

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held on Wednesday 7th September 2011 at 6.00 pm in the Reception Suite, Civic Offices, Telford

PRESENT

Councillors C Mason (Chair), A Mackenzie, L Murray, R Picken, T Hope (joined the meeting at 6.16pm), J Seymour (joined the meeting at 6.35pm).

Officers in attendance: Suzanne Fisher – Public Protection Team Leader, Ian Mercer – Public Protection Service Delivery Manager, Michael Barker – Head of Housing & Planning, Lorraine Fowkes - Solicitor, Phil Griffiths – Democratic Services Manager, Wendy Buckley - Democratic Services Support Officer and Andrew Roberts – Democratic Services Officer.

LC-01 MINUTES

RESOLVED – that the minutes of the meeting of the Licensing Committee held on the 23rd March 2011 be confirmed and signed by the Chairman.

LC-02 APOLOGIES FOR ABSENCE

Councillors J Thompson and R Scammell.

LC-03 DECLARATIONS OF INTEREST

None.

LC-04 REVIEW OF POLLING DISTRICTS AND PLACES

The Democratic Services Manager presented the report of the Head of Governance which sought approval to commence a review of the polling districts and the polling places in the two parliamentary constituencies in the Borough in accordance with the Representation of the People Act 1983 (as amended by the Electoral Administration Act 2006). Attached to the report was a Background Information and the Returning Officer's Proposals Document which would be subject to formal consultation over the specified two month period.

RESOLVED – that authority be delegated to the Electoral Services Manager to commence a review of polling districts and polling places in the Borough, by publishing a Notice of Start of Review and the Background Information and Returning Officer's Proposals document attached to the report on 12 September 2011 and inviting comments thereon and to take all steps necessary to implement and facilitate the review of polling districts and polling places in the Borough.

LC-05 HACKNEY CARRIAGE & PRIVATE HIRE CONSULTATION

The report of the Service Delivery Manager – Public Protection was received which sought to inform Members of the results of the recent consultation on the review of conditions of license for Hackney Carriages and Private Hire/Dual Drivers.

Comments were received which outlined concerns in relation to the types of vehicles which would be placed on a designated list, particularly vehicles which had the same 'turning circle'. Members were informed that it was not known which vehicle types would be placed on the list until after consultation at which point the list would be formulated.

In connection with disability groups the Committee was referred to appendix E of the report.

Councillor Seymour was concerned with the high fee required for the current NVQ test of over £1100 which since the commencement of the current consultation the external funding for which had been withdrawn. Members considered that given the current economic climate it would not be appropriate to introduce this revised condition for all existing drivers.

RESOLVED –

- (a) that in respect to the conditions relating to Private Hire Vehicle Drivers and Dual Drivers that Condition 7.2 (a) should be retained as currently worded and that Condition 7.2 (b) should be amended to read as follows:
“That a DSA Driving Test shall be taken by all existing Private Hire Drivers (and Dual Drivers) within 24 months (of this condition coming into force).”**
- (b) in respect to the Hackney Carriage Vehicle License Conditions that Condition 3.2 should be retained as currently worded.**
- (c) In respect to the Private Hire Vehicle licence Conditions that Condition 4.8 should be amended to read as follows:
“The Council will only license suitable vehicles which do not exceed that age limit for motor cars and Multi Purpose Vehicles (or for purpose built or adapted minibuses) of seven years. Vehicles to be tested every six months from five years of age in line with best practice guidance. However no vehicle to be over 5 years of age when first licensed.”**

N.B Councillor J Seymour did not vote on any of the above resolutions.

LC-06 LICENSING SUB-COMMITTEE

The Solicitor presented the report of the Head of Governance which sought the establishment of a Licensing Sub-Committee with regards to hackney carriage and private hire related applications, renewals and reviews.

Members were reminded that there was already a Licensing Sub-Committee for Licensing Act 2003 and Gambling Act 2005 matters the title of this new Committee (if approved) would be Licensing Sub-Committee (Hackney Carriage and Private Hire Licences).

It was suggested that a Licensing Sub-committee drawn from the membership of 10 members of the Licensing Committee with a quorum of 3 would reduce the time spent in committee and represent a more appropriate environment for hearings and would be easier to arrange.

Members agreed in principle to the creation of a sub-committee but felt that it would be more appropriate to have a quorum based on 5 (with the provision for a substitute to be available on the day of the hearing). It was also suggested and agreed that refresher or basic training should be provided and it was confirmed that a session would be arranged.

RESOLVED – by unanimous vote -

- (a) that Hackney Carriage and Private Hire related applications, renewals and reviews to be delegated to a Licensing Sub-Committee (Hackney Carriage & Private Hire Licences).**
- (b) that all Members of the Licensing Committee be appointed for selection to the Licensing Sub-Committee (Hackney Carriage & Private Hire Licences).**
- (c) that the Terms of Reference for the Licensing Sub-Committee as attached at Appendix A of the report be approved subject to the quorum of the Sub-Committee being increased to five members.**
- (d) that political balance requirements in connection with the Licensing Sub-Committee (Hackney Carriage & Private Hire Licences) be waived.**

LC-07 TAXI AND PRIVATE HIRE VEHICLES FORUM – APPOINTMENT OF TELFORD & WREKIN MEMBERS

The Chairman advised that four Councillors from the Licensing Committee were required to be appointed to the Taxi & Private Hire Vehicles forum for 2011/12.

RESOLVED – that

- (a) Councillors T Hope, C Mason, R Picken and J Seymour be appointed to the Taxi & Private Hire Vehicle Forum for 2011/12.**
- (b) that the Members not in attendance at this meeting be approached for their availability as Substitute members to the Forum.**

The meeting ended at 7.15 pm.

Chairman:

Date:



Telford & Wrekin

C O U N C I L

Licensing Policy

Hackney Carriage and Private Hire

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Part 1 - Introduction

1 General Information

- (1) The primary legislation relating to Hackney Carriage and Private Hire Licensing is contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- (2) The aim of this policy is to ensure the safety and welfare of the population who live and work in Telford & Wrekin, while recognising the importance of the businesses to the local economy.
- (3) This policy will provide guidance to the licensing authority when considering licence applications and to persons who wish to apply for the following licences:
 - Hackney Carriage Drivers
 - Private Hire Vehicle Drivers
 - Hackney Carriage Vehicles
 - Private Hire Vehicles
 - Private Hire Operators
- (4) This policy should be read in conjunction with Telford & Wrekin Council conditions of licence for Hackney Carriage Drivers and Vehicles and Private Hire Drivers, Vehicles and Operators.

2 Consultation

- (1) In determining this Licensing Policy, Telford & Wrekin Council has consulted the following persons/bodies:

.....
- (2) The views of all the appropriate bodies and organisations have been taken into consideration.

3 Review of the Licensing Policy

- (1) This policy will be subject to continuous evaluation and may be reviewed at anytime. At the time of the review all interested parties, partners and stakeholders will again be consulted.

Part 2 – Licensing Principles, Process and Delegation

4. Introduction

- (1) Telford & Wrekin Council (the Council) has adopted Part II of the Local Government (Miscellaneous Provisions) Act 1976 as amended. Together with the provisions contained in the Town Police Clauses Act 1847, the Council carries out the licensing of hackney carriage drivers and vehicles and private hire drivers, vehicles and operators.
- (2) This part of the policy will focus on the principles the Council will follow when administering licence applications, reviewing conditions, setting fees and setting the table of fares. It explains the roles and duties of the Licensing Committee and officers.

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5 Licensing Principles

- (1) The Licensing Authority aims to provide a clear consistent service to the service user. We will look to balance the needs of the applicant against the need to ensure the safety of the public.
- (2) All licence applications will be considered and determined on their own merits.

6 Licensing Committee

- (1) Telford & Wrekin Council's Licensing Committee is made up of 10 members of the council. The Licensing Committee will deal with policy issues, conditions of licence, the setting of fees and charges, hackney carriage fares and applications for and reviews of licences.
- (2) The public must be able to see that the Licensing Committee acts in a fair and reasonable manner at all times.
- (3) Members when determining applications for a licence, renewals or reviews of a licence, will have regard to the Council's Taxi and Private Hire Licensing Criminal Convictions Policy, this Licensing Policy, the Council's Manual of Inspection Standards for Licensed Vehicle Testing and Compliance Standards, the Department for Transport Taxi and Private Hire Vehicle Licensing Best Practice Guidance, Road Traffic Act 1988 and the Human Rights Act 1998.

7 The Licensing Process & Delegation of Functions

- (1) The Council has delegated its licensing function to the Council's Licensing Committee who in turn has delegated authority for the administering of licences to the Council's Principal Licensing Officer. The Principal Licensing Officer will determine all applications in accordance with the Council's licensing policies and each application will be determined on its own merit.
- (2) Where an application is referred to the Licensing Committee by the Principal Licensing Officer, the application will be determined on its own merits. Members of the Committee will take into consideration the facts of the application and hear the representations of the Applicant.

8 Decisions

- (1) Following the determination of an application by the Licensing Committee the applicant will receive a copy of the decision in writing. This written decision will be delivered as soon as possible after the decision has been made. This will include information on the right of appeal where appropriate.

9 Appeals

- (1) Parties aggrieved by a decision of the Licensing Authority have a right of appeal. This should be lodged with the Magistrates Court in accordance with the statutory provisions.

10 Working in Partnership

- (1) The Council aims to work in partnership when dealing with Hackney Carriage and Private Hire Licensing issues. Such partnerships will include West Mercia Police, Vehicle and Operator Services Agency (VOSA) Safer Communities, Telford Hackney Carriage Association, Telford Private Hire Operators Association, Telford Private Hire Drivers Association and all licence holders.

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Part 3 – Licensable Activities

11 Introduction

- (1) This part of the Policy will focus on the licensable activities and the necessary steps required to obtain and hold such a licence. These steps will include the standards required and the conditions that applicants and licence holders will be required to attain. The scope of this policy covers Hackney Carriage and Private Hire Drivers and Vehicles, and Private Hire Operators.

12 Appointments

- (1) Telford & Wrekin Council runs an appointment system. Applicants and licence holders will not be seen without an appointment and there is an administration fee for any missed appointments.

13 Criminal Record Disclosures

- (1) All criminal record disclosures will be required at the maximum level set by legislation and the Criminal Records Bureau. This is currently a basic disclosure for Private Hire Operators and a standard disclosure for Private Hire and Hackney Carriage Drivers. Drivers who undertake work on Telford & Wrekin transport contracts are advised to contact the department of the Council which provides the contracts in order to ascertain what standard of criminal record disclosure is required.

14 Hackney Carriage and Private Hire Vehicle Drivers

14.1 Summary

- (1) Any person who drives a Hackney Carriage must hold the appropriate vehicle driver's licence. Hackney Carriage Vehicle drivers licences are issued in accordance with section 46 of the Town Police Clauses Act 1847.
- (2) Any person who drives a Private Hire Vehicle must hold the appropriate vehicle driver's licence. Private Hire Vehicle drivers licences are issued in accordance with section 51 of the Local Government (Miscellaneous Provisions) Act 1976.
- (3) A person can apply for a licence to drive either a Hackney Carriage or Private Hire Vehicle or they can apply for both types of licence. (This is known as a Dual Driver Licence).

14.2 Fit and Proper Person

- (1) Licensed drivers will be required to convey members of the public which may include vulnerable adults and/or children in their vehicles. The Council will not licence anyone to drive a Hackney Carriage or Private Hire vehicle unless it is satisfied that they are a "fit and proper" person. In considering the fit and proper test, all drivers must complete a criminal record disclosure and satisfactory medical examination upon initial application and on renewal at three yearly intervals thereafter. Further checks may be carried out if the Council has reason to believe that a person's medical circumstances have changed or if the person has been convicted of an offence since they were last licensed.
- (2) New applicants will be required to satisfy the application process outlined below.

14.3 New Applications

- (1) On initial application, before a licence is granted, applicants are required to:
 - Submit a completed application form
 - Complete a satisfactory Criminal Records Bureau (CRB) check
 - Attend the Council's driver awareness training including disability awareness training (responsibilities under the provisions of the Equality Act 2010.)
 - Pass the Council's knowledge test
 - Receive two satisfactory references
 - Pass the Driver Standards Agency (DSA) Driver Test for Hackney Carriage/Private Hire
 - Pass a Group 2 medical examination

- Hold a DVLA/EC/EEA full category B driving Licence and must have held such a licence for not less than three years prior to applying for the licence.
- Complete a DVLA data protection mandate
- Pay the Council's licence fee

14.4 Period of Licence

- (1) Driver licences will be issued for a period of 6 months on initial application, and thereafter for 12 months.
- (2) Licences may be issued at the request of a driver for a period of 3 years for drivers who have been compliant with legislation and the Council's conditions of licence for the duration of their expiring licence period. If substantiated complaints are received about a driver during their 3 year licence, or they are not compliant with legislation and/or the Council's conditions of Licence, the licence may be reviewed and upon renewal reduced to 1 year.

14.5 Application Process

- (1) The application form must be completed. If any part of the application form is not complete, the applicant will be required to provide all the required information before the application can be accepted for processing.
- (2) An appointment must be made with the Council's Licensing Service to complete a CRB disclosure application form. The application process will be explained at this time. A photograph of the applicant will be taken at the Council offices and this photograph will appear on the driver's badge upon grant of the licence. The fee for the first 6 months' licence and the CRB check will be payable at the initial appointment. The applicant must also produce their original DVLA/EC/EEA driving licence.
- (3) Upon completion of a satisfactory Knowledge Test, and receipt of a satisfactory Criminal Record Check, medical certificate and a DSA certificate, an appointment can be made with the Licensing Service to collect and sign for your licence. It is the applicant's decision when to submit their notice to terminate employment to any current employer, however, it is the Council's advice not to do this until your licence has been collected and signed for.
- (4) Where an applicant is found to have provided false information or knowingly omitted to declare information, the application may be referred to the Licensing Committee, who will determine the application.
- (5) The applicant should complete the application process within 3 months. If the applicant fails to do so, the application process must be started again.

14.6 Criminal History

- (1) Due to the nature of the occupation, Hackney Carriage and Private Hire Vehicle Drivers are an exempt occupation under the provisions of the Rehabilitation of Offenders Act 1974. As a result, convictions are deemed never to be spent. When considering convictions and endorsements, the council will only take into consideration such convictions deemed to be relevant.
- (2) A criminal record does not automatically bar an applicant from holding a Hackney Carriage or Private Hire Vehicle Driver Licence. Criminal convictions will be considered in light of the Council's Taxi and Private Hire Licensing Criminal Convictions Policy.
- (3) On the return of a CRB check where convictions have been disclosed, the Principal Licensing Officer will consider the convictions and either determine the application under delegated authority or may refer the application to the Council's Licensing Committee for determination
- (4) Persons who have not been resident within the United Kingdom for the five years prior to submitting an application, will be required to produce a certificate of good conduct or equivalent document issued by the relevant Embassy or High Commission. The certificate should be authenticated, translated and sealed by the embassy/consulate. The Council may contact the relevant Embassy or appropriate body to verify any documents provided. Proof of a right to work in the United Kingdom will also be required. Find contact details for embassies and High Commissions in the UK on the Foreign & Commonwealth Office (FCO) website. You can also contact the FCO Response Centre Helpline on Tel 020 7008 1500.

14.7 Street Knowledge Test

- (1) Applicants for a licence to drive a Hackney Carriage or Private Hire Vehicle will be required to pass the Council's Knowledge Test. Details of what is required in the Knowledge Test are included in the driver application pack.
- (2) Normal examination conditions will apply during the Knowledge Test. Any person found to be using unfair means during the test will be excluded from the test and will be required to take a fresh test and pay the appropriate fee.
- (3) There is no charge for the initial Knowledge Test. If an applicant fails the Knowledge Test, there will be a £10 charge for every subsequent test and every missed test.

- (4) If an applicant fails the Knowledge Test 3 times, they must wait 3 months before being able to start the application process again.

14.8 Medical Requirements

- (1) All applicants for a Hackney Carriage or Private Hire Vehicle Drivers Licence are required to undertake a Group 2 medical examination. This medical examination should be carried out by the applicant's registered General Practitioner (GP) or any registered GP who has seen the applicant's medical records.
- (2) Should an authorised officer have reason to believe that a licensed Hackney Carriage or Private Hire Vehicle Driver has a medical condition which renders them unfit to drive, a further medical examination will be requested. This medical examination should again be carried out by the driver's GP or any registered GP who has seen the applicant's medical records. If it is deemed necessary to do so, the licence may be suspended in the interests of protecting the public until the further medical examination has been carried out.

14.9 DVLA and Other Relevant Driving Licences

- (1) A person applying for a Hackney Carriage or Private Hire Vehicle Drivers licence must have a minimum of three years' driving experience on a full UK/EC/EEA licence.
- (2) Applicants will be required to produce the original of their DVLA driving licence. Copies will not be accepted. Where a driving licence has a photo card and counter-part paper licence, applicants will be required to produce both parts and they must be of the same issue number.

14.10 English Speaking

- (1) Applicants will need to be able to converse in English to a standard that would be reasonably expected of a person undertaking a role as a private hire or a hackney carriage driver.

14.11 Renewal of licence

- (1) A licence must be renewed before it reaches its expiry date to allow continued driving of a licensed vehicle. Once a licence expires, is revoked or surrendered, it ceases to exist. Only in exceptional circumstances would an application for renewal be entertained after a delay of two to three days, otherwise a new application will be required. If a licence lapses due to exceptional circumstances for longer than two to three days, a new licence may be applied for within 1 year of the expiry date, upon completion of a satisfactory criminal record check. If it has lapsed for medical reasons, a new medical examination may be required. – If the licence has lapsed for more than 1 year, the application process as outlined at 14.5 must be completed in full.

- (2) If a licence has been surrendered or revoked and the badge has been returned to Telford & Wrekin Council, then in all cases a new application must be completed in full as outlined in 14.5 above before the applicant will be re-licensed.

14.12 Licence Conditions

- (1) When a driver is issued with a licence the driver will be asked to sign for his licence and the attached conditions.
- (2) A copy of the Council's Hackney Carriage Driver Licence conditions is attached at Appendix B.
- (3) A copy of the Council's Private Hire Vehicle Driver Licence conditions is attached at Appendix C.
- (4) A copy of the Council's Dual Driver Licence conditions is attached at Appendix D.

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15 Hackney Carriage Vehicles

15.1 Summary

- (1) Hackney Carriage or Public Hire Vehicles are licensed in accordance with the provisions contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- (2) Commonly known as Taxis, Hackney Carriages can be hailed in the street and may ply for hire on an appointed stand.

15.2 Use of Vehicles

- (1) A person applying for a licence for a Hackney Carriage Vehicle should do so with the intention of using the vehicle in the controlled district of Telford & Wrekin. Where the intention is to use a licensed vehicle in another district for private hire, then the applicant should apply to the said district for an appropriate licence.
- (2) In accordance with section 57 of the Local Government (Miscellaneous Provisions) Act 1976 a person applying for a licence will need to indicate whether the vehicle will be used primarily within the Borough of Telford and Wrekin or outside the Borough. Details will be required as to the proportion of business to be carried out both within the Borough and outside it. In addition details of the location of business carried on outside the Borough will be required. Applications received where the primary use of the vehicle is outside the Borough will be referred to the Licensing Committee.

15.3 Period of Licence

- (1) Vehicle licences will be issued for either a period of 6 or 12 months only.

