



**POLICY RELATING TO**  
**HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES**  
**DRAFT**

**1<sup>st</sup> April 2023**

## Taxi and Private Hire Vehicle Policy

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## Introduction

Taxi and PHVs are a vital form of public transport. They deliver a practical direct transport solution and provide an essential service to people living in rural communities where other forms of public transport may be insufficient, the night-time economy, passengers with disabilities and have an important role in facilitating social inclusion.

It is important that hackney carriage and private hire vehicles meet regulatory standards and are able to convey passengers safely and comfortably, ensuring that the customer experience is a positive one.

This policy and related procedures will advise applicants of the standards and requirements that must be met and guide the Council in the way it carries out its licensing functions. This policy will be reviewed every 5 years but may be subject to interim reviews should the need arise. This policy was approved by the Council's General Licensing Committee on 16<sup>th</sup> March 2023 and became effective on 1<sup>st</sup> April 2023.

However where updates are required due to changes in national legislation, statutory guidance or contact details the council reserves the right to amend this policy without consultation where it is necessary to ensure the policy reflects national legislation or statutory guidance.

### Application of the Policy:

Blaenau Gwent County Borough Council is the Licensing Authority under the Local Government (Miscellaneous Provisions) Act 1976 (as amended) and the Town Police Clauses Act 1847. It has the duty to carry out its licensing functions in respect of:-

- Hackney Carriage Vehicle Licences;
- Hackney Carriage Drivers Licences;
- Private Hire Vehicle Licences;
- Private Hire Drivers Licences;
- Private Hire Operator Licences.

This Policy will apply to the licence types listed above. Throughout this Policy any reference to the following general terms means:-

A **hackney carriage** is legally defined in the Town Police Clauses Act 1847 but, in general terms, may be described as a vehicle which can stand or ply for hire in a street which has been duly licensed by the Council. The licence number will be displayed on a plate, which will be fitted to the outside rear of the vehicle. A taxi may have more than 4 and up to 8 passenger seats and any vehicles that carry more than 8 passengers are public service vehicles, which are subject to separate licensing controls.

A hackney carriage licence is required under Section 37 of the Town Police Clauses Act 1847 and is subject to standard conditions. In consideration of Section 16 of the Transport Act 1985, this authority does not intend, at this stage, to restrict the number

of vehicles licensed as hackney carriages. However, all vehicles will be subject to appropriate standards of design specification and mechanical fitness.

**‘private hire vehicle’** means a motor vehicle constructed or adapted to seat fewer than eight passengers, other than a hackney carriage or public service vehicle which is provided for hire with the services of a driver for the purposes of carrying passengers, as in accordance with section 80 the Local Government (Miscellaneous Provisions) Act 1976.

A **private hire vehicle (stretched limousine)** is a vehicle constructed or adapted, by lengthening the wheelbase of a standard factory built vehicle, to seat fewer than nine passengers which is made available with a driver to the public for hire for the purpose of carrying passengers, other than a licensed taxi or a public service vehicle. An “American stretched limousine” is a stretched limousine imported from the USA and typically will have been manufactured originally by Lincoln (Ford), Cadillac or Chrysler. However other specialist manufacturers may be included.

A **private hire vehicle (novelty vehicle)** includes Fire Engines, Ambulances, Army Trucks and Hearses and any similar vehicles not being a limousine and carrying up to eight passengers.

All private hire vehicles must be operated through a private hire vehicle operator licensed by the Council. **‘Operate’** means, in the course of business, to make provision for the invitation or acceptance of bookings for a private hire vehicle. No person shall operate any vehicle as a private hire vehicle without holding a private hire vehicle operator’s licence. This is in addition to any requirement for a private hire vehicle licence and private hire vehicle driver’s licence.

**‘authorised officer’** means any officer of the Council authorised in writing

**‘the Council’** means the Blaenau Gwent County Borough Council.

**“the Licensing Committee”** means the General Licensing Committee

**‘licensee’** is the holder of a hackney carriage/private hire vehicle driver’s licence, a hackney carriage licence, a private hire vehicle licence or a private hire vehicle operator’s licence.

**‘driver’** means a the driver of a hackney carriage or private hire vehicle;

**‘driver’s licence’** means, in relation to a hackney carriage driver, a licence issued under section 46 of the Town Police Clauses Act 1847 and in relation to a private hire vehicle driver, a licence issued in accordance with section 51 of the Local Government (Miscellaneous Provisions) Act 1976.

**‘driver’s badge’** means, in relation to a hackney carriage driver, a badge issued under section 68 of the Town Police Clauses Act 1847 and in relation to a private hire vehicle driver, a licence issued in accordance with section 54 of the Local Government (Miscellaneous Provisions) Act 1976.

**‘vehicle’** means a hackney carriage or a private hire vehicle with less than 8 passenger seats.

**‘vehicle licence’** means, in relation to a hackney carriage, a licence issued under sections 37 to 45 of the Act of 1847 or, in relation to a private hire vehicle, a licence issued in accordance with section 48 of the Act of 1976.

**‘Council’s Approved Examiner’** means an authorised examiner approved and appointed by the Council.

**‘Proprietor’** means any interested party or parties named in the licence who is concerned in the keeping, employing or letting on hire of the hackney carriage.

**‘Licence disc’** and **‘licence plate’** mean the disc and plate issued by the Council for the purposes of identifying the vehicle as a licensed hackney carriage.

**"The Act of 1847"** means the Town Police Clauses Act 1847.

**"The Act of 1976 "** means the Local Government (Miscellaneous Provisions) Act 1976.

**"private hire vehicle"** means a vehicle in respect of which there is a licence in force under Section 48 of the Act.

**"hackney carriage"** means a vehicle in respect of which there is a licence in force under Section 37 of the Act 1847.

**"vehicle licence number"** means the number allocated by the Council to a licence granted for a private hire vehicle or a hackney carriage.

**‘operator’** means a person holding a licence to operate private hire vehicles issued pursuant to Section 55 of the Local Government (Miscellaneous Provisions) Act 1976 and is the person(s) who carries on the business of making provision for the invitation or acceptance of bookings for a private hire vehicle or hackney carriage;

**‘contract’** means the acceptance of a booking between the operator and the person making the booking;

**“employ”** means to use the services of, whether under a contract of service or a contract for services or otherwise, and employee, employer and employed shall be construed accordingly

All other words and phrases in these Conditions shall bear the meanings ascribed to them (if any) in the Act and the Act of 1847..

In undertaking its licensing function, the Licensing Authority will have regard to the following legislation:

- Town Police Clauses Act 1847
- Local Government (Miscellaneous Provisions) Act 1976,
- Transport Act 1985

- Environmental Protection Act 1990
- Health Act 2006
- The Smoke-free (Premises and Enforcement) Regulations
- The Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007
- The Equality Act 2010
- Taxis and PHV (Disabled Persons) Act 2022
- Crime and Disorder Act 1998
- Data Protection Act 2018
- Immigration Act 2016
- Human Rights Act 1998
- The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002
- Wellbeing of Future Generations (Wales) Act 2015

Consideration has been given to other relevant legislation and guidance, including:

- Guidance on the Rehabilitation of Offenders Act 1974 (March 2014)
- Disclosure and Barring Service (DBS)
- Guidance on Eligibility Regulators Code 2014
- The Department for Transport “Taxi and Private Hire Vehicle Licensing Best Practice Guidance” (March 2010)
- The Department for Transport “Statutory Taxi and Private Hire Standards” July 2020
- Welsh Government –“Taxi and private hire vehicles: Licensing Guidance” March 2021

## **Policy Aims & Objectives**

The overall aim of hackney carriage and private hire licensing is to protect the public and promote public safety.

This policy contains information and guidance to advise and assist applicants for hackney carriage and private hire vehicle licences and existing licence holders on the Council’s policies and procedures and the laws relating to such licences.

It is not intended to be an exhaustive or definitive statement of the law and all drivers should familiarise themselves with the provisions of the relevant Acts, including the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

In exercising its discretion in carrying out its functions, the Licensing Authority will have regard to this Policy and the objectives set out therein. Where it is necessary for the Licensing Authority to depart significantly from this Policy, clear and substantive reasons for doing so will be given.

This policy should be read and understood by all licensed drivers, vehicle proprietors and operators and those intending to become licensed. It explains how the above-mentioned legislation is interpreted by the Council.

Blaenau Gwent County Borough Council has a duty to protect the public through its licensing process, particularly children and vulnerable people. It also aims to ensure that the level of service provided by the hackney carriage and private hire vehicle trade is of a good standard. To allow these standards to be met, the Council may attach any conditions it may consider reasonably necessary and such conditions are included in this booklet.

The Council reserves the right to vary any conditions from time to time. Any person aggrieved by any of the conditions may appeal to a Magistrates' Court.

Taxi and PHV licensing is a devolved function in Wales. In the Welsh Government :“Taxi and private hire vehicles: Licensing Guidance”, Welsh Government has the following aim as part of their vision statement:

‘Our aim is to update Wales’s taxi and PHV licensing system to make it fit for a modern Wales. We want to create one consistent standard applied across Wales that promotes safety, contributes to a cleaner environment, improves the customer experience, and is accessible by all.

The Council agrees with this vision and will work towards the aim and the following four objectives:

- **Safety** – Operators, vehicles and drivers will be safe and suitable for licensing
- **Environment** – licensed vehicles should contribute to targets for a cleaner environment
- **Equality** – All passengers should have access to a suitable vehicle. Driver and operators should provide a service that fits customer needs
- **Customer Experience** – All customer should experience a good standard of taxi/PHV service.

In promoting these licensing aims and objectives, the Council will expect to see licence holders and applicants continuously demonstrate that they meet or exceed the standards set by the Council as set out in this policy.

### **Licensing process and delegation of functions**

The Council’s Constitution details who is responsible for making decisions on matters relating to taxi licensing.

The Council operates a scheme of delegation where certain powers are delegated to Authorised Officers and Elected Members who sit on the General Licensing Committee. A copy of the Constitution which contains the scheme of delegation is available on the Council’s website or upon request.

### **Departure from Policy**

In exercising its discretion in carrying out its functions, the Licensing Authority will have regard to this Policy and the objectives set out therein.

Where it is necessary for the Licensing Authority to depart significantly from this Policy, clear and substantive reasons for doing so will be given.

## **Licence Fees**

Licence fees will be set in order for the Licensing Authority to recover the costs associated with the administration, issue and enforcement of each licensing regime, so far as is permissible by statute.

The fees will be reviewed periodically, and any surplus or deficit will be taken into account the next time the fees are set.

The current licence fees are included in **Appendix 1**. The fees are subject to annual review and whilst this document will be updated accordingly, applicants and licence holders are advised to contact the Council's Licensing Team for up to date licence fees.

## **GENERAL INFORMATION**

### **Contacts**

All licence applications or enquiries must be made to the Licensing Section, Public Protection Service, Blaenau Gwent County Borough Council. Licensing staff are no longer office based and work agilely. However, the team does have a base at Anvil Court, Church Street, Abertillery, NP13 1DB and wherever possible, can be available at this office providing an appointment is made. You can still contact the team by telephone or email from 9am to 5pm, Monday to Friday.

Tel. No.: 01495 355485

E-Mail: [licensing@blaenau-gwent.gov.uk](mailto:licensing@blaenau-gwent.gov.uk)

### **Fees and Charges**

- Licence fees will be set in order for the Licensing Authority to recover the costs associated with the administration, issue and enforcement of each licensing regime, so far as is permissible by statute.
- All fees will be reviewed annually and increased if necessary
- A full list of fees is available on request and are available on the Council's website
- All fees and charges are normally payable in advance
- Cheques and postal orders must be made payable to Blaenau Gwent County Borough Council
- Refunds will not normally be given if a licence is issued

### **Determination of Applications**

Most applications are dealt with administratively by Licensing Officers and will be determined on their individual merits. However, some applications are referred to the Licensing Committee, depending on the circumstances of the application. The

Committee will make a decision based on the information supplied and applications may be refused as well as granted.

### **Licence Renewals**

A courtesy reminder letter will be sent to all licence holders before a licence expires. As the Council is not obliged to send reminders, it is the licensee's responsibility to ensure that applications are submitted and a licence issued before the expiry date, as there is no automatic period of grace. Any application received after the expiry date will be treated as a new application and trade must cease until a new licence has been issued.

### **Changes in Circumstances**

All licence holders are required to notify the Council's Licensing Team immediately of any changes in circumstances during the period of licence, for example, change of address, medical condition, convictions etc.

### **Enforcement**

The Licensing Team operates within an Enforcement Policy covering all aspects of its functions. Formal enforcement action, such as suspension or revocation of licences, is taken either by officers, under delegated powers, or by elected Members of the Licensing Committee.

### **Offences and Penalties**

The contravention of certain conditions may constitute an offence under various provisions of the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847 and the Road Traffic Act 1988. In addition, it is also an offence to obstruct an authorised officer or police constable in their duty.

### **Production of Licences**

All licence holders shall produce their licence at the request of any authorised officer of the Council or any Police Officer.

### **Loss of Licences**

Lost or stolen licences should be reported to the Licensing Section of the Council immediately. A fee may be payable for any replacement licence.

### **Appeals**

In most cases, if an application is refused or issued subject to conditions, or if a licence is suspended, revoked or refused on renewal, the applicant has the right to appeal to a Magistrates' Court, normally within 21 days from the date of notice of the decision.

### **Smoking**



It is illegal for anyone to smoke in a licensed hackney carriage or private hire vehicle. This includes times when there are no passengers in the vehicle. Further advice is available at [www.smokingbanwales.co.uk](http://www.smokingbanwales.co.uk). The use of electronic cigarettes and similar devices is also prohibited in licensed vehicles.

## **Suitability Policy**

### **1. General**

- 1.1 This policy provides guidance on the criteria on which Blaenau Gwent County Borough Council (hereinafter known as 'the Council') will base its decision to determine if applicants for hackney carriage and private hire licences, and existing licence holders, are fit and proper persons, in accordance with the Local Government (Miscellaneous Provisions) Act 1976. The council has adopted the Institute of Licensing's 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' and will consider this document alongside this policy. It also has regard to the Department for Transport Statutory Taxi and Private Hire Vehicle Standards.
- 1.2 The aim of the policy is to protect the safety of the public, particularly children and vulnerable people.
- 1.3 Each case will be determined on its individual merits.
- 1.4 On initial application, all applicants for hackney carriage/private hire vehicle driver's licences must obtain an enhanced criminal record check from the Disclosure and Barring Service (DBS). This will include checks of the adult and children barred lists. Any person who is identified on either list shall not obtain a licence unless in exceptional circumstances and these reasons will be recorded. The applicant must also consent to the release of information from the DVLA annually.
- 1.5 Applicants who have spent more than six or more continuous months outside the UK since their tenth birthday must provide evidence of a criminal record check from the country/countries visited covering the period that the applicant spent overseas. For EU Nationals and UK citizens, suitable checks should be available. For those countries for which checks are not available authenticated, translated and sealed by the Embassy or High Commission must be provided at the applicant's own expense. Overseas criminal record checks must have been obtained within six months prior to the licence application being submitted to the Council. The Council will require any Certificate of Good Conduct regardless of the age of the document.
- 1.6 Applicants for private hire vehicle operator's licences and hackney carriage and private hire vehicle licences will be required to produce a basic DBS.
- 1.7 If the applicant has obtained an enhanced criminal record check for any other reason and it is presented to the Council as part of a licence application, it will only be accepted if it is less than one month old.

- 1.8 All licence holders must sign up to the DBS Update Service to enable the Council to check their conviction history every six months. Where this is not possible, drivers must obtain a DBS at their own expense every six months.
- 1.9 The licensing authority recognises that licensed drivers should have more stringent medical standards than those applicable to normal car drivers because they carry members of the public who have expectations of a safe journey; they are on the road for longer hours than most car drivers; and they may have to assist disabled passengers and handle luggage. Therefore, all applicants for a hackney carriage/private hire driver's licence are required to meet the DVLA Group 2 medical standards of fitness to drive. Medical reports must be completed by their own doctor or a doctor in the same practice who has full access to their medical records
- 1.10 All new applicants for a hackney carriage/private hire vehicle driver's licence will be required to produce a medical on initial application. Follow up medical reports will be required at regular intervals – every five years from the age of 45 to 65 and every year after age 65 years. -If the applicant or licence holder presents a valid medical report, obtained for another reason, it will only be accepted if it is less than four months old. In exceptional circumstances, and only with prior agreement from the Council, a medical assessment may be carried by another registered GP practice as long as the full medical history has been viewed and assessed by that GP.
- 1.11 Formal cautions and fixed penalty notices will be given equal weight to convictions.
- 1.12 A person with convictions or cautions need not be permanently barred from obtaining a licence but should be expected to be conviction and/or caution free for between five and ten years, depending on the circumstances. The Council will consider the nature of the offence, how long ago it was committed, how old the applicant/licence holder was at the time, the penalty imposed and any pattern of offending.
- 1.13 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the Council to take into account all convictions recorded against an applicants for or holders of existing hackney carriage or private hire vehicle driver's licences whether they are spent or not. However, this exception does not apply to applicants for or holders of private hire vehicle operator's licences.
- 1.14 The Council will also consider the role of a taxi driver in relation to:-
- The potential for unsupervised access and responsibility for the carriage of persons under the age of 18;
  - The potential for unsupervised access and responsibility for the carriage of vulnerable persons and persons with disabilities;

- The unsupervised responsibility for the calculation of taxi fares, handling of customers' money and goods, including goods left in taxis at the end of a journey;
  - A working environment that may include dealing with aggressive, abusive or violent customers.
- 1.15 In this policy, the term 'disqualified' refers to the period served, to take into account the fact that courts may reduce periods of disqualification. The applicant or licence holder must be able to provide evidence, in advance, to prove that the courts agreed a reduction.
- 1.16 All licensees must notify the Council within 48 hours of an arrest and release, charge or conviction. Arrests or charges for any sexual offence, any offence involving dishonesty or violence and any motoring offence will result in a review of the licence. Further notifications must be made within 48 hours of any charge and conviction. Failure to do so may be seen as behaviour that questions honesty and the suitability of the licence holder, regardless of the outcome of the initial allegation.
- 1.17 In the case of existing licence holders, where offences have been committed during the licence period, or the licence holder fails to comply with the provisions of the Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act 1847, or for any other reasonable cause, the Council may suspend, revoke or refuse to renew a licence.
- 1.18 In some circumstances, it may be appropriate to refer a case to the Disclosure and Barring Service in accordance with the Safeguarding Vulnerable Groups Act 2006 and any decision to refuse or revoke a licence where it is considered the licence holder is a risk of harm to a child or a vulnerable person will be referred to the DBS.
- 1.19 Applicants must disclose if they hold or have held a hackney carriage and/or private hire vehicle driver's licence with any other licensing authority. They should also disclose if they have ever had an application refused or a licence suspended or revoked. This Council will use the National Anti-Fraud Network NR3 register to check for and update refusals, suspensions and revocations.

## **2. Determination and delegation**

- 2.1 The determination of new and renewal applications will normally be delegated to officers. However, where offences, cautions, etc. have been identified, officers will have the power to refer the matter to the Licensing Committee, at their discretion. The Committee may then exercise its powers to grant or refuse a licence. They may also decide to issue a written warning regarding future conduct.
- 2.2 Generally, in the case of applications where the only offences identified were committed more than 15 years prior to the application being submitted, the matter may not need to be referred to the Licensing Committee and officers

may determine the application. In addition, Officers will generally deal with applications containing “minor” driving offences totalling less than six points. However, where a pattern of repeat offending is identified, then the matter may be referred to the Committee.

- 2.3 Licensing officers may, at the discretion of the Public Protection Service Manager, decide not to refer an application to the Committee if the applicant has been convicted or cautioned for a relatively minor offence and has demonstrated a period of rehabilitation in excess of three years, prior to the date of application.
- 2.4 In the case of any conviction, which resulted in a custodial sentence, then the matter will automatically be referred to the Licensing Committee for determination.
- 2.5 Where an existing licence holder has been convicted of an offence, or has been cautioned, etc., during the period of their licence, or for any other reasonable cause he/she may be requested to attend a meeting of the Licensing Committee to be interviewed in connection with the matter. ‘Reasonable cause’ may include a breach of licence conditions. The Committee may then exercise its powers to suspend or revoke a licence.
- 2.6 In all cases, an applicant or licence holder will have the opportunity to be represented at the meeting. At the meeting, he/she will be given a copy of the information, which Members will consider to allow them to make a decision. In no circumstances will the Licensing Committee receive a copy of this information in advance. The applicant or licence holder will be allowed to address the Licensing Committee to make representations in support of the case.
- 2.7 The Licensing Committee will only consider a spent conviction if it appears to be relevant for deciding whether the applicant or licence holder is a fit and proper person to hold a licence and that justice cannot be done in the case, except by admitting or requiring evidence relating to that spent conviction.
- 2.8 In the case of renewal applications, where the Licensing Committee have already considered a conviction or caution, etc., on a previous occasion, it will not be considered again without reasonable cause.
- 2.9 In the case of new applications, where there have been no further convictions since the Licensing Committee considered convictions and granted a licence on a previous application, the new application will be approved and a licence issued by Licensing officers
- 2.10 If the Council has serious concerns about the fitness of a driver following allegations or complaints but before an investigation has been completed, in the interests of public safety, Section 61(2)(b) of the Local Government (Miscellaneous) Provisions Act 1976 allows for immediate suspension or revocation of a licence. Case law prevents the Council from suspending the

licence and later revoking the licence for the same matter (R app Singh v Cardiff City Council 2012).

- 2.11 If a decision is made to suspend the licence, there must be a mechanism in place to allow for the driver to be re-licensed or the suspension lifted if the investigation does not reveal sufficient evidence to justify the decision to suspend the licence. If a licence is revoked, it cannot be re-instated and a new application for a licence should be made and the Council should accept any pre-grant checks which have already been carried out for the previous licence.
- 2.12 All decisions made by Officers or the Licensing Committee will be notified to the applicant or licence holder in writing as soon as is reasonably practicable. A statement of the reasons for the decision will also be included.

### **3. Breach of Licence Conditions Penalty Point system**

- 3.1 Where a licence holder fails to comply with a request to provide information, eg. fails to produce motor insurance, registration document, or breaches a licence conditions, eg. fails to wear or carry his/her driver's badge, fails to notify of change of address, one penalty point will be issued. This penalty point will remain on the licence file for as long as the licence is valid and further failure to comply with the request could result in suspension and revocation of licence.
- 3.2 If a second penalty point is issued within a 12-month period, a letter of warning will be issued. If a further breach occurs during the same 12-month period, the licence holder will be interviewed by the Council's Licensing Committee, which may result in the licence being suspended or revoked.
- 3.3 When the total number of warning letters issued, for any reason, reaches two, during the period of a licence, the licence holder will be interviewed by the Licensing Committee to determine if the licence should be retained.
- 3.4 Where a licence holder obtains a conviction, he/she will be issued with two penalty points and be interviewed by the Licensing Committee, who will determine if the licence should be retained. These penalty points will remain on the licence file for as long as the licence is valid.
- 3.5 At the Licensing Officer's discretion, where a serious breach of licence conditions has been committed, the matter may be referred to the Licensing Committee.

### **4. Offences under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847**

- 4.1 A serious view will be taken of convictions under the above Acts when deciding whether an applicant or licence holder is a fit and proper person to hold a licence. In the case of a new application, the applicant will be interviewed by the Licensing Committee in connection with their application

and it is possible that the application will be refused. In the case of an offence being committed during the period of an existing licence, the licence holder will be interviewed by the Licensing Committee, as soon as possible following the conviction, which may result in the suspension or revocation of the licence.

