has been off the road for more than a month it must undergo and pass the Council's Compliance Test before it can return to work in the borough of Telford & Wrekin.

### 3.7 **Closed Circuit Television (CCTV)**

Vehicles may be fitted with closed circuit television (CCTV) systems in accordance with the Council's CCTV policy (see Part 6 of this document).

### 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
- 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 Council's Hackney carriage and 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.

### 3.14 Hackney Carriages

### Use of Vehicle

A person applying for a licence for a hackney carriage should do so with the intention of using the vehicle in the borough of Telford & Wrekin. Where the intention is to use a licensed vehicle in another Council's area for advanced bookings, then the applicant should apply to that Council for an appropriate licence.

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

### Numbers of Licences

The Council does not limit the number of hackney carriages it licences.

### Type of Vehicle

All hackney carriages will only be of the type approved for hackney carriage use by the Council, namely a purpose built/multi-purpose vehicle built to carry up to eight passengers with factory fitted seatbelts and with an interior built for public hire use. A purpose-built Hackney Carriage is a vehicle that has been manufactured and sold by the relevant Manufacturer as a Hackney Carriage. A vehicle that has been manufactured and registered, but subsequently converted is not considered to be purpose built. Whilst vehicles converted by an approved company post manufacturing process may be permitted onto the fleet, it does not meet the definition of purpose built.

Vehicles will be approved by way of a list that will specify as many different makes and models of vehicles as possible. The list is not exhaustive and each vehicle will be judged on its merits. Hackney carriage proprietors are advised to contact the Licensing Service, prior to purchasing a make and model of vehicle not on the approved list.

All hackney carriages must have the provision for a minimum of one wheelchair.

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

The Council will only licence suitable vehicles up to twelve years of age:

- **New Application for purpose-built vehicles** - After twelve years of age, where an annual application is made to extend the licence and the Council considers that the vehicle is of “exceptional condition” the vehicle can continue to be licensed up to a maximum age of fifteen years. Where vehicles are of “exceptional condition” and continue to be licensed over twelve years, the vehicle will be subject to six monthly compliance tests.
- **Renewal Application for purpose-built vehicles, already licensed at 1<sup>st</sup> October 2022**, - After twelve years of age, where an annual application is made to extend the licence and the Council considers that the vehicle is of “exceptional condition”, the vehicle can continue to be licensed with no maximum age limit. Where vehicles are of “exceptional condition” and continue to be licensed over twelve years, the vehicle will be subject to six monthly compliance tests.
- **New and Renewal Applications for multi-purpose vehicles** - The Council will only licence suitable vehicles up to twelve years of age. These vehicles will be subject to six monthly compliance tests from five years of age in line with best practice guidance.

#### Criteria for “Exceptional Condition

1. Exceptional condition, relates to the standard of the vehicle only and does not include circumstances pertinent to the proprietor.
2. Any request for an exemption due to a licensed vehicle being in “exceptional condition” would normally be granted for a maximum 12-month period, after which time the decision must be reconsidered against the agreed standards.
3. That the consideration for an exemption to the age limit would normally only be considered for vehicles currently licensed with the Council.
4. That any vehicle licensed outside of the standard age limit policy should be subject to 6 monthly vehicle compliance tests at the owner’s expense.
5. Any vehicle inspection resulting in a fail due to any major item or more than 3 minor items, as defined in Telford & Wrekin Council’s Manual of Inspection Standards for Licensed Vehicle Testing and Compliance Standards, will

usually result in the vehicle no longer being classed as in exceptional condition upon expiry of the licence. However, if after testing, the vehicle fails on one major fault, the driver will be allowed to rectify this. If after a further compliance check the vehicle again fails, then the said vehicle will not be relicensed.

6. As an indicator, it is not normally expected that vehicles that have accrued higher than average mileage for the particular type of vehicle will be able to meet the required standard for “exceptional condition”. A good average mileage for a purpose built vehicle working 6 days a week is 35000 miles per annum.

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

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

8. Passenger areas should be free from damp or any other odours that may cause passenger discomfort.
- 9 The ramp and any other accessible features should be shown to be in full working order and showing no signs of rust or excessive wear to components.

### Roof Signs

All hackney carriages must be fitted with a roof sign. The roof sign shall display the wording "TAXI" or "For Hire" on the front of the sign. The rear of the sign can be used to display the company name or telephone or text number, website or app address of the business, or the wording "TAXI" or "For Hire". Roof signs shall not be blank.

### Advertising

Proprietors may advertise on hackney carriages in accordance with the conditions of licence (see **Appendix C**) and subject to written approval from the Licensing Authority.

### Taximeters

The vehicle shall to be fitted with an automatic taximeter approved by the Council and it shall be located within the vehicle in accordance with the reasonable instructions of an Authorised Officer of the Council. (See Part 7 of this document.)

## 3.15 **Private Hire Vehicles**

### Use of Vehicle

When considering whether a vehicle is a private hire vehicle by the nature of the work it does, Telford & Wrekin Council shall have regard to the document private hire vehicle Licensing - [A note for guidance from the Department for Transport](#).

### Numbers of Licences

The Council cannot restrict the numbers of licences issued.

### Type of Vehicle

All private hire vehicles will only be of the type approved for 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 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.

### Meters

If a proprietor wishes to fit a meter to a Private hire vehicle it shall be an automated meter. The proprietor shall follow the procedures approved by the Council relating to the type of meter and the calibration and testing of such a meter.

### Executive Cars

The [approved list of executive vehicles](#) and trim levels listed below are a guide as to what vehicles will be licensed as executive vehicles. Operators are advised to contact the Licensing Service, prior to purchasing a make and model of vehicle not on the approved list.

