

Appendix C

Telford & Wrekin Council Conditions of Licence Private Hire Drivers

TWC EXISTING CONDITION		BEST PRACTICE	PROPOSED CONDTION	CONSULTATION RESPONSE	COMMENTS & CLARIFICATION
1. GENERAL REQUIREMENTS					
1.1	Throughout the currency of his/her Licence, the holder of a Private Hire Driver's Licence shall be a fit and proper person to hold such a Licence. New applicants will be subject to a satisfactory Criminal Record Bureau check and all licence holders will be subject to a police check every three years.	<p>It is a legal requirement for the driver to be fit and proper but it is not a legal requirement per se for the CRB check; this is how TWC (and every other authority) assess fitness.</p> <p>Department of Transport Best Practice Guidance is that Criminal Records Bureau Enhanced Disclosures be sought upon application and then every 3 years</p>	It is proposed to retain this condition in its entirety as it reflects best practice	No response	It should be noted that the Dept of Transport Circular 2/92 only envisages a police check to be made every 3 years, however Jim button writes "It would certainly appear sensible to require a new disclosure every time the licence is renewed"
1.2	Throughout the currency of his/her Driver's Licence, the holder of a Private Hire Driver's Licence must possess a full Category B DVLA driving licence and must have held one for at least the preceding 3 years (3 years actual driving experience). The Licence referred to is one issued under Part III Road Traffic Act, 1988, as amended by the Road Traffic Act, 1991, authorising the holder to drive a motor car.	<p>Sections 51 & 59 of the Local Government Act (Misc provisions) Act 1976 state that an applicant must have held a full ordinary UK driving licence for at least 12 months. Dept of Transport Best Practice Guidance supports this.</p> <p>DFT Best Practice Guidance also states that full driving licences issued by EU</p>	<p>Amend condition to be brought in line with the following relevant legislation and Statutory provisions (i.e. require applicants to have held a full UK/EC/EEA Driving licence for one year at the time of application) :</p> <ol style="list-style-type: none"> 1. Sections 51 & 59 of the Local Government (Miscellaneous Provisions) Act 1976 2. The Driving Licences (Community Driving Licence) Regulations 	<p>No response</p> <p>TREDP response in agreement with proposal</p>	

		and EEA states this can count towards this requirement. Current TWC – Not best practice	1996 3. Deregulation (Taxis and Private Hire Vehicles) order 1998		
1.3	The holder of a Private Hire Driver's Licence shall be subject to a satisfactory Criminal Records Bureau check as to any criminal convictions (Rehabilitation of Offenders Act 1974 and Substantial Access to Children) and approved by the Council.	Department of Transport Best Practice Guidance is that Criminal Records Bureau Enhanced Disclosures be sought upon application and then every 3 years	See 4.1 & new proposal B	See 4.1 & new proposal B	<i>Recommend this condition be removed as it is a repetition to condition 1.1 above.</i>
2. MEDICAL FITNESS AND MEDICAL EXAMINATION					
2.1	Throughout the currency of his/her Licence the holder of a Private Hire Driver's Licence must be and must remain medically fit. To enable the Council to be satisfied as to medical fitness the following requirements will apply:-	TWC current condition is in line with DFT Best Practice Guidance and in comparison with other local authorities. DFT Best Practice Guidance supports the medicals at initial grant of licence and thereafter for each renewal.	Retain a) To amend conditions to request medicals on application and then annually for all drivers. b) To amend conditions that all drivers should have medicals on application and then every 3 years.	Trade response in favour of medicals every 10 years with requirement to advise licensing of any new medical condition. TREDP response in favour of retaining existing conditions.	
2.2	On application for the grant of a Driver's licence the applicant shall provide to the Council a completed Medical Certificate (on a form supplied by the Council) duly signed by the Individual's own General Practitioner and confirming that the Applicant is medically fit and meets the requirements of a Group 2 Drivers Licence issued by DVLA for driving in the U.K.	DFT Best Practice Guidance supports the application of Group 2 medical standards, however it also states it is best practice to apply the C1 standards to taxi and private hire drivers with insulin treated diabetes.	Retain	TREDP response in favour of retaining existing conditions.	<i>This is not a condition on a licence but a pre-requisite for applying for a licence. Recommend that this condition is deleted and that this requirement is included in the Council's policy regarding applications for HC/PHD licences.</i>