15.4 Application Process

- (1) The application process is the same for a new or renewal application. In addition to completing an application form, a person wishing to license a hackney carriage vehicle will need to submit a valid certificate of insurance for public hire, the V5 registration form, a Telford & Wrekin Council compliance certificate and the licence fee.
- (2) The Council accepts that a full V5 registration form in the new owner's name is not always available upon first licence, however, the V5/2 green section of the V5 form must be produced. Where the green section has been produced on first licensing the vehicle, a full V5 form in the new owner's name must be produced at the earliest opportunity and in any case upon renewal of a licence. A V5 form or proof of purchase must be produced upon transfer of a vehicle licence.

15.5 Testing of Vehicles

- (1) Vehicles licensed to carry persons for hire and reward must be fit, safe, comfortable and suitable for the purpose for which they are licensed. Vehicles will be tested and inspected at the council's approved testing station by a VOSA authorised MOT examiner. On satisfactory completion of the test, a Certificate of Compliance will be issued. The test and inspection includes a number of items in addition to the normal MoT test. These elements have been deemed reasonable and necessary in order to protect the public using licensed vehicles. The Council's Manual of Inspection Standards for Licensed Vehicle Testing provides a guide for those who prepare vehicles for/or carry out the statutory tests on Hackney Carriage and Private Hire Vehicles. It also provides vehicle owners with the compulsory requirements that enable a vehicle to be licensed.
- (2) To ensure that vehicles within the controlled district of Telford & Wrekin meet these criteria, the Council has determined that vehicles will be subjected to a test to a frequency specified in the Council's conditions of licence.
- (3) If the Council's Authorised Officer or Police Constable when inspecting a vehicle is not satisfied as to the fitness of the vehicle or the accuracy of the meter, he may give written notice to the Proprietor to make the Hackney Carriage and/ taxi meter available for further inspection and testing at such reasonable time and place as may be specified 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 taxi meter.
- (4) The Certificate of Compliance once issued is only valid in conjunction with a valid Hackney Carriage Vehicle Licence.
- (5) If a vehicle has been off the road for more than a month it must undergo a compliance test before it can return to work in the controlled district of Telford & Wrekin.

15.5 Roof Signs

- (1) All Hackney Carriage Vehicles shall be fitted with a roof sign. The roof sign shall display the wording "TAXI" or "For Hire" on the front of the sign. The rear of the sign can be used to display the company or telephone number of the business, or the wording "TAXI" or "For Hire". Roof signs shall not be blank.

15.6 Advertising

- (1) Proprietors may advertise on Hackney Carriage Vehicles in accordance with the conditions of licence and subject to written approval from the Licensing Authority.

15.7 Closed Circuit Television (CCTV)

- (1) Hackney Carriage Vehicles may be fitted with closed circuit television (CCTV) systems in accordance with the council's CCTV policy.

15.8 Ranks

- (1) Hackney Carriage Ranks/Stands are provided in accordance with the Local Government (Miscellaneous Provisions) Act 1976. The Council will work with the Taxi trade, Highways and West Mercia Police to determine where ranks/stands should be situated.
- (2) Drivers should use the ranks available to them. Where a driver is standing plying for hire and is illegally parked if, in the opinion of an Authorised Officer of the council or police constable, the driver is plying for hire in a dangerous location the said driver's licence may be reviewed and such conduct may be deemed reasonable cause to revoke or suspend the licence under section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 or any other appropriate action.

15.9 Disabled Access

- (1) Drivers of vehicles adapted to carry disabled passengers should be trained in the use of equipment necessary to convey the passenger safely.
- (2) Assistance dogs shall be conveyed in the vehicle with the passenger in accordance with statutory requirements.

15.10 Internal Plates

- (1) Internal plates shall be securely fixed in the front windscreen on the passenger side of the vehicle or on the partition for purpose built vehicles where a partition is fitted.
- (2) Tactile Braille plates shall be fixed to the recess on the inside of the rear passenger door.

15.11 Renewal of a Licence

- (1) A licence must be renewed before it reaches its expiry date to allow the vehicle to continue to be used for hire and reward. Once a licence expires, is revoked or surrendered, it ceases to exist. Only in exceptional circumstances would an application for renewal be entertained after a delay of two to three days and for grandfather rights to be retained where applicable, otherwise a new application will be required.

15.12 Licence Conditions

- (1) Conditions attached to Hackney Carriage licences will be regularly reviewed to ensure that they are reasonable and fit for purpose. A

copy of the conditions attached to Hackney Carriage Vehicle Licences is attached as **Appendix E**.

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16 Private Hire Vehicles

16.1 Summary

- (1) Private Hire Vehicles are licensed in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976. Private Hire Vehicles must not have the appearance of a Hackney Carriage Vehicle.
- (2) When considering whether a vehicle is a Private Hire Vehicle by the nature of the work it does, Telford & Wrekin Council shall have regard to the document Private Hire Vehicle Licensing - A note for guidance from the Department for Transport.

16.2 Period of Licence

- (1) Vehicle licences will be issued for either a period of 6 or 12 months only.

16.3 Application Process

- (1) The application process is the same for a new or renewal application. In addition to completing an application form, a person wishing to licence a Private Hire Vehicle will need to submit a valid certificate of insurance for private hire, the registration certificate, a Telford & Wrekin Council's compliance certificate and the licence fee.
- (2) The Council accepts that a full V5 registration form in the new owner's name is not always available upon first licence, however, the V5/2 green section of the V5 form must be produced. Where the green section has been produced on first licensing the vehicle, a full V5 form in the new owner's name must be produced at the earliest opportunity and upon renewal of a licence. A V5 form or proof of purchase must be produced upon transfer of a vehicle licence.

16.4 Testing of Vehicles

- (1) Vehicles licensed to carry persons for hire and reward must be fit, safe, comfortable and suitable for the purpose for which they are licensed. Vehicles will be inspected and tested at the council's approved testing station by a VOSA authorised MOT examiner. On satisfactory completion of the test, a Certificate of Compliance will be issued. The test and inspection includes a number of items in addition to the normal MOT test. These elements have been deemed reasonable and necessary in order to protect the public using licensed vehicles. The Council's Manual of Inspection Standards for Licensed Vehicle Testing provides a guide for those who prepare vehicles for/or carry out the statutory tests on Hackney Carriage and Private Hire Vehicles. It also provides vehicle owners with the compulsory requirements that enable a vehicle to be licensed.
- (2) To ensure that vehicles within the controlled district of Telford & Wrekin meet these criteria, the Council has determined that vehicles will be

subjected to a test to a frequency specified in the Council's conditions of licence.

- (3) The Certificate of Compliance once issued is only valid in conjunction with a valid Private Hire Vehicle Licence.
- (4) If a vehicle has been off the road for more than a month it must undergo a compliance test before it can return to work in the Telford & Wrekin area.

16.5 Novelty Vehicles, Stretched Limousines and Vintage Vehicles

- (1) Vehicles such as stretched limousines and fire engines will be licensed by the Council, however such types of vehicle would only be licensed as a Private Hire Vehicle.
- (2) In addition to the vehicles mentioned in **paragraph 15.5 (1)**, vehicles such as vintage vehicles will also be considered for licensing.

16.6 Closed Circuit Television (CCTV)

- (1) Private Hire Vehicles may be fitted with closed circuit television (CCTV) systems in accordance with the council's CCTV policy.

16.7 Disabled Access and Assistance Dogs

- (1) Where a vehicle is adapted to carry disabled passengers, then the driver of the said vehicle should have appropriate training to ensure that the passengers are conveyed safely.
- (2) Assistance dogs shall be conveyed in the vehicle with the passenger in accordance with statutory requirements.

16.8 Internal Plates

- (1) Internal plates shall be securely fixed in the front windscreen on the passenger side of the vehicle: just above the tax disc in saloon type vehicles, and on the partition for purpose built vehicles where a partition is fitted.

16.9 Magnetic Plates

- (1) Magnetic plates will only be fitted to vehicles with reversing sensors or with a bumper of a style where the Council approved fixing kit cannot be used.

16.10 Renewal of a Licence

- (1) A licence must be renewed before its expiry date to allow the vehicle to continue to be used for hire and reward and to retain grandfather rights where applicable. Once a licence expires, is revoked or surrendered, it ceases to exist. Only in exceptional circumstances would an application

for renewal be entertained after a delay of two to three days, otherwise a new application will be required.

16.11 Licence Conditions

- (1) Conditions attached to Private Hire Vehicle licences will be regularly reviewed to ensure that they are reasonable and fit for purpose. A copy of the conditions attached to a Private Hire Vehicle Licence is attached to this policy as **Appendix F**.

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176 Private Hire Operators

17.1 Summary

- (1) Private Hire Operators are licensed in accordance with the Local Government (Miscellaneous Provisions) Act 1976. Any person who takes a booking for a Private Hire Vehicle must hold a Private Hire Operator Licence.

17.2 Application Process

- (1) In addition to completing an application form, an operator must produce a list of the vehicles and drivers which they operate and any fleet insurance they hold with an accompanying schedule of vehicles and named drivers disclosed to the insurance company.

17.3 Criminal Record Disclosure

- (1) All applicants for a Private Hire Operators Licence must prove that they are a fit and proper person to hold a licence. Telford & Wrekin Council requires an applicant to provide a Basic Criminal Record Disclosure from Disclosure Scotland. If the Private Hire Operator is an individual, they must provide the Criminal Record Disclosure. If the Private Hire Operator is a company, then the company Director(s) named on the application form must provide the basic Criminal Record Disclosure.

You can apply to Disclosure Scotland online, by telephone or in writing:

Telephone: 0870 609 6006

Website: www.disclosurescotland.co.uk.

Disclosure Scotland
PO Box 250
Glasgow
G51 1YU

17.4 Record Keeping

- (1) Operators shall keep records in accordance with the conditions attached to their licence. Such records should be available upon request from a Police Constable or Authorised Officer.

17.5 Planning Consent

- (1) Operators are advised that they should ensure that they have any appropriate planning consent required to operate their business.

17.6 Licence Conditions

- (1) Conditions attached to Private Hire Operator licences will be regularly reviewed to ensure that they are reasonable and fit for purpose. A

copy of the conditions attached to a Private Hire Operator Licence is attached to this policy as **Appendix G**.

DRAFT

18 Compliance and Enforcement

18.1 Summary

- (1) The Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 contain a number of offences. Many of these offences relate to the protection of the public.
- (2) The Council's Compliance and Licensing Officers will work closely with the Hackney Carriage and Private Hire trades to achieve compliance with the legislation and the Council's conditions of licence and will do so in accordance with the Council's Public Protection Enforcement Policy.
- (3) The Licensing Service will also look to work closely with other enforcement authorities when dealing with licensed and or unlicensed vehicles and drivers, especially concerning cross boundary related issues.
- (4) The Local Government (Miscellaneous Provisions) Act 1976 also gives the authority powers to serve notice on proprietors of Hackney Carriage and Private Hire Vehicles to produce their vehicle for inspection to ascertain its fitness. Where a vehicle is deemed unfit for its intended purpose the proprietor will be issued with a suspension notice in accordance with section 68 of the Local Government (Miscellaneous Provisions) Act 1976. Where the vehicle defects are not rectified within two months from the date of the notice, the licence will automatically be deemed to be revoked.
- (5) Where the vehicle has defects which are in breach of licence conditions, a Breach of Conditions Notice will be issued. If the fault is not rectified within the time specified in the Notice, the licence will be suspended under section 68.

18.2 Complaints

- (1) The Licensing Service will investigate all complaints reported to the Service. Where appropriate, complainants will be encouraged to raise the complaint with the licence holder or business concerned in the first instance.

Appendix A

Contact Details

For information, advice and guidance relating to licensing and the application process please contact;

Licensing Service
Telford & Wrekin Council
Darby House
Lawn Central
Telford
TF3 4JA

Telephone: 01952 383262
Fax: 01952 381993
Email: licensing@telford.gov.uk

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Community Impact Assessment

It is intended that you complete this form if you have identified a high negative impact to our communities and employees.

Sections 1 & 2 should be completed early in policy development and before any consultation/engagement activity takes place

Sections 3 & 4 should be completed before policy approval.

You will find the information from this assessment useful for the Equality Implications section of any report you are completing.

Section 1 – Overview

1. What is the title of the policy?

Telford & Wrekin Council Licensing Policy – Hackney Carriage and Private Hire.

2. What are the objectives of the policy? For example, what are we aiming to achieve? Please provide a brief description

The primary legislation relating to Hackney Carriage and Private Hire Licensing is contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. Local Authorities are responsible for licensing Hackney Carriage and Private Hire Drivers, Vehicles and Operators in their area under the provisions of these pieces of legislation.

The aim of this policy is to provide guidance for prospective applicants, existing licence holders, and Members of the Council's Licensing Committee when making a determination on an application. It is to ensure the safety and welfare of the population who live and work in Telford & Wrekin, while recognising the importance of the businesses to the local economy

This policy should be read in conjunction with Telford & Wrekin Council's conditions of licence for hackney Carriage Drivers and Vehicles and Private Hire Drivers, Vehicles and operators.

3. This policy affects

- Customers/service-users
- Licence holders

4. What period does the policy cover?

This policy will come into effect following a twelve week consultation period not to commence before December 2011. Once implemented this policy will be subject to continuous evaluation and may be reviewed at anytime. At the time of the review all interested parties, partners and stakeholders will again be consulted.

5. Your contact details:

Name of person completing impact assessment and their post	Suzanne Fisher Public Protection Team Leader
Telephone	01952 383261
Date	

Section 2 – Impact Assessment

a) Community Impact

1. Will the policy contribute to specific Priority Plan objective(s)?
 - Yes (go to Q2)
2. The policy contributes to the Priority Plan for Community Protection and Cohesion.

Provide information and advice on new legislation/guidance to regulated trade and businesses.

3. Will this policy have a significant impact on any of the following groups of people? Please mark all boxes indicating whether an impact has occurred, this could be **positive** or **negative**. Mark **None** if there is no impact. Help boxes are available to assist.

People of different ages

[Helpbox - Age](#)

People with ill health or people with a disability

[Helpbox - Disability](#)

People of different gender

[Helpbox - Gender \(Sex\)](#)

People who are transgender

[Helpbox - Transgender](#)

Different racial groups

[Helpbox - Race](#)

People with different religion or beliefs

[Helpbox - Religion or Beliefs](#)

People of different sexual orientation

[Helpbox - Sexual Orientation](#)

Women who are pregnant or breast-feeding

[Helpbox -Pregnancy and Maternity](#)

People that are married or in a civil partnership

[Helpbox - Marriage or Civil Partnership](#)

People affected by deprivation

[Helpbox - people affected by deprivation](#)

Impact (X)		
Positive	Negative	None
X		
X		
X		
		X
		X
		X
		X
		X
X		

4. What is the expected impact?

People of Different Ages

The policy will have a positive impact on people of all ages. Young people who enjoy the night-time economy use taxis and private hire vehicles as do elderly people who use licensed vehicles for going to the shops or to medical appointments as they offer a door to door service unlike other methods of public transport as this policy sets out what is expected of licensed drivers, vehicles and operators and the standards which must be achieved to be compliant with legislation and conditions of licence..

People with ill health or people with a disability

The policy will have a positive impact on people with ill health or people with a disability who use the door to door service that taxis and private hire vehicles provide. The policy states that drivers should be aware of their responsibilities under Equality legislation and be trained in the correct use of equipment in wheel chair accessible licensed vehicles.

People of different gender

According to the Department for Transport Best Practice Guidance on Taxi and Private Hire Vehicle Licensing, low-income young women (amongst whom car ownership is low) are one of the largest groups of users of taxis and private hire vehicles. The policy will have a positive impact on females as it details the criteria that drivers must achieve in order to be considered fit and proper persons.

People who are transgender

I have no evidence which indicates that this policy will impact on this characteristic.

Different racial groups

I have no evidence which indicates that this policy will impact on this characteristic.

People with different religion or beliefs

I have no evidence which indicates that this policy will impact on this characteristic.

People of different sexual orientation.

I have no evidence which indicates that this policy will impact on this characteristic.

Women who are pregnant or breastfeeding.

I have no evidence which indicates that this policy will impact on this characteristic.

People that are married or in a civil partnership

I have no evidence which indicates that this policy will impact on this characteristic.

People affected by deprivation.

The policy will have a positive impact on this characteristic. According to the Department for Transport Best Practice Guidance on Taxi and Private Hire Vehicle Licensing, low-income young women (amongst whom car ownership is low) are one of the largest groups of users of taxis and private hire vehicles. This policy sets out what is expected of licensed drivers, vehicles and operators and the standards which must be achieved to be compliant with legislation and conditions of licence.

5. What engagement and consultation have you already carried out?

Please answer the following questions and include any additional information that is relevant;

The Licensing principles and processes contained within this policy have been the subject of previous reports to the Council's Licensing Committee in 2008 and 2010 when elected Members resolved to approve these principles and processes. In particular on 21st October 2008, following a comprehensive review of the Council's

conditions of licence for Hackney Carriage and Private Hire licences, Members of the Licensing Committee resolved that it would be more appropriate for some of the conditions(which had been consulted on) to be removed from licences and instead be included in a policy document. These removed conditions are now included in this draft policy document. The information contained within Licensable Activities and Compliance and Enforcement in this policy have also been the subject of previous reports to the Council's Licensing Committee and to the Council's Taxi Forum. This policy is collating into one document principles and processes including those used in compliance and enforcement which are used in the day to day administering of Taxi and Private Hire Licences.

6. Please give brief details of any further engagement/consultation you plan to carry out with any of the above groups, particularly where you feel you don't have sufficient information.

On 30th November 2011, Members of the Council's Licensing Committee will consider this draft policy and resolve whether to commence a twelve week public consultation exercise on the document in its current format. Following a consultation period, all comments and feedback arising from the consultation will be considered by the Council before a final policy document is published.

You are at the end of Section 2 - have you completed all questions in this section?

Please ensure all questions are answered and then send your information to;
Equalityanddiversity@telford.gov.uk

The Equality and Diversity Team will help you address/respond to any issues in
Section 3 – Mitigating Actions

Section 3 – Mitigating Actions

1. For any significant **negative** impacts identified in Section 2 (Questions 3 & 4), what action have you taken or will you be taking to reduce/manage these impacts?

2. For any significant positive impacts you identified in Section 2 (Questions 3 & 4) what action have you taken or will you be taking to maximise the opportunity?

The positive impact for all members of the community but in particular to vulnerable and disabled members of the community, will be maximised by reviewing the training currently given to drivers regarding driver awareness in relation to all passengers, but also to include more robust training ensuring that hackney carriage drivers are aware of their responsibilities under the Equality Act 2010.

3. How do any of the above actions contribute to aims of the General Equality Duty;

- **eliminate unlawful discrimination, harassment and victimisation**
- **advance equality of opportunity**
- **foster good relations between different groups**

It will foster good relations between different groups because the written policy aims to clearly state to licence holders and members of the community the standards expected of hackney carriage and private hire drivers, vehicles and operators.

Section 4 – Review and Monitoring

1. From what date will this policy be implemented?

No before 30th March 2012.

2. When will the actual impacts of the policy be monitored and reviewed?

12 months from the date of implementation.

3. How will the actual impact of the policy be monitored and reviewed?

- The Council will engage with Members of the Hackney Carriage, Private Hire Drivers' and Private Hire Operators' Associations.
- The Council will also monitor the number and nature of complaints received by the Licensing Service following the implementation of the policy in comparison with those received before implementation.

Ensure that appropriate confirmation has been given by your line manager.

Line Manager/Head of Service Agreement

Community Impact Assessments will be published online and available on request. This will include the subject document, equality analysis, data sources and consultation evidence.

Please make sure that your Line Manager/Head of Service has been made aware of the content of the impact assessment and that they agree with it.

Arrange for your Line Manager/Head of Service to e-mail confirmation of agreement to; equalityanddiversity@telford.gov.uk

The Equality and Diversity team will create a summary for ease of access, please make sure that you forward any relevant documentation you have referred to with the e-mail.