1. The bodywork should be in near perfect condition with no signs of panel age deterioration, dents, scratches, stone chips or rust or any other abrasions that may detract from the overall appearance of the vehicle.
2. The general paint condition should not show signs of fading, discolouration or mismatching that may detract from the overall appearance of the vehicle.
3. The interior trim, panels, seating and carpets etc should be in excellent condition clean, free of damage and discoloration and as manufactured, i.e. no seat covers.
4. The boot or luggage compartment to be in good condition, clean and undamaged.
5. The vehicle needs to be large enough to carry at least three adult passengers and their luggage.
6. The vehicle will have air conditioning or climate control and alloy wheels.
7. The vehicle may have tinted windows but not so strong that you cannot see into the vehicle, i.e. privacy windows.

## Novelty Vehicles, Stretched Limousines

The Council will consider vehicles for hire and reward such as stretched limousines and novelty vehicles. Such types of vehicle would only be licensed as a private hire vehicle and in accordance with the Council's conditions of licence for private hire vehicles (see **Appendix D**). Vehicles should have no more than 8 passenger seats as indicated on the V5 form. If the number of seats differs to what is indicated on the V5, then the vehicle proprietor should contact DVSA.

All vehicle proprietors must obtain written consent from the Council prior to licensing.

Any limousine built under a Ford QVM (stretched up to 120 inches) or Cadillac CMC (stretched up to 130 inches) scheme is automatically approved as a suitable vehicle. (Any limousine not built under a manufacturer's approved scheme will be referred to DVSA for inspection and confirmation of the safety and standard of the build quality who will then issue a certificate of suitability). The vehicle must have (European Community Whole Vehicle Type Approval, or Single Vehicle Approval, or Individual Vehicle Approval. There is no age limit for a limousine. The safety of the vehicle will be the paramount consideration.

### **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. Hackney carriage Ranks**

[Hackney carriage Ranks/Stand](#)s are provided in accordance with the Local Government (Miscellaneous Provisions) Act 1976. The Council will work with the Taxi trade, Highways and West Mercia Police to determine where ranks/stands should be situated. Hackney carriage drivers should use the ranks available to them.

## **5. Light Trailers**

The Council will permit the use of trailers subject to the trailer complying with the Council's Compliance Standards for Light Trailers. (See **Part 7** of this document.)

All Trailers will be subjected to a compliance standards check and if found to be satisfactory, issued with a one year certificate.

The owner/operator of the Trailer shall ensure that the material facts are disclosed to the Insurer and that adequate insurance cover is arranged for the carriage of luggage and/or goods and proof of such cover is to be provided to the Council.

## **6. Private Hire Operators**

### **6.1 Summary**

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 private hire vehicle must hold a private hire operator licence.

### **6.2 Company Name and Logo**

When applying for a 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.

### **6.3 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.

### **6.4 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.

## 6.5 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.

## 6.6 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.

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.

## 6.7 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

## 6.8 **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.

## 6.9 **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.

#### 6.10 **Conditions of Licence**

When a 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 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**.

#### 6.11 **Transfer of a Licence**

A private hire operator licence cannot be transferred.

#### 6.12 **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.

#### 6.13 **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.

### **7. Compliance and Enforcement**

#### 7.1 **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 hackney carriage and private hire trades to achieve compliance with the legislation and the Council's conditions of licence and will do so in accordance with the Council's Public Protection Enforcement Policy.

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.

#### 7.2 **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.

## **8. 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](https://www.telford.gov.uk/info/20357/taxi_and_private_hire_licences)

# 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 private hire vehicles licensed in their area 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 wheel chair 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 Principal Licensing Officer, Licensing Service, Public Protection, Addenbrooke House, Ironmasters Way, Telford, TF3 4NT or by email to [licensing@telford.gov.uk](mailto: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. System Ownership

Private Hire and Hackney carriage vehicle owners will purchase the CCTV systems. Telford & Wrekin Council will be the data controller.

#### 4. 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 10<sup>th</sup> 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.
- System cameras must be activated when the vehicle ignition is switched on and the cameras must record at all times when the vehicle is used for hire and reward.
- Unconnected and Connected systems must permit footage to be retained for a minimum of 28 days. Loop recordings must not be permitted to be overwritten for 28 days (if the vehicle is being used for hire and reward on double shifts, a second hard drive must be installed in the boot of the vehicle).
- The Supplier of Connected systems must have security accreditation and their server must be located in a country where there is access from the UK.
- Continuous recording of images only
- An emergency audio button can be pressed by the driver where the driver and passenger are involved in a dispute or the driver feels threatened by the behaviour of a passenger. A further emergency audio button located in the rear of the vehicle can be pressed by a passenger who feels threatened by the behaviour of the driver. Both buttons, to activate 3 minutes of audio recording
- Camera(s) will have a fixed lens. Only one camera will be allowed in private hire vehicles and up to two cameras for purpose built hackney carriages.
- A Privacy Box situated in the boot of the vehicle which can be activated when the vehicle is being used for social and domestic use.

The privacy button will allow the temporary deactivation of the camera(s). Once the ignition is switched off, the privacy box ceases to operate and the next time the ignition is switched on, the camera(s) will activate as normal.

- Have a minimum of a 15 minute power delay when the ignition is turned off so that the camera continues to record for a minimum of 15 minutes afterwards.
- Have a LED panel above the rear view mirror or on the dash so that the driver and passenger can see if the camera is working.
- If the system is Unconnected, the hard drive must be stored in the boot of the vehicle. It must not be able to be removed out of its box whilst locked and only the data controller will be able to unlock the box.