2.3	<p>If the applicant is unable to have a medical examination carried out by his/her own G.P. the medical must be conducted by the Council's own Medical Officer and by no-one else.</p>	<p>Best practice on this issue is not discussed but the DFT Best Practice Guidance and the approach adopted by other local authorities varies within the defined options.</p>	<p>Options</p> <ul style="list-style-type: none"> a) To retain condition b) To amend condition to state that the medical may be carried out by the applicant's own GP or another GP at the same medical practice c) To amend the condition to state that medicals can be carried out at any GP practice. d) To amend the condition to state that the medical may only be carried out by "Council approved" GPs. 	<p>Trade response in favour of Option C</p> <p>TREDP response in favour of Option C</p> <p>Police response in favour of Option C</p>	<p><i>This is not a condition on a licence but a pre-requisite for applying for a licence. Recommend that this condition is deleted and that this requirement is included in the Council's policy regarding applications for HC/PHD licences.</i></p>
2.4	<p>A satisfactory medical certificate will enable the driver to renew his/her Private Hire Driver's licence up to the age of 45 years without the need for another medical providing that they can continue to meet the medical requirements for Group 2 driver's standards in the U.K.</p>	<p>DFT Best Practice Guidance supports the medicals at initial grant of licence and thereafter for each renewal for all drivers.</p>	<p>It is proposed to remove conditions 2.4, 2.6 & 2.7 as they do not comply with regulation 19(1) The Employment Quality (Age) Regulations 2006</p> <p>The options to replace the condition are:</p> <ul style="list-style-type: none"> a) To amend the conditions to request medicals on application and then annually for all drivers b) To amend the conditions to request medicals on application and then every 3 years. 	<p>Trade response in favour of removal and in favour of medicals every 10 years unless seriously ill</p> <p>TREDP response felt every 3 years was too onerous and costly but did not specify any preferred time limits.</p>	<p>In relation to Hackney Carriage and Private Hire Drivers the safety of the public may be put at risk if a licenced driver is medically unfit to drive a vehicle.</p>

2.5	<p>If once granted, the Driver's medical circumstances change during the currency of that Licence, he must so advise the Council as soon as possible. If the Council then so requires, 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 Private Hire Vehicle. The Council reserves the right to refer any such matter to its own appointed Medical Officer whose decision will be final.</p>	As 2.1	Retain		
2.6	<p>If the holder of a current Driver's Licence then expiring applies for a renewal of that Licence, then providing that he is over 45 years of age but under the age of 60 years as at the date of that application, he will only be required to provide to the Council a further completed medical certificate (in the form of and for the purpose detailed above) every five years</p>	As 2.4	Remove	Trade response in favour of removal and in favour of medicals every 10 years from issue of badge, but with a requirement to notify licensing of any new medical condition.	
2.7	<p>Any applicant whether for grant or renewal who is 60 years of age or over as at the date of application will be required to submit to a medical examination and provide a medical certificate (in the form of and for the purpose detailed above) every year.</p>	As 2.4	Remove	Trade response in favour of removal and in favour of medicals every 10 years unless seriously ill	

2.8	The Council will not grant or renew (as the case may be) any Driver's Licence unless the foregoing provisions are complied with (as appropriate) and the applicant can thereby demonstrate that he is medically fit to hold a Private Hire Driver's Licence.	As 2.1	Retain		
2.9	2.9 The Council may revoke or suspend an existing Licence if the holder is unable to demonstrate as necessary that he 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.	As 2.1	Retain		
3. MEDICAL EXEMPTIONS					
3.1	Medical exemptions involving the carriage of Disabled persons and also the carriage of Guide, Hearing or Other Assistance Dogs may apply to new or existing drivers who suffer certain medical conditions and if so must submit themselves to a rigorous medical examination and provide proof that they have a history of a specific health problem to qualify for such exemption.	It is proposed to retain this condition in its entirety as it complies with the Disability Discrimination Act 1995	Retain	Trade response in favour of retaining current condition Police response in favour of retain current condition	
4. CRIMINAL RECORDS BUREAU CHECK					
4.1	New applicants will be subject to a satisfactory Criminal Records Bureau check and all licence holders will be subject to this check every three years.	Department of Transport Best Practice Guidance is that Criminal Records Bureau Enhanced Disclosures be sought upon application and then every 3 years	It is proposed to retain this condition in its entirety as it reflects best practice	Trade response varied from keeping current conditions to amending conditions to have CRB checks every 5 years unless convicted of an offence. However, the PH operators association felt that the issue of CRB checks was a complex	<i>Recommend delete this condition as it is a repetition of condition 1.1.</i>

				one that required further discussion. Police response in favour of retain current condition	
4.2	The Licence holder shall notify the Council in writing of any conviction recorded against him/her by any court within 7 days of such a conviction being imposed.	TWC current condition is best practice when compared with other Local Authorities.	Retain	As 4.1	
4.3	The Licence holder shall within 42 days of such an offence notify the Council in writing of any fixed penalty notice imposed upon him/her which results in an endorsement upon his/her UK driver's licence.	TWC current condition is best practice when compared with other Local Authorities.	Retain	As 4.1	
5.	RETURN OF BADGE AND LICENCE				
5.1	On suspension, revocation, refusal to renew, or expiry of the Driver's Licence, the holder of the Licence shall, on demand, return the Badge and Licence to the Council within 48 hours.	TWC current condition is best practice when compared with other Local Authorities.	Retain	Trade response in favour of retaining current condition Police response in favour of retain current condition	
6.	KNOWLEDGE TEST				
6.1	Prior to the issue of any Private Hire Driver's Licence an applicant for such a Licence must undertake and pass a knowledge test of the Council area. Such a test will also require the applicant to show a clear understanding and knowledge of all relevant Conditions and Bylaws appertaining to the operation of Private Hire vehicles.	DFT Best Practice Guidance felt that tests of topographical knowledge were necessary for HCD who could be hired immediately, however it felt that it was "unnecessarily burdensome" for PHD who could check the details of a route before the journey. DFT Best Practice was still in favour of testing candidate's ability to read a map and knowledge of key	However, new proposals are attached in reference to this issue, at the end of this document, based on canvassing opinion. This may be an issue that required further development and consultation.	Trade response in favour of retaining current condition, however some parts of the trade called for knowledge tests to be amended. See New proposal C. Police response in favour of retain current condition	<i>This is not a condition on a licence but a pre-requisite for applying for a licence. Recommend that this condition is deleted and this requirement is included in the Council's policy regarding applications for HC/PHD licences.</i>