## **5. Licences issued by other authorities**

- 5.1 Where an application for a licence has been referred to the Licensing Committee for determination, and the applicant already holds such a licence granted by another authority, the guidance in this policy shall take precedence over any decision of another authority.

## **6. Appeals**

- 6.1 Any person aggrieved by a decision of the Council to revoke, suspend or refuse to grant or renew a licence, or by any conditions attached to a licence, may appeal to the Gwent Magistrates' Court, The Law Courts, Faulkner Road, Newport, NP20 4PR within 21 days from the date of the notification, in writing, of the decision.

## **Hackney Carriage and Private Hire Driver Licences**

### **Licence requirements**

Any person who drives a hackney carriage or private hire vehicle must hold the appropriate licence.

Hackney carriage vehicle driver's licences are issued in accordance with section 46 of the Town Police Clauses Act 1847.

Private hire vehicle driver's licences are issued in accordance with section 51 of the Local Government (Miscellaneous Provisions) Act 1976.

Blaenau Gwent County Borough Council issues dual licences which means that anyone issued with a hackney carriage/private hire vehicle driver's licence can drive both types of vehicles in the their employment

Any reference to 'driver's licence' in this section will refer to a hackney carriage/private hire driver's licences. The Licensing Authority will issue a dual drivers licence to applicants that are considered to be 'fit and proper to hold a licence, and this will permit the driving of both hackney carriage and private hire vehicles.

### **Licence Duration**

Driver licences will be granted for a period of three years, however the Licensing Authority does have the discretion to issue a licence for a shorter duration when it is considered to be appropriate in the circumstances of the individual case, or at the request of the applicant.

## Application Process

The application procedure and guidance for obtaining a hackney carriage/private hire driver's licence is detailed in **Appendix 2**.

## Fitness and Propriety

The purpose of the following pre-requisites of licensing is to assist the Licensing Authority in determining whether an applicant/driver is a 'fit and proper' person to hold a licence, or to continue to hold a licence.

In the absence of a legal definition of 'fit and proper' the Licensing Authority will use the following test:

**Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?**

In order to further assist in understanding the interpretation of this definition, the Licensing Authority will be considering issues that assist them in determining whether or not applicants are safe drivers with a good driving records, are mentally and physically fit, are honest, and that they are persons who would not take advantage of their position to abuse, assault or defraud members of the public.

When assessing the fitness of an applicant to hold a driver licence, the Licensing Authority will consider the applicant's criminal history as a whole, together with all other relevant evidence, information and intelligence including their history (e.g. complaints and commendations from the public, compliance with licence conditions and willingness to co-operate with licensing officers) whilst holding a licence from the Licensing Authority or any other authority. Particular attention will be given to patterns of behaviour, irrespective of the time-scale over which they have occurred, both in terms of proven criminal offences and other behaviour/conduct that may indicate the safety and welfare of the public may be at risk from the applicant.

It must also be recognised that the Licensing Authority will consider all criminal history, behaviour and conduct irrespective of whether the specific history, behaviour or conduct occurred whilst applicants were directly engaged in hackney carriage or private hire licensed work at the time or whether they occurred during the applicants' own personal time. The Licensing Authority considers a person or individual who has a propensity to commit offences and/or demonstrate unacceptable conduct whilst not engaged in hackney carriage or private hire work to be equally as serious as offences and/or unacceptable conduct committed whilst engaged in hackney carriage or private hire work.

The Licensing Authority takes into account significantly that drivers may carry vulnerable members of the public such as elderly persons, unaccompanied children, disabled persons, lone women, foreign visitors and persons who are incapacitated from alcohol or other substances.

In order to assess the suitability of applicants and licence holders the licensing authority will have regard to the Institute of Licensing's 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' April 2018.

The guidance is detailed in **Appendix 3.**

### **DBS check**

In order to satisfy the authority that they are a 'fit and proper' person, all applicants for the role of hackney carriage or private hire vehicle (PHV) driver will undergo an Enhanced Disclosure and Barring Service (DBS) check, which includes a check of the children and adult barred lists. For licensed drivers this check will be repeated every six months.

Driver applicants will be required to subscribe to the DBS update service at first licensing or for existing licence holders when their next disclosure check is submitted. Licence holders must maintain their subscription for the duration of their licence. Any costs associated with maintaining this subscription must be met by the licence holder. The licence holder must give permission for the Licensing authority to undertake checks of their DBS status.

Should the DBS advise that new information is available the original DBS certificate should no longer be relied upon a new DBS certificate will be requested.

Licence holders that have failed to maintain their subscription to the DBS update service may have their licence suspended until such time a new DBS certificate has been provided and the licensing authority is satisfied that the licence holder continues to be 'fit and proper' to hold a licence.

Disclosure and Barring Service certificates will only be accepted if the disclosure is dated within one calendar month prior to the application, and made under the "Other Workforce- Taxi Driver" category. To assist in assessing the suitability of applicants and licence holders the licensing authority will have regard to the Institute of Licensing's '**Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades**' April 2018 (or any revised versions as applicable).

It should be noted that individuals that appear on either barred list will routinely have their application refused, unless there are exceptional circumstances in which the licensing authority considers that, on the balance of probabilities, the individual is 'fit and proper'.

### **Overseas criminal record check**

All applicants for a hackney carriage/private hire vehicle driver's licence that have spent six or more continuous months outside the United Kingdom since their tenth birthday the Licensing authority will need to see evidence of a criminal record check from the country or countries visited covering the period that the applicant was overseas.



The applicant will be required to cover any financial costs of such checks. For EU nationals (including UK citizens) suitable checks should be available. For those countries for which checks are not available, the Licensing authority will require a certificate of good conduct authenticated by the relevant embassy. The certificate must be authenticated, translated and sealed by the Embassy or High Commission. Information regarding certificates of good conduct or similar documents from a number of countries is available from: **GOV.UK Criminal records checks for overseas applicants**.

In the event that an applicant is not able to obtain a certificate of good conduct, they should not progress with their application and should contact the Licensing authority for further information.

Overseas criminal history checks must have been obtained within the six month period preceding the application.

The Licensing authority will require any Certificate of Good Conduct that the applicant may have regardless of the age of the document.

Certificates of Good Conduct which are in a language other than English will be required to be translated into English at the applicant's expense by an independent translation service and the translation must be verified.

### **Driving experience & Standards**

All applicants must have at least 12 months driving experience i.e. they must have held a full UK driving licence, a driving licence issued by a member state of the European Union or other "exchangeable licence" as defined in the Road Traffic Act 1988 for at least 12 months prior to the date of application.

At the time of application, all applicants must have held a UK driving licence for Category B vehicles for 12 months. Details on ways to convert a foreign driving licence to a UK driving licence can be found at: <https://www.gov.uk/exchange-foreign-driving-licence>

To ensure that applicant's driving standard is suitable, the Licensing Authority will undertake a check of the status of the applicant's DVLA driver's licence to view the applicant's driving history. This check will take place prior to first licence, prior to renewal of a driver's licence and at any time considered necessary by the Licensing Authority.

### **Medical checks**

The licensing authority recognises that licensed drivers should have more stringent medical standards than those applicable to normal car drivers because they carry members of the public who have expectations of a safe journey; they are on the road for longer hours than most car drivers; and they may have to assist disabled passengers and handle luggage. Therefore, all applicants for a hackney carriage/private hire driver's licence are required to meet the DVLA Group 2 medical

standards of fitness to drive. The medical must be carried out by the applicant's own general practitioner (GP) or another GP at the applicant's registered practice that has full access to their medical records.

With prior agreement from the Licensing authority, a medical assessment may be carried out by another registered GP practice as long as the applicant's full medical history has been viewed and assessed by that GP.

The licensing authority may direct any licence holder to supply satisfactory evidence in the form of a medical certificate, stating the licence holder meets the required Group 2 standards, should their medical fitness be called into question.

Any applicant for the grant or renewal of a licence who is unable to satisfy the licensing authority that they meet the required medical standard shall not have a licence granted to them, or the licence shall not be renewed, or shall be revoked.

The requirement for applicants/licensed drivers to complete a medical examination is as follows:

- Upon application, and then every five years between the ages of 45 and 65
- Every year when the driver is aged 65 years or over
- Or anytime as required by the licensing authority or the medical practitioner.

The medical form is valid for four months from the date the examining doctor, optician or optometrist signs it.

All licence holders are required to inform the licensing authority of any illness or condition that affects their ability to drive.

All costs associated with obtaining the relevant medical certificate are to be met by the applicant/licence holder.

### **Equality Act Duties and Exemption Policy**

The Equality Act 2010 places a number of legal duties on licensed drivers when transporting passengers with disabilities. This includes the carriage of assistance dogs and the carriage of wheelchair users whilst seated in their wheelchair in purposes built wheelchair accessible vehicles without additional charges.

Where drivers cannot themselves assist wheelchair users or have allergies relating to dogs, exemptions can be applied for from the Licensing Authority.

In addition to the Equality Act 2010, the Taxis and PHV (Disabled Persons) Act 2022 now allows all hackney carriage and private hire vehicles drivers to apply for an exemption, regardless of whether or not they are carrying wheelchair users in a wheelchair accessible vehicle.

In order to improve compliance with the requirements of the Equality Act 2010 and the Taxis and PHV (Disabled Persons) Act 2022, and to support drivers that have genuine medical conditions that prevent them from fully undertaking the duties under the Acts

described above, the Council has adopted the Taxi and private hire vehicles: Equality Act medical exemption policy detailed in **Appendix 4.**

### **Safeguarding training**

Hackney carriage and private hire drivers have an important responsibility in the safe transportation of fare paying passengers. Drivers are expected to act in a professional manner at all times and provide excellent customer service.

Licensed drivers can often be the eyes and ears of a community. Training can be important in assisting licensed drivers in recognizing when they carrying passengers at risk of abuse and exploitation.

All new applicants for a hackney carriage/private hire driver's licence must undertake safeguarding training. The training focuses on recognising what makes adults and children vulnerable, violence, sexual exploitation, county lines and human trafficking indicators. It includes examples of suspicious journeys as well as information on maintaining professional boundaries.

The training is carried out online by Torfaen Training.

### **Applicants who speak English as a second language**

The Licensing Authority welcomes applicants from all ethnic backgrounds. However, it is important that drivers can communicate with passengers effectively in the English language and have the ability to read and understand the statutory requirements placed upon them.

Where it is apparent during the application process that an applicant is unable to understand or communicate effectively in English the applicant will be required to undertake a Skills for Life English for Speakers of Other Languages Course (ESOL), or equivalent qualification at entry level 3, at their own cost, prior to proceeding with the application process.

### **Right to work check**

It is a requirement under the Immigration Act 2016 that prior to the grant of a licence, all applicants must demonstrate that they have the right to work in the UK.

Once this requirement has been satisfied, further proof will not be required unless the right to work is time restricted, in which case further proof will be required to demonstrate continued right to work.

The list of acceptable documents for right to a licence are detailed in **Appendix 5.**

Applicants that cannot successfully demonstrate the right to work in the UK will not be granted a licence.

Where the holder of a licence breaches immigration laws, this will be grounds to review, suspend or revoke a licence.

If immigration permission is cut short, the holder of the licence will be committing an offence if they do not return the hackney carriage driver, private hire driver or operator licence to the licensing authority, for which they may be fined.

## **Driver Conduct**

It is expected that all licensed drivers behave in a professional manner and provide a high quality service at all times.

The Driver Code of Conduct detailed in **Appendix 6** has been developed to outline the standards expected of licensed drivers and is an integral part of the 'fit and proper' assessment.

The Code also serves to advise potential passengers of the level of service they should expect when hiring a licensed vehicle.

## **Driver Dress Code**

It is recognised that the hackney carriage and private hire trade plays an important role in portraying a positive image of the area and drivers can be seen as key ambassadors for Wales.

Anything that serves to enhance the professional image of the trade, and promotes the concept that drivers of licensed vehicles are professional vocational drivers, is to be welcomed.

To ensure that not only are the above objectives are met but, also that driving is carried out safely, a Dress Code for licensed drivers has been set, which is detailed in **Appendix 7.**

## **Hackney Carriage Bylaws**

A copy of the Byelaws applicable to the driver and proprietors of hackney carriages is available on request.

## **Taxi Ranks**

Licensed hackney carriage/private hire vehicle drivers will be expected to follow the necessary protocol when plying for hire in any of the four taxi ranks in the borough and these rules are detailed in **Appendix 8.** The taxi ranks are located in Brynmawr, Abertillery, Ebbw Vale and Tredegar town centres.

## **National register for hackney carriage and private hire licence revocations and refusals (NR3)**

The licensing authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire Vehicle (PHV) licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official

authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence. Therefore:

- Where a hackney carriage/private hire vehicle driver's licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3
- All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application.

The information recorded on NR3 itself will be limited to:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken
- date of decision
- date decision effective

Information will be retained on NR3 for a period of 25 years.

This is a mandatory part of applying for being granted, a hackney carriage/private hire vehicle driver licence.

Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under NR3 are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer at [DataProtection@blaenu-gwent.gov.uk](mailto:DataProtection@blaenu-gwent.gov.uk). This includes submitting a subject access request.

You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website: <https://ico.org.uk/make-a-complaint/>

## **Hackney Carriage and Private Hire Vehicles**

### **Application process**

All applications will be determined on their own merits. The application procedure for obtaining a vehicle licence is detailed in **Appendix 9**.

### **Proprietor Fitness & Propriety**

Although vehicle proprietors may not have direct contact with passengers, it is important to ensure that they are considered to be 'fit and proper' to hold a licence, in order to ensure that vehicles are appropriately licensed so maintain the safety benefits of the licensing regime.

When assessing the fitness of an applicant to hold a vehicle licence, the Licensing Authority will consider the applicant's criminal history as a whole, together with all other relevant evidence, information and intelligence including their history (e.g. complaints and positive comments from the public, compliance with licence conditions and willingness to co-operate with licensing officers) whilst holding a licence from the Licensing Authority or any other authority. Particular attention will be given to patterns of behaviour, irrespective of the time-scale over which they have occurred, both in terms of proven criminal offences and other behaviour/conduct that may indicate the safety and welfare of the public may be at risk from the applicant.

It must also be recognised that the Licensing Authority will consider all criminal history, behaviour and conduct irrespective of whether the specific history, behaviour or conduct occurred whilst applicants were directly engaged in hackney carriage or private hire licensed work at the time or whether they occurred during the applicants' own personal time. The Licensing Authority considers a person or individual who has a propensity to commit offences and/or demonstrate unacceptable conduct whilst not engaged in hackney carriage or private hire work to be equally as serious as offences and/or unacceptable conduct committed whilst engaged in hackney carriage or private hire work.

To assist in assessing the suitability of applicants and licence holders the licensing authority will have regard to the Institute of Licensing's 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' April 2018. The guidance is detailed in **Appendix 3**.

### **DBS Check**

All applicants for a hackney carriage and private hire vehicle licence will be required to submit a basic disclosure from the DBS in order to satisfy the authority that they are a 'fit and proper' person. This checks will be repeated for vehicle licence holders annually. The cost of these checks will be covered by the applicant/licence holder.

Applicants who already hold a hackney carriage or private hire driver licence with this authority are not required to provide the basic disclosure as part of their application for a hackney carriage/private hire vehicle licence.

To assist in assessing the suitability of applicants and licence holders the licensing authority will have regard to the Institute of Licensing's 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' April 2018. The guidance is detailed in **Appendix 3**.

Driving offences will not normally be considered as part of the assessment for vehicle licence holders.

Information contained within an enhanced DBS check that would not be disclosed on a basic check will not be considered as part of the assessment for a vehicle licence.

### **Overseas Criminal Record Check**

All applicants for a hackney carriage or PHV driver's licence that have spent 6 or more continuous months outside the United Kingdom since their tenth birthday, the Licensing Authority will need to see evidence of a criminal record check from the country/countries visited covering the period that the applicant was overseas.

The applicant will be required to cover any financial costs of such checks.

For EU nationals (including UK citizens) suitable checks should be available. For those countries for which checks are not available, the Licensing Authority will require a certificate of good conduct authenticated by the relevant embassy. The certificate must be authenticated, translated and sealed by the Embassy or High Commission. Information regarding certificates of good conduct or similar documents from a number of countries is available from: <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

In the event that an applicant is not able to obtain a certificate of good conduct, you should not progress with your application and should contact the Licensing Authority for further information.

Overseas criminal history checks must have been obtained within the 6 month period preceding the application.

The Licensing Authority will require any Certificate of Good Conduct that the applicant may have regardless of the age of the document.

Certificates of Good Conduct which are in a language other than English will be required to be translated into English at the applicant's expense by an independent translation service and the translation must be verified.

### **General Vehicle Construction**

All vehicles to be considered for licensing must comply with:

- a. All aspects of the requirements of the Motor Vehicle (type Approval) Regulations 1980
- b. The Motor Vehicle (Type Approval) Regulations (Great Britain 1984)

c. The Motor Vehicles (EC Type Approval) Regulations 1998 and with any further national or international legislation as may be applicable.

d. The Road Vehicles (Construction and Use) Regulations 1986 (C & U)

e. All respects of British and European vehicle regulations and be 'type approved' to the requirements of the **M1 category** of European Community Whole Type Approval Directive 2007/46/EC as amended.

<http://www.dft.gov.uk/vca/vehicletype/index.asp>

f. In the absence of European Community Whole Type Approval, or if a vehicle has been modified in any way since manufacture, vehicles may be considered for licensing that have:

1. National Small Series Type Approval

<http://www.dft.gov.uk/vca/vehicletype/index.asp> or

2. Individual Vehicle Approval <http://www.dft.gov.uk/vca/vehicletype/index.asp>

### **Modifications/additional equipment**

No modifications to the vehicle or the fitting of additional equipment may take place without prior written consent from the licensing authority. A written application explaining the full nature of the modification or equipment must be accompanied by appropriate information and a confirmation from the vehicle's manufacturer that the modification/equipment will not compromise the vehicle's safety and specification.

### **Vehicle specification**

In order to ensure the safety and comfort of the travelling public, the licensing authority has set out a minimum specification for licensed vehicles that must be met before a vehicle can be licensed. The specification of hackney carriages is detailed in **Appendix 10**, and the specification for private hire vehicles is detailed in **Appendix 11**.

### **Vehicle Licence Conditions**

The licensing authority is empowered to impose such conditions as it considers reasonably necessary in relation to the grant of a hackney carriage or private hire vehicle licence.

The licence conditions in relation to hackney carriage vehicles are detailed in **Appendix 12** and private hire vehicle licence conditions are detailed in **Appendix 13**.

### **Intended Use Policy for Hackney Carriages**

Applicants for new and renewal hackney carriage licences will be expected to demonstrate a bona fide intention to operate predominantly within the administrative



area of Blaenau Gwent County Borough Council under the terms of the licence for which application is being made.

The purpose of this policy is to set out how the Council will deal with the licensing, renewal and transfer of hackney carriage vehicles following the High Court Judgement – Newcastle City Council v Berwick upon Tweed [2008] EWHC 2369 (Admin). The Council, when considering new applications for hackney carriage proprietors licences, will determine those applications in accordance with the principles contained within the judgement of the above case, as set out below in the reasons for the policy. The Intended Use policy is detailed at **Appendix 14**.

### **Licence Duration**

Normally vehicle licences will be granted for a period of one year.

### **Vehicle Age**

All vehicles licensed by the Council as a hackney carriage or private hire must be first registered in the U.K., not more than five years before the date of commencement of the licence, except London-type taxi cabs, prestige vehicles, limousines and novelty vehicles, which will be licensed at the discretion of the Council.

Vehicles licences renewed after the vehicle is more than ten years old from the date of first registration, will be subject to an additional examination after six months and re-licensed at the discretion of the Council.

### **Vehicle Emissions**

When checking emissions from hackney carriages and private hire vehicles, the Council's vehicle examiner complies with the standards set out in the MOT Inspection Manual and testing equipment is calibrated as such. The standards, which differ from vehicle to vehicle, are set out in the "In Service Exhaust Emission Standards for Road Vehicles" see link below

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/676700/in-service-exhaust-emission-standards-for-road-vehicles-19th-edition.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/676700/in-service-exhaust-emission-standards-for-road-vehicles-19th-edition.pdf)

### **Vehicle Testing and Frequency**

All vehicles presented to the Council will be tested by the Council's Approved Vehicle Examiner, currently the Council's in-house vehicle maintenance department at Barleyfields Industrial Estate, Brynmawr, NP23 \*\*\*, to determine if the vehicle is suitable and roadworthy to allow a licence to be issued.

Renewal of licence tests will be carried out annually until the vehicle reaches ten years old, when an examination will be carried out every six months.

Vehicles may be subject to random spot check inspections at any time, which may require a full examination by the vehicle maintenance department, or a visual

inspection by the Council's licensing enforcement officer. The inspections may be carried out on one of the four taxi ranks with the borough or at the vehicle maintenance garage at Barleyfields.

Vehicles may also be inspected by a Police Officer at any time. This may be as a result of a stop/search exercise or multi-agency partnership working between the Police, Council and any other authorised agency.

## **Insurance**

Certificates of insurance are required in accordance with the following requirements:

- The vehicle must have a valid certificate of insurance for public hire and reward in respect of taxis, and private hire and reward in respect of private hire vehicles.
- Certificates of insurance or cover notes issued to cover "any vehicle" or "any driver" must be accompanied by a schedule showing all the vehicles and drivers covered by the insurance as detailed in the certificate of insurance.
- Where an insurance cover note is provided a full certificate of insurance must be produced to the licensing authority at the earliest opportunity.
- With respect to a licensed vehicle, in the event that a proprietor fails to present to the Council a valid certificate of insurance as required (unless delayed or prevented by sufficient cause accepted and agreed by the licensing authority), the licensing authority may suspend the licence and require the proprietor of that hackney carriage to return all the plates to the licensing authority subject to any appeal period.

## **V5 Registration Certificate**

The licensing authority accepts that a full V5 registration certificate in the new owner's name is not always available upon first licence; however, the V5/2 green section of the V5 form and proof of purchase must be produced. Where possible a full copy of the previous owners V5 registration certificate should be obtained and submitted alongside the V5/2 green section.

A full V5 registration certificate and proof of purchase must be produced upon transfer of a vehicle licence. Where possible a full copy of the previous owners V5 registration certificate should be obtained and submitted alongside the V5 green section.

Where the green section has been produced on first licensing the vehicle, a full V5 registration certificate in the new owner's name must be produced to the Council within 7 calendar days of the ~~form~~ V5 being received by the owner of the vehicle.

## Accident Reporting

In accordance with Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976, any accident to a hackney carriage or private hire vehicle causing damage materially affecting:

- (i) the safety, performance or appearance of the vehicle, or
- (ii) the comfort or convenience of the passengers,

must be reported to the licensing authority as soon as reasonably practicable, and in any case within seventy-two (72) hours of the occurrence thereof.

Following an accident or damage to a licensed vehicle, if it is the intention of the owner or operator to continue licensed use, the vehicle must immediately be inspected by the licensing authority's nominated testing facility to determine its fitness for continued use. It is the responsibility of the licence holder to notify the licensing authority that this requirement has been satisfied. If the licensing authority's nominated testing facility determines that the vehicle is fit for continued use, the time-scale for cosmetic repairs must be agreed with an authorised Officer of the licensing authority.

The licensing authority may suspend the use of a licensed vehicle until it is suitably repaired and conforms to the licensing authority's testing requirements.

A licensed vehicle which has suffered major accident damage or requires substantial mechanical repair may be temporarily replaced by a hire vehicle, provided:

- (i) the damage to, or defect in, the vehicle has been reported to the licensing authority,
- (ii) an application is made in the prescribed manner for a temporary vehicle licence,
- (iii) the replacement vehicle meets the requirements of this Policy and is suitable to be used for hire purposes.