## **5. 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

## **6. 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.

## **7. 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

## **8. 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.

## **9. 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.

## **10. 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.

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

- 1. Introduction**
- 2. Telford & Wrekin Council Compliance Standards for Hackney Carriages**
- 3. Telford & Wrekin Council Compliance Standards for Private Hire Vehicles**
- 4. Telford & Wrekin Council Compliance Standards for Light Trailers**
- 5. Telford & Wrekin Council Compliance Standards for Wheel Chair Facilities for Licensed Hackney Carriages and Private Hire Vehicles**
- 6. Summary of Items to be tested**

## **1. Introduction**

These Inspection Standards provide a guide for those who prepare vehicles for/or carry out the statutory tests on hackney carriage and private hire vehicles. It also provides vehicle owners with the compulsory requirements that enable a vehicle to be licenced.

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

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

Hackney carriages and private hire vehicles are subject to much higher annual mileages and more arduous driving than normal private vehicles. Therefore in the interests of passenger and other road user's safety, a more stringent maintenance and testing regime is required. The purpose of the Council's Compliance Test is to confirm vehicles meet these more stringent standards. The test and inspection includes a number of items in addition to the normal MOT test. These elements have been deemed reasonable and necessary in order to protect the public using licensed vehicles. It is not intended that the test be used in lieu of a regular preventative maintenance programme. By the very nature of their work, hackney carriages and 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 hackney carriage or 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 Hackney Carriages**

### **2.1 Condition of Vehicle**

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

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

The hackney carriage shall be maintained in a sound mechanical, electrical and structural condition at all times and be capable of satisfying the Council's mechanical and structural inspection at any time during the continuance of the vehicle's license.

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

### **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; 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; and glass shall have a minimum light transmittance of 75% for the front windscreen, 70% for the front side windows and 30% for all other vehicle window glass

### **2.3 Tyres**

The proprietor must ensure that the vehicle is equipped to allow the vehicle to be driven safely and legally following a tyre puncture. All tyres including the spare/kit must comply with the vehicle manufacturer's specification and the requirements of the Road Vehicles (Construction and Use) Regulations 1986, as amended. This includes tyre condition and minimum tread depth. Tyres must not have been manufactured more than ten years ago.

### **2.6 Other Equipment**

All Hackney carriages must carry a warning triangle and a set of spare bulbs.

### **2.7 Roof Signs**

All roof signs on hackney carriages shall be connected to the vehicle electrical wiring system and will be illuminated when the vehicle is in service and is available for hire.

## 2.8 Identification Plates

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

Hackney carriages should display a replica hackney carriage licence plate issued by the Council, affixed to the inside of the vehicle, in the prescribed manner and a tactile plate fixed to the inside of the nearside rear passenger door, so as to be plainly visible to fare paying passengers.

## 2.9 Signage

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

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

- A sign stating 'Seat Belt Regulations – Seat Belts must be worn'.
- A sign on both rear doors of the vehicle regarding No Smoking.
- A sign (the nationally recognised symbol) confirming that the taxi is wheelchair accessible and caters for the needs of the disabled.
- A sign advising passengers how they can complain.
- CCTV signage (on vehicles where a CCTV system is installed)

## 2.10 Taximeters

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

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

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

## **3. Telford & Wrekin Council Compliance Standards for Private Hire Vehicles**

### **3.1 Condition of Vehicle**

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

of the vehicle licence.

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

### **3.2 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; 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) 30% for all other vehicle window glass.

### **3.7 Identification Plates**

Once licensed, the external identification plate issued by the Council should be fixed to the outside rear of the private hire vehicle by means of Council approved fixing kit which attaches behind the vehicle registration plate. Magnetic plates will only be fitted to vehicles where the Council approved fixing kit cannot be used.

External Council Door Stickers must be fixed to the rear passenger doors and must be maintained and kept in such a condition that the information contained is clearly visible to public view at all times.

When a private hire vehicle licence is suspended, for whatever reason, the licence plate shall be removed by an authorised officer of the Council.

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

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

### **3.8 Tyres**

The proprietor must ensure that the vehicle is equipped to allow the vehicle to be driven safely and legally following a tyre puncture. All tyres including the spare/kit must comply with the vehicle manufacturer's specification and the requirements of the Road Vehicles (Construction and Use) Regulations 1986, as amended. This includes tyre condition and minimum tread depth. Tyres must not have been manufactured more than ten years ago.

### 3.9 Signage

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

- A sign stating 'Seat Belt Regulations – Seat Belts must be worn'.
- A sign on both rear doors of the vehicle regarding No Smoking.
- A sign (the nationally recognised symbol) confirming that the taxi is wheelchair accessible and caters for the needs of the disabled (accessible vehicles only).
- A sign advising passengers how to complain.
- CCTV signage (on vehicles where a CCTV system is installed)

### 3.10 Meters

Where meters are fitted to a private hire vehicle, the meter shall be automated and shall be maintained in a sound electrical and mechanical condition at all times.

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

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

### 3.11 Carriage of Under 3s

It is the Council's policy that under 3s count towards the licensed capacity of the vehicle, even if the child is not using a seat belt nor car seat. Drivers must refuse carriage if the number of passengers will exceed the limit on the vehicle licence. Operators must refuse a booking if they are aware that the number of passengers will exceed the licensed capacity and advise the hirer to book multiple vehicles.

For more guidance, please visit:

<https://www.childcarseats.org.uk/media/1018/carrying-children-safely-in-taxis-coaches-buses-and-minibuses.pdf>

## 4. Telford & Wrekin Council Compliance Standards for Light Trailers

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

All trailers must be of a design such that when close coupled to the prime mover

(the vehicle towing it) it does not interfere in any way whatsoever with the operation of any rear door, emergency exits or wheelchair access ramps etc.