Thank you conducting this Community Impact Assessment, should you have any questions please contact 01952 382104 or e-mail equalityanddiversity@telford.gov.uk

Appendix B

HACKNEY CARRIAGE DRIVER LICENCE. THIS LICENCE IS ISSUED SUBJECT OF THE FOLLOWING CONDITIONS

DEFINITIONS

- 1 "The Council" means the Telford & Wrekin Council.
"Identification plate" means the plate issued by the council for the purpose of identifying the vehicle as a hackney carriage vehicle.
A "material fact" is one that is likely to influence a prudent insurance underwriter in his or her assessment or acceptance of a proposal.

CONVICTIONS

- 2 a The licensee shall notify the Council in writing of any conviction recorded against him/her by any Court within 7 days of such conviction being imposed
b The licensee shall within 42 days of the offence notify the Council in writing of any fixed penalty imposed upon him/her which results in an endorsement on his/her UK drivers licence

DRIVERS

- 3 The licensee shall not cause, procure or permit any other person to drive a licensed hackney carriage vehicle of which he/she is in charge except with the consent of the proprietor of the vehicle.

PERSONAL CONDUCT

- 4 The licensee shall at all times when the vehicle is available or being driven for hire be clean and respectable in his/her dress and person, shall behave in an orderly manner and conduct him/herself with civility and propriety towards every person seeking to hire, or being conveyed in the vehicle
- 5 The licensee shall at all times behave in an orderly manner and conduct him/herself with civility and propriety towards every other taxi and private hire driver.
The licensee shall not, except with the express consent of the hirer, smoke, drink or eat in the vehicle.
- 6 The licensee shall not, except with the express consent of the hirer, play any radio or sound reproducing instrument in the hackney carriage vehicle other than
for communicating with the operator.
- 7 The licensee shall not cause or permit the noise emitted by any radio equipment or sound reproducing equipment installed in the hackney carriage vehicle to be a source of nuisance or annoyance to any persons whether inside or outside the vehicle.
- 8 The licensee, when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest practicable route.
- 9 The licensee shall not, except with the express permission of the hirer, convey any other person other than the hirer in the hackney carriage vehicle.
- 10 The licensee of a hackney carriage vehicle who has agreed or has been hired to be in attendance with a vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with the hackney carriage vehicle at such appointed time and place.
- 11 The licensee shall afford all reasonable assistance with passenger's luggage.

INSURANCE

- 12 The licensee shall ensure that a certificate or cover note of insurance covering PUBLIC HIRE is in force and must be carried on the vehicle at all times throughout the duration of the licence.

IDENTIFICATION PLATES

- 13 The licensee shall not conceal the exterior identification plate of the hackney carriage or the details thereon from public view, and will keep the identification plate and the display in a clean condition.

LICENCE

- 14 The licensee shall deposit his / her hackney carriage driving licence issued by the Council with the proprietor or employer for which the vehicle is being used during the time it is so used.

HIRERS PROPERTY

- 15 The licensee shall immediately after termination of any hiring , or as soon as practicable thereafter search the hackney carriage vehicle for any property which may have been left therein.
- 16 The licensee of a hackney carriage vehicle 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.

PASSENGERS

- 17 The licensee 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.
- 18 The licensee shall not permit a hackney carriage vehicle to carry a greater number of passengers than the number prescribed in the licence.

ANIMALS

- 19 The licensee shall not permit any animal to ride in the vehicle except an animal in the custody or control of the hirer which animal may be conveyed in the rear of the vehicle.

CHANGE OF ADDRESS

- 20 The licensee shall notify the Council in writing of any change of his/her address within 7 days of such change taking place.

RECEIPTS

- 21 The licensee shall, if requested by the hirer, provide him/her with a written receipt for the fare paid.

CHEQUES

- 22 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.

TOUTING ETC.

- 23 The licensee shall not while driving or in charge of a hackney carriage vehicle:-
- a Tout or solicit on a road or other public place any person to hire or be carried for hire in any hackney carriage vehicle, or
 - b cause or procure any other person to tout or solicit on a road or other public place any person to hire or be carried in any hackney carriage vehicle. In this condition:“ road means any highway or other road to which has access including bridges over which a road passes.”

FARES

- 24 The licensee shall not demand a fare in excess of that prescribed by the fare table issued by the council unless previously agreed between the hirer and the operator at the time of booking.

MEDICALS

- 25 The licensee shall submit to a medical examination at the age of 45 years and thereafter every 5 years until the age of 60 years when a medical is required annually.

TAXIMETERS

- 26 If the vehicle being fitted with a taximeter:-
- a The licensee 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
 - b The licensee shall ensure that when the vehicle is not hired the key is to be locked and machinery kept inactive and the meter must show no fare at that time.
- 27 The licensee shall ensure that the taximeter is sufficiently illuminated that when in use it is visible to all passengers.
- 28 The licensee shall ensure that the fare or charge shall be calculated from the point in the district at which the hirer commences his journey and shall not exceed that displayed on the taximeter on the completion of his/ her journey.
- 29 The licensee 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.

DRIVERS RESPONSIBILITIES

- 30 a It is the licensees responsibility to ensure that an approved Fire Extinguisher is carried in the vehicle whenever it is used as a taxi
- b It is the licensees responsibility to ensure that an approved First Aid Kit is carried in the vehicle whenever it is used as a taxi.
- c It is the owner / drivers responsibility to ensure that a certificate or cover note of insurance covering **public hire** is displayed in the interior of the vehicle whenever it is being used as a taxi.
- c Insurance policies or cover notes carried that are issued to cover “any driver” or “any vehicle” must be accompanied by a driver and vehicle schedule(s) and will not be acceptable without such schedule(s).
- d The licensee will ensure that if there are any points recorded on their DVLA licence that these convictions are disclosed to the Insurer. A copy of the proposal form relating to such a disclosure must be produced to the Council on request.
- e The licensee must ensure that any other material facts are disclosed to the insurer.
- f The licensee shall report to the Council details of any accident that they are involved in whilst driving a licenced hackney carriage vehicle within 72 hours.
- g The licensee shall not use a taximeter that has not been calibrated at the current fare scale or has not been sealed to prevent unauthorised adjustment.

DRIVERS BADGES

- 31 a A driver shall at all times when acting in accordance with the drivers licence granted to him wear such badge in such position and manner as to be plainly and distinctly visible
- b If any person without reasonable excuse contravenes these provisions, he/she shall be guilty of an offence.

ADDITIONAL CONDITIONS

- 3 This list of conditions is not exhaustive. Telford & Wrekin 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. Operators must also refer to the LGMP Act, Town Police Clauses Act 1847, and the construction and Use Regulations 1978. 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 / Handbook and summary of any statutory provision you are advised that such summary is not exhaustive. Any vehicle licensed that does not meet the conditions at the time they come into force will be permitted to be re-licensed annually provided it passes the mechanical requirements, but any replacement vehicle will be required to meet all conditions as set out. If in any doubt about any information contained in this document please contact the Licensing Office for advice on 01952 202536.

Telford & Wrekin Council

Licensing Committee 29th November 2011

Licensing Policy - Hackney Carriage and Private Hire

Report of the Service Delivery Manager – Public Protection

1. Purpose

- 1.1 For Members to consider a draft Licensing Policy for Hackney Carriage and Private Hire Licensing

2. Recommendations

- 2.1. It is recommended that Members:

2.1.1 Determine to adopt a Hackney Carriage and Private Hire Policy.

2.1.2 Consider the contents of the draft policy for Hackney Carriage and Private Hire licensing. Following a period of public consultation if no changes or only minor amendments are required, the policy shall be adopted, and amended if necessary, by the Principal Licensing Officer in consultation with the Chairman of the Licensing Committee.

3. Summary

3.1 The primary legislation relating to Hackney Carriage and Private Hire Licensing is contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

3.2 Attached at Appendix A is a draft of a proposed Licensing Policy for licensing Hackney Carriages and Drivers, Private Hire Vehicles and Drivers and Private Hire Operators under the provisions of the above legislation.

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 controlled district of Telford & Wrekin.
- 5.1.2 Hackney Carriage and Private Hire Vehicles have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas, or outside “normal” hours of operation, such as in the evenings or on Sundays), or for those with mobility difficulties.
- 5.1.3 The aim of this policy is to ensure the safety and welfare of the population who live and work in Telford & Wrekin, people who visit the Borough and the Hackney and Private Hire Vehicle drivers, while recognising the importance of the businesses to the local economy.
- 5.1.4 Local Authorities are not required by law to adopt a policy in relation to Hackney Carriage and Private Hire licensing, but may do so if they wish. Policies assist a local authority with consistent decision making and their purpose is to guide and inform.
- 5.1.5 This draft policy sets out the policies and procedures that the Council wishes to apply in exercising its Hackney Carriage and Private Hire licensing function. Before adopting the Policy, however, the Council wishes to consult with those who may be affected by it. It is committed to considering any representations made as a result and, if appropriate, to amending the draft in the light of representations received.

5.2 Equal Opportunities

- 5.2.1 An Equality Impact Assessment (EIA) has been carried out on this policy and has identified that this policy has a neutral impact on the majority of the protected characteristics (Gender reassignment, Race, Religion or belief and Sexual Orientation) and they will not be disadvantaged by the implementation of this policy. It has also been identified that this policy will have a positive effect on Age, Disability, Gender and Deprivation. In relation to disability we have ensured that the policy reflects the requirements within the Equality Act 2010 for Hackney Carriage and Private Hire Drivers. The Council expects applicants to be aware of and comply with all legislation relating to unlawful discrimination. A copy of the Community Impact Assessment is attached at Appendix B.

5.3 Environmental Impact

- 5.3.1 Not applicable for the purposes of this report.

5.4 Legal Comment

- 5.4.1 The primary legislation relating to Hackney Carriage and Private Hire Licensing is contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- 5.4.2 Local Authorities are not required by law to adopt a policy in relation to Hackney Carriage and Private Hire licensing, but may do so if they wish.

5.5 Links with Corporate Priorities

- 5.5.1 This report has links to community protection and cohesion.

5.6 Financial Comment

- 5.6.1 There are no direct financial implications of the actions recommended within this report. JAC 141111

5.7 Risks and Opportunities

- 5.7.1 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.
- 5.7.2 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.
- (1) Unlawful discrimination – the policy states that drivers will be trained in disability awareness and the responsibility that they have with regard to the Equality Act 2010.
 - (2) Legal challenge – the policy states that each application will be considered on its own merits and clearly sets out the applicant's right of appeal against decisions made by the Council when determining a licence.

6. Ward Implications

- 6.1 This report has Borough wide Implications

7. Background Papers

- 7.1 Local Government (Miscellaneous Provisions) Act 1976
- 7.2 Town Police Clauses Act 1847
- 7.3 Equality Act 2010
- 7.4 Public Health Act 1936.

Report prepared by, Suzanne Fisher, Public Protection Team Leader, Licensing Services, Darby House - For further information please telephone 01952-383261 or email Licensing@telford.gov.uk

Appendix B - Telford & Wrekin Council Private Hire Driver Conditions of Licence

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 Records Bureau check and all licence holders will be subject to a Criminal Records Bureau check every three years.
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.
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:-
2.2	All drivers should have medicals on application and then every three years.
2.3	If once granted, the Driver's medical circumstances change during the currency of that Licence, he/she 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.
2.4	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.
2.5	The Council may revoke or suspend an existing Licence if the holder is unable to demonstrate as necessary that he/she remains medically fit to hold such Licence. The Council reserves the right to refer any such matter to its own appointed Medical Officer whose decision will be final.
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.
4. CRIMINAL RECORD BUREAU CHECKS AND CONVICTIONS NOTIFICATION	
4.1	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.
4.2	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.
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.
6. KNOWLEDGE TEST	
6.1	At the discretion of the Council the holder of a Private Hire Driver's Licence can, during the currency of the Licence, be required to undertake a further knowledge test or tests. (Where a Private Hire 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 Private Hire Driver's Licence or to revoke or suspend a Private Hire Driver's Licence (as the case may be).
7. TRAINING	
7.1	All successful applicants will be required to undertake up to two days training per annum at the discretion of the Council to include: Disability awareness training Licensing Requirements Passenger Safety
7.2	a) That a qualification must be taken in "Transporting passengers by taxi and private hire" or similar qualification within the first 12 months of being licensed. b) That a DSA Driving Test shall be taken by all existing Private Hire Drivers within 24 months (of this condition coming into force).
7.3	Training courses will be designed around the basic needs required by Private 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.)
7.3.1	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 Private Hire Driver's Licence or to revoke or suspend a Private Hire

	Driver's Licence (as the case may be).
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.
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.
9.	CONDUCT OF DRIVER
	The holder of a Private Hire 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.
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.
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.
9.4	Not without the express consent of the hirer eat or drink in the Private Hire vehicle.
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.
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.
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.
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.
9.9	Shall at all times when hired afford reasonable assistance to the passenger and convey them subject to any instructions given by the hirer, to their destination by the shortest practicable route.
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. However it will be allowed 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. 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).
11.	RECEIPT FOR FARE
11.1	The Licence holder shall, if requested by the hirer, supply the hirer with a written receipt for any fare paid.
12.	ACCIDENTS
12.1	The Licence holder shall, notwithstanding his/her responsibilities under the Road Traffic Act, report to the Council within 72 hours, any accident involving a 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.
13.	CHANGE OF PARTICULARS
13.1	The holder of a Private Hire 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.
14.	ROOF SIGNS
14.1	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.
15.	HIRER'S PROPERTY
15.1	The Licence holder shall immediately after termination of any hiring, or as soon as practicable thereafter search the Private Hire vehicle for any property which may have been left therein.
15.2	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.
16.	PASSENGERS
16.1	The Licence holder shall at all times when a Private Hire vehicle is hired take all reasonable steps to ensure the safety of passengers conveyed therein and persons entering and alighting from the vehicle.
16.2	The Licence holder shall not permit a Private Hire vehicle to carry a greater number of passengers than the number prescribed in the Licence.
17.	PARKING AND PLYING FOR HIRE

17.1	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 (as per the approved list – which shall be subject to continual review) within the controlled district to await further bookings or instructions.
18.	FARES
18.1	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.
18.2	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.
19.	METERS
19.1	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;
19.2	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.
19.3	The Private Hire driver shall ensure that the Meter is sufficiently illuminated that when in use it is visible to all passengers.
19.4	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.
19.5	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.
20.	DRIVER’S RESPONSIBILITIES
20.1	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.
<u>20.2</u>	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.
<u>20.3</u>	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.
<u>20.4</u>	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.
20.5	The Private Hire Driver shall ensure that any other material facts are disclosed to the insurer and the vehicle proprietor.
20.6	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.
21.	CHEQUES
21.1	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.
22.	RADIO SCANNING DEVICES
22.1	The Private Hire Driver shall ensure that no Radio Scanner or Scanning Device of whatsoever type is used at the base of operations, fitted to, carried in, or used in the vicinity of any licensed Private Hire Vehicle.
23.	SIGNAGE
23.1	Private Hire Driver’s shall ensure that they should display a replica of their Private Hire Driver’s badge issued by the Council, affixed to the inside of the vehicle, in the prescribed manner, so as to be plainly visible to fare paying passengers.
N.B.	ADDITIONAL NOTES (NOT TO BE CONSIDERED AS LICENSING CONDITIONS)
1.	This list of conditions is not finite and additional information regarding all aspects of Private Hire Driver licensing in detail can be found in the official handbook issued by Telford & Wrekin Council.
2.	Any requirements of legislation which effect the operations being carried out under the terms of this licence shall be regarded as if they are conditions of this licence. Wherever there appears in the licence Conditions, 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 – 383262.

Appendix D - Dual Driver Conditions of Licence



1. GENERAL REQUIREMENTS

1.1 Throughout the currency of his/her licence the holder of a Dual Driver licence shall be a fit and proper person to hold such a licence. New applicants will be subject to a satisfactory Criminal Records Bureau check and all licence holders will be subject to a Criminal Records Bureau check every three years.

1.2 Throughout the currency of his/her Driver's Licence, the holder of a Dual Driver Licence must possess a full Category B DVLA driving licence 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.

2. MEDICAL FITNESS AND MEDICAL EXAMINATION

2.1 Throughout the currency of his/her Licence the holder of a Dual Driver Licence must be and must remain medically fit. To enable the Council to be satisfied as to medical fitness the following requirements will apply:-

2.2 All drivers should have medicals on application and then every three years.

2.3 If once granted, the Driver's medical circumstances change during the currency of that Licence, he/she 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 Hackney Carriage/Private Hire Vehicle. The Council reserves the right to refer any such matter to its own appointed Medical Officer whose decision will be final.

2.4 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 Dual Driver Licence.

2.5 The Council may revoke or suspend an existing Licence if the holder is unable to demonstrate as necessary that he/she remains medically fit to hold such Licence. The Council reserves the right to refer any such matter to its own appointed Medical Officer whose decision will be final.

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.

4. CRIMINAL RECORD BUREAU CHECKS AND CONVICTIONS NOTIFICATION

4.1 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.

4.2 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.

Appendix D - Dual Driver Conditions of Licence



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.

6. KNOWLEDGE TEST

6.1 At the discretion of the Council the holder of a Dual Driver Licence can, during the currency of the Licence, be required to undertake a further knowledge test or tests. (Where a Dual Driver 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 Dual Driver Licence or to revoke or suspend a Dual Driver Licence (as the case may be).

7. TRAINING

7.1 All successful applicants will be required to undertake up to two days training per annum at the discretion of the Council to include:

Disability Awareness Training
Licensing Requirements
Passenger Safety

7.2 That a qualification must be taken in "Transporting passengers by taxi and private hire" or similar qualification within the first 12 months of being licensed.

7.3 That a DSA Driving Test shall be taken by all existing Dual Drivers within 24 months (of this condition coming into force).

7.4 Training courses will be designed around the basic needs required by Dual Drivers and held on several pre-determined dates during the year commencing January to December. 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.)

7.4.1 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 Dual Driver's Licence or to revoke or suspend a Dual Driver's Licence (as the case may be).

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.

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.

9. CONDUCT OF DRIVER

Appendix D - Dual Driver Conditions of Licence



The holder of a Dual Driver Licence shall, when driving a Hackney Carriage/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.

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.

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.

9.4 Not without the express consent of the hirer eat or drink in the Hackney Carriage/Private Hire vehicle

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 Hackney Carriage/Private Hire vehicle.

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 Hackney Carriage/Private Hire Vehicle.

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.

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.

9.9 Shall at all times when hired afford reasonable assistance to the passenger and convey them subject to any instructions given by the hirer, to their destination by the shortest practicable route.

10.ANIMALS

When driving a Hackney Carriage/Private Hire vehicle, the holder of a Dual Driver Licence:

10.1 Shall not carry any animal belonging to or in their custody whilst fare paying passengers are being conveyed in the vehicle. However it will be allowed 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). They may however allow any animal belonging to or in the custody of a passenger to be conveyed in the vehicle but in the case of a Private Hire Vehicle only in the rear (in the foot well or floor pan of the vehicle).

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.

12.ACCIDENTS

12.1 The Licence holder shall, notwithstanding his/her responsibilities under the Road Traffic Act, report to the Council within 72 hours, any accident involving a Hackney Carriage/Private Hire Vehicle under their control. In any case the licence holder shall notify the Council immediately, of any vehicle being under their control which has suffered damage of any kind which materially affects the safety performance or appearance of the vehicle, or the comfort convenience of the fare paying passengers.

Appendix D - Dual Driver Conditions of Licence



13.CHANGE OF PARTICULARS

13.1 The holder of a Dual Driver 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.

14.ROOF SIGNS

The Driver of a Private Hire 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.

15.HIRER'S PROPERTY

15.1 The Licence holder shall immediately after termination of any hiring, or as soon as practicable thereafter search the Hackney Carriage/Private Hire Vehicle for any property which may have been left therein.

15.2 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.

16.PASSENGERS

16.1 The Licence holder shall at all times when a Hackney Carriage/Private Hire Vehicle is hired take all reasonable steps to ensure the safety of passengers conveyed therein and persons entering and alighting from the vehicle.

16.2 The Licence holder shall not permit a Hackney Carriage/Private Hire Vehicle to carry a greater number of passengers than the number prescribed in the Licence.

17.PARKING AND PLYING FOR HIRE

17.1 All Dual Drivers when driving a Private Hire Vehicle, 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 (as per the approved list – which shall be subject to continual review) within the controlled district to await further bookings or instructions.

18.FARES

18.1 The Driver of a Private Hire Vehicle 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.

18.2 The Driver of a Hackney Carriage/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.

19.METERS

19.1 Any Hackney Carriage/Private Hire Vehicle fitted with a Meter approved by the Council, and into which the restrictions and the Council's/Operating company's fare rates have been programmed, shall be tested and sealed by the Council and the following instructions shall apply;

19.2 The Dual 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.

19.3 The Dual Driver shall ensure that the Meter is sufficiently illuminated that when in use it is

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visible to all passengers.

19.4 The Dual Driver shall ensure that the fare or charge shall be calculated from the point in the district at which the hirer commences the journey and shall not exceed that displayed on the Meter on the completion of such journey.

19.5 The Dual Driver shall ensure that the Meter is only brought into action at the commencement of the hirer's journey and the correct tariff for that journey is displayed.

20. DRIVER'S RESPONSIBILITIES

20.1 It is the Dual Driver's responsibility to ensure that an approved serviceable Fire Extinguisher is carried in the vehicle whenever it is used for hire and reward.

20.2 It is the Dual Driver's responsibility to ensure that an approved and complete First Aid Kit is carried in the vehicle whenever it is used for hire and reward.

20.3 It is the Dual Driver's responsibility to ensure that there is a valid certificate or cover note of insurance in existence for him/her to drive the vehicle. Insurance covering Public Hire for Private Hire vehicles will not be accepted by the Council.

20.4 The Dual Driver shall ensure that if there are any points recorded on their DVLA Licence that these convictions are disclosed to the Council and the Insurer. A copy of the proposal form relating to such a disclosure must be produced to the Council on request

20.5 The Dual Driver shall ensure that any other material facts are disclosed to the insurer and the vehicle proprietor.

21. CHEQUES

21.1 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.

22. RADIO SCANNING DEVICES

22.1 The Dual Driver shall ensure that no Radio Scanner or Scanning Device of whatsoever type is used at the base of operations, fitted to, carried in, or used in the vicinity of any licensed Hackney Carriage/Private Hire Vehicle.

23. SIGNAGE

23.1 Dual Drivers shall ensure that they should display a replica of their Dual Driver badge issued by the Council, affixed to the inside of the vehicle, in the prescribed manner, so as to be plainly visible to fare paying passengers.

ADDITIONAL NOTES

This list of conditions is not finite and additional information regarding all aspects of Dual Driver licensing in detail can be found in the official handbook issued by Telford & Wrekin Council. 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.

Appendix D - Dual Driver Conditions of Licence



If you are in any doubt about any information contained in this document please contact the Licensing Office for advice on 01952 – 383262.

E1. Identification Plates	
1.1	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.
1.2	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.
1.3	The proprietor of the vehicle shall ensure the identification plates are maintained and kept in such a condition that the information contained on the plate is clearly visible to public view at all times. The identification plate remains the property of the Council and must be returned to the Council within 7 days of expiry of the vehicles licence if not renewed. Plates are not transferable except on application.
1.4	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.
2. Type of Vehicle	
2.1	All vehicles submitted to the Council for licensing as Hackney Carriages shall meet the safety standards of M1 Category European Whole Vehicle Type Approval .
2.2	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;
2.3	The vehicle must have provision for a minimum of at least one wheelchair,
2.4	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.
2.5	The appropriate ramps and associated equipment for loading wheelchairs into the vehicle in the approved manner must be carried and used at all times.
2.6	The age limit for Hackney Carriage vehicles is ten years.
2.7	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.
2.8	The Council shall refuse any vehicle submitted for licensing which has been equipped with manufactured or retro-fitted blacked out windscreens and/or windows. Standard tinted windscreens 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.
2.9	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.
2.10	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.
3. Condition of Vehicle	
3.1	The proprietor shall ensure that the Hackney Carriage shall be maintained in a sound mechanical and structural condition at all times and be capable of satisfying the Council's mechanical and structural inspection at any time during the continuance of the 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.
4. Fire Extinguisher and First Aid Kit	
4.1	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.
4.2	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.
5. Child Safety Seats	
5.1	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 or the provision of extra equipment 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 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
5.2	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.
5.3	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.

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6.	Light Trailers
6.1	All Trailers must be of a design such that when close coupled to the prime mover (the vehicle towing it) it does not interfere in any way whatsoever with the operation of any rear door, emergency exits or wheelchair access ramps etc.
6.2	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.
6.3	In any case all Trailers shall meet the braking requirements in accordance with the type and size of said Trailer.
6.4	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.
6.5	All Trailers will be subjected to a Compliance Standards check and if found to be satisfactory, issued with a one year certificate
6.6	The Trailer shall be fitted with a rigid hard top and shall be sealed against rain and water to protect luggage and goods.
6.7	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.
7.	Signage
7.1	The following signs and notices will be displayed on licensed Hackney Carriages during the currency of the Licence:-
7.2	Notices issued from time to time by Telford & Wrekin Council for the information of the travelling public.
7.3	A copy of the approved table of fares displayed in a clearly visible position.
7.4	A sign stating 'Seat Belt Regulations – Seat Belts must be worn'.
7.5	A sign bearing the words 'First Aid Kit Carried' fixed to the rear body work of the vehicle.
7.6	A sign on both rear doors of the vehicle as issued by the Council regarding No Smoking.
7.7	A sign (the nationally recognised symbol) confirming that the taxi is wheelchair accessible and caters for the needs of the disabled.
7.8	A sign (if applicable) confirming that the driver of the vehicle accepts travel tokens.
7.9	A certificate (if applicable) confirming that the driver named on such certificate is exempt on medical grounds from carrying wheelchair bound passengers.
7.10	A certificate, if applicable, confirming that the driver is exempt on medical grounds from carrying approved Guide Hearing and other Assistance Dogs.
7.11	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.
8..	Advertisements
8.1	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;
8.2	The Council's written permission is required before the display of any advertisement,
8.3	Any advertisements shall not advertise unsuitable material, such material to be at the sole discretion of the Council.
8.4	All advertisements shall comply with the British Code of Advertising Practice and shall be in a form acceptable to the Advertising Standards 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,
8.5	No advertisement shall relate to or advertise alcohol or tobacco or be of a political nature.
8.6	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.
8.7	Details of the operating firm of the taxi may be displayed on the vehicle but only in accordance with the conditions below, except for sub-clause b) below which only relates to advertisements inside the vehicle:-
8.8	An internal sign may be affixed, but only to the nearside internal partition glass, in top nearside position, facing to the rear;
8.9	No sign shall exceed 51 centimetres wide by 8 centimetres high (although this condition only relates to internal signs);
8.10	A sign shall not display anything other than the name of a firm, radio circuit or association and/or telephone number;
8.11	No sign shall refer to any firm, radio circuit or association or telephone number which is outside the Telford & Wrekin Council area;
8.12	No such sign shall be illuminated.
8.13	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.
9.	Council Notices
9.1	The proprietor shall cause to be affixed and maintained in a conspicuous position in accordance with the directions of the Council any sign or notices, as required from time to time by the Council.
10..	Passengers

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10.1	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.
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.) Central Motion locks should apply to all passenger doors.
11.	Taximeters
11.1	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.
11.2	The proprietor shall ensure that any meter fitted shall be technically capable of accepting any restrictions or fare scales that the council wishes to programme into that meter.
11.3	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.
12.	Fare Tables
12.1	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.
13.	Insurance
13.1	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.
13.2	Proprietors shall provide to the Council proof of Public Liability Insurance to the value of £5,000,000
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.
15.	Transfer of Licence
15.1	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.
15.2	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.
15.3	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.
16.	Customer Feedback Cards
16.1	The proprietor shall ensure that customer feedback cards should be installed in all Hackney Carriages asking for feedback on customer service with the results of the customer feedback being shared with operators, the Council and the Chairman of the Council’s Licensing Committee.
17.	Equipment
17.1	The proprietor shall ensure that all Hackney Carriages must carry at all times a warning triangle and an appropriate set of vehicle spares (e.g. spare bulbs etc).
N.B.	Additional Notes
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.
2.	Any requirements of legislation which effect the operations being carried out under the terms of this licence shall be regarded as if they are conditions of this licence. Wherever there appears in the licence Conditions, 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 Service for advice on 01952 – 383262.

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Appendix F - Private Hire Vehicle Conditions of Licence – 1st October 2011

1..	Identification Plates
1.1	The external identification plate issued by the Council shall at all times be fixed to the outside front and 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.
1.2	On the suspension of a vehicle licence and where a "Licence Expired" plate has been fitted to the vehicle that plate may only be removed by an Authorised officer of the Council.
1.3	The internal identification plates (two in number) for Executive Vehicle licences issued by the Council shall be affixed by the proprietor of the vehicle one on the nearside/left hand side of the front windscreen and one on the nearside/left hand side of the rear windscreen in a distinctly visible position that does not interfere with the drivers view of the road. Said plates will be displayed at all times in accordance with Council instructions.
1.4	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.
1.5	The proprietor of the vehicle shall ensure the identification plates are maintained and kept in such a condition that the information contained on the plate is clearly visible to public view at all times. The identification plate remains the property of the Council and must be returned to the Council within 7 days of expiry of the vehicles licence if not renewed. Plates are not transferable except on application.
1.6	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
2..	Roof Signs
2.1	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 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.
2.2	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.
2.3	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.
2.4	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.
3.	Types of Vehicle
3.1	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 eight passengers with factory fitted seatbelts and an engine capacity not less than 1600cc. subject to the following:
3.1.1	By way of a list that will specify as many 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.
3.1.2	A list of designated vehicles shall be maintained that will specify as many different types of vehicle as possible which allow the trade to put forward vehicles of choice that meet the criteria for wheelchair accessibility.
3.1.3	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 1993.
3.2	The Council shall refuse any vehicle submitted for licence which is fitted with tinted windows to the rear of the driver which are not factory fitted options at the time of the manufacture of the vehicle.
3.3	<u>Limousines</u> 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.
3.3.1	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.
3.4	All vehicle proprietors must obtain written consent from the Council prior to licensing Mini-Bus derivatives,

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Appendix F - Private Hire Vehicle Conditions of Licence – 1st October 2011

	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.
3.5	Vehicle Tyres - restrictions as per Manufacturers' standards.
3.6	The Council will only licence suitable vehicles which do not exceed that age limit for motor cars and Multi Purpose Vehicles (or for purpose built or adapted minibuses) of seven years. Vehicles to be tested every six months from five years of age in line with best practice guidance. However no vehicle to be over 5 years of age when first licensed.
3.7	The vehicle must not be of a type approved by the Council for Public Hire. (Hackney Carriage).
3.8	<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. 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. • 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.
3.9	It shall be a condition that vehicles which are licensed as Executive vehicles will only be permitted to undertake executive work and not for general Private Hire usage. It will also be a condition that Executive vehicle owners should produce to the Council written confirmation from their Private Hire Operator that the vehicle will only undertake Executive work.
4.	Condition of Vehicle
	The proprietor shall ensure that:-
4.1	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.
4.2	The interior and exterior of the vehicle shall be maintained in a clean safe condition by the proprietor.
4.3	Provide sufficient means by which any person in a Private Hire vehicle may communicate with the driver during the course of the hiring.
4.4	Cause the interior of the vehicle to be kept wind and water tight.
4.5	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.
4.6	Cause the seats in the passenger compartment to be cushioned and covered.
4.7	Cause the floor in the passenger compartment to be covered with a proper carpet, mat or other suitable covering.
5.	Fire Extinguisher & First Aid Kit
5.1	<p>Fire Extinguisher –Construction & Use Regulations – Schedule 7</p> <p>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.</p>
5.2	<p>First Aid Kit – Road Vehicles Construction & Use Regulations 1986 Schedule 7</p> <p>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.</p>
6.	Light Trailers
6.1	All Trailers must be of a design such that when close coupled to the prime mover (the vehicle towing it) it does not interfere in any way whatsoever with the operation of any rear door, emergency exits or wheelchair access ramps etc.
6.2	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.
6.2.1	In any case all Trailers shall meet the braking requirements in accordance with the type and size of said Trailer.
6.3	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.
6.4	All Trailers will be subjected to a Compliance Standards check and if found to be satisfactory, issued with a

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Appendix F - Private Hire Vehicle Conditions of Licence – 1st October 2011

	one year certificate.
6.5	The Trailer shall be fitted with a rigid hard top and shall be sealed against rain and water to protect luggage and goods.
6.6	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.
7.	Signage
7.1	The following signs and notices will be displayed on licensed Private Hire vehicles during the currency of the Licence:-
7.1.1	Notices issued from time to time by Telford & Wrekin Council for the information of the travelling public.
7.1.2	A copy of the approved table of fares displayed in a clearly visible position (if required).
7.1.3	A sign stating 'Seat Belt Regulations – Seat Belts must be worn'.
7.1.4	A sign bearing the words 'First Aid Kit Carried' fixed to the rear body work of the vehicle.
7.1.5	A sign on both rear doors of the vehicle as issued by the Council regarding No Smoking.
7.1.6	Private Hire Vehicles should display a replica Private Hire Vehicles Licence plate issued by the Council, affixed to the inside of the vehicle, in the prescribed manner, so as to be plainly visible to fare paying passengers.
8.	Advertisements
8.1	No form of advertising is permissible on any licensed Private Hire vehicle.
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.)
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.
8.4	The Proprietor shall ensure that no Executive vehicle owned or operated by them bears any form of advertising whatsoever.
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.
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 calibration and testing of such a meter.
10.1.2	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 of the Council.
10.1.3	The licence holder shall ensure that the meter is sufficiently illuminated and that when in use it is visible to all passengers.
10.1.4	The proprietor shall cause the meter to be maintained in a sound electrical and mechanical condition at all times.
10.1.5	The proprietor shall not use or permit to be used a meter that the Council has not sealed to prevent unauthorised adjustment of the meter.
10.1.6	The proprietor undertakes to ensure that the meter will not be replaced without written prior permission of an Authorised Officer of the Council and that any replacement meter conforms to all other conditions and be tested and sealed at the earliest opportunity.
10.1.7	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.
10.1.8	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.
11.	Inspection of Vehicle and Meter
11.1	A licensed Private Hire vehicle and any meter affixed to the vehicle may be inspected and tested by an Authorised Officer of the Council or by a Police Officer at all reasonable times.
11.2	If the Authorised Officer of the Council or Police Constable inspecting the vehicle is not satisfied as to the fitness of the vehicle or the accuracy of the meter, he may give written notice to the Proprietor to make the Private Hire vehicle and/or meter available for further inspection and testing at such reasonable time and place as may be specified, and the vehicle licence may be suspended until the Authorised Officer of the Council or Police Constable is satisfied as to the vehicle's fitness or as to the accuracy of the meter.
12.	Insurance
12.1	During the currency of the vehicle licence, the Proprietor shall keep in force, in relation to the use of the

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Appendix F - Private Hire Vehicle Conditions of Licence – 1st October 2011

	vehicle as a Private Hire vehicle, a policy for Private Hire insurance and security complying with the provisions of Section 145 of Part VI Road Traffic Act 1988 which covers third party liability both in respect of physical injury or death AND in respect of damage to personal belongings. The certificate of insurance shall be produced to an Authorised Officer of the Council for inspection whenever required.
12.2	If the Proprietor fails to produce a certificate of insurance cover on request he shall produce it forthwith, or within 7 clear days of the request to any Authorised Officer of the Council. Failure to comply with these provisions shall result in automatic suspension of the vehicle licence (and may lead to the ultimate revocation of the Licence, if a certificate is unable to be produced which confirmed that insurance cover was in place at the date of the original request).
12.3	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.
12.4	The proprietor shall provide proof of Public Liability Insurance to the Council to the value of £5,000,000.
13. Convictions	
13.1	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.
14. Transfer of a Licence	
14.1	The Proprietor of a Licensed Private Hire vehicle wishing to replace a licensed vehicle with another vehicle must apply for a new Private Hire vehicle licence. The Proprietor will be required to supply to the Council all relevant information relating to the new vehicle.
14.2	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.
14.3	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.
14.4	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.
15. Customer Feedback Cards	
15.1	The proprietor shall ensure that customer feedback cards should be installed in all Private Hire Vehicles asking for feedback on customer service with the results of the customer feedback being shared with operators, the Council and the Chairman of the Council's Licensing Committee.
16. Equipment	
16.1	The proprietor shall ensure that all Private Hire Vehicles must carry at all times a warning triangle and an appropriate set of vehicle spares (e.g. spare bulbs etc).

N.B. Additional Notes	
1.	This list of conditions is not finite and additional information regarding all aspects of Private Hire Vehicle licensing in detail can be found in the official handbook issued by Telford & Wrekin Council.
2.	Any requirements of legislation which effect the operations being carried out under the terms of this licence shall be regarded as if they are conditions of this licence. Wherever there appears in the licence Conditions, 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 Service for advice on 01952 – 383262.

List of Private Hire Vehicles

Vehicle (Numbers of Passengers)
(Vehicles 8 Passengers or More Need to be Wheelchair Accessible)

Skoda - Octavia (4) Roomster (4) Superb (4)

Kia - Magentis (4) Sedona (6) Carens (4)

Renault - Scenic (4) Laguna (4) Espace (6) Master (8)

Vauxhall -Vectra (4) Astra Estate (4) Zafira (6) Meriva (4) Mivano (4)
Insignia (4) Vivaro (8) TS Shuttle (8)

Citroen - Berlingo (4) Picasso C4 (4) Zsara (4) C8 (4,6 & 7) C6 (4)
C5 (4) C4 Grand Picasso 1.6hdi vtr + (6)

Volkswagen - Passat (4) Golf plus (4) Golf Estate (4) Touran (6) Sharan (6)
Transporte (8) Shuttle (8) Jetta Sports TDI 2 litre (4)

Peugeot - 407 (4) 307 Estate (4) 807 (4) Peugeot Boxer (mid-wheelbase,
wheelchair accessible to carry two W/C+FOUR passengers)

Ford - Cmax (4) Mondeo (4) Focus Estate (4) Focus Zetec (4) Galaxy (6)
Torneo (7) Ford Transit T280 (8)

Mazda - 6 series (4)

Toyota -Avensis (4) Corolla (4)

Fiat -Doblo (4) Chroma (4) Multipla (5) Ulysses (7) Ducato (8) Scudo (8)

BMW -3 Series Estate (4)

Nissan - Primera (4) Almera Tino SD Hatchback (4) (Rear seats to be removed)

Hyundai - T-Jet (6) i800 (7)

Audi – A4 (4)

Honda – Accord (4)

Chrysler - Grand Voyager (6)

Saab – 93 (4)

Mitsubishi - Grandis Classic (6)

Designated List of Wheelchair Accessible Vehicles

The vehicles listed below meet the criteria for wheelchair accessibility.

