



Hackney Carriage and Private Hire Licensing Policies

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POLICIES

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SECTION 1

HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS

SHROPSHIRE COUNCIL
HACKNEY CARRIAGE VEHICLE LICENCE
CONDITIONS OF LICENCE

1. Definitions

- 1.1 “authorised officer” has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.
- 1.2 “the Council” means the Council of Shropshire.
- 1.3 “the proprietor” includes a part-proprietor and in relation to a vehicle which is the subject of a hiring agreement, or hire purchase agreement, means the person in possession of the vehicle under the agreement.
- 1.4 “hackney carriage” has the same meaning as in the Town Police Clauses Act 1847.
- 1.5 “vehicle licence” means in relation to a hackney carriage, a licence under sections 37 to 45 of the Town Police Clauses Act 1847.

2. Applicants

- 2.1 The applicant for a vehicle licence must be the person who is the legal owner of the vehicle concerned and entitled to have the ownership of the vehicle registered under the provisions of Regulation 10 of the Road Vehicles (Registration and Licensing) Regulations 2002 in their own name. Prior to licensing and thereafter, as required, satisfactory evidence must be produced in compliance with this requirement.

3. Vehicles

- 3.1 must:
 - (a) Be a Light Passenger Vehicle as defined by section 85 of the Road Traffic Act 1988 and have a minimum of 4 wheels;
 - (b) Provide sufficient means by which any person in the carriage may communicate with the driver;
 - (c) Have a watertight roof or covering;
 - (d) Provide at least two windows on each side of the vehicle of which one window on one side must have a means of opening/closing. Tinted windows will only be permitted in accordance with the manufacturers or specialist coachbuilder’s specification and must comply with the Road Vehicles (Construction & Use) Regulations 1986 as amended.
 - (e) Have seats that are properly cushioned and covered;
 - (f) Have a floor provided with a proper carpet, mat, or other suitable covering.
 - (g) Have fittings and furniture in a clean condition and be well maintained and in every way fit for public service.
 - (h) Provide means for securing luggage if the carriage is so constructed as to carry luggage;
 - (i) Where tilting passenger seats are fitted the seat must :-
 - Be forward facing
 - Designed for use by an adult

- Have a three point seatbelt

As specified in the Road Vehicle (Construction and Use) Regulations 1986 (as amended).

- (j) Have a minimum of four passenger doors including an entry/exit point for the driver if a vehicle other than a taxi approved to the specifications of the Public Carriage Office.

4.0 Test Requirements

- 4.1 All vehicles shall meet the Council's fitness requirements and for this purpose will be required to attend a six-monthly MOT inspection (and any other inspection deemed necessary by an authorised officer)
- 4.2 Once the vehicle reached the age of 9 years it is required to have 3 MOT tests per year, tests being spaced evenly throughout the year at four monthly intervals.
- 4.3 MOTs can be undertaken by any 'Nominated Tester' or Authorised Vehicle Examiner at a Vehicle Testing Station appointed under Section 45 of The Road Traffic Act 1988, the cost of all tests being met by the vehicle operator.
- 4.4 All vehicles fitted with a mechanically operated ramp must comply with the requirements of undergo a systematic and detailed examination at regular intervals and at least every six months by a competent person in accordance with the Lifting Operations and Lifting Equipment Regulations 1998 to ensure it is fit for purpose.

It is the responsibility of the vehicle operator to ensure that non-mechanical ramps comply with the relevant requirements of the Provision and Use of Work Equipment Regulations 1998. Licensing Officers will check that the provision of non-mechanical ramps is being maintained by the vehicle operator.

- 4.5 MOT certificates will only be accepted by the Licensing Authority within 10 working days of the date of issue from the MOT Testing Centre.
- 4.6 If the inspection determines that the vehicle is not fit for the purpose of carrying passengers the proprietor should notify the Licensing Authority soon as reasonably practicable, and in any case within seventy-two hours of the occurrence. The Licensing Authority may at that time suspend the licence and by issue of notice require the proprietor of that Hackney Carriage to return the plate to them within seven days after the service of that notice.
- 4.7 In the event of a proprietor failing to present to the Licensing Authority an MOT test certificate as required above, unless delayed or prevented by sufficient cause approved by the Licensing Officer, the Licensing Authority may suspend the licence and by issue of notice require the proprietor of that hackney carriage to return the plate to them within seven days after the service of that notice.

Trailers

- 4.8 To ensure that a trailer used with a Hackney Carriage (when undertaking the licensable activity) is maintained to an appropriate standard, they are required to be inspected annually with the vehicle to which it relates and issued with a plate that relates to the towing vehicle(s). Advice on trailers can be found in the guidance notes for private hire and hackney carriages at [Appendix B](#).

5.0 Appearance

Vehicle Licence Plate

- 5.1 The plate identifying the vehicle as a Hackney Carriage as issued by the Council and required to be exhibited on the vehicle pursuant to Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 shall be securely fixed to the outside rear of the vehicle in a conspicuous position, kept clean and fully displayed at all times and in such a manner as to be easily removable by an Authorised Officer of the Council or a Constable.

Advertisement

- 5.2 Advertisements are permitted to be carried on the vehicle in accordance with the guidelines set out in Appendix E.
- 5.3 Materials that may be used for advertisements should be of a quality not easily defaced, soiled or detached. Reflective material is not to be used for advertising purposes. The advertisement may be affixed directly onto the body of the vehicle.
- 5.4 The use of magnetic panels for this purpose is discouraged for anything other than short term use (less than one week) as they lack adequate adhesion.

Roof Signage

- 5.5 All vehicles are required to display a white roof sign bearing the words TAXI on the front and rear in uppercase black lettering of a minimum height of 79mm, width 50mm, stroke width 14mm and spacing between lettering of 11mm. The light in the sign must be switched on when the Hackney Carriage is available for hire and switched off when the Hackney Carriage is not available for hire. The sign must be permanently mounted across the roof of the vehicle except in respect of purpose-built taxis.

6.0 Change of Proprietor

- 6.1 The Proprietor shall give notice to the Council of any transfer in his interest in the hackney carriage to a person other than the proprietor whose name is specified in the licence. Such notice shall be given in writing within 14 days specifying the name and address of the person to whom the vehicle has been transferred.
- 6.2 Notification shall be given as soon as reasonably practicable, and in any case with 72 hours of the occurrence, of any accident to a licensed vehicle causing damage materially affecting the safety, performance or appearance of the vehicle, or the comfort or convenience of persons carried therein.

7.0 Documentation

- 7.1 Prior to licensing and thereafter, as required, satisfactory evidence must be produced that there is in force for the use of the vehicle a policy of insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1988.
- 7.2 The proprietor must ensure that at all times a list is maintained of all licensed drivers authorised under the policy to drive the vehicle and must make such a list

available to an Authorised Officer of the Council or Constable at all reasonable times, when so required.

- 7.3 Any Authorised Officer of the Council or any Constable shall have power at all reasonable times to inspect and examine the vehicle and to request driver identification and insurance details. A drivers badge, certificate of insurance and MOT must be produced either during the inspection, or to a Licensing Officer within 5 working days.

8.0 Safety Equipment

- 8.1 Individuals or operators are permitted to install a CCTV camera in a licensed vehicle, in accordance with the appropriate legal framework, but they should first notify the Council in writing of their intention to do so.

9.0 Taximeters

- 9.1 The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained, as to comply with the following requirements, that is to say:-
- (a) The taximeter shall be fitted with a key, flat, or other device, the turning of which will bring the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter;
 - (b) Such key, flat, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
 - (c) When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity, a fare not exceeding the rate of fare which the proprietor or driver is entitled to demand and take in pursuance of the bylaw in that behalf for the hire of the carriage by distance;
 - (d) The word 'FARE' shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
 - (e) The taximeter shall be so placed that all the letters and figures on the face thereof shall be at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be illuminated during any period of hiring;
 - (f) The taximeter and all fittings thereof shall be so affixed to the carriage with seals and other appliances that it shall be not practicable for any person to tamper with them except by breaking, damaging, or permanently displacing the seals or other appliances.
 - (g) The taximeter shall be set to reflect the current table of fares approved by the Council, or to an alternative table of fares that is in all cases lower than the Council approved table. Where the meter is set to an alternative table that table must be prominently displayed in addition to the approved table. A lesser fare than that shown on the taximeter at the end of a journey can be charged.

- (h) When hired, a taximeter should be used for the whole of any journey.
- (i) The taximeter must be set to be calendar controlled.

10.0 Fares

- 10.1 A copy of the Council's current table of fares shall be clearly displayed in the vehicle at all times.

11.0 Alterations to Vehicles

- 11.1 No material alteration or change in specification, design, condition or appearance of the vehicle shall be made at any time without the prior approval of the Council.

12.0 Interior Markings

- 12.1 The proprietor shall display the internal plate provided by the Council at all times inside the vehicle in such a position as to be visible by passengers when inside the vehicle.

13.0 Damage to Vehicles

- 13.1 Notification shall be given by the proprietor to the Council as soon as reasonably practicable and in any case within seventy-two hours of the occurrence of any damage to the vehicle. An Authorised Officer will then, after the vehicle has been inspected decide if the vehicle can continue in service. The Licensing Authority may at that time suspend the licence and by issue of notice require the proprietor of that Hackney Carriage to return the plate to them within seven days after the service of that notice. A new MOT may be required before the vehicle will be permitted to operate, at the discretion of the Licensing Officer.