		places such as main roads and railway stations. Best Practice in comparison with other local authorities found that the TWC was in line with their practices.			
6.2	At the discretion of the Council the holder of a Driver's Licence can, during the currency of the Licence, be required to undertake a further knowledge test or tests. (Where a Driver's Licence has previously been held but has lapsed for 12 months or more, the Council will invariably require a knowledge test to be taken before issuing a Licence.) Failure to submit to, or pass, any knowledge test so required will permit the Council to refuse to grant (or renew) a Driver's Licence or to revoke or suspend a Driver's Licence (as the case may be).	As 6.1	As 6.1	Trade response in favour of retaining current condition Police response in favour of retain current condition	
7. TRAINING					
7.1	All successful applicants will be required to undertake up to two days training per annum at the discretion of the Authority to include:	TWC current condition is best practice in comparison with other local authorities.	Retain	Trade response varied from being in favour of retaining current condition to wanting it to apply to new drivers only. Police response in favour of retain current condition	
	Disability awareness training Licensing Requirements Passenger Safety				
7.2	Training courses will be designed around the basic needs required by Hackney Carriage and Private	TWC current condition is best practice in comparison with other	Retain	Trade response in favour of retaining current condition	.

	Hire Drivers and held on several pre-determined dates during the year commencing January to December. All candidates shall be expected to complete a course within the period of the licence which has been issued to them. (A six months badge holder within six months and a one year badge holder within that one year period.)	local authorities.		Police response in favour of retain current condition	
7.3	The direct costs of the training will be borne by the Council; however, the costs of driver time will not be met. Failure to submit to, or pass, any training so required by the Council will permit the Council to refuse to grant (or renew) a Driver's Licence or to revoke or suspend a Driver's Licence (as the case may be).	TWC current condition is best practice in comparison with other local authorities.	Retain	Trade response in favour of retaining current condition Police response in favour of retain current condition	
8.	PRODUCTION OF DVLA DRIVING LICENCE				
8.1	The holder of a DVLA Driver's Licence shall, at the request of any Authorised Officer of the Council or any Police Constable, produce his Driving Licence for inspection either forthwith, or within 7 clear days of the request.	TWC current condition is best practice in comparison with other local authorities.	Retain	Trade response in favour of retaining current condition Police response in favour of retain current condition	
8.2	Any driver requesting a photocopy of his/her driver's licence from Council records must have a valid reason for doing so and shall be charged a fee.	TWC current condition is best practice in comparison with other local authorities.	Retain	Trade response in favour of retaining current condition Police response in favour of retain current condition	
9.	CONDUCT OF DRIVER				
	The holder of a Driver's Licence shall, when driving a Private Hire vehicle:-				
9.1	At all times be clean and respectable in his/her dress and appearance and maintain a high standard of personal hygiene.	TWC current condition is best practice in comparison with other local authorities.	Retain	Trade response in favour of retaining current condition	

				Police response in favour of retain current condition	
9.2	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.	TWC current condition is best practice in comparison with other local authorities.	Retain	Trade response in favour of retaining current condition Police response in favour of retain current condition	
9.3	Tailored shorts may be worn in hot weather. They shall be of one colour and of knee length or below knee length (in the sitting position). Cut off jeans or similar shall not be worn.	TWC current condition is best practice in comparison with other local authorities.	Retain	Trade response in favour of retaining current condition Police response in favour of retain current condition	
9.4.	Not without the express consent of the hirer eat or drink in the Private Hire Vehicle.	TWC current condition is best practice in comparison with other local authorities.	Retain	Trade response in favour of retaining current condition Police response in favour of retain current condition	
9.5.	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 Private Hire Vehicle.	TWC current condition is best practice in comparison with other local authorities.	It is proposed to retain this condition in its entirety as it reflects best practice.	Trade response in favour of retaining current condition Police response in favour of retain current condition	
9.6.	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 Private Hire Vehicle.	TWC current condition is best practice in comparison with other local authorities.	It is proposed to retain this condition in its entirety as it reflects best practice.	Trade response in favour of retaining current condition Police response in favour of retain current condition	
9.7	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.	TWC current condition is best practice in comparison with other local authorities.	It is proposed to retain this condition in its entirety as it reflects best practice.	Trade response in favour of retaining current condition Police response in favour of retain current condition	

