

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held on Monday, 22nd September 2008 at 9.30 am in the Reception Suite, Civic Offices, Telford

PRESENT: V.A.Fletcher (Chairman), E.J.Greenaway (Vice-Chairman), G.J.L.Davies, J.A.Francis, Y.C.Hicks, T.Kiernan, A.A.Mackenzie, C.N.Mason, H.Rhodes, K.L.Tomlinson and A.G.P.Williams.

LC-9 MINUTES

RESOLVED – that the minutes of the meeting of the Licensing Committee held on 21st July 2008 be confirmed and signed by the Chairman.

LC-10 APOLOGIES FOR ABSENCE

Councillors R.G.Chaplin, T.J.Hope, G.P.Hossell and C.F.Smith.

LC-11 DECLARATIONS OF INTEREST

None.

LC-12 ELECTION DAY – WEEKEND VOTING

The Committee received the report of the Head of Audit & Democracy, which sought the Committee's response to the Government's consultation paper – "Election Day – Weekend Voting".

Members were advised that the Government was consulting on whether voting could be made more convenient by changing the timing of elections to the weekend. It was also consulting on whether there were other steps that should be taken alongside such a change to make it easier for people to cast their vote, for example the greater use of advance or early voting.

The Committee were informed that the consultation period closed on 26th September and they were referred to the Consultation Paper that had been distributed to them previously. Members were requested to proceed through the questions within the Consultation Paper after which as part of the report recommendation that the Democratic Services Manager would prepare the final response of the Council with the Chairman of the Licensing Committee based on the comments that the Committee would agree. As a guiding principle the Committee were of the overall view that the voting day should remain on the existing day – because of the potential extra costs, security and the view that there was no firm evidence that had concluded that there would be an increase in voter turnout.

Members did acknowledge that the Borough had a high level of continuing postal votes following the Borough Elections in 2003 that was an all postal vote election. The Committee were of the view that postal voting was very efficient and enabled voters to exercise advanced voting by this particular method. The Committee considered that further publicity surrounding postal

votes should be considered in an attempt to increase the number of postal votes accordingly.

Following a further discussion, it was;

RESOLVED – that

- (a) **Members were requested to consider their response to the Government's Consultation Paper on Weekend Voting, and;**
- (b) **Delegated authority be granted to Democratic Services Manager following consultation with the Chairman of the Licensing Committee to prepare the Committee's response and to forward the same to the Government in accordance with the consultation timetable.**

LC-13 DETERMINATION OF APPLICATION FOR LAND KNOWN AS THE FIELD OFF PEREGRINE WAY, APLEY, TELFORD TO BE REGISTERED AS A VILLAGE GREEN

The report of the Interim Head of Legal Services was received by the Committee which sought consideration of an application by the Apley Preservation Association to register a plot of land described as The Field, off Peregrine Way, Apley, Telford as a town or village green pursuant to Section 15 of the Commons Act 2006. The application had been received by the Council on 15th June 2007 and the Committee was referred to the copy of the completed application form at Appendix 1 that was attached to the report.

Members were requested to consider the independent report that had been undertaken by Douglas Edwards, the independent inspector appointed by the Council in its capacity as registration authority. The report had been prepared following the three day non-statutory public inquiry into the application that was held in April 2008.

Members were advised that the application was accompanied by evidence which the Applicants had contended proved use of the land in accordance with the requirements for registration. The evidence was considered by officers and in accordance with the relevant legislation consultation was undertaken with various parties and a notice was placed in the Shropshire Star. The landowner, English Partnerships had also been consulted and they had submitted an objection.

The Committee were requested to consider the evidence that had been submitted, the objection and the Inspectors report, taking particular account of the report and determine on the balance of probabilities whether the case had been proven for registration of the application site as a Village Green.

Members were referred to the report and the requirements that should be established prior to the determination as to whether a piece or parcel of land should be registered as a Village Green. It was also confirmed that all Members had visited the application site and had inspected all of the evidence that had been deposited in the Members Room, Civic Offices.

Following consideration of the evidence and a full discussion of the contents of the report and the associated evidence, it was;

RESOLVED – that the application for a plot of land described as The Field, off Peregrine Way, Apley, Telford for registration as a Town or Village Green pursuant to Section 15 of the Commons Act 2006 be refused in accordance with the conclusions of the Inspectors report.

The meeting ended at 12.20 pm

Chairman:

Date:

TELFORD & WREKIN COUNCIL

LICENSING COMMITTEE – 21ST OCTOBER 2008

**REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE
CONDITIONS**

REPORT OF THE REGULATION AND RESILIENCE MANAGER

1. PURPOSE

- 1.1 For Members to review the conditions of Licence for Hackney Carriage and Private Hire Licences.

2. RECOMMENDATIONS

2.1 Having considered all relevant information, for Members to decide upon a new set of conditions for the following Licences :

- 2.1.1 Hackney Carriages
- 2.1.2 Private Hire Operators
- 2.1.3 Private Hire Drivers
- 2.1.4 Private Hire Vehicles

3. SUMMARY

- 3.1 Section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976 [LG(MP)A 1976] allows licensing authorities to attach to the grant of Private Hire and Hackney Carriage Licences certain conditions that they consider reasonably necessary.
- 3.2 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.

4. PREVIOUS MINUTES

- 4.1 There are no previous minutes.

5. INFORMATION

5.1 Background

- 5.1.1 Telford & Wrekin Council has responsibility for licensing Hackney Carriage and Private Hire Vehicles, Drivers and Operators within the Borough of Telford & Wrekin.
- 5.1.2 The purpose of licensing Hackney Carriages and Private Hire Vehicles, Drivers and Operators is for the provision of a safe and accessible service to the public.
- 5.1.3 Section 47 (1) of the Local Government (Miscellaneous Provisions) Act 1976 [LG(MP)A 1976] allows licensing authorities to attach to the grant of Hackney Carriage licences conditions that it considers reasonably necessary.
- 5.1.4 Section 48(2) of LG(MP)A 1976 allows licensing authorities to attach to the grant of Private Hire Vehicle Licences certain conditions that they consider reasonably necessary.
- 5.1.5 Section 55(3) of LG(MP)A 1976 allows a local authority to impose any conditions that it considers reasonably necessary on a Private Hire Operator's Licence.
- 5.1.6 Section 51(2) of LG(MP)A 1976 allows local authority to impose conditions that it considers reasonably necessary on a Private Hire Driver Licence.
- 5.1.7 Telford & Wrekin Council has traditionally, in accordance with the above, attached conditions to Hackney Carriage and Private Hire Licences.
- 5.1.8 A comprehensive review of these conditions of licence forms part of the Taxi & Private Hire Action Plan arising from the investigations into Licensing by the External Panel and Scrutiny Commission.
- 5.1.9 The Department for Transport (DfT) Best Practice Guidance has been used to shape this review. The DfT Guidance is directed at local authorities in England and Wales with responsibility for Hackney Carriage and Private Hire licensing who will "decide for themselves the extent to which they wish to make use of it or adapt it to suit their own purposes". There is recognition within the document that it is for individual licensing authorities to reach their own decisions both on overall policies and on individual licensing matters.
- 5.1.10 The consultation process has complied with Telford & Wrekin Council's Adult and Consumer Care's Principles of Consultation and also the Better Regulation Executive Code of Practice on Consultation.
- 5.1.11 The Council included, in the consultation process, Community Organisations, Partner Agencies, Licence Holders, Local and National

Trade Associations which may have been interested in responding to the consultation. The Council also welcomed the views from members of the public, particularly those Service Users who regularly use Hackney Carriage and Private Hire Vehicles and anyone else with an interest in the subject.

5.1.12 The Consultation Period commenced on 4th August 2008 and ended on 12th September 2008. Consultation documents were made available on the Council's website and intranet. Paper versions were made available in the receptions of Civic Offices and Darby House and at all the Telford & Wrekin libraries. They were also available upon request to the Licensing Service. Further copies were distributed at a series of meetings held during the consultation period. Every effort was made to bring the consultation process for the review of the Hackney Carriage and Private Hire conditions of licence to the attention of all interested parties. This was done via the local press, by the internet and by emailing and writing to a wide variety of consultees.

5.1.13 The views of all these persons and bodies who took part in the consultation process have been taken into account in the determination of the review of conditions for the Hackney Carriage and Private Hire Trade. A list of persons/organisations who responded to the consultation is attached at Appendix A.

5.1.14 The current conditions of licence, together with proposed conditions and with best practice and consultation responses, are attached at Appendices B to E.

5.1.15 Any changes and/or amendments to conditions will be subject to grandfather rights for existing licences.

5.2 Equal Opportunities

5.2.1 This report adheres to the Council's Equality and Diversity Scheme and does not discriminate on the grounds of race, gender, disability, age, religion or belief or sexual orientation.

5.2.2 Every effort was made to ensure that the consultation engaged the whole community, including minority ethnic communities, women and disabled groups.

5.2.3 An equalities impact assessment has been carried out on the consultation process for this review.

5.2.4 An equalities impact assessment will be carried out on each new set of Hackney Carriage and Private Hire Conditions.

5.3 Environmental Impact

5.3.1 There is no environmental impact arising from this report.

5.4 Legal Comment

- 5.4.1** The Council has the authority to attach such conditions as they may consider reasonably necessary to Hackney Carriage Licences by virtue of s.47(1) of the Local Government (Miscellaneous Provisions) Act 1976.
- 5.4.2** The Council has the authority to attach such conditions as they may consider reasonably necessary to Private Hire Vehicles Licences by virtue of s.48(2) of the Local Government (Miscellaneous Provisions) Act 1976.
- 5.4.3** 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.
- 5.4.4** The Council has the authority to attach such conditions as they may consider reasonably necessary to Private Hire Operators' Licences by virtue of s.55(3) of the Local Government (Miscellaneous Provisions) Act 1976.
- 5.4.5** In attaching conditions the Licensing Authority will need to consider the consultation documents and the responses.
- 5.4.6** In attaching 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.
- 5.4.7** 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.
- 5.4.8** 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** In proposing this action the Corporate Risk Management Methodology has been complied with. This approach is not intended to eliminate risks but to identify the risks and manage them. However not all risks

can be managed all of the time and some risks may not have been identified.

5.6.2 The following key risks and opportunities associated with this action have been identified and assessed and arrangements will be put in place to manage them.

(i) The Financial risks to the Council in the event of a Judicial Review application.

5.7 Financial Implications

5.7.1 At the time of printing, there is no Financial Comment, which may be added as an Appendix.

6. WARD IMPLICATIONS

6.1.1 This report has implications for all wards in the District.

7. BACKGROUND PAPERS

7.1.1 Local Government (Miscellaneous Provisions) Act 1976.

7.1.2 Town Police Clauses Act 1847

7.1.3 TWC Conditions of Licence for Hackney Carriage Vehicles.

7.1.4 TWC Conditions of Licence for Private Hire Operators

7.1.5 TWC Conditions of Licence for Private Hire Drivers

7.1.6 TWC Conditions of Licence for Private Hire Vehicles

7.1.7 The Department for Transport - Hackney Carriage and Private Hire Vehicle Licensing: Best Practice Guidance, published in November 2006

7.1.8 Human Rights Act 1998.

7.1.9 Public Health Act 1936.

7.1.10 The Motor Vehicles (Wearing of Seat Belts) Regulations 1993

7.1.10 Taxis – Licensing Law and Practice second edition – James T H Button

7.1.11 Transport for London Public Carriage Office – Construction and Licensing of Motor Taxis for Use in London – Conditions of Fitness

Report prepared by, Suzanne Fisher, Licensing Operations Manager - For further information please telephone 01952-383261 or email licensing@telford.gov.uk.

Appendix A

Responses to Taxi and Private Hire Licence Conditions Review Consultation

Responses received from:

1. Telford Private Hire Operators Association
2. Diamond Cars (Telford)
3. Asgher Hussain
4. Mark Turner –Principal Officer Child Protection & Local Authority Designated Officer
5. Mrs BA Flowers
6. Telford Private Hire Drivers Association – Chair Paul Barnett
7. Malcolm Hayward – Hackney Carriage Driver/proprietor
8. Diane Cuff – Telford Race, Equality and Diversity Partnership
9. Adam Tamea – Telford & Wrekin Services Ltd
10. Brian Smith – Hackney Carriage Driver and Proprietor
11. Sohan Singh – Hackney Carriage Driver and Proprietor
12. David Wynne – Hackney Carriage Driver and Proprietor
13. Mohammed Sheraz – Vehicle proprietor
14. Inspector Richard Langton – West Mercia Constabulary
15. Petition from 34 drivers to extend HCV age limits
16. Petition from 84 Private Hire Drivers to extend PHV age limits to 7 years, to extend the duration of the badge from one year to three years, to keep the roof sign on PHVs and to allow factory fitted tinted windows.

Appendix B

Telford & Wrekin Council Conditions of Licence Hackney Carriage Vehicles

EXISTING CONDITIONS		BEST PRACTICE	PROPOSED CONDITONS	CONSULTATION RESPONSE	COMMENTS/CLARIFICATION
General Requirements					
1.1	Throughout the currency of his /her licence the holder of a Hackney Carriage Vehicle licence shall be a fit and proper person to hold such licence. New applicants will be subject to a satisfactory Criminal Records Bureau check and all licence holders will be subject to a check every three years.	Not available	Retain existing conditions	No responses in relation to this condition	
2. 2. IDENTIFICATION PLATES					
2.1	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 in accordance with reasonable instructions of an Authorised Officer of the Council. The plate should be fitted in such a manner as to be easily removable by such officer or Police Constable. 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.	TWC Existing condition matches Dept of Transport Best Practice Guidance	Retain condition New condition proposed at the end of this document. New Proposal A	Trade – In favour of retaining existing conditions.	
2.2	When a Hackney Carriage 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.		Retain condition		<i>Recommend that this condition be removed as it contradicts 2.1 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. Hawkins v Edwards</i>
2.3	The fare card where issued by the Council shall at all times be kept and maintained inside the	TWC existing condition meets best practice in	Retain condition		

	vehicle in accordance with the reasonable instructions of an Authorised Officer of the Council.	comparison with other Local Authorities			
2.4	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. Plates are not transferable except on application.	<p>Display of plate – statutory</p> <p>TWC existing condition meets best practice in comparison with other Local Authorities</p> <p>Transfer of licences is a statutory provision.</p>	Retain condition		
2.5	The Council will not licence a vehicle for hire & reward which is licensed by another Local Authority or allow or permit a Hackney Carriage identification plate issued by another Authority to be displayed upon the vehicle.	TWC existing condition meets best practice in comparison with other Local Authorities	Retain condition		A vehicle licensed by TWC as a HC cannot be licensed elsewhere as a PHV (always one or the other) but no statutory restriction on a HC being licensed in more than one district.
3.	3. TYPE OF VEHICLE				
3.1	3.1 All vehicles submitted to the council for licensing as Hackney Carriages shall meet the safety standards of M1 Category European Whole Vehicle Type Approval .	This current condition is as per Public Carriage Office (PCO) conditions of fitness	<p>a) To retain condition 3.1 and 3.2.</p> <p>b) To retain condition 3.1 and to specify a list of the type of vehicles that may be licensed as a Hackney Carriage. E.g.: Metropolitan FX4 TX1 type, Metrocab, Mercedes Eurocab, Peugeot Euro 7 Taxi, Fiat Eurocab and any other approved Hackney carriage vehicle.</p> <p>c) To specify that no other vehicle may be licensed as a Hackney Carriage without written</p>	<p>Trade – In favour of retaining all conditions.</p> <p>To amend condition 3.1 to be reworded to state PCO approved vehicles not just vehicles, as this could be misconstrued as any type vehicle.</p> <p>Trade – The current condition of only metrocabs and TX vehicle type must be upheld in the interest of public safety.</p> <p>Police – In favour of keeping the existing condition.</p>	<p>Birmingham City Council have this condition.</p> <p>PCO conditions now include the Mercedes Vito (a Eurocab) which has an adaptation on the rear axle to allow the vehicle to have a turning circle which complies with PCO conditions.</p>

			approval of the Council. In addition to this any approved vehicle meeting the “minimum accepted standard” as a Hackney Carriage vehicle. This is any M1 vehicle adapted to be a Hackney Carriage where the Vehicle Certification Agency (VCA) approves the adaptations. The adaptations will have VCA certification to European Whole Vehicle Type Approval (EWVTA) or GB Low Volume Small Type Approval. Vehicles can also be replaced with the above type of vehicles.		
3.2	3.2 The proprietor shall ensure that the Hackney Carriage shall only be of the type approved for public hire used by the Commissioner of Police of the London Metropolitan area, namely a purpose built vehicle designed to carry up to seven passengers and that complies with the following;		See above	Trade – In favour of keeping 3.2 – PCO Hackney Only.	
3.3	3.3 The vehicle must have provision for a minimum of at least one wheelchair,	TWC current condition is best practice as compared with other local authorities.	Retain this condition.	No response	Complies with the Disability Discrimination Act 1995
3.4	3.4 A certificate should be produced showing all of the fittings used to secure wheelchairs to the floor of the vehicle are to Department of Transport specifications.	TWC current condition is best practice as compared with other local authorities.	Retain this condition.	No response	
3.5	The appropriate ramps and associated equipment for loading wheelchairs into the vehicle in the approved manner must be carried and used at all times.	TWC current condition is best practice as compared with other local authorities.	Retain this condition	No response	