## Fares

The Licensing Authority sets the maximum rate of fares that can be charged by for hackney carriage journeys that take place within the local authority area. The current table of fares is detailed in **Appendix 15**. A copy must be displayed in each vehicle. The fares are reviewed periodically and this policy will be updated accordingly but applicants and licence holders are advised to contact the Council's Licensing Team for the most up to date version.

It is an offence to charge more than the metered fare for journeys that start and end in the local authority area. A lesser fee than the metered fare may be charged, but never more than.

Drivers undertaking journeys that start or end outside the local authority boundary may agree a fare with the passenger prior to the commencement of the journey or may choose to use the taximeter.

The Licensing Authority will periodically review the table of fares. Any amendments will be subject to a public consultation process.

Representatives of the hackney carriage trade may make an application to the Licensing Authority for consideration of an amendment to the table of fares.

The local authority is not able to set fares for private hire vehicles. Best practice is to agree the fare prior to the commencement of the journey with the Private Hire Operator.

Drivers must, if requested by the passenger, provide written receipts for all fares paid. A receipt which must include the following information: -

- fare displayed and calculated by the meter together with other approved charges in accordance with the fare chart
- Licence number of the vehicle

It is not necessary to produce a physical receipt. It is accepted that where technology is able to many passengers are happy for a receipt to be sent via text or email. However, the means to be able to print a receipt should always be available.

## **Taximeters**

'Taximeter' has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976, being:

'...any device for calculating the fare to be charged in respect of any journey in a hackney carriage or private hire vehicle by reference to the distance travelled or time elapsed since the start of the journey, or a combination of both;'

Taximeters **must** be fitted to all taxis, and **may** be fitted to private hire vehicles.

Where a taximeters is fitted, it must be:

- Fully compliant with the Measuring Instruments (Taximeters) Regulations 2006, and be certified by a notified body in accordance with the Measuring Instruments Directive (MID) (2004/22/EC), in particular Annex 007;
- In the case of taxis, fitted with a device, the use/action of which will bring the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter and such a device must be capable of being locked in a position such that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;

- In the case of taxis, calibrated against an appropriate standard to ensure the tariff charged does not exceed the maximum fares determined by the licensing authority;
- Calendar controlled;
- Fixed to the vehicle with appropriate seals/appliances to prevent any person from tampering with the meter except by breaking, damaging, or permanently displacing the seals/appliances;
- Have the word 'FARE' printed on the face of the meter in plain letters so as clearly to apply to the fare recorded thereon; and
- Supported by a certificate/report of compliance issued by a taximeter installed approved by the local authority (the licensing authority will only accept a certificate that has been issued within the previous 10 working days).
- With respect to a taxi, in the event that a proprietor fails to present to the licensing authority a valid certificate/report of compliance (unless delayed or prevented by sufficient cause accepted and agreed by the licensing authority), the licensing authority may suspend the licence and require the proprietor of that taxi to return all the plates to the licensing authority subject to any appeal period

### **GPS meters/management & dispatch systems**

GPS 'meters' utilize global positioning systems (GPS) rather than 'pulse' method used by standard taximeters to calculate distance. GPS meters do not currently comply with Measuring Instruments Directive (MID) (2004/22/EC) on taximeters, as such they cannot be used as alternative to a traditional pulse taximeters in licensed taxis.

The use of GPS meters, and dispatch/management systems is permitted in taxis and private hire vehicles, however in taxis it must not replace the approved taximeter and must not obstruct or distract from the display of the taximeter. It must be clear to passengers that the fare they are paying is displayed on the approved taximeter. In order to avoid any confusion to passengers, any fare displayed on the GPS system must be hidden from the passenger's view.

Any GPS system must be installed in accordance with the manufacturer's instructions.

### **Closed Circuit Television Cameras (CCTV) and Video Point of Impact Systems (VPIS)**

Security for drivers and passengers is of paramount importance and internal vehicle CCTV cameras can be a valuable deterrent.

This licensing authority has not mandated the use of CCTV in licensed vehicles, however can recognise the benefits to both driver and passengers. Future

consultation on the mandatory use of CCTV may be considered, but in the meantime the licensing authority will permit the use of CCTV systems on a voluntary basis.

The licensing authority also allows the use of VPIS systems in hackney carriage and private hire vehicles.

Proprietors deciding to fit CCTV and/or VPI systems in their vehicles are advised to follow the guidance in **Appendix 16**.

### **Lost Property**

The driver of the vehicle must carefully check the vehicle after the termination of each hiring, or as soon as practicable thereafter, for any personal belongings left in the vehicle.

Within 48 hours of finding lost property, the driver must hand the item(s) to the Council's Licensing Team at an agreed time, date and location.

### **Livery & Signage**

It is essential that the public should be able to identify and understand the difference between a hackney carriage and private hire vehicle.

Hackney carriage and private hire vehicles are required to display the external licence plate, securely fixed to the rear of the vehicle. No temporary fixing is allowed.

Hackney carriage vehicles must be fitted with a roof sign bearing the word 'TAXI', which must be illuminated at all times when the vehicle is available for hire.

Private hire vehicles are not permitted to display roof mounted signs.

### **Advertising**

No signs or advertising may be displayed on licensed vehicles without prior written consent from the licensing authority other than the name of the taxi company and contact details.

All advertisements shall conform with the requirements of the Advertising Standards Council in all matters relating to good taste, both in content and appearance and shall not relate to matters concerning tobacco, gambling, alcohol, politics, religion, matters of a sexual nature, or any other content likely to cause offence.

### **Card Payments**

Licensed vehicles may be fitted with a council approved credit and debit card payment device. The device must have the facility to produce a printed receipt.

Where a vehicle is fitted with a card payment device two, double-sided signs must be displayed, either specifying card company logos or a bilingual (English & Welsh) sign

stating 'This licensed vehicle now accepts credit and debit card payments including contactless'

The sign must be positioned internally at the top of both passenger windows.

Should a problem occur with a card payment, the driver should follow this advice:

- Ask the passenger to try the payment card again
- If the issue persists, ask the passenger if they have an alternative card or cash
- Offer to take the passenger to the nearest ATM (cashpoint)
- If the passenger refuses to pay the fare, consider contacting the police.

Drivers should check that their card payment is working before they start work, including ensuring it is capable of printing receipts.

### **Accessibility**

Designated wheelchair accessible vehicles (WAVs) must be able to facilitate the carriage of disabled persons and accommodate a disabled person in a 'reference' wheelchair\* in the passenger compartment.

\*A reference wheelchair is defined in Schedule 1 of the Public Services Vehicles Accessibility Regulations 2000;

<http://www.legislation.gov.uk/ukxi/2000/1970/schedule/1/made>

Section 167 of the Equality Act 2010 permits Local Authorities to maintain a designated list of wheelchair accessible vehicles. This licensing authority has taken the decision to maintain such a list. Which is published on the licensing authority's website at:

<https://www.blaenau-gwent.gov.uk/en/business/licences-permits/taxi-licences/wheelchair-accessible-vehicles/>

Proprietors have a responsibility to ensure that any licensed driver who drives one of their wheelchair accessible vehicles is made aware of their duties in respect of carrying disabled persons in wheelchairs when driving a licensed wheelchair accessible vehicle.

The proprietor of a licensed wheelchair accessible vehicle must demonstrate to every driver of the vehicle how to assist a passenger in a wheelchair into and out of the vehicle and correctly secure the wheelchair in the vehicle. This will include showing the driver how to deploy the ramp(s) and how to use and adjust the restraints. The proprietor must keep a record of this demonstration and include the following:

- a. The date of the demonstration
- b. The name and licence number of the driver

- c. A signed and dated acknowledgment by the driver that the demonstrating has taken place and he/she clearly understands how to transport a passenger in a wheelchair into the vehicle

The proprietor must retain this record for as long as the driver is using the vehicle. If the driver rents the vehicle again in future the proprietor must repeat the demonstration and record.

In the case that the proprietor is also the licensed driver of the vehicle, the proprietor shall record a signed acknowledgement to certify that he/she can perform the vehicle manufacturer's instructions on how to safely transport a wheelchair passenger into and out of the vehicle and how to secure the wheelchair.

### **Executive Hire (Private Hire Only)**

Vehicles used solely for executive hire may be exempt a number of standard conditions such as displaying livery and external licence plate.

A vehicle will only be considered for the exemption if undertaking executive service for corporate or business contracts. Proms/race days and corporate airport runs would not be deemed as an executive use and therefore subject to standard private hire vehicle conditions.

The type of work considered to be 'executive hire' includes, but is not restricted to:

- Exclusive business to business contracts, i.e. to transport employees and clients on business related journeys under a written contract to a company or person
- Bookings for certain clients (for example politicians and celebrities) who, for security or personal safety reasons, would not want the vehicle to be identifiable as a private hire vehicle.

The vehicle interior and exterior shall be of the very highest quality in design and use of materials available and in exceptional condition. The trim of vehicles to be considered 'executive' must be the highest specification of a particular type of vehicle. Relevant considerations as to whether a vehicle meets an executive standard include, but are not limited to, cost, reputation, specification, appearance, perception, superior comfort levels and seating specification, e.g. whether the vehicle offers additional space per passenger compared to standard vehicles.

Any proprietor wishing to licence a vehicle for executive hire must apply to the licensing authority providing written confirmation from their private hire operator that the vehicle will only be used for executive hire.

A written notice from the licensing authority which states which vehicle licence conditions are exempt must be carried in the vehicle at all times.

Vehicles licensed for executive hire are required to be driven by a licensed private hire driver.



## **Novelty/Special Event Private Hire Vehicles Including Limousines**

Novelty private hire vehicles are licensed in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976. Novelty private hire vehicles must not have the appearance of a hackney carriage vehicle and must be designed to carry 8 passengers or less.

Proprietors wishing to licence limousines should have regard to VOSA's 'Guidance for Operators of Stretch Limousines' (2011)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/147836/Guidance\\_for\\_Operators\\_of\\_Stretch\\_Limousines\\_\\_2\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/147836/Guidance_for_Operators_of_Stretch_Limousines__2_.pdf)

Novelty vehicles such as vintage cars, decommissioned fire engines and motorised rickshaws may also be considered for private hire use. The specification and conditions relating to such vehicles are detailed in **Appendix 17**.

### **Additional provisions for Hackney Carriages only:**

#### **Quantity Restrictions**

Licensing authorities have the power to limit the number of hackney carriage vehicle licences it issues, provided they are satisfied that there is no significant unmet demand for hackney carriage service.

In order to assess the level of unmet demand in the area, licensing authorities should commission an independent survey. In line with the Department for Transport's Best Practice Guidance (<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance>) where quantity restrictions are in place, surveys should be repeated at least every 3 years.

Legislation does not currently allow licensing authorities to impose quantity restrictions on private hire vehicle licences.

Blaenau Gwent Council does not currently limit the number of hackney carriage licences it issues..

#### **Taxi Ranks (legally referred to as hackney carriage stands)**

It is not a mandatory requirement that the local authority provide ranks for the hackney carriage trade. Where ranks are provided, the use and location of these ranks will periodically be reviewed by the local authority.

Any amendments to existing ranks or the addition of new ranks will be subject to consultation. Comments and suggestions with regards to the location of new ranks are welcomed.

Taxi ranks are provided for hackney carriages only. Private hire vehicles are not permitted to wait, pick up or drop off at designated taxis ranks.

## **Private Hire Vehicle Operators**

### **Application Process**

All applications will be determined on their own merits. The conditions of application are detailed in **Appendix 18**.

### **Licence Duration**

Operator's licences will be granted for a period of 5 years, however the licensing authority does have the discretion to issue licences of a shorter duration, if it considers this to be appropriate in the circumstances of the case.

### **Responsibilities and Fitness/Propriety of the Operator**

The operator is responsible for all persons (and vehicles) that are employed, contracted or otherwise used in the course of their business. To that end, the operator must undertake sufficient checks to satisfy themselves that only suitable drivers, administrative staff and vehicles are used (and continue to be used) in the course of their business. The failure of an operator to ensure that appropriate checks are carried out may call into question the operator's fitness and propriety. In addition, a failure to take appropriate action in relation to drivers that persistently breach licence conditions may also be detrimental to the continued fitness and propriety of the operator.

The following are examples of circumstances that may affect the fitness and propriety of a private hire vehicle operator:

- Licensed drivers or vehicle proprietors persistently (either individually or as a group) breaching the conditions of their licence whilst working for/under the instruction of a particular operator.
- Vehicles being operated that are in an unsuitable condition.
- Failure by the operator to satisfactorily address concerns in relation to licensed drivers/vehicle proprietors (including matters related to child/ adult safeguarding)
- Employment of ancillary staff where a basic DBS check has not been completed for the individual, or the results of which may pose a risk to the public
- Loss/misuse of personal data.

The licensing authority expects licensed operators to support its aims to raise awareness of and tackle issues around child and adult safeguarding. Operators must remain alert to these and similar issues, failure to do so will call into question the fitness and propriety of the operator.

When assessing the fitness of an applicant to hold a private hire operator's licence, the Licensing Authority will consider the applicant's criminal history as a whole, together with all other relevant evidence, information and intelligence including their

history (e.g. complaints and positive comments from the public, compliance with licence conditions and willingness to co-operate with licensing officers) whilst holding a licence from the Licensing Authority or any other authority. Particular attention will be given to patterns of behaviour, irrespective of the time-scale over which they have occurred, both in terms of proven criminal offences and other behaviour/conduct that may indicate the safety and welfare of the public may be at risk from the applicant.

It must also be recognised that the Licensing Authority will consider all criminal history, behaviour and conduct irrespective of whether the specific history, behaviour or conduct occurred whilst applicants were directly engaged in hackney carriage or private hire licensed work at the time or whether they occurred during the applicants' own personal time. The Licensing Authority considers a person or individual who has a propensity to commit offences and/or demonstrate unacceptable conduct whilst not engaged in hackney carriage or private hire work to be equally as serious as offences and/or unacceptable conduct committed whilst engaged in hackney carriage or private hire work.

To assist in assessing the suitability of applicants and licence holders the licensing authority will have regard to the Institute of Licensing's 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' April 2018. The guidance is detailed in **Appendix 3**.

### **DBS Check**

All applicants for a grant or renewal of a private hire vehicle operator's licence must submit a basic disclosure (dated within one month of the application) which can be obtained from Disclosure & Barring Service in order to satisfy the authority that they are a 'fit and proper' person. In the case of applications from a company or organisation, all director of the company/organisation must provide a basic disclosure. The cost of these checks will be covered by the applicant/licence holder.

Applicants that already hold a hackney carriage/private hire vehicle driver's licence with this authority are not required to provide the basic disclosure as part of their application for a private hire operator's licence.

Driving offences will not normally be considered as part of the assessment for private hire operator licence holders. Information contained within an enhanced DBS check that would not be disclosed on a basic check will not be considered as part of the assessment for a private hire operator's licence.

### **Overseas Criminal Record Check**

All applicants for a private hire vehicle operator's licence who have spent 6 or more continuous months outside the United Kingdom since their tenth birthday the Licensing Authority will need to see evidence of a criminal record check from the country/countries visited covering the period that the applicant was overseas.

The applicant will be required to cover any financial costs of such checks.

For EU nationals (including UK citizens) suitable checks should be available. For those countries for which checks are not available, the Licensing Authority will require a certificate of good conduct authenticated by the relevant embassy. The certificate must be authenticated, translated and sealed by the Embassy or High Commission. Information regarding certificates of good conduct or similar documents from a number of countries is available from: <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

In the event that an applicant is not able to obtain a certificate of good conduct, you should not progress with your application and should contact the Licensing Authority for further information.

Overseas criminal history checks must have been obtained within the 6 month period preceding the application.

The Licensing Authority will require any Certificate of Good Conduct that the applicant may have regardless of the age of the document.

Certificates of Good Conduct which are in a language other than English will be required to be translated into English at the applicant's expense by an independent translation service and the translation must be verified.

### **Licence Condition**

The licensing authority has the power to impose such conditions on a private hire vehicle operator's licence as it considers reasonable, necessary and proportionate. The conditions of licence are detailed in **Appendix 19**.

### **General Compliance & Enforcement**

The principal purpose of Hackney Carriage and Private Hire licensing is to protect the public and promote public safety.

It is recognised that well-directed enforcement activity by the Licensing Authority benefits not only the public but also the responsible members of the hackney carriage and private hire vehicle trade. In pursuing its objective to encourage responsible hackney carriage and private hire businesses, the Licensing Authority will operate a proportionate disciplinary and enforcement regime. In order to balance the promotion of public safety with the need to prevent unnecessary interference in a licence holder's business, the Licensing Authority will only intervene where it is necessary and proportionate to do so. Where defects are such that use of a vehicle needs to be immediately prohibited, livelihood interference is inevitable.

Compliance assessments are to ensure that license holders remain 'fit and proper'. The Licensing Authority may use a variety of tools and powers to identify non-compliance, this may include, but is not limited to, pro-active and reactive inspections, 'mystery shopper' exercises, programmed exercises with relevant partners, targeted enforcement operations, investigation of complaints/service requests.

Enforcement action will be proportionate, consistent and reasonable, whilst ensuring the public are protected. Determination of the method of enforcement may consider the following:

- The seriousness of the offence
- The offender's previous compliance history
- The consequence of the non-compliance
- The risk to public
- The likelihood of repeated non-compliance
- The effectiveness of other compliance/enforcement methods

### **Licence Holder Self-Reporting**

All Licence holders are required to notify the issuing authority within 48 hours of any arrest and release for any sexual offence, any offence involving dishonesty or violence and any motoring offence. Further notifications to the licensing authority must be made within 48 hours of any charge and any conviction. Failure by a to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

### **Disciplinary Procedure**

Complaints made against licence holders from members of the public, police officers, council offers, or any other relevant person will be fully investigated by Licensing Authority.

Following investigation of a complaint concerning a licence holder's conduct or behaviour or the notification of an offence the Licensing Authority will consider the following disciplinary sanctions:

- a. **To take no action** –If relatively minor complaint with no history of poor behaviour or possible mitigating circumstances.
- b. **Warning letter** -for minor/moderate complaints/offences or if a pattern of poor behaviour/conduct is evident. A warning letter may be issued where the seriousness of the complaint/offence doesn't warrant suspension or revocation. A warning letter will stay on the licence holder's file for 2 years (or a period determined appropriate by the Licensing Authority). There is no limit to the number of warning letters a driver can receive however if a driver receives 2 or more warning letters within 2 years for similar complaints the Licensing Authority may wish to consider more serious action such as a final written warning or suspension.
- c. **Final written warning** – for minor/moderate complaints/offences whereby a licence holder has received a warning letter(s) regarding a similar matter
- d. **Prosecution** – where there is a clear evidence and it is in the public interest, a licence holder may be prosecuted for offences under the relevant legislation

- e. **Suspension** –for more serious complaints/offences or cases whereby a licence holder has previously received a warning for a similar complaint/offence in the past 2 years. The length of the suspension will be determined on a case by case basis. Suspension can be considered an option where no previous warning has been issued if the Licensing Authority feel that due to seriousness of the matter it is warranted
- f. **Vehicle suspension (Stop Notice)** – a vehicle licence may be suspended when the vehicle is not meeting the licence conditions or is not roadworthy. The notice requires the vehicle to not be used as a licenced vehicle until the defect has been rectified and the notice has been lifted by the Licensing Authority
- g. **Revocation** – for repeat patterns of poor conduct or behaviour where warning(s) or suspension(s) have already been issued. For serious matters whereby the Licensing Authority consider the driver is no longer a fit and proper person to hold a licence
- h. **Immediate suspension/revocation** – when it is the interest of public safety, the Licensing Authority may require the suspension/revocation to have immediate effect
- i. **Refusal to renew a licence** – as for revocation above
- j. **Imposition of penalty points** – see below

The General Enforcement Policy for the Licensing Authority embeds its principles of enforcement. The Policy is available on the Council's website here:

<https://www.blaenau-gwent.gov.uk/en/business/health-safety/enforcement-policy/>

### **Penalty Points Scheme**

The Licensing Authority operates a penalty points scheme to assist consistent, transparent enforcement action against licensed drivers, vehicle proprietors and operators. The scheme is detailed in **Appendix 20**.

### **Appeals**

Any individual that is aggrieved by the suspension/refusal/revocation of a licence may appeal against the decision of the Licensing Authority to the local Magistrate's Court within 21 days of the decision given in writing. This must be lodged with the Court in accordance with the relevant statutory provisions. The Licensing Authority strongly advises parties to promptly seek appropriate independent legal advice in such circumstances.

A further right of appeal against the decision of the Magistrate's Court lies with the Crown Court.

## **Working in Partnership**

In order to maximize effective enforcement and compliance, it is often necessary for the Licensing Authority to work in partnership with other agencies. Examples of partnerships may include, the police, Driver and Vehicles Standards Agency (DVSA), Her Majesty's Revenue and Customs (HMRC), neighbouring local authorities, adult and children safeguarding teams.

The Licensing Authority also aims to work closely with the licensed trade to continue to professionalise the industry and improves standards of service.

## **Service Requests & Complaints**

The Licensing Authority will investigate all service requests and complaints made against licence holders, provided details are received that will allow for establishment of the identity of the licence holder. Details would include, licence holder's name, licence number, or vehicle registration number. In most cases, the Council will not act on anonymous complaints, depending on the nature of the complaint.

It should be noted that the investigation of the complaint may result in the complainant being asked to provide a written witness statement. In addition the complainant may be required to provide evidence in person at a disciplinary Committee or at Court.

Statements may also be taken from the licence holder and any other witnesses.

In coming to decision regarding what, if any, action should be taken, the Licensing Authority will consider all evidence and mitigating circumstances.

## **Cross Border Enforcement**

Where it becomes apparent that either a number of vehicles licensed by this authority are undertaking the majority (i.e. over 50%) of private hire work in another local authority area, or when it is evident that a number of vehicles licensed by another local authority are undertaking the majority of private hire work in this area, the licensing authority will endeavour to develop enforcement protocols with those local authorities.

In these circumstances the following protocol (as described in the Local Government Association's Taxi and PHV Licensing- Councillor's handbook) will be followed:

- All authorities agree what level of expertise/qualification/skills is the minimum for approval of authorisation of each individual
- All authorities establish, via their own schemes of delegation, what procedural steps need to be taken to validly authorise (i.e. chief officer's report, sub-committee or full committee decision
- All authorities agree the form and wording of the 'letter of authorisation' and 'photo warrant card' to be issue

- Each 'requesting council' formally requests authorisation of named individual officer
- Each 'receiving council' obtains authorisation and provides a 'letter of authorisation' in respect of the other authority's officer
- Each employing authority provides its own officers with a photo warrant card specifying that for the purposes of [specify Acts of Parliament] that officer [name] is a duly authorised officer of [list all authorising councils]
- Each authority provides all officers with copies of appropriate bylaws, conditions and agreed methodologies/reporting mechanisms for dealing with defective vehicles and other issues from other area
- Each authority seeks political and financial approval for pre-planned joint operations both with each other and also police/HMRC Customs & Excise
- Data sharing protocols, as required, be established between authorities, including standard incident reporting templates/operation logs to be used by all for consistency and scheme recording.