14.0 Change of Address

- 14.1 The proprietor shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place.

15.0 Convictions

- 15.1 The proprietor (or, if the proprietor is a company or partnership, on any of the directors or partners during the period of licence.) shall within 72 hours disclose to the Council in writing if they are subject to any of the following:-

- Arrests
- Warnings
- Cautions
- Charges
- Convictions

16.0 Zones (Strategic Licensing Committee Decision 08 June 2011 to retain zones refers)

- 16.1 A hackney carriage vehicle would be restricted to working in one zone only. "zone" relates to the areas of Shropshire district boundaries prior to the formation of a

Unitary Council, Zone 1: Former District of Bridgnorth Zone 2: Former District of North Shropshire Zone 3: Former Borough of Oswestry Zone 4: Former Borough of Shrewsbury & Atcham Zone 5: Former District of South Shropshire

16.2 All vehicles licensed for zone four would be wheelchair accessible.

SECTION 2

PRIVATE HIRE VEHICLE LICENCE CONDITIONS

SHROPSHIRE COUNCIL
PRIVATE HIRE VEHICLE LICENCE
CONDITIONS OF LICENCE

1.0 Vehicles

Vehicles must not seat more than eight Passengers (not including the driver) and:

- (a) Be a Light Passenger Vehicle as defined by section 85 of the Road Traffic Act 1988 and have a minimum of 4 wheels;
- (b) Provide sufficient means by which any person in the carriage may communicate with the driver;
- (c) Have a watertight roof or covering;
- (d) Provide at least two windows on each side of the vehicle of which one window on one side must have a means of opening/closing. Tinted windows will only be permitted in accordance with the manufacturers or specialist coachbuilder's specification and must comply with the Road Vehicles (Construction & Use) Regulations 1986 as amended.
- (e) Have seats that are properly cushioned and covered;
- (f) Have a floor provided with a proper carpet, mat, or other suitable covering.
- (g) Have fittings and furniture in a clean condition and be well maintained and in every way fit for public service.
- (h) Provide means for securing luggage if the carriage is so constructed as to carry luggage;
- (i) Where tilting passenger seats are fitted the seat must :-
 - Be forward facing
 - Designed for use by an adult
 - Have a three point seatbelt

In accordance with the manufacturers or specialist coachbuilder's specification and must comply with the Road Vehicles (Construction & Use) Regulations 1986 as amended.

- (j) Have a minimum of four passenger doors including an entry/exit point for the driver if a vehicle other than a taxi approved to the specifications of the Public Carriage Office.

2.0 Test Requirements

- 2.1 All vehicles shall meet the Council's fitness requirements and for this purpose will be required to attend a six-monthly MOT inspection (and any other inspection deemed necessary by an Authorised Officer)
- 2.2 Once the vehicle reached the age of 9 years it is required to have 3 MOT tests per year, tests being spaced evenly throughout the year at four monthly intervals.

- 2.3 MOTs can be undertaken by any 'Nominated Tester' or Authorised Vehicle Examiner at a Vehicle Testing Station appointed under Section 45 of The Road Traffic Act 1988. The cost of all tests being met by the vehicle operator.
- 2.4 All vehicles fitted with a mechanically operated ramp must comply with the requirements of undergo a systematic and detailed examination at regular intervals and at least every six months by a competent person in accordance with the Lifting Operations and Lifting Equipment Regulations 1998 to ensure it is fit for purpose. A copy of all documentation should be available for inspection by an Authorised Officer of the Council upon request.
- 2.5 It is the responsibility of the vehicle operator to ensure that non-mechanical ramps comply with the relevant requirements of the Provision and Use of Work Equipment Regulations 1998.
- 2.6 Licensing Officers will undertake checks to ensure that non-mechanical ramps are being provided for use by Zone 4 Hackney Carriages.
- 2.7 MOT certificates will only be accepted by the Licensing Authority within 10 working days of the date of issue from the MOT Testing Centre.
- 2.8 If the inspection determines that the vehicle is not fit for the purpose of carrying passengers the proprietor should notify the Licensing Authority soon as reasonably practicable, and in any case within seventy-two hours of the occurrence. The Licensing Authority may at that time suspend the licence and by issue of notice require the proprietor of that private hire vehicle to return the plate to them within seven days after the service of that notice.
- 2.9 In the event of an operator failing to present to the Licensing Authority an MOT test certificate as required unless delayed or prevented by sufficient cause approved by the Licensing Officer, the Licensing Authority may suspend the licence and by issue of notice require the operator of that hackney carriage to return the plate to them within seven days after the service of that notice.

Trailers

- 2.10 To ensure that a trailer used with a PHV (when undertaking the licensable activity) is maintained to an appropriate standard, they are required to be inspected annually with the vehicle to which it relates and issued with a plate that relates to the towing vehicle(s). Advice on trailers can be found in the guidance notes for private hire and hackney carriages at Appendix B.

3.0 Appearance

Vehicle Licence Plate

- 3.1 The plate identifying the vehicle as a Private Hire Vehicle as issued by the Council and required to be exhibited on the vehicle pursuant to Section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976 (unless exempted by the Council) shall be securely fixed to the outside rear of the vehicle in a conspicuous position, kept clean and fully displayed at all times and in such a

manner as to be easily removable by an Authorised Officer of the Council or a Constable.

Advertisement

- 3.2 Advertisements are permitted to be carried on the vehicle in accordance with the guidelines set out in **Appendix E**.
- 3.3 Materials that may be used for advertisements should be of a quality not easily defaced, soiled or detached. Reflective material is not to be used for advertising purposes. The advertisement may be affixed directly onto the body of the vehicle.
- 3.4 The use of magnetic panels is discouraged for anything other than short term use (less than one week) as they lack adequate adhesion.

Signs and Notices

- 3.5 No vehicle shall display a roof sign.
- 3.6 All vehicles (with the exception of executive style vehicles) will be required to fix the Council issued signage on the front drivers door and the front passengers door of the vehicle using the adhesive backed signage provided. This will carry the Council logo, PHV licence number and the words 'Prebooked Only'. The use of magnetic panels is prohibited. The removal of this signage is prohibited whilst the vehicle is licenced by Shropshire Council. In the event that a side plate is lost it is the responsibility of the proprietor to notify the Council within 72 hours and obtain a replacement.

4. Alteration of Vehicles

- 4.1 No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the written approval of the Council at any time while the licence is in force.

5.0 Interior Markings

- 5.1 The proprietor shall display the internal plate provided by the Council at all times inside the vehicle in such a position as to be visible by passengers when inside the vehicle.

6.0 Safety Equipment

- 6.1 Individuals or operators are permitted to install a CCTV camera in a licensed vehicle, in accordance with the appropriate legal framework, but they should first notify the Council in writing of their intention to do so.

7.0 Documentation

- 7.1 Prior to licensing and thereafter, as required, satisfactory evidence must be produced that there is in force for the use of the vehicle a policy of insurance covering the carriage of passengers for reward or such security as complies with the requirements of Part VI of the Road Traffic Act 1972 along with a satisfactory MOT certificate. The proprietor must ensure that at all times a list is maintained of all licensed drivers authorised under the policy to drive the vehicle and must

make such a list available to an authorised officer of the Council or Constable at all reasonable times, when so required.

8.0 Damage to Vehicles

- 8.1 Notification shall be given by the proprietor to the Council as soon as reasonably practicable and in any case within seventy-two hours of the occurrence of any damage to the vehicle. An Authorised Officer will then, after the vehicle has been inspected decide if the vehicle can continue in service. The Licensing Authority may at that time suspend the licence and by issue of notice require the proprietor of that Private Hire Vehicle to return the plate to them within seven days after the service of that notice. A new MOT may be required before the vehicle will be permitted to operate, at the discretion of the Licensing Officer.

9.0 Change of Address

- 9.1 The proprietor shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place.

10.0 Convictions

- 10.1 The proprietor shall within 72 hours disclose to the Council in writing if they receive any of the following:-

- Arrests
- Warnings
- Cautions
- Charges
- Convictions

11.0 Advertisements

No operator shall cause or permit any advertisement in respect of their business on their private hire vehicles used for that purpose the words "taxi" or "cab" in the singular or plural or hire unless the word "hire" forms part of the company name. or any word or similar meaning or appearance to any of these words, whether alone or as part of another word.

SECTION 3

PRIVATE HIRE OPERATORS LICENCE CONDITIONS

SHROPSHIRE COUNCIL
PRIVATE HIRE OPERATORS LICENCE
CONDITIONS OF LICENCE

1. Definitions

‘The Act of 1976’ means the Local Government (Miscellaneous Provisions) Act 1976

‘The Council’ means Shropshire Council

‘The Operator’ means the holder of a licence issued under s.55 of the Act of 1976

‘Authorised Officer’ has the same meaning as in s.80 of the Act of 1976

‘Private Hire Vehicle’ has the same meaning as in s.80 of the Act of 1976

‘Hackney Carriage’ has the same meaning as in s.38 of the Town Police Clauses Act 1847

2. Fit and Proper Person

Before the Council will grant a Private Hire Operator’s licence, they must be satisfied that the applicant is fit and proper. All applicants will be required to submit to the Council such information as considered necessary to enable them to determine whether a licence is granted.