		. Complies with DDA 1995.			
3.6	The age limit for hackney carriage vehicles is ten years.	<p>Dft Best Practice Guidance states that “It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not licence vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles – for example, twice yearly tests for vehicles more than five years old.”</p>	<p>Options</p> <p>a) To retain the current condition.</p> <p>b) To remove age limits from vehicles, so long as they continue to pass the requisite testing.</p> <p>c) Remove age limits and amend the frequency of the compliance testing due to the high mileage and wear and tear of vehicles used for private hire.</p> <p>Frequency: 1. New vehicles – 4 years old – Annual testing 2. 4 years + Testing every 6 months</p> <p>d) To lower the age limit for vehicles to 7 years, vehicles older than this not to be licensed. But vehicles to be tested every 6 months from 4 years – 7 years in line with best practice guidance on environmental considerations.</p> <p>e) To adapt a policy of exceptional circumstances under which a vehicle may be</p>	<p>Trade – To retain current conditions and to add option D. Comment to adapt a policy of exceptional circumstances and cabs that are of outstanding condition and pass the relevant emission tests at the time of testing etc.</p> <p>Trade – To extend age limits to 13 years.</p> <p>Trade – not in favour of option B</p>	<p>London Taxi International who manufacture the purpose built hackney carriage advise that their vehicles are built to last 10 years, based on an annual mileage of 60 000 miles.</p> <p>If option D is chosen, Grandfather Rights for existing licenced vehicles will apply.</p>

			<p>licensed past the age limit subject to the consent of the Council, provided it remains of a standard of mechanical and structural fitness to gain the necessary Compliance Certificate and provided there has been and is a strict observance of all other of the requirements and be of such condition that it would otherwise meet the standard which could reasonably be expected.</p>		
3.7	<p>Vehicles equipped with Space Saver / Skinny/ Get you home tyres will not be licensed by the Council. All Hackney Carriage vehicles must be fitted with manufacturers approved tyres of the same size and type including the spare wheel.</p>	<p>Current condition in accordance with Public Carriage Office Conditions of Fitness.</p>	<p>a) All Space saver tyres and equivalent to be licensed b) No restrictions other than manufacturers standards c) A designer spare wheel/ or fixing kit that conforms to the manufacturers original design will be accepted for use only on journeys en-route to the garage for a replacement tyre to be fitted.</p>	<p>Trade – In favour of existing condition. Comment: If a taxi has a puncture or shredded tyre miles away from the passenger’s destination a proper replacement spare tyre is required to continue the journey safely. A fixing kit is temporary and not designed for long trips, the same applies to the space saver wheel, passenger safety must come first rather than manufacturers cost cutting methods.</p> <p>Trade – In favour of existing condition</p> <p>Police – In favour of option B – no restrictions other than manufacturers’ standards.</p>	
3.8	<p>The Council shall refuse any vehicle submitted for licensing which has been equipped with manufactured or retro-fitted blacked out</p>	<p>Other Local Authorities who responded to the consultation - Factory</p>	<p>a) 50% tint permitted b) To permit factory fitted options only</p>	<p>Trade – In favour of existing condition</p>	<p>Option D does not apply to HCs.</p>

	windcreens and /or windows. Standard tinted windcreens and windows are acceptable providing all occupants in the vehicle can be clearly seen from the outside with the doors closed and the windows up. In any case proprietors are advised to consult the council if in any doubt before purchasing such type of vehicle.	fittings only or 50% tint.	c) To include customised retro fit d) To permit blacked out windows for executive vehicles only. e) To retain the current condition	Police – In favour of Option B – permitting factory fitted options only.	
3.9	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.	TWC current condition is best practice as compared with other local authorities.	Retain	Trade – In favour of existing condition	
3.10	The proprietor of the taxi shall ensure that the exterior colour of the taxi is black, or one of the manufacturer’s colours, the use of which has been approved by the Council.		Options a) To remove the condition b) To retain the existing condition. c) To add a condition that all Hackney Carriages vehicles have a common livery to be determined, comments welcomed. Options for introduction a) Yes - To be introduced Immediately b) Yes –Introduce over time as existing licences expire c) Yes – but to be introduced over time as part of an accreditation improvement scheme d) Comments	Trade – In favour of option C to add a condition that all Hackney Carriages have a common livery to be determined. Comment: Black cabs should be black and as PCO approved. Trade – Keep existing condition. Police – in favour of retaining the existing condition – option B.	If PCO conditions are not retained and Eurocabs are allowed to be licenced as Hackney Carriages, a standard colour (e.g. black) may assist the identification issue with regard to confusing Hackneys with PHVs.
4.	CONDITION OF VEHICLE				
4.1	The proprietor shall ensure that the hackney carriage shall be maintained in a sound mechanical and structural condition at all times	TWC current condition is best practice as compared with other	Retain Condition	Trade – In favour of existing condition – “only to be expected”.	

	and be capable of satisfying the Councils mechanical 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. The vehicle shall at all times whilst in service for hire and reward, display a current vehicles excise road fund licence.	local authorities.		Trade – In favour of existing condition. Police – Keep existing condition as per proposal.	
5.	FIRE EXTINGUISHER – FIRST AID KIT – CHILD SAFETY SEATS AND ADDITIONAL EQUIPMENT				
5.1	Fire Extinguisher – Road Vehicle (Construction & Use) Regs. 1986 – Schedule 7 Must be suitable to the risk and is to be carried in the vehicle at all times and securely fixed in the approved manner and in such a position as to be readily available in any emergency. It must be a fire extinguisher no smaller than 1.8 kgs in weight incorporating a built in pressure display gauge and to contain dry powder or water or other chemical re-agent recommended for use in vehicle fires. The extinguisher shall comply with BS 5423 and/or EN3. and shall be a testable item on Compliance Standards Testing of licensed vehicles.	TWC is best practice as in accordance with relevant legislation	Retain Condition	Trade – In favour of existing condition Police – Keep existing condition as per proposal.	
5.2	First Aid Kit - Road Vehicle (Construction & Use) Regs. 1986 – Schedule 7 A standard size and type of first aid equipment which complies with the requirements laid down by the Department of Transport for taxis and minibuses in accordance with regulation 43 and must be carried on the vehicle at all times.	TWC is best practice as in accordance with relevant legislation	Retain Condition	Trade – In favour of existing condition. Police – keep existing condition as per proposal.	
5.3	CHILD SAFETY SEATS				
a)	The Vehicle Proprietor in conjunction with the Operator and the Driver, shall provide and make available to any customer so requesting, an approved infant or booster seat to facilitate the safe conveyance of children during bookings or from Taxi Ranks. (The number of seats held by the company shall be determined by the	TWC is best practice as in accordance with relevant legislation	Retain Condition	Trade – Difficult. Child seats up to 3 years of age, where do you put it after 3 years of age. Thinks HCV are exempt under new seat belt laws of Sept 18 2006 Motor vehicles (Wearing of seat belts) Regulations	The Motor Vehicles (Wearing of Seat Belts) Regulations 1993 attached at Appendix B to this Report Under the amendment made

	Operator and the Vehicle Proprietor in accordance with an assessment of supply and demand) All seats provided shall conform to U. N. Safety Standards R44.03			1993. Trade – In favour of existing condition. Police – keep existing condition as per proposal.	by the 2006 Regulations, taxis are exempt from the requirement for a child in the rear to use a child seat; as long as there is a fixed partition between passenger compartment and driver. If child is under 3 can go in rear without restraint; if over 3 must wear adult seat belt.
b)	The Vehicle Proprietor in conjunction with the company and/or the Driver shall ensure that any infant seat used during a Hackney Carriage journey will be used in accordance with the manufacturer's instructions.	TWC current condition is best practice as compared with other local authorities.	Retain Condition		
c)	Based upon supply and demand, the Proprietor in conjunction with the Operator and Driver shall decide, whether or not the child safety seats provided by them are kept at the company base, and made available to drivers as and when required, or kept upon selected licensed vehicles or both.	TWC current condition is best practice as compared with other local authorities	Retain Condition		
5.4	LIGHT TRAILERS				
a)	Upon application the Council will provide a licence for a Light Trailer for the purpose of conveying the hirer's additional luggage or goods where such items cannot be safely stored in the Hackney Carriage for the duration of the journey. The licence shall be in force for one year and renewable thereafter. The licence fee shall be half of the current fee set for a Hackney Carriage vehicle or Private Hire vehicle.	TWC 5.4b – f, h & K are in line with best practice by comparison to other local authorities. 5.4 a, g & j are not in line with best practice	a) Retain the current conditions detailed at 5.4 b) to f) and 5.4 h) & 5.4) k in accordance with Best Practice. b)To remove current conditions 5.4 a), 5.4 g) and 5.4 j) because they do not meet best practice	Trade – In favour of option A Trade – In favour of removing conditions. Trade – Retain existing condition. Police – In favour of removing conditions.	
b)	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		Retain	Trade – Retain existing condition.	

	etc.				
c)	If the unladen weight of any Trailer submitted for testing exceeds 1,200 kgs, 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.		Retain	Trade – Retain existing condition.	
d)	In any case all Trailers shall meet the braking requirements in accordance with the type and size of said Trailer.		Retain	Trade – Retain existing condition.	
e)	All such Trailers shall not exceed the gross weight limit of 3,500 kgs but in all cases the proprietor should consult the vehicle handbook regarding manufacturer's recommendations particularly where unbraked trailers may be in use.		Retain	Trade – Retain existing condition.	
f)	All Trailers will be subjected to a Compliance Standards check and if found to be satisfactory, issued with a one year certificate		Retain	Trade – Retain existing condition.	
g)	The Trailer shall be issued with a Hackney Carriage vehicle licence plate which shall be fitted to the Trailer in the approved manner and thereafter for all intents and purposes said Trailer shall be regarded as a licensed vehicle.		Remove	Trade – Retain existing condition.	
h)	The Trailer shall be fitted with a rigid hard top and shall be sealed against rain and water to protect luggage and goods.		Retain	Trade – Retain existing condition.	
j)	The Trailer shall carry an appropriate spare wheel and correctly inflated spare tyre at all times that it is in use for hire and reward. Such wheel and tyre shall be the same size as the other road wheels on the Trailer. "Spacesaver, Skinny" or "Get you home" wheels and tyres are not acceptable.		Remove	Trade – Retain existing condition.	
k)	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.		Retain	Trade – Retain existing condition.	
6.	SIGNAGE				
6.1	The following signs and notices will be displayed on licensed Hackney Carriages during the	TWC current condition is best practice as	Retain	Trade – In favour of existing conditions.	

	currency of the Licence:-	compared with other local authorities.			
a)	Notices issued from time to time by Telford & Wrekin Council for the information of the travelling public.		Retain		
b)	A copy of the approved table of fares displayed in a clearly visible position.		Retain		
c)	A sign stating 'Seat Belt Regulations – Seat Belts must be worn'.		Retain		As 5.3 above exemption for children under 3yrs.
d)	A sign bearing the words 'First Aid Kit Carried' fixed to the rear body work of the vehicle.		Retain		
e)	A sign on both rear doors of the vehicle as issued by the Council regarding No Smoking.		Retain		
f)	A sign (the nationally recognised symbol) confirming that the taxi is wheelchair accessible and caters for the needs of the disabled.		Retain		
g)	A sign (if applicable) confirming that the driver of the vehicle accepts travel tokens		Retain		
h)	A certificate (if applicable) confirming that the driver named on such certificate is exempt on medical grounds from carrying wheelchair bound passengers		Retain		
i)	A certificate, if applicable, confirming that the driver is exempt on medical grounds from carrying approved Guide Hearing and other Assistance Dogs		Retain		
7.	ADVERTISEMENTS				
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;	It is proposed that these conditions be retained in their entirety as they reflect best practice.	Retain	Trade – In favour of existing conditions. Police – keep existing conditions as per proposal.	
a)	The Council's written permission is required before the display of any advertisement,		Retain		
b)	Any advertisements shall not advertise unsuitable material, such material to be at the sole discretion of the Council.		Retain		
c)	All advertisements shall comply with the British Code of advertising Practice and shall be in a form acceptable to the Advertising standards		Retain		

	Agency and the council. The council reserves the right to withdraw any advertisement which may be considered inaccurate, misleading, unlawful, defamatory, in bad taste or of an unacceptable standard,				
d)	No advertisement shall relate to or advertise alcohol or tobacco or be of a political nature.		Retain		
7.2	Commercial advertisements may also be displayed on the base of the tip up seats and above the glass passenger partition. Such advertisements must first be approved by the Council before display, and must not obstruct the driver's view of the road or the passenger's view of the meter.		It is proposed that these conditions be retained in their entirety as they reflect best practice.	Trade – In favour of existing conditions.	
7.3	Details of the operating firm of the taxi may be displayed on the vehicle but only in accordance with the conditions below:-		It is proposed that these conditions be retained in their entirety as they reflect best practice.	Trade – In favour of existing conditions.	
a)	An internal sign may be affixed, but only to the nearside internal partition glass, in top nearside position, facing to the rear;		Retain		
b)	No sign shall exceed 51 centimetres wide by 8 centimetres high;		Retain	Trade – Proposal to amend to read: should be able to advertise your own Hackney Carriage in larger lettering (considering the size of the lettering on full body adverts)	
c)	A sign shall not display anything other than the name of a firm, radio circuit or association and/or telephone number;		Retain		
d)	No sign shall refer to any firm, radio circuit or association or telephone number which is outside the Telford & Wrekin Council area;		Retain		
e)	No such sign shall be illuminated.		Retain		
f)	The proprietor shall ensure that any advertisements carried on their vehicle are not disfigured or damaged and shall immediately remove any advertisement that are or become damaged or disfigured		Retain		
8.	COUNCIL NOTICES				
8.1	The proprietor shall cause to be affixed and maintained in a conspicuous position in	TWC current condition is best practice as	Retain		

	accordance with the directions of the Council any sign or notices, as required from time to time by the Council.	compared with other local authorities.			
9.	PASSENGERS				
9.1	The proprietor shall not permit any person other than the driver to ride in the front of the vehicle, except in a vehicle that has an approved type of seat and seatbelt fitted at the time of manufacture or has an additional seat retro-fitted by a company with a history and expertise in that type of work.	TWC current condition is best practice as compared with other local authorities.	Retain	Trade – In favour of existing condition. Would propose that Central motion locks should apply to all passenger doors, as is the locking on a 7 seat metrocar. Trade – In favour of existing condition. Police – keep existing conditions as per proposal.	
NOTE	Note that any additional seats retro-fitted into licensed vehicles will increase the passenger carrying capacity of the vehicle and proprietors must ensure that Vehicle Registration Documents are submitted to DVLA Swansea to be updated to reflect the number of additional passengers the vehicle can carry for hire and reward. (The council will only licence vehicles to the maximum seating capacity shown on the Vehicle Registration Document.)	Current TWC condition reflects best practice and legislation.	Retain		
10.	TAXIMETERS				
10.1	The proprietor shall cause the vehicle to be fitted with a 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.	It is proposed that these conditions be retained in their entirety as they reflect best practice	Retain Conditions	Trade – In favour of existing conditions. All taxis to be on the same tariff. Trade – In favour of existing conditions. Police – keep existing conditions as per proposal.	
a)	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.	Statutory			
b)	The licence holder shall not cause the fare recorded thereon to be cancelled until the hirer has had a reasonable opportunity of examining it	Statutory			<i>Recommend removing this condition as it is more appropriate to driver conditions.</i>

	and has paid the fare.				
c)	The licence holder shall ensure that the taximeter is sufficiently illuminated that when in use it is visible to all passengers.	Statutory			
d)	The licence holder shall ensure that the taximeter is only brought into action at the commencement of the hirer's journey and the correct tariff for that journey is displayed.	Statutory			<i>Recommend removing this condition as it is more appropriate to driver conditions.</i>
e)	The proprietor shall cause the taximeter to be maintained in a sound mechanical and electronic condition at all times.	Statutory			
f)	The proprietor shall ensure the 'FOR HIRE' sign or other illuminated sign is extinguished when the fare commences.	Statutory			<i>Recommend removing this condition as it is more appropriate to driver conditions.</i>
g)	The proprietor undertakes to ensure that the taximeter will not be replaced without 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.	Statutory			
h)	The proprietor shall not use or permit to be used a taximeter that the Council has not sealed to prevent unauthorised adjustment of the taximeter.	Statutory			
i)	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 Vehicle licence.	TWC current condition is best practice as compared with other local authorities.			
11.	FARE TABLES				
11.1	The proprietor shall ensure that a copy of the current fare table supplied by the Council from time to time 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.	Statutory	Delete It is proposed that these conditions be removed as they are a duplication of condition Signage 6b above.	Trade – In favour of existing conditions. Would propose that a soiling charge should be added to the fare table. Trade – In favour of existing condition.	

				Police – remove existing conditions as per proposal.	
11.2	The proprietor undertakes to ensure that the fare table is not concealed from view or rendered illegible to fare paying passengers while the vehicle is for hire.		See above – add to 6.b	Trade – In favour of existing condition. Police – remove existing conditions as per proposal.	
12.	INSPECTION OF VEHICLE AND TAXI METERS				
12.1	A licensed Hackney Carriage and any taximeter affixed to the vehicle may be inspected by an Authorised Officer of the Council or by a Police Officer at all reasonable times.	Statutory	Retain Conditions It is proposed that they be added to in reference to the 'frequency of testing' as detailed below in the issue of age limits.	Trade – In favour of existing conditions. Inspection and tariff charges are supposed to be paid by the Council (regarding the measured mile and customer complaints about meters). Trade – In favour of existing conditions. Comment: if the Hackney Carriage proprietor has only minor faults with his vehicle to be given a stop notice Trade – In favour of existing conditions. Police – keep existing conditions as per proposal.	
12.2		Statutory			<i>Recommend removing this condition, as it is a statutory provision.</i>
12.3	If the Officer or Constable is not so satisfied within 2 months of the initial inspection, the Hackney Carriage Vehicle Licence shall be deemed revoked.	Statutory			<i>Recommend removing this condition, as it is a statutory provision.</i>
13	INSURANCE				
13.1	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, a policy of insurance and security complying with the provisions of Section 145 of Part VI Road	Statutory	It is proposed that these conditions be retained in their entirety as they reflect legislative requirements.	Trade – In favour of existing conditions. Police – keep existing conditions as per proposal.	<i>Recommend removing this condition, as it is a statutory provision.</i>

	Traffic Act 1988 which covers third party liability both in respect of physical injury or death AND in respect of damage to personal belongings. A valid copy of the insurance certificate or cover note shall be produced to an authorised Officer of the Council or a Police Constable for inspection whenever required.				
13.2	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 Hackney Carriage 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).	TWC current condition is best practice as compared with other local authorities.	It is proposed that these conditions be retained in their entirety as they reflect legislative requirements and best practice..		Statutory requirement to produce insurance. Best Practice to do so within 7 days.
13.3	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.	TWC current condition is best practice as compared with other local authorities.			
13.4	Proprietors shall provide to the Council proof of Public Liability Insurance to the value of £1,000,000			Trade – would like parity of level of school contracts liability amount	TWC requirement for school contracts is : "Indemnity for death/injury must be unlimited. The lowest limit of indemnity for property must normally be £5 million. In certain circumstances the Council, may upon application, accept a lower limit for property damage"
14.	CONVICTIONS				
14.1	The proprietor of the vehicle shall notify the Council of any conviction recorded against him or her by any court within 7 days of such a	Current TWC condition reflects best practice and legislation (fit and	Retain	Trade – In favour of existing condition.	

	conviction being imposed.	proper person).		Police – keep existing conditions as per proposal.	
15.	TWO WAY RADIOS				
15.1	The proprietor shall ensure that any radio equipment fitted to his/her vehicle is correctly licensed by the relevant authority and is at all times kept in a safe and sound condition and maintained in proper working order and that the use of any such system must be disclosed to the proprietors insurance company.	Not available	<p>a) Maintain the conditions in the entirety.</p> <p>b) Remove the conditions and have a separate policy for the installation of various equipment types that can be updated more frequently to reflect current technology.</p>	<p>Trade – In favour of existing conditions.</p> <p>Police – Option B</p>	
15.2	Where a Licensed Hackney Carriage is operated by a company using a Radio Net that company/ vehicle proprietor shall allocate a radio/computer call sign to any vehicle operating on their system and that call sign shall be the plate number of the licensed vehicle.	Not available			
16	CITIZEN BAND RADIOS				
16.1	The licence holder/company/driver shall ensure that no Citizen Band Radio is used at a base of operations, or be fitted to or carried in or used in the vicinity of a licensed Hackney Carriage vehicle at any time.	Not available	<p>a) Maintain the conditions in the entirety.</p> <p>b) Remove the conditions and have a separate policy for the installation of various equipment types that can be updated more frequently to reflect current technology.</p>	<p>Trade – In favour of existing condition.</p> <p>Police – Option B</p>	
17.	RADIO SCANNING DEVICES				
17.1	No Radio Scanning Device of any type or sort may be used at a base of operations or fitted to, carried in or used in the vicinity of any Hackney Carriage at any time during the currency of the Licence.		<p>a) Maintain the conditions in the entirety.</p> <p>b) Remove the</p>	<p>Trade – In favour of existing condition.</p> <p>Police – Option B</p>	

			conditions and have a separate policy for the installation of various equipment types that can be updated more frequently to reflect current technology.		
18.	CCTV CAMERAS				
18.1	Hackney Carriage proprietors may, subject to the written approval of the Council, install and use an approved visible closed circuit TV surveillance camera in their vehicles, for the purposes of personal safety and as a deterrent only. Any such system must meet the approval of the D.T.I and other relevant authorities.	TWC current condition is best practice as compared with other local authorities.	<p>a) Maintain the conditions in the entirety.</p> <p>b) Remove the conditions and have a separate policy for the installation of various equipment types that can be updated more frequently to reflect current technology.</p>	<p>Trade – In favour of existing conditions.</p> <p>Police – Option B</p>	
18.2	If an approved camera is fitted a sign must be displayed inside the vehicle, visible to passengers, stating 'Closed Circuit TV Surveillance in Operation'. Similar signs shall be displayed outside the vehicle adjacent to the 'No Smoking' signs to warn prospective customers of the possible use of the surveillance camera. Such signs are to be no greater than 950 mm x 110mm and in discernible colours.	TWC current condition is best practice as compared with other local authorities.			
19.	TELEPHONES				
19.1	No telephone of whatsoever type will be permitted to be used by the Hackney Carriage driver in any Hackney Carriage 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.		<p>Remove</p> <p>It is proposed that the conditions detailed at 19.1 & 19.2 be removed as this now covered by other legislation.</p>		
19.2	Where a telephone is used in Hackney Carriage vehicle by a driver to make provision for the	Stated Case supercedes this condition.	Remove		

	invitation of bookings then the proprietor of the taxi is required to take out a Private Hire Operators Licence for that vehicle.				
20.	ACCIDENTS				
20.1	The proprietor of a Licensed Hackney Carriage vehicle shall, notwithstanding his/her responsibilities under the Road Traffic Act, report to the council as soon as possible, or in any event within 72 hours, any accident which has caused damage which materially affects the safety, performance or appearance of the vehicle or the comfort or convenience of passengers.	Statutory TWC current condition is best practice as compared with other local authorities.	It is proposed that this condition is retained in its entirety and added to the conditions of vehicle section.	Trade – In favour of existing condition.	Statutory requirement so not necessary as a condition, but as a condition it does serve to remind the licence holder of statutory requirements.
21.	HACKNEY CARRIAGE VEHICLE LICENCE				
21.1	Telford & Wrekin Council may suspend, revoke or refuse to renew a Hackney Carriage Licence on the following grounds:	Statutory	It is proposed that these conditions be retained in their entirety as they reflect the relevant legislation.	Trade – In favour of existing conditions. Police – keep existing conditions as per proposal.	<i>Recommend removing conditions as it is a statutory provision.</i>
a)	The vehicle is unfit for use as a Licensed Hackney Carriage				
b)	The Proprietor or Driver has committed an offence under, or failed to comply with, the provisions of the Acts, which are summarised in part 3.				
c)	Any other reasonable cause.				
21.2	The Council must give notice of the grounds for doing so within 14 days.			Trade – In favour of existing conditions. Police – keep existing condition as per proposal.	
22.	TRANSFER OF INTEREST IN A VEHICLE				
22.1	If the Authorised Officer or Police Constable inspecting the vehicle is not satisfied as to the fitness of the vehicle or the accuracy of the meter, he may (without prejudice to the provisions of Conditions 10, 11 and 12), give written notice to the Proprietor to make the Hackney Carriage and/or taxi 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 or Police Constable is	It is proposed that these conditions be retained in their entirety as they reflect the relevant legislation.	It is proposed that these conditions be retained in their entirety as they reflect the relevant legislation.	Trade – In favour of existing conditions. Comment on sale or transfer to own district new compliance if the existing one is over 3 months old? Trade – In favour of existing conditions. Police – keep existing conditions as per proposal.	Statutory requirement so not necessary as a condition, but as a condition it does serve to remind the licence holder of statutory requirements

	satisfied as to the vehicle's fitness or as to the accuracy of the taxi meter.				
22.2	If that person is not a Licensed Hackney Carriage Driver or Proprietor it will be necessary for vetting to take place before a Licence may be issued to such applicant.		Retain Conditions		
23.	TRANSFER OF LICENCE TO A NEW VEHICLE				
23.1	The Proprietor of a Licensed Hackney Carriage wishing to replace a licensed vehicle with another vehicle must apply for a new vehicle licence. The proprietor will be required to supply to the council all relevant information relating to the new vehicle.	It is proposed that these conditions be retained in their entirety as they reflect the relevant legislation.	Retain Conditions	Trade – In favour of existing conditions. Comment on sale or transfer to own district new compliance if the existing one is over 3 months old? Trade – In favour of existing conditions. Police – keep existing conditions as per proposal.	
23.2	An appointment to test the new vehicle will not be made by the council unless the vehicle is available for immediate inspection and in any case no more than 48hours in advance. The proprietor must also undertake to licence the vehicle immediately after testing.	TWC current condition is best practice as compared with other local authorities.			
23.3	A fee will be paid at the Council approved Testing Station for the mechanical and electrical inspection of the replacement vehicle and a new Certificate of Compliance issued before the licence is transferred.	TWC current condition is best practice as compared with other local authorities.			
24.	UNATTENDED TAXIS				
24.1	No Licensed Hackney Carriage may be left on a taxi rank designated by Section 63 Local Government (Miscellaneous Provisions) Act 1976 without a licensed driver in attendance. A police constable may remove any such vehicle from the taxi rank.		This condition will be retained in its entirety as it reflects the relevant legislation.	Trade – In favour of existing condition. Comment: Taxis must move up on the rank, I know this is a driver licence issue but why not a vehicle licence issue, then drivers could be forced to make their drivers conform to this condition and hopefully stop some of the stupidity on the ranks that is happening at the moment.	<i>Recommend removing condition as it is a statutory provision.</i>

				Trade – In favour of existing condition. Police – to keep existing conditions as per proposal.	
25.	ADDITIONAL CONDITIONS				
25.1	This list of conditions is not finite and additional information regarding all aspects of Hackney Carriage licensing in detail can be found in the official handbook issued by Telford & Wrekin Council.	These conditions will be retained in their entirety as they reflect the relevant legislation.	Retain Conditions	Trade – In favour of existing conditions. Police – to keep existing conditions.	<i>Recommend removing all of Condition 25 as it is more appropriate to include them in Explanatory Notes.</i>
25.2	The Council reserves the right to amend conditions from time to time as required and without prior notice but such changes will be brought to the attention of the Hackney Carriage trade as quickly as possible and in most cases after consultation. It is therefore advisable for all drivers, vehicle owners and operators to check with the Authority for information regarding any such changes.				
25.3	All licence holders must refer to the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, the Road Vehicles (Construction and Use) Regulations 1986 and the Road Traffic Act 1988. This list is not exhaustive.				
25.4	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, Guides or Handbook, 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 Office for advice on 01952 – 202388.				
NEW PROPOSALS					

<p>New A)</p>	<p><u>New Proposal: Vehicle Identification – Internal Signage</u></p> <p>To add a condition that all Hackney Carriage Vehicles should display a replica Hackney Carriage 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.</p>	<p>Best practice comparison with other local authorities is in favour of this proposal.</p>	<p>Options:</p> <p>a) Yes – To be introduced immediately b) Yes – Introduce over time as existing licences expire c) Yes – but to be introduced over time as part of an accreditation improvement scheme d) Comments</p>	<p>Trade – In favour of introducing over time as existing licences expire (already exists in London cabs).</p> <p>Police – to be introduced immediately.</p>	
<p>New B)</p>	<p><u>New Proposal: Customer Feedback Cards</u></p> <p>To add a condition to install customer feedback cards in all Hackney Carriage Vehicles asking for feedback on customer service. The results of customer feedback to be shared with operators.</p> <p>* Condition proposed as part of the Taxi & Private Hire Action Plan.</p>	<p>Unable to find best practice guidance on this issue with the Department of Transport and comparison with other local authorities.</p>	<p>Options:</p> <p>a) Yes – To be introduced immediately b) Yes – Introduce over time as existing licences expire c) Yes – but to be introduced over time as part of an accreditation improvement scheme d) Comments</p>	<p>Trade – In favour of introducing this over time as existing licences expire.</p> <p>Trade – Yes – but to be introduced over time as part of an accreditation improvement scheme.</p> <p>Police – to be introduced over time as licences expire.</p>	
<p>New C)</p>	<p><u>New Proposal: Equipment</u></p> <p>To add a condition that all Hackney Carriages must carry a warning triangle and an appropriate set of spares, (e.g. spare bulbs) as agreed with operators, the licensing team and the licensing committee.</p> <p>* Condition proposed as part of the Taxi & Private Hire Action Plan</p>	<p>Unable to find best practice guidance on this issue with the Department of Transport and comparison with other local authorities.</p>	<p>Options:</p> <p>a) Yes – To be introduced immediately b) Yes – Introduce over time as existing licences expire c) Yes – but to be introduced over time as part of an accreditation improvement scheme d) Comments</p>	<p>Trade – In favour of introducing this over time as existing licences expire.</p> <p>Trade – Yes – but to be introduced over time as part of an accreditation improvement scheme.</p> <p>Police – to be introduced over time as licences expire.</p>	

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> "
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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>

	passengers.		<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>

Appendix D

Telford & Wrekin Council Conditions of Licence Private Hire Vehicles

EXISTING CONDITIONS		BEST PRACTICE	PROPOSED CONDITONS	CONSULTATION RESPONSE	COMMENTS/CLARIFICATION
General Requirements					
1.1	Throughout the currency of his /her licence the holder of a Private Hire Vehicle licence shall be a fit and proper person to hold such licence. New applicants will be subject to a satisfactory Criminal Records Bureau check and all licence holders will be subject to a check every three years.	TWC Existing condition matches Dept of Transport Best Practice Guidance	Retain existing conditions	No responses in relation to this condition No response from TREDP on this issue	
2. IDENTIFICATION PLATES					
2.1	The external identification plate issued by the Council shall at all times be fixed to the outside rear of the private hire vehicle by the proprietor to the place provided by the manufacturer or in accordance with reasonable instructions of an Authorised Officer of the Council. The plate should be fitted in such a manner as to be easily removable by such officer or Police Constable.	Dept of Transport Best Practice Guidance states that it helps identification if licence plates are displayed on the front as well as the rear of vehicles.	Retain condition but simplify wording to state front and rear of vehicle “ so as to be visible to the public” New condition proposed at the end of this document. New Proposal B	LSCB – Keep condition and add condition to display additional signage on external front doors “Advance Bookings Only” Trade responses in favour of keeping condition 2.1 but wanted wording simplified.	
2.2	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.	TWC Existing condition matches Dept of Transport Best Practice Guidance	Retain condition	No responses in reference to this issue	
2.3	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. Said plates will be displayed at all times in accordance with Council	TWC existing condition meets best practice in comparison with other Local Authorities	Retain condition		

	instructions.				
2.4	When a vehicle licensed for Executive work is used to carry out standard Private Hire bookings the proprietor of the vehicle and the Operator shall ensure that an approved roof sign is placed upon the vehicle in the approved manner and that said sign bears the plate number issued to that specific vehicle	Not available.	Retain condition		
2.5	The fare card where issued by the Council shall at all times be kept and maintained inside the vehicle in accordance with the reasonable instructions of an Authorised Officer of the Council.	TWC Existing condition matches Dept of Transport Best Practice Guidance	Retain condition		
2.6	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 vehicle licence if not renewed. Plates are not transferable except on application.	TWC Existing condition matches Dept of Transport Best Practice Guidance	Retain condition		
2.7	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.	Stated Case - Benson v Boyce states once a licenced vehicle that status does not change until the licence expires, is revoked or is surrendered.	Retain condition	Responses from the trade in favour of all plates being magnetic so as to be easily removed in line with this condition.	<i>Recommend that this condition is removed as it contradicts 2.2 which says the plate can only be removed by an Authorised Officer of the Council. Also once a vehicle is licenced, its status never changes unless the licence expires, is revoked or surrendered. Benson v Boyce</i>
2.8	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	TWC Existing condition matches best practice of other local authorities on comparison	Retain condition	No responses on this issue	
3.	ROOF SIGNS				
3.1	External roof signs shall be the responsibility of the Operator of the company and must be kept to an approved standard. The roof signs shall be of a type and size approved by the Council and shall at all times be affixed to the roof of the private hire	TWC current condition relating to roof signs is not best practice as some councils prefer not to use them.	a) Retain b) Remove c) New proposal (detailed at end of document)	Trade responses in favour Option A – retaining roof signs as the roof signs are well-established within Telford & Wrekin area.	Newcastle-u-Tyne and Luton have roof signs on PHVs in order to aid the identification of PHVs for the public.

	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.	The DfT Best Practice states that in conjunction with a licence identification plate, some Local Authorities require a roof sign with words such as “pre-booked only”. It also states “ <i>But it can be argued that any roof-mounted sign, however unambiguous its words, is liable to create confusion with a taxi. So roof-mounted signs on PHVs are not seen as best practice.</i> ”		TREDP in favour of retaining current conditions. Petition from various drivers in favour of retaining existing conditions.	Regarding PHVs being confused with Hackney Carriages, Jim Button writes “ <i>In districts where all hackney carriages have to be purpose-built, whereas private hire vehicles will include saloon cars, estate cars and people carriers, the distinction will already be reasonably obvious. It is acknowledged that this argument about confusion would be much more apparent in an area where saloon-type vehicles were licensed as hackney carriages.</i> ”
3.2	All roof signs on Private Hire vehicles shall be connected to the vehicle electrical wiring system and will be illuminated when the vehicle is in service during lighting up times and /or adverse weather conditions.	As 3.1	See 3.1	See 3.1	
3.3	The proprietor 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.	As 3.1	See 3.1	See 3.1	
3.4	For whatever reason, when a private hire vehicle licence is suspended the licence 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 by the Council. Only at that point will the roof sign be returned to the vehicle proprietor/driver by the Operator.	As 3.1	See 3.1	See 3.1	
4.	TYPE OF VEHICLE				
4.1	The proprietor shall ensure that the Private Hire vehicle shall only be of the type approved for Private Hire by the council, namely a motor car or a multi- purpose vehicle built to carry up to seven passengers with factory fitted seatbelts and an	Dept of Transport Best Practice Guidance states that best practice is for local licensing authorities to adopt the	a) To retain conditions 4.1/4.2/4.4 & 4.5 b) Specify as many	Trade responses in favour of Options B and D TREDP response in favour of Option B.	<i>PHVs can carry up to 8 passengers. Recommend that “...up to seven passengers...” be replaced with “...up to eight passengers...”</i>

	<p>engine capacity not less than 1600cc. Or :-</p>	<p>principle of specifying as many different types of vehicle as possible.</p>	<p>different types of vehicle as possible or a range of general criteria which allow the trade to put forward vehicles of choice that meet the criteria. Will provide greater flexibility for new vehicle types.</p> <p>c) To agree to state a variety of vehicles ranging from four door saloon vehicles to the modern day people carriers.</p> <p>d) To add a condition that all vehicles will be considered on their own merits so long as they comply with all current and statutory requirements, inc Road Vehicles (construction and use) Regulations 1986, the Motor Vehicle (Wearing of Seatbelts) Regulations 1993 & Motor Vehicle (Wearing of seatbelts by children in front seats) Regulations</p>	<p>Police response in favour of Option A</p>	<p>Vehicle technology has developed since this condition was originally introduced which has resulted in smaller vehicles which comply with this condition, i.e. have an engine of not less than 1600cc, being licenced.</p> <p>With regard to option b – the LG(MP)A 1976 says that the vehicle should be suitable in type size and design for use as a PHV. This includes the requirement the vehicle has four doors for driver and passenger access. The traditional estate car has been superceded by people carriers (MPVs). Some local authorities do not licence these vehicles for more than 4 passengers as the middle row of seats has to be tipped forward to allow passengers to exit the vehicle from the rearmost row of seats. This is similar to having a two-door car with passengers in the back seat.</p>
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			<p>1993.</p> <p>e) To add a condition that all vehicles will be considered on their own merits so long as they comply with one of the following:</p> <ol style="list-style-type: none"> 1) European Whole Vehicle type approval 2) British National Type approval 3) British Single Vehicle approval 		
4.2	A Mini-Bus or similar purpose built vehicle designed to carry up to eight passengers (such vehicles must be wheelchair accessible).	Retain this condition as it meets best practice and is ahead of the compulsory wheelchair accessibility requirements scheduled for 2010.	Retain		
4.3	The Council shall refuse any vehicle submitted for licence which is fitted with windows to the rear of the driver and which allow less than 60% of light to be transmitted through them. Vehicles which are currently licensed and fitted with windows to the rear of the driver which allow more than 45% of light to be transmitted through them will remain licensed for a maximum period of 12 months from the date of the introduction of this condition.	Best Practice from comparison of other local authorities is to permit factory fittings only, or 50% tint permitted.	<p>Options</p> <ul style="list-style-type: none"> • a) To retain current condition • b) 50% tint permitted • c) To permit factory fitted options only • d) To include customised retro fit • e) To permit b), c) or d) above for executive vehicles only 	<p>Trade response consensus in favour of Option C – to permit factory fitted options only.</p> <p>Telford Race Equality & Diversity partnership (TREDP) in favour of what was best practice.</p> <p>TWS response in favour of conditions in relation to tinted windows to be the same for PHV and Executive Vehicles. Stated that some factory fittings do not meet current TWC conditions and can cause problems for them.</p>	<p>Recommend that if the current condition is retained that the following sentence should be removed as it was included to allow “Grandfather Rights” when this condition was introduced in 2005. <i>“Vehicles which are currently licensed and fitted with windows to the rear of the driver which allow more than 45% of light to be transmitted through them will remain licensed for a maximum period of 12 months from the date of the introduction of this condition.”</i></p>

				<p>Petition from various PHV drivers in favour of Option C.</p> <p>Police response in favour of Option C.</p>	<p>The current condition has caused problems for some members of the trade when purchasing new vehicles as the standard Manufacturer tint is usually below 60% and it has been almost impossible in some cases for members of the trade to obtain replacement windows which allow 60% of light through.</p>
4.4	<p>All vehicles submitted for licensing shall hold M1 Category European Whole Vehicle Type Approval.</p>	<p>Dept of Transport Best Practice Guidance states that best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible, and was in favour of setting down a general criteria , leaving it open to the taxi and PHV trades to put forward vehicles of their own choice which can be shown to meet those criteria. This permits greater flexibility.</p>	<p>See 4.1 for options</p>	<p>Consultation Meeting of drivers and vehicle owner's consensus in favour of Option B.</p> <p>TREDP response in favour of Option B</p> <p>Police response in favour of Option A</p>	
4.5	<p>In the absence of a readily available purpose built vehicle the Council will create a Special Types Category for converted or adapted Mini - Buses to carry up to eight passengers. Such vehicles will be licensed by the Council for hire and reward providing that in the main they can cater for the transportation needs of the ambulant disabled. It is intended that this policy will be reviewed from time to time if suitable purpose built vehicles become available.</p>	<p>Dept of Transport Best Practice Guidance states that best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible</p>	<p>See 4.1 for options</p>	<p>TREDP response is favour of Option B</p> <p>Police response in favour of Option A</p>	
4.6	<p><u>Limousines</u></p>	<p>Dept of Transport Best</p>	<p>Retain conditions</p>	<p>This issue is not intended to be resolved by this review and</p>	

	<p>In the absence of any national standards set to help Local Authorities deal with the licensing of stretched limousines the council will regard such vehicles as in the Special Types Category and upon application will licence them until further notice as standard Private Hire vehicles. The need for legislation to cover the operation of this type of vehicle is being considered by D. o .T. In the interim any vehicle that is licensed shall comply to the councils five year age limit and shall be subjected to Compliance Standard testing under the Road Vehicles (Construction & Use) Regulations 1986 and all existing conditions relating to licensed Private Hire vehicles. The Council reserves the right to amend conditions relating to these vehicles as and when required.</p>	<p>Practice Guidance is in favour of such vehicles being licensed by local authorities as they believe that these vehicles have a legitimate role to play in the private hire trade and meet a legitimate demand.</p> <p>However the Department of Transport is currently revising its guidance on the licensing arrangements for stretched limousines.</p>	<p>a) Retain the current conditions and continue to licence such vehicles as they meet a legitimate public and business demand.</p> <p>b) To amend conditions that the Licensing officer will require sight of the Single Vehicle Approval (SVA) certificate to ensure that the vehicle was tested by VOSA before being registered and licensed by the DVLA.</p> <p>1) European Whole vehicle type approval 2) British National Type approval 3) British Single vehicle approval</p>	<p>will require further investigation, and consultation, however this was an opportunity to gather viewpoints on this issue.</p> <p>Trade view on this was in favour of option a.</p> <p>Police in response of option b</p>	
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4.7	For reasons of safety Proprietors of such vehicles shall simultaneously engage, the services of two licensed Private Hire drivers at any time that the vehicle is used for hire and reward and it shall only be licensed by the Council for seven fare paying passengers. As and when new legislation, directives and/or new conditions are introduced the Council reserves the right to adopt any such measures without further notice.	See 4.6	See 4.6	See 4.6	The need for two drivers was because the vehicles are left hand drive and longer than standard PHVs.
4.8	All vehicle proprietors must obtain written consent from the council prior to licensing Mini-Bus derivatives, Limousines or any other vehicle (converted or adapted) which may or may not fall into the Special Types Category. Such vehicles must not be purchased until it is clear, in writing, that the council is prepared to licence them for hire and reward.	See 4.6	See 4.6	See 4.6	
4.9	Vehicles equipped with Space Saver / Skinny/ Get you home tyres will not be licensed by the Council. All Private Hire vehicles must be fitted with manufacturers approved tyres of the same size and type including the spare wheel.	Best practice based on comparison of other local authorities concur with Option C.	Options a) All Space saver tyres and equivalent to be licensed b) No restrictions other than manufacturers standards c) A designer spare wheel/ or fixing kit that conforms to the manufacturers original design will be accepted for use only on journeys en-route to the garage for a replacement tyre to be fitted.	Trade response in favour of replacing condition with Option B. TREDP response in favour of Option B Police response and response from various drivers in favour of Option B	
4.10	The Council will only licence suitable vehicles which do not exceed the age limit for motor cars and Multi Purpose Vehicles of five years or the age limit for a purpose built or adapted minibus of six years.	Dept of Transport Best Practice Guidance on this issue felt that age limits could be seen as "arbitrary and	a) Retain b) Remove age limits so long as vehicles continue to pass the requisite testing.	Trade response in favour of extending age limits to 6 years (as a compromise between current condition and best practice & no vehicle to be	

		<p>inappropriate”, but are in favour of a greater frequency of testing for older vehicles. This view concurs with option B, C, and D</p>	<p>c) Remove age limits and amend the frequency of the compliance of the testing due to high mileage and wear and tear of vehicles.</p> <p>d) To extend the age limit for vehicle to 7 years. Vehicles to be tested every 6 months from 5 years to 7 years in line with best practice guidance.</p> <p>e) To adapt a policy of exceptional circumstances under which a vehicle maybe licensed past the age limit, subject to the consent of the Council, provided it remains of a standard of mechanical and structural fitness to gain the necessary Compliance Certificate and provided there has been and is a strict observance of all other of the requirements and be of such condition that it would otherwise meet the standard which could reasonably be expected of a vehicle which does not exceed the age limit by virtue of one or more of the following:</p>	<p>over 5 years of age when first licensed.</p> <p>Trade response also in favour of vehicles being tested every 6 months from 5 years of age and over.</p> <p>TREDP response in favour of options B, D & E</p> <p>Petition response submitted by trade in favour of extending age limits to 7 years.</p>	
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			<p>(i) Exceptional maintenance and repair (ii) Low mileage (iii) Make of vehicle (classic cars) (iv) Exceptional interior and exterior</p>		
4.11	The vehicle must not be of a type approved by the Council for Public Hire. (Hackney Carriage).	TWC current condition is in line with best practice by comparison with other local authorities	Retain	<p>No response from trade.</p> <p>No response from TREDP on this issue</p>	The LG(MP)A 1976 s48(1)(a)(ii) states "...a district council shall not grant a Private Hire Vehicle licence unless they are satisfied (a) that the vehicle is (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage". TWC currently licence 9 Eurocabs (of varying makes and models) as PHVs. These vehicles all have wheel chair accessibility. (See Hackney Carriage Schedule of Proposals.)
4.12	<p>The current Telford & Wrekin guidance on executive vehicles provides a list of vehicles and trim levels as a guide to what vehicles are considered appropriate to be licensed as executive vehicles.</p> <p>The list is not exhaustive and each vehicle will be judged on its merits. If an operator is thinking of asking the Licensing Team to licence another type of vehicle they are advised to speak to a member of the Licensing Team in advance of purchasing the vehicle.</p> <p>The current guidance also states that:</p> <ul style="list-style-type: none"> • a) The vehicle must be immaculate condition. • b) The vehicle needs to be large enough to carry at least three passengers and their luggage. • c) The vehicle will have air conditioning or climate control and alloy wheels. 	Practice on this issue varies across the country based on comparison of other local authorities.	<p>Options :</p> <ul style="list-style-type: none"> a) To add to the existing list with more vehicle types. b) To keep the existing list and assess vehicles on a case by case basis. <p>The criteria for granting executive status is dependent on the type of vehicle as stated above, and the type of work the vehicle is going to do.</p>	<p>Trade response in favour of keeping the existing list, but feel it would be appropriate to add to the list (with consultation) as and when the situations arise.</p> <p>Trade response also in favour of making executive work only for executive vehicles and executive vehicles not being able to carry out non executive private hire work.</p> <p>TREDP response in favour of Option B</p> <p>Police response in favour of option B</p>	<p>Recommend that vehicle owners applying for executive status for their PHV should produce to the Licensing Officer written confirmation from their PHO that the vehicle will be carrying out executive work.</p> <p><i>Condition 4.12 d). Recommend for the purposes of consistency (if retained) this is changed to same as 4.3 above.</i></p>

	<ul style="list-style-type: none"> d) The vehicle may have tinted windows but not so strong that you cannot see into the vehicle. e) The vehicle must be maintained to a very high standard. f) The passenger capacity will be restricted to the number of seats for adults. <p>The list of current types and makes of vehicle will normally be licensed as executive vehicles if they comply with the above criteria:-</p> <ul style="list-style-type: none"> Mercedes Benz E and S Class – all models. BMW 5 and 7 Series – all models. Jaguar S and XJS types – all models. Audi A6 – all models. Peugeot 607 – all models. Volvo S80 – all models. Skoda Superb – all models. Vauxhall Omega – all models. MVPs Ford Galaxy or equivalent – Ghia models. Ford Tourneo 7 seater models. Renault Espace – all models. Mercedes V Class – all models. Peugeot 807 or equivalent – all models. VW Caravelle – SE models or above. 				
5.	CONDITION OF VEHICLE				
	The proprietor shall ensure that:-				
5.1	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.	TWC current condition is best practice in line with other local authorities.	Retain	Police response in favour of retaining conditions.	
5.2	The interior and exterior of the vehicle shall be maintained in a clean safe condition by the proprietor.	TWC current condition is best practice as compared with other local authorities	Retain	Police response in favour of retaining conditions.	
5.3	Provide sufficient means by which any person in a Private Hire vehicle may communicate with the driver during the course of the hiring.	As 5.2	Retain	Police response in favour of retaining conditions.	

5.4	Cause the interior of the vehicle to be kept wind and water tight.	As 5.1	Retain	Police response in favour of retaining conditions.	
5.5	Provide any necessary window and means of opening and closing the same with not less than one window on each side of the passenger compartment.	As 5.2	Retain	Police response in favour of retaining conditions.	
5.6	Cause the seats in the passenger compartment to be cushioned and covered.	As 5.2	Retain	Police response in favour of retaining conditions.	
5.7	Cause the floor in the passenger compartment to be covered with a proper carpet, mat or other suitable covering.	As 5.2	Retain	Police response in favour of retaining conditions.	
5.8	The vehicle shall at all times, whilst in service for hire and reward, display a current Vehicle Road Fund Excise Licence.	As 5.2 This is also a legislative requirement	Retain	Police response in favour of retaining conditions.	Recommend removing condition as it is a legislative requirement.
6.	FIRE EXTINGUISHER – FIRST AID KIT- CHILD SAFETY SEATS AND ADDITIONAL EQUIPMENT				
6.1	FIRE EXTINGUISHER –CONSTRUCTION & USE REGULATIONS – SCHEDULE 7				
	Must be suitable to the risk and is to be carried in the vehicle at all times. It must be a fire extinguisher no smaller than 1.0kg incorporating a built in pressure gauge and to contain dry powder or water or other chemical reagent recommended for use in vehicle fires. The extinguisher should be securely fitted to the vehicle in such position as to be, easily accessible, readily available and must comply with BS 5423 and/or EN3 Standard The extinguisher shall be a testable item on the Compliance Standards Testing of licensed Private Hire vehicles.	TWC is best practice as in accordance with relevant legislation	Retain	TREDP response in favour of retaining conditions 6.1 – 6.4 Police response in favour of retaining conditions.	
6.2	FIRST AID KIT–ROAD VEHICLES CONSTRUCTION & USE REGULATIONS 1986 SCHEDULE 7				
	A standard size and type of first aid equipment which complies with the requirements laid down by the Department of Transport for mini-buses, in accordance with regulation 43. This is a testable item for the purposes of Compliance Standard Testing of licensed Private Hire vehicles.	TWC is best practice as in accordance with relevant legislation	Retain	See 6.1 Police response in favour of retaining conditions.	
6.3	CHILD SAFETY SEATS				
a)	The Vehicle Proprietor in conjunction with the Operator and the Driver, shall provide and make	TWC is best practice as in accordance with	Retain	Some of the trade expressed the opinion to remove the “and	The Motor Vehicles (Wearing of Seat Belts)

	available to any customer so requesting, an approved infant or booster seat to facilitate the safe conveyance of children during Private Hire Vehicle bookings. (The number of seats held by the company shall be determined by the Operator and the Vehicle Proprietor in accordance with an assessment of supply and demand) All seats provided shall conform to U. N. Safety Standards R44.03	relevant legislation		the vehicle proprietor” section so this applies to operators only TREDP response in favour of retaining conditions 6.1 – 6.4 Police response in favour of retaining conditions.	Regulations 1993 attached at Appendix B to this Report <i>Recommend that this condition be removed as it is more appropriate to and included in the Private Operator Conditions.</i>
b)	The Vehicle Proprietor in conjunction with the Operator and the Driver shall ensure that any infant seat used during a Private Hire booking will be used in accordance with the manufacturer's instructions.	TWC is best practice as in accordance with relevant legislation	Retain	Some of the trade expressed the opinion to remove the “and the vehicle proprietor” section so this applies to operators only TREDP response in favour of retaining conditions 6.1 – 6.4 Police response in favour of retaining conditions.	<i>Recommend that this condition be removed as it is more appropriate to Drivers and Private Operator Conditions.</i>
c)	Based upon supply and demand, the Proprietor in conjunction with the Operator and Driver shall decide, whether or not the child safety seats provided by them are kept at the company base, and made available to drivers as and when required, or kept upon selected licensed vehicles or both.	TWC current condition is best practice as compared with other local authorities	Retain	Some of the trade expressed the opinion to remove the “and the vehicle proprietor” section so this applies to operators only TREDP response in favour of retaining conditions 6.1 – 6.4	<i>Recommend that this condition be removed as it is more appropriate to and included in the Private Operator Conditions.</i>
6.4 Light Trailers					
a)	Upon application the Council will provide a licence for a Light Trailer for the purpose of conveying the hirer's additional luggage or goods where such items cannot be safely stored in the Private Hire vehicle for the duration of the journey. The licence shall be in force for one year and renewable thereafter. The licence fee shall be half of the current fee set for a Private Hire or Hackney Carriage vehicle.	TWC 6.4b – f, h & K are in line with best practice by comparison to other local authorities. 6.4 a, g & j are not in line with best practice	Options: a) retain 6.4 b – f, h & K b) remove 6.4 a, g & j	Trade consensus in agreement with retaining those detailed at option A and removing those at option B TREDP response in favour of retaining conditions 6.1 – 6.4 Police response in favour of keeping existing conditions. No further specification made.	
	All Trailers must be of a design such that when	See 6.4a	Retain	See 6.4a	

b)	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.				
c)	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.	See 6.4a	Retain	See 6.4a	
d)	In any case all Trailers shall meet the braking requirements in accordance with the type and size of said Trailer.	See 6.4a	Retain	See 6.4a	
e)	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.	See 6.4a	Retain	See 6.4a	
f)	All Trailers will be subjected to a Compliance Standards check and if found to be satisfactory, issued with a one-year certificate.	See 6.4a	Retain	See 6.4a	
g)	The Trailer shall be issued with a vehicle licence plate, which shall be fitted to the Trailer in the approved manner and thereafter for all intents and purposes said Trailer shall be regarded as a licensed vehicle.	See 6.4 a	Delete	See 6.4a	
h)	The Trailer shall be fitted with a rigid hard top and shall be sealed against rain and water to protect luggage and goods.	See 6.4a	Retain	See 6.4a	
j)	The Trailer shall carry an appropriate spare wheel and correctly inflated spare tyre at all times that it is in use for hire and reward. Such wheel and tyre shall be the same size as the other road wheels on the Trailer. "Spacesaver, Skinny" or "Get you home" wheels and tyres are not acceptable.	See 6.4a	Delete	See 6.4a	
k)	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.	See 6.4a	Retain	See 6.4a	

7. SIGNAGE					
7.1	The following signs and notices will be displayed on licensed private hire vehicles during the currency of the Licence:-	TWC Conditions 7.1 a – e in line with best practice of other local authorities	Retain	Police response in favour of retaining existing conditions.	
a)	Notices issued from time to time by Telford & Wrekin Council for the information of the traveller.	See 7.1	Retain	Police response in favour of retaining existing conditions	
b)	A copy of the approved table of fares displayed in a clearly visible position (if required).	See 7.1	Retain	Police response in favour of retaining existing conditions	
c)	A sign stating ‘Seat Belt Regulations – Seat Belts must be worn’	See 7.1	Retain	Police response in favour of retaining existing conditions	
d)	A sign bearing the words ‘First Aid Kit Carried’ fixed to the rear bodywork of the vehicle.	See 7.1	Retain	Police response in favour of retaining existing conditions	
e)	A sign on both rear passenger windows of the vehicle as issued by the Council regarding No Smoking.	See 7.1	Retain	Police response in favour of retaining existing conditions	
8. ADVERTISEMENTS					
8.1	No form of advertising is permissible on any licensed Private Hire vehicle.	TWC current condition is in line with best practice as compared with other local authorities.	Retain	Police response in favour of retaining existing conditions	
8.2	The proprietor shall not display or suffer or permit to be displayed on or from his/her premises or from any other place or from any licensed Private Hire vehicle, 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(with letters of a size not less than those used for the word or words aforementioned.)	TWC current condition is in line with best practice as compared with other local authorities. Regarding the PHV it is a legislative requirement not to display the word TAXI on the vehicle.	Retain	Police response in favour of retaining existing conditions	
8.3	The Proprietor shall ensure that any roof sign attached to any licensed Private Hire vehicle owned or operated by them displays the company name and telephone contact number and nothing else save for “Advance Bookings Only” which shall be clearly visible and legible at all times on the front of the roof sign.	Refer to 3.1	Refer to 3.1 which discusses roof signs in more depth.	Police response in favour of retaining existing conditions	Refer to 3.1 above
8.4	The Proprietor shall ensure that no Executive	TWC current condition is	Retain	Police response in favour of	See condition 4.12 above.

	vehicle owned or operated by them bears any form of advertising whatsoever other than that described in 8.3 above and in any case only when that vehicle is carrying out standard private hire bookings when it must display a roof sign.	in line with best practice as compared with other local authorities.		retaining existing conditions	
9	PASSENGERS				
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.	TWC current condition is best practice as compared with other local authorities	Retain	Trade response in favour of retaining current conditions Police response in favour of retaining existing conditions	
9.2	The proprietor or the driver shall not permit more than the prescribed number of persons to travel in the vehicle than the number of persons the vehicle is licensed to carry.	TWC current condition is best practice as compared with other local authorities. This is also a legal requirement.	Retain	Trade response in favour of retaining current conditions Police response in favour of retaining existing conditions	Recommend removing condition as it is a legislative requirement.
10	METERS				
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 setting of fare scales and the calibration and testing of such a meter.	TWC current condition is best practice as compared with other local authorities	Retain	Trade response in favour of retaining current conditions Police response in favour of retaining existing conditions	There is no power that enables a local authority to require a meter to be fitted but if one is fitted, LG(MP)A 1976 applies. However, if a meter is fitted, it has to be tested and approved, there is still no power for the local authority to set a fare. Therefore, "the setting of fare scales" should be removed from this condition.
a)	The proprietor shall, if the vehicle is fitted with a meter, cause it to be installed and calibrated in the approved manner 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.	as 10.1	Retain	as 10.1	
b)	The licence holder shall not cause the fare recorded thereon to be cancelled until the hirer has had a reasonable opportunity of examining it and has paid the fare.	As 10.1	Retain	As 10.1	<i>Recommend removing this condition as it is more appropriate to being a driver condition than a proprietor one. The proprietor could not control this.</i>
c)	The licence holder shall ensure that the meter is	As 10.1	Retain	As 10.1	

	sufficiently illuminated that when in use it is visible to all passengers.				
d)	The licence holder 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.	As 10.1	Retain	As 10.1	<i>Recommend removing condition as it is a legislative requirement.</i>
e)	The proprietor shall cause the meter to be maintained in a sound electrical and mechanical condition at all times.	As 10.1	Retain	As 10.1	
f)	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.	As 10.1	Retain	As 10.1	
g)	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.	As 10.1	Retain	As 10.1	
h)	The proprietor shall notify the council prior to any proposed fare scale changes and shall cause the meter to be altered accordingly and retested before recommencing service for hire and reward.	As 10.1	Retain	As 10.1	
j)	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 <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.	As 10.1	Retain	As 10.1	
11	FARE TABLES				
11.1	The proprietor shall, where the vehicle is fitted with a meter, ensure that a copy of the current fare table supplied by the Council from time to time is exhibited inside the vehicle at all times in the location provided by the manufacturers of the vehicle or in accordance with the reasonable	This is duplicated elsewhere in conditions	Remove 11.1 & 11.2 as they are duplications of details under 7.1b)	Trade response in favour of removing conditions Police response in favour of retaining existing conditions	Whilst the Council cannot lawfully set the fares, the fare table should be approved by the Council to ensure it complies with the calibration of the meter.

	instructions of an Authorised Officer of the Council.				
11.2	The proprietor, where the vehicle is fitted with a meter, undertakes to ensure that the fare table is not concealed from view or rendered illegible while the vehicle is for hire.	As 11.1	As 11.1	As 11.1	
12	INSPECTION OF VEHICLE AND METERS				
12.1	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.	TWC current condition is best practice as compared with other local authorities.	Retain	Trade response in agreement with retaining conditions Police response in favour of retaining existing conditions	
12.2	If the Authorised Officer or Police Constable inspecting the vehicle is not satisfied as to the fitness of the vehicle or the accuracy of the meter, he may without prejudice to the provisions of Condition 7 (a-f) in relation to vehicles or meters, 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 or Police Constable is satisfied as to the vehicle's fitness or as to the accuracy of the meter.	TWC current condition is best practice as compared with other local authorities.	Retain	Trade response in agreement with retaining conditions Police response in favour of retaining existing conditions	<i>Recommend delete "without prejudice to the provisions of Condition 7 (a-f) in relation to vehicles or meters,"</i>
13	INSURANCE				
13.1	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.	This is a legislative requirement.	Retain	Trade response in agreement with retaining condition Police response in favour of retaining existing conditions	
13.2	If the Proprietor fails to produce a certificate of	This is a legislative	Retain	Trade response in agreement	

	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).	requirement.		with retaining condition Police response in favour of retaining existing conditions	
13.3	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.	TWC current condition is best practice as compared with other local authorities.	Retain	Trade response in agreement with retaining condition. Police response in favour of retaining existing conditions	
13.4	The proprietor shall provide proof of Public Liability Insurance to the council to the value of £1,000,000.	TWC current condition is best practice as compared with other local authorities.	Retain	Some trade responses wanted this amount to be raised to be brought in line with the value required for School Contracts with Transport at Telford & Wrekin Council Police response in favour of retaining existing conditions	TWC Transport requirements for School Contracts is : "Indemnity for death/injury must be unlimited. The lowest limit of indemnity for property must normally be £5 million. In certain circumstances the Council, may upon application, accept a lower limit for property damage"
14.	CONVICTIONS				
14.1	The proprietor of the vehicle shall notify the Council of any conviction recorded against him or her by any court within 7 days of such a conviction being imposed.	TWC current condition is best practice as compared with other local authorities.	Retain	Some trade responses wanted the condition removed. Some trade response wanted the 7 days to be increased to 21 days. Police response in favour of retaining existing conditions	

15. TWO WAY RADIOS					
15.1	The proprietor shall ensure that any radio equipment fitted to his/her vehicle is correctly licensed by the relevant authority and is fitted to 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 any such system must be disclosed to the proprietor's insurance company.	TWC current condition is best practice as compared with other local authorities.	a) Retain OR b) Remove conditions and have a separate policy for the installation of various equipment types that can be updated more frequently to reflect current technology.	Trade responses in favour of this condition being retained Police response in favour of option B.	
15.2	The Operator shall allocate a radio/computer call sign to any vehicle on their system (including executive vehicles) and that call sign shall be the plate number of the licensed vehicle.	TWC current condition is best practice as compared with other local authorities.	See 15.1 for options on conditions 15 - 18	Trade responses in favour of this condition being retained Police response in favour of option B.	
16. CITIZEN BAND RADIOS					
16.1	The proprietor shall ensure that no Citizen Band Radios are fitted or used in any private hire vehicle during the currency of the Licence.	Unable to find best practice on this as outmoded.	See 15.1 for options on conditions 15 - 18	Trade response to remove this condition as outdated. Police response in favour of option B.	
17. RADIO SCANNING DEVICES					
17.1	The proprietor shall ensure that no Radio Scanning Device of whatsoever type is fitted to, or carried in or used in the vicinity of any private hire vehicle during the currency of the Licence.	Unable to find best practice on this	See 15.1 for options on conditions 15 - 18	Trade responses in favour of this condition being retained Police response in favour of option B.	
18. CCTV CAMERAS					
18.1	Private Hire proprietors may, subject to the written approval of the Council, install and use an approved visible closed circuit TV surveillance camera in their vehicles, for the purposes of	TWC current condition is best practice as compared with other local authorities.	See 15.1 for options on conditions 15 - 18	Trade responses in favour of this condition being retained Police response in favour of	

	personal safety and as a deterrent only.			option B.	
18.2	If an approved camera is fitted a sign must be displayed inside the vehicle, visible to passengers, stating 'Closed Circuit TV Surveillance in Operation'. Similar signs shall be displayed outside the vehicle to warn prospective customers of the possible use of the surveillance camera. Such signs must not impede the driver's view of the road and shall be in discernible colours and to be no greater than 950 mm x 110mm in size.	TWC current condition is best practice as compared with other local authorities.	See 15.1 for options on conditions 15 - 18	Trade responses in favour of this condition being retained Police response in favour of option B.	
19.	TELEPHONES				
19.1	No telephone of whatsoever type will be permitted to be used by the Private Hire driver in any Private Hire car 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.	To remove this condition is best practice as compared with other local authorities.	Remove 19.1 as now superseded by other legislation.	Trade response in favour of removal of condition. Police response in favour of removal of condition	The condition is covered in PHD conditions of licence.
20.	ACCIDENTS				
20.1	The proprietor of a Licensed private hire vehicle shall, notwithstanding his/her responsibilities under the Road Traffic Act, report to the Council as soon as possible, or in any event within 72 hours, any accident involving a Private Hire vehicle in their control.	TWC current condition is best practice as compared with other local authorities.	Retain	Trade responses in favour of retaining the condition. Some responses wanted the condition amended to state "Serious accident damage only" or to state that if the damage was repairable within 72 hours did not need to report. Police response in favour of retaining conditions	
21.	PRIVATE HIRE VEHICLE LICENCE				
21.1	The Borough of Telford & Wrekin Council may suspend, revoke or refuse to renew a vehicle licence on the following grounds:	TWC current condition is best practice as compared with other local authorities.	Retain	Trade responses in favour of retaining condition TREDP response in favour of retaining condition	Recommend delete this condition as it is a statutory provision.

		Enshrined in legislation		Police response in favour of retaining conditions	
a)	The vehicle is unfit for use as a Licensed private hire vehicle.	Enshrined in legislation	Retain	See 21.1	
b)	The Proprietor or Driver has committed an offence under, or failed to comply with, the provisions of the Acts, which are summarised in part 3.	Enshrined in legislation	Retain	See 21.1	
c)	Any other reasonable cause.	Enshrined in legislation	Retain	See 21.1	
21.2	The Council must give notice of the grounds for doing so within 14 days.	Enshrined in legislation	Retain	Some trade responses wanted this condition to be reduced to 7 days Most trade responses in favour of retaining condition. TREDP in favour of keeping condition Police response in favour of keeping condition	Legislation states within 14 days. <i>However recommend delete this condition as it is a statutory provision.</i>
22. TRANSFER OF INTEREST IN A VEHICLE					
22.1	If a Proprietor of a Licensed private hire vehicle transfers his interest in whole or in part in the vehicle to any other person not specified in the vehicle licence he must notify the Council within 14 days stating the name and address of the person to whom he has transferred his interest in the vehicle.	Reflects legislation LG(MP)A 1976 s49	Retain	Trade responses in favour of retaining condition TREDP response in favour of keeping condition Police response in favour of retaining condition	<i>This is a statutory provision, but as a condition is serves to remind the licence holder.</i>
23. TRANSFER OF LICENCE TO A NEW VEHICLE					
23.1	The Proprietor of a Licensed private hire vehicle wishing to replace a licensed vehicle with another vehicle must apply for a new vehicle licence. The Proprietor will be required to supply to the council all relevant information relating to the new vehicle	TWC current condition is best practice as compared with other local authorities.	Retain	Trade responses in favour of retaining condition TREDP response in favour of keeping conditions	

				Police response in favour of retaining condition	
23.2	An appointment to test the new vehicle will not be made by the council unless the vehicle is available for immediate inspection and in any case no more than 48hours in advance. The proprietor must also undertake to licence the vehicle immediately after testing.	TWC current condition is best practice as compared with other local authorities.	Retain	See 23.1	
23.3	A fee will be paid at the Council approved Testing Station for the mechanical and electrical inspection of the replacement vehicle before the licence is transferred.	TWC current condition is best practice as compared with other local authorities.	Retain	See 23.1	
23.4	It must be noted by all vehicle proprietors that under no circumstances will vehicle licences be transferred unless the transfer relates to a permanently replaced vehicle such as one to replace another vehicle taken out of service due to age limits or written off or for similar reasons. Licences of vehicles that are temporarily of the road (with mechanical defects or awaiting spares etc) and can be brought back into service at a later date will not qualify for such licence transfers.	TWC current condition is best practice as compared with other local authorities.	Retain	See 23.1	
24.	PARKING AND PLYING FOR HIRE				
24.1	All vehicles, as soon as they have dropped passengers shall, unless prevented by another prior booking; return to the operator's licensed base of operation or other approved parking area to await further bookings or instructions. Approved parking areas are as follows; 1. Randlay Lorry Park Randlay 2. Legges Way Car Park Madeley 3. Grainger Drive Playing Fields Car Park Leegomery 4. Water Lane Car Park Newport.	Best practice on this issue varied across authorities. Some had designated areas other didn't.	Retain	Trade responses in favour of more designated parking spaces and of amending the condition to remove the part that they should return to base. They felt that in light of fuel prices that so long as they were legally parked and not parked in a place of "public resort" they should be permitted to park anywhere.	<i>Recommend remove this condition as it is more appropriate to Driver Conditions.</i>

	No licensed Private Hire driver shall park within district centres or outside places of public resort without a prior booking or for the purpose of taking rest breaks or for any other reason.				
24.2	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.	See 24.1	Retain	See 24.1	
25	TOUTING - CRIMINAL JUSTICE & PUBLIC ORDER ACT 1994				
25.1	The Licensee shall not while driving or in charge of a Private Hire vehicle;	Legislative requirement	Retain		
a)	Tout or solicit on a road or other public place any person to hire or be carried for hire in a Private Hire vehicle, or	Legislative requirement	Retain		
b)	cause or procure any other person to tout or solicit on a road or other public place any person to hire or to be carried in any Private Hire vehicle. In this condition; "road means any highway or other road to which has access including bridges over which a road passes".	Legislative requirement	Retain		Recommend remove this conditions as it is a statutory provision.
26	ADDITIONAL CONDITIONS				
26.1	This list of conditions is not finite and additional information regarding all aspects in detail of all areas of Private Hire Operator, vehicle and driver licensing can be found in the official handbook issued by the Borough of Telford & Wrekin Council.	No reference to this issue in the Dept of Transport of Best Practice. This condition is good practice in comparison with other councils.	Retain		<i>All of 26 – Recommend remove these conditions as they more appropriate as explanatory notes.</i>
26.2	The Council reserves the right to amend conditions from time to time as required and without prior notice but such changes will be brought to the attention of the Private Hire and Hackney Carriage trade as quickly as possible and in most cases after consultation. It is therefore advisable for all drivers, vehicle owners and operators to check with the Authority for information regarding any such changes.	No reference to this issue in the Dept of Transport of Best Practice. This condition is good practice in comparison with other Councils.	Retain		
26.3	All licence holders must refer to the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, the Road	This is a legislative requirement	Retain		

	Vehicles Traffic Act 1988 and the Road Vehicles (Construction & Use) Regulations 1986. This list is not exhaustive.				
26.4	Any requirements of legislation which effects the operations being carried out under the terms of this licence shall be regarded as if they are conditions of this licence.		Retain		
26.5	Wherever there appears in the Licence conditions/Guides/Handbook and summary of any statutory provision, Operators are advised that such summary is not exhaustive.	The TWC condition is line with best practice as compared with other local authorities.	Retain		
26.6	If in any doubt about any information in this document please contact the Licensing Office on 01952 383262.		Remove as condition and just have at end of the document.		
NEW PROPOSALS					
New	<u>New Proposal: Roof signs and identification</u>	This is line with Best Practice as compared with other local authorities.		<ul style="list-style-type: none"> Police response in favour of immediate introduction of option A and do not support option B. Trade in favour of retaining current conditions. Want to keep roof signs and not keen on additional signage and identification. TREDP in favour of retaining existing conditions on roof signs 	
A)	To add door signage either in addition to/or in place of roof signs (as detailed at 3.1 – 3.4) Options: a) The proprietor shall display self-adhesive identification signs on the rear (passenger) side doors of PHVs to indicate to the public that the vehicle is for Private Hire use only.	The Dept of Transport Best Practice Guidance states that it is good practice for PHVs to include the contact details of the Operator, and some wording such			

	<p>b) To introduce transparent windscreen visors for the front and rear windscreens of PHVs that state “Private Hire – Advance Bookings Only” or “telephone bookings only”</p>	<p>as “pre-booked only” however it does not state how this should be done. It gives useful information to the public wishing to make a booking.</p>			
<p>New B)</p>	<p><u>New Proposal: Identification Plates (2.1)</u></p> <p>To add a condition that requires the Private Hire Vehicle to display signage on the external front 2 doors to the effect of “Advance Bookings Only” (Wording to be agreed), and the name, contact number of the operating company and PHV Licence number.</p> <p>* Condition proposed as part of the Taxi & Private Hire Action Plan.</p>	<p>Best practice comparison with other local authorities is in favour of this proposal.</p> <p>Dept of Transport Best Practice Guidance suggests additional clearer form of identification of vehicles is best practice for 2 reasons:</p> <ol style="list-style-type: none"> 1. To ensure a more positive statement that the vehicle can not be hired immediately through the driver, and 2. because it is in the interests of the travelling public. 		<ul style="list-style-type: none"> • Police response in favour of immediate introduction of this condition. • Trade response not in favour of additional signage. Also concerns about permanent signs wanted further investigation into adhesive and magnetic types. • Trade proposed option of a sticker inside vehicle on dashboard to get the message across about advance bookings. • TWS response advised that if chose to have windscreen visors or stickers, that the non-transparent parts of it (eg writing) must not protrude into the swept area of the windscreen as this would constitute an MOT failure. 10mm on driver’s side and 40mm on passengers side and no more. 	
<p>New</p>	<p><u>New Proposal: Customer Feedback Cards</u></p>	<p>Unable to find best</p>		<ul style="list-style-type: none"> • Trade response – not in 	

C)	<p>To add a condition to install customer feedback cards in all Private Hire Vehicles asking for feedback on customer service. The results of customer feedback to be shared with operators.</p> <p>* Condition proposed as part of the Taxi & Private Hire Action Plan.</p>	<p>practice guidance on this issue with the Department of Transport and comparison with other local authorities.</p>		<p>favour of this proposal, however a suggestion was made to try this for a trial period. Felt if any issues arose complaints could be made as currently and the licensing team then gain access to the computerised records.</p> <ul style="list-style-type: none"> • Police response in favour of introduction over time as existing licences expire. • TREDP response suggested that operators have details re complaints and compliments on their website and to have a sign in vehicle directing people to the website. 	
New D)	<p><u>New Proposal: Internal Signage</u></p> <p>To add a condition that a replica PHV plate 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 passengers.</p>	<p>Best practice comparison with other local authorities is in favour of this proposal.</p>		<ul style="list-style-type: none"> • Trade response – not in favour of proposal felt display of badges was sufficient. • Police response in favour of introduction over time as existing licences expire. • TREDP response not in favour of this proposal 	
New E	<p><u>New Proposal: Equipment</u></p> <p>To add a condition that all PHVs must carry a warning triangle and an appropriate set of spares, (e.g. spare bulbs) as agreed with operators, the licensing team and the licensing committee.</p> <p>* Condition proposed as part of the Taxi & Private Hire Action Plan</p>	<p>Unable to find best practice guidance on this issue with the Department of Transport and comparison with other local authorities</p>		<ul style="list-style-type: none"> • Police response in favour of immediate introduction of this condition. • TREDP response felt that this should be introduced immediately. 	