## Appendix 1

### Licensing Fees

Drivers			
New and renewal 3 year licence (£50 non refundable deposit)	251.00	Change of licence type (eg change from HCD to PHVD)	19.00
New and renewal 1 year disc. (£50 non refundable deposit)	180.00	Additional licence to run consecutively with existing	19.00
Refund for full years not used (per year)	28.00	Replacement Badge	19.50
DBS	48.45	Replacement Licence	16.50
Change of name and/or address	13.75	Replacement licence and badge	13.75
Vehicles			
New	295.00	Replacement door sticker x 1	11.50
Renewal	239.00	Replacement door sticker x 2	14.50
Transfer	41.00	Replacement internal plate	13.00
Re-Test	46.00	Replacement external plate	13.00
Replacement Vehicle on Existing Licence	132.00	Replacement Internal Plate, Back plate, stickers	21.50
Replacement Licence	16.50	Change registration number	23.00
Change licence type	33.50	Change seating capacity	29.50
Change of name and/or address	13.75		
Operators			
New 5 year licence	324.00	Renewal 5 year licence	297.00
1 year discretionary licence	156.50	Replacement licence	13.75
Change of name and/or address	13.75		

## **Appendix 2**

### **Driver Application Procedure including Conditions of Application**

Before submitting an application for a hackney carriage/private hire vehicle driver's licence, applicants should first read the conditions of application below.

#### **HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVERS LICENCE**

##### **CONDITIONS OF APPLICATION**

1. Before a driver's licence can be granted, the Council must be satisfied that the applicant:-
  - (a) is a person who has for the 12 months immediately prior to the date of the application, been the holder of a full driving licence issued by the DVLA, or the DVLNI (Northern Ireland), for that class of vehicle, granted under Part III of the Road Traffic Act, 1972 or Northern Ireland equivalent, authorising them to drive that class of vehicle. Under the Driving Licences (Community Driving Licence) Regulations 1996, a full driving licence issued by another EC/EEA state will count toward the grant of a licence if the holder has held such a licence for the previous 12 months. This includes the photo card and counterpart where issued
  - (b) is a fit and proper person to hold a driver's licence. In order to do so, the Council will require an enhanced Disclosure Barring Service (DBS) report (see below for further details). All licence holders must sign up to the DBS Update Service to enable the Council to check their conviction history every six months. Where this is not possible, drivers must obtain a DBS report every six months at their own expense.
  - (c) Applicants who have spent more than six or more continuous months outside the UK since their tenth birthday must provide evidence of a criminal record check from the country/countries visited covering the period that the applicant spent overseas. For EU Nationals and UK citizens, suitable checks should be available. For those countries for which checks are not available a Certificate of Good Conduct, authenticated, translated and sealed by the Embassy or High Commission must be provided at the applicant's own expense. Further information may be obtained from <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

Overseas criminal record checks must have been obtained within six months prior to the licence application being submitted to the Council. The Council will require any Certificate of Good Conduct regardless of the age of the document.
  - (d) has provided proof of their right to live and work in the UK, in accordance with the Immigration Act 2016. Applicants are required to produce the original copies of the prescribed documents, which prove immigration and

right to work status, and the Council is required to keep copies of these documents. Information received may be shared with the Home Office. Licences can be granted to persons subject to immigration control and who only have a limited time to remain in the UK but they will only be granted for a specified time. In addition, the licence will lapse if the permission to remain or work in the UK ends or if immigration status changes during the period of a licence.

2. Licences to drive hackney carriages and private hire vehicles will normally only be issued to persons who are employed to drive full time but such licences may be issued to persons acting in a part time capacity, providing the applicant is not already in employment as a driver in some area of activity, e.g. a bus driver.
3. To apply for a licence, the applicant must:
  - (a) be over 18 years of age
  - (b) produce proof that a Knowledge Test has been completed and passed
  - (c) produce proof that they have attended a safeguarding and protection of children and vulnerable adults awareness session which includes County Lines exploitation training
  - (d) produce proof of right to reside and work in the UK where appropriate
  - (e) complete and submit, to the Council, the appropriate application form
  - (f) pay the appropriate fee – cash, cheque, postal order, credit or debit card
  - (g) produce, for examination, a current valid driving licence showing his/her current home address; issued under the Road Traffic Act 1988, which must be valid for 12 months prior to the date of application
  - (h) log on to [www.gov.uk/view-driving-licence](http://www.gov.uk/view-driving-licence) to obtain a DVLA licence 'check code' to allow the Council to view your driver entitlement. The code, which is case sensitive, is only valid for 21 days. To obtain the code, the following details must be provided to obtain the code
    - driving licence number;
    - National Insurance number;
    - the postcode on driving licence.
  - (i) produce two other forms of identification such as a birth certificate, passport or marriage certificate, etc. to enable a DBS check to be carried out
  - (k) produce forms of ID to show evidence of a right to work in the UK (see enclosed list)

- (k) submit two identical passport size photographs
- (l) on first application, submit a certificate, provided by the Council, completed by his/her registered Doctor, or a Doctor within the Practice in which he/she is registered, who has full access to their medical records, confirming that he/she is physically fit to drive taxis to the Driver and Vehicle Licensing Agency Group 2 standard (see further details below). In exceptional circumstances, and only with prior agreement from the Council, a medical assessment may be carried by another registered GP practice as long as the full medical history has been viewed and assessed by that GP. Applicants are also advised not to obtain a medical certificate until the application has been determined
- (m) be aware that persons granted a licence to drive hackney carriages and private hire vehicles must carry passengers accompanied by guide, hearing and certain prescribed assistance dogs, and passengers in wheelchairs unless medical evidence is supplied by his/her Doctor or Specialist in support of an application for exemption from this requirement
- (n) provide such other information as may be required by the Council and comply with such other conditions as the Council may consider reasonably necessary.

### **Application Procedure**

1. Applicants must first complete an online Knowledge Test and Safeguarding course before submitting their application. Both courses are provided by Torfaen Training and there is a fee for each. Face to face courses and re-sits are also available. Certificates will be issued once the courses are completed. Applicants should contact Torfaen Training on 01633 875929 to make the necessary arrangements and pay the relevant fees.
2. An application must then be submitted for an enhanced Disclosure and Barring Service (DBS) report, see paragraph below on how to obtain a DBS.
3. On completion of both courses and submission of a DBS application, a licence application and supporting documents and identification can then be submitted to the Council's Licensing Team either by
  - email to [licensing@blaenau-gwent.gov.uk](mailto:licensing@blaenau-gwent.gov.uk)
  - post to Licensing, BGCBC, Steelworks Road, Ebbw Vale, NP23 6DN
  - in person – please contact the Licensing Team on 01495 355485 to make arrangements
4. If submitting an application by email, applicants will be contacted by telephone by a Licensing officer to make the payment for the licence fee and the DBS fee. If applying by post, cheques are accepted. Cheques should be made payable to Blaenau Gwent County Borough Council.
5. Once an application has been accepted, the Licensing officer will verify the

DBS application online. When the DBS process is complete, up to approximately six weeks, the applicant will receive a DBS by post which must be produced to the Licensing Team.

6. The Licensing officer will also carry out other checks on the National Fraud Initiative website, the NR3 database for taxi drivers on the National Anti-Fraud Network and the DVLA driving licence check code system.
7. When all checks are completed and a DBS report submitted, if no concerns are raised and no convictions or motoring offences are identified, the applicant will be required to obtain a medical certificate from their own GP, a form for which will be provided by the Council.
8. On production of a satisfactory medical report and a passport size photograph of the applicant, a licence will be issued for a maximum period of three years.
9. If convictions, motoring offences or other concerns are highlighted, the application may be referred to the Council's Licensing Committee for determination. Applicants will be required to attend the meeting to explain the circumstances of each incident. They may be accompanied by a legal or other representative. Decisions made by the committee will be relayed at the end of the meeting and the applicant will also be notified in writing. If an application is refused, the applicant may appeal to a Magistrates' Court within 21 days from the date of the decision in writing.
10. In certain circumstances, the application process may be altered. For example, an applicant who has previous convictions and is required to be interviewed by the General Licensing Committee, may apply for a DBS and submit a licence application before attending the Knowledge Test and Safeguarding training. If the Committee decides to grant the licence, it will be granted subject to the applicant attending and passing the aforementioned courses.
11. No application for a licence will be accepted or a licence issued until the appropriate fee has been paid. Where payment is made by cheque, which is subsequently dishonoured, any application or licence already issued will be declared null and void.
- 12.6. The Council has the power to suspend, revoke or refuse to renew a licence where a licence has been obtained by giving false or incomplete information, as well as prosecution for the offence committed.
- 13.7. The renewal of a licence should be made in advance to ensure continuity. There is no automatic period of grace. **IT IS AN OFFENCE TO DRIVE HACKNEY CARRIAGES OR PRIVATE HIRE VEHICLES WITHOUT THE NECESSARY LICENCE TO DO SO.** Therefore, any person found driving without a licence may be prosecuted.

#### **Obtaining an enhanced disclosure barring service check**

In order to apply for a hackney carriage and/or private hire vehicle driver's licence, you are required to obtain an enhanced criminal record check from the Disclosure and Barring Service (DBS) to allow the Council to determine if you are a fit and proper person to hold such a licence. You must also sign up to the DBS Update Service and give the Council permission to access this service to allow it to check your current status.

To apply for a DBS check, you must do so, online, before submitting your application for a licence to the Council's Licensing Team. Therefore, you will need an email address or the ability to use someone else's email address.

Go to <https://fadv.onlinedisclosures.co.uk/Authentication/Login?ReturnUrl=%2f> and follow the instructions on screen and in the Council's guidance notes on 'How to apply for criminal record check from the Disclosure and Barring Service' and 'Disclosure and Barring Service – Acceptable Identity Documents', copies of which are obtainable from the Council's Licensing Team.

## Appendix 3

Institute of Licensing's 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' April 2018

# Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades



April 2018

 Institute of Licensing

Produced by the Institute of Licensing in partnership with:



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## Foreword

The function of licensing is the protection of the public. A member of the public stepping into a motor vehicle driven by a stranger must be able to trust the driver. Are they honest? Are they competent? Are they safe? Are they trustworthy? When we transact with others, we usually have time and opportunity to make such assessments. When we transact with taxi drivers, we don't. Therefore, we must, and do, rely on the licence as the warranty of the driver's safety and suitability for the task at hand.

It follows that a licensing authority has an onerous responsibility. In making decisions regarding grant and renewal of licences it is, in effect, holding out the licensee as someone who can be trusted to convey the passenger from A to B in safety. That passenger may be you, or your elderly mother, or your teenage daughter, or a person who has had too much to drink, or who is vulnerable for a whole host of other reasons.

Everybody working in this field should acquaint themselves with the facts of the Rotherham case, which stands as a stark testament to what can happen when licensing performs its safeguarding role inadequately. But the extremity of that appalling story should not distract us from the job of protecting the public from more mundane incompetence, carelessness or dishonesty. The standards of safety and suitability do not have to be set as a base minimum. To the contrary, they may be set high, to give the public the assurance it requires when using a taxi service. It is good to know that one's driver is not a felon. It is better to know that he or she is a dedicated professional.

Crucially, this is not a field in which the licensing authority has to strike a fair balance between the driver's right to work and the public's right to protection. The public are entitled to be protected, full stop. That means that the licensing authority is entitled and bound to treat the safety of the public as the paramount consideration. It is, after all, the point of the exercise.

Therefore, this guidance is to be welcomed. It rightly emphasises that any circumstance relating to the licensee is potentially relevant, provided of course that it is relevant to their safety and suitability to hold a licence. It provides useful and authoritative guidelines to licensing authorities as to how they ought to approach their important task of making determinations about the safety and suitability of drivers and operators.

While, of course, licensing is a local function, it seems absurd that precisely the same conduct might result in a short period without a licence in one district, and a much longer period in a neighbouring district. If a driver is suitable in district A, they are surely suitable in district B, and vice versa. If, as is hoped, this guidance becomes widely adopted, this will result in a degree of national uniformity, which serves the public interest in consistency, certainty and confidence in the system of licensing. Adherence to the guidance may also provide protection to licensing authorities on appeal.

The guidance is therefore commended to licensing authorities. It is hoped that, in due course, it will sit at the elbow of every councillor and officer working in taxi licensing.

Philip Kolvin QC  
Cornerstone Barristers

April 2018

## Chapter 1: Introduction

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- 1.1 This guidance has been produced by the Institute of Licensing working in partnership with the Local Government Association (LGA), Lawyers in Local Government (LLG) and the National Association of Licensing and Enforcement Officers (NALEO), following widespread consultation. We are grateful to all three organisations for their contributions. This guidance is formally endorsed by all of those organisations.
- 1.2 The overriding aim of any Licensing Authority when carrying out its functions relating to the licensing of Hackney or Private Hire Drivers, Vehicle Proprietors and Operators, must be the protection of the public and others who use (or can be affected by) Hackney Carriage and Private Hire services.
- 1.3 The relevant legislation provides that any person must satisfy the authority that they are a fit and proper person to hold a licence and that is a test to be applied after any applicant has gained any reasonably required qualifications<sup>1</sup>. It is the final part of the process of an application when the decision is made, whether by a committee, sub-committee or an officer under a Scheme of Delegation. It involves a detailed examination of their entire character in order to make a judgment as to their fitness and propriety.
- 1.4 If a licence holder falls short of the fit and proper standard at any time, the licence should be revoked or not renewed on application to do so.
- 1.5 There is no recent Statutory or Ministerial guidance as to how such decisions should be approached or what matters are relevant or material to a decision. This guidance complements the LGA's Taxi and Private Hire Licensing Councillor's Handbook and any forthcoming Government guidance. Local authorities should also be aware of the forthcoming National Anti Fraud Network database on refusals and revocations of hackney carriage and private hire licences.
- 1.6 This document is intended to provide guidance on determining suitability, taking into account the character of the applicant or licensee. It can then be used by local authorities as a basis for their own policies: in particular it considers how regard should be had to the antecedent history of the applicant or licence holder and its relevance to their 'fitness and propriety' or 'character'. As with any guidance it need not be slavishly followed but it provides a starting or reference point from which decisions can be made taking into account the particular merits of each case.
- 1.7 A licensing authority policy can take a 'bright line approach' and say "never" in a policy, but it remains a policy, and as such does not amount to any fetter on the discretion of the

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<sup>1</sup> Except vehicle proprietors. In those cases there is no "fit and proper" requirement, but the authority has an absolute discretion over granting a licence.

authority. Each case will always be considered on its merits having regard to the policy, and the licensing authority can depart from the policy where it considers it appropriate to do so. This will normally happen where the licensing authority considers that there are exceptional circumstances which warrant a different decision. This approach was endorsed by the High Court in *R (on the application of Nicholds) v Security Industry Authority*<sup>2</sup>.

- 1.8 In Chapter 2 this Guidance explores the current thinking behind an individual's tendencies to reoffend. It is clear that this is not an exact science and that there is no meaningful and precise statistical evidence that can assist in the setting of policy. Given the important function of licensing to protect the public, any bar should be set at the highest level which is reasonable, albeit subject to the exercise of discretion as is set out in paragraph 1.7 and Chapters 3 and 4.
- 1.9 This Guidance contains no detailed list of offences. All offences are allocated to a general category such as 'dishonesty' or 'drugs'. This prevents it being argued that a specific offence is not covered by the Policy as it 'is not on the list' and also prevents arguments that a firearm is more serious than a knife and should lead to differentiation. In each case, appropriate weight should be given to the evidence provided.
- 1.10 This Guidance cannot have the force of legislation, new or amended; the need for which is both abundantly clear to, and fully supported by the Institute and the other organisations working with it. It is intended to help local authorities achieve greater consistency so that applicants are less able to shop between authorities. It is acknowledged that this cannot be fully achieved without the imposition of national minimum standards.
- 1.11 In preparing this document the Institute's Working Party has consulted with and considered the issues from all perspectives including, Councillors, Licensing Officers, Lawyers, the Hackney Carriage and Private Hire Trades, Academics, the Probation Service and the Police.

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<sup>2</sup> [2007] 1 WLR 2067

## Chapter 2: Offenders and Offending - An Overview

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- 2.1 The aim of local authority licensing of the taxi and PHV trades is to protect the public'.<sup>3</sup> With this in mind, Public Protection must be at the forefront of the decision maker's mind when determining whether an individual is considered a "fit and proper person" to hold a licence.
- 2.2 This section aims to provide a brief overview of public protection, how to determine risk and factors to be considered when an applicant seeks to demonstrate a change in their offending behaviour.
- 2.3 The licensing process places a duty on the local authority to protect the public. Given the nature of the role, it is paramount that those seeking a living in the trades meet the required standards. As the previous offending behaviour can be considered as a predictor in determining future behaviour as well as culpability, it is essential that the decision maker considers all relevant factors including previous convictions, cautions and complaints and the time elapsed since these were committed.
- 2.4 There has been extensive research into the reasons behind why some individuals commit crimes, why some learn from their mistakes and stop offending whilst others find themselves in a cycle of repeat offending. Several theories have evolved over many years offering insight into the reasons behind offending behaviour. One common theme is that no two crimes are the same and that risk cannot be eliminated, or the future predicted. What can be done, is to examine each case on its individual merits, look at the risks involved along with any change in circumstances since any offences were committed to assist in making the decision.
- 2.5 A key factor when considering an application from an individual with any convictions, cautions or complaints recorded is Public Protection. This includes assessing the risk of re-offending and harm<sup>4</sup>. Risk assessment tools are regularly employed by those who are responsible for managing individuals who have committed offences. Local Authorities are not always privy to this information so it is important when they are making decisions around suitability that they have an understanding of offending behaviour and risk of re-offending in generic terms.

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<sup>3</sup> DfT "Taxi and Private Hire Licensing – Best Practice Guide" para 8

<sup>4</sup> Kemshall, H. (2008). *Understanding the Management of High Risk Offenders (Crime and Justice)*. Open University Press



- 2.6 Flaud<sup>5</sup> noted that risk is in principle, a matter of fact, but danger is a matter of judgment and opinion. He goes on to note that risk may be said to be the likelihood of an event occurring; danger may be the degree of damage (harm) caused should that event take place<sup>6</sup>.
- 2.7 The National Offender Management Service refers to risk in two dimensions. That being the likelihood that an offence will occur, and the impact / harm of the offence should it happen. Generally, when making a decision around probability and likelihood of re-offending, consideration is needed towards static and dynamic factors.
- 2.8 Static factors are historical and do not change such as age, previous convictions and gender. They can be used as a basis for actuarial assessments and are fundamental in considering an individual's potential to reoffend in future<sup>7</sup>. For example, recent published statistics revealed that 44% of adults are reconvicted within one year of release. For those serving sentences of less than twelve months this increased to 59%<sup>8</sup>. It is also widely accepted that generally persons with a large number of previous offences have a higher rate of proven reoffending than those with fewer previous offences<sup>9</sup>.
- 2.9 Dynamic factors are considered changeable and can vary over time. They include attitudes, cognitions and impulsivity<sup>10</sup>. It is documented that the greater their unmet need, the more likely an individual is to re-offend. When considering whether an individual has been rehabilitated, it is important to have regard towards the motivation behind their offending and dynamic risk factors present at the time, against the steps taken to address such factors thus reducing the risk of re-offending.
- 2.10 It is of note that problems and/or needs are more frequently observed in offender populations than in the general population<sup>11</sup>. Many of these factors are interlinked and embedded in an individual's past experiences. This can impact upon that person's ability to change their behaviour, particularly if the areas identified have not been addressed or support has not been sought. Needs will vary from individual to individual and will rely upon their level of motivation and the nature of the offence committed.

<sup>5</sup> Flaud, R. (1982). Cited in, Gendreau, P., Little, T. and Goggin, C. (1996). A meta-analysis of the predictors of adult offender recidivism: what works! *Criminology*, 34, 557-607.

<sup>6</sup> Gendreau, P., Little, T. and Goggin, C. (1996). A meta-analysis of the predictors of adult offender recidivism: what works! *Criminology*, 34, 557-607.

<sup>7</sup> Craig, L. A. and Browne, K. B (2008). *Assessing Risk in Sex Offenders: A Practitioner's Guide* Paperback.

<sup>8</sup> Ministry of Justice (2017) Proven reoffending statistics: July 2014 to June 2015, London: Ministry of Justice.

<sup>9</sup> Ministry of Justice (2015): *Transforming Rehabilitation: a summary of evidence on reducing reoffending*. London: Ministry of Justice.

<sup>10</sup> McGuire, J. (2008). A review of effective interventions for reducing aggression and violence. *Philosophical Transactions of the Royal Society B: Biological Sciences*, 363(1503), 2577-2597

<sup>11</sup> Nash, M. (1999) *Police, Probation and Protecting the Public*. London: Blackwell Press.

## Risk of re-offending:

- 2.11 The issue of recidivism and increase in serious crime rates has given rise to extensive publications, theories and changes in legislation with many focusing upon the need for more rehabilitation projects as a means of reducing re-offending rates. Central to the rehabilitation of offenders is the concept of criminogenic needs. This has been described by the National Offender Management Service as “any area where the offender has needs or deficits, in which a reduction in the need or deficit would lead to a reduction in the risk of re-conviction. An individual’s ability to address and reduce such needs relies heavily upon their motivation to change and desist and often takes place over a period of time”<sup>12</sup>.
- 2.12 Kurlychek, 2007 in her study noted that “a person who has offended in the past has been found to have a high probability of future offending, but this risk of recidivism is highest in the time period immediately after arrest or release from custody and, thereafter, decreases rapidly and dramatically with age”<sup>13</sup>.
- 2.13 A consistent finding throughout criminological literature is that male offenders tend to desist from crime aged 30 years and over<sup>14</sup>. It is well documented that the change occurs for various reasons; for example, as a result of successful treatment, natural maturation or the development of positive social relationships<sup>15</sup>. Female offenders are also considered more likely to desist from offending as they mature. The peak age of reported offending for females was 14 compared to 19 for males<sup>16</sup>.
- 2.14 Desisting from crime for people who have been involved in persistent offending is a difficult and complex process, likely to involve lapses and relapses. Some individuals may never desist<sup>17</sup>. As a result, it is important for individuals to evidence change in their behaviour before they can be considered to present a low or nil risk of re-offending. Often the only way of achieving this is through lapse of time.
- 2.15 The longer the time elapsed since an offence has been committed, the more likely the individual will desist from crime. It is noted that the more a life is lived crime-free, the more one comes to see the benefits of desistance<sup>18</sup>. Demonstrating a change in offending behaviour and an ability to make effective choices takes time and comes with some

<sup>12</sup> National Offender Management Service (2016). Public Protection Manual Edition. Proven Reoffending Statistics Quarterly Bulletin, October 2015 to December 2015

<sup>13</sup> Kurlychek, M C, Brame, R (2007). Scarlet letters and recidivism: Does an old criminal record predict future offending? University of South Carolina.

<sup>14</sup> Serin, R, C. and Lloyd, C.D (2008). Examining the process of offender change: the transitions to crime desistance. 347-364.

<sup>15</sup> Nash, M. (1999) Police, Probation and Protecting the Public. London: Blackwell Press.

<sup>16</sup> Trueman, C.N. (2015). Women and Crime. The History Learning Site. Ingatstone: Essex.

<sup>17</sup> Farrell, S (2005). Understanding Desistance from Crime: Emerging Theoretical Directions in Resettlement and Rehabilitation (Crime and Justice) Paperback.

<sup>18</sup> Maguire, M., Morgan, R. and Reiner, R. (2002). The Oxford Handbook of Criminology. 3<sup>rd</sup> Edition. Oxford: Oxford University Press.

ambiguity for those who have committed offences. A study in 2007 looking into previous convictions and the links to re-offending concluded that “individuals who have offended in the distant past seem less likely to recidivate than individuals who have offended in the recent past”<sup>19</sup>.

- 2.16 Although it is not possible to determine the future behaviour of an individual, taking steps to reduce risk and protect the public can be achieved by following correct processes and guidance. Having regard to an individual’s previous behaviour and their potential to cause harm as a result of the choices they have made plays a significant part when making a decision as to whether to grant a licence. Being able to evidence change in behaviour will involve consideration of the circumstances at the time of the offence, steps taken to address any issues identified and that person’s ability to sustain such change. This can be a long process that can only be achieved over time.