3. Disclosure and Barring Service (DBS)

If the applicant is already a licensed hackney carriage/private hire driver with the Council no additional vetting is required.

A Certificate of Good Conduct will be required for applicants who have not been resident in the UK for the previous 5 years. The applicant should obtain this from the appropriate Embassy or Legation, and a translation will be required if it is not provided in English.

In the event that an applicant is not able to obtain a Certificate of Good Conduct, they can submit a statutory declaration with regard to their conduct, which must be completed in the presence of a practising Solicitor.

4. Insurance

Any premises that provide access to members of the public must be covered by public liability insurance. The operator must also obtain information as to any requirement for them to have employer’s liability indemnity.

5. Operator’s Premises

- 5.1 Operators Licences are only applicable to and issued in respect of the physical premises from which the Operators business will be run. The physical premises must fall within the administrative area of Shropshire Council. All Private Hire bookings taken by the Operator must be received at and drivers of Private Hire Vehicles instructed to fulfil the bookings from within those premises and no other. All records that may be required to be retained by the Operator shall be held within this same business premises for inspection by the Council. This is applicable even where the home or registered office address of the Operator is also recorded within the Licence.

6. Standards of Service

The operator shall provide prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:

- a) Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.
- b) Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
- c) Ensure that any booking or waiting area provided by the operator has adequate seating facilities.
- d) Ensure that any telephone facilities and radio equipment (for which an OFCOM Radio Licence may be required) are maintained in a sound condition and that any defects are repaired promptly.
- e) Ensure that where applicable, the installation and use of C.C.T.V complies with the requirements of the Data Protection Act 1998.

7. Records of Bookings

An operator accepting a booking remains liable for that booking, even if they sub contract it to another operator. If a booking is sub-contracted to a second operator, this operator must also be licensed by the same council.

Before the commencement of each journey, an operator licensed with the council shall keep records of any hiring they accept, in accordance with s.56 of The Act of 1976. Such records shall be kept either in a ledger with consecutively numbered pages, on individual consecutively numbered record slips, or on a computer database/spreadsheet in an identifiable format. All such records shall be available at all reasonable times to an authorised officer of the council or to any police officer for inspection by them.

The following particulars shall be recorded:

- a) The time and date of each booking
- b) The name of the hirer
- c) How the booking was made (telephone, in person etc)
- d) Time, date and place of pickup
- e) The destination of the hirer
- f) The call sign or registration number of the vehicle used for each booking
- g) The proper name of the driver allocated to the booking

8. Records of Vehicles and Drivers

The operator shall keep and maintain at their licensed premises records of the particulars of all their vehicles and drivers. The records to be kept shall include:

- a) The private hire vehicle or hackney carriage vehicle licence plate numbers.

- b) The vehicle registration numbers.
- c) The names and addresses of the proprietors of each vehicle.
- d) The names and addresses of the private hire and hackney carriage drivers used, and will also ensure that a copy of the drivers licence issued by the council is deposited with them during the period the driver is employed to drive for them.
- e) The badge numbers of the private hire and hackney carriage drivers in their employ.
- f) Copies of current/valid insurance documents for all vehicles.

The above records shall be produced to any authorised officer of the council or to any police officer on request.

9. Retention of Records

All records kept by the operator under sections (6) and (7) above shall be retained for a period of not less than six months for licensing purposes. Other legislation may require records to be kept for a longer period.

10. Vehicles Which May Be Lawfully Used

No operator licensed under the provisions of the Act of 1976 s.55 shall operate any vehicle as a private hire vehicle, unless the same council has licensed that vehicle.

11. Drivers Who May Be Lawfully Used

No operator shall cause, permit or allow any person to drive any vehicle, which the operator is using as a private hire vehicle unless that driver holds a valid private hire drivers licence issued by the Council.

12. Complaints

The operator shall on receipt of a complaint concerning a private hire contract, or purported contract, relating to, or arising from their business, immediately notify the complainant of their right to forward their complaint to the Council.

An operator shall immediately investigate any complaint. The outcome of the complaint shall be notified within a reasonable time, to both the complainant and the Council.

13. Change of Address

The operator shall within 7 days disclose to the Council in writing, any change in their home address.

No operator shall commence operating from a new address without first consulting the Council as to the legal requirements of such a change of address.

The operator shall notify the Council of the sale of their business within 7 days of such an event taking place.

14. Convictions

The operator shall within 72 hours disclose to the Council in writing details of any criminal or motoring convictions (including any caution) imposed upon them, or if the operator is a company or partnership, upon any of the directors or partners, during the period of the licence.

15. Advertisements

No operator shall cause or permit any advertisement in respect of their business on their private hire vehicles used for that purpose the words "taxi" or "cab" in the singular or plural or hire unless the word "hire" forms part of the company name, or any word or similar meaning or appearance to any of these words, whether alone or as part of another word.

16. Licence Duration

Operator licences will run for one year or three years.

17. CCTV

Individuals or operators are permitted to install a CCTV camera in a licensed vehicle, in accordance with the appropriate legal framework, but they should first notify the Council in writing of their intention to do so.

SECTION 4

DRIVERS' LICENCE CONDITIONS

SHROPSHIRE COUNCIL
DRIVERS' LICENCE
CONDITIONS OF LICENCE

Requirements

1. The Council will issue a drivers' badge to all applicants which will permit licensed drivers to drive both hackney carriage and private hire vehicles, unless there is a specific request for a hackney carriage driver badge only.
2. Applicants must have held a full DVLA driving licence or any driving licence deemed to be acceptable under the provisions of the Road Traffic Act 1988 for at least 12 months. This includes European Union (EU) and European Economic Area (EEA) and Northern Irish licences as defined in the Road Traffic Act 1978.
3. All applicants holding driving licences issued by other than the DVLA should produce a certificate to show a driving record from the country of issue.
4. Applicants will be required to provide full details of convictions for any offences, criminal or motoring. Applicants are reminded that the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, lists hackney carriage and private hire drivers to be Regulated Occupations in this Act. The effect of this in relation to hackney carriage and private hire drivers is to render the Rehabilitation of Offenders Act 1974 inapplicable. In short, spent convictions can be taken into account when considering a person's suitability to hold a taxi/private hire/joint driver's licence. Checks will be made with the Disclosure and Barring Service (DBS) and the Driver and Vehicle Licensing Agency (DVLA).
5. A Certificate of Good Conduct will be required for applicants who have not been resident in the UK for the previous 5 years. The applicant would obtain this from the appropriate Embassy or Legation, and a translation will be required if it is not provided in English. In the event that an applicant is not able to obtain a Certificate of Good Conduct, they can submit a statutory declaration with regard to their conduct, which must be completed in the presence of a practising Solicitor.
6. Applicants, who have been disqualified from driving for any period, would not normally be considered for a driver licence until a period of 3 to 5 years has elapsed from the date that the driving licence has been reinstated. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public.
7. Legislation allows a Local Authority to satisfy itself that an applicant for a licence is physically fit. As drivers carry fare paying passengers/members of the public, this Authority will require a Group 2 medical examination carried out by any registered General Practitioner (GP). Further information on medicals is contained in the document accompanying the medical form to be completed by the GP.
8. All new applicants will be required to take and pass a knowledge test in English prior to obtaining a licence. The applicant is able to take the Knowledge Test up to a maximum of 3 times per application, subject to an additional re-test fee being paid for the second and third attempt. Where an applicant fails the knowledge test three times, the application will be refused, subject to a Manager who has responsibility for Licensing permitting a further test or tests where the circumstances are considered appropriate. Once an appointment has been

allocated the applicant is required to give 2 clear working days notice to cancel their appointment otherwise they will be required to pay for the appointment.

9. New applicants will also be required to take and pass a Driving Assessment or hold an advanced motorist qualification. The applicant is able to take the Driving Assessment up to a maximum of 3 times per application, subject to an additional re-test fee being paid for the second and third attempt. Where an applicant fails the Driving Assessment three times, the application will be refused, subject to a Manager who has responsibility for Licensing permitting a further assessment or assessments where the circumstances are considered appropriate.
- 10.

Conditions of Licence

1. Conduct

The driver shall:

- Be clean and respectable in their dress and person and behave in a civil and orderly manner.
- They shall take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by them.
- They shall not without the express permission of the hirer eat or drink in the vehicle. (Drivers would only be permitted to eat or drink in a vehicle when the vehicle is stationary.)
- At no time smoke or permit passengers to smoke in their vehicle as defined in The Smoke-Free (Exemptions and Vehicles) Regulations 2007.
- At no time cause or permit the sound emitted from any radio/sound recording equipment in the vehicle which they are driving to be an annoyance/nuisance to any person, whether inside or outside the vehicle.
- They shall when requested to do so by a passenger, convey a reasonable amount of luggage.
- They shall afford reasonable assistance in loading and unloading of any luggage.

2. Responsibilities of Driver

- Taximeters

Where taximeters are fitted to vehicles, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had an opportunity to examine the meter and has paid the fare (or credit has been given).

- Fare to be demanded

The driver shall not demand from the hirer a fare in excess of any fare previously agreed between the Operator and the hirer, or if the vehicle is fitted with a taximeter and no previous agreement as to the fare, the fare shown on the face of the taximeter.

- Identification plates

Drivers of licensed vehicles shall not wilfully or negligently cause or suffer any vehicle plate to be concealed from the public view whilst the vehicle is being used for hackney carriage or private hire purposes.