9.8	When having agreed to attend a location at an appointed time shall, unless delayed and prevented by some sufficient cause, punctually attend at such appointed time and place.	TWC current condition is best practice in comparison with other local authorities.	It is proposed to retain this condition in its entirety as it reflects best practice.	Trade response in favour of retaining current condition Police response in favour of retain current condition	
9.9	Shall at all times when hired afford reasonable assistance with passenger's luggage and convey them subject to any instructions given by the hirer, to their destination by the shortest practicable route.	TWC current condition is best practice in comparison with other local authorities.	It is proposed to retain this condition in its entirety as it reflects best practice.	Trade response in favour of retaining current condition Police response in favour of retain current condition	<i>Recommend "luggage" is too restrictive. Change to "Shall at all times when hired afford reasonable assistance to the hirer and convey them etc"</i>
10.	ANIMALS				
	When driving a Private Hire Vehicle, the holder of a Private Hire Driver's Licence:				
10.1	Shall not carry any animal belonging to or in their custody whilst fare paying passengers are being conveyed in the vehicle. They may however allow any animal belonging to or in the custody of a passenger to be conveyed in the vehicle but only in the rear (in the foot well or floor pan of the vehicle).	TWC current condition is best practice in comparison with other local authorities	Option a) To maintain conditions 10.1 & 10.2 in their entirety b) To amend the conditions to make the transportation of animals at the discretion of the vehicle owner/company (with the exception of assistance dogs as defined by the Disability Discrimination Act 1995.	Trade response in favour of option B Police response in favour of option B	
10.2	Shall convey Guide, Hearing and other Assistance Dogs accompanying disabled people and to do so without any additional charge as set out in the Disability Discrimination Act 1995 unless such a driver is registered with the Council as medically exempt from doing so and holds an exemption certificate issued by the Council. The types of dog that qualify are clearly identified by the fluorescent jacket they wear bearing upon it the name of the	Statutory Requirement – Disability Discrimination Act 1995	As 10.2	Trade response in favour of retaining current condition	<i>Recommend that this condition is deleted. It is a statutory provision and so it is not necessary to have it as a condition on the licence.</i> <i>The list of charities is wider than the three listed. If this condition is retained, then recommend "Dogs for the Disabled, Support Dogs or Canine Dogs for Independence" be removed.</i>

	relevant charity only, they are provided by :- These are :- “Dogs for the Disabled”- “Support Dogs” or “Canine Dogs for Independence”.				
11.	RECEIPT FOR FARE				
11.1	The License holder shall, if requested by the hirer, supply the hirer with a written receipt for any fare paid.	TWC current condition is best practice in comparison with other local authorities	Re tai n	Trade response in favour of retaining current condition Police response in favour of retain current condition	The report from Scrutiny Committee recommended that it should be that receipts should be issued by the driver for every fare.
12.	ACCIDENTS				
12.1	The Licence holder shall, not withstanding 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.	This is a legislative requirement in respect of proprietors, but not drivers.	Re tai n	Trade response in favour of retaining current condition, but wanted it amended to state “substantial damage”, or if the vehicle could be repaired within 72 hours to not be required to report the accident. Police response in favour of retain current condition	
13.	CHANGE OF PARTICULARS				
13.1	The holder of a Driver’s Licence shall notify the Council in writing of any change of his circumstances which may occur during the currency of his Licence, including any change of address or change of employers. Any such change shall be so notified within 7 days of it taking place. Failure to do so is an offence.	TWC current condition is best practice in comparison with other local authorities	Re tai n	Trade response in favour of retaining current condition but wanted this amended to 21 days Police response in favour of retaining current condition	
14.	SMOKING				
14.1	No smoking by the driver is permitted in the vehicle at any time.	It is proposed to remove this condition in its entirety as	Delete	Trade response in favour of proposal	

		Smoke Free Legislation now supercedes this.		Police response in favour of proposal	
15.	PRIVATE HIRE DRIVER'S LICENCE AND BADGE				
15.1	A Driver's Licence is personal to the person named in it and is non-transferable and he shall not assign it, or part with it to any other person, except to give it up for examination by an Authorised Officer of the Council or Police Constable.	TWC current condition is best practice in comparison with other local authorities	It is proposed to retain this condition in its entirety as it reflects relevant legislation	Trade response in favour of retaining current condition Police response in favour of retaining current condition	
15.2	A driver shall at all times when acting in accordance with the Licence granted to him/her, wear the issued driver's badge in such a position as to be plainly and distinctly visible and shall impart any information contained upon it to the hirer of the vehicle or to anyone else reasonably requesting it.	It is a legislative requirement to wear the badge but not to impart information.	Retain	Trade response in favour of retaining current condition Police response in favour of retaining current condition	
16.	DRIVERS				
16.1	The Licence holder shall not cause, procure or permit any other person to drive a licensed Private Hire Vehicle of which he/she is in charge except with the consent of the proprietor of the vehicle.	It is proposed to retain this condition in its entirety as it reflects relevant legislation.	Retain	Trade response in favour of retaining current condition Police response in favour of retaining current condition	
16.2	The Licence holder shall not cause, procure or permit any other person to drive a licensed Private Hire Vehicle other than an appropriately licensed Private Hire Driver.	It is proposed to retain this condition in its entirety as it reflects relevant legislation.	Retain	Trade response in favour of retaining current condition Police response in favour of retaining current condition	
17	INSURANCE				
17.1	During the currency of the licence the Licence holder shall ensure that a policy of insurance and security complying with the provisions of Section 145 of Part Via Road Traffic Act 1988, which	It is proposed to retain this condition in its entirety as it reflects relevant legislation.	Retain	Trade response in favour of retaining current condition Police response in favour of retaining	