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<sup>19</sup> Kurlychek, M.C, Brame, R (2007). Scarlet letters and recidivism: Does an old criminal record predict future offending? University of South Carolina.

## Chapter 3: 'Taxi' Licensing Overview

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- 3.1 Taxis are used by almost everyone in our society occasionally, but they are used regularly by particularly vulnerable groups: children; the elderly; disabled people; and the intoxicated, and a taxi driver has significant power over a passenger who places themselves, and their personal safety, completely in the driver's hands.
- 3.2 Local authorities (districts, unitaries and Welsh Councils) and TfL are responsible for hackney carriage and private hire licensing.
- 3.3 The principal legislation is the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The purpose of taxi licensing is detailed in the DfT *"Taxi and Private Hire Licensing – Best Practice Guide"* para 8 which states:

"The aim of local authority licensing of the taxi and PHV trades is to protect the public."
- 3.4 Within the two licensing regimes, there are 5 types of licence: hackney carriage vehicle; private hire vehicle; hackney carriage driver; private hire driver and private hire operator.
- 3.5 In relation to all these licences, the authority has a discretion over whether to grant. Whilst there is some guidance issued by the DfT, there are no national standards.
- 3.6 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a "fit and proper person" to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 3.7 There are no statutory criteria for vehicle licences; therefore, the authority has an absolute discretion.
- 3.8 In each case, the authority has powers to grant a licence, renew it on application and, during the currency of the licence, suspend or revoke it.
- 3.9 What is the role of each of these, and how do authorities determine an application, or take action against a licence?

### Taxi Drivers

- 3.10 The term "taxi driver" encompasses two different occupations: hackney carriage drivers and private hire drivers. "Taxi driver" is therefore used as a broad, overarching term to cover both hackney carriage and private hire drivers. In each case there are identical statutory



criteria to be met before a licence can be granted and many authorities grant “dual” or “combined” licences to cover driving both types of vehicle.

- 3.11 An applicant must hold a full DVLA or equivalent driver’s licence, have the right to work in the UK, and be a “fit and proper” person<sup>20</sup>.
- 3.12 The driving licence element is a question of fact. Although there are some issues with foreign driving licences, ultimately a person either has, or does not have a driving licence.
- 3.13 An applicant must also have the right to remain, and work in the UK<sup>21</sup>.
- 3.14 Again, this is ultimately a question of fact and the local authority should follow the guidance issued by the Home Office.<sup>22</sup>
- 3.15 It is the whole issue of “fit and proper” that causes local authorities the most difficulties. It has never been specifically judicially defined but it was mentioned in *Leeds City Council v Hussain*<sup>23</sup>. Silber J said:
- “... the purpose of the power of suspension is to protect users of licensed vehicles and those who are driven by them and members of the public. Its purpose [and], therefore [the test of fitness and propriety], is to prevent licences being given to or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their employment to abuse or assault passengers.”
- 3.16 This is reflected in a test widely used by local authorities:
- ‘Would you (as a member of the licensing committee or other person charged with the ability to grant a hackney carriage driver’s licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?’<sup>24</sup>
- 3.17 It is suggested that the expression “safe and suitable” person to hold a driver’s licence is a good interpretation which neither adds nor removes anything from the original term of “fit and proper” but brings the concept up to date.

<sup>20</sup> Local Government (Miscellaneous Provisions) Act 1976. Section 51(1) covers private hire drivers, and section 59(1) covers hackney carriage drivers.

<sup>21</sup> Local Government (Miscellaneous Provisions) Act 1976 S51(1)(a)(ii) in respect of private hire drivers and S59(1)(a)(ii) in respect of hackney carriage drivers.

<sup>22</sup> “Guidance for Licensing Authorities to Prevent Illegal Working in the Taxi and Private Hire Sector in England and Wales” - Home Office, 1<sup>st</sup> December 2016 available at <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>

<sup>23</sup> [2002] EWHC 1145 (Admin), [2003] RTR 199

<sup>24</sup> Button on Taxis – Licensing Law and Practice 4<sup>th</sup> Ed Bloomsbury Professional at para 10.21.

- 3.18 How can a local authority assess and then judge whether or not someone is safe and suitable to hold a drivers' licence?
- 3.19 The local authority has the power to require an applicant to provide:
- “such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence.”<sup>25</sup>

This “information” can include any pre-conditions or tests that they consider necessary

- 3.20 Some of these are universal, such as medical assessments<sup>26</sup>. Others are required by some authorities, but not others. These include:
- Enhanced DBS certificates and sign-up to the update service;
  - Knowledge tests;
  - Driving tests;
  - Disability Awareness;
  - Signed Declarations;
  - Spoken English tests.
- 3.21 The provision of information in these terms can satisfy the local authority that a person has the skills and competencies to be a professional driver to hold a licence. However, the concepts of safety and suitability go beyond this. There is the character of the person to be considered as well.
- 3.22 Both hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no “spent” convictions and that any and all criminal convictions (apart from “protected convictions” and “protected cautions” where they have been declared<sup>27</sup>) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered by the decision maker<sup>28</sup>.
- 3.23 All Applicants/Licensees should be required to obtain an Enhanced DBS Certificate with Barred Lists checks<sup>29</sup> and to provide this to the Licensing Authority. All Licensees should also be required to maintain their Certificates through the DBS Update Service throughout the currency of their licence.

<sup>25</sup> Local Government (Miscellaneous Provisions) Act 1976 s57(1)

<sup>26</sup> See Local Government (Miscellaneous Provisions) Act 1976 s57(2)

<sup>27</sup> “Protected convictions” and “protected cautions” are single, minor and elderly matters that do not appear on any DBS Certificates.

<sup>28</sup> See *Adamson v Waveney District Council* [1997] 2 All ER 898

<sup>29</sup> “For Taxi [driver] licensing purposes the correct level of check is always the Enhanced level check, with the Adults and Children’s Barred list check. Other Workforce should always be entered at X61 line 1 and Taxi Licensing should be entered at X61 line 2” DBS email 31st August 2017.

- 3.24 If any applicant has, from the age of 10 years, spent six continuous months or more living outside the United Kingdom, evidence of a criminal record check from the country/countries covering the relevant period should be required.
- 3.25 Local authorities should have a policy to provide a baseline for the impact of any convictions, cautions or other matters of conduct which concern a person's safety and suitability<sup>30</sup>.
- 3.26 The character of the driver in its entirety must be the paramount consideration when considering whether they should be licensed. It is important to recognise that local authorities are not imposing any additional punishment in relation to previous convictions or behaviour. They are using all the information that is available to them to make an informed decision as to whether or not the applicant or licensee is or remains a safe and suitable person.
- 3.27 There are occasions where unsuitable people have been given licences by local authorities, or if refused by the authority, have had it granted by a court on appeal.
- 3.28 Often this is because of some perceived hardship. Case law makes it clear that the impact of losing (or not being granted) a driver's licence on the applicant and his family is not a consideration to be taken into account<sup>31</sup>. This then leads to the question of whether the stance taken by local authorities is robust enough to achieve that overriding aim of public protection.
- 3.29 However, all too often local authorities depart from their policies and grant licences (or do not take action against licensees) without clear and compelling reasons. It is vital that Councillors recognise that the policy, whilst remaining a policy and therefore the Authority's own guidelines on the matter, is the baseline for acceptability. It should only be departed from in exceptional circumstances and for justifiable reasons which should be recorded.
- 3.30 One common misunderstanding is that if the offence was not committed when the driver was driving a taxi, it is much less serious, or even if it was in a taxi but not when passengers were aboard. This is not relevant: speeding is dangerous, irrespective of the situation; drink driving is dangerous, irrespective of the situation; bald tyres are dangerous, irrespective of the situation. All these behaviours put the general public at risk. Violence is always serious. The argument that it was a domestic dispute, or away from the taxi, is irrelevant. A person who has a propensity to violence has that potential in every situation. Sexual offences are always serious. A person who has in the past abused their position (whatever that may have been)

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<sup>30</sup> As recommended by the DfT "Taxi and Private Hire Licensing – Best Practice Guide" para 59

<sup>31</sup> *Leeds City Council v Hussain* [2002] EWHC 1145 (Admin), [2003] RTR 199 and *Cherwell District Council v Anwar* [2011] EWHC 2943 (Admin)



to assault another sexually has demonstrated completely unacceptable standards of behaviour.

- 3.31 Applicants may claim that they have sought employment in other fields and been precluded as a result of their antecedent history particularly if that contains convictions. They therefore seek to become a licensed driver as an occupation of last resort. This is unacceptable as the granting of a licence would place such a person in a unique position of trust. The paramount responsibility of a licensing authority is to protect the public, not provide employment opportunities.
- 3.32 Licensees are expected to demonstrate appropriate professional conduct at all time, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. In no circumstances should Licensees take the law into their own hands. Licensees are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.
- 3.33 There are those who seek to take advantage of vulnerable people by providing services that they are not entitled to provide; for example, by plying for hire in an area where they are not entitled to do so. Licensees are expected to be vigilant of such behaviour and to report any concerns to the Police and the relevant licensing authority. Passengers should feel confident to check that the person offering a service is entitled to do so. Licensees should willingly demonstrate that they are entitled to provide the offered service by, for example, showing their badge.
- 3.34 As a society, we need to ask the question “who is driving my taxi?” and be secure in the knowledge that the answer is “a safe and suitable person”. The vast majority of drivers are decent, law abiding people who work very hard to provide a good service to their customers and the community at large. However poor decisions by local authorities and courts serve to undermine the travelling public’s confidence in the trade as a whole. Unless local authorities and the courts are prepared to take robust (and difficult) decisions to maintain the standards the local authority lays down, and in some cases tighten up their own policies, the public cannot have complete confidence in taxi drivers. This is detrimental to all involved.

### Private Hire Operators

- 3.35 A private hire operator (“PHO”) is the person who takes a booking for a private hire vehicle (“PHV”), and then dispatches a PHV driven by a licensed private hire driver (“PHD”) to fulfil that booking. All three licences (PHO, PHV and PHD) must have been granted by the same

authority<sup>32</sup>. A local authority cannot grant a PHO licence unless the applicant has the right to work in the UK and is a fit and proper person<sup>33</sup>.

- 3.36 As with taxi drivers the role of the PHO goes far beyond simply taking bookings and dispatching vehicles. In the course of making the booking and dispatching the vehicle and driver, the PHO will obtain significant amounts of personal information. It is therefore vital that a PHO is as trustworthy and reliable as a driver, notwithstanding their slightly remote role. Hackney carriages can also be pre-booked, but local authorities should be mindful that where that booking is made by anybody other than a hackney carriage driver, there are no controls or vetting procedures in place in relation to the person who takes that booking and holds that personal information.
- 3.37 How then does a local authority satisfy itself as to the “fitness and propriety” or “safety and suitability” of the applicant or licensee?
- 3.38 Spent convictions can be taken into account when determining suitability for a licence, but the applicant (or licensee on renewal) can only be asked to obtain a Basic Disclosure from the Disclosure and Barring Service.
- 3.39 Although this is by no means a perfect system, it does give local authorities a reasonable basis for making an informed decision as to fitness and propriety of an applicant or existing licensee.
- 3.40 To enable consistent and informed decisions to be made, it is important to have a working test of fitness and propriety for PHOs and a suitable variation on the test for drivers can be used:
- “Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?”<sup>34</sup>
- 3.41 There is a further point to consider in relation to PHOs and that concerns the staff used on the telephones and radios. There is no reason why a condition cannot be imposed on a PHO licence requiring them to undertake checks on those they employ/use within their company to satisfy themselves that they are fit and proper people to undertake that task and retain that information to demonstrate that compliance to the local authority. Any failure on the part of the PHO to either comply with this requirement, or act upon information that they

<sup>32</sup> See *Dittah v Birmingham City Council*, *Choudhry v Birmingham City Council* [1993] RTR 356 QBD

<sup>33</sup> Section 55(1) Local Government (Miscellaneous Provisions) Act 1976

<sup>34</sup> *Button on Taxis – Licensing Law and Practice* 4<sup>th</sup> Ed Bloomsbury Professional at para 12.35

obtain (thereby allowing unsuitable staff to work in positions of trust), would then have serious implications on the continuing fitness and propriety of the PHO.

- 3.42 Care should be taken in circumstances where a PHO Licence is sought in the name of a limited company, partnership or other business structure that all the requirements applicable to an individual applicant are made of each director or partner of the applicant organisation<sup>35</sup>. Only by so doing can a decision be made as to the fitness and propriety of the operating entity.

### Vehicle Proprietors

- 3.43 Similar considerations apply to the vehicle proprietors, both hackney carriage and private hire (referred to here generically as “taxis”). Although the vehicle proprietor may not be driving a vehicle (and if they are they will be subject to their own fitness and propriety test to obtain a driver’s licence), they clearly have an interest in the use of the vehicle. They will also be responsible for the maintenance of the vehicle, and vehicles that are not properly maintained have a clear impact on public safety.
- 3.44 Taxis are used to transport people in many circumstances, and are seen everywhere across the United Kingdom, at all times of the day and night, in any location. Therefore, taxis could provide a transportation system for illegal activities or any form of contraband, whether that is drugs, guns, illicit alcohol or tobacco, or people who are involved in or are the victims of illegal activity, or children who may be at risk of being, or are being, abused or exploited.
- 3.45 In relation to both hackney carriages and private hire vehicles, the local authority has an absolute discretion over granting the licence<sup>36</sup> and should therefore ensure that both their enquiries and considerations are robust. It is much more involved than simply looking at the vehicle itself and it is equally applicable on applications to transfer a vehicle as on grant applications.
- 3.46 Again, this is not an exempt occupation for the purposes of the 1974 Act, but exactly the same process can be applied as for private hire operators – Basic DBS, statutory declaration and consideration of spent convictions. This can then be used in the light of a similar policy in relation to suitability as the authority will already have for drivers and PHOs.
- 3.47 A suitable test would be:
- “Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be

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<sup>35</sup> See s57(1)(c) of the 1976 Act.

<sup>36</sup> S37 of the 1847 Act in relation to hackney carriages; section 48 of the 1976 Act to private hire vehicles.

satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence?”<sup>37</sup>

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<sup>37</sup> Button on Taxis – Licensing Law and Practice 4<sup>th</sup> Ed Bloomsbury Professional at para 8.98



## Chapter 4: Guidance on Determination

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- 4.1 As is clear from the overview of Offenders and Offending above, there is no evidence which can provide precise periods of time which must elapse after a crime before a person can no longer be considered to be at risk of reoffending, but the risk reduces over time. In light of that, the suggested timescales below are intended to reduce the risk to the public to an acceptable level.
- 4.2 Many members of our society use, and even rely on, hackney carriages and private hire vehicles to provide transportation services. This can be on a regular basis, or only occasionally, but in all cases passengers, other road users and society as a whole must have confidence in the safety and suitability of the driver, the vehicle itself and anyone involved with the booking process.
- 4.3 Ideally, all those involved in the hackney carriage and private hire trades (hackney carriage and private hire drivers, hackney carriage and private hire vehicle owners and private hire operators) would be persons of the highest integrity. In many cases that is true, and the vast majority of those involved in these trades are decent, upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.
- 4.4 The purpose of this document is to offer guidance on how licensing authorities can determine whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence. As outlined above, a policy can be robust, and if necessary, say never, and each case is then considered on its own merits in the light of that policy.

### Pre-application requirements

- 4.5 Licensing authorities are entitled to set their own pre-application requirements. These will vary depending upon the type of licence in question but can include some or all of the following (these are not exhaustive lists):

#### Vehicles:

- Basic DBS checks;
- Specifications e.g. minimum number of doors, minimum seat size, headroom, boot space etc;
- Mechanical tests and tests of the maintenance of the vehicle e.g. ripped seats etc;
- Emission limits/vehicle age limits;
- Wheelchair accessibility requirements.



Drivers:

- Enhanced DBS checks with update service;
- Checks made to the National Anti Fraud Network database on refusals and revocations of hackney carriage and private hire licences (when available);
- Medical checks;
- Knowledge of the geographic area;
- Spoken and written English tests;
- Disability awareness training;
- Child sexual exploitation and safeguarding training.

Operators:

- Basic DBS checks;
- Details of their vetting procedures for their staff;
- Knowledge of the licensing area.

- 4.6 In relation to each of these licences, the licensing authority has discretion as to whether or not to grant the licence.
- 4.7 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 4.8 There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a hackney carriage or private hire proprietor’s licence.
- 4.9 “Fit and proper” means that the individual (or in the case of a private hire operator’s licence, the limited company together with its directors and secretary, or all members of a partnership<sup>38</sup>) is “safe and suitable” to hold the licence.
- 4.10 In determining safety and suitability the licensing authority is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person’s behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual’s attitude and temperament.

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<sup>38</sup> Section 57(2)(c) of the Local Government (Miscellaneous Provisions) Act 1976 allows a local authority to consider the character of a company director or secretary, or any partner.

- 4.11 Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction<sup>39</sup>. Fixed penalties and community resolutions will also be considered in the same way as a conviction<sup>40</sup>.
- 4.12 It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
- 4.13 In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
- 4.14 In all cases, the licensing authority will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.
- 4.15 Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
- 4.16 As the licensing authority will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.
- 4.17 In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
- 4.18 Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated

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<sup>39</sup> This is because a caution can only be imposed following an admission of guilt, which is equivalent to a guilty plea on prosecution.

<sup>40</sup> This is because payment of a fixed penalty indicates acceptance of guilt, and a community resolution can only be imposed following an admission of guilt.

conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

- 4.19 It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.
- 4.20 Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.
- 4.21 As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.
- 4.22 Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.
- 4.23 Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.
- 4.24 These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

## Drivers

- 4.25 As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.
- 4.26 A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

- 4.27 As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.
- 4.28 In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

#### Crimes resulting in death

- 4.29 Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

#### Exploitation

- 4.30 Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

#### Offences involving violence

- 4.31 Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

#### Possession of a weapon

- 4.32 Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

#### Sex and indecency offences

- 4.33 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.
- 4.34 In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.



#### Dishonesty

- 4.35 Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

#### Drugs

- 4.36 Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
- 4.37 Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

#### Discrimination

- 4.38 Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

#### Motoring convictions

- 4.39 Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

#### Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving

- 4.40 Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.
- 4.41 Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

#### Other motoring offences

- 4.42 A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.
- 4.43 A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

#### Hackney carriage and private hire offences

- 4.44 Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

#### Vehicle use offences

- 4.45 Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

### Private Hire Operators

- 4.46 A private hire operator ("an operator") does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes.
- 4.47 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.
- 4.48 Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority's overall criteria, that will lead to the operator's licence being revoked.

- 4.49 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

### Vehicle proprietors

- 4.50 Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.
- 4.51 Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.
- 4.52 Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.
- 4.53 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.
- 4.54 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

## Acknowledgements

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In December 2015, the Institute of Licensing established a working party to look at the creation of a model or standard set of guidelines in relation to assessing the suitability of applicants and licence holders in relation to taxi drivers, operators and vehicle proprietors, taking into account the character of the applicant or licensee.

The core project group comprised:

- Stephen Turner, Solicitor at Hull City Council, Licensing Lead for Lawyers in Local Government and Vice Chair of the North East Region IoL (Project Group Chair)
- Jim Button, Solicitor at James Button & Co and President of IoL
- Philip Kolvin QC, Cornerstone Barristers and Patron of IoL
- John Miley, Licensing Manager for Broxtowe Borough Council, National Chair for NALEO and Vice Chair of the East Midlands Region IoL
- Linda Cannon, previously Licensing Manager for Basingstoke & Dean and Hart Councils, and now private licensing consultant and Chair of the South East Region IoL
- Phil Bates, Licensing Manager for Southampton City Council
- Sue Nelson, Executive Officer of IoL

This Guidance is the result of the work of the project team and includes consideration of antecedent history of the applicant or licence holder and its relevance to their 'character' as well as consideration of convictions, cautions and non-conviction information.

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- Louise Scott Garner
- Jenna Parker, Institute of Licensing

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The Local Government Association (LGA) is the national voice of local government.  
[www.local.gov.uk](http://www.local.gov.uk)



Lawyers in Local Government (LLG). [www.lawyersinlocalgovernment.org](http://www.lawyersinlocalgovernment.org)



National Association of Licensing and Enforcement Officers (NALGO). [www.naleo.org.uk](http://www.naleo.org.uk)

## **Appendix 4**

### **Taxi and private hire vehicles: Equality Act medical exemption policy**

The Equality Act 2010 places a number of legal duties on licensed drivers when transporting disabled passengers.

#### **Assistance dogs**

The Equality Act 2010 places duties on both licensed Hackney Carriage and Private Hire Vehicle Drivers to carry guide, hearing and other assistance dogs accompanying disabled people, and to do so without additional charge.

These duties apply equally to dogs provided by UK charities affiliated with Assistance Dogs UK, equivalent overseas organisations, or assistance dogs which have been trained by their owners; and regardless of whether the dog is wearing a recognisable harness or jacket, or subject to formal certification. Where a prospective passenger informs a driver that a dog they wish to travel with is an assistance dog, this should be accepted at face value.

Assistance dogs are trained to ride with their owner in the main passenger compartment of a vehicle, usually lying at their feet, and the owner will instruct their dog to enter and exit the vehicle. Passengers with assistance dogs should be asked if they have any preference over which seat they sit in the vehicle – some may prefer to sit in the front passenger seat of a saloon vehicle, as the larger foot well can offer more space for the dog to sit in. Drivers should be prepared to provide any other reasonable assistance requested by the passenger; however it is unlikely that assistance dogs will require assistance in entering or exiting most vehicles beyond opening the passenger door. Drivers should not try to separate assistance dogs from their owners by insisting that the dog rides in a different part of the vehicle – doing so may cause distress to both the dog and the owner. Assistance dogs may ride in the rear load space of an estate car, if the dog's owner consents to this.

Assistance dogs are bred and selected for their calm nature, and receive substantial specialist training before beginning their roles. They are subject to regular grooming and veterinary health checks. While we recognise that a number of drivers who are not experienced with dogs may feel uneasy at being in such close proximity to one, this does not constitute valid grounds for refusing to carry a passenger with an assistance dog. Similarly, religious beliefs also do not provide grounds for refusing to carry assistance dogs in taxis and private hire vehicles, nor other legal requirements under UK law.

Drivers with certain medical conditions that are aggravated by exposure to dogs may be exempted from these requirements on medical grounds.

Exemption from carrying assistance dogs which accompany disabled persons, can only be sought on medical grounds.

Therefore, applicants will need to demonstrate the grounds for applying this exemption by providing medical evidence to the licensing authority.

The main reasons a hackney carriage or private hire vehicle driver may wish to apply for a medical exemption are:

1. if they have a condition such as severe asthma, that is aggravated by contact with dogs;
2. if they are allergic to dogs; or
3. if they have an acute phobia to dogs.

The licensing authority, therefore, expects the number of drivers likely to be eligible for an exemption to be very low.

To apply for an exemption for the carriage of assistance dogs, the application form, available from the licensing authority must be completed by a Specialist Medical Practitioner.

Examples of suitable medical professionals include, but are not limited to:

1. specialist / consultant
2. specialist nurse (for example, an asthma nurse)
3. practice nurses
4. the council's nominated independent doctor

In exceptional circumstances, but only where no other alternatives are available, the licensing authority may consider evidence from the applicant's General Practitioner.

The form must be accompanied by sufficient evidence of the allergy e.g. allergen test results, clinical history etc. A simple statement from a medical professional will not be considered as sufficient for the purpose of the exemption request.