If the unladen weight of any Trailer submitted for testing exceeds 1,200kgs, a prescribed Ministry Plate must be fitted to the nearside of the Trailer except where said Trailer is fitted with parking brakes and brakes that act automatically on the overrun of the trailer. In any case all trailers shall meet the braking requirements in accordance with the type and size of said trailer.

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

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

## **5. Telford & Wrekin Council Compliance Standards for Wheel Chair Facilities for Licensed Hackney carriages and Private hire vehicles**

- Approved ramps/tail lifts must be securely installed
- A Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) certificate must be provided if the vehicle has a relevant tail-lift.
- 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.

# 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 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 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 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 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](#).

Draft

# **Appendix C – Telford & Wrekin Council’s Dual Driver Licence Conditions**

Draft

## Dual 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 Dual Driver licence shall be a fit and proper person to hold such a licence. New applicants will be subject to a satisfactory Disclosure & Barring Service check and all licence holders will be subject to a Disclosure & Barring Service check every 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 Dual 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 Dual Driver Licence must be and must remain medically fit. To enable the Council to be satisfied as to medical fitness the following requirements will apply:-
2.1.1	All drivers must undergo a medical examination when applying, and then every three years thereafter, or annually once they reach the age of 65
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 hackney carriage/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
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	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.
<b>4. Return of Badge and Licence</b>	
4.1.	On suspension, revocation, refusal to renew, or expiry of the Driver's Licence, the holder of the Licence shall, if requested by an authorised officer, return the Badge and Licence to the Council within 48 hours.
<b>5. Driver Awareness, Knowledge Test and Driving Standards Assessment</b>	
5.1	At the discretion of the Council the holder of a Dual Driver Licence can, during the currency of the Licence, be required to undertake further Driver Awareness Training, Knowledge Test or Driving Standards Assessment. Failure to submit to the above, as so required will permit the Council to refuse to grant (or renew) a Dual Driver Licence, or to revoke or suspend a Dual Driver Licence (as the case may be).
<b>6. Training</b>	
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 Dual Driver's Licence, or to revoke or suspend a Dual Driver's Licence (as the case may be).
6.1.2	Training courses will be designed around the basic needs required by Dual Drivers and held on several pre-determined dates during the year commencing January to December. Upon request from the Council, all candidates shall be expected to complete a course within the period of the licence, which has been issued to them.
<b>7. Production of Driving Licences</b>	
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.
<b>8. Conduct of Driver</b>	
8.1	The holder of a Dual Driver Licence shall, when driving a hackney carriage/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. Drivers of Executive status vehicles shall be dressed appropriate to the occasion at all times and as a minimum standard shall adopt smart casual clothes with jacket, collar and tie.

8.1.2	Not without the express consent of the hirer, may you eat or drink in the hackney carriage/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 hackney carriage/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 hackney carriage/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.
<b>9. Animals</b>	
9.1	When driving a hackney carriage/private hire vehicle, the holder of a Dual 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 private hire vehicle only in the rear (in the foot well or floor pan of the vehicle).
<b>10. Receipt for Fare</b>	
10.1	The License holder shall, if requested by the hirer, supply the hirer with a written receipt for any fare paid.
<b>11. Accidents</b>	
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 hackney carriage/private hire vehicle under their control. In any case the licence holder shall notify the Council immediately, of any vehicle being under their control, which has suffered damage of any kind which materially affects the safety performance or appearance of the vehicle, or the comfort convenience of the fare paying passengers.

<b>12. Change of Particulars</b>	
12.1	The holder of a Dual Driver Licence shall notify the Council in writing or by email to <a href="mailto:licensing@telford.gov.uk">licensing@telford.gov.uk</a> 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.
<b>13. Roof Signs</b>	
13.1	The Driver of a Hackney carriage shall ensure the roof signs are maintained and kept in such a condition that the information contained is clearly visible to public view at all times and that the roof sign is illuminated when the vehicle is in service and available for hire.
<b>14. Hirer's (Lost) Property</b>	
14.1	The Licence holder shall immediately after termination of any hiring, or as soon as practicable thereafter, search the Hackney carriage/Private hire vehicle for any property which may have been left therein.
14.1.1	The Licence holder shall, if any property is accidentally left therein by any person who may have been conveyed in the vehicle and be found by or handed to him/her, carry it as soon as possible and in any event within 24 hours if not sooner claimed by or on the behalf of its owner, to a Police Station in the district in order to receive instructions from the Police regarding its custody.
<b>15. Passengers</b>	
15.1	The Licence holder shall at all times when a hackney carriage/private hire vehicle is hired take all reasonable steps to ensure the safety of passengers conveyed therein and persons entering and alighting from the vehicle.
15.2	The Licence holder shall not permit a hackney carriage/private hire vehicle to carry a greater number of passengers than the number prescribed in the Licence.
<b>16. Parking and Plying for Hire</b>	
16.1	As soon as drivers of 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
16.2	Drivers of private hire vehicles must NOT take fares which have not been pre-booked through their licensed operator.
16.3	Drivers of private hire vehicles must not make the booking on behalf of a passenger, including by way of their radio or mobile phone.
<b>17. Fares</b>	
17.1	The Driver of a private hire vehicle shall not demand a fare which is more than the fare set by the Operator, unless previously agreed between the hirer and the Operator at the time of booking.