Appendix E

Telford & Wrekin Council Conditions of Licence Private Hire Operators

EXISTING CONDITIONS		BEST PRACTICE	PROPOSED CONDCTIONS	CONSULTATION RESPONSE	COMMENTS/CLARIFICATION
General Requirements					
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. New applicants will be subject to a satisfactory Criminal Records Bureau check and all licence holders will be subject to a check every three years.	TWC Existing condition matches Dept of Transport Best Practice Guidance	Retain	Police – keep existing conditions. Consultation meeting – consensus in favour.	
1.2	Any premises used by the Operator for the purpose(s) authorised by this licence shall have the appropriate planning permission for that use and the Operator shall comply with any conditions attached to such permission.		It is proposed to remove condition 1.2 as this is covered by Planning legislation.	Consultation meeting – keep existing conditions.	
1.3	The total number of vehicles operated from any given licensed base, or bases, shall not be more than three times the total number of authorised car parking spaces available to the operator at that base. In any case the Operator shall not allow any driver in his/her employment to park on any road, street, car park or private ground either with the intention of plying for hire or for taking rest breaks or for any other reason and shall instruct said drivers to proceed to council approved parking areas (as set out in Section 14 (1) of these conditions of licence)		Retain	Consultation meeting – keep existing conditions.	
1.4	This licence shall entitle the holder to make provision from the base, for the invitation of Private Hire bookings in advance, either by letter, by telephone or by personal request.		Retain		<i>Recommend removing this condition. It is statutory that bookings should be made in advance.</i>
1.5	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.	TWC current condition is best practice when compared with other Local Authorities	Retain		

2.	LG(MP) ACT 1976 – CONDITIONS ATTACHED TO LICENCES.				
2.1	The Operator shall make available, on any premises from which he /she operates, for inspection by members of the public, a copy of the Local Government (Miscellaneous Provisions) Act 1976, these conditions and the conditions of Private Hire and Hackney Carriage Vehicles and Drivers licences whichever is applicable.	TWC current condition is best practice when compared with other Local Authorities	Retain existing conditions	Police – keep existing condition.	
3.	IDENTIFICATION PLATES				
3.	IDENTIFICATION PLATES				
3.1	It shall be the responsibility of the Operator to ensure that any licensed Private Hire vehicle he/she owns or operates has the external identification plate issued by the Council securely fixed to the outside rear of the vehicle to the place provided by the manufacturer or in accordance with the reasonable instructions of an Authorised Officer of the Council. The plate should be fitted in such a manner as to be easily removable by such officer or a Police Constable	Dept of Transport Best Practice Guidance states that it helps identification if licence plates are displayed on the front as well as the rear of vehicles.	Retain condition	Police – keep existing condition.	
3.2	On the suspension of a Private Hire vehicle licence and where a “Licence Expired” plate is fitted it may only be removed by an Authorised Officer of the Council.	TWC Existing condition matches Dept of Transport Best Practice Guidance and legislation	Retain condition		
3.3	The Operator shall ensure that the internal identification plates issued by the council to Executive vehicles operated by the company, are affixed to the vehicle in accordance with council instructions and are displayed at all times.	TWC Existing condition matches Dept of Transport Best Practice Guidance and legislation	Retain condition		
3.4	The Operator shall ensure that when a licensed Executive vehicle owned or operated by them is used to carry out standard Private Hire bookings, an approved roof sign is placed upon the vehicle in accordance with council instructions.	TWC Existing condition matches Dept of Transport Best Practice Guidance and legislation	Retain condition		
3.5	The Operator shall ensure that the identification plate attached to any licensed vehicle owned or operated by them, is maintained and kept in such condition that the information contained on the plate is clearly visible to public view at all times. The identification plate remains the property of	TWC Existing condition matches Dept of Transport Best Practice Guidance and legislation	Retain condition		

	the council and must be returned to the council within seven days of expiry of a vehicle licence if not renewed (upon penalty of a fine for failure to do so). Plates are not transferable except upon application to the council.				
3.6	No vehicle that is licensed by another Local Authority or bears a licence plate issued by another Local Authority shall be licensed by the Borough of Telford & Wrekin.	TWC Existing condition matches Dept of Transport Best Practice Guidance and legislation			
4.	RECORDS OF VEHICLES AND DRIVERS				
4.1	Except with reasonable care the Operator shall have in his/her care under Section 51(2) of the Local Government (Miscellaneous Provisions) Act 1976 :-	TWC Existing condition matches Dept of Transport Best Practice Guidance and legislation	Retain condition	Police – keep existing conditions. Consultation meeting – consensus to retain.	<u><i>Recommend rewording of 4.1 to Except with reasonable care the Operator shall have in his/her care :</i></u>
4.2	The current Private Hire drivers 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	TWC Existing condition matches Dept of Transport Best Practice Guidance and legislation	Retain condition		
a)	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)	TWC Existing condition matches Dept of Transport Best Practice Guidance and legislation	Retain condition		
b)	The Operator shall ensure that all vehicles used by the company that are licensed by the council for hire & reward shall display a valid Road Fund Excise Licence.	TWC Existing condition matches Dept of Transport Best Practice Guidance and legislation	Retain condition		
c)	On leaving the employ of an Operator a driver or vehicle proprietor shall be entitled to receive immediately on demand the return of his/her driver's or vehicle licences whichever is applicable.	TWC Existing condition matches Dept of Transport Best Practice Guidance and legislation	Retain condition		
d)	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.	TWC Existing condition matches Dept of Transport Best Practice Guidance and legislation	Retain condition		
e)	The Operator shall immediately notify the Council when any vehicle or driver ceases in his/her	TWC Existing condition matches Dept of	Retain condition		

	employ, or any vehicle or driver commences in his/her employ.	Transport Best Practice Guidance and legislation			
f)	The Operator shall notify the Council of any change of his/her address and of any change of address relating to any driver or vehicle proprietor they employ or allow to operate within the company, this to be done within seven days of any such change taking place.	TWC Existing condition matches Dept of Transport Best Practice Guidance and legislation	Retain condition		
g)	The Operator shall inform the Council of any changes relating to licensed vehicles and drivers within seven days of those changes taking place.	TWC Existing condition matches Dept of Transport Best Practice Guidance and legislation	Retain condition		
h)	The Operator shall provide the council with a complete and up to date list of all drivers and vehicles employed by the company. Such list will be provided by the Operator by the end of the first working week in January, March, June and September of each year.	TWC Existing condition matches Dept of Transport Best Practice Guidance and legislation	Retain condition		
i)	Any information relating to licensed Operators, vehicles and drivers must be produced to an Authorised Officer on demand.	TWC Existing condition matches Dept of Transport Best Practice Guidance and legislation	Retain condition		
k)	The Operator shall not allow any driver in his/her employment to park on any road ,street, car park or private ground either with the intention of plying for hire or taking rest breaks and in any case;	TWC Existing condition matches Dept of Transport Best Practice Guidance and legislation	Retain condition	Consultation meeting – 4.2 (k) considered too restrictive in saying that the operator shall not “allow” as impossible for them to police this. Request for wording amendment.	
j)	The Operator shall ensure that all drivers of licensed Private Hire vehicles, as soon as they have dropped off passengers shall, unless prevented from doing so by another prior booking return to the Operators licensed base of operations or to specific council approved parking areas, to await further instructions.	TWC Existing condition matches Dept of Transport Best Practice Guidance and legislation	Retain condition	Consultation meeting – Amendment wanted to 4.2 j to remove the return to base conditions, felt needed more designated parking spaces or to reword to not park in a “place of public resort”.	This condition should concord with condition number 22 of the PHD conditions of licence.
5.	ROOF SIGNS				
5.1	The use of external Roof Signs shall be the responsibility of the Operator of the Company and must be kept to an approved standard. The Roof Signs shall be of a type and size approved by the council and shall at all times be affixed to the roof of the Private Hire vehicle by the proprietor to the	Refer to condition number 3.1 of PHV conditions of licence.	Options : a) The proprietor shall display self-adhesive identification signs on the rear (passenger) side	Trade • It was felt that roof signs should be retained as a means of public identification for safety	<i>Refer to condition number 3.1 of PHV conditions of licence. Recommend consistency between PHV and PHO conditions.</i>

	place recommended by the manufacturer or in accordance with reasonable instructions of an Authorised Officer of the Council.		<p>doors of private hire vehicles to indicate to the public that the vehicle is for private hire use only.</p> <p>b) To introduce transparent windscreen visors for the front and rear windscreens of private hire vehicles that state Private Hire – Advance bookings only or telephone bookings only (words to be agreed).</p> <p>If such signage were adopted as a condition, the condition may also include the need to maintain such signs</p>	<p>reasons/company identification.</p> <ul style="list-style-type: none"> Operators Association response was that they saw no advantage to the customer in the use of self adhesive signs and transparent window visors. <p>TWS - If Option B is introduced the writing (provided the visor is transparent) on the visor must not protrude into the swept area of the windscreen by more than 40mm on the passenger side or 10mm on the drivers side as this would constitute an MOT failure.</p> <p>Police - Option A – self adhesive ID signs for rear passenger side doors.</p> <p>Consultation meeting – Strong consensus in retaining the existing conditions and keeping roof signs.</p>	
5.2	For whatever reason, when the 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 retained in the sole custody of the company Operator until such time as the vehicle is made fit again for service and the suspension is lifted. Only at that point will the Roof Sign be returned to the vehicle proprietor by the Operator.	As 5.1	As above		
5.3	The Operator shall ensure that Roof Signs are maintained and kept in such condition that the information contained thereon is clearly visible to public view at all times and that no advertising is	As 5.1	As above		

	placed upon them save for the name and telephone contact number of the company.				
5.4	All Roof Signs shall be connected to the vehicles electrical wiring system and will be illuminated when the vehicle is in service during lighting up times and/or during adverse weather conditions.	As 5.1	As above		
6.	TELEPHONES, STAFF AND FACILITIES				
6.1	The Operator shall provide adequate telephone facilities and staff to provide an efficient service to the public using the Operators facilities.	TWC Existing condition matches best practice.	Retain condition	Police – keep existing conditions.	
6.2	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.	TWC Existing condition matches best practice.	Retain condition		
6.3	The Operator, where a waiting area or room is provided for the use of passengers or prospective passengers;	TWC Existing condition matches best practice.	Retain condition		
a)	Shall provide adequate seating for the use of those passengers and prospective passengers and	TWC Existing condition matches best practice.	Retain condition		
b)	Shall ensure that such a room or area is kept clean, adequately heated, ventilated and lit; and	TWC Existing condition matches best practice.	Retain condition		
c)	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.	TWC Existing condition matches best practice.	Retain condition		
d)	Shall ensure that no amusement machines, gaming machines, radio or television sets or similar equipment be installed without the prior written consent of the Council.		Remove condition	Consultation meeting – condition d) to be removed as superseded by Gambling Act 2005	
e)	Shall ensure that any such equipment as described in paragraph 6.3(d) above (which is installed in any driver rest areas or company operations room) is not accessible to persons other than drivers, licensed vehicle proprietors and other members of the companies staff.	TWC Existing condition matches best practice.	Retain condition		<i>Recommend that this condition be removed as we proposed to remove condition 6.3 above.</i>

7. CHILD SAFETY SEATS					
7.1	The Operator in conjunction with Vehicle Proprietor and Driver, shall provide and make available to any customer so requesting, an approved infant or booster seat to facilitate the safe conveyance of children during Private Hire Vehicle bookings. (The number of seats held by the company shall be determined by the Operator and the Vehicle Proprietor in accordance with an assessment of supply and demand) All seats provided shall conform to U. N. Safety Standards R44.03	Refer to condition number 6.3 of PHV conditions of licence.	Retain condition	Police – keep existing conditions.	Refer to condition number 6.3 of PHV conditions of licence.
7.2	The Operator in conjunction with the Vehicle Proprietor and the Driver shall ensure that any infant seat used during a Private Hire booking will be used in accordance with the manufacturer's instructions.	Refer to condition number 6.3 of PHV conditions of licence.	Retain condition		Refer to condition number 6.3 of PHV conditions of licence.
7.3	Based upon supply and demand, the Operator in conjunction with the Vehicle Proprietor and Driver shall decide, whether or not the seats provided by them are kept at the company base, and made available to drivers as and when required, or kept upon selected licensed vehicles or both.	Refer to condition number 6.3 of PHV conditions of licence.	Retain condition		Refer to condition number 6.3 of PHV conditions of licence.
7.4	The Operator shall make available at the base, suitably sized blankets and waterproof covers to be maintained and used to protect the seats from soiling due to the carriage of animals (as may be required). Based upon supply and demand the Operator shall determine the number of Blankets and waterproof covers the company requires .	Not available	Retain condition		
8. HIRINGS AND RECORDING OF HIRINGS.					
8.1	The Operator shall ensure 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 company and the Hirer.	TWC Existing condition matches Dept of Transport Best Practice Guidance.	Retain condition	Police – keep existing conditions. Consultation meeting – 8.1 to be changed from “the operator shall ensure” to “ will make all reasonable provision to”	
8.2	When the Operator accepts a hiring he/she shall, unless prevented by some sufficient cause,	TWC Existing condition matches best practice	Retain condition		

	ensure that the licensed Private Hire vehicles attend at the appointed time and place.				
8.3	The vehicle dispatched in accordance with this condition shall be licensed for such use by Telford & Wrekin Council and by no other Council.	Statutory requirement	Retain condition		
8.4	The vehicle dispatched in accordance with this condition shall be driven by a person licensed to do so by the Borough of Telford & Wrekin and by no other Council.	Statutory requirement	Retain condition		<i>Recommend that this condition is removed as it is a statutory requirement.</i>
8.5	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.	TWC Existing condition matches best practice	Retain condition		
8.6	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 hirings 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.	TWC Existing condition matches Dept of Transport Best Practice Guidance.	Retain condition		
8.7	The records of hirings 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;	TWC Existing condition matches Dept of Transport Best Practice Guidance.	Retain condition		
a)	The name of the hirer.				
b)	The time of the pick up.				
c)	The point of pick up.				
d)	The hirers required destination.				
e)	Information indicating the vehicle dispatched and the driver used.				

f)	Remarks, including details of any instructions from the hirer or regarding sub-contract to or from another Operator.				
8.8	The Operator shall not dispose of any record of hirings made under the LG(MP) ACT 1976 within six months of the last hiring contained therein.	TWC Existing condition matches Dept of Transport Best Practice Guidance.	Retain condition		
8.9.	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 and kept as in condition (8.8.)	TWC Existing condition matches Dept of Transport Best Practice Guidance.	Retain condition	Consultation meeting – Amend “Day bookings sheet” to cover computerised systems (8.9)	
8.10	The Operator shall ensure that the system in place works effectively and 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 fulfill the arrangements agreed by company and the Hirer.	TWC Existing condition matches best practice	Retain condition		<i>Recommend remove condition as it is a repeat of condition 8.1 above.</i>
9.	EMPLOYMENT OF PRIVATE HIRE DRIVERS & OTHER STAFF.				
9.1	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 to suffer any involvement in the management of the operation hereby licensed :-	TWC Existing condition matches Dept of Transport Best Practice Guidance.	Retain condition	Police – keep existing conditions.	
a)	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	TWC Existing condition matches Dept of Transport Best Practice Guidance	Retain condition	Consultation meeting – No consensus on CRBs for office staff	
b)	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	TWC Existing condition matches Dept of Transport Best Practice Guidance	Retain condition		
9.2	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; and	TWC Existing condition matches Dept of Transport Best Practice Guidance	Retain condition		

9.3	The Operator shall ensure to the best of their ability before employing drivers that they are Fit and Proper Persons to be engaged in the carriage of members of the public. In particular they should examine drivers DVLA Licences and enquire as to whether the applicant has been convicted of driving or other offences.	TWC Existing condition matches best practice	Retain condition	Consultation meeting – Remove condition 9.3 as all dealt with at time of licensing.	<u><i>Recommend remove this condition as it is the Council's responsibility to ensure that drivers are fit & proper.</i></u>
9.4.	The Operator shall in any case, ensure that they have examined the Private Hire Drivers licence issued by the Council and that it is valid.	TWC Existing condition matches best practice	Retain condition		
9.5.	The Operator must also ensure that the said licence is lodged with the company before the driver is employed to carry out private hire work for the company and shall retain the licence in his/her possession while such driver remains in his/her employ.	TWC Existing condition matches best practice	Retain condition		
9.6.	On leaving the employ of an Operator a driver or vehicle proprietor shall be entitled to receive immediately on demand the return of his/her driver and /or vehicle licence. If the Licence holder has been guilty of misconduct the Operator may not return the licence and must forthwith issue a summons to have his/her cause of complaint determined by the Magistrates. (If the Magistrates find that the licence has been improperly retained they have powers to order its return and also to award compensation.)	TWC Existing condition matches best practice	Retain condition		
10.	RADIOS AND CALL SIGNS				
10.1	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.	TWC Existing condition matches best practice	Retain condition	Police – keep existing conditions. Consultation Meeting – in favour of removing 10.1	
10.2	The Operator shall allocate a radio or computer call sign to any vehicle on their system (including executive vehicles) and that call sign shall be the plate number of the licensed vehicle as issued by the council.	TWC Existing condition matches best practice	Retain condition		
11.	CITIZEN BAND RADIOS.				