If a driver has a chronic phobia to dogs, the licensing authority would expect this to be supported by a report from a psychiatrist or clinical psychologist before a driver is granted an exemption.

The applicant will be responsible for all costs associated in the provision of the necessary medical evidence.

If an exemption from carrying assistance dogs is granted, an exemption certificate and badge as prescribed by law will be issued to the driver.

An exemption will be granted for a specified period of time as determined by the licensing authority.

Consideration will be given to the type of Hackney Carriage vehicle that will be driven. Particular consideration will be given to the interior of the vehicle, and whether the vehicle has a partition separating the driver from the assistance dog and passenger.

The prescribed exemption badge must be clearly displayed at all times in any Hackney Carriage or Private Hire vehicle that the exempt driver will be driving, and made available to an Authorised Officer on request.

In the absence of a medical exemption certificate from the licensing authority, it would be a criminal offence for any hackney carriage or private hire driver to refuse to carry an assistance dog, to refuse to allow the assistance dog to remain with the passenger throughout the journey, or to make any additional charge for the carriage of the assistance dog.

## **Wheelchairs**

The Equality Act 2010 places duties on both licensed Hackney Carriage and Private Hire Vehicle Drivers who operate Wheelchair Accessible Vehicles to carry passengers in a wheelchair and provide assistance to ensure safety and reasonable comfort, and to do so without any additional charge.

The types of assistance that may be required include:

- If the passenger wishes to remain in the wheelchair, the driver must help the passenger to get in and out of the vehicle and secure the wheelchair in accordance to the vehicle specification
- If the passenger wants to transfer to a seat, the driver must help him or her to get out of the wheelchair and into a seat and back into the wheelchair; the driver must also load the wheelchair into the vehicle together with any luggage.
- A driver who fails to comply with any of the above duties without valid defence will commit a criminal offence, and may be fined up to £1,000 for each offence on conviction. Offences may also lead to revocation or suspension of taxi licences.

A 'reference wheelchair' is defined in statute as having the following dimensions:

- Length: 1200mm (approx. 48") including footplates
- Width: 700mm (28")
- Total seated height: 1350mm (54")
- Height of footrest: 150mm (6")

It is anticipated that the above dimensions for a reference wheelchair will cover the majority of manual wheelchairs – however, we recognise that some wheelchairs with specialist functionality, or motorised wheelchairs and mobility scooters, may exceed these dimensions and may not be able to be loaded and carried safely in all designated taxis. In such cases, drivers will be expected to assess whether the passenger can be safely carried in their vehicle, to carry the passenger if their safety and reasonable comfort can be assured, or to assist them in locating a suitable alternative vehicle otherwise, where this is practicable. Such circumstances may constitute a defence to an offence mentioned above.

In all cases, we expect drivers to treat passengers with respect and sensitivity, and to provide a clear explanation to the passenger as to why they have not been able to convey them.

Certain medical grounds may exist meaning the driver cannot provide assistance, for example where a person's physical condition makes it impossible, or reasonably difficult, to assist passengers in a particular type of wheelchair.

Given that the main reasons for a hackney carriage or private hire vehicle driver to request a medical exemption are likely to be back or muscle-related injuries, which are not likely to be conducive to driving for long periods, the licensing authority expect the number of drivers likely to be eligible for an exemption to be low.

To apply for an exemption to the carriage of wheelchairs and offering assistance, an application form, available from the Licensing authority, must be completed. The form must be completed by the applicant's General Practitioner or other Specialist Medical Practitioner, and must be accompanied by sufficient evidence such as a full diagnosis, details of ongoing investigations etc. A simple statement from a medical professional will not be considered as sufficient for the purpose of the exemption request. Any costs incurred in this process will be borne by the applicant.

### **Licensing authority decision**

The licensing authority will reach a decision based on the information from the medical form and associated reports. If the form or report is ambiguous in any way a decision will not be made and further information will be sought from the applicant's specialist medical practitioner seeking a clear response.

Applicant's that have a temporary condition will be granted a time limited exemption certificate. If the applicant wishes to extend the period of exemption a further medical assessment (~~using the form in Appendix A~~) will need to be completed prior to the expiration of the exemption certificate.

If an extension to a temporary certificate has not been sought, drivers will be expected to resume normal duties under the Equality Act 2010 once the exemption certificate has been expired.

Drivers issued with a temporary medical exemption certificate must return it to the licensing authority within one working day after the expiry of the certificate.

In addition, as a result of the Taxis and PHV (Disabled Persons) Act 2022:-

- **All taxi and PHV drivers (not just drivers of WAV Vehicles)** may apply for an exemption certificate and notice on medical grounds or where their physical condition prevents them from performing the mobility assistance duties at sections 164a and 165 (as added/amended by the 2022 Act).
- Both existing and new exemption notices, when displayed correctly, will exempt a driver **only** from the **mobility assistance** duties at sections 164a and 165 – meaning, for example, that a driver's medical condition can no longer be used as a justification for charging a disabled person more than a non-disabled person.

- **All** taxi and PHV drivers and operators – regardless of whether the vehicle is wheelchair accessible – will be subject to duties under the Equality Act. The main changes are set out below.

#### **Taxi and PHV drivers will be required to:**

- Accept the carriage of any disabled person, provide them with reasonable mobility assistance, and carry their mobility aids, all without charging any more than they would for a non-disabled passenger;
- Provide any disabled passenger who requests it with assistance to identify the vehicle they have booked, at no extra charge.

#### **PHV operators will be required to:**

- Accept bookings for or on behalf of any disabled person, if they have a suitable vehicle available.

Further information on these duties can be found by visiting Access to taxis and private hire vehicles for disabled users - GOV.UK ([www.gov.uk](http://www.gov.uk))

Drivers who believe that they are unable to provide mobility assistance will need to make an application to the Licensing Team for an exemption certificate from providing reasonable assistance to disabled passengers. Please note that this position will have to be certified by your Medical Physician or GP.

#### **Appeal**

Any driver aggrieved by the licensing authority's decision to refuse the issue of a medical exemption certificate may appeal to the Magistrates' Court within 28 days of the date of the refusal.

## **Appendix 5**

### **Right to Work acceptable ID guidance**

#### **List A – acceptable documents to establish a continuous statutory excuse**

1. A passport (current or expired) showing the holder is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
2. A passport or passport card (in either case, whether current or expired) showing that the holder is an Irish citizen.
3. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted unlimited leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
4. A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
5. A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
6. A birth or adoption certificate issued in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer. Definition includes a full birth certificate issued by a UK diplomatic mission (British Embassy or British High Commission).
7. A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
8. A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.

#### **List B Group - 1 – documents where a time-limited statutory excuse lasts until the expiry date of permission to enter or permission to stay**

1. A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question. This includes a current passport endorsed with a stamp showing an individual has been granted leave to enter and there are no work-related conditions attached. If, under the conditions of the



individual's leave, work was restricted or prohibited the endorsement placed in the individual's passport would explicitly set that out as a condition.

2. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted limited leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.

3. A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.

**List B Group 2 – documents where a time-limited statutory excuse lasts for six months**

1. A document issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme) on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service.

2. A Certificate of Application (digital or non-digital) issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme), on or after 1 July 2021, together with a Positive Verification Notice from the Home Office Employer Checking Service.

3. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man showing that the holder has made an application for leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules or Appendix EU to the Immigration Rules (Bailiwick of Guernsey) Rules 2008, or Appendix EU to the Isle of Man Immigration Rules together with a Positive Verification Notice from the Home Office Employer Checking Service.

4. An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, together with a Positive Verification Notice from the Home Office Employer Checking Service. 1

5. A Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.

## **Appendix 6**

### **Hackney Carriage/Private Hire Driver Code of Conduct**

#### **CODE OF CONDUCT**

1. The Licence is granted to the person named thereon and shall remain in force for up to a maximum period of three years and is not transferable. A discretionary one year licence may be issued in exceptional circumstances.
2. The licensee shall continue be signed up to the Disclosure and Barring Service (DBS) Update Service whilst licensed and give the Council permission to undertake any checks of their DBS status should the Council consider it necessary to do so. All DBS Update Service costs shall be met by the licensee. Any licensee who does not sign up to the DBS Update Service shall provide a DBS at their own cost when the Council considers it necessary for a check to be carried out
3. The licensee shall not part with the benefit of the licence, which is personal to him/her, other than to deliver it to the private hire vehicle operator employing the driver and to be retained by the operator while the driver remains in his employ.
4. The licensee shall, when driving a hackney carriage or private hire vehicle, wear or display such badge issued to him/her by the Council, in such a position and manner as to be plainly and distinctly visible or be made available to the passenger for inspection. The badge shall bear the number corresponding with the number assigned to the Licensee in the register kept by the Council for that purpose. The badge must be returned to the Council immediately the driver ceases to be licensed by the Council.
5. The driver's badge shall remain the property of the Council and if the driver's licence is suspended or revoked or the Council refuse to renew a driver's licence such badge shall be returned by the licensee to the Council within seven days of the date of a notice given by the Council, requesting the licensee to do so.
6. Where a licence or badge is lost or stolen, a replacement must be requested immediately from the Council, for which a fee is normally payable. If the lost or stolen badge or licence is found, it must be returned to the Council,
7. If a driver significantly alters his or her appearance to the extent that they can no longer be recognised from the photograph which appears on their driver's badge, they must produce a new photograph to the Council and request a replacement badge. The existing badge must be returned immediately when the replacement has been requested.
8. The Council may, if considered necessary due to evidence of a lack of geographical knowledge of Blaenau Gwent, request that existing licence

holders take and pass the Knowledge Test and if they do not comply with the request, the licence may be reviewed with a view that the licence be revoked.

9. The licence may be suspended, revoked, refused or not renewed by the Council:
  - (a) if the driver commits an offence or otherwise fails to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976
  - (b) if the driver has been convicted of an offence involving dishonesty, indecency or violence
  - (c) if the driver becomes disqualified from driving under any of the Road Traffic Acts, in which case the licence shall be automatically revoked
  - (d) on any other reasonable grounds.
10. The licensee must, throughout the period of his licence, hold a valid driver's licence under the Road Traffic Act 1988. If he/she is disqualified from holding a driving licence, for whatever reason, he/she must notify the Council immediately and return the badge and licence.
11. The licensee shall notify the Council of any change or deterioration to his/her health during the period of his/her licence. The Council reserves the right to require an existing licensee to produce medical evidence of continuing fitness to drive during the period of the licence. Such medical evidence shall be produced by the licensee, to the Council, within seven days of a notice issued by the Council, requesting the information.
12. A licence holder must notify the Licensing Authority in writing within seven days of any change to the private hire operator for which he/she carries out work for.
13. Licensees must notify the Council within 48 hours of an arrest and release, charge or conviction. Arrests or charges for any sexual offence, any offence involving dishonesty or violence and any motoring offence will result in a review of the licence. Further notifications must be made within 48 hours of any charge and conviction. Failure to do so may be seen as behaviour that questions honesty and the suitability of the licence holder, regardless of the outcome of the initial allegation.

What must be reported:-

- any conviction, motoring or criminal
- any caution issued by the Police or any other agency
- issue of any Magistrates' Court summons
- issue of any fixed penalty notice for any matter
- any harassment or other form of warning or order within criminal law including anti-social behaviour orders or similar
- arrest for any offence, whether or not charged

- any acquittal following a criminal case heard by a Court
  - any refusal of any type of licence by any other regulatory authority or any such licence is suspended, revoked or not renewed.
14. The licensee 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. In addition, the driver must return his or her ordinary driving licence to the DVLA as soon as possible and produce the amended driving licence to the Council within seven days from the date of receipt.
  15. Applications for renewal of a licence must be made before the expiry date, to ensure continuity. There is no automatic period of grace and unlicensed driving is an offence.
  16. Applications for licences will not be considered until the appropriate fee is paid?? *Fees should not be paid until licence is granted, should we change wording??* Where payment is made by a cheque, which is subsequently dishonoured, any licence will be declared void.
  17. The licensee shall, at the request of any Authorised Officer of the Council or any Police Officer, produce his/her driver's licence and/or badge, for inspection within five working days from the date of request.
  18. The licensee shall comply with all reasonable requests made by authorised officers of the Council both within or outside the home authority.
  19. Any private hire vehicle driven by the driver must be operated by a private hire vehicle operator licensed with this Council.
  20. Drivers of private hire vehicles are reminded that they are only allowed to take passengers who have pre-booked their journey via a licensed operator. Drivers of private hire vehicles are not allowed to ply for hire in the same way as hackney carriage drivers and will be guilty of an offence if they do so.
  21. The licensee shall not permit, to be conveyed in a licensed vehicle, a greater number of persons, exclusive of the driver, than the number of persons specified in the licence issued and displayed on the vehicle licence plates, issued by the Council.
  22. The driver shall not, without the consent of the hirer, carry or permit to be carried, any other person in the vehicle, unless part of a car pooling or ride share agreement.
  23. The driver of a vehicle shall behave in a friendly, civil and orderly manner towards all passengers, members of the public and Council Enforcement of Police Officers.
  24. The driver shall not use offensive or inappropriate language in public nor make any discriminatory remarks relating to age, gender, sexuality, disability, race, religion or belief.

25. Licensees must adhere to the Council's prescribed Dress Code at all times.
26. Drivers shall adhere to the rules of the Highway Code, where appropriate, and, at all times, portray the Blaenau Gwent taxi trade in a professional and understanding manner.
27. When sent to any address, the driver shall knock on the door of the property and not sound their horn.
28. Drivers shall switch off the engine of the vehicle if required to wait.
29. The driver of a vehicle shall take all reasonable precautions to ensure the safety of passengers carried, entering or alighting the vehicle and offer assistance if necessary.
30. The driver shall offer a vulnerable passenger assistance and not make assumptions.
31. The driver of a vehicle, which has been hired to be in attendance at an appropriate time and place, shall, unless delayed or prevented by some sufficient cause, punctually attend at the appointed time and place.
32. The driver of a vehicle shall, when hired to drive to any particular destination, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
33. If a passenger wishes to travel outside the local authority boundary, agree the fare before setting off and use the meter (hackney carriages only`).
34. The driver shall, when requested by the hirer:-
  - (a) convey a reasonable quantity of luggage
  - (b) afford reasonable assistance in loading and unloading luggage, including assistance in removing it to and from the entrance of any house or other place where he/she collects or sets down his passenger
  - (c) carry, without any additional payment, guide, hearing and certain prescribed assistance dogs, accompanying disabled people unless an exemption certificate from that requirement has been issued by the Council.
35. The driver shall immediately after the termination of any hiring, carefully search the vehicle for any property that may have been accidentally left therein. If such property is found, the driver must return it, within 48 hours, if not sooner, direct to the owner or to the Licensing Section of the Council at Anvil Court, Church Street, Abertillery, NP13 1DB where a receipt for the property will be issued to the driver.

36. Drivers must not drive when their ability to do so is impaired by tiredness or having worked excessive hours. The maximum daily driving time is 10 hours, and drivers must have a break lasting at least 30 minutes after driving for 5.5 hours. Or, within any period of 8 hours 30 minutes, drivers must take at least 45 minutes in breaks. Drivers must also have a break of at least 30 minutes at the end of this period, unless it's the end of the working day.
37. The driver shall at his/her discretion, convey animals, which are in the custody of the hirer and in this case the animal, must be conveyed in the rear of the vehicle. Dogs assisting passengers with disabilities must always be permitted to be conveyed in the vehicle (see Taxi and Private Hire Licensing policy for further information on carrying passengers with disabilities).
38. Drivers of wheelchair accessible vehicles must ensure that they are able to correctly deploy the vehicle ramps, understand how to transport a passenger in a wheelchair into and out of the vehicle and how to secure the wheelchair **before** they use the vehicle for the first time.
39. The driver of a vehicle, who has been issued with an exemption certificate, must exhibit the notice of exemption in a vehicle by either fixing it to the windscreen, facing outwards, or fixing it in a prominent position on the dashboard.
40. Drivers who have been issued a temporary medical certificate issued under the Equality Act 2010 must return it to the Council within one working day after the date of expiry.
41. If the driver of a vehicle forges or makes a false statement in respect of an exemption certificate, he/she will be guilty of an offence.
42. The driver shall not demand from the hirer a fare in excess of any previously agreed at the time when the booking was made. If no agreement was made, the driver shall not charge more than the fare shown on the taxi meter, which must be made visible to the hirer and not concealed in any way.
43. Where a card payment device is fitted in the vehicle, the driver must:-
- at the start of each shift, check that the device is if in full working order;
  - where a device is faulty, report the matter to the vehicle proprietor within 24 hours;
  - ensure that where the device is faulty, remove any stickers or notices which informs the passenger that they may pay by card;
  - notify the passenger before the booking is accepted that card payments cannot be made due to either a fault with the device or due to a widespread network outage.
44. The driver of a hackney carriage provided with a taxi meter must:
- (a) when standing or plying for hire, keep the taxi meter in the locked in position

- (b) as soon as the carriage is hired by distances, and before beginning the journey, bring the machinery of the taxi meter into action so that the word “HIRED” is legible on the face of the taxi meter and keep the machinery of the taxi meter in action until the termination of the hiring
  - (c) cause the dial/screen of the taxi meter to be kept properly illuminated throughout any part of hiring which is during the hours of darkness as defined for the purpose of the Road Traffic Act 1988 and also at any other time at the request of the hirer.
- 45. A proprietor or driver of a hackney carriage, when standing or plying for hire shall not by calling out or otherwise importune any person to hire such carriage, and shall not make use of the services of any other person for the purpose.
  - 46. Taxi meters must not be switched on until passengers are seated in the cab unless the driver has otherwise informed the passengers of the intention to do so.
  - 47. The taxi meter must be used at all times even if the vehicle is being used under a private hire arrangement.
  - 48. The driver of a hackney carriage shall not or allow any person to tamper with any taxi meter fitted in a hackney carriage or with the seals affixed thereto.
  - 49. The driver shall provide the hirer with a receipt if one is requested.
  - 50. Any vehicle accident or damage affecting the safety, performance, appearance or comfort or convenience of passengers must be notified to the Council within 72 hours.
  - 51. The driver should check the condition of the items of the vehicle listed below at the beginning of each shift before any passengers are carried in the vehicle. A written record must be made of safety check and the details of faults and remedial action should also be recorded. Defaults should be rectified immediately before carrying passengers.

The record should be signed by the person making the check and kept for a minimum of 30 days and then passed to vehicle owner, who should retain it for a further six months. The record must be made available to any authorised officer of the Council.

- seat belts
- fluid levels
- tyres
- windscreen wipers and washers
- lights
- mirrors
- wheelchair ramps
- wheelchair fixings
- licence plates

- any other signage
52. The driver should ensure that the vehicle is kept clean inside and out at all times.
  53. When a vehicle is fitted with a CCTV system, the driver must comply with the Licensing Authority's CCTV guidance.
  54. The driver shall not conceal the internal or external identification plates or stickers from public view and shall keep all identification plates and stickers in a clean and legible condition.
  55. The driver must ensure that any signage and notices required by the Licensing Authority are appropriately fixed/attached to the vehicle.
  56. The driver should not eat or drink in the vehicle, other than for medical reasons, whilst the vehicle is in motion. Smoking and the use of electronic or vaping products, designed to be smoked, is prohibited in the vehicle at all times. Where a vehicle owner or driver chooses to ban customers from eating and drinking in a vehicle (other than for medical reasons), this must be clearly signposted so that customers are aware immediately on entering the vehicle.
  57. Without the express consent of the hirer, the driver should not play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
  58. At no time should the driver cause or permit the noise emanated by any radio or other previously mentioned equipment in the vehicle which he/she is driving or which is stationary to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
  59. Where unruly or aggressive conduct is displayed by passengers, the driver should warn the passenger of any intended action before taking such action.
  60. Drivers must ensure that any personal information obtained during the course of their business is stored securely and only for as long as is absolutely necessary. Access to this information must be restricted to those that will use for the intention it was obtained.
  61. Personal information obtained should not be used for any other purpose than for that which it was obtained without the express permission of the individual to which the information relates. Telephone numbers must not be retained after the booking was made if the number was only obtained to allow an alert to be sent about that booking.
  62. Drivers should not take details of any social media, blogs or personal websites of any passengers or send any electronic message to a passenger that does not relate to matters concerning the hiring of the vehicle.



63. Drivers should not use their position to force their political, spiritual or religious beliefs on their passengers.
64. Drivers should not behave in a manner which could be considered intrusive, intimate, over-personal or professional towards passengers nor provide any form of gift or gratuity.
65. Drivers should take photographs of passengers even at their request. This does not include images captured on approved vehicle CCTV.
66. Every driver shall at times when driving a licensed vehicle, carry with him a copy of these conditions, and shall make them available for inspection by the hirer or any other passenger on request.
67. The driver of a hackney carriage shall, when plying for hire on a taxi rank and not actually hired:-
- (a) proceed with reasonable speed to one of the stands fixed in that behalf
  - (b) proceed to another stand if, at the time of his arrival, the stand is occupied by the full number of vehicles authorised to occupy it
  - (c) on arrival at a stand not already fully occupied by the number of vehicles authorised to occupy it, station the vehicle immediately behind the vehicle or vehicles on the stand so as to face in the same direction
  - (d) from time to time, when any other vehicle is driven off or moved forward, drive his vehicle forward to fill the space previously occupied which has been driven off or moved forward;
  - (e) remain in attendance with the vehicle
  - (f) be polite and courteous to any taxi marshal, where applicable, and follow their instructions
  - (g) not allow the vehicle to be on the rank unless it is available for immediate hire
  - (h) not wait for pre-booked fares.
68. Any person who commits an offence against any of the provisions of these conditions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 may be prosecuted, and liable to a fine.

## Appendix 7

### Hackney Carriage/Private Hire Driver Dress Code

It is recognised that the taxi trade, both hackney carriage and private hire, play an important role in portraying a positive image of the area.

To ensure that the hackney carriage and private hire trade portrays a professional image and to ensure that driving is carried out safely the following dress code applies.

The code applies to licensed drivers whilst driving and whilst attending for interview at the offices of the Licensing Department or before the Licensing Committee.

- (a) Male drivers shall, as a minimum, wear a shirt or tee shirt and tailored shorts (of at least knee length), trousers or denim jeans. The shirt or tee shirt shall cover the shoulders, stomach and midriff area. Shirts worn as open neck shirts shall have no more buttons open than the collar button and the neck button. Tee shirts, sweat tops and jumpers shall not carry any words or pictures of an offensive or suggestive nature. Manufacturer name and/or logo as supplied by the manufacturers is permissible. Shorts and trousers shall be defined as having a fly fastening and capable of being worn with a belt on the waist. To avoid any doubt, tracksuit tops and trousers and football shirts shall not be permitted.
- (b) The dress code for female drivers shall be as for male drivers with the substitution of blouse for shirt and the addition of skirt to tailored shorts or trousers.
- (c) For safety reasons, footwear for all drivers shall fit around the heel either by an enclosed or sling back. To avoid any doubt, mules and beach 'flip flops' shall not be permitted. In addition, pronounced heels should not be worn.
- (d) All clothing shall be clean, fresh, free from holes, rips and snags and fastenings shall be in good order.
- (e) Drivers shall carry, in the vehicle, an overall or similar item of protective clothing, which shall be worn over clothing in the event of any vehicle maintenance being necessary whilst away from base.
- (f) Hoods shall not be worn over the head whilst driving.
- (g) Any headgear worn must allow the face of the driver to be seen, unless worn for religious reasons, so that passengers can check that the person driving is a licensed driver against that driver's taxi identity card. Any headgear worn must be clean, neat and not bare any slogan other than the maker's name.