Private Hire Vehicles

Vauxhall

Vivaro

Ford

Torneo

Transit

Volkswagon

Shuttle

Transporter

Fiat

Scudo

Ducato

Mercedes

Vito Traveliner

Executive Car Status - Guidance.

Following a meeting with members of Telford Operators and Drivers Associations the following list has been drawn up in relation to the licensing of Executive vehicles.

The list of vehicles and trim levels are to be seen as a guide as to what vehicles are appropriate to be licensed as Executive vehicles by Telford & Wrekin Council. 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.

The following are general guidelines as to what is required in terms of condition and equipment:

- 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.
- 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.

It is agreed that the following types and makes of vehicle will normally be licensed as executive vehicles if they comply with the above criteria:-

List of Executive Vehicles

Vehicle

Volkswagen - Phaeton

BMW - 5 Series, 7 Series.

Jaguar - XJ, XF and S Type

Mercedes - E and S Class

Audi - A6 and A8

Lexus - 300 and 400

Volvo - S80

Chrysler - 300

Peugeot –807 (Executive Model only)

Ford – Galaxy GHIA TDCI only (6 pax)

Telford & Wrekin Council

Appendix G - Private Hire Operator Conditions of Licence – 1st December 2008

1. 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.
1.2	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)
1.3	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.
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.
3. IDENTIFICATION PLATES	
3.1	The external identification plate issued by the Council shall at all times be fixed to the outside front and 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.
3.2	On the suspension of a vehicle licence and where a “Licence Expired” plate has been fitted to the vehicle that plate may only be removed by an Authorised officer of the Council.
3.3	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 instructions.
3.4	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.
3.5	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.
3.6	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
4. RECORDS OF VEHICLES AND DRIVERS	
4.1	Except with reasonable care the Operator shall have in his/her care:-
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
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).
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.
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.
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.
e)	The Operator shall immediately notify the Council when any vehicle or driver ceases in his/her employ, or any vehicle or driver commences in his/her employ.
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.
g)	The Operator shall inform the Council of any changes relating to licensed vehicles and drivers within seven days of those changes taking place.
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.
i)	Any information relating to licensed Operators, vehicles and drivers must be produced to an Authorised Officer on demand.

Telford & Wrekin Council

Appendix G - Private Hire Operator Conditions of Licence – 1st December 2008

j)	The Operator shall make aware any driver in his/her employment not 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;
k)	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.
5. ROOF SIGNS	
5.1	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 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.
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.
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 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.
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.
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.
6.3	The Operator, where a waiting area or room is provided for the use of passengers or prospective passengers;
a)	Shall provide adequate seating for the use of those passengers and prospective passengers and
b)	Shall ensure that such a room or area is kept clean, adequately heated, ventilated and lit; and
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.
7. CHILD SAFETY SEATS	
7.1	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 or the provision of extra equipment 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
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.
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.
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.
8. HIRINGS AND RECORDING OF HIRINGS	
8.1	The Operator will make all reasonable provision that the system in place works effectively and that it enables the company to honour any bookings that they accept and the Operator shall be responsible for monitoring the system to make certain that drivers and vehicles are available to fulfil the arrangements agreed by company and the Hirer.
8.2	When the Operator accepts a hiring he/she shall, unless prevented by some sufficient cause, ensure that the licensed Private Hire vehicles attend at the appointed time and place.
8.3	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.
8.4	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

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	an Authorised Officer of the Council.
8.5	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;
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.
8.6	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.
8.7	At the start of each shift the Operator shall ensure that a full record of <u>all</u> vehicles and drivers used by the company for that shift are kept. Such record will include details of vehicle registration numbers and vehicle radio or computer call signs. It will also include drivers' full names and driver licence numbers and such record will be attached to the relevant days booking sheet or other appropriate systems and kept as in condition (8.6).
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 :-
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
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
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
9.3	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.
9.4	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.
9.5	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).
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.
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.
11.	PARKING AND PLYING FOR HIRE
11.1	The Operator shall ensure that all Private Hire Drivers employed by him/her, 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 (as per the approved list – which shall be subject to continual review) within the controlled district to await further bookings or instructions.
12.	CONVICTIONS
12.1	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.
13.	COMPLAINTS
13.1	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.
13.2	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.

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13.3	The Operator shall ensure that all complaints received by the company are properly recorded in the first instance and all information relating to any action taken is also recorded. Such information shall include details of the booking (who accepted it on behalf of the company) and of the vehicle, and driver involved. Records will be made in a book (or other appropriate recording method) and not on loose leaf paper and pages shall be consecutively numbered.
13.4	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.
13.5	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.
13.6	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.
13.7	The complaint book kept by the Operator shall be made available upon demand to any Authorised Officer of the Council and its contents may be used as evidence in investigating said complaints.
13.8	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.
14.	ACCIDENTS
14.1	The Operator shall, notwithstanding his/her responsibilities under the Road Traffic Act, report to the Council within 72 hours, any accident involving a Private Hire Vehicle under their control. In any case the licence holder shall notify the Council immediately, of any vehicle being under their control which has suffered damage of any kind which materially affects the safety performance or appearance of the vehicle, or the comfort convenience of the fare paying passengers.
15.	TOUTING – CRIMINAL JUSTICE & PUBLIC ORDER ACT 1994
15.1	The Operator shall ensure that all drivers and employees in their employ are made aware of their responsibilities under this legislation while driving or in charge of a Private Hire vehicle.
16.	INSURANCE
16.1	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.
16.2	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).
16.3	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 request.
16.4	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.
16.5	Operators shall provide to the council proof of Public Liability Insurance to the value of £5,000,000.
17.	CHEQUES
17.1	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.
18.	ADVERTISEMENTS
18.1	No form of advertising is permissible on any licensed Private Hire vehicle.
18.2	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).
18.3	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 else save for "Advance Bookings Only" which shall be clearly visible at all times.
18.4	The Operator shall ensure that no Executive vehicle owned or operated by them bears any form of

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	advertising whatsoever.
19.	EXECUTIVE VEHICLES
19.1	It shall be a condition that vehicles which are licensed as Executive vehicles will only be permitted to undertake executive work and not for general Private Hire usage.

N.B.	ADDITIONAL NOTES (NOT TO BE CONSIDERED AS LICENSING CONDITIONS)
1.	This list of conditions is not finite and additional information regarding all aspects of Private Hire Operator, Vehicle and Driver licensing in detail can be found in the official handbook issued by Telford & Wrekin Council.
2.	Any requirements of legislation which effect the operations being carried out under the terms of this licence shall be regarded as if they are conditions of this licence. Wherever there appears in the licence Conditions, 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 – 383262.

Telford Hackney Carriage Association

Honorary Life President. Mr E.B.Jones.

Chairman. Brian Smith. Vice Chairman. Secretary. A. Tawasin.

Tele: 07816005704

1. Request for an extension on Hackney Carriage Age Limit from 10 to 12 years.
2. Private Hire Vehicles had an extra two years on ordinary cars that are not Purpose Built for the job.
3. Hackney Carriage Vehicles are Purpose Built to do Taxi Work and therefore a safer vehicle for the job.
4. Most Hackney Carriage Owners have upgraded their vehicles to improve the Taxi Vehicles that are available for Hire. Hackney Carriages are dearer to maintain than Private Hire Vehicles and we cannot see the reasoning of the Council giving an extension to Private Hire Cars.
5. This gives the Hackney Trade the impression that the Council are favouring the Private Hire yet again even though the Private Hire Trade appears to be leaving T&WDC in favour of Shropshire Council that gives them an even longer age limit when they change to Hackney Cars, with cheaper licence fees, it shows where their loyalty lies using Shropshire Licences to do work in Telford.
6. The way this Council is heading it will put the Taxis that work taxi ranks out of work because of the changes they are trying to make.
7. All Hackney Taxis in Telford are 100% Wheelchair compatible it would be a crime to lose just one.

Chairman
Brian Smith.



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1. Identification Plates	
1.1	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.
1.2	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.
1.3	The proprietor of the vehicle shall ensure the identification plates are maintained and kept in such a condition that the information contained on the plate is clearly visible to public view at all times. The identification plate remains the property of the Council and must be returned to the Council within 7 days of expiry of the vehicles licence if not renewed. Plates are not transferable except on application.
1.4	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.
2. Type of Vehicle	
2.1	All vehicles submitted to the Council for licensing as Hackney Carriages shall meet the safety standards of M1 Category European Whole Vehicle Type Approval .
2.2	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;
2.3	The vehicle must have provision for a minimum of at least one wheelchair,
2.4	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.
2.5	The appropriate ramps and associated equipment for loading wheelchairs into the vehicle in the approved manner must be carried and used at all times.
2.6	The age limit for Hackney Carriage vehicles is ten years.
2.7	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.
2.8	The Council shall refuse any vehicle submitted for licensing which has been equipped with manufactured or retro-fitted blacked out windscreens and/or windows. Standard tinted windscreens 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.
2.9	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.
2.10	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.
3. Condition of Vehicle	
3.1	The proprietor shall ensure that the Hackney Carriage shall be maintained in a sound mechanical and structural condition at all times and be capable of satisfying the Council's mechanical and structural inspection at any time during the continuance of the 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.
4. Fire Extinguisher and First Aid Kit	
4.1	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.
4.2	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.
5. Child Safety Seats	
5.1	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 or the provision of extra equipment 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 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
5.2	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.
5.3	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.

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6.	Light Trailers
6.1	All Trailers must be of a design such that when close coupled to the prime mover (the vehicle towing it) it does not interfere in any way whatsoever with the operation of any rear door, emergency exits or wheelchair access ramps etc.
6.2	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.
6.3	In any case all Trailers shall meet the braking requirements in accordance with the type and size of said Trailer.
6.4	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.
6.5	All Trailers will be subjected to a Compliance Standards check and if found to be satisfactory, issued with a one year certificate
6.6	The Trailer shall be fitted with a rigid hard top and shall be sealed against rain and water to protect luggage and goods.
6.7	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.
7.	Signage
7.1	The following signs and notices will be displayed on licensed Hackney Carriages during the currency of the Licence:-
7.2	Notices issued from time to time by Telford & Wrekin Council for the information of the travelling public.
7.3	A copy of the approved table of fares displayed in a clearly visible position.
7.4	A sign stating 'Seat Belt Regulations – Seat Belts must be worn'.
7.5	A sign bearing the words 'First Aid Kit Carried' fixed to the rear body work of the vehicle.
7.6	A sign on both rear doors of the vehicle as issued by the Council regarding No Smoking.
7.7	A sign (the nationally recognised symbol) confirming that the taxi is wheelchair accessible and caters for the needs of the disabled.
7.8	A sign (if applicable) confirming that the driver of the vehicle accepts travel tokens.
7.9	A certificate (if applicable) confirming that the driver named on such certificate is exempt on medical grounds from carrying wheelchair bound passengers.
7.10	A certificate, if applicable, confirming that the driver is exempt on medical grounds from carrying approved Guide Hearing and other Assistance Dogs.
7.11	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.
8..	Advertisements
8.1	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;
8.2	The Council's written permission is required before the display of any advertisement,
8.3	Any advertisements shall not advertise unsuitable material, such material to be at the sole discretion of the Council.
8.4	All advertisements shall comply with the British Code of Advertising Practice and shall be in a form acceptable to the Advertising Standards 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,
8.5	No advertisement shall relate to or advertise alcohol or tobacco or be of a political nature.
8.6	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.
8.7	Details of the operating firm of the taxi may be displayed on the vehicle but only in accordance with the conditions below, except for sub-clause b) below which only relates to advertisements inside the vehicle:-
8.8	An internal sign may be affixed, but only to the nearside internal partition glass, in top nearside position, facing to the rear;
8.9	No sign shall exceed 51 centimetres wide by 8 centimetres high (although this condition only relates to internal signs);
8.10	A sign shall not display anything other than the name of a firm, radio circuit or association and/or telephone number;
8.11	No sign shall refer to any firm, radio circuit or association or telephone number which is outside the Telford & Wrekin Council area;
8.12	No such sign shall be illuminated.
8.13	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.
9.	Council Notices
9.1	The proprietor shall cause to be affixed and maintained in a conspicuous position in accordance with the directions of the Council any sign or notices, as required from time to time by the Council.
10..	Passengers

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10.1	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.
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.) Central Motion locks should apply to all passenger doors.
11.	Taximeters
11.1	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.
11.2	The proprietor shall ensure that any meter fitted shall be technically capable of accepting any restrictions or fare scales that the council wishes to programme into that meter.
11.3	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.
12.	Fare Tables
12.1	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.
13.	Insurance
13.1	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.
13.2	Proprietors shall provide to the Council proof of Public Liability Insurance to the value of £5,000,000
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.
15.	Transfer of Licence
15.1	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.
15.2	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.
15.3	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.
16.	Customer Feedback Cards
16.1	The proprietor shall ensure that customer feedback cards should be installed in all Hackney Carriages asking for feedback on customer service with the results of the customer feedback being shared with operators, the Council and the Chairman of the Council’s Licensing Committee.
17.	Equipment
17.1	The proprietor shall ensure that all Hackney Carriages must carry at all times a warning triangle and an appropriate set of vehicle spares (e.g. spare bulbs etc).
N.B.	Additional Notes
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.
2.	Any requirements of legislation which effect the operations being carried out under the terms of this licence shall be regarded as if they are conditions of this licence. Wherever there appears in the licence Conditions, 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 Service for advice on 01952 – 383262.

Appendix C – Criteria for “Exceptional Condition”

1. Exceptional condition, relates to the standard of the vehicle only and does not include circumstances pertinent to the proprietor.
2. Any request for an exemption due to a licensed vehicle being in “exceptional condition” would normally be granted for a maximum 12-month period, after which time the decision must be reconsidered against the agreed standards.
3. That the consideration for an exemption to the age limit would normally only be considered for vehicles currently licensed with the Council.
4. That any vehicle licensed outside of the standard age limit policy should be subject to 6 monthly vehicle compliance tests at the owners expense.
5. Any vehicle inspection resulting in a fail due to any major item or more than 3 minor items, as defined in Telford & Wrekin Council’s Manual of Inspection Standards for Licensed Vehicle Testing and Compliance Standards, will usually result in the vehicle no longer being classed as in exceptional condition upon expiry of the licence.
6. As an indicator, it is not normally expected that vehicles that have accrued higher than average mileage for the particular type of vehicle will be able to meet the required standard for “exceptional condition. A good average mileage for a purpose built vehicle working 6 days a week is 35000 miles per annum.

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

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

6. The vehicle to be in excellent mechanical condition and in all respects safe and roadworthy with no signs of corrosion to the mechanical parts, chassis, underside or body work.
7. The boot or luggage compartment to be in good condition, clean and undamaged.
8. Passenger areas should be free from damp or any other odours that may cause passenger discomfort.
9. The ramp and any other accessible features should be shown to be in full working order and showing no signs of rust or excessive wear to components?

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Appendix D - Bench Marking Exercise

Local Authority	Condition on Age Limits
Shropshire Council	Vehicles over 10 years old (from date of registration) would not generally be licensed by the authority, but each application would be determined on its own merits
Wolverhampton CC	To replace an existing hackney carriage vehicle, it must be less than 5 years old. Vehicles 6 to 16 years, 6 monthly tests.
South Staffs DC	<p>The Council has an age restriction for private hire vehicles/ hackney carriages. This age restriction came into force on 1 July 2009. From that date the vehicle must be less than 10 years old on issue of the licence.</p> <p>Vehicles older than 10 years can only be licensed after that date <u>if</u> the Council grants an exceptional condition exemption. Exceptional condition exemptions will only be granted where the interior and exterior of the vehicle are, in the opinion of the Council, equal to or better than a vehicle of less than 10 years old which would be in a sufficient condition to be licensed. The mileage of the vehicle will be one of the factors that the Council takes into account. The Council would generally expect petrol driven cars to have less than 15,000 miles per annum and diesel vehicles 20,000 miles per annum.</p> <p>The frequency of testing is as follows:</p> <p>Less than 5 years old - once a year 5- 9 years 364 days old – twice a year 10 years old or more – three times a year</p>
Birmingham CC	Restricted – do not issue new licences. 14yrs age limit for currently licensed vehicles and annual tests. If proprietor replaces the vehicle it has to be newer than the vehicle they are replacing.
Solihull MBC	No age limit. 12 monthly testing.
Stafford BC	Vehicle to be less than 3yr 3mths old when first licensed. Can continue to be licensed up to 6 years from date of registration. 12 monthly testing up to 3 years, 6 monthly testing from 3yrs to 6yrs of age.
Stoke on Trent CC	New vehicles licensed from 01/01/08 must be wheel chair accessible and have to be under 2yrs when first licensed and can continue to be licensed up to 10yrs. 12 monthly testing. Saloon vehicles licensed prior to 01/01/08 must be under 5yrs when first licensed and can continue to be licensed up to 8yrs.

Telford & Wrekin Council

Licensing Committee 29th November 2011

Licensing Policy - Hackney Carriage Condition Review

Report of the Service Delivery Manager – Public Protection

1. Purpose

- 1.1 For Members to consider a request from the Telford Hackney Carriage Association to increase the age limits on Hackney Carriages from ten years to twelve years.

2. Recommendations

- 2.1.1 It is recommended that Members having considered the request from the Telford Hackney Carriage Association and all the information contained within this report, determine that the maximum age of a purpose built vehicle (purpose-designed and built hackney carriage) to be licensed by this Council as a Hackney Carriage to be maintained at 10 years and
- 2.1.2 That condition 2.6 is amended to state that the Council may waiver the age restriction in the case of individual vehicles where an application is made and the Council considers that the vehicle is of “exceptional condition”. Where vehicles are of “exceptional condition” and continue to be licensed over the 10 year age limit, the vehicle will be subject to 6 monthly compliance tests. The criteria for “exceptional condition” to be as detailed at Appendix C to this Report and
- 2.1.3 That the Council consults on the “exceptional condition” criteria with the Hackney Carriage and Private Hire trade Associations before it is implemented.

3. Summary

- 3.1 The primary legislation relating to Hackney Carriage Licensing is contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- 3.2 Attached at Appendix A is a request from the Telford Hackney Carriage Association to extend the age limit on Hackney Carriages from ten years to twelve years.

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 controlled district of Telford & Wrekin.

5.1.2 Hackney Carriage and Private Hire Vehicles have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas, or outside “normal” hours of operation, such as in the evenings or on Sundays), or for those with mobility difficulties.

5.1.3 Telford & Wrekin Council currently imposes age limits in respect of the licensing of Private hire and Hackney Carriage Vehicles. Current policy is that no Private Hire Vehicle can be licensed for the first time, if it is more than 5 years since the date of its first registration but if it is already licensed it can be licensed up to 7 years, with a compliance check every six months for vehicles aged 5 to 7 years. Hackney carriages are licensed up to 10 years of age with a compliance check annually. The Council’s Conditions of Licence for Hackney Carriage and Private Hire Vehicles are attached at Appendix B.

5.1.4 The reason for the difference between the age limits of Private Hire Vehicles and Hackney Carriages is that the London International Vehicles and the Metrocab are designed specifically to do the work of a Hackney Carriage, whereas the types of vehicles this Council will licence as a Private Hire Vehicle are not usually purpose-designed.

5.1.5 This Council will licence the Mercedes Benz Vito Taxi as a Hackney Carriage as it meets the Public Carriage Office conditions of fitness. This vehicle currently has the same age limit as London International Vehicles and the Metrocab.

5.1.6 The Department for Transport Best Practice Guidance states :

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 license 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.

5.1.7 Button on Taxis Licensing Law and Practice on the matter of imposing vehicle age limits states :

Whilst it is accepted that older vehicles can be used successfully as hackney carriages, this seems to rather miss the point. The purpose of any age limit is to try and ensure that the licensed vehicles are as safe, reliable and comfortable as possible. Any age policy would not in itself be arbitrary, because it must be a policy and the local authority must then consider any application that falls outside the age policy on its own individual merits.

5.1.8 The Licensing Service has carried out a benchmarking exercise in relation to age limits on Hackney Carriages and the results are attached at Appendix D.

5.2 Equal Opportunities

5.2.1 There is no significant impact to any protected characteristic in making this proposed change.

5.3 Environmental Impact

5.3.1 The current London Taxi International manual vehicle emits 211g CO2 per km.

5.4 Legal Comment

5.4.1 Section 47 (1) Local Government (Miscellaneous Provisions) Act 1976 states that a council may attach such conditions as the council may consider reasonably necessary to a hackney carriage licence granted under the Town and Police Clauses Act 1847.

5.5 Links with Corporate Priorities

5.5.1 This report has links to community protection and cohesion.

5.6 Financial Comment

5.6.1 There are no direct financial implications of the actions recommended within this report. JAC 141111

5.7.1 Risks and Opportunities

5.7.1 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.

5.7.2 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 an appeal to the Magistrates Court.

6. Ward Implications

6.1 This report has Borough wide Implications

7. Background Papers

7.1 Local Government (Miscellaneous Provisions) Act 1976

7.2 Town Police Clauses Act 1847

7.3 Department for Transport Taxi and Private Hire Vehicle Licensing :Best Practice Guidance

7.4 Button on Taxis Licensing Law and Practice

7.5 Telford & Wrekin Council's conditions of licence for Hackney Carriage and Private Hire Vehicles

Report prepared by, Suzanne Fisher, Public Protection Team Leader, Licensing Services, Darby House - For further information please telephone 01952-383261 or email Licensing@telford.gov.uk

Sex Establishment Policy

January 2011

DRAFT



Telford & Wrekin
C O U N C I L

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2. Introduction

3. The Policy

4. Commenting on Applications

5. Application Process

Appendix A – Standard Conditions

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1. Preface

- 1.1 Telford & Wrekin Council has adopted Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009) (otherwise referred to in this document as the Act) so that it can licence sex shops, sex cinemas and sexual entertainment venues in the Borough. In this policy, we refer to these as sex establishments unless specified otherwise.
- 1.2 The role of the Council in its position as Licensing Authority is to administer the licensing regime in accordance with the law and not in accordance with any moral standing. The Council recognises that Parliament has made it lawful to operate a sex establishment and such businesses are a legitimate part of the retail and leisure industries.
- 1.3 The Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act') and the Policing and Crime Act 2009 ('the 2009 Act') can be viewed in full at www.opsi.gov.uk
- 1.4 A consultation on this policy was undertaken between 6th May 2011 and was formally adopted by the Licensing Committee on 29th July 2011

2.Introduction

- 2.1 The aim of this policy is to provide guidance for prospective applicants, existing licence holders, those who may wish to object to an application and Members of the Licensing Committee when making a determination on an application.
- 2.2 While each application will be dealt with on its own merits, this policy gives prospective applicants an early indication as to whether their application is likely to be granted or not. It also provides prospective applicants with details of what is expected of them should an application be made.
- 2.3 There is a wide range of sports and leisure facilities in Telford & Wrekin including an ice rink, exhibition centre, museums and the Ironbridge Gorge World Heritage Site (WHS).
- 2.5 The night-time economy encompasses a range of activities for inhabitants of and visitors to the Borough. It comprises pubs and clubs, cinemas, theatres, cafés and restaurants etc. It is supported by public transport, taxis and many public services such as the police, council services such as cleaning, refuse collection, planning and licensing, and impacts upon the health service.
- 2.6 The growth of the night time economy as a whole has been taken into account in formulating this policy, and in particular the continuing expansion of various areas of the Telford & Wrekin area, such as the Southwater Development.
- 2.7 The promotion and advancement of the night time economy will be actively pursued by partnership working, responsible retailing and management, increased training and the promotion of good practice.
- 2.8 This policy recognises that the diversity of the local community enriches the Borough, contributes to its social and economic prosperity, and that all members of the community have a right to equality of opportunity, fairness and access.
- 2.9 Applicants and licensees must have due regard to the requirements of the **Equality Act 2010**
- 2.10 The Equality Act 2010 section 20 requires applicants and licensees to take such steps as it is reasonable to avoid putting disabled people at a disadvantage caused by a physical feature, e.g. design or construction of a building, exit or access to a building and fixtures and fittings etc.
- 2.11 The Council expects applicants to be aware of and comply with all legislation relating to unlawful discrimination.
- 2.12 The Council is under a duty to protect the rights of residents to privacy and family life under **Article 8 of the European Convention on Human Rights**.

At the same time, the Council must recognise the right of legitimate businesses to operate their premises without unnecessary restraint.

- 2.13 The Council is duty bound to consider the rights that applicants for licences may have under Article 10 (right to freedom of expression) and Article 1, Protocol 1 (protection of property) of the European Convention on Human Rights.
- 2.14 This policy has taken into account the Telford & Wrekin Equality and Diversity Policy and the Equality Act 9 protected characteristics; Age, Disability, Gender reassignment, Marriage and civil partnership, Race, Religion or belief, Sex, Sexual orientation, in its formulation.

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3 The Policy

3.1 Definition of a Sex Establishment

A sex establishment is defined under the Act as a sex shop, a sex cinema or a sexual entertainment venue.

It includes any premises, vehicle, vessel or stall used as a sex establishment but does not apply to the sale, supply or demonstration of articles which are manufactured for use primarily for the purposes of birth control or primarily relate to birth control.

3.1.1 Sex Cinema

1) A sex cinema is any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which—

a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage —

i) sexual activity; or

ii) acts of force or restraint which are associated with sexual activity; or

iii) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions.

But does not include a dwelling-house to which the public is not admitted.

2) No premises shall be treated a sex cinema by reason only—

a) If they may be used for an exhibition of a film (within the meaning of paragraph 15 of schedule 1 of the Licensing Act 2003) by virtue of an authorisation (within the meaning of section 136 of that Act), of their use in accordance with that authorisation; or

b) Of their use for an exhibition to which section 6 of that Act (certain non-commercial exhibitions) applies given by an exempted organisation within the meaning of section 6 (6) of the Cinemas Act 1985.

3.1.2 Sex Shop

1.1 A sex shop means any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating—

a) sex articles; or

b) other things intended for use in connection with, or for the purpose of stimulating or encouraging—

- i) sexual activity; or
 - ii) acts of force or restraint which are associated with sexual activity.
- 2) No premises shall be treated as a sex shop by reason only of their use for the exhibition of moving pictures by whatever means produced.

3.1.3 Sex Article

- 3) A sex article means—
- a) anything made for use in connection with, or for the purpose of stimulating or encouraging—
 - i) sexual activity; or
 - ii) acts of force or restraint which are associated with sexual activity;
 - b) anything to which sub-paragraph 4 below applies.
- 4) This sub-paragraph applies to —
- a) any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and
 - b) any recording of vision or sound which—
 - i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or
 - ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

3.1.4 Sexual Entertainment Venue

A Sexual Entertainment Venue is any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

- 1) In this paragraph relevant entertainment means-
- a) any live performance; or
 - b) any live display of nudity;
which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).
- 2) The following are not sex encounter venues: -

a) sex cinemas and sex shops;

b) premises at which relevant entertainment is provided as mentioned in sub-paragraph (1) no more than eleven times within 12 months, not longer than 24 hours on each occasion and more than one month between each event; or

c) premises specified or described in an order made by the relevant national authority

3) The relevant national authority may by order amend or repeal paragraph 3(b) above

4) For the purposes of this Schedule references to the use of any premises as a sexual entertainment venue are to be read as references to their use by the organiser.

5) Other definitions:

‘audience’ includes an audience of one;

“relevant entertainment” means any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

“display of nudity” means—

(a) in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and

(b) in the case of a man, exposure of his pubic area, genitals or anus;

“the organiser”, in relation to the provision of relevant entertainment at premises, means any person who is responsible for the organisation or management of—

(a) the relevant entertainment; or

(b) the premises;

“premises” includes any vessel, vehicle or stall but does not include any private dwelling to which the public is not admitted;

“relevant national authority” means— in relation to England, the Secretary of State;

and for the purposes of sub-paragraphs (1) and (2) it does not matter whether the financial gain arises directly or indirectly from the performance or display of nudity.”

3.2 Suitability and Locality

- 3.2.1 Paragraph 12 of Schedule 3 to the 1892 Act provides specific grounds for refusing a licence some of these reasons include:-
- a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
 - b) at the time the application is determined, the number of sex establishments, or sex establishments of a particular kind in the relevant locality is equal to or exceeds the number which the authority consider appropriate for that locality.
 - c) The grant or renewal of the licence would be inappropriate, having regard to the character of the relevant locality, or the use to which any premises in the vicinity are put, or to the layout, character or condition of the premises.
- 3.2.2. The Premises must be situated within the mixed use zones of District Centres within the Borough of Telford & Wrekin.
- 3.23 The Council may decide, with reference to a particular locality, notwithstanding the application fulfilling the above criteria, that the appropriate number of Sex Establishments in that locality should be nil.

3.3 Length of Licence

Unless there are exceptional circumstances a licence will be granted for a maximum of 12 months.

3.4 Granting a Waiver

The 1982 Act contains provisions that permit the Licensing Authority to grant a waiver from the requirement to hold a sexual entertainment licence. However we do not consider that it would be appropriate to grant such waivers, particularly as the legislation allows relevant entertainment on an infrequent basis of no more than eleven occasions within a 12 month period.

3.5 Application Form

We have a standard application form, including public notices, which are available on request from the Licensing Service, telephone 01952 383264, or email Licensing@telford.gov.uk or off the Council's website www.telford.gov.uk.

3.6 Fees

Our fees are set each year and details are available from the Licensing Service (as 3.5 above).

3.7 Conditions

If Members of the Council's Licensing Committee are minded to grant an application they may prescribe conditions relating to:

- The Hours of opening and closing.
- Display or advertisements on or in such an establishment.
- The visibility of the interior of the establishment to passers by.
- Such other terms and conditions and restrictions that are to be standard on all Licences.
- Any other condition that it is felt necessary for a particular application. Standard conditions which may be attached to licences are attached at Appendix A.

4. Commenting on Applications

- 4.1** The 1982 Act permits a wide range of persons to raise objections about sexual entertainment licences. Objectors can include residents, resident associations, trade associations, businesses, Councillors (providing they do not sit on the Licensing Committee) or MP's. The Police are a statutory consultee for all applications.
- 4.2** The Licensing Authority will not consider objections that are frivolous or vexatious or which relate to moral grounds (as these are outside the scope of the 1982 Act). When deciding whether an objection is frivolous or vexatious officers will do so in an objective manner and not on the basis of any political judgement.
- 4.3** Where objections are rejected the person(s) making the objection will be given written notification of why their objection was rejected. A report will be presented to the Licensing Committee determining the application, indicating the general grounds of the representations and the reason it was rejected.
- 4.4** As a general rule an objection will be considered vexatious where it is repetitive, without foundation or is made with malice. An objection will be considered frivolous if it lacks seriousness.
- 4.5** Unless being submitted electronically objections should be in writing. All objections should indicate the name, and address of the person or organisation making the objection and clearly set out the reasons for making the objections. (Objector's names and address are not revealed to the applicant without the specific consent from the person(s) or organisation making the objection.)
- 4.6** Objections will be considered by Members of the Licensing Committee determining the application. The applicant will be informed in general terms of any objections received in respect of his application. A copy of the order of proceedings for the hearing will be sent to the applicant and any objectors prior to the hearing.

5 Application Procedure

- 5.1** All applications will follow the following procedure:-

- 5.1.1 Application received by the Licensing Service. – Application is checked to ensure that it complies with the requirements laid down in the Act.
- 5.1.2 Arrangements made for applicant and officers to attend the site to view premises and its locality.
- 5.1.3 Formal Hearing – A report detailing the application and any objections to be presented to the Licensing Committee at a Public Hearing in accordance with established procedures.
- 5.1.4 Decision by Members of the Licensing Committee taken in private session.
- 5.1.5 The decision of the Licensing Committee will be given to the Public Hearing.

Contact Details

For information, advice and guidance relating to licensing and the application process please contact;



Licensing Service
Telford & Wrekin Council,
Darby House,
Lawn Central,
Telford,
TF3 4LB

Telephone: 01952 383262/383264

Fax: 01952 381993

Email: licensing@telford.gov.uk

www.telford.gov.uk

Appendix A

Standard Conditions

Notes : Nothing in these conditions shall be construed as interfering with (i) the discretion of the licensee or his representative regarding the admission of any person or (ii) the need to strictly comply with all relevant statutory requirements.

Definition

In these Regulations save when the context otherwise requires the following expressions shall have the following meaning:

“Sex Shop”, Sex Cinema and “Sex Article” shall have the meanings prescribed to them in the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.

“Premises” means a building or part of a building and any forecourt yard or place of storage used in connection with a building or part of a building which is the subject of a licence for a Sex Establishment granted under the said Third Schedule.

“Approval of the Council” or “Consent of the Council” means the approval or consent of the Council in writing.

“Approved” means approved by the Council in writing.

“The Council means the Borough of Telford & Wrekin.

Sex Shops

1. Access to premises

1.1 Access must be afforded at all reasonable times to authorised officers of the council and the police and fire services.

2. Management and Staffing of the Licensed Premises

2.1 Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Licensing Authority within fourteen days of such change and such written details as the Licensing Authority may require in respect of any new director, secretary or manager are to be furnished within fourteen days of a request in writing from the council.

2.2 A person shall only be approved for the purposes of the foregoing condition if the Licensing Authority considers him or her to be a suitable person to have control of the premises.

- 2.3 At all times during which the premises are open to the public, one or more approved persons shall be present on the premises and shall be responsible for their management.
- 2.4 No person under the age of 18 shall be admitted to the licensed premises or employed by the licensee to work at the licensed premises.
- 2.5 The licensee shall operate a Challenge 21 Policy and persons under the age of 21 shall be required to show proof of ID.
- 2.6 Neither the licensee nor any employee or other person shall seek to obtain custom for the licensed premises by means of personal solicitation, by means of flyers, handouts or any like thing, outside or in the vicinity of the licensed premises.
- 2.7 The copy of the licence and these conditions shall be displayed in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in a conspicuous position at the premises for the customers to see.

3 External Appearance

- 3.1 No advertisements or other notices or items shall be displayed so as to be visible from the exterior of the premises, subject to conditions in 3 above.
- 3.2 The council shall approve the design of the front elevation of the establishment.
- 3.3 No external signage or displays should be made without prior approval of the Council
- 3.4 The exterior and entrance to the licensed premises shall be suitably screened so as to prevent any part of the interior being visible from outside the premises.
- 3.5 On the external facing of the inner door, there shall be displayed a notice in accordance with the requirements of the Indecent Displays (Control) Act 1981 namely:
- “WARNING
Persons passing beyond this notice will find material or activities on display which they may consider indecent. No admittance to persons under 18 years of age”***
- 3.6 All items sold or hired from the premises shall be wrapped or contained in such a way that the contents and source of purchase is not identifiable.
- 3.7 There shall be displayed above the entrance or main entrance to the premises hereby licensed a notice in permanent form in letters not less than 2” high nor more than 3” high stating the name of the licensee of the said

premises and that the said premises are licensed under Section 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as a Sex Shop.

- 3.8 All windows, doors or other means by which the interior of the premises would otherwise be visible to any person lawfully using any street, highway, close, yard, court, footpath or place to which the public has access for the time being shall be obscured or screened in such a way as to prevent the interior of the said premises being visible to any such said persons.

4 Maintenance and Repair

- 4.1 The licensee shall take appropriate measures to ensure that refuse and discarded sex articles or waste stock from the premises are kept secure from public accessibility pending removal from site.
- 4.2 Alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the premises shall not be made except with the prior approval of the Council.
- 4.3 The external doors to the Premises shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.

Sex Cinemas

1. Access to premises

1.1 Access must be afforded at all reasonable times to authorised officers of the council and the police and fire services.

2. Management and Staffing of the Licensed Premises

2.1 Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Licensing Authority within fourteen days of such change and such written details as the Licensing Authority may require in respect of any new director secretary or manager are to be furnished within fourteen days of a request in writing from the council.

2.2 A person shall only be approved for the purposes of the foregoing condition if the Licensing Authority considers him or her to be a suitable person to have control of the premises.

2.3 At all times during which the premises are open to the public, one or more approved persons shall be present on the premises and shall be responsible for their management.

2.4 No person under the age of 18 shall be admitted to the licensed premises or employed by the licensee to work at the licensed premises.

2.5 The licensee shall operate a Challenge 21 Policy and persons under the age of 21 shall be required to show proof of ID.

2.6 No film shall be exhibited, unless it has been passed by the British Board of Film Classification or it has been classified by Telford & Wrekin Council and bears a certificate to that effect.

2.7 Neither sex articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be sold, hired, exchanged, or loaned in a Sex Cinema.

2.8 No fastenings of any description shall be fitted upon any booths or cubicles set aside for the display of films.

2.9 Lighting in all parts of the premises as approved by the Council shall be in operation continuously during the whole of the time that the premises are open to the public.

2.10 The licensee shall ensure that during the hours the premises are open for business every employee wears a badge of a type to be approved by the Council indicating his name and that he is an employee.

- 2.11 Neither the licensee nor any employee or other person shall seek to obtain custom for the licensed premises by means of personal solicitation, by means of flyers, handouts or any like thing, outside or in the vicinity of the licensed premises.
- 2.12 The copy of the licence and these conditions shall be displayed in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in a conspicuous position at the premises for the customers to see.

3. External Appearance

- 3.1 There shall be displayed above the entrance or main entrance to the premises hereby licensed a notice in permanent form in letters not less than 2" high nor more than 3" high stating the name of the licensee of the said premises and that the said premises are licensed under Section 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as a Sex Cinema.
- 3.2 The exterior and entrance to the licensed premises shall be suitably screened so as to prevent any part of the interior being visible from outside the premises.
- 3.3 On the external facing of the inner door, there shall be displayed a notice in accordance with the requirements of the Indecent Displays (Control) Act 1981 namely:
- “WARNING
Persons passing beyond this notice will find material or activities on display which they may consider indecent. No admittance to persons under 18 years of age”***
- 3.4 No external signage or displays should be made without prior approval of the Local Authority.
- 3.5 All windows, doors or other means by which the interior of the premises would otherwise be visible to any person lawfully using any street, highway, close, yard, court, footpath or place to which the public has access for the time being shall be obscured or screened in such a way as to prevent the interior of the said premises being visible to any such said persons.
- 3.6 No such signs or notices shall be illuminated in any other way than to provide illumination during hours of darkness to the satisfaction of the local authority.

Sex Entertainment Venues

1. Access to premises

1.1 Access must be afforded at all reasonable times to authorised officers of the council and the police and fire services.

2. Management and Staffing

2.1 Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Licensing Authority within fourteen days of such change and such written details as the Licensing Authority may require in respect of any new director, secretary or manager are to be furnished within fourteen days of a request in writing from the council.

2.2 A person shall only be approved for the purposes of the foregoing condition if the Licensing Authority considers him or her to be a suitable person to have control of the premises.

2.3 Neither the licensee nor any employee or other person shall seek to obtain custom for the licensed premises by means of personal solicitation, by means of flyers, handouts or any like thing, outside or in the vicinity of the licensed premises

2.4 The Licensee shall ensure that the public are not admitted to any part or parts of the premises other than those which have been approved by the Local Authority. Doors and openings which lead to areas of the premises to which the public are not permitted to have access shall have notices placed over them marked "Private".

