

Appendix B

Summary of Representations to Statutory Requirements

Number of Representations	Representation	Licensing Comments
2	Timing of imposing a change of policy	Licensing authorities are under a legal duty to have regard to the Statutory Standards. The Council had to report back to the DfT by the end of January 2021 on our progress in incorporating the Standards.
2	Suggested change to wording around reporting of arrests etc within 48hrs.	Amendment to wording made.
1	Cost of extra DBS check	Once the driver signs up for the DBS update service the driver will not have to pay for the extra DBS check.
3	Vehicle proprietors and private hire operators who are already licensed as drivers should be able to submit their enhanced DBS instead of an additional basic one.	Policy amended to reflect this voluntary option but licence condition remains unchanged as the Council cannot legally require a vehicle proprietor to be the subject of an enhanced criminal record check.
1	Suggestion that we should make it clear that an operator should ensure that all staff that take bookings or dispatch vehicles are fully aware that the information contained with the register of staff that take bookings or dispatch vehicles, will be made available to an authorised officer of the Council.	Changes made to Operator's Condition to state that a copy of register to be submitted to Council. No amendment made to policy as we feel that this is a matter for the Operator's own Data Protection/Employment policy.
1	Requirement for an operator to obtain a basic DBS for "all staff" - Further clarity is required in the use of the wording "all staff"	Policy amended to make it clear that it only relates to those members of staff who take bookings and dispatch vehicles.
2	Concern raised that operators have no authority to ask existing staff to obtain a basic criminal record check where it is not already in their contract of employment.	We have amended the policy to say that the requirement should be part of the staff's employment contract. For existing staff where it is not part of their existing contract of employment, we have raised the question with the DfT to ascertain whether this was intended for existing or new employees only. The Council will be taking a practical approach to this requirement until a suitable answer arises.
2	Concern that the Council cannot impose a condition on an operator which requires the operator to ensure that a 3 rd party must comply with the same condition.	Proposed licence condition removed.
2	Concern raised about Telford & Wrekin Council being the data controller for the installation of voluntary CCTV in licensed vehicles and suggested that the	The Council consulted on a voluntary system. Representations agreed that it should be a voluntary system. There were no representations in favour of a mandatory system.

	<p>driver could be the data controller and the Council should not be so prescriptive. It was also suggested that the Council does not have any powers to require vehicle proprietors to give access to the systems by authorised officers.</p>	<p>Both the Information Commissioner's Office and the Local Government Association advise that the Council should be the data controller for mandatory systems. The Council has based their policy on this recommendation for the voluntary system. Consideration relating to the data controller – see Committee Report.</p> <p>Wording amending in licence condition to require access to the CCTV.</p>
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Summary of Representations to Non Statutory Policy and Conditions

Number of Representations	Representation	Licensing Comments
1	Applicants failing to complete their application within 3 months for a reason which is beyond their control.	Policy not amended. The Principal Licensing Officer will look at delayed applications on a case by case basis.
2	Concern that an applicant who fails the Driving Standards Assessment on 3 occasions is not allowed to reapply within 3 months.	Policy amended to remove the restriction to wait 3 months for reapplying.
2	Concern that advisories on an MoT for new and renewal vehicle licence applications which require rectifying should be notified in writing to the applicant.	Policy amended to include "in writing".
1	Suggestion that the requirement for the Hackney Carriage internal tactile plate to be displayed should specify "rear" near side passenger door.	Licence condition amended to include the word "rear".
1	Suggestion that the wording EU Standards for Child Safety Seats should be future proofed now we have left the EU.	Wording amended to "National Standards"
1	Concern that the licence condition pertaining to Child Safety Seats conflicted with other legislation as it requires an operator to provide a child safety seat (whether they need one by law or not).	Licence Condition not amended because the wording makes it clear that a child safety seat should be provided "on request". We realise that not all children are required to travel in a safety car seat in a taxi or private hire vehicle. But if the customer requests a car seat we want to make sure it complies with national safety standards.