The above list is not exhaustive and there may be other standards of dress that are deemed not acceptable by authorised officers of the licensing authority. Failure to comply with the dress code may result in a written warning. Persistent failures to comply on more than two occasions within 12 months) may result in a referral to the licensing committee for determination of any additional action.

## **Appendix 8**

### **Rules and conduct relating to Taxi Ranks**

The driver of a hackney carriage shall, when plying for hire on a taxi rank and not actually hired:-

- (a) proceed with reasonable speed to one of the stands fixed in that behalf
- (b) proceed to another stand if, at the time of his arrival, the stand is occupied by the full number of vehicles authorised to occupy it
- (c) on arrival at a stand not already fully occupied by the number of vehicles authorised to occupy it, station the vehicle immediately behind the vehicle or vehicles on the stand so as to face in the same direction
- (d) from time to time, when any other vehicle is driven off or moved forward, drive his vehicle forward to fill the space previously occupied which has been driven off or moved forward;
- (e) remain in attendance with the vehicle
- (f) be polite and courteous to any taxi marshal, where applicable, and follow their instructions
- (g) not allow the vehicle to be on the rank unless it is available for immediate hire
- (h) not wait for pre-booked fares.

## Appendix 9

### Vehicle Application/Testing Process

#### New Applications

On initial application, applicants are required to submit the relevant application form, documents and fee to the Council's Licensing department. An appointment will then be made by the Licensing Officer for the vehicle to be tested by the Council's approved vehicle examiner, based at the Central Depot, Barleyfield Way Industrial Estate, Brynmawr. An official order will be given to the applicant.

When the vehicle is found to be in a satisfactory and roadworthy condition, the examiner will issue a Certificate of Compliance, confirming the vehicle's fitness to be used as a hackney carriage or private hire vehicle and will fix the external licence plate to the rear of the vehicle.

The examiner will inform the Licensing section that the vehicle has passed the test and the licence, internal licence plate for display in the window of the vehicle and any other relevant documents will be sent direct to the applicant from the Licensing section.

#### Renewal Applications

Approximately one month before the expiry date of the current licence, the Licensing section will issue a reminder letter and application form to all parties to the licence. **N.B. the Council is not obliged to send reminders. It is the responsibility of the licensee to ensure that a licence is applied for and a new licence issued before the current licence expires.**

The licensee must submit an application form and relevant fee and documents to the Licensing section prior to the expiry date of the licence. An appointment will be made for the vehicle to be tested by the Council's vehicle examiner and the above procedure will apply.

If the vehicle fails the test, either on new or renewal applications, the vehicle will be tested, free of charge, within the next 24 hours, depending on the type of items the vehicle has failed on. If the vehicle is not tested within 24 hours, a re-test fee will be payable and the above procedure will apply.

#### Spot Checks

During the period of a licence, the vehicle may be randomly chosen to be 'spot checked' and tested by the Council's approved examiner. 48 hours' notice will be given to the licensee and if the vehicle fails the test, the licence will be suspended until the faults are rectified.

## Appendix 10

### Hackney Carriage Vehicle Specification

2. The applicant must then satisfy the Council that the vehicle is:-

- (a) first registered in the U.K., not more than five years before the date of commencement of the licence, except London-type taxi cabs or prestige vehicles, which will be licensed at the discretion of the Council. Vehicles re-licensed after ten years from the date of first registration, will be subject to an additional examination after six months.

Purpose built wheelchair accessible vehicles (WAVs) must be first registered in the UK not more than 10 years before the date of commencement of the licence. WAVs licensed or re-licensed after 10 years from the date of first registration will require an additional test during the period of the licence.

- (b) not licensed for hackney carriage or private hire purposes by any other Council
- (c) a car fitted with four road wheels and at least four doors
- (d) right hand drive
- (e) of sufficient seating capacity to carry at least four and not more than eight passengers in addition to the driver. The seating shall be determined by the Council's Approved Vehicle Examiner in accordance with the Road Vehicles (Registration and Licensing) Regulations 1971.
- (f) of suitable type, size and design, etc., as follows:-

- (1) Vehicle

The vehicle must be constructed and the doors open sufficiently wide as to allow easy access to and egress from the vehicle and cause no inconvenience to passengers

- (2) Height (inside)

From the top of the seat cushions to the roof at the lowest part must not be less than thirty two inches to restrain the number of passengers permitted to be carried in the vehicle

- (3) Knee Space

The measurement between the rear of the front seat and the squab of the back seat must not be less than thirty inches

- (4) Seats (width)

The width of the back seat from the squab to the front edge must not be less than eighteen inches

(5) Rear Seat (length)

The length of the rear seat measured in a straight line lengthwise on the front of the seat must allow adequate sitting accommodation to the extent of at least sixteen inches.

- (g) fitted with an efficient fire extinguisher and first aid kit and to be fixed in the vehicle in such a position as to be readily available for use and accessible to the driver
- (h) fitted with front and rear seat belts to restrain the number of passengers permitted to be carried in the vehicle
- (i) if the vehicle is an estate car, fitted with a grille sufficient to prevent luggage carried in the rear compartment from coming into contact with persons in the rear seat
- (j) not fitted with or have use of a car wireless receiving set without the consent of the Council. Permission for such installation or use will be subject to the condition that the receiving set is only used in the time the carriage is stationary and waiting on the stand and that its use ceases immediately upon hire and is at no time in operation when the vehicle is in motion. This condition will not prevent the use of their own sets by passengers hiring the vehicle. When operated on a stand, the receiving set shall not cause annoyance to other persons by reason of loud, continuous or repeated use
- (k) provided with a taxi meter which must be located inside the vehicle in accordance with the reasonable instructions of an authorised officer
- (l) provided with a YELLOW roof sign so constructed to bear the words "FOR HIRE" in plain letters at least two inches in height and be illuminated and be capable of being so operated that it indicates clearly and conveniently to persons outside the vehicle whether or not the vehicle is for hire.

3. The applicant shall ensure that:-

- (a) the illuminated roof sign is wired to the taxi meter so as to enable it to be extinguished during the carry of a fare for which the meter is in operation
- (b) when the machinery of the taxi meter is in action, there shall be recorded on the face of the taxi meter in clearly legible figures a fare not exceeding the rate of fare which the proprietor or driver is entitled in pursuance of the byelaw in that behalf

- (c) the word 'fare' is printed on the face of the taxi meter in plain letters so as clearly to apply to the fare recorded thereon
- (d) the taxi meter is so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring
- (e) the taxi meter and all fittings thereof are so affixed to the carriage with seals or other appliances that it shall not be practicable to any person to tamper with them, except by breaking, damaging, or permanently displacing the seals or other appliances.

**NOTE:** Applicants are advised that, in their own interest, they should ensure that the vehicles are suitable and comply with the conditions of application before submitting the vehicle for inspection.

- 4. The applicant must then present the vehicle for testing by the Council's Approved Examiner to ascertain that the vehicle is in a safe and satisfactory condition for the carriage of passengers, the cost of such inspection to be included in the licence fee charged by the Council.
- 5. Applicants for renewal of licence are advised that the foregoing does not affect the expiry date of a licence. An application for renewal must be made before the expiry date, the vehicle must be tested by the Council's Approved Examiner and the licence issued before the expiry date, otherwise the application will be treated as a new application.

### **Designated Wheelchair Accessible Vehicles**

Designated wheelchair accessible vehicles (WAVs) must be able to facilitate the carriage of disabled persons and accommodate a disabled person in a 'reference' wheelchair\* in the passenger compartment.

The Council has the power to establish a list of designated vehicles, in accordance with section 167 of the Equality Act 2010 which will be made publicly available. A vehicle should only be included in the list of designated vehicles if it would be possible for the user of a wheelchair of the following dimensions (a 'reference wheelchair' as in accordance with Schedule 1 of the Public Service Vehicle Accessibility Regulations 2000) to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair:-

- total length of 1200mm, including extra-long footplates
- total width of 700mm
- sitting height (from ground to top of head) of 1350mm
- height of footrest above floor of 150mm

### **Vehicles fitted with 5 passenger seats to 8 passenger seats**

- 1. No seat should be required to be moved to allow any passenger to enter or exit



the vehicle.

2. All door handles must be of the same type, be easily accessible, have an interior door release handle and be clearly marked.
3. All seats must be constructed to seat adults and must not have a weight restriction.
4. No access may be blocked by luggage.
5. All seats must face forward or backwards to the direction of travel.
6. There must be a clear passageway to each row of seats.
7. If only one door is normally used, this must be on the nearside of the vehicle (similar to buses).

## Appendix 11

### Private Hire Vehicle Specification

2. The applicant must then satisfy the Council that the vehicle is:-

- (a) first registered in the U.K., not more than five years before the date of commencement of the licence, except prestige vehicles which will be licensed at the discretion of the Council. Vehicles re-licensed after ten years from the date of first registration will require an additional test during the period of the licence.

Purpose built wheelchair accessible vehicles (WAVs) must be first registered in the UK not more than 10 years before the date of commencement of the licence. WAVs licensed or re-licensed after 10 years from the date of first registration will require an additional test during the period of the licence

- (b) not licensed for hackney carriage or private hire purposes by any other Council
- (c) a car fitted with four road wheels and at least four doors
- (d) right hand drive
- (e) not resembling a London type taxi cab or otherwise of such design or appearance as to lead any person to believe that the vehicle is a hackney carriage
- (f) of sufficient seating capacity to carry at least four and not more than eight passengers in addition to the driver. The seating shall be determined by the Council's Approved Examiner in accordance with the Road Vehicles (Registration and Licensing) Regulations 1971
- (g) if it is a vehicle presented for licensing for the carriage of more than four passengers, either structurally constructed or permanently adapted to the satisfaction of the council's Approved Vehicle Examiner and authorised officers

- (h) of suitable type, size and design, etc., as follows:-

- (1) Vehicle

The vehicle must be constructed and the doors open sufficiently wide as to allow easy access to and egress from the vehicle and cause no inconvenience to passengers

- (2) Height (inside)

From the top of the seat cushions to the roof at the lowest part must not be less than thirty two inches to restrain the number of passengers permitted to be carried in the vehicle

(3) Knee Space

The measurement between the rear of the front seat and the squab of the back seat must not be less than thirty inches

(4) Seats (width)

The width of the back seat from the squab to the front edge must not be less than eighteen inches.

(5) Rear Seat (length)

The length of the rear seat measured in a straight line lengthwise on the front of the seat must allow adequate sitting accommodation to the extent of at least sixteen inches.

- (i) fitted with an efficient fire extinguisher and first aid kit and to be fixed in the vehicle in such a position as to be readily available for use and accessible to the driver
- (j) fitted with front and rear seat belts to restrain the number of passengers permitted to be carried in the vehicle
- (k) if the vehicle is an estate car, fitted with a grille sufficient to prevent luggage carried in the rear compartment from coming into contact with persons in the rear seat.

### **3. Designated Wheelchair Accessible Vehicles**

Designated wheelchair accessible vehicles (WAVs) must be able to facilitate the carriage of disabled persons and accommodate a disabled person in a 'reference' wheelchair\* in the passenger compartment.

The Council has the power to establish a list of designated vehicles, in accordance with section 167 of the Equality Act 2010 which will be made publicly available. A vehicle should only be included in the list of designated vehicles if it would be possible for the user of a wheelchair of the following dimensions (a 'reference wheelchair' as in accordance with Schedule 1 of the Public Service Vehicle Accessibility Regulations 2000) to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair:-

- total length of 1200mm, including extra-long footplates
- total width of 700mm
- sitting height (from ground to top of head) of 1350mm
- height of footrest above floor of 150mm

**NOTE:** Applicants are advised that, in their own interest, they should ensure that the vehicles are suitable and comply with the conditions of application before submitting the vehicle for inspection.

4. The applicant must then present the vehicle for testing by the Council's Approved Examiner to ascertain that the vehicle is in a safe and satisfactory condition for the carriage of passengers, the cost of such inspection to be included in the licence fee charged by the Council.
5. Applicants for renewal of licence are advised that the foregoing does not affect the expiry date of a licence. An application for renewal must be made before the expiry date, the vehicle must be tested by the Council's Approved Examiner and the licence issued before the expiry date, otherwise the application will be treated as a new application.

#### **Vehicles fitted with 5 passenger seats to 8 passenger seats**

1. No seat should be required to be moved to allow any passenger to enter or exit the vehicle.
2. All door handles must be of the same type, be easily accessible, have an interior door release handle and be clearly marked.
3. All seats must be constructed to seat adults and must not have a weight restriction.
4. No access may be blocked by luggage.
5. All seats must face forward or backwards to the direction of travel.
6. There must be a clear passageway to each row of seats.
7. If only one door is normally used, this must be on the nearside of the vehicle (similar to buses).

## Appendix 12

### HACKNEY CARRIAGE LICENCE

#### CONDITIONS OF LICENCE

1. The licence shall remain in force for a period of one year.
2. With the exception of fares or distance specified in the Council's byelaws under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 with respect to hackney carriages in the Blaenau Gwent County Borough, the provisions specified in the said byelaws shall apply except that in the case of conflict with these conditions, the conditions herein shall prevail.
3. The proprietor shall notify the Council in writing within seven days, if the information supplied in his application for a hackney carriage is altered for any reason. Failure to do so may result in the suspension of the licence.
4. Should the proprietor of a hackney carriage transfer his interest in the vehicle or the taxi meter to a person other than the proprietor whose name is specified in the licence, he shall notify the Council, in writing, within fourteen days of the transfer taking place, of the name and address of the person or persons to whom the vehicle has been transferred. The transferee shall, within 14 days from the date of the transfer, notify the Council of the transfer by completing the appropriate application form and submitting the relevant fee. The original licence must be returned to the Council before an amended licence will be issued.
5. The proprietor of a licensed wheelchair accessible vehicle must demonstrate to every driver of the vehicle how to assist a passenger in a wheelchair into and out of the vehicle and correctly secure the wheelchair in the vehicle. This will include showing the driver how to deploy the ramp(s) and how to use and adjust the restraints. The proprietor must keep a record of this demonstration and include the following:
  - a. the date of the demonstration
  - b. the name and licence number of the driver
  - c. a signed and dated acknowledgment by the driver that the demonstrating has taken place and he/she clearly understands how to transport a passenger in a wheelchair into the vehicle

The proprietor must retain this record for as long as the driver is using the vehicle. If the driver rents the vehicle again in future the proprietor must repeat the demonstration and record.

In the case that the proprietor is also the licensed driver of the vehicle, the proprietor shall record a signed acknowledgement to certify that he/she can perform the vehicle manufacturer's instructions on how to safely transport a

wheelchair passenger into and out of the vehicle and how to secure the wheelchair.

6. The Council may decide to suspend, revoke or refuse to renew any licence in respect of a hackney carriage for any reasonable cause, including:-
  - (a) that the vehicle is unfit for use as a hackney carriage
  - (b) any offence under or non-compliance with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 on the part of the proprietor.
7. Any person who commits an offence against any of the provisions of these conditions or Part II of the Local Government (Miscellaneous Provisions) Act 1976 in respect of which no penalty is expressly provided shall be liable on summary conviction to a fine not exceeding one thousand pounds (£1,000).
8. Licensees must notify the Council within 48 hours of an arrest and release, charge or conviction. Arrests or charges for any sexual offence, any offence involving dishonesty or violence and any motoring offence will result in a review of the licence. Further notifications must be made within 48 hours of any charge and conviction. Failure to do so may be seen as behaviour that questions honesty and the suitability of the licence holder, regardless of the outcome of the initial allegation.
9. The proprietor shall ensure that the fire extinguisher and first aid kit fixed in the vehicle are maintained in good working order at all times and readily available for use.
10. The proprietor shall not allow a greater number of persons, exclusive of the driver, to be carried in the vehicle, than the number of persons specified in the licence and the licence plate provided.
11. The proprietor of a hackney carriage shall exhibit the table of fares fixed by the Council inside the carriage, being clearly distinguishable letters and figures, together with a notice displaying the limitations on the fare rates and charges to be made.
12. The proprietor shall not tamper with or permit any person to tamper with the roof sign and the taxi meter with which the carriage is provided with the fitting thereof, or with the seals affixed thereto.
13. The proprietor of a hackney carriage, when standing or plying for hire, shall not by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
14. The proprietor shall, during the period of the licence, keep in force an appropriate policy of insurance for hackney carriage purposes issued in accordance with the requirements of Paragraph VI of the Road Traffic Act 1972.

15. The Council will require proof that the vehicle is insured during the period of the licence and on receipt of a notice, in writing, the proprietor shall produce, within seven days from the date of notice, a current insurance certificate/cover note for hackney carriage purposes to an authorised officer of the Council. Failure to produce proof of insurance may result in the suspension of licence.
16. The proprietor is advised that, in any event, he should, following the expiry of an insurance certificate/cover note, produce a current insurance policy to the Council.
17. The proprietor shall, during the period of the licence, keep in force a current vehicle excise licence.
18. The proprietor shall report to the Council, within 72 hours, any accident to the vehicle, causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. The Council will require any vehicle, which has been involved in an accident, to be inspected and tested by the Council's Approved Examiner. If the vehicle is unroadworthy and is therefore unavailable for testing following an accident, the licence will be suspended. If the proprietor fails to produce proof confirming the vehicle's mechanical fitness, the licence will be revoked.
19. The proprietor shall permit an authorised officer of the Council or Police Officer to inspect and test a vehicle or any taxi meter affixed to such vehicle at all reasonable times. If the officer is not satisfied as to the fitness of the hackney carriage or as to the accuracy of the taxi meter, he may by a written notice, suspend the vehicle and require the proprietor to produce the vehicle for further inspection and testing at such reasonable time and place as may be specified in the notice. The disc and plate shall on suspension of the licence be handed to or removed by the officer but will be returned upon reinstatement of the licence. If the officer or Council's Approved Examiner however is not satisfied as to the fitness of the vehicle by date given on the suspension notice, the licence shall be revoked.
20. In the event of a vehicle licence being suspended, the internal and external licence plates shall be immediately surrendered to the authorised officer or Police Officer and shall be held by the Council, pending the testing of the vehicle.
21. The proprietor shall, on receipt of notice in writing from the Council, present the vehicle for inspection and testing to the Council's Approved Examiner. The separate occasions of inspection and testing shall not exceed three in number in any one period of 12 months and a test shall not be required within two months of a previous test when the vehicle was found to be satisfactory. This however does not include the inspection and testing of vehicles following an accident or vehicles which have been inspected in accordance with the condition above.

22. Any alteration in the design of the vehicle, whether to the machinery or to the body, shall be reported to the Council, who may require the proprietor to submit the vehicle for further examination.
23. On the issue of a licence and at all times whilst the vehicle is licensed as a hackney carriage, the proprietor shall display the licence number on the vehicle. Such licence will be provided by the Council in the form of an internal licence plate and an external licence plate.
24. The internal licence plate shall be fixed and displayed inside the vehicle in such a manner that the particulars are visible to the passengers being conveyed in the vehicle.
25. The external licence plate shall be fixed to the vehicle by the Council's Approved Vehicle Examiner and displayed on the outside rear of the vehicle either immediately above or below the bumper in such a position as the vehicle registration mark is not obscured, with the particulars facing outwards in such a manner and place that the licence plate is clearly visible by daylight from the road.
26. Failure to display the licence plates in accordance with the above, may result in the suspension of the licence.
27. The licence plates shall remain the property of the Council and in the event that the licence is suspended, revoked or expired, shall be returned to the Council within seven days from the date of the notice served on the proprietor by the Council. Failure to do so may result in legal proceedings being taken to recover the licence plates.
28. The proprietor shall ensure that a notice displayed in the licensed hackney carriage advising passengers how they can make a complaint to the Council in respect of the hackney carriage or the driver.



## Appendix 13

### PRIVATE HIRE VEHICLE LICENCE

#### CONDITIONS OF LICENCE

1. The licence shall remain in force for a period of one year.
2. The proprietor is advised that the vehicle must at all times operate through a private hire vehicle operator licensed with this Council. The vehicle is not allowed to ply for hire on a street, public road or hackney carriage stand/rank in the same way as a hackney carriage.
3. The proprietor shall notify the Council in writing within seven days, if the information supplied in his application for a private hire vehicle licence is altered for any reason, including any change of private hire vehicle operator. Failure to do so may result in the suspension of the licence.
4. Should the proprietor of a private hire vehicle transfer his interest in the vehicle to a person other than the proprietor whose name is specified in the licence, he shall notify the Council, in writing, within fourteen days of the transfer taking place, of the name and address of the person or persons to whom the vehicle has been transferred. The transferee shall, within 14 days from the date of the transfer, notify the Council of the transfer by completing the appropriate application form and submitting the relevant fee. The original licence must be returned to the Council before an amended licence will be issued.
5. The proprietor of a licensed wheelchair accessible vehicle must demonstrate to every driver of the vehicle how to assist a passenger in a wheelchair into and out of the vehicle and correctly secure the wheelchair in the vehicle. This will include showing the driver how to deploy the ramp(s) and how to use and adjust the restraints. The proprietor must keep a record of this demonstration and include the following:
  - a. the date of the demonstration
  - b. the name and licence number of the driver
  - c. a signed and dated acknowledgment by the driver that the demonstrating has taken place and he/she clearly understands how to transport a passenger in a wheelchair into the vehicle

The proprietor must retain this record for as long as the driver is using the vehicle. If the driver rents the vehicle again in future the proprietor must repeat the demonstration and record.

In the case that the proprietor is also the licensed driver of the vehicle, the proprietor shall record a signed acknowledgement to certify that he/she can perform the vehicle manufacturer's instructions on how to safely transport a wheelchair passenger into and out of the vehicle and how to secure the wheelchair.

6. The Council may decide to suspend, revoke or refuse to renew any licence in respect of a private hire vehicle for any reasonable cause, including:-
  - (a) that the vehicle is unfit for use as a private hire vehicle
  - (b) any offence under or non-compliance with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 on the part of the proprietor.
7. Licensees must notify the Council within 48 hours of an arrest and release, charge or conviction. Arrests or charges for any sexual offence, any offence involving dishonesty or violence and any motoring offence will result in a review of the licence. Further notifications must be made within 48 hours of any charge and conviction. Failure to do so may be seen as behaviour that questions honesty and the suitability of the licence holder, regardless of the outcome of the initial allegation.

What must be reported:-

- any conviction, motoring or criminal
  - any caution issued by the Police or any other agency
  - issue of any Magistrates' Court summons
  - issue of any fixed penalty notice for any matter
  - any harassment or other form of warning or order within criminal law including anti-social behaviour orders or similar
  - arrest for any offence, whether or not charged
  - any acquittal following a criminal case heard by a Court
  - any refusal of any type of licence by any other regulatory authority or any such licence is suspended, revoked or not renewed.
8. Any person who commits an offence against any of the provisions of these conditions or Part II of the Local Government (Miscellaneous Provisions) Act 1976 in respect of which no penalty is expressly provided shall be liable on summary conviction to a fine not exceeding one thousand pounds (£1,000).
  9. The proprietor shall ensure that the fire extinguisher and first aid kit fixed in the vehicle are maintained in good working order at all times and readily available for use.
  10. The proprietor shall not allow a greater number of persons, exclusive of the driver, to be carried in the vehicle, than the number of persons specified in the licence and the licence plate provided.
  11. The proprietor shall, during the period of the licence, keep in force an appropriate policy of insurance for private hire purposes issued in accordance with the requirements of Paragraph VI of the Road Traffic Act 1972.
  12. The Council will require proof that the vehicle is insured during the period of the licence and on receipt of a notice, in writing, the proprietor shall produce, within seven days from the date of notice, a current insurance certificate/cover note

for private hire purposes to an authorised officer of the Council. Failure to produce proof of insurance, as above, may result in the suspension of licence.