3. Licensed Vehicles

Only driver's who are licensed by the authority that licensed the vehicle are permitted to drive the licensed vehicle. The only exception to this is when the vehicle is having an MOT test and needs to be driven by the MOT examiner or it is being driven by a qualified mechanic for the purposes of a vehicle service, recovery or maintenance or otherwise permitted by statute.

4. Driver's Badge and Licence

- 4.1 Such badge must be produced to a Police Officer or an Officer of the Council for inspection on demand.
- 4.2 The badge must be worn by the driver at all times when driving the licensed vehicle and the badge must be clearly visible.
- 4.3 Under Section 48 of the Town and Police Clauses Act 1847, all drivers of vehicles licensed for hackney purposes of which they are not the Proprietor, shall before commencing driving that vehicle, deposit a drivers licence with the Proprietor for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.

5. Loss of Driver's Badge

Loss of a driver's badge must be reported immediately to the Council and the local Police. An incident number must be obtained from the Police and the number given to the Council. The driver must immediately obtain a new driver's badge from the Council for which a fee will be charged. If the original badge is then found, it must be returned to the Council.

6. Passengers

- 6.1 The driver shall not convey or permit to be conveyed in a licensed vehicle, a greater number of persons than prescribed in the vehicle licence. The driver of the licensed vehicle shall only be allowed to carry one person in the front of the vehicle beside the driver unless the vehicle has been specifically designed to carry more.

Seat Belts

- 6.2 Children under the age of twelve are not permitted to be carried in the front of the vehicle unless they are using the correct child seat or booster. In the event that a child under 12 is carried in the front of a licensed vehicle, the correct child restraint/seat must be used as per the seatbelt/child car seats law that came into effect on 18th September 2006. This applies to a child from their 3rd birthday up to 135 centimetres in height (or 12th birthday, whichever they reach first.)

7. Written Receipts

The driver shall, if required by the hirer of the vehicle, provide a written receipt for any fare paid.

8. Prompt Attendance

Drivers of licensed vehicles who shall have agreed or who have been hired to be in attendance with the vehicle at an appointed time and place, unless delayed/prevented by some sufficient cause, shall punctually attend at such appointed time and place.

9. Convictions – Written Notification Required

A licensed driver must disclose to the Council in writing if they receive any of the following:-

- Arrests
- Warnings
- Cautions
- Charges
- Convictions

10. Change of Address – Written Notification Required

A licensed driver must notify the Council, in writing, of any change of address within 7 days of such change. The driver must also amend the address on their DVLA driving licence and produce their driving licence showing the new address to the Council within 7 days of receipt from the DVLA. Both the paper and the plastic photo card licence must be produced.

- 10.1 Notification of a change of Operator is also required in writing to the Council within 7 days of such a change.

11. Return of Licence/Badge

A licensed driver shall on ceasing to be licensed as a driver, or when required to do so by an “Authorised Officer of the Council”, return his/her licence and badge to the Licensing Office of the Council on demand.

12. Vehicles permitted to be driven for Private Hire and Hackney

Only vehicles licensed by the Council are permitted to be used for Hackney and Private Hire Purposes.

14. Animals

Whilst on duty the driver shall not convey in a Hackney Carriage or Private Hire Vehicle any animals belonging to or in the custody of himself/herself or the proprietor or operator of the vehicle without prior permission of the Licensing Authority. Any animal belonging to or in the custody of any passenger may be carried at the driver's discretion. Assistance and guide dogs must be carried when requested unless the driver holds a medical exemption. Drivers must not impose a charge for carrying assistance dogs. Assistance dogs may be permitted to travel in the front of the vehicle.

15. Touting

A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not be calling out or otherwise importune any person to hire such vehicle and shall not make use of the services of any other person for this purpose.

16. Insurance

A licensed driver is expected to satisfy himself that any hackney carriage or private hire vehicle driven by him is licensed by the Council for that purpose and that there is in force in respect of the vehicle a suitable policy of insurance (to

include third party and public hire risks) and that he/she is authorised under that policy to drive the vehicle.

17. Condition of Vehicle

A licensed driver must not drive a licensed vehicle if he/she has reason to believe that the vehicle is in an unsafe, dangerous or illegal condition. He/she is advised to tell the Operator or Proprietor of the vehicle immediately of any defect arising in the vehicle whilst under his/her control. In the event that the vehicle is involved in an accident, the accident to be reported to both the Operator or Proprietor and the Council within the guidelines prescribed for reporting accidents for licensed vehicles.

18. Complaints

A licensed driver must advise passengers of their right to refer any complaint to the Council.

19. Medical Fitness

- 19.1 All drivers are required to undertake a medical examination to ensure their fitness to drive. The standards required are as laid down in the DVLA publication "At a Glance Guide to the Current Medical Standards of Fitness to Drive". The standard required is the "Group 2 Entitlement the DVLA medical standards guidance of fitness to drive". Copies of this document can be obtained from the Council's Licensing Section. No grandfather rights are given by the council in relation to medical matters.
- 19.2 Applicants would be screened for fitness before a licence is issued and at five-yearly intervals from age 45, or sooner if stipulated by the examining doctor.
- 19.3 Applicants over the age of 65 or who attain the age of 65 during a licensed period will be required to provide a medical certificate annually.
- 19.4 Medicals can be undertaken by any qualified and registered GP registered with the General Medical Council.
- 19.5 A licensed driver must notify the Council in writing within seven (7) days of any change of medical fitness.

20. Driving Assessment/Knowledge Test

All new applicants will be required to take and pass a knowledge test in English prior to obtaining a licence. The applicant is able to take the Knowledge Test up to a maximum of 3 times per application, subject to an additional re-test fee being paid for the second and third attempt. Where an applicant fails the knowledge test three times, the application will be refused, subject to a Manager who has responsibility for Licensing permitting a further test or tests where the circumstances are considered appropriate.

- 20.1 All new applicants will also be required to take and pass a Driving Assessment or hold an advanced motorist qualification. The applicant is able to take the Driving Assessment up to a maximum of 3 times per application, subject to an additional re-test fee being paid for the second and third attempt. Where an applicant fails the Driving Assessment three times, the application will be refused, subject to a Manager who has responsibility for Licensing permitting a further assessment or assessments where the circumstances are considered appropriate.

- 20.2 Existing licensed drivers will be required to satisfactorily complete a driving assessment at the discretion/request of the Licensing Officer.

21. Submitting an Application and Payment of Fees

- 21.1 Applications are required to be submitted to the Council complete with all supporting documentation and payment in full. If an application is received without all of the supporting documentation and payment the Licensing Service will not process the application until such a time as the additional information and payment has been received. In the event that an application for a licence is paid by cheque, the licence will not be valid until such time as the cheque has cleared. In the event that the cheque does not clear and the licence has been issued, the license will be null and void with immediate effect.

22. Renewal of a Hackney Carriage and Private Hire Drivers Licence - Renewal

- 22.1 Upon completion of a Hackney Carriage and Private Hire Drivers Licence Renewal Form it is the responsibility of the applicant to provide the Council with the Disclosure and Barring Service (DBS) Report within 7 days of the date of receipt. Failure to provide the DBS Report will result in the Drivers Licence being suspended or ultimately revoked.

SECTION 5

PRIVATE HIRE AND HACKNEY CARRIAGE LICENCE

GUIDANCE NOTES

SHROPSHIRE COUNCIL
PRIVATE HIRE AND HACKNEY CARRIAGE LICENCE
GUIDANCE NOTES

1. Introduction

This document is designed to assist the Hackney Carriage and Private Hire proprietors, operators and drivers and to put the Council's licensing requirements into context.

2. Legislative Framework

The operation of the Council's licensing service is in accordance with and in support of the following Council Policies:

- Equal Opportunities Policy
- Race Equality Scheme
- Better Regulation and Enforcement Policy
- Data Protection Policy

The licensing of all vehicles, drivers and operators will be in accordance with relevant legislation and licence conditions.

3. Conditions

The Council will adopt any reasonable conditions that it deems necessary and appropriate to ensure that Proprietors, Operators, Drivers and Vehicles comply with these aims and the legislation set down so that the public can travel in a safe, clean and comfortable manner.

4. Administration

The Council's aim is to provide a responsive service to the trade and members of the public at all times during normal office hours.

To assist drivers and operators, the Council will notify all operators and drivers at least 6 weeks before the expiry of a licence.

5. Operators

Operator licences will run for one year or three years.

The Council will require an Operators fee.

By way of satisfying the Local Authority that a person who does not hold a Hackney Carriage and Private Hire Drivers Licence is a fit and proper person to hold an Operators Licence the Licensing Authority will require an applicant to have a Disclosure and Barring Service (DBS) check.

Any premises that provide access to members of the public should be covered by public liability insurance. The operator must also obtain information as to any requirement for them to have employer's liability indemnity.

6. Drivers

The Council's policy is to issue a combined Hackney Carriage and Private Hire Driver's Licence. These licences will run for an initial probationary period of one year followed by a three yearly renewal.

Applicants must have held a full DVLA driving licence for at least 12 months. This includes European Union (EU) and European Economic Area (EEA) and Northern Irish licences as defined in the Road Traffic Act 1978.

All applicants holding driving licences issued by other than the DVLA should produce a certificate to show a driving record from the country of issue.