	covers third party liability both in respect of physical injury or death and in respect of damage to personal belongings is in place for the vehicle. Such insurance cover must be for Private Hire.			current condition Police response in favour of retaining current condition	
17.2	Failure to provide a Certificate of Insurance to the Council forthwith, or within 7 clear days of the request by the Council's Authorised Officer will result in an immediate suspension of the vehicle.	It is proposed to retain this condition in its entirety as it reflects relevant legislation.	Retain	Trade response in favour of retaining current condition Police response in favour of retaining current condition	
18. IDENTIFICATION PLATES					
18.1	The Licence holder shall not conceal the exterior identification plate of the Private Hire vehicle or the details thereon from public view, and will keep the identification plate and the display in a clean condition. On the suspension of a vehicle licence and where a "Licence Expired" plate has been fitted that plate may only be removed by an Authorised Officer of the Council.	It is proposed to retain this condition in its entirety as it reflects relevant legislation.	Retain	Trade response in favour of retaining current condition Police response in favour of retaining current condition	
18.2	When a Private Hire Vehicle licensed by the Council is not in use for hire and reward and instead is in use by the proprietor or driver for Social and Domestic pleasure (under the terms of the vehicles insurance), the licence plate issued by the Council shall be temporarily removed until such time as the vehicle is back in service for hire and reward when the plate shall be replaced on to the vehicle in the approved manner.	As 18.1	As 18.1	Trade response in favour of retaining current condition Police response in favour of retaining current condition	<i>Recommend that this condition be removed as it contradicts 18.1 which says the plate can only be removed by an Authorised Officer of the Council. Once licenced, a vehicle is always a licenced vehicle unless the licence expires, is revoked or is surrendered. Benson v Boyce.</i>
18.3	No vehicle which is licensed by another Local Authority or bears a licence plate issued by another Local Authority will be licensed by the Council.	The DFT Best Practice Guidance made no reference to this issue. Comparision with		Police response in favour of retaining current condition	A vehicle licensed by TWC as a PHV cannot be licensed elsewhere as a HC vehicle (always one or the other) but no statutory restriction on a PHV being licensed in more

		other local authorities provided no consensus on this issue			than one district. <i>Recommend that this condition be removed as it is more appropriate to be a vehicle condition rather than a driver condition.</i>
19. ROOF SIGNS					
19.1	The Driver shall at all times assure that the roof sign be affixed to the roof of the Private Hire Vehicle by the proprietor to the place recommended by the manufacturer or in accordance with reasonable instructions of an Authorised Officer of the Council. The roof sign should be fitted in such a manner as to be easily removable by such officer or Police Constable.	It is proposed that this condition is removed as it is already addressed within the conditions for Private Hire Vehicles.	Remove	Trade response in favour of this proposal but want to make it clear that they do not want to remove the condition relating to having roof signs from the Vehicles Conditions. Police response in favour of proposal	
19.2	The Driver of the vehicle shall ensure the roof signs are maintained and kept in such a condition that the information contained is clearly visible to public view at all times and that the roof sign is illuminated when the vehicle is in service during lighting up times.	It is proposed that this condition is removed as it is already addressed within the conditions for Private Hire Vehicles.	Remove	As 19.1	<i>It is reasonable to retain duty on driver to check.</i>
19.3	For whatever reason, when a Private Hire Vehicle Licence is suspended the plate and the roof sign shall be removed by an authorised officer of the Council. The roof sign shall be kept in the custody of the Operator until such time as the vehicle is made fit again for service and the suspension lifted. Only at that point will the roof sign be returned to the vehicle proprietor by the Operator.	It is proposed that this condition is removed as it is already addressed within the conditions for Private Hire Vehicles.	Remove	As 19.1	
20. HIRER'S PROPERTY					
20.1	The Licence holder shall immediately after termination of any hiring, or as soon as practicable thereafter search the Private Hire Vehicle for any	TWC current condition is best practice in comparison with other local authorities	Retain	Trade response in favour of retaining current condition. Police response in	

	property which may have been left therein.			favour of retaining current condition	
20.2	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.	TWC current condition is best practice in comparison with other local authorities	Retain	Trade response in favour of retaining current condition Police response in favour of retaining current condition	
21.	PASSENGERS				
21.1	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.	This is a legal requirement		Trade response in favour of retaining current condition Police response in favour of retaining current condition	
21.2	The Licence holder shall not permit a Private Hire Vehicle to carry a greater number of passengers than the number prescribed in the Licence.	TWC current condition is best practice in comparison with other local authorities		Trade response in favour of retaining current condition Police response in favour of retaining current condition	
22.	PARKING AND PLYING FOR HIRE				
22.1	All Private Hire Drivers, as soon as they have dropped passengers shall, unless prevented by another prior booking, return to the Operators licensed base of operations or other approved parking areas within the controlled district to await further bookings or instructions. Approved areas are as follows;	TWC current condition is best practice in comparison with other local authorities	It is proposed to retain this condition in its entirety as it reflects best practice and existing legislation.	Trade response wanted these conditions to be removed. Trade response did not want to be limited to approved parking areas. Wanted to be able to park anywhere it is legal to do so, other than places of "Public Resort" TREDP response in favour of reviewing parking areas in interests of safety for drivers and	

				to consider costs and environmental issues. Police response in favour of retaining current condition	
	1. Randlay Lorry/Car Park Randlay				
	2. Legges Way Car Park Madeley				
	3. Grainger Drive Playing Fields Car Park Leegomery				
	4. Water Lane Car Park Newport				<p>The locations listed below are authorised by the Council and have been used on a trial basis). If this condition is retained these trialled parking areas should now be added to the 4 parking areas already listed at 22.1</p> <p>5. Serving:- Ketley - Red Lake - Oakengates Areas</p> <p>Beveley Road Oakengates – 20yards from the junction and on the same side of the road as the Pudding Inn (Maximum 4 vehicles at any one time)</p> <p>6. Serving:- Hortonwood – Donnington Areas</p> <p>In the Hammerhead next to Ulva Ltd. On Hortonwood 50. (Maximum 4 vehicles at any one time)</p> <p>7. Serving:- Oakengates – St. Georges – Snedshill – Priorslee Areas</p> <p>Alongside the Silkin Way on the short cut between Station Hill Oakengates and</p>

					<p>Canongate. (Maximum 4 vehicles at any one time)</p> <p>8. Serving:- St. Georges – Wrockwardine/Donnington Wood – Muxton Areas</p> <p>In the Hammerhead below the B5060 Red Hill Way on the approach road to Deer Park Court and Lyreco. (Maximum 3 vehicles at any one time)</p>
22.2	No licensed Private Hire Driver shall park within district centres or outside places of public resort either without prior bookings or for the purpose of taking rest breaks or for any other reason.	As 22.1	As 22.1	As 22.1	
22.3	From time to time, and after consultation with the Private Hire trade, approved parking areas may be changed or additional areas adopted by the Council.	As 22.1	As 22.1	No response	<i>Recommend that this condition be removed as it is more appropriate as an explanatory note.</i>
23	FARES				
23.1	The Licence holder shall not demand a fare in excess of that prescribed by the Operator unless previously agreed between the hirer and the Operator at the time of booking.	TWC current condition is best practice in comparison with other local authorities	Retain	Trade response in favour of retaining current condition Police response in favour of retaining current condition	
23.2	The driver of a Private Hire Vehicle which displays a sign “Travel Tokens Accepted” shall not refuse to convey the hirer who may wish to pay for the journey with Travel Tokens properly issued to them.	Unable to find best practice on this issue	Retain	Trade response in favour of retaining current condition Police response in favour of retaining current condition	
24	METERS				

24.1	Any Private Hire Vehicle fitted with a Meter approved by the Council, and into which the restrictions and the Operating company's fare rates have been programmed, shall be tested and sealed by the Council and the following instructions shall apply;	TWC current condition is best practice in comparison with other local authorities This is also a legal requirement where there is a meter fitted.	Retain	Trade response in favour of retaining current condition Police response in favour of retaining current condition	
24.2	The Private Hire Driver shall not cause the fare recorded upon the Meter to be cancelled until the hirer has had a reasonable opportunity of examining it and has paid the fare.	TWC current condition is best practice in comparison with other local authorities This is also a legal requirement.	As 24.1	Trade response in favour of retaining current condition Police response in favour of retaining current condition	
24.3	The Private Hire driver shall ensure that the Meter is sufficiently illuminated that when in use it is visible to all passengers.	TWC current condition is best practice in comparison with other local authorities This is also a legal requirement	As 24.1	Trade response in favour of retaining current condition Police response in favour of retaining current condition	
24.4	The Private Hire 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.	TWC current condition is best practice in comparison with other local authorities This is also a legal requirement	As 24.1	Trade response in favour of retaining current condition Police response in favour of retaining current condition	
24.5	24.5 The Private Hire 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.	TWC current condition is best practice in comparison with other local authorities This is also a legal requirement	As 24.1	Trade response in favour of retaining current condition Police response in favour of retaining current condition	
24.6	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. Retro-fitted low	TWC current condition is best practice in comparison with other local authorities	As 24.1	Trade response in favour of retaining current condition Police response in	<i>Recommend that this condition be removed as it is more appropriate as a vehicle condition rather than a driver condition.</i>

	profile tyres which will effect 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 Private Hire or Hackney Carriage Vehicle Licence.	This is also a legal requirement		favour of retaining current condition	
25	DRIVER'S RESPONSIBILITIES				
25.1	It is the Private Hire Driver's responsibility to ensure that an approved serviceable Fire Extinguisher is carried in the vehicle whenever it is used as a Private Hire Vehicle for hire and reward.	It is proposed to retain this condition in its entirety as it reflects existing legislation	Retain	Trade response in favour of retaining current condition. Police response in favour of retaining current condition	
25.2	It is the Private Hire Driver's responsibility to ensure that an approved and complete First Aid Kit is carried in the vehicle whenever it is used as a Private Hire Vehicle for hire and reward.	It is proposed to retain this condition in its entirety as it reflects existing legislation	Retain	Trade response in favour of retaining current condition Police response in favour of retaining current condition	
25.3	It is the driver's responsibility to ensure that there is a valid certificate or cover note of insurance in existence for him/her to drive the Vehicle. Insurance covering Public Hire for Private Hire Vehicles will not be accepted by the Council.	It is proposed to retain this condition in its entirety as it reflects existing legislation	Retain	Some trade responses wanted to remove the phrase "no public hire" from the insurance. Police response in favour of retaining current condition	It is unlawful for a Private Hire Vehicle to act as an unlicensed Hackney Carriage which is public hire.
25.4	The Private Hire Driver shall ensure that if there are any points recorded on their DVLA Licence that these convictions are disclosed to the Council and the Insurer. A copy of the proposal form relating to such a disclosure must be produced to the Council on request.	It is proposed to retain this condition in its entirety as it reflects existing legislation	Retain	Trade response in favour of retaining current condition Police response in favour of retaining current condition	
25.5	The Private Hire Driver shall ensure that any other material facts are disclosed to the insurer	It is proposed to retain this condition in its entirety as it reflects	Retain	Trade response in favour of retaining current condition	