13. The proprietor is advised that, in any event, he should, following the expiry of an insurance certificate/cover note, produce a current insurance policy to the Council.
14. The proprietor shall, during the period of the licence, keep in force a current vehicle excise licence.
15. The proprietor shall report to the Council within 72 hours, any accident to the vehicle, causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. The Council will require any vehicle which has been involved in an accident, to be inspected and tested by the Council's Approved Examiner. If the vehicle is unroadworthy and is therefore unavailable for testing following an accident, the licence will be suspended. If the proprietor fails to produce a current certificate issued by the Council's Approved Examiner confirming the vehicle's mechanical fitness, the licence will be revoked.
16. The proprietor shall permit an authorised officer of the Council or Police Officer to inspect and test a vehicle at all reasonable times. If the officer is not satisfied as to the fitness or condition of the vehicle he may by a written notice, suspend the vehicle and require the proprietor to produce the vehicle for further inspection and testing at such reasonable time and place as may be specified in the notice. The disc and plate shall on suspension of the licence be handed to or removed by the officer, but will be returned upon reinstatement of the licence. If the officer or Council's Approved Examiner however is not satisfied as to the fitness of the vehicle by the date given on the suspension notice, the licence shall be revoked.
17. In the event of a vehicle licence being suspended under (13) and (14) above, the licence disc and plates shall be immediately surrendered to the authorised officer or Police Officer and shall be held by the Council, pending the testing of the vehicle.
18. The proprietor shall, on receipt of notice in writing from the Council, present the vehicle for inspection and testing to the Council's Approved Examiner. The separate occasions of inspection and testing shall not exceed three in number in any one period of 12 months and a test shall not be required within two months of a previous test when the vehicle was found to be satisfactory. This however does not include the inspection and testing of vehicles following an accident or vehicles which have been inspected in accordance with condition (14) above.
19. Any alteration in the design of the vehicle, whether to the machinery or to the body, shall be reported to the Council, who may require the proprietor to submit the vehicle for further examination.

20. On the issue of a licence and at all times whilst the vehicle is licensed as a private hire vehicle, the proprietor shall display the licence number on the vehicle. Such licence will be provided by the Council in the form of an internal licence plate and an external licence plate.
21. The internal licence plate shall be fixed and displayed inside the vehicle in such a manner that the particulars are visible to the passengers being conveyed in the vehicle.
22. The external licence plate shall be fixed to the vehicle by the Council's Approved Vehicle Examiner and displayed on the outside rear of the vehicle either immediately above or below the bumper in such a position as the vehicle registration mark is not obscured, with the particulars facing outwards in such a manner and place that the licence plate is clearly visible by daylight from the road. In certain circumstances, eg. chauffeur driven vehicles, upon request from the licensee, allow for the licence plate and door stickers not to be displayed on the vehicle.
23. Two identification stickers shall be affixed to the centre of both front doors or any other convenient place as agreed with the Council. These stickers will be fixed by the Council's Approved Vehicle Examiner.
24. Failure to display the licence plates and door stickers in accordance with the above, may result in the suspension of the licence.
25. The licence plates and stickers shall remain the property of the Council and in the event that the licence is suspended, revoked or expired, shall be returned to the Council within seven days from the date of the notice served on the proprietor by the Council. Failure to do so may result in legal proceedings being taken to recover the licence plates and stickers.
26. In accordance with the Transport Act 1980, the proprietor shall not display or allow to be displayed on the vehicle or above the roof of a private hire vehicle:-
  - (a) any sign which consists of or includes the word 'taxi' or 'cab', whether in the singular or plural, or 'hire' or any word of similar meaning or appearance to any of those words, whether alone or as part of another word; or
  - (b) any sign, notice, mark, illumination or other feature which may suggest that the vehicle is a taxi, i.e. hackney carriage.
27. The proprietor shall ensure that a notice displayed in the licensed private hire vehicle advising passengers how they can make a complaint to the Council in respect of the vehicle or the driver.
28. Any person who knowingly drives a vehicle in respect of which the above is contravened or causes or permits the above to be contravened in respect of any vehicle, shall be liable on summary conviction to a fine not exceeding level

3 on the standard scale under the Criminal Justice Act 1982, which is at present £1,000.

## **Appendix 14**

### **INTENDED USE POLICY**

#### **1. Introduction**

- 1.1 The purpose of this policy is to set out how the Council will deal with the licensing, renewal and transfer of hackney carriage vehicles following the High Court Judgement – Newcastle City Council v Berwick upon Tweed [2008] EWHC 2369 (Admin). The Council, when considering new applications for hackney carriage proprietors licences, will determine those applications in accordance with the principles contained within the judgement of the above case, as set out below in the reasons for the policy.
- 1.2 The Council will determine each application on its merits but will place public safety above all other considerations.

#### **2. Applications for the new grant of a hackney carriage licence**

- 2.1 Applicants for new licences will be expected to demonstrate a bona fide intention to operate predominantly within the administrative area of Blaenau Gwent County Borough Council under the terms of the licence for which application is being made.
- 2.2 There will be a presumption that applicants who do not intend to predominantly operate within the administrative area of Blaenau Gwent County Borough Council will not be granted a hackney carriage licence authorising them to do so. Each application will be decided on its merits.
- 2.3 Even where the applicant intends to operate predominantly in the area of Blaenau Gwent County Borough Council, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be compromised) then, subject to the merits of the particular application, there will be a presumption that the application will be refused.

#### **3. Applications for the renewal of a hackney carriage licence**

- 3.1 Section 60 of Local Government (Miscellaneous Provisions) Act 1976 also gives the Council a broad discretion to refuse to renew a licence for any reasonable cause and this intended use policy will also apply for renewals in the same way as for the grant of the licence. Each application will be decided on its merits.

#### **4. Applications for the transfer of a hackney carriage licence**

- 4.1 Section 49 of the Local Government (Miscellaneous Provisions) Act 1976 requires that the proprietor of a licensed vehicle who transfers his interest to another person must, within 14 days of the transfer, give written notice to the Council of the name and address of the new proprietor of the hackney carriage.

- 4.2 The Council has no power to refuse to register the new proprietor provided requisite notice has been given in accordance with section 49 of the LG(MP)A 1976. This is a legal requirement.
- 4.3 New proprietors should note the obligation under section 73 of the LG(MP)A 1976 to give an authorised officer information which may reasonably be required by him for the purpose of carrying out his functions under the legislation. Where there is a failure to provide the requested information, the Council will give serious consideration to exercising its powers of suspension of the licence under section 60 of the LG(MP)A 1976.
- 4.4 New proprietors of existing licences will be expected to have a bona fide intention to predominantly operate within the administrative area of Blaenau Gwent County Borough Council under the terms of the licence in respect of the vehicle being transferred.
- 4.5 Where the new proprietor of a licensed hackney carriage is found to have no intention to operate predominantly within the administrative area of Blaenau Gwent County Borough Council and/or intends to trade in another authority's area also for a substantial amount of time and it appears that the purpose of the legislation and public safety will be compromised then, subject to the merits of the particular case, consideration will be given (either at renewal or earlier) to the suspension or revocation of the licence under section 60 of the 1976 Act. Where the transferee proposes to operate remotely from the administrative area of Blaenau Gwent County Borough Council, there will be a presumption that his licence will be revoked. Each case will be decided on its merits.

## **5. Replacement vehicles**

- 5.1 In respect of proprietors who wish to replace existing licensed vehicles, unless there has been a change in the proprietor's intentions with regard to plying for hire within the administrative area of Blaenau Gwent Council, there should be no reason why they should not be granted a licence for a replacement vehicle. However, an applicant who obtained the first licence on the expressed intention of plying for hire entirely or predominantly within the administrative area of Blaenau Gwent County Borough Council, and, who on application to replace that vehicle with another discloses they no longer so intend, will effectively engage the presumption against grant of a licence.

## **6. Revocation of licences**

- 6.1 Where a licence has been granted under the terms that the applicant intends to operate predominantly within the administrative area of Blaenau Gwent County Borough Council but is subsequently found not to be operating predominantly within the Blaenau Gwent area and to be trading in another authority's area for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be compromised) there will be a presumption that the licence will be revoked.

## **7. Operating predominantly within the administrative area of Blaenau Gwent**

- 7.1 Each application will be decided on its merits, but the presumption will be that the intended use is to operate predominantly within the administrative area of Blaenau Gwent County Borough Council on a full time basis.

For the purposes of this Policy, full time working will be taken to mean 30 hours or more per week for a minimum of 48 weeks per annum, or the fulfilment of a school or social care contract in the Blaenau Gwent area. It is recognised, however, that some applicants may have circumstances that require a more flexible working pattern.

- 7.2 An applicant who claims that circumstances exist that preclude full time working will be expected to be able to satisfy the Council that it would not compromise the purposes of the legislation or public safety if the licence were granted, renewed or if it were not suspended or revoked as the case may be. This could include, for example

1. Establishing that they work part time in the Blaenau Gwent area because they have work or family commitments or health issues, for example, that preclude full time working as a licensed taxi vehicle, or
2. Establishing that they work part time in the Blaenau Gwent area because they are also licensed as a taxi vehicle or driver in another local authority area. In all such cases, the intention will be to establish that licence holders do not work predominantly in any other council's area without being licenced by that council.

## **8. Reasons for policy**

- 8.1 The Council wishes to ensure that applications for the grant of hackney carriage licences are determined in accordance with the guidance given by the High Court in its judgement in the case of Newcastle City Council v Berwick upon Tweed Council [2008]. The following principles were established in this judgement –

- a) *“It was the intention behind the licensing system that it should operate in such a way that the authority licensing hackney carriages is the authority for the area in which those vehicles are generally used”*
- b) *“A licensing authority, properly directing itself, is entitled and indeed obliged to have regard to whether in fact the applicant intends to use that hackney carriage predominantly, or entirely, remotely from the authority’s area”*
- c) *“It must be desirable for an authority issuing licences to hackney carriages to be able to restrict the issuing of those licence to*



*proprietors and drivers which are intending to ply for hire in that authority's area"*

- d) *"While I cannot at the moment conceive of it being rational to grant a licence to those who intend to operate their hackney carriages remotely from [the local authority's area] I am not prepared to say that it is bound to be unlawful"*
- e) *"There will be proprietors who wish to use their vehicles in a number of different authorities' areas and in that case no doubt there will be flexibility in the exercising of the discretion. Matters such as where the proprietor is based and where most of the business comes from will be material matters to consider"*

8.2 The Council is required to register the name of a new proprietor of a vehicle when a licence holder properly notifies it of the transfer of his interest in a vehicle to a new proprietor. This appears to open up an obvious route to circumvent the decision of the High Court, unless precautionary steps are taken. The paragraph relating to 'Application for the transfer of a hackney carriage licence' is intended to put the Council in a position to respond responsibly to the transfer of a Blaenau Gwent hackney carriage into the name of someone who operates outside of Blaenau Gwent County Borough Council area or remotely from it.

## Appendix 15

### Hackney Carriage Fare Tariff

Hiring	Charge
<b>Tariff 1</b> (1 to 4 passengers for hirings commencing between 6am and 10pm)  For the first mile or part thereof For each subsequent 1/12 <sup>th</sup> of a mile or part thereof	£4.00 20p
<b>Tariff 2</b> (1 to 4 passengers for hirings commencing between 10pm and 6am)  For the first mile or part thereof For each subsequent 1/12 <sup>th</sup> of a mile or part thereof	£5.00 25p
<b>Tariff 3</b> (1 to 4 passengers for hirings from 6pm Christmas Eve to 6am 27 <sup>th</sup> December and from 6pm New Years Eve to 6am 2 <sup>nd</sup> January)  For the first mile or part thereof For each subsequent 1/12 <sup>th</sup> of a mile or part thereof	£8.00 40p
<b>Tariff 4</b> (1 to 4 passengers for hirings on Spring Bank Holiday, Easter Monday, Late Summer Bank Holiday and any other Bank Holiday not already referred (6am to 6am the next day) to <b>AND</b> for 5 to 8 passengers for hiring between 6am and 10pm)  For the first mile or part thereof For each subsequent 1/12 <sup>th</sup> of a mile or part thereof	£6.00 30p
<b>Tariff 5</b> (5 to 8 passengers for hirings from 6pm Christmas Eve to 6am 27 <sup>th</sup> December and from 6pm New Years Eve to 6am 2 <sup>nd</sup> January)  For the first mile or part thereof For each subsequent 1/12 <sup>th</sup> of a mile or part thereof	£12.00 60p
<b>Tariff 6</b> (5 to 8 passengers for hirings commencing between 10pm and 6am)  For the first mile or part thereof For each subsequent 1/12 <sup>th</sup> of a mile or part thereof	£8.00 40p
<b>Tariff 7</b> (5 to 8 passengers for hirings on Spring Bank Holiday, Easter Monday, Late Summer Bank Holiday and any other Bank Holiday not already referred to (6am to 6am the next day)  For the first mile or part thereof For each subsequent 1/12 <sup>th</sup> of a mile or part thereof	£9.00 45p
<b>Extra Charges</b>  Waiting time for each period of 30 seconds or part thereof  Animals (except Guide and Assistance dogs)  Soiling of vehicle – maximum charge	10p  £1.00  £150.00

The following companies supply, fit and calibrate hackney carriages taxi meters:-

DHM Services The Old Drill Hall Pontmorlais West Merthyr Tydfil CF47 8UT Tel: 01685 314028	South Wales Factors 143–145 Cowbridge Rd West Ely Cardiff CF5 5TB Tel: 029 20 560278	Contact Radio Communications Unit 19 Leeway Court Industrial Estate Newport NP19 4SJ Tel: 01633 270005
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## Appendix 16

### **Closed Circuit Television Cameras (CCTV) and Video Point of Impact Systems (VPIS) in Hackney Carriage and Private Hire Vehicles in Blaenau Gwent**

#### **GUIDANCE**

For the purpose of this the term 'CCTV system' will apply to any electronic recording device attached to the inside of vehicle having the technical capability of capturing and retaining visual images and audio recording from inside or external to the vehicle. In addition to the standard CCTV camera system these may include for example, such devices as events/incident/accident data recording devices.

**These devices are not mandated by Blaenau Gwent County Borough Council and are installed and operated under the responsibility of the licence holder. Under the relevant legislation, the licence holder will be considered the Data Controller for all processing, storage, security etc of footage recorded.**

Whilst the Blaenau Gwent Council are not responsible for these devices and it is for the licence holder to make considerations over the use of such equipment we do recognise the importance of assisting licence holders where possible. Consequently, we would encourage licence holders thinking of installing CCTV to ensure they have considered, amongst other things, the following:

- **The purpose of the CCTV**

It is important to define why the CCTV is in place. This would likely be to improve driver/passenger safety by deterring the occurrence of a crime, reduce fear of crime, assist with investigations etc.

- **Consider the circumstances where you will download any data or recordings and make it available.**

Anyone captured on the recordings has the right to request a copy of the information under GDPR legislation. Consider how you will adhere to this obligation as a Data Controller and what circumstances you would provide this information should it be requested. Please remember that a person only has the right to request access to their own information so should not be provided with footage of another person unless permitted or lawful to do so.

- **Data retention**

Consider how long you will store information for. This may be as little as a few days but should an incident occur you will also need to consider how long you keep footage of incidents.

- **Signage**

Are people aware that CCTV is in place? Suitable signage should be in place to inform people of the presence of CCTV wherever they can be captured in footage. The individuals should also be able to identify who is responsible for the system easily. It is recommended that a minimum of 3 signs are used (1 on passenger side and 1 on each side of the rear).

The signage should be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers, before and after entering the vehicle.

In the limited circumstances where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out and this should also be verbally brought to the attention of the passengers prior to recording commencing.

- **Third Party Processors**

Where systems use remote storage of CCTV data the company responsible for holding the data will be considered a “data processor”. It is important that the Data Controller (i.e. the licence holder) ensures that the contract with the Data Processor ensures the obligations of the Data Controller are continued.

- **Privacy Impact Assessments**

It is recommended that licence holders undertake a Privacy Impact Assessment on any CCTV systems to ensure that all aspects of privacy have been considered. This would consider things such as the security of footage, camera angles etc.

**PLEASE NOTE – THIS IS NOT AN EXHAUSTIVE LIST OF CONSIDERATIONS THAT SHOULD BE MADE WHEN INSTALLING CCTV AND IS ONLY PROVIDED AS A GUIDE. LICENCE HOLDERS INSTALLING CCTV SHOULD SATISFY THEMSELVES THAT ALL RULES OUTLINED BY THE SURVEILLANCE CAMERA COMMISSIONER ARE FOLLOWED AT ALL TIMES. BLAENAU GWENT COUNCIL WILL NOT BE HELD TO BE LIABLE FOR A LICENCE HOLDERS FAILURE TO COMPLY WITH THE RULES OUTLINED BY THE SURVEILLANCE CAMERA COMMISSIONER.**

**<https://www.gov.uk/government/organisations/biometrics-and-surveillance-camera-commissioner>**

## **Appendix 17**

### **PRIVATE HIRE VEHICLE LICENCES**

#### **STRETCHED LIMOUSINES AND NOVELTY VEHICLES**

Stretched limousines and novelty vehicles will:

- (a) travel generally at slower speeds than normal vehicles
- (b) not normally overtake other vehicles
- (c) be easily recognisable by the hirer
- (c) be heavier and considerably longer than standard vehicles
- (d) usually be adapted or converted by someone other than the original manufacturer.

#### **CONDITIONS OF APPLICATION**

1. Before a private hire vehicle licence is granted for a stretched limousine, or American stretched limousine, the applicant(s) must:

- (a) complete and submit to the Council the appropriate application form
- (b) satisfy the Council that the applicant(s) is a fit and proper person to hold such a licence by supplying a Basic Disclosure and Barring Service report, which is less than a month old, on an annual basis. Vehicle licence holders who are also licensed hackney carriage/private hire vehicle drivers are not required to do so as they must be signed up to the DBS Update Service and the Council will use this facility to check a vehicle licence holders suitability. Information contained within an enhanced DBS would not be considered in this case.
- (c) Applicants who have spent more than six or more continuous months outside the UK since their tenth birthday must provide evidence of a criminal record check from the country/countries visited covering the period that the applicant spent overseas. For EU Nationals and UK citizens, suitable checks should be available. For those countries for which checks are not available authenticated, translated and sealed by the Embassy or High Commission must be provided at the applicant's own expense. Further information may be obtained from <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

Overseas criminal record checks must have been obtained within six months prior to the licence application being submitted to the Council. The Council will require any Certificate of Good Conduct regardless of the age of the document.

- (c) pay to the Council, an application fee as demanded by the Council for the licence. Applicants are advised however that, should they wish to withdraw their application, part of the licence fee only will be refunded provided the vehicle has not been inspected by the Council's Approved Vehicle Examiner
- (d) produce proof of ownership of the vehicle, e.g. a bill of sale, an invoice or a credit agreement
- (e) produce the registration document displaying the last or present recorded keeper
- (f) produce an appropriate insurance certificate/cover note for private hire purposes in accordance with the requirements of Part VI of the Road Traffic Act 1972
- (g) produce a current Ministry of Transport Certificate (where appropriate)
- (h) produce a completed importation documentation where applicable and single vehicle approval (SVA) certificate. (Note a Minister's Approval Certificate is not acceptable)
- (i) produce an intermediate test certificate in accordance with the Local Authority's conditions
- (j) where applicable, produce an installation certificate from a Liquefied Petroleum Gas Association (LPGA) Approved UK Vehicle Conversion Company, in the case of vehicles converted to run on LPG.

2. The applicant must then satisfy the Council that:-

- (a) the vehicle is not licensed for hackney carriage or private hire purposes by any other Council
- (b) the vehicle is of sufficient seating capacity to carry up to eight passengers in addition to the driver. The seating shall be determined by the Council's Approved Examiner in accordance with the Road Vehicles (Registration and Licensing) Regulations 1971
- (c) the vehicle is fitted with an efficient fire extinguisher and first aid kit and to be fixed in the vehicle in such a position as to be readily available for use and accessible to the driver
- (d) seat belts where fitted, must be fitted in accordance with the current Road Vehicle (Construction and Use) Regulations
- (e) the vehicle is equipped with a minimum of four road wheels and a full sized spare wheel with tyres designed and manufactured to support the maximum permitted axle weight for the axle when the vehicle is driven at

the maximum speed. Applicant to provide laden evidence of tyre suitability if requested

- (f) the maximum length of the stretch conversion (measured between the rear edge of the front door and the front edge of the rear door) does not exceed 3048mm (120")
  - (g) no seat is required to be moved to allow any passenger to enter or exit the vehicle.
  - (h) all door handles are of the same type, be easily accessible, have an interior door release handle and be clearly marked.
  - (i) all seats are constructed to seat adults and must not have a weight restriction.
  - (j) no access is blocked by luggage.
  - (k) there is a clear passageway to each row of seats.
  - (l) if only one door is normally used, this is on the nearside of the vehicle (similar to buses).
3. For the purposes of calculating the seating capacity of a vehicle the minimum width of a passenger seat is 400mm. In the case of an 'L' shaped seat, sufficient space must be made available in the corner to prevent the passenger on one side of the corner encroaching on the passenger on the other side.
  4. Where alcoholic drink is supplied in the vehicle, the proprietor shall deposit a copy of his or her Premises Licence issued in accordance with the Licensing Act 2003 to the Local Authority. No person, under the age of 18 years, being conveyed in a stretched limousine shall be allowed to consume alcohol. Any supply of alcohol or soft drinks will be served in polycarbonate or similar glasses.
  5. If the vehicle is fitted with tinted glass, it shall conform to the legal requirements of the current Road Vehicle (Construction and Use) Regulations.
  6. The applicant must then present the vehicle for testing by the Council's Approved Examiner to ascertain that the vehicle is in a safe and satisfactory condition for the carriage of passengers, the cost of which will be charged by the approved examiner.
  7. Applicants for renewal of licence are advised that the foregoing does not affect the expiry date of a licence. An application for renewal must be made before the expiry date, the vehicle must be tested by the Council's Approved Examiner and the licence issued before the expiry date, otherwise the application will be treated as a new application.



## Vehicle Testing Procedure

### New Applications

On initial application, applicants are required to submit the relevant application form, documents and fee to the Council's Licensing department. The applicant must then make an appointment with the Council's approved vehicle examiner for the vehicle to be inspected.

When the vehicle is found to be in a satisfactory and roadworthy condition, the examiner will issue a Certificate of Compliance, confirming the vehicle's fitness to be used as a private hire vehicle. He will also affix a licence plate to the rear of the vehicle and door stickers to each of the front doors.

The examiner will inform the Licensing section that the vehicle has passed the test. A licence, internal licence plate for display in the window of the vehicle, conditions of licence and any other relevant documents will be sent direct to the applicant from the Licensing section.

The vehicle shall be tested every 6 months by the Council's approved vehicle examiner. For vehicles over 10 years old when first registered in the UK, it will be tested every 4 months.

### Renewal Applications

Approximately one month before the expiry date of the current licence, the Licensing section will issue a reminder letter and application form to all parties to the licence.

**N.B. the Council is not obliged to send reminders. It is the responsibility of the licensee to ensure that a licence is applied for and a new licence issued before the current licence expires.**

The licensee must submit an application form and relevant fee and documents to the Licensing section prior to the expiry date of the licence. An appointment will be made for the vehicle to be tested by the Council's vehicle examiner and the above procedure will apply.

If the vehicle fails the test, either on new or renewal applications, the vehicle will be tested, free of charge, within the next 24 hours, depending on the type of items the vehicle has failed on. If the vehicle is not tested within 24 hours, a re-test fee will be payable and the above procedure will apply.

### Spot Checks

During the period of a licence, the vehicle may be randomly chosen to be 'spