

**TELFORD AND WREKIN COUNCIL**

**LICENSING COMMITTEE – 2<sup>nd</sup> DECEMBER 2008**

**DUAL DRIVER CONDITIONS OF LICENCE**

**REPORT OF THE REGULATION AND RESILIENCE MANAGER**

**1. PURPOSE**

- 1.1 To inform the Licensing Committee in respect of a review of Telford & Wrekin Council's Dual Driver Conditions of Licence

**2. RECOMMENDATIONS**

That the content of this Report be noted for information purposes.

**3. SUMMARY**

- 3.1 A comprehensive review of Telford & Wrekin Council's conditions of licence for Private Hire and Hackney Carriages has been undertaken, arising from the Taxi Action Plan.
- 3.3 The Council intends to amend its Dual Licence Conditions in line with the recent amendments to Private Hire and Hackney Carriage Conditions of Licence.

**4. PREVIOUS MINUTES**

- 4.1 There are no previous minutes.

**5. INFORMATION**

**5.1 Background**

- 5.1.1 In addition to Private Hire and Hackney Carriage Driver Badges, the Council also issues Dual Driver Badges. A Driver who is issued with a Dual Driver Badge may drive either a Hackney Carriage or a Private Hire Vehicle licenced in the Borough.
- 5.1.2 The Council's Dual Driver Licence conditions did not form part of the Council's recent comprehensive review of licence conditions.

5.1.3 The Licensing Service will conduct a six week Consultation Process after which the matter will be brought before Members of the Licensing Committee to consider.

## **5.2 Equal Opportunities**

5.2.1 Not applicable for the purposes of this Report.

## **5.3 Environmental Impact**

5.3.1 Not applicable for the purposes of this Report.

## **5.4 Legal Comment**

5.4.1 A Dual Driver Licence allows the licensee to drive both hackney carriages and private hire vehicles.

5.4.2 The Council has the authority to attach such conditions as they may consider reasonably necessary to Private Hire Drivers' Licences by virtue of s.51(2) of the Local Government (Miscellaneous Provisions) Act 1976.

5.4.3 In attaching conditions the Licensing Authority will need to consider the consultation documents and the responses.

5.4.4 In attaching the conditions the Licensing Authority will need to consider each condition on its merits and will need to be satisfied that the condition is necessary in order to assist in the provision of a safe and accessible service with the overriding consideration being public safety.

5.4.5 Following the principles set out in Associated Provincial Picture Houses v Wednesbury Corporation (1948) any conditions attached to a licence should not be so unreasonable that no reasonable authority could have made it.

5.4.6 Any person aggrieved by any condition attached to such a licence may appeal to the Magistrates' Court.

## **5.5 Links with Corporate Priorities**

5.5.1 This report has links to a community that feels 'safe and protected'.

## **5.6 Opportunities and Risks**

5.6.1 Not applicable for the purposes of this Report

## **5.7 Financial Implications**

5.7.1 Not applicable for the purposes of this Report.

## **6. WARD IMPLICATIONS**

6.1.1 This report has Borough wide implications.

## **7. BACKGROUND PAPERS**

7.1.1 Local Government (Miscellaneous Provisions) Act 1976.

7.1.2 Town Police Clauses Act 1847

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