	and the vehicle proprietor.	existing legislation		Police response in favour of retaining current condition	
25.6	The Private Hire Driver shall not use a Meter that has not been programmed to the Operators current fare scale and has not been tested and sealed by the Council to prevent unauthorised adjustment.	It is proposed to retain this condition in its entirety as it reflects existing legislation	Retain	Trade response in favour of retaining current condition Police response in favour of retaining current condition	
26	CHEQUES				
26.1	A Licence in respect of which the licence fee has been paid by cheque shall not be effective until the cheque has been cleared, and if not cleared will become void and will result in the revocation of such Licence.	TWC current condition is best practice in comparison with other local authorities	Retain	Trade response in favour of retaining current condition Police response in favour of retaining current condition	
27	TELEPHONES				
27.1	No telephone of whatsoever type will be permitted to be used by the Private Hire Driver in any Private Hire Vehicle whilst the vehicle is in motion. Any incoming or outgoing calls made on such telephones will be made or accepted when the vehicle is not in a line of traffic on the highway and is stationary, preferably parked off the road with the handbrake properly applied.	It is proposed to remove this condition in its entirety as other legislation now supersedes this.	Remove	Trade response in favour of retaining current condition Police response in favour of retaining current condition	
28	CITIZEN BAND RADIOS				
28.1	The Private Hire Driver shall ensure that no Citizen Band Radio is used at the Operators base, or fitted to or carried in or used in the vicinity of a licensed Private Hire Vehicle.	It is proposed to remove this condition as it does not reflect current technology and is outmoded.	Remove	Trade response in favour of retaining current condition Police response in favour of retaining current condition	
29	RADIO SCANNING DEVICES				
29.1	The Private Hire Driver shall ensure that no Radio Scanner, or	TWC current condition is best practice in	Retain	Trade response in favour of retaining current	

	Scanning Device of whatsoever type is used at the base of operations, fitted to, carried in, or used in the vicinity of any licensed Private Hire Vehicle.	comparison with other local authorities		condition	
30	ADDITIONAL CONDITIONS				
30.1	The list of conditions is not finite and additional information regarding all aspects of Private Hire licensing in detail can be found in the official handbook issued by the Borough of Telford & Wrekin.	TWC current condition is best practice in comparison with other local authorities	Retain	Trade response in favour of retaining current condition Police response in favour of retaining current condition	
30.2	The Council reserves the right to amend conditions from time to time as required and without prior notice. It is, therefore, advisable for all drivers, vehicle owners and operators to check with the Authority from time to time for information regarding any such changes.	TWC current condition is best practice in comparison with other local authorities	Retain	Some trade responses wanted this condition to be removed and that the Council would have to give notice when they amend conditions so that drivers are kept informed. Other trade responses suggested that no conditions should be amended without consultation with the trade and other relevant parties. Police response in favour of retaining current condition	
30.3	All licence holders must refer to the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, the Road Vehicles (Construction & Use) Regulations 1986 and the Road Traffic Act 1988. This list is not exhaustive.	Best practice consensus on this issue in comparison with other local authorities could not be found and the DFT guidance was silent on this matter.	Retain as it guides drivers to the legislation they are bound by, but may not need to be a condition as is a legal requirement for compliance.	Trade response in favour of retaining current condition Police response in favour of retaining current condition	
30.4	Any requirements of legislation, which affect the operations being carried out under the terms of this Licence, shall be regarded as if they are conditions of this	TWC current condition is best practice in comparison with other local authorities	Retain	Trade response in favour of retaining current condition Police response in	

	Licence.			favour of retaining current condition	
30.5	Wherever there appears in the Licence Conditions/Guides/Handbook and summary of any statutory provision you are advised that such summary is not exhaustive. If in any doubt about any information contained in this document please contact the Licensing Office for advice on 01952 383262.	A driver's handbook is best practice in comparison with other local authorities	Retain	Trade response in favour of retaining current condition Police response in favour of retaining current condition	<i>Recommend that this condition be removed as it is more appropriate as an explanatory note.</i>
NEW PROPOSALS					
A	<u>Badge Duration</u> Badges are currently issued for 6 months for a new driver and are then renewable annually.	Dept of Transport Best Practice Guidance supports Option B	Options a) Retain the badge durations as detailed above b) To amend the badge duration to a 3 year duration period, with the option for 1 year if preferred by applicant for cost or other reasons If b, respondents asked to select from the following: 1. To be introduced immediately 2. To be introduced over time as existing licences expire 3. To be introduced over time as part of an accreditation improvement scheme.	Safeguarding Children Board response in favour of Option A and 1 Trade response in favour of option B & 2 TREDP response in favour of option B Police response in favour of option A	The LG(MP)A 1976 s53(1)(a) allows a private hire driver's licence to be granted for up to three years. However, as with Hackney Carriage Drivers' licences, most authorities grant licences for one year. Jim Button writes " <i>Although there is often imposed on drivers' licences a condition which requires the driver to notify the local authority of any convictions recorded against the driver during the currency of the licence, annual renewals are felt to provide an opportunity to ensure that drivers do comply with that requirement. As with hackney carriage drivers' licences, the government has indicated its intention to remove the wide-ranging period for which a driver's licence can be granted.</i> "