7. DBS / Certificate of Good Conduct

The Council will administer Disclosure and Barring Service (DBS) checks for drivers. DBS checks will be undertaken at every application.

A Certificate of Good Conduct will be required for applicants who have not been resident in the UK for the previous 5 years. The applicant should obtain this from the appropriate Embassy or Legation, and a translation will be required if it is not provided in English.

In the event that an applicant is not able to obtain a Certificate of Good Conduct, they can submit a statutory declaration with regard to their conduct, which must be completed in the presence of a practising Solicitor.

8. Disqualification / Relevance of Convictions

The overriding consideration is the protection of the public. Applications from individuals with a current conviction will be considered in line with **Annex A**.

9. Medical

To ensure consistency in relation to medical fitness to drive the Council must assess the balance when accepting such an amendment that on the one hand the safety of the public should mean that all drivers should have a set minimum standard of medical fitness; and on the other hand a Hackney Carriage driver or Private Hire Vehicle driver might have his/her licence revoked on medical grounds even though he/she has been driving safely for years with a medical condition which, because of this amendment, no longer meets the fitness standard.

10. References

To assist the Council in determining whether or not applicants for a licence are suitable, the Council will require two references from either professional or business sources on initial application.

In this respect, the Council will not accept a reference from a family member or the applicant's future employer.

11. Vehicles

The Council does not limit the number of Hackney Carriage or Private Hire Licences that it will issue.

12. Wheelchair Accessibility/Zones (Strategic Licensing Committee Decision 08 June 2011 to retain zones refers)

12.1 A hackney carriage vehicle would be restricted to working in one zone only. "zone" relates to the areas of Shropshire district boundaries prior to the formation of a Unitary Council, Zone 1: Former District of Bridgnorth Zone 2: Former District of North Shropshire Zone 3: Former Borough of Oswestry Zone 4: Former Borough of Shrewsbury & Atcham Zone 5: Former District of South Shropshire

12.2 All vehicles licensed for zone four would be wheelchair accessible.

13. Taximeters

- 13.3 Hackney Carriage Vehicles will require a tariff meter fitted and tested to ensure that the tariff complies with that agreed by the Council, before a licence is issued. Private Hire Vehicles will not require a meter.
- 13.2 When hired, a taximeter should be used for the whole of any journey.

14. Revocation or Suspension of Vehicle Licence

- 14.1 Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 states: Notwithstanding anything in the Act of 1847 or in this Part of this Act, Shropshire Council may suspend or revoke, or (on application therefore under section 40 of the Act of 1847 or section 48 of this Act, as the case may be) refuse to renew a vehicle licence on any of the following grounds –
- (a) that the Hackney Carriage or Private Hire Vehicle is unfit for use as a Hackney Carriage or Private Hire Vehicle;
 - (b) any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the operator or driver; or
 - (c) any other reasonable cause.
- 14.2 Where Shropshire Council suspend, revoke or refuse to renew any licence under this section they shall give to the proprietor of the vehicle notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew the licence within fourteen days of such suspension, revocation or refusal.
- 14.3 Any proprietor aggrieved by a decision of the council under this section may appeal to a Magistrates' Court.

15. Lost Property

All lost property should be handed by the Operator or Proprietor to the Police, regardless of value.

16. Appearance and General Behaviour

All licensed drivers will maintain a reasonable standard of appearance and will maintain a reasonable standard of behaviour in their dealings with other road users, the general public, other licensed Operators and drivers of hackney carriage and private hire vehicles. Licensed drivers will also co-operate with any reasonable request from an Authorised Officer of the Council or any Police Officer.

17. Residential Areas

All licensed drivers must show consideration when driving through a residential area. It is an offence to sound a horn whilst stationary or between the hours of 11.30 p.m. and 7 a.m. in a built up area – see Highway Code Road Vehicles (Construction and Use) Regulations 1986 – and licensed drivers must remember this when calling at residential properties to pick up passengers.

18. Decision Making

- 18.1 The Council is of a view that consultation with the trade and the community is vitally important. In order to deliver a transparent, accountable and efficient service the Council will keep an open dialogue with the trade. In particular the Council will meet with representatives at intervals upon request from the trade or alternatively when the Council deem it necessary to exchange views and information on changes to the service provision or legislation. (Other ad hoc meetings can be arranged as necessary).

It is the Council's policy to consult with the trade on all matters affecting the policy or conditions. This will follow the following procedures:

<i>Item</i>	<i>Refer to Taxi Forum</i>	<i>Consultation / notification in writing/email</i>	<i>Referral to Committee</i>
Discretionary changes to conditions or policy	Yes	Yes	Yes
A change in the law	No	Yes	Yes
Request for review	No	Yes	Yes

19. Reviews

Any licensed Driver or Operator may request a review of any condition or policy at any time.

20. Enforcement

Enforcement action will be undertaken in accordance with the Better Regulation and Enforcement Policy.

21. Hackney Carriage Fares

The Trade will be expected to apply for any change in the Hackney Carriage Fares to be charged. Any proposed changes will be notified to all Hackney Operators, referred to Committee and advertised in the local press before they are adopted.

22. LPG Converted Vehicles

- 22.1 Officers of the Council will need to be satisfied that any vehicle has been converted correctly prior to a licence being issued; checks will be made with the UKLPG Vehicle Register.
- 22.2 In the event that an LPG Conversion has been undertaken on a vehicle during a current licenced period the proprietor of that vehicle will be required to notify the Council within 7 days of the conversion and provide the LPG Conversion Certificate.

- 22.3 The proprietor is required to produce the vehicle for inspection upon request from the Council.

23. Stretched Limousines

The Council will license stretched limousines as private hire vehicles and subject to additional conditions detailed in [Appendix C](#)

DRIVERS' LICENCE

GUIDANCE RELATING TO THE RELEVANCE OF CONVICTIONS AND CAUTIONS

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INTRODUCTION TO THE GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS

1. The purpose of this document is to formulate guidelines which detail the Council's current stance on the relevance of convictions and cautions in respect of applications for the grant of new licences, and the renewal of existing hackney carriage and private hire vehicle driver's operators and proprietor's licences.
2. These guidelines have been produced to assist the regulatory committee in their decision-making and to maintain the consistency of the decisions made. They have also been formulated to provide clearer information to current and potential applicants, with a view to minimising cost and time spent by both Council and the applicant.
3. The aim of these guidelines is not to punish the applicant twice for a conviction or caution, but to ensure that public safety is not compromised.
4. The objective of the licensing regime is to ensure that, so far as possible, those licensed to drive hackney carriages and private hire vehicles are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault customers.
5. These guidelines will be taken into account when dealing with new applications as well as renewal applications for an existing private hire/hackney carriage driver's licence, private hire/hackney carriage vehicle licence, and a private hire operators licence, and also, when considering whether to suspend or revoke an existing licence.

EACH CASE IS TO BE DECIDED ON ITS OWN MERITS.

6. A person is not permitted to apply for a hackney carriage or private hire licence until they have held a driving licence for a minimum of 12 months.

Legislation

7. The Local Government (Miscellaneous Provisions) Act 1976 Section 51 deals with the issue of driver suitability:

“...Council shall not grant a licence to drive a (Private Hire/Hackney Carriage Vehicle) unless they are satisfied that the person is a **fit and proper person** to hold a driver's licence.”

8. Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 states:

...the district council may suspend or revoke or refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds.

- 1) That he has since the grant of the licence.

- i) Been convicted of an offence involving dishonesty
Indecency or violence.
- or
- ii) Been convicted of an offence under or has failed to comply
with the provisions of the Act of 1847 or of Part of this Act.
- or
- 2) Any other reasonable cause.

Therefore the wording of the legislation makes it clear that the Council may grant a licence ONLY if it is satisfied that the person is fit and proper - the onus is on the applicant to prove this, NOT the Council to demonstrate that they are not.

- 3) The Council is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the licensing authority or other licensing authorities, and information disclosed by the police under the Home Office scheme for reporting offences committed by notifiable occupations.
- 4) It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence. The licence will normally be refused.

Convictions

- 9. The committee is required to look at any past indicators (convictions, speeding offences etc.) that may affect a person's suitability to hold a hackney carriage/private hire drivers licence and consider the possible implications of granting such a licence.
- 10. As part of the licence conditions, the applicant is asked to disclose **all** convictions and cautions. Therefore **all** convictions must be disclosed, including spent convictions; the Rehabilitation of Offenders Act 1974 s 4, and Rehabilitation of Offenders Act (Exceptions) Order 2003.
- 11. In addition, applicants must disclose any recent cautions they have received or any pending matters.
- 12. If a licence has been granted to a person on the basis of false or incomplete information supplied by them the Committee may revoke the Licence and require the applicant to submit a further application which will be considered in the light of the full information now available to the Committee.
- 13. The disclosure of any conviction will not necessarily detain an applicant from being issued a licence. However, all convictions, spent or live, will be assessed.

14. All hackney carriage and private hire operators, proprietors and drivers must disclose in writing to the Council within 72 hours of conviction or caution imposed on him/her during the period of licence.
15. Cautions are included under the definition of convictions and they will also be taken into consideration when reviewing an application. Although these are generally not as serious as convictions, they can give some indication as to an applicant's character and whether they are a fit and proper person to hold or be granted such a licence.

Patterns

16. A series of offences over a period of time is more likely to give cause for concern than an isolated conviction. A serious view will be taken when applicants show a pattern of offences. If a pattern is found for any offences, for example, the applicant has received four convictions for a violent action, then serious consideration should be made as to the suitability of that person holding a licence.
17. The timescale within which any cautions have been issued could increase the severity of the offence, for example, for violent convictions within the space of a few years could portray the applicant as someone prone to violence.

Rehabilitation Periods

18. These guidelines have separated the various offences affecting such an application into 9 categories, each detailing the period of rehabilitation that must elapse for a particular offence within that category, before an applicant can be considered a fit and proper person to hold licence. After consideration from the committee, if a person does not satisfy these guidelines, then the application should be refused or the licence revoked or suspended until the applicant is able to satisfy them.
19. The Committee cannot hear evidence, or decide, that an applicant did not, in actual fact, commit an offence of which a Court has convicted them. The applicant can, however, explain any mitigating factors, which led to them committing the offence and the Committee, can take these into account in deciding whether the applicant is a fit and proper person to hold a licence.
20. If the applicant or holder of a licence has notified the Council of a conviction but is appealing against it to a higher court the matter may be referred to the Committee for a decision as to whether the licence / application should be suspended until such appeal is heard.

A "Fit and Proper Person"

21. There is no absolute definition as to what constitutes a "fit and proper person", however, considering the range of passengers that a driver may carry (for example, elderly people, unaccompanied children, the disabled, those who have had too much to drink, lone women and foreign visitors), the Council relies on good sound judgement. Some areas give rise to particular concern, including
 - Honesty and trustworthiness - taxi drivers often have knowledge that a customer is leaving a house empty; they have opportunities to defraud drunken, vulnerable or foreign people or to steal property left in cars, for

example, any passenger would expect to be charged the correct fare for a journey and then given the correct change, they would also expect a driver to hand in any article left by a passenger in a vehicle, and also to maintain confidentiality between driver and fare.

- Not abusive - taxi drivers are often subject to unpleasant or dishonest behaviour. The Council does not consider that this excuses any aggressive or abusive conduct on the part of the driver. A driver will not be expected to have any convictions or cautions for offences of a violent or threatening nature.
- A good and safe driver - those paying for a transport service rely on their driver to get them to their destination safely. They are professional drivers and should be fully aware of all Road Traffic legislation and conditions attached to the licence.
- They should be expected to have a good knowledge of the area that they are working in.
- Good physical and mental health.
- An ability to read, speak, write and understand English.

“Protecting the Public” Question

22. The over-riding consideration of the members of the Committee is to protect the travelling public; having considered and applied the appropriate guidelines, the following question should be applied:

“Would I allow my daughter or son, granddaughter or grandson, spouse, mother or father, or any other person I care for or any vulnerable person I know, to get into a vehicle with this person alone?”

23. If answer is yes, then a licence should normally be granted. If the Committee have any doubts, then an application must be refused until those doubts can be satisfied through further evidence being supplied. It is the applicant’s responsibility to provide sufficient evidence to this effect.

Compliance with Conditions and requirements of Licensing Authority

24. The Committee may take into account an applicant’s history while holding a licence, from this or any other authority. The Committee may take into account, in deciding whether a person is a fit and proper person to hold a licence such matters as their record of complaints, or positive comments from members of the public; their compliance with Licence conditions and their willingness to co-operate with Licensing Officers.

The Guidelines

25. To ensure the effective application of these guidelines, a glossary has been incorporated, which attempts to define the various phrases, offences and other terminology used here.

TRAFFIC OFFENCES – NEW APPLICANTS

This section refers to New Applicants only

26. Convictions for traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of an offence will be taken into account. In some cases it may be appropriate to issue a licence together with a strong warning as to future driving conduct. If a significant history of offences is disclosed, refusal of an application may result.
27. All the possible traffic offences have been separated into two categories, minor and major offences, depending on the seriousness of the offence. Below are the guidelines as to the rehabilitation period for a specific number of penalty points awarded for offences within that specific category.

Please note:

28. For guidance information on death by careless or dangerous driving, please refer to the **Violence** section.
29. For information on insurance guidelines, see **Insurance Offences**.
30. For guidance information on drinking and taking drugs whilst driving, see the relevant **Drunkenness** and **Drugs** sections.

Driving Offences

31. Any new applicant who has 9 current penalty points or more on his driving licence should expect their application to be heard at a hearing of the Council's Regulatory Committee. The Regulatory Committee then have the option of deciding the application on its merits, and may:
 - Issue the licence with or without a written warning
 - Issue the licence conditionally upon the applicant completing a Driver Correction Training Course at the driver's expense, within 2 months of their decision (if applicable).
 - Refuse the application.
32. A Licence may only be granted on the condition that the committee are satisfied that the applicant is a fit and proper person.
33. For any minor offences totalling 8 or fewer points on an applicant's licence, a licence may be granted by the Licensing Officer with a formal warning with regards to future conduct.
34. A licence may be granted on the condition that the committee are satisfied that the applicant is a fit and proper person.
35. If the applicant has been convicted of a major traffic offence within 2 years of the receipt of his application, then a licence should not be granted until the applicant has completed a period of 2 years free from conviction.

Medical Offences

36. If the applicant's driving licence has been revoked or refused on medical grounds by the DVLA within the last 5 years or the applicant has received a conviction for driving a vehicle after failing to notify a disability or made a false declaration about fitness and medical health, the application for a hackney carriage or private hire licence should be refused until medical proof of current fitness can be provided.
37. The onus is on the applicant to provide appropriate medical proof from their GP/consultant or authorised practitioner at their own expense, which is to be brought to the committee hearing. The committee should consider issuing a licence if they are satisfied that the report shows a clean bill of health, and that the applicant is a fit person to recommence driving and is deemed to be of no threat to the public.
38. If the committee have any doubts over the applicant's fitness, then the application should be adjourned or refused until further evidence can be produced by the applicant to contest this.

Cautions

39. If an applicant has received a caution for a traffic offence, given the nature of the offence and the profession of a taxi driver, the applicant may be given a warning as to the future conduct.

TRAFFIC OFFENCES – EXISTING LICENCE HOLDERS

This section applies to Existing Licence Holders only.

40. Private hire and hackney carriage drivers are professional drivers and must be aware of the safety of their passengers and the safety of their vehicles at **all** times. Any traffic offences show a lack of responsibility whilst driving either due to the maintenance and safety of their vehicles or in the manner of their driving.
41. Convictions for traffic offences should not prevent a person from proceeding with a renewal of their licence. However, the number, type and frequency of an offence will be taken into account. In some cases it may be appropriate to issue a licence together with a strong warning as to future driving requirements.
42. For guidance information on death by careless or dangerous driving, please refer to the **Violence** section.
43. For the information on Insurance guidelines, see **Insurance Offences**
44. For guidance information on drinking and taking drugs whilst driving, see the relevant **Drunkenness** and **Drugs** sections

Traffic Offences

45. (For a detailed list of offences that fall into this category, see Appendix D)
46. Any existing licence holder who has 9 current penalty points or more on his/her driving licence will be expected to go before a Regulatory Committee hearing to explain their convictions. The Regulatory Committee then have the option of deciding the application on its merits, and may
 - Take no further action
 - Give a written warning
 - Require the driver to attend a Driver Correction Training Course at the driver's expense, within 2 months of their decision (if applicable).
 - Suspend the Licence upon conditions or for a period of time
 - Revoke the licence.

Medical Offences

47. If the applicant's driving licence has been revoked or refused on medical grounds by the DVLA or the applicant has received an offence of driving a vehicle after failing to notify a disability or a false declaration about fitness and medical health, the application for renewal hackney carriage or private hire licence should be refused until medical proof of current fitness has been provided.
48. The onus is on the applicant to provide appropriate medical evidence from their GP / consultant or authorised medical practitioner at their own expense, which is to be brought to the committee hearing. The committee should consider issuing a licence if they are satisfied that the report shows that the applicant is a fit person to recommence driving and is deemed to be of no threat to the public.
49. If the committee have any doubts over the applicant's fitness, then the application should be refused until further evidence can be produced by the applicant to contest this.

Cautions

50. If an applicant has received a caution for a traffic offence, given the nature of the offence and the profession of a taxi driver, the applicant may be given a warning as to future conduct.

INSURANCE OFFENCES

51. The Council takes a serious view of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past should not necessarily bar an applicant from being issued a licence.
52. More than one conviction for these offences should raise serious doubts as to an applicant's suitability to hold a hackney carriage or private hire licence. In this instance, at least 3 years should elapse (after restoration of the DVLA driving licence) before an applicant, who has been disqualified from driving for insurance offences, is considered for a hackney carriage or private hire licence.

SEXUAL OFFENCES

53. As hackney carriage and private hire drivers often carry unaccompanied passengers, any new applicants with convictions, or cautions, for soliciting, importuning, indecent exposure, or any sexual offence, should expect their application to be heard at a hearing of the Regulatory Committee. New applicants will normally be refused a licence until they can show a substantial period (usually between 7 and 12 years) free from any conviction.
54. Any current licence holder, declaring a charge, conviction or caution for any sexual offence, will be expected to attend a hearing of the Regulatory Committee. Depending on the nature of the conviction, the Committee may:-
- A) Take no further action
 - B) Issue a written warning
 - C) Suspend the Licence
 - D) Revoke the licence
55. The following guidelines illustrate the council's stance on rehabilitation periods after an applicant has been convicted of a sexual/indecency offence.
56. A strict warning as to future conduct should be issued to any applicant who is granted a licence. **Any existing licence holder charged with or convicted of a sexual offence or issued with a formal caution whilst licensed with the authority, will be required to attend a hearing of the Regulatory Committee.**

57. The following offences are listed under this section together with their rehabilitation periods:

- **Rape** - Licence should be revoked / refused until a minimum period of 12 years after conviction has elapsed.
- **Indecent Assault** - Licence should be revoked/refused until a period of 12 years after conviction has elapsed.
- **Gross Indecency with a Female** - Licence should be revoked / refused until a period 12 years after conviction has elapsed.
- **Gross Indecency with a Male** - Licence should be revoked / refuse until a period of 12 years after conviction has elapsed.
- **Indecent Assault on a Child** - Licence should be revoked / refused until a period of 12 years after conviction has elapsed.
- **Assault By Penetration** – Licence should be revoked / until a period of 12 years after conviction has elapsed.

DRUNKENNESS

58. This section has been divided into two separate sections; drink driving with a motor vehicle and drunkenness without a motor vehicle. Both sections apply to new applicants as well as existing licence holders.

(a) With a Motor Vehicle

59. The Council views driving or being in charge of a vehicle whilst under the influence of alcohol as a serious offence.

The offences that apply to this section include:

- Driving or attempting to drive with alcohol above the limit
- In charge of a vehicle, driving or attempting to drive when unfit through drink
- Refusal to provide a specimen of breath or blood for analysis

New Applicants

60. Although an isolated incident will not necessarily debar an applicant, a single conviction for any drink driving offence will require a period of 1 year to elapse after the restoration of their DVLA licence, before being considered for a licence.

61. More than one incident should raise grave doubts as to future behaviour and the applicant's fitness to hold a licence. At least 2 years should elapse (after restoration of the DVLA licence) before an application is considered.

Existing Drivers

62. A driver found guilty of driving passengers for hire and reward whilst under the influence of drink or of refusing to provide a specimen of breath or blood for analysis.

63. Should expect to have his hackney carriage or private hire drivers licence revoked **IMMEDIATELY and a further application should not normally be considered until a period of 5 years has elapsed after restoration of the DVLA licence.**
64. If a driver's licence has been revoked by the DVLA for offences relating to drink driving, but not when driving for hire or reward then any application to renew a hackney carriage or private hire vehicle licence should not be considered until a period of 2 years has elapsed, (after restoration of their DVLA licence).

(b) Without a Motor Vehicle

65. An isolated conviction for drunkenness not associated with a motor vehicle will not necessarily result in an application being refused, however any new application or current licensee should expect to attend a hearing of the Regulatory Committee.
- One or 2 convictions for drunkenness not confined to a year should result in a warning as to future conduct.
 - 2 convictions within a year, a current licence should be suspended for a period of no more than 2 weeks, and a new application may be refused, or granted with a written warning.
 - 3 or more convictions, any current licence should be suspended for a period of no more than a month. Any new application should be refused until a period of 12 months free of convictions.

In both cases

66. More than one conviction of drunkenness or refusal to provide a specimen may indicate a medical problem and the applicant may be asked to submit to a medical examination by a medical practitioner nominated by the Council, before the application is entertained. If the results of the examination show the applicant to be an alcoholic, a period of 5 years should lapse after treatment is complete and the committee must agree that, that person is a fit and proper person to hold such a licence before a further application is considered.

DRUG OFFENCES

67. A serious view is taken of any drug related offence. An applicant with a conviction for a drug related offence (including the supply or trafficking of drugs) should be required to show a period of at least 3 years free of convictions before an application is entertained.
68. If the applicant was required to undergo detoxification treatment, a period of 5 years free from conviction after the end of treatment is required. More than one conviction for a drugs related offence should debar an applicant for 7 years at least. In both instances, before a further application is entertained, a specialist medical examination will be required with negative urine/blood screen for drugs or abuse.
69. Any new applicant that has served a custodial sentence for a period of 5 years or more for supplying controlled drugs, and has submitted their application within a period of 5 years from the date of release, should not be considered for a licence.

70. A hackney carriage or private hire driver found guilty of driving whilst under the influence of drugs, or convicted of any other drug-related offence should expect to have their licence revoked immediately. At least five years should elapse from conviction before a new application by that person will be considered.

VIOLENCE

71. As hackney carriage and private hire drivers maintain close contact with the public, any previous convictions for violence will be taken seriously.

(a) An application/licence will normally be refused for the following offences, and where the conviction is **less than 15 years** prior to the date of application:

- Murder
- Manslaughter
- Causing death by reckless driving, including:
 - Causing death by reckless driving when unfit through drugs:
 - Causing death by careless driving when unfit through drink
 - Causing death by careless driving with alcohol level above the limit
 - Causing death by careless driving then failing to supply a specimen for analysis
- Manslaughter or culpable homicide while driving a vehicle
- Causing death by dangerous driving

(b) An application/licence should be revoked or suspended where the applicant; has a conviction for one of the following offences and where the conviction is **less than 10 years** prior to the date of application:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated

(c) An application/licence should be revoked or suspended where the applicant has a conviction for one of the following offences **and** where the conviction is **less than 8 years** prior to the date of application:

- Grievous bodily harm with intent
- Grievous bodily harm
- Robbery
- Racially-motivated criminal damage
- Racially-motivated s.4 Public Order Act 1986 offence (fear or provocation of violence)
- Racially-motivated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Racially-motivated harassment
- Racially-motivated fear of violence

(d) An application/licence should be revoked or suspended where the applicant has a conviction for one of the following offences **and** where a conviction is **less than 5 years** prior to the date of application:

- Common assault
- Common assault which is racially-motivated
- Assault occasioning actual bodily harm
- Assault on the police
- Affray
- Riot
- Obstruction
- Possession of offensive weapon
- Possession of firearm
- Criminal damage
- Violent disorder
- Resisting arrest

More than one offence

72. The above guidelines are applicable to applicants who have been convicted of one offence.

73. If an applicant has been convicted of two or three violent offences, the licence should normally be revoked.

74. If an applicant has a history of violence (four or more convictions of any type of violence) their licence should normally be revoked. If it is a new application, the guidance is to refuse.

Possession of a Weapon

75. If an applicant has been convicted for possession of a weapon or any other weapon-related offence, then serious consideration must be made as to whether this person is fit and proper to hold such a licence.

76. If the applicant has been convicted of wielding or using a weapon at someone, then an application should normally be refused or a licence revoked.

DISHONESTY

77. Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public, for example, by demanding more than the legal fare or giving incorrect change. Overseas visitors can be confused by the change in currency and become “fair game” for an unscrupulous driver. Similarly, any customer can be defrauded by a driver taking them by any other than the shortest route or by them retaining any lost property left in their vehicle.

78. Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. For these reasons a serious view is taken at any convictions involving dishonesty.

An application will normally be expected to be free from convictions of the following offences between 3-5 years prior to the date of application:

- Theft
- Burglary
- Fraud
- Benefit fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception

COMPLAINTS AGAINST DRIVERS

79. Complaints are frequently made against hackney carriage and private hire drivers. Such complaints include refusal to assist a disabled passenger, use of abusive language or refusal to accept a fare. Such complaints should be considered first by the Licensing Officer for consideration as to the nature of the complaint being serious enough to be forwarded to the committee.
80. The committee should consider the history of all complaints made against the driver to assess any patterns. If a problem is inherent, then the Committee should consider whether the driver is fit and proper person to hold such a licence.

CONCLUSION

81. Any applicant having a previous or current conviction should not debar them from obtaining a hackney carriage or private hire licence. However, it is this Council's policy to consider the protection of the public by ensuring all licensed drivers are in good health, are safe and competent driver and are able to maintain their vehicles to an acceptable standard.
82. A man or woman who has committed an offence and who is made to wait for a rehabilitation period to lapse prior to their application being accepted, is more likely to value their licence and act accordingly.
83. Any applicant refused a driver's licence on the grounds that the committee is not satisfied he/she is a fit and proper person to hold such a licence, or who has had their licence suspended or had a condition attached with which they disagree has a right of appeal by way of written complaint, to the Magistrates' Court within 21 days of the notice of decision

GLOSSARY

<u>Appeal</u>	A means by which a Committee hearing decision can be reviewed by the Magistrates Court or the Crown Court. the decision of the Committee may be upheld or overturned.
<u>Committee</u>	Local Councillors gathered together to discuss the suitability of a person to hold a taxi related licence. Any reference to “Committee” will be classed as the Regulatory Committee for the purposes of Licensing.
<u>Conviction</u>	Judicially determining that someone is guilty of a crime.
<u>Fit and Proper Person</u>	A person who is of no threat to the general public, has a good character and is therefore deemed fit and able to hold a licence.
<u>Hackney Carriages</u>	A vehicle that can carry passengers for hire or reward, can be hailed a prospective passenger and can park on a rank to await the approach of passengers; a car available for public hire.
<u>Mitigating Circumstances</u>	The conditions surrounding a conviction. These conditions may alter the seriousness of a crime.
<u>Plying for Hire</u>	To actively invite or respond to a hail for a taxi with the intent to charge a specific fare for the service.
<u>Private Hire Vehicles</u>	A car which must be pre-booked with a private hire operator. This type of vehicle cannot stand in a rank or ply for hire.
<u>Proprietor</u>	The person in possession of a vehicle which is the subject of a hiring agreement or hire purchase agreement.
<u>Operator</u>	This is the business section, which in this country can cover anything from sole proprietor (not being just a driver or proprietor) up to the largest firm in the country, which runs 2,500 vehicles.
<u>Rehabilitation</u>	The period to which the standing authority feels a person has repented their crimes.
<u>Revoke</u>	To take back something for an indefinite period of time.
<u>Suspend</u>	To hold something away from its owner for a period of time.