2.5 The person in charge shall not be engaged on any duties which will prevent him from exercising general supervision and he shall be assisted as necessary by suitable adult persons to ensure adequate supervision. The person in charge should be conversant with these conditions, a copy of which should be held on the premises.

2.6 A notice showing the name of the person in charge of the premises at the time they are open under the licence shall be conspicuously exhibited in a position where it can be easily seen by customers.

2.7 All members of staff shall be easily identifiable as such. If required by the Licensing Service in writing, the licensee shall ensure that during the hours the premises are open for business every employee or person (apart from, where employed, hostesses or other companions) working in the licensed premises wears a badge of a type approved by the Council indicating his name and that he is an employee or person working in the premises.

2.8 No person under the age of 18 shall be admitted to the licensed premises or employed by the licensee to work at the licensed premises.

- 2.9 The licensee shall operate a Challenge 21 Policy and persons under the age of 21 shall be required to show proof of ID.
- 2.10 An appropriate room, to be agreed in writing with the Local Authority, shall be set aside to provide a changing and rest area for entertainers. Arrangements shall be made to ensure that there is restricted access to this room which shall be maintained at all times whilst the licensable activities are taking place and until such time as all performers using the dressing room have finished.
- 2.11 Only the performers shall provide the entertainment, no audience participation shall be permitted.
- 2.12 The copy of the licence and these conditions shall be displayed in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in a conspicuous position at the premises for the customers to see.

3.External Appearance

- 3.1 On the external facing of the inner door, there shall be displayed a notice in accordance with the requirements of the Indecent Displays (Control) Act 1981 namely:

“WARNING

Persons passing beyond this notice will find material or activities on display which they may consider indecent. No admittance to persons under 18 years of age”

- 3.2 No external signage or displays should be made without prior approval of the Local Authority.

4.Tariffs

- 4.1 There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices which shall be illuminated and placed in such a position that it can easily and conveniently be read by persons before entering the premises. No employee shall stand in such a position as to obscure the notice.
- 4.2 No order shall be accepted unless the customer has been provided with a copy of the said tariff and has been given sufficient time and opportunity to read it.
- 4.3 No charge shall be made to the customer for any drink provided for the hostess or companion unless that customer has specifically ordered it having first been made aware of the cost.

5..Special Risks and Special Effects

- 5.1 Any activity which involves special risks, and special effects, (e.g. lasers, dry ice and smoke machines, strobe lighting, real flame and pyrotechnics), or the bringing onto the premises of any explosive or flammable substance may only be permitted or used with the Licensing Authority's prior consent in writing. At least seven days' notice shall be given for an application for consent under this rule. Full details of what is proposed shall be given in writing to the Licensing Authority.

6.CCTV

- 6.1 The licensee shall install a CCTV system covering all of the licensed area. This system shall be linked to a date and time recording facility. This CCTV system shall be maintained in good working order and shall operate at all time when the premises are open.

7.Door Supervisors

- 7.1 A minimum of 2 Security Industry Authority door supervisors shall be on duty when the premises are open to the public.
- 7.2 The door supervisors should be positioned so that a door supervisor is present at all times on the entrance to the premises. At least 1 door supervisor should patrol the public areas and should monitor the interaction between any performer and their customer.
- 7.3 Where the premises has more that one entrance then there must be at least one door supervisor per entrance.
- 7.4 A written record should be kept of all door supervisors employed and this record should have, at the minimum, the following information: Name, SIA badge number, time shift started, time shift finished, signature, date.

Michael Barker Head of Housing and Planning

Public Protection (Environmental
Health, Licensing & Trading Standards)
Darby House
Telford
TF3 4JA

Tel: +44 (0)1952 381800

Contact: Helen Owen

Telephone: 01952 383266

Fax: 01952 381993

Your Ref:

Our Ref:

Date: 22 November 2011

Dear Sir/Madam

Re: Sex Establishment Policy Consultation

Telford and Wrekin Council is consulting on the draft Sex Establishment Policy issued under the Local Government (Miscellaneous Provisions Act 1982) (as amended by section 27 of the Policing and Crime Act 2009).

The Policy concerns the regulation of premises such as lap dancing and pole dancing clubs and other similar venues, sex shops and sex cinemas.

The consultation commences on Friday 6th May 2011.

You are invited to submit any comments you have in relation to the policy **by 5:00pm on Friday 29th July 2011.**

The draft Sex Establishment Policy is available on the Council's website at www.telford.gov.uk, in Darby House and Civic Offices reception, and in local libraries. Comments can also be made in respect of the proposed policy by e-mailing consultationlicensing@telford.gov.uk.

I would like to thank you for taking time to participate in this consultation exercise and look forward to receiving your comments.

Yours faithfully



Helen Owen (Mrs)
Licensing Technical Officer

email: helen.owen@telford.gov.uk



MONITORING FORM

We would like to measure the effectiveness of this consultation, but to do so will need to collect information on people who submit responses.

It would assist us if you would please complete the details below and return the form to us with your consultation response.

Some of the information you give on this form may be considered sensitive personal data under the Data Protection legislation and by completing and returning this monitoring form, you will be deemed to be giving your explicit consent to the processing of the data for Equality Monitoring purposes.

PLEASE TICK RELEVANT BOX

AGE: 16-18 19-35 36-49 50-59 60-65 over 65

GENDER: Male Female

ETHNIC ORIGIN:

Asian or Asian British	Black or Black British	Mixed	White
Indian <input type="checkbox"/>	Caribbean <input type="checkbox"/>	White & Black Caribbean <input type="checkbox"/>	British <input type="checkbox"/>
Pakistani <input type="checkbox"/>	African <input type="checkbox"/>	White & Black African <input type="checkbox"/>	Irish <input type="checkbox"/>
Bangladeshi <input type="checkbox"/>	Any other black <input type="checkbox"/>	White & Asian <input type="checkbox"/>	Any Other white <input type="checkbox"/>
Any other Asian <input type="checkbox"/>	background	Any other mixed <input type="checkbox"/>	background
background		background	

Other Ethnic Groups

Chinese

DISABILITY:

The Disability Discrimination Act, 1995 defines a person with a disability as someone who has “a physical or mental impairment which has a substantial and adverse, long term effect on his or her ability to carry out normal day-to-day activities”.

Under this definition do you consider yourself to have a disability?

Portfolio	Housing and Planning
Business Unit	Public Protection (Environmental Health, Licensing & Trading Standards)
Service Area	Licensing

Change of conditions - Consultation

List of consultees

Chief Executive & Corporate Management Team of Telford & Wrekin Council
Telford & Wrekin Councillors
Chief Constable for West Mercia Police
Police Licensing Officer for Telford and Wrekin area
Shropshire Fire and Rescue Service
Business Development Centre Manager for small businesses
Shropshire Chamber and Business Link
Wellington Chamber of Commerce
Premises licensed by Telford & Wrekin Council – LA2003 & GA2005 &
licensed as Sex Establishments under LG(MP)A1982

In addition the Licensing Authority Consulted with

- Anne Walker – Neighbourhood Watch Administration Team – Malinsgate Police Station
- Police and Community Consultative Group – Malinsgate Police Station
- Local Safeguarding Children Board
- Environmental Health Section – Telford and Wrekin Council
- Trading Standards – Telford and Wrekin Council
- Planning – Telford and Wrekin Council
- Regeneration Section – Telford and Wrekin Council
- Tourism Section – Telford & Wrekin Council
- Equalities and diversity – Telford & Wrekin Council
- Disability Forum
- Safer and Stronger Communities partnership – Telford & Wrekin Council
- Telford and Wrekin PCT
- Telford Citizen's Advice Bureau
- ACRE – Actions with Communities in Rural England (Village Halls etc)
- Commission for Racial Equality

Town and Parish Councils and Local CSOs for the following areas:

- Chetwynd Parish Council
- Chetwynd Aston & Woodcote Parish Council
- Church Aston Parish Council

- Dawley Hamlets Parish Council
- Edgmond Parish Council
- Ercall Magna Parish Council
- Great Dawley Parish Council
- Hadley & Leegomery Parish Council
- Hollinswood & Randlay Parish Council
- Ketley Parish Council
- Kynnersley Parish Council
- Lawley and Overdale Parish Council
- Little Wenlock Parish Council
- Lilleshall & Donnington Parish Council
- Madeley Parish Council
- Newport Town Council
- Oakengates Town Council
- Rodington Parish Council
- St Georges & Priorslee Parish Council
- Stirchley & Brookside Parish Council
- Tibberton & Cherrington Parish Council
- The Gorge Parish Council
- Waters Upton Parish Council
- Wellington Town Council
- Wrockwardine Parish Council
- Wrockwardine Wood & Trench Parish Council
- Preston on the Wealdmoors
- Eyton on the Wealdmoors

Telford Housing Associations:

- Abbeyfield Wrekin Society
- Anchor Trust
- Bournville Village Trust
- Hanover Housing Association
- Robert Moore Housing Trust
- Stay Supported Housing
- Wrekin Housing Trust

Residents Associations

- Longacres Residents Association
- SORT Residents Ltd
- Stephenson's Apartments Residents Association
- Racedoor Residents Association

Community Organisations:

- Guru Nanak Darwar Sikh Temple, Oakengates
- Punjabi Cultural Society
- Regent Street Mosque
- Hadley Mosque
- New Testament Church of God, Ketley

- Black History Group
- Seventh Day Adventist Church
- Hadley Mens get together group
- The Pentecostal Church, Wellington
- Pakistani Welfare Association
- Shropshire Bangladeshi Welfare Association
- Telford Hindu Sabha
- Equal Project
- Telford West Indian Association
- South Telford Anti-Racist Committee
- Telford Women's Craft Group
- Schools Multi Cultural Development Service
- Shropshire Greek School
- Telford Central Mosque
- Chinese Christian Church
- Telford Cultural and Leisure Centre
- Visible Minorities Development Centre
- Asian Health Link Officer, Telford and Wrekin Primary Care Trust.
- Sangat Parchar Sabha Community Organisation.
- Telford African Welfare Association
- Age Concern, Telford Town Centre
- CARE, Telford
- CHEC Voluntary Organisation
- Children's Society, Telford
- Carer's Contact Centre, Leegomery
- Listen and Care Group, Randlay
- MENCAP, Wellington
- Cancer Research UK
- Salvation Army
- Telford and Wrekin Foster Care Association
- Wellington and District Cottage Care Centre Trust
- Young People's Support Scheme
- MIND, Telford
- Telford Christian Council
- Unicef, Telford
- Wellington YMCA
- Senior Citizens Forum
- Sure Start Children's Centre
- Sutton Hill Family Project
- Telford Race Equality & Diversity Partnership (TREDP)
- Telford Islamic Academy
- West Midlands Consortium Education for Travelling Children
- ESOL Tutor at Telford College Arts & Technology
- Sanctuary

All schools in Telford and Wrekin area
 Libraries – all in Telford & Wrekin area

	Name	Response
1	Hadley & Leegomery Parish Council	Hadley and Leegomery Parish Council has considered the draft Sex Establishment Policy and agrees that it provides a suitable framework for the effective regulation of sex establishments in the borough.
2	Hollinswood & Randlay Parish Council	Hollinswood & Randlay Parish Council has resolved to fully support the Draft Policy and has agreed that we will be adopting such a policy when the final version is confirmed and available.
3	Ironbridge Rowing Club	Further to your recent letter, dated 2 nd June 2011, with reference to the Sex Establishment Policy, as detailed in the letter, I would like to confirm that Ironbridge Rowing Club would not provide or be party to having this type of entertainment on the premises, and we will not be submitting an application to be considered as a venue for the purposes of this entertainment.
4	Lillehall, Donnington & Muxton Parish Council	This Parish Council has no comments to make regarding the Sex Establishment Policy.
5	Waters Upton Village Hall	<p>I am writing on behalf of Waters Upton Village Hall Management Committee in response to your letter dated 6 May 2011 regarding Telford & Wrekin's draft Sex Establishment Policy consultation document. This was discussed at the Village Hall Committee Meeting on Wednesday 8 June.</p> <p>Whilst the committee wholly supports the introduction of the policy, we, as a Village Hall Committee, will not accept any bookings from inside or outside of the Parish which would require compliance with this policy.</p>
6	Wellington Town Council	Please note the Town Council have now examined the Borough Council's Sex Establishment Policy and have no comments to make for their consultation.
7	Cllrs Ian & Veronica Fletcher	In our opinion this authority should not permit the establishment of any sex premises in the Borough of Telford & Wrekin
8	Cllrs. R. Evans B. McClements	We strongly recommend introducing a 'nil' policy for Sexual Entertainment Venues, as permitted under Schedule 3 of the Local Government (Miscellaneous Provisions) Act (LGMPA)1982 and amended by Section 27 of the Policing and Crime Act (PCA) 2009.

	C. Turley G. Green L. Murray J. Loveridge B. Duce	

Consultation response to the Draft Sex Establishments Policy January 2011

Given the recent abhorrent events, concerning residents of our Borough and the alleged sexual abuse of young women we call upon the Licensing Committee to note and adopt the following when considering the Draft Sex Establishments Policy (January 2011):

NIL POLICY

We strongly recommend introducing a ‘nil’ policy for Sexual Entertainment Venues, as permitted under Schedule 3 of the Local Government (Miscellaneous Provisions) Act (LGMPA)1982 and amended by Section 27 of the Policing and Crime Act (PCA) 2009.

The introduction of a nil policy on the granting of SEV licenses is perfectly permissible under the LGMPA (1982), as amended by the PCA (2009). Indeed, the statute specifically contemplates this option. As **Philip Kolvin QC, chair of the Institute of Licensing** states:

“...the provision gives the authority a high degree of control, even amounting to an embargo, on sex licences or particular types of sex establishment, within particular localities. The width of the discretion is consolidated by the absence of any appeal against a refusal on this ground.”¹

The introduction of a nil policy is currently being proposed by the London Boroughs of Hackney and Harringey. In the view of Hackney council SEVs:

“...contradict and undermine its stated aims and exacerbate the challenges it faces in bring about positive, genuinely sustainable characterful and thriving neighbourhoods which support the need and principle of upskilling its population and closing the education gap across its communities.”²

In Harringey, Councillor Nilgun Canver states:

"This new legislation allows us to stop lap dancing and pole dancing clubs from setting up in sensitive areas where they will cause concern. We consider this would apply to every ward and want this to be central to our policy. We are asking for comments from residents, to see if they support this stance³."

We are aware that some lap dancing club operators may threaten to appeal against the rejection of a Sexual Entertainment Venue (SEV) licence on the grounds that it violates their human rights under the Human Rights Act 1998 and that the two rights they threaten to invoke are the *right to freedom of expression* and the *protection of property*.

However, it is extremely unlikely that such an appeal would be successful considering that it is within the law for councils to set nil policies.

¹ Kolvin, P. (2010) *Sex Licensing*, The Institute of Licensing, p.60

² Hackney Draft Sex Establishment Licensing Policy, 2010

³ http://www.haringey.gov.uk/index/news_and_events/latest_news/lap_dancing_ban.htm

Furthermore, the two rights specified above are qualified, they are not absolute. **Philip Kolvin QC, Chairman of the Institute of Licensing**, states⁴:

"Where a rational decision has been taken by the licensing authority in accordance with the principle of the statute, it is most unlikely that the decision will be held to have been a disproportionate interference with human rights."

Indeed, before the Policing and Crime Bill became law – enabling local authorities to licence lap dancing clubs as Sexual Entertainment Venues under the LGMPA - the **Minister of the Crown** in charge of the Bill made a **written statement that the new law, including the provision to set nil policies, was compatible with the Human Rights Act 1998.**

Thus **the power of local authorities to set a nil policy for Sexual Entertainment Venue licenses has been validated in human rights terms.**

The reasons for introducing a nil policy are outlined below as factors the Council should take into account in developing policy concerning the number and location of SEVs.

GENDER EQUALITY

We strongly recommend that you explicitly include ‘the promotion of gender equality’ as a specific objective for Sex Establishment licensing in your licensing policy.

The Gender Equality Duty 2007 legally requires local authorities to promote equality between women and men in all that they do. The Gender Equality Duty is particularly relevant in relation to the licensing of sex establishments because of the gendered nature of sex establishments like lap dancing clubs, and because of the negative impact that lap dancing clubs have on efforts to promote equality between women and men. The negative implications of lap dancing clubs on women are outlined below:

Lap dancing clubs normalise the sexual objectification of women in contradiction to efforts to promote equality between women and men.

The links between objectification, discrimination and violence against women are recognised at the international level by the legally binding United Nations Convention to Eliminate Discrimination Against Women (CEDAW), which has repeatedly called on states – including the British Government - to take action against the objectification of women⁵. Similarly the UK-based End Violence Against Women coalition has called on the UK Government to tackle the sexualisation of women and girls because it provides a ‘conducive context’ for violence against women⁶.

Lap dancing clubs are a part of the sex industry and as such are linked with wider systems of prostitution

Research shows that the structural conditions of lap dancing clubs, where women compete with one another for private dances, lead to some dancers offering sexual services to survive

⁴ Kolvin, P. (2010) *Sex Licensing*, The Institute of Licensing, p82

⁵ 1979 Convention on All Forms of Discrimination Against Women (CEDAW) Article 5

⁶ Realising Rights, Fulfilling Obligations: An Integrated Strategy to End Violence Against Women (EVAW) 2008

financially⁷, a climate in which, according to an ex-lap dancer: ‘No touching, not exposing your genitals, not allowing men to touch you is the exception rather than the rule’⁸

Even if a club enforces a no touching rule and there is no sexual contact between dancer and customer, research further shows that strip clubs increase demand for nearby prostitution services⁹. This places lap dancing on a continuum of commercial sexual activity, irrespective of whether this sexual exchange occurs within the club itself.

Lap dancing clubs have a negative impact on women’s safety in the local vicinity

Research undertaken in the London Borough of Camden found a fifty percent increase in sexual assaults in the borough after the rapid expansion of lap dancing clubs¹⁰. Personal testimony from women who have written to OBJECT reinforces the idea of a link between the proliferation of lap dancing clubs and increased levels of sexual harassment for women in the vicinity:

‘On separate occasions, I have had men say to me “How much for a dance love? I’ll give you £20 to get yours out,”... they seem to always think that because they can pay to degrade and abuse women inside the club that I am no different’¹¹

The UK Royal Institute of Town Planning has further drawn attention to concerns regarding the impact of lap dancing clubs on women in the local areas: ‘Evidence shows that in certain locations, lap dancing and exotic dancing clubs make women feel threatened or uncomfortable’¹².

Lap dancing clubs have a negative impact on women’s safety in wider society

Lap dancing clubs normalise the representation of women as being always sexually available and this is worrying in light of widespread public opinion that women are in some way responsible for sexual assaults perpetrated against them. The links between the expansion of lap dancing clubs and an increase in the levels of sexual violence have been raised by organisations who work with victims and perpetrators of gender-based violence. For example, as **Chair of Rape Crisis** Nicole Westmarland reported that lap dancing clubs ‘*both support and are a consequence of sexual violence in society*’. This view is reiterated by the Director of the **White Ribbon Campaign**, an organisation which works with men to end violence against women: ‘*Any expansion of lap dancing clubs feeds an increase in the lack of respect for women*’¹³.