<b>18. Meters</b>	
18.1	Where a meter is fitted to the vehicle :
18.1.1	The Dual Driver shall not cancel the fare recorded upon the Meter until the hirer has had a reasonable opportunity of examining it and has paid the fare.
18.1.2	The Dual Driver shall ensure that the Meter is sufficiently illuminated that when in use it is visible to all passengers.
18.1.3	The Dual Driver shall ensure that the fare or charge shall be calculated from the point in the district at which the hirer commences the journey and shall not exceed that displayed on the Meter on the completion of such journey.
18.1.4	The Dual Driver shall ensure that the Meter is only brought into action at the commencement of the hirer's journey and the correct tariff for that journey is displayed.
<b>19. Driver's Responsibilities</b>	
19.1	It is the Dual Driver's responsibility to ensure that a fire extinguisher which is fit for use and which meets the specifications listed in the Council's Inspection Standards for Licensed Vehicle Testing and Compliance Standards, is carried on the vehicle at all times and in such a position as to be readily available in an emergency.
19.3	It is the Dual Driver's responsibility to ensure that there is a valid certificate or cover note of insurance in existence for him/her to drive the vehicle 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.
19.4	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.
19.5	The Dual Driver shall ensure that any other material facts are disclosed to the insurer and the vehicle proprietor.

## 20. Radio Scanning Devices

20.1	The Dual Driver shall ensure that no Radio Scanner or Scanning Device of whatsoever type is used at the base of operations, fitted to, carried in, or used in the vicinity of any licensed hackney carriage/private hire vehicle.
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## 21. Signage

21.1	Dual Drivers shall display a replica of their Dual Driver badge issued by the Council, affixed to the inside of the vehicle, in the prescribed manner, so as to be plainly visible to fare paying passengers.
21.2	A certificate (if applicable) confirming that the driver named on such certificate is exempt on medical grounds from carrying wheelchair bound passengers.
21.3	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](mailto:licensing@telford.gov.uk)

# **Appendix D – Telford & Wrekin Council’s Hackney Carriage Licence Conditions**

Draft

## Hackney Carriage Conditions

### 1. Identification Plates and Roof Signs

1.1	The Proprietor shall ensure that a Roof Sign, of a type approved by the Council, shall be fixed to the vehicle and shall be lit up at all times when the vehicle is in service and is available for hire.
1.2	The fare card where issued by the Council shall at all times be kept and maintained inside the vehicle.
1.3	The external identification plate issued by the Council shall at all times be fixed to the outside rear of the hackney carriage by the proprietor to the place provided by the manufacturer or by means of a Council approved fixing kit. On the suspension of a vehicle licence and where a "Licence Expired" plate has been fitted to the vehicle that plate may only be removed by an Authorised Officer of the Council. The proprietor of the vehicle shall ensure the identification plates are maintained and kept in such a condition that the information contained on the plate is clearly visible to public view at all times. The identification plate remains the property of the Council and must be returned to the Council within 7 days of expiry of the vehicles licence if not renewed. Plates are not transferable except on application.
1.4	Hackney carriages shall display a replica hackney carriage Licence plate issued by the Council, affixed to the inside of the vehicle, in the prescribed manner, so that it can be clearly seen by fare paying passengers and a Council tactile plate on the inside of the rear nearside passenger door..
1.5	The Council will not licence a vehicle for hire & reward which is licensed by another Licensing Authority or allow or permit a hackney carriage identification plate issued by another Licensing Authority to be displayed upon the vehicle.

### 2. General Vehicle

2.1	<p><b>New application</b></p> <p>The age-limit for <b>purpose-built vehicles</b> is up to 12 years, then after apply for annual extension if the vehicle meets exceptional condition criteria up to a maximum age limit of 15 years.</p> <p><b>Renewal application</b></p> <p>The age-limit for <b>purpose-built vehicles, already licensed at 1<sup>st</sup> October 2022</b>, is up to 12 years then after apply for annual extension if the vehicle meets exceptional condition criteria (no maximum age limit).</p> <p>Where vehicles are of "exceptional condition" and continue to be licensed over 12 years, the vehicle will be subject to 6 monthly compliance tests.</p> <p>The age limit for <b>multi-purpose vehicles</b> is 12 years. Vehicles to be tested every 6 months from 5 years of age in line with best practice guidance.</p>
2.2	All hackney carriages must be fitted with manufacturers approved tyres of the same size and type including the spare wheel.

2.3	The proprietor of the taxi shall ensure that no non-standard unauthorised alterations or modifications are carried out to the vehicle or to the engine.
2.4	The proprietor of the taxi shall ensure that the exterior colour of the taxi is one of the manufacturer's colours. Vehicles which are of a colour other than that of the manufacturer must be approved by the Council.
<b>3.</b>	<b>Condition of Vehicle</b>
3.1	The proprietor shall ensure that the hackney carriage shall be maintained in a sound mechanical, electrical and structural condition at all times and be capable of satisfying the Council's mechanical, electrical and structural inspection at any time during the continuance of the vehicles licence. The interior and exterior of the hackney carriage shall be maintained in a clean, safe condition by the proprietor. The proprietor shall not allow the mechanical and structural specification of the vehicle to be varied without the consent of the Authorised Officer of the Council.
3.2	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
3.2.1	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; and
3.2.2	Glass shall have a minimum light transmittance of 70% for the front windscreen, 70% for the front side windows and 34% for all other vehicle window glass
<b>6.</b>	<b>Signage</b>
6.1	The following signs and notices will be displayed on licensed hackney carriages during the currency of the Licence:-
6.1.1	Notices issued from time to time by Telford & Wrekin Council for the information of the travelling public.
6.1.2	A sign stating 'Seat Belt Regulations – Seat Belts must be worn'.
6.1.3	
6.1.4	A sign issued by the council inside the rear of the vehicle regarding No Smoking.
6.1.5	A sign (the nationally recognised symbol) confirming that the taxi is wheelchair accessible and caters for the needs of the disabled.
6.1.6	A certificate (if applicable) confirming that the driver named on such certificate is exempt on medical grounds from carrying wheelchair bound passengers.
6.1.7	A certificate, if applicable, confirming that the driver is exempt on medical grounds from carrying approved Guide Hearing and other Assistance Dogs.
6.1.8	A sign informing passengers how to complain.
<b>7.</b>	<b>Advertisements</b>

7.1	Commercial advertisements may be displayed on the exterior of the front doors of licensed vehicles (although advertising may be considered on other areas) but in any case all advertising must comply with the following requirements;
7.1.1	The Council's written permission is required before the display of any advertisement,
7.1.2	The proprietor shall not display any sign, notice or advert on the vehicle which contains national, political, racial, cultural, sexual or potentially offensive language or symbols, flags or emblems.”
7.1.3	No advertisement shall relate to or advertise alcohol or tobacco or be of a political nature.
7.1.4	A sign shall not display anything other than the business name and/or trading name of the Operator, telephone or text number, website or app address of the operator and which may be displayed only on the vehicle's front driver and/or passenger doors.
7.1.5	No sign shall refer to any firm, radio circuit or association or telephone number which is outside the Telford & Wrekin Council area;
7.1.6	No such sign shall be illuminated.
<b>8.</b>	<b>Council Notices</b>
8.1	The proprietor when asked by the Council shall display any sign or notices so that they may be clearly seen by passengers.
<b>9.</b>	<b>Taximeters</b>
9.1	The proprietor shall fit the vehicle with an automatic tariff changing taximeter approved by the Council and for it to be located within the vehicle in accordance with the reasonable instructions of an Authorised Officer of the Council.
9.2	The proprietor shall ensure that any meter fitted shall be technically capable of accepting any restrictions or fare scales that the council wishes to programme into that meter.
9.3	The proprietor shall maintain the meter in a sound electrical and mechanical condition at all times.
9.4	Any hackney carriage vehicle so fitted with a meter must be equipped with the standard size tyres as approved by the manufacturer of the vehicle. Retro-fitted low profile tyres which will affect the performance and accuracy of a meter are not acceptable if fitted after the meter has been tested and sealed. Any such tyres of a low profile type must be fitted before the meter is tested. Any contravention of this condition will result in the immediate suspension of a hackney carriage licence.
<b>10.</b>	<b>Fare Tables</b>
10.1	The proprietor shall ensure that a copy of the current fare table supplied by the Council is exhibited inside the vehicle at all times in the location provided by the manufacturers of the vehicle or in accordance with the reasonable instructions of an Authorised Officer of the Council.

<b>11.</b>	<b>Insurance</b>
11.1	During the currency of the vehicle licence, the Proprietor shall keep in force, in relation to the use of the vehicle as a hackney carriage vehicle, a policy for hire and reward 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.
11.2	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).
<b>12.</b>	<b>Disclosure and Barring Service Checks, Conviction and Non Conviction Notification</b>
12.1	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 offence recorded against him/her by any Authority. . All licence holders will be subject to a Basic Criminal Record Disclosure check annually.
<b>13.</b>	<b>Equipment</b>
13.1	The proprietor shall ensure that all Hackney carriages must carry at all times a warning triangle and an appropriate set of vehicle spares (e.g. spare bulbs etc).
13.2	The appropriate ramps and associated equipment for loading wheelchairs into the vehicle in the approved manner must be carried and used at all times.
13.3	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.
<b>N.B.</b>	<b>Additional Notes</b>
1.	This list of conditions should be read in conjunction with Telford & Wrekin Council's Hackney carriage and Private Hire Licencing 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 <a href="mailto:licensing@telford.gov.uk">licensing@telford.gov.uk</a>

Draft

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

<b>Private Hire Vehicle Conditions</b>	
<b>1.</b>	<b>Identification Plates</b>
1.1	The external identification plate issued by the Council shall at all times be fixed to the outside rear of the Private hire vehicle by means of a Council approved fixing kit which attaches behind the vehicle registration plate. Magnetic plates cannot be used without written permission from the Council and will only be fitted to vehicles where the Council approved fixing kit cannot be used.
1.2	On the suspension of a vehicle licence and where a “Licence Expired” plate has been fitted to the vehicle that plate may only be removed by an Authorised officer of the Council.
1.3	The internal identification plates (two in number) for Executive Vehicle licences issued by the Council shall be affixed by the proprietor of the vehicle one on the nearside/left hand side of the front windscreen and one on the nearside/left hand side of the rear windscreen in a distinctly visible position that does not interfere with the drivers view of the road. The plates will be displayed at all times in accordance with Council instructions.
1.4	The proprietor of the vehicle shall ensure the identification plates are maintained and kept in such a condition that the information contained on the plate is clearly visible to public view at all times. The identification plate remains the property of the Council and must be returned to the Council within 7 days of expiry of the vehicles licence if not renewed.
1.5	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.
<b>2.</b>	<b>Door Signs</b>
2.1	The Proprietor shall ensure that external door signs of a type and size approved by the Council reading “Advance Bookings Only” and displaying the Council’s plate number shall be affixed to the rear passenger doors of the 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.
<b>3.</b>	<b>Executive Vehicles</b>

3.1	It shall be a condition that vehicles which are licensed as executive vehicles will only be permitted to undertake executive work and not for general Private Hire usage. It will also be a condition that executive vehicle owners should produce to the Council written confirmation from their Private Hire Operator that the vehicle will only undertake Executive work.
<b>4.</b>	<b>Limousines</b>
4.1	Vehicles will be compliance checked every 10 weeks.
4.2	Council executive plates must be displayed.
4.3	Tyres must be of an appropriate weight loading for the limousine as approved by the Licensing Service.
4.4	Novelty vehicles including stretch limousines with side facing seats will not be permitted to carry passengers under 16 years of age, regardless of whether the vehicle is fitted with or without seatbelts.
4.5	All front passenger seats should be removed.
4.6	The inclusion of sale of alcohol in the vehicles must be covered by a separate licence.
<b>5.</b>	<b>Condition of Vehicle</b>
5.1	The proprietor shall ensure that:-
5.1.1	The private hire vehicle shall be maintained in a sound mechanical electrical and structural condition at all times and be capable of satisfying the council's mechanical electrical and structural inspection at any time during the continuance of the vehicles licence.
5.1.2	The interior and exterior of the vehicle shall be maintained in a clean safe condition by the proprietor.
5.1.3	Sufficient means by which any person in a private hire vehicle may communicate with the driver during the course of the hiring is provided.
5.1.4	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
5.1.4.1	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; and
5.1.4.2	Glass shall have a minimum light transmittance of 75% for the front windscreen, 70% for the front side windows and 30% for all other vehicle window glass.
5.1.5	. The proprietor must ensure that the vehicle is equipped to allow the vehicle to be driven safely and legally following a tyre puncture. All tyres including the spare/kit must comply with the vehicle manufacturer's specification and the requirements of the Road Vehicles (Construction and Use) Regulations 1986, as amended. This

	includes tyre condition and minimum tread depth. Tyres must not have been manufactured more than ten years ago.
<b>9.</b>	<b>Signage</b>
7.1	<b>The following signs and notices will be displayed on licensed private hire vehicles during the currency of the Licence:-</b>
7.1.2.	<b>Notices issued from time to time by Telford &amp; Wrekin Council for the information of the travelling public.</b>
7.1.3	A sign stating 'Seat Belt Regulations – Seat Belts must be worn'.
7.1.5	A sign on both rear doors of the vehicle as issued by the Council regarding No Smoking.
7.1.6	Private hire vehicles shall display a replica Private hire vehicles Licence plate issued by the Council, affixed to the inside of the vehicle, in the prescribed manner, so as to be plainly visible to fare paying passengers.
7.1.7	A sign informing passengers how to complain.
<b>8.</b>	<b>Advertisements</b>
8.1	No advertising is permissible on any licensed 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..
8.2	The proprietor shall not display any sign or notice which consists of or includes the word Taxi or Cab whether in the singular or plural or any word of similar meaning or appearance to any of those words, whether alone or as part of another word, except where the Operator also makes hackney carriages available for hire and on such sign or notice must indicate that he/she also operates private hire vehicles or where the use of Taxi or Cab is part of the business name or trading name as in 10.1.
8.3	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.
8.3	The Proprietor shall ensure that no executive vehicle owned or operated by them bears any form of advertising whatsoever.
<b>9.</b>	<b>Passengers</b>
9.1	The Licence holder shall at all times when a vehicle is hired take all reasonable steps to ensure the safety of passengers conveyed therein and persons entering and alighting from the vehicle.
<b>10.</b>	<b>Meters</b>
10.1	If a proprietor wishes to fit a meter to a private hire vehicle the proprietor shall follow the procedures approved by the Council relating to the type of meter and the calibration and testing of such a meter.
10.2	The proprietor shall, if the vehicle is fitted with a meter, install the meter and calibrate it in the approved manner in prior to testing by the Council and for it to be located

	within the vehicle in accordance with the reasonable instructions of an Authorised Officer of the Council.
10.3	The licence holder shall ensure that the meter is sufficiently illuminated and that when in use it is visible to all passengers.
10.4	The proprietor shall maintain the meter in a sound electrical and mechanical condition at all times.
10.5	The proprietor shall not use or permit to be used a meter that the Council has not sealed to prevent unauthorised adjustment of the meter.
10.6	The proprietor undertakes to ensure that the meter will not be replaced without written prior permission of an Authorised Officer of the Council and that any replacement meter conforms to all other conditions and be tested and sealed at the earliest opportunity.
10.7	The proprietor shall notify the Council prior to any proposed fare scale changes and shall alter the meter accordingly and retested before recommencing service for hire and reward.
10.8	Any private hire vehicle fitted with a meter must be equipped with the standard size tyres as approved by the manufacturer of the vehicle. Retrofitted low profile tyres which will affect the performance and accuracy of a meter are not acceptable if fitted <u>after the meter has been tested and sealed</u> . Any such tyres of a low profile type must be fitted <u>before</u> the meter is tested. Any contravention of this condition will result in the immediate suspension of a Private hire vehicle licence.
<b>11.</b>	<b>Inspection of Vehicle and Meter</b>
11.1	A licensed private hire vehicle and any meter affixed to the vehicle may be inspected and tested by an Authorised Officer of the Council or by a Police Officer at all reasonable times.
11.2	If the Authorised Officer of the Council or Police Constable inspecting the vehicle is not satisfied as to the fitness of the vehicle or the accuracy of the meter, he may give written notice to the Proprietor to make the private hire vehicle and/or meter available for further inspection and testing at such reasonable time and place as may be specified, and the vehicle licence may be suspended until the Authorised Officer of the Council or Police Constable is satisfied as to the vehicle's fitness or as to the accuracy of the meter.
11.3	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.
<b>12.</b>	<b>Insurance</b>
12.1	During the currency of the vehicle licence, the Proprietor shall keep in force, in relation to the use of the vehicle as a private hire vehicle, a policy for Private Hire insurance and security complying with the provisions of Section 145 of Part VI Road

	Traffic Act 1988 which covers third party liability both in respect of physical injury or death AND in respect of damage to personal belongings. The certificate of insurance shall be produced to an Authorised Officer of the Council for inspection whenever required.
12.2	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).
<b>13.</b>	<b>Disclosure and Barring Service Checks, Conviction and Non Conviction Notification</b>
13.1	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.
<b>14</b>	<b>Wheelchair Accessible Vehicle (WAV)</b>
14.1	Private Hire Wheelchair Accessible Vehicles (WAVs) may be licensed up to 12 years of age. After this, operators can apply for an annual extension, provided the vehicle meets the exceptional condition criteria, up to a maximum age of 15 years.
<b>15.</b>	<b>Equipment</b>
15.1	The proprietor shall ensure that all Private hire vehicles must carry at all times a warning triangle in case of a breakdown.
15.2	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.
<b>N.B.</b>	<b>Additional Notes</b>
1.	This list of conditions should be read in conjunction with Telford & Wrekin Council's Hackney carriage and Private Hire Licencing 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 Licencing Service for advice on 01952 381818 or email <a href="mailto:licensing@telford.gov.uk">licensing@telford.gov.uk</a>

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

<b>Private Hire Operator Conditions</b>	
<b>1.</b>	<b>General Requirements</b>
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 private hire drivers and employees are aware of the meaning of plying for hire and that private hire drivers are not permitted to ply for hire under any circumstances.
1.4	The Operator must 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.
<b>2.</b>	<b>LG(MP) Act 1976 – Conditions Attached To Licences</b>
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.
<b>3.</b>	<b>Records Of Vehicles And Drivers</b>
3.1	Except with reasonable care the Operator shall have in his/her care:-
3.1.1	A copy of the current Dual Driver licence issued by the council of any driver employed as a private hire driver whether or not the vehicle is owned by him/her

	(unless the vehicle used is operated by another licensed Operator by sub-contact); and
3.1.2	A copy of the current Private Hire Vehicle licence issued by the council of any vehicle operated by him/her (unless the vehicle used is operated by another licensed Operator by sub-contract).
3.2	The Operator shall maintain an up-to-date list of the owners, the description and registration numbers of all private hire vehicles employed by their business and their drivers which shall include details of any radio or computer call sign used to identify a vehicle. The Operator shall produce such a list on request to an Authorised Officer of the Council or to a Police Constable.
3.3	The Operator shall immediately notify the Council 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.
<b>4.</b>	<b>Telephones, Staff And Facilities</b>
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.
<b>5.</b>	
5.1	
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5.3	
<b>6.</b>	<b>Hiring And Recording of Hiring</b>
6.1	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.
6.2	When the Operator accepts a hiring he/she shall, unless prevented by some sufficient cause, ensure that the licensed Private hire vehicles attend at the appointed time and place.
6.3	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.
6.4	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.
6.5	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.
6.6	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:
6.6.1	The name of the hirer.
6.6.2	The time of the pick-up.
6.6.3	The point of pick-up.
6.6.4	The hirers required destination.
6.6.5	Information indicating the vehicle dispatched and the driver used.
6.6.6	Remarks, including details of any instructions from the hirer or regarding sub-contract to or from another Operator.
6.7	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.
6.8	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.
<b>7.</b>	<b>Employment Of Private Hire Drivers &amp; Other Staff</b>
7.1	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:-
7.1.1	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
7.1.2	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
7.2	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;
7.3	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.
7.4	The operator shall have in place a policy on employing ex-offenders in roles that take bookings or dispatch vehicles.
7.5	The Operator shall, ensure that they have examined the Dual Driver licence issued by the Council and that it is valid.
7.5	The Operator shall display on the premises, information relating to Child Sexual Exploitation provided by Telford & Wrekin Council. This information should be prominently displayed where it is clearly visible to the licensed drivers and telephone operators.
<b>8.</b>	<b>Radios And Call Signs</b>
8.1	The Operator shall ensure that any radio equipment that is fitted to any licensed vehicle operated by the company, is correctly licensed by the relevant authority and is fitted to the vehicle in the approved manner. It must at all times be kept in a safe and sound condition and maintained in proper working order and that the use of such a system is disclosed to the Operators and/or vehicle proprietor's Insurance company.
<b>9.</b>	<b>Complaints</b>
9.1	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.
9.2	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.

9.3	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.
9.4	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.
9.5	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.
9.6	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.
9.7	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.
9.8	The Operator shall from time to time monitor and if necessary review the company complaint's procedure to ensure that it is being conducted correctly and effectively.
<b>10.</b>	<b>Accidents</b>
10.1	The Operator shall, notwithstanding his/her responsibilities under the Road Traffic Act, report to the Council within 72 hours, any accident involving a Private hire vehicle under their control. In any case the licence holder shall notify the Council immediately, of any vehicle being under their control which has suffered damage of any kind which materially affects the safety performance or appearance of the vehicle, or the comfort convenience of the fare paying passengers.
<b>11.</b>	<b>Insurance</b>
11.1	Operators shall provide to the council proof of Public Liability Insurance to a minimum value of £5,000,000.
<b>12.</b>	<b>Advertisements</b>
12.1	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.
12.2	The Operator shall ensure that no executive vehicle owned or operated by them bears any form of advertising whatsoever.
<b>13.</b>	<b>Executive Vehicles</b>
13.1	The Operator will only permit vehicles which are licensed as executive vehicles to undertake executive work and not for general private hire usage.
<b>N.B. Additional Notes (Not to be considered as Licensing Conditions)</b>	

1.	This list of conditions should be read in conjunction with Telford & Wrekin Council's Hackney Carriage and Private Hire Licencing 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 <a href="mailto:licensing@telford.gov.uk">licensing@telford.gov.uk</a>

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