11.1	The Operator shall ensure that no Citizen Band Radios be fitted or used in any licensed Private Hire vehicle during the currency of the licence.	Refer to condition number 16 of PHV conditions of licence.	Retain condition	Police – keep existing condition.	<i>Refer to condition number 16 of PHV conditions of licence. Recommend consistency between PHV and PHO conditions.</i>
12.	CCTV CAMERAS.				
12.1	The Operator or vehicle proprietors may, subject to the written approval of the council, install and use an approved visible closed circuit TV surveillance camera in their vehicles, for the purposes of personal safety and as a deterrent only.	Refer to condition number 18 of PHV conditions of licence.	Retain condition	Police – keep existing conditions.	Refer to condition number 18 of PHV conditions of licence. <u>Recommend consistency between PHV and PHO conditions.</u>
12.2	If an approved camera is fitted a sign must be displayed inside the vehicle, visible to passengers, stating ‘closed circuit TV Surveillance in Operation’. Similar signs shall be prominently displayed and visible from outside the vehicle to warn prospective customers of the possible use of the surveillance camera. Such signs must not impede the driver’s view of the road and are to be in discernible colours and to be no greater than 950mm x 110mm in size.	Refer to condition number 18 of PHV conditions of licence.	Retain condition		Refer to condition number 18 of PHV conditions of licence. <u>Recommend consistency between PHV and PHO conditions.</u>
13.	RADIO SCANNING DEVICES.				
13.1	The Operator shall ensure that no radio scanning device of whatsoever type is used at a licensed base of operations, or fitted to, carried in or used in the vicinity of a licensed Private Hire vehicle during the currency of the Operators Licence.	Refer to condition number 17 of PHV conditions of licence.	Retain condition	Police – keep existing condition.	Refer to condition number 17 of PHV conditions of licence. <i>Recommend consistency between PHV and PHO conditions.</i>
14.	PARKING AND PLYING FOR HIRE.				
14.1	The Operator shall ensure that all Private Hire drivers employed by him/her, as soon as they have dropped off passengers, unless prevented from doing so 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 parking areas are as follows;	Refer to condition number 22 of PHV conditions of licence.	Retain condition	Trade <ul style="list-style-type: none"> It was felt that more parking up areas were needed. Felt the condition should be less specific & or to include place that is not of public resort. Police – keep existing conditions. Consultation meeting – In	Refer to condition number 22 of PHV conditions of licence. <u>Recommend consistency between PHV and PHO conditions.</u>

				favour of amalgamating 14.1 and 14.2 and add additional parking spaces.	
	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				
14.2	The Operator shall not permit any Private Hire driver in their employ to park a Licensed Private Hire vehicle within district centres or outside places of public resort either without prior bookings or for the purposes of plying for hire or taking rest breaks or for any other reason.	Refer to condition number 22 of PHV conditions of licence.			Refer to condition number 22 of PHV conditions of licence. <u>Recommend consistency between PHV and PHO conditions.</u>
14.3	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.	Refer to condition number 22 of PHV conditions of licence.	Retain condition	Consultation meeting – remove 14.3 as can't be breached so not a condition.	<i>Recommend that this be removed as a condition as more appropriate to include in Explanatory Notes.</i>
15.	CONVICTIONS.				
15.1	The Operator shall notify the Council of any conviction recorded against him/her by any court within seven days of any such conviction being imposed.	TWC Existing condition matches best practice.	Retain condition	Police – keep existing condition.	
16.	COMPLAINTS.				
16.1	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.	TWC Existing condition matches best practice.	Retain condition	Police – keep existing conditions.	
16.2	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.	TWC Existing condition matches best practice.	Retain condition		
16.3	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	TWC Existing condition matches best practice.	Retain condition	Consultation meeting – amend 16.3 as this refers to book and loose leaf pages to a more modern interpretation. To include mention of computerised records etc. Suggestion that could	

	made in a book and not on loose leaf paper and pages shall be consecutively numbered.			amalgamate 16.1 – 6 into one.	
16.4	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.	TWC Existing condition matches best practice.	Retain condition		
16.5	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.	TWC Existing condition matches best practice.	Retain condition		
16.6	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.	TWC Existing condition matches best practice.	Retain condition		
16.7	The complaint book kept by the Operator shall be made available upon demand to any authorised officer of the council and it's contents may be used as evidence in investigating said complaints.	TWC Existing condition matches best practice.	Retain condition		
16.8	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.	TWC Existing condition matches best practice.	Retain condition		
17	ACCIDENTS				
17.1	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.	TWC Existing condition matches existing legislation	Retain condition	Police – keep existing condition. Consultation meeting - To amend wording so that only need to report “substantial damage”. If can be fixed within 72 hours no need to report damage?	<i>Refer to condition number 20 of PHV conditions of licence. Recommend consistency between PHV & PHO conditions.</i>
18.	TOUTING – CRIMINAL JUSTICE & PUBLIC ORDER ACT 1994				
18.1	The Operator shall not while driving or in charge of a Private Hire vehicle permit a driver or vehicle proprietor in his/her employ to;	TWC Existing condition matches Dept of Transport Best Practice Guidance. Statutory requirement	Retain condition	Police – keep existing condition. Consultation meeting - Rephrase to ensure that all drivers and employers are made aware of their	

				responsibilities under the legislation.	
a).	Tout or solicit on a road or other public place any person to be carried for hire in any Private Hire vehicle or;				
b).	Cause or procure any person to tout or solicit on a road or other public place any person to hire or be carried in any Private Hire vehicle. In this condition: "road means any highway or other road to which has access, including bridges, over which a road passes".				
19.	INSURANCE				
19.1	During the currency of all licensed Private Hire vehicles owned or operated by the Operator, he/she shall ensure that a 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. The certificate of insurance shall be produced to an Authorised Officer of the Council on demand.	Refer to condition number 13 of PHV conditions of licence.	Retain condition	Police – keep existing condition. Consultation meeting – Felt that not for the Council to concern themselves with the wording. Should not exclude public hire.	
19.2	The Operator shall ensure that any licensed Private Hire vehicle that he/she owns or operates have current, valid insurance covering "Private Hire". "Public Hire" insurance will not be accepted by the Council if that insurance cover relates to Private hire vehicle(s).	Refer to condition number 13 of PHV conditions of licence.	Retain condition		
19.3	If the Operator fails to produce a certificate of insurance cover on request he shall produce it forthwith, or within seven clear days of the request, to an Authorised Officer of the Council. Failure to comply with these provisions may result in the Operators right to hold a licence being brought into question under Fit and Proper Persons (Section 1.1 of these conditions). Failure to comply with these provisions shall also result in automatic suspension of the Private Hire 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	Refer to condition number 13 of PHV conditions of licence.	Retain condition		

	request.				
19.4	Insurance certificates or cover notes submitted to the council in support of vehicle licence applications or renewals and issued by the insurance company 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 the exemptions stipulated by the Insurance Company when the policy was issued.	Refer to condition number 13 of PHV conditions of licence.	Retain condition	Consultation meeting – Any driver polices – Consensus agreed to maintain schedules	
19.5	Operators shall provide to the council proof of Public Liability Insurance to the value of £1,000,000.	Refer to condition number 13 of PHV conditions of licence.	Retain condition		
20.	CHEQUES.				
20.1	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.	Not available	Retain condition	Police – keep this condition.	
21.	ADVERTISEMENTS.				
21.1	No form of advertising is permissible on any licensed Private Hire vehicle.	Refer to condition number 8 of PHV conditions of licence.	Retain condition	Police – keep existing conditions.	
21.2	The Operator shall not display or suffer or permit to be displayed on or from his premises or from any other place or from any licensed Private Hire vehicle, 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(with letters of a size not less than those used for the word or words aforementioned.)	Refer to condition number 8 of PHV conditions of licence.	Retain condition		
21.3	The Operator shall ensure that any roof sign attached to any licensed Private Hire vehicle owned or operated by them displays the company name and telephone contact number and nothing	Refer to condition number 8 of PHV conditions of licence.	This condition relates to roof signs and may be amended in light of other proposals regarding roof		

	else save for “Advance Bookings Only” which shall be clearly visible at all times.		signs		
21.4	The Operator shall ensure that no Executive vehicle owned or operated by them bears any form of advertising whatsoever other than that described in 21.2. above and in any case only when that vehicle is carrying out standard private hire bookings and displaying a roof sign.	Refer to condition numbers 4.12 and 8 of PHV conditions of licence.	This condition relates to roof signs and may be amended in light of other proposals regarding roof signs		
22.	ADDITIONAL CONDITIONS.				
22.1	This list of conditions is not finite and additional information regarding all aspects, in detail, of all areas of Private Hire Operator, Vehicle and Driver licensing can be found in the official handbook issued by Borough of Telford & Wrekin.	No reference to this issue in the Dept of Transport of Best Practice. This condition is good practice in comparison with other councils.	Retain condition	Police – keep existing conditions.	<i><u>Recommend remove all of 22 as they are more appropriate as Explanatory notes.</u></i>
22.2	The Council reserves the right to amend conditions from time to time as may be required and without prior notice but such changes will be brought to the attention of the Private Hire and Hackney Carriage Trade as quickly as it is possible to do so and in most cases after consultation. It is therefore advisable for all Operators, Vehicle owners and Drivers to check with the council for information regarding such possible changes.	No reference to this issue in the Dept of Transport of Best Practice. This condition is good practice in comparison with other Councils.	Retain condition	Consultation meeting – to be removed.	
22.3	All licence holders must refer to the Town Police Clauses Act 1847, the Road Vehicles (Construction and Use) Regulations 1978 and the Road Traffic Act 1988. This list is not exhaustive.	This is a legislative requirement	Retain condition		
22.4	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 Licence.	See 22.3	Retain condition		
22.5	Wherever there appears in the Licence Conditions/Guides/Handbook and summary of any statutory provision you are advised that such summary is not exhaustive.	The TWC condition is line with best practice as compared with other local authorities.	Retain condition		
	If in any doubt any information contained in this document please contact the Licensing Office for advice on 01952 383262.		Remove as condition and just have at end of the document.		

NEW PROPOSALS

<p>New A)</p>	<p><u>New Proposal: Criminal Record Checks for radio operators</u></p> <p>It is proposed that radio operators be required to be subject to a basic CRB check or to provide a certificate of good conduct from the relevant embassy or consulate as appropriate, when these become available.</p> <p>N.B. This would not be a condition of licence</p>	<p>Not available</p>	<p>Option for introduction</p> <ul style="list-style-type: none"> • Yes - to be introduced Immediately • Yes –Introduce over time as existing licences expire • Yes – but to be introduced over time as part of an accreditation improvement scheme • Comments 	<p>Trade</p> <ul style="list-style-type: none"> • It was felt that it was beyond the remit of the Council to concern themselves with staff directly employed by the company. • Response stated that other companies staff do not have to undergo these checks e.g. banks, building societies, insurance companies etc. • Wanted the Council to explain further their reasons for this proposal. <p>Police – Would be transparent and good practice. To be introduced immediately.</p> <p>Consultation meeting – consensus felt that this would be difficult to implement and want it to be examined further before implementation.</p>	<p><i>If it was not included as a condition of licence, it would be unenforceable as radio operators do not have to apply to the Council for a separate licence.</i></p>
<p>New B)</p>	<p><u>New Proposal: Duration of Operators Licences</u></p> <p>It is proposed that the standard duration for operator licences be extended from 1 year to 5</p>	<p>DfT Best Practice Guidance states that a requirement for annual licence renewal does not</p>	<p>Option for introduction</p> <ul style="list-style-type: none"> • Yes - to be introduced 	<p>Police – To be introduced over time as licences expire</p>	

	<p>years, in accordance with best practice, with options for interim periods of duration.</p>	<p>seem necessary and 5 years may be appropriate although Local Authorities may wish to offer operators the option of a licence for a shorter period if requested.</p>	<p>Immediately</p> <ul style="list-style-type: none">• Yes –Introduce over time as existing licences expire• Yes – but to be introduced over time as part of an accreditation improvement scheme• Comments		
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Appendix F

Statutory Instrument 1993 No. 176

The Motor Vehicles (Wearing of Seat Belts) Regulations 1993 - *continued*

PART III

CHILDREN IN THE REAR OF A VEHICLE

General

7. This Part of these Regulations has effect for the purposes of section 15(3) and (3A) of the Act.

Description of seat belts to be worn by children

8.—(1) For a child of any particular height and weight travelling in a particular vehicle, the description of seat belt prescribed for the purposes of section 15(3) of the Act to be worn by him is—

- (a) if he is a small child and the vehicle is a relevant vehicle, a child restraint of a description specified in sub-paragraph (a) or (b) of paragraph (2);
- (b) if he is a small child and the vehicle is not a relevant vehicle, a child restraint of a description specified in sub-paragraph (a) of paragraph (2);
- (c) if he is a large child, a child restraint of a description specified in sub-paragraph (a) of paragraph (2) or an adult belt.

(2) The descriptions of seat belt referred to in paragraph (1) are—

- (a) a child restraint with the marking required under regulation 47(7) of the Construction and Use Regulations if the marking indicates that it is suitable for his weight and either indicates that it is suitable for his height or contains no indication as respects height;
- (b) a child restraint which would meet the requirements of the law of another member State corresponding to these Regulations were it to be worn by that child when travelling in that vehicle in that State.

Vehicles to which section 15(3) and (3A) of the Act do not apply

9. The following classes of vehicles are exempt from the prohibition in section 15(3) and (3A) of the Act, that is to say—

- (a) vehicles which are neither motor cars nor passenger cars;
- (b) licensed taxis and licensed hire cars in which (in each case) the rear seats are separated from the driver by a fixed partition.

Exemptions

10.—(1) The prohibitions in section 15(3) and (3A) of the Act do not apply in relation to—

- (a) a small child aged 3 years or more if a seat belt of a description prescribed by regulation 8 for a small child of his height and weight is not available in the front or rear of the vehicle and he is wearing an adult belt;
- (b) a child for whom there is a medical certificate;
- (c) a child aged under 1 year in a carry cot provided that the carry cot is restrained by straps; or
- (d) a disabled child who is wearing a disabled person's belt.

(2) The prohibition in section 15(3) of the Act does not apply in relation to a small child in a passenger car if no appropriate seat belt is available for him in the front or in the rear of the vehicle.

(3) The prohibition in section 15(3) of the Act does not apply in relation to a small child in a vehicle other than a passenger car if no appropriate seat belt is available for him in the rear of the vehicle.

(4) The prohibition in section 15(3) of the Act does not apply in relation to a large child in any vehicle if no appropriate seat belt is available for him in the rear of the vehicle.

(5) The prohibition in section 15(3A) of the Act does not apply in relation to a child if no appropriate seat belt is available for him in the front of the vehicle.

Signed by authority for the Secretary of State

Kenneth Carlisle

Parliamentary Under Secretary of State Department of Transport

1st February 1993