Written Warning

A letter advising that although a conviction was not serious enough to have warranted the suspension or revocation of the licence, the offence committed as unacceptable and has caused concern among the the committee as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the consequences could be much more sever, possibly leading to the suspension of the licence.

Current

For DVLA convictions, current penalty points mean those that the DVLA consider not spent.

Trailer Guidance

Private Hire and Hackney Carriage vehicles licensed by the Council are permitted to tow trailers when undertaking the licensed activity providing that the following conditions are complied with at all times: -

1. The use of trailers is only permitted for vehicles of the multi-passenger type (more than 4 passenger seats) and on pre-arranged journeys where passenger's luggage cannot be safely accommodated within the vehicle.
2. The licensed towing vehicle's insurance must cover the towing of a trailer.
3. Trailers must not be left unattended anywhere on the highway.
4. The speed restrictions applicable to trailers must be observed at all times.
5. A spare wheel for the trailer and adequate tools to change a wheel must be carried at all times by a licensed vehicle whilst towing a trailer.
6. The towing of a trailer by a licensed vehicle shall only permit the conveyance of luggage and belongings owned by a passenger whilst the vehicle is hired by a passenger within the vehicle.
7. The tow bar must comply with the type approval regulations in respect of all tow bars fitted to cars after August 1998.
8. Drivers of vehicles towing trailers must ensure that they have the correct driving licence group to permit them to tow the relevant trailer, as per the DVLA guidance (info 30) Driving Licensing Requirements for Towing Trailers in Great Britain.
9. Trailers must be inspected at initial licensing and annually thereafter by a garage approved by the Council for that purpose.
10. An additional plate will be issued by the Council for each vehicle licensed to tow trailers and the relevant plate must be affixed to the rear of the trailer near the vehicle number plate.
11. Un-braked trailers shall be less than 750 KGs gross weight.
12. Trailers over 750 KGs gross weight shall be braked acting on at least two road wheels.
13. The towing vehicle must have a kerb weight of at least twice the gross weight of the trailer.
14. A suitable lid or other approved means of enclosure shall be fitted to secure the contents within the trailer when in use and to keep it watertight.
15. The maximum permissible length of the trailer shall be 7 metres including the drawbar and coupling.
16. The width of the trailer shall not be greater than the towing vehicle subject to no trailer being wider than 2.3 metres.
17. The maximum length for braked twin axle trailers is 5.54 metres.
18. The trailer must at all times comply with all Road Traffic legislation requirements, in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986.
19. The trailer shall not display any form of sign or advertisement not required or approved by the Council or Road Traffic legislation.

Stretched Limousine Guidance

For the purpose of licensing a limousine by the Council, a limousine is described as a luxurious vehicle that has been stretched by the insertion of an additional section not exceeding 3048 millimetres to extend the length of the vehicle. The vehicle shall be capable of carrying up to but not exceeding eight passengers.

This type of vehicle will be subject to all the private hire vehicle conditions detailed above and will also be required to produce a number of additional documents. The following documentation in original form or certified copies (not photocopies) shall be produced prior to licensing:

- Completed importation documentation – Single Vehicle Approval (SVA) or
- A qualified Vehicle Modifier certificate – (QVM). This is issued by the Coach Builder
- DVLA registration document (V5)
- Insurance documents covering Hire and Reward, Public Liability Insurance and where drivers other than the proprietor are used, Employer Liability Insurance
- Vehicles converted to run on LPG must produce an installation certificate from a LPGA approved UK vehicle conversion company
- Documentation to show the overall weight of the vehicle (as displayed on the vehicle.)

RELEVANCE OF PREVIOUS CONVICTIONS

MAJOR TRAFFIC OFFENCES

- AC10 Failing to stop after an accident
- AC20 Failing to give particulars or to report an accident within 24 hours
- AC30 Undefined accident offences

- BA10 Driving while disqualified by order of court
- BA20 Attempting to drive while disqualified by order of court

- CD10 Driving without due care and attention
- CD20 Driving without reasonable consideration for other road users
- CD30 Driving without due care and attention or without reasonable consideration for other road users
- CD40 Causing death through careless driving when unfit through drink
- CD50 Causing death by careless driving when unfit through drugs
- CD60 Causing death by careless driving with alcohol level above the limit
- CD70 Causing death by careless driving then failing to supply a specimen for analysis
- CU80 Using a mobile phone while driving a motor vehicle

- DD40 Dangerous driving
- DD60 Manslaughter or culpable homicide while driving a vehicle
- DD80 Causing death by dangerous driving

- DR10 Driving or attempting to drive with alcohol level above limit
- DR20 Driving or attempting to drive while unfit through drink
- DR30 Driving or attempting to drive then failing to supply a specimen for analysis
- DR40 In charge of a vehicle while alcohol level above limit
- DR50 In charge of a vehicle while unfit through drink
- DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
- DR70 Failing to provide specimen for breath test
- DR80 Driving or attempting to drive when unfit through drugs
- DR90 In charge of a vehicle when unfit through drugs

- IN 10 Using a vehicle uninsured against third party risks

- LC20 Driving otherwise than in accordance with a licence
- LC30 Driving after making a false declaration about fitness when applying for a licence
- LC40 Driving a vehicle having failed to notify a disability
- LC50 Driving after a licence has been revoked or refused on medical grounds

- MS50 Motor racing on the highway
- MS60 Offences not covered by other codes

- UT50 Aggravated taking of a vehicle

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12)

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. IN10 becomes IN16)

MINOR TRAFFIC OFFENCES

MS10 Leaving a vehicle in a dangerous position

MS20 Unlawful pillion riding

MS30 Play street Offences

MS40 Driving with uncorrected defective eyesight or refusing to submit to a test

MS70 Driving with uncorrected defective eyesight

MS80 Refusing to submit to an eyesight test

MS90 Failure to give information as to identity of driver, etc.

MW10 Contravention of Special Road Regulations (excluding speed limits)

PC10 Undefined contravention of Pedestrian Crossing Regulations

PC20 Contravention of Pedestrian Crossing Regulations with moving vehicle

PC30 Contravention of Pedestrian Crossing Regulations with stationary vehicle

TS10 Failing to comply with traffic light signals

TS20 Failing to comply with double white lines

TS30 Failing to comply with a "Stop" sign

TS40 Failing to comply with direction of a constable or traffic warden

TS50 Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)

TS60 Failing to comply with school crossing patrol sign

TS70 Undefined failure to comply with a traffic direction sign

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12)

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. PC10 becomes PC14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. PC10 becomes PC16)

CU10 Using vehicle with defective brakes

CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition

CU30 Using a vehicle with defective tyre(s)

CU40 Using a vehicle with defective steering

CU50 Causing or likely to cause danger by reason of load or passengers

SP10 Exceeding goods vehicle speed limit

- SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
- SP30 Exceeding statutory speed limit on a public road
- SP40 Exceeding passenger vehicle speed limit
- SP50 Exceeding speed limit on a motorway
- SP60 Undefined speed limit offence

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12)

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. CU10 becomes CU14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16)

Advertising on Hackney Carriages and Private Hire Vehicles.

Advertisements will not be permitted by Shropshire Council if, in Shropshire Council's reasonable opinion, the advertisement falls within any of the following categories.

- (a) The advertisement does not comply with the law or incites someone to break the law.
- (b) The advertisement does not comply with the British Code of Advertising, Sales Promotion and Direct Marketing.
- (c) The advertisement is likely to cause widespread or serious offence to members of the public on account of the nature of the product or service being advertised the wording or design of the advertisement or by way of inference.
- (d) The advertisement depicts men, women or children in a sexual manner or displays nude or semi-nude figures in an overtly sexual context.

For example, while the use of underdressed people in most underwear advertising may be seen as an appropriate context, gratuitous use of an overtly sexual nature will be unacceptable.

- (e) The advertisement depicts or refers to indecency or obscenity or uses obscene or distasteful language including that set out in a foreign language.
- (f) The advertisement relates to lap-dancing, 'gentlemen's clubs', escort agencies or massage parlours.
- (g) The advertisement depicts direct or immediate violence to anyone shown in the advertisement.
- (h) The advertisement condones or provokes anti-social behaviour.
- (i) The advertisement relates to films that have not been granted permission for public exhibition.
- (j) The advertisement contains images or messages, which relate to matters of public controversy and sensitivity.
- (k) The advertisement refers to or portrays (or gives the impression of portraying) a living person unless the written consent of that person is obtained and is produced to Shropshire Council.
- (l) The advertisement contains negative references to Shropshire Council's services or those services provided or regulated by other Local Authorities.
- (m) The advertisement relates to a political party or parties or a political cause.
- (n) In the case of digital media, the advertisement must not pose a health and safety risk as a result of flickering or other visual imagery.