Furthermore, in response to research it commissioned into the impact of lap dancing clubs on the city, **Glasgow City Council**¹⁴ stated:

“Images of women and entertainment which demean and degrade women portraying them as sexual objects plays a part in normalising sexual violence and contributes to male abuse of women being acceptable, tolerated, condoned and excused. Such entertainment runs counter to

⁷ Bindel, J. (2004) *Profitable Exploits: Lap Dancing in the UK*, London Metropolitan University, Child and Women Abuse Studies Unit (CWASU)

⁸ ‘Elena’ quoted in ‘I was an Object, not a Person, The Guardian 19.03.08

⁹ Coy, M, Horvath, M & Kelly, L (2007) *It’s just like going to the supermarket: Men talk about buying sex in East London* London: Child and Woman Abuse Studies Unit

¹⁰ Eden, I. (2003) *Lilith Report on Lap Dancing and Striptease in the Borough of Camden*, London: The Lilith Project, Eaves Housing for Women

¹¹ See www.object.org.uk for testimonies

¹² Royal Town Planning Institute (2007), *Gender and Spatial Planning, Good Practice Note 7*, 10 December 2007

¹³ Both quotes are from an OBJECT leaflet 2008

¹⁴ Glasgow City Council report on the need for review of licensing legislation in the light of concerns re table dancing

<http://www.glasgow.gov.uk/NR/rdonlyres/0D19236F-808A-4467-96F7-6A9508C1F312/0/legtable2.pdf>

explicit commitments by a range of private, public and voluntary agencies to promoting womens equality.”

We call on the council to adopt a nil policy in relation to SEVs for the reasons given above. However, if you do not adopt a nil policy and SEVs are to be granted and/or renewed, we strongly recommend that a comprehensive set of standard conditions are applied to such licenses in order to help protect women in this community.

Philip Kolvin QC, Chairman of the Institute of Licensing, has produced a set of suggested conditions for application to SEV licenses¹⁵. We would like to draw particular attention to the importance of introducing the following conditions:

1. No contact between performers and audience and a minimum of 1 meter separation between performers and audience
2. Performers confined to stage area
3. Prevention of fining performers
4. Zero tolerance policy on customers who break rules of conduct. Contravention warrants a lifetime ban from the premises
5. Prohibition of private booths
6. CCTV coverage of all public areas
7. Prohibition of advertising in public spaces, including on billboards, telephone booth boards, and leafleting
8. Sex establishments are not to be functionally visible to passers-by on retail thoroughfares or pedestrian routes. Premises should be at basement level or with a main entrance away from such routes.

And, as outlined by the Bristol Fawcett Society:

- A register to be kept of all staff working each night and valid proof to be held on the premises of the age of each of the performers
- No fee to be charged by any club to a performer for working in the club
- Police to be kept informed of any assaults that take place on staff, whether or not the victim wishes to press charges
- ‘No smoking areas to be allowed at the front of clubs to minimise the potential for harrassment of women living, working and passing through the area. All smoking areas must be in private areas away from public spaces.
- No advertising allowed in media that is not exclusively aimed at adults – this would exclude local family newspapers for example.

¹⁵ Kolvin, P. (2010) *Sex Licensing*, The Institute of Licensing, p.74

These vital conditions would go some way to protecting women working in lap dancing clubs and women in the wider community.

We further request that you monitor the impact of the ‘frequency exemption’ which was included within the SEV licensing regime.

As you will be aware, this exemption means that establishments hosting lap dancing less than 12 times in a year do not require an SEV licence or even a temporary event notice. We are extremely concerned about this exemption because you will have no powers to prevent these performances from occurring or place any conditions or controls on them. Yet venues hosting lap dancing less than once a month are less likely to have facilities and procedures in place to protect the safety of performers – such as a separate changing room, CCTV and security. The safety of the performers is thus put at risk by this exemption.

We therefore ask you to attempt to monitor performances that are staged under the frequency exemption and to convey your experiences of this back to the Government.

This is crucial because the power to amend or repeal the frequency exemption was included in the Policing and Crime Act 2009 in recognition of the fact that the frequency exemption could prove problematic for local authorities.

We recommend that the policy requires members of licensing subcommittees who wish to sit in hearings of relevance to gender (i.e. SEVs; sex establishments and so on) to have all completed up to date basic training in gender equality and equality legislation.

We recommend that, in the absence of legal direction to the contrary, the Licensing Committee maintain a register of interested parties in reference to SEVs, sex establishments and so on, who will be informed by the Licensing Committee when applications are received of potential relevance for gender equality. This will ensure that the Council will be seen to fulfil its obligations to operate in a transparent and accountable manner. (This will not be an onerous obligation as relevant applications are estimated to be up to three or four a year, currently).

While it is true that both men and women have been active in making representations about the negative impact on society of SEVs, it is also true that the majority of those who reflect and take action on the harm of SEVs are women. This could be because the lived experience of sexual objectification, sexual discrimination, sexual harassment and sexual violence in many women's lives plays a part in the extent to which these issues are given serious consideration and weighed against other interests or values in the context of SEV licensing.

Therefore we request and recommend that:

- **The working party of officers and councillors is at least equally gender balanced**
- **The policy should make reference to good practice in SEV applications being heard by sub-committees that are at least equally gender balanced.**

We would very much appreciate receiving written reports of any decisions taken pertaining to the recommendations that we have set out in this document.

Cllrs. R. Evans

B. McClements

C. Turley

G. Green

L. Murray

J. Loveridge

B. Duce

Step 2 Initial Assessment Form

Suzanne Fisher

Housing & Planning

Public Protection

Sex Establishment Policy

1. What is the policy/function/practice?

<p>Think about:</p> <ul style="list-style-type: none"> • Explaining the policy or function to an outsider • What does it include? • What does it not include? • Who is it chiefly aimed at? 	<p>In 1982 the Local Government (Miscellaneous Provisions) Act 1982 (LGMPA) introduced the licensing of sex shops and sex cinemas.</p> <p>In 1995 the Council adopted the Local Government (Miscellaneous Provisions) Act 1982 granting powers to require licences to open sex establishments in the district of Telford & Wrekin. The Act defines a sex establishment as either a 'sex cinema' or a 'sex shop'.</p> <p>On 7th October 2010 the Council adopted the amendments made by Section 27 of the Policing and Crime Act 2009 to Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 to come into effect on 1st January 2011 throughout the whole of administrative area of the Borough of Telford and Wrekin.</p> <p>Section 27 of the Policing and Crime Act 2009 introduces a new category of sex establishment called 'sexual entertainment venue', which will allow local authorities to regulate lap dancing clubs and similar venues under Schedule 3.</p>
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2. What is the purpose of the above?

<p>Think about</p> <ul style="list-style-type: none"> • What is it trying to do? • What does it aim to achieve? • Would examples help to explain it? 	<p>Section 27 gives local authorities more powers to control the number and location of lap dancing clubs and similar venues in their area. Where adopted, these provisions will allow local authorities to refuse an</p>
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	<p>application on potentially wider grounds than is permitted under the Licensing Act 2003 Act and will give local people a greater say over the regulation of lap dancing clubs and similar venues in their area.</p> <p>The aim of this policy is to provide guidance for prospective applicants, existing licence holders, those who may wish to object to an application and Members of the Licensing Committee when making a determination on an application.</p>
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3. Who defines or defined the policy or current practice and who implements it?

<p>Think about</p> <ul style="list-style-type: none"> • Is it a written policy? • Was it formally agreed, when and where? • Is it based on national guidelines or requirements? • Is it based on custom and practice? • Has it grown out of past policies? • Who was involved in its development? Managers/Staff/elected members/service users? • Do the same people who defined it deliver it? 	<p>It is a written policy which is based on and replaces Telford & Wrekin's existing policy on Sex Shops. It is also based on the provisions of the 1982 Act, the relationship for sex licensing with other statutory schemes designed to protect human rights and equality and diversity, diminish crime and disorder and ensure compliance with European law on the provision of services.</p> <p>It will be implemented by the Council's Licensing Committee.</p>
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4. Who are all of the stakeholders in relation to this policy or function? (for example: customers/service users/stake-holders/partners/staff)

<p>Think about</p> <ul style="list-style-type: none"> • Internal and external people • Staff, partners, contractors, service users, potential service users, lead bodies, • national or regional bodies • Voluntary sector groups or organisations 	<p>Elected Members Licence Holders Members of the Public Visitors to Telford & Wrekin Residents Businesses Police Fire Service Other Council Services</p>
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5. Who are the key people to be involved in the Initial Assessment Process ?

<p>Think about</p> <ul style="list-style-type: none"> • A small team of people with sound knowledge and understanding of the policy or function 	<p>Suzanne Fisher – Public Protection Team Leader Hilda Bertie – Equality & Diversity Manager</p>
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<ul style="list-style-type: none"> Someone with understanding of the information / data related to this work Possibly a “critical friend”, someone who is one step removed from the policy or function who can ask questions you may not ask yourself. 	
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6. What equality data is available to help the initial assessment of this policy?

<p>Think about</p> <ul style="list-style-type: none"> User information Profile of users Local statistics / census data Output information Local / National research Benchmarking information Complaints/Comments/ Compliments Informal feedback 	<p>We have no data or evidence to suggest that there is any negative or positive impact, but we will be sending out data collection forms with the consultation information letters..</p>
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7. In your view does the policy or function have a positive or negative impact on the following groups

(see below)

	Positive	Negative	Don't Know	Neutral
Age				√
Disability				√
Gender				√
Racial group				√
Religion or belief				√
Sexual orientation				√

7a. If you have ticked “positive” to any of the above please comment on what evidence you have based this decision.

7b. If you have ticked “negative” to any of the above please comment on what evidence you have based this decision

--

7c If you have ticked “don’t know” to any of the above, is further information needed to make an assessment of impact on different user groups or is it not applicable

7d If you have ticked “neutral” to any of the above please comment

This policy recognises that the diversity of the local community enriches the Borough, contributes to its social and economic prosperity, and that all members of the community have a right to equality of opportunity, fairness.

The policy states that applicants and licensees must have due regard to the requirements of the Equality Act 2010. The Equality Act 2010 section 20 requires applicants and licensees to take such steps as it is reasonable to avoid putting disabled people at a sustainable disadvantage caused by a physical feature, e.g. design or construction of a building, or access to a building and fixtures and fittings etc.

The policy states that the Council expects applicants to be aware of and comply with all legislation relating to unlawful discrimination. Further, the policy recognises that the Council is under a duty to protect the rights of residents to privacy and family life under Article 8 of the European Convention on Human Rights. At the same time, the Council must recognise the right of legitimate businesses to operate their premises without unnecessary restraint and is also duty bound to consider the rights that applicants for licences may have under Article 10 (right to freedom of expression) and Article 1, Protocol 1 (protection of property) of the European Convention on Human Rights.

8a. Is there an opportunity to improve access to services for any excluded groups by altering the policy or practices in any way?

	Yes	No
Age		√
Disability		√
Gender		√
Racial group		√
Religion or belief		√
Sexual orientation		√

Please elaborate:

As 7 d above

A full consultation process is to take place on the policy. The changes to the legislation which have brought about this policy have been advertised in the local press. A further press release will be issued giving details of the consultation and where the document may be viewed. The consultation will be extensive and information letters will be sent to businesses, community organisations, town and parish councils, residents associations, Telford Housing Association, Partners and other stakeholders.

8b. Is there an opportunity to better promote equality and diversity by altering the policy or practices in any way?

Please elaborate:

As 7 d above.

By training the teams that work in this area about the new Act and policy changes and by circulating the policy to members of the Council's Licensing Committee, we will ensure that the new policy is enacted according to the spirit of the policy and legislation and that each individual's requirements is treated in an consistent and open manner to ensure that no individual or groups feel disadvantaged in any way..

End of Step 2



Step 3 Making a Judgement

**1. Which of the following options apply to this initial assessment?
(please tick)**

Option A

We are fully satisfied that robust evidence exists that there are no equality issues to be addressed for this policy/function

Option A - Next Step

1. Send the assessment , with a copy of the policy, with any recommendations to your

Portfolio Equality Group Lead -

See Appendix B for Completion Sheet)

2. Share best practice or lessons learnt with colleagues
3. Continue to monitor and analyse data

Please consider for future reference to this policy

If any changes are introduced which affect the way the policy operates or the service is provided you will need to re-visit the assessment process.

Option B

Due to lack of / or incomplete information, more information is needed before a reasonable judgement can be made on the impact of this policy/function on different groups

Option B – Next Step

1. Devise and implement the action plan (appendix A) for gathering the necessary information and send a copy to your PEG with timescales
2. Make a revised judgment of your new data and decide whether you are option A or option C

Option C

As a result of the initial assessment stage, equality issues have been identified for this policy/function and amendments need to be made

Option C – Next Step

Continue to step Four

End of Step 3

Telford & Wrekin Council

Licensing Committee – 29th November 2011

Sex Establishment Policy

Report of Service Delivery Manager – Public Protection

1. Purpose

- 1.1 To inform Members of the results of the consultation on the Council's revised draft policy for the regulation of Sex Establishments.

2. Recommendation

- 2.1 That Members' consider the results of the consultation.
- 2.2 That Members resolve for the reviewed Policy to come into effect on 1st December 2011.

3. Summary

- 3.1 The report of the Service Delivery Manager: Public Protection was received by Members of the Council's Licensing Committee on 1st December 2010 seeking consideration of a revised Sex Establishment Policy following adoption by the Council on 7th October 2010 of the amendments made by Section 27 of the Policing and Crime Act 2009 to Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.
- 3.2 Members resolved that the draft policy for the regulation of sex establishments as detailed within the report be approved subject to a period of public consultation.
- 3.3 Representations have been received by the Council's Licensing Service in relation to the consultation on the draft policy.

4. Previous Minutes

- 4.1 LC22 - Licensing Committee 8th September 2010.
LC41.- Licensing Committee 1st December 2010

5. Information

5.1 Background

- 5.1.1 On 7th October 2010 Telford & Wrekin Council adopted the amendments made by Section 27 of the Policing and Crime Act 2009 to Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.
- 5.1.2 The 1982 Act makes no provision for the publication of a sex licensing policy. It is considered good practice to have a policy in place as it brings transparency, accountability, certainty and consistency. Telford & Wrekin Council already has a Sex Establishment Policy. This policy has been revised and redrafted in light of Full Council adopting the amendments made by Section 27 of the 2009 Act 2009 to Schedule 3 to the 1982 Act. The revised draft policy is attached at Appendix A.
- 5.1.3 On 1st December 2010 Members of the Council's Licensing Committee considered the revised draft policy and resolved to commence a consultation exercise on the draft document.
- 5.1.4 The consultation commenced on 6th May 2011 and ended on 29th July 2011. The Licensing Authority included in the consultation all premises licence holders in the area, community groups and associations and Town and Parish Councils. The revised draft Policy was also made available at Council Offices and local libraries and a copy was posted on the Council's website.. A copy of the consultation letter and monitoring form is attached at Appendix B and a full list of those consulted is attached at Appendix C.
- 5.1.5 The consultation resulted in eight responses from a mix of Town and Parish Councils, a rowing club and elected Members of Telford & Wrekin Council. A table containing the responses from consultees is attached at Appendix D.
- 5.1.6 The full response from Councillor Rae Evans is attached at Appendix E. The response recommends introducing a 'nil' policy for Sexual Entertainment Venues". It is permissible for a local authority to control the overall numbers of sex establishments in its area or just to control the numbers of a particular type of sex establishment in its area, however, each application must be considered on it's own merits.
- 5.1.7 The response, in giving reasons for introducing a nil policy, makes reference to Gender Equality. The Equality Act 2010, obliges Local Authorities, in the carrying out of their functions, to have due regard to the need to eliminate discrimination, harassment and victimisation. (Paragraph 5.2 of this report.). The Equality Impact Assessment carried out on this draft policy identifies a neutral impact on the majority of the protected characteristics.
- 5.1.8 The response from Councillor Evans also recommends additional standard conditions. The Authority may make criteria prescribing Standard Conditions to be applicable to licences for sex establishments, i.e. terms, conditions and restrictions on or subject to

which the licences are in general to be granted. Draft standard conditions are already included at Appendix A of the draft policy. Conditions, numbers 6 and 7, suggested in the response, are already included at 6.1 and 2.3 respectively in the standard conditions for Sex Entertainment Venues at Appendix A of the draft policy.

- 5.1.9 Standard conditions act as default conditions. There is a presumption that every licence granted, renewed or transferred is subject to such conditions, unless the conditions have been expressly excluded or varied.
- 5.1.10 In addition to standard conditions, if these are not sufficient to meet concerns which have been identified, a Local Authority may also attach individual conditions to licences upon grant, renewal or transfer to satisfy concerns relevant to individual premises.
- 5.1.11 The Provision of Services Regulations prohibit the imposition of conditions which duplicate requirements and controls to which the service provider (such as a lap-dancing provider) is already subject, e.g. under the Licensing Act 2003.
- 5.1.12 The recommendations in Councillor Evans' response in relation to the Council's Licensing Committee is not a matter which the Licensing Service, is able to comment on, save to report that all applications for a Sex Establishment Licence are considered individually at a hearing of the full Licensing Committee.

5.2 Equal Opportunities

- 5.2.1 An Equality Impact Assessment (EIA) has been carried out on this policy and has identified that this policy has a neutral impact on the majority of the protected characteristics (Age, Disability Gender, Gender reassignment, Race, Religion or belief and Sexual Orientation) and they will not be disadvantaged by the implementation of this policy. However, in relation to disability we have ensured that the policy reflects the requirements within the Equality Act 2010 section 20 which **requires applicants and licensees to take such steps as it is reasonable to avoid putting disabled people at a disadvantage caused by a physical feature, e.g. design or construction of a building, exist or access to a building and fixtures and fittings etc.** The Council expects applicants to be aware of and comply with all legislation relating to unlawful discrimination. Whilst applications cannot be determined on moral grounds, the policy states that the grant or renewal of the licence would be inappropriate, having regard to the character of the relevant locality, or the use to which any premises in the vicinity are put, or to the layout, character or condition of the premises. A copy of the Equality Impact Assessment is attached at Appendix F.

5.3 Environmental Impact

- 5.3.1 Not applicable for the purposes of this Report.

5.4 Legal Comment

5.4.1 There is no legal requirement to have a policy but it is best practice to do so. It is a matter for council to set it's own policy but in doing so it should have regards to the information provided in the report.

5.4.2 Section 13 of the Local Government (Miscellaneous Provisions) Act 1982 provides a power to prescribe standard conditions.

5.4.3 References to the relevant legislation are contained in the body of the report.

5.5 Links with Corporate Priorities

5.5.1 This report has links to the following Priority Plan objectives :

1. Creating a safer community

(b) Safeguarding the health and safety of the community

5.6 Financial Comment

5.6.1 There are no direct financial implications of the actions recommended within this report. JAC 141111

5.7 Risks and Opportunities

5.7.1 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.

5.7.2 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) Unlawful discrimination – the policy clearly states the responsibility that applicants and licensees have with regard to the Equality Act 2010.

(ii) Legal challenge – the policy states that the Council is duty bound to consider the rights that applicants for licences may have under Article 10 (right to freedom of expression) and Article 1, Protocol 1 (protection of property) of the European Convention on Human Rights.

6. Ward Implication

6.1 Borough Wide Implications

7. Background Papers

7.1 Local Government (Miscellaneous Provisions) Act 1982

7.2 Policing and Crime Act 2009

7.3 Home Office Sexual Entertainment Venues Guidance for England

- and Wales
- 7.4 Sex Licensing by Philip Kolvin QC
 - 7.5 Equality Act 2010
 - 7.6 Human Rights Act 1998
 - 7.7 Licensing Act 2003

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Appendices - Contents	
Appendix A	Copy of the Council's revised draft Sex Establishment Policy that was considered by the Licensing Committee on 1 st December 2010.
Appendix B	Consultation Letter and Monitoring Form
Appendix C	List of Consultees
Appendix D	Consultee Table of Responses
Appendix E	Response from Councillor Rae Evans
Appendix F	Equality Impact Assessment