B	<p><u>CRB Checks and Certificates of Good Conduct</u></p> <p>Where the Criminal Records Bureau are unlikely to have any information on a person, due to a short period of residence in the UK, it is proposed to add a condition that applicants must obtain a certificate of good conduct from their embassy or consulate.</p> <p>The current Criminal Records Bureau provide information on most relevant embassies/consulates.</p> <p>Obtaining these certificates of condition will need to be at the cost of the applicant, and they will need to be authenticated, translated and sealed by the Embassy/Consulate.</p>	<p>Department of Transport Best Practice Guidance is that Criminal Records Bureau Enhanced Disclosures be sought upon application and then every 3 years</p> <p>The Department of Transport Best Practice Guidance is in favour of this proposal and provides further options of</p> <p>a) Contacting the Home Office's Employers' Helpline to obtain general information on immigration documentation</p> <p>b) Obtaining case specific information on immigration status from the Evidence and Enquiry Unit</p>	<p><u>Options</u></p> <p>a) To introduce this proposal</p> <p>b) Not to introduce this proposal.</p> <p>If the proposal is to be introduced, respondents asked to select from the following:</p> <ol style="list-style-type: none"> 1. To be introduced immediately 2. To be introduced over time as existing licences expire 3. To be introduced over time as part of an accreditation improvement scheme. 	<p>Safeguarding children board response in favour of option a and 1.</p> <p>Some trade response not in favour of this proposal as they felt it would indirectly discriminate against those who found it difficult to get the relevant embassies to co-operate.</p> <p>TREDP response felt this was a good idea but wanted further details on costs involved to the applicant.</p> <p>Police response in favour of option a & 1</p>	
C	<p><u>Knowledge Tests:</u></p> <p>Local Authorities request various other tests from drivers, from DSA tests, formal qualifications and English tests, in addition to the Street Knowledge Tests.</p> <p>It is proposed to implement some type of additional training and/or</p>	<p>DFT Best Practice Guidance felt that tests of topographical knowledge were necessary for HCD who could be hired immediately, however it felt that it was "unnecessarily</p>	<p><u>Options</u></p> <p>a) To add a condition that a qualification must be taken in "Transporting passengers by taxi and private hire" or similar qualification within the first 12</p>	<p>Some trade responses against any additional testing or qualifications, but no reason given.</p> <p>PH Operators response was in favour of Option A, however if option B is chosen they feel this should be amended to</p>	

	<p>qualification for drivers; this is to be in addition to the Street Knowledge Test.</p>	<p>burdensome” for PHD who could check the details of a route before the journey. DFT Best Practice was still in favour of testing candidate’s ability to read a map and knowledge of key places such as main roads and railway stations.</p> <p>The DFT guidance however does state the advantages in encouraging drivers to obtain one of the nationally recognised vocational qualifications for the taxi and private hire trade.</p> <p>Best Practice in comparison to other Local Authorities supports options A & B</p> <p>The justification behind such proposals are to increase public protection, and to raise professional standards for the trade.</p>	<p>months of being licenced.</p> <p>b) To add a condition that DSA driving tests be compulsory for all who have been disqualified from driving by DVLA or with endorsements of 6 points or more on their driving licences or for serious driving offences.</p> <p>If the proposal is to be introduced, respondents asked to select from the following:</p> <ol style="list-style-type: none"> 1. To be introduced immediately 2. To be introduced over time as existing licences expire 3. To be introduced over time as part of an accreditation improvement scheme. 	<p>read as follows:</p> <p>“To make DSA driving tests compulsory for all who have been disqualified from driving by the DVLA or with endorsement on their licences for serious driving offences” Wanted to remove the 6 points element in view of the “totting-up” procedure which would penalise those for minor offences also.</p> <p>Police response in favour of introducing both A & B but over time as 2</p>	
<p>D</p>	<p><u>Identification: Driver badge</u></p> <p>It is proposed that a replica Private Hire Driver Badge issued by the Council shall be affixed in the approved manner to the inside of the vehicle so as to be plainly visible to fare paying</p>	<p>TWC current condition is best practice in comparison with other local authorities</p>	<p><u>Options</u></p> <ol style="list-style-type: none"> a) To introduce proposal b) Not to introduce proposal <p>If the proposal is to be introduced, respondents asked to select from the</p>	<p>Safeguarding children board response in favour of option A and 1.</p> <p>Some trade responses not in favour of this option as they felt the badge was displayed</p>	<p>LG(MP) Act 1976 s52(a) requires the driver to wear his/her badge at all times when acting as a private hire driver. Failure on the part of a licensed private hire driver to wear the badge is an offence. Jim Button writes: “ A number of authorities, by condition attached</p>

	<p>passengers.</p>		<p>following:</p> <ol style="list-style-type: none"> 1. To be introduced immediately 2. To be introduced over time as existing licences expire 3. To be introduced over time as part of an accreditation improvement scheme. 	<p>already.</p> <p>Police response in favour of option A & 1</p>	<p><i>to the driver's licence, require a second badge to be displayed in such a way within the vehicle so that the passenger can see the badge. The need for this second badge arose as it became apparent that the badge worn on the driver's chest may not easily be seen by the passenger, especially those seated behind the driver."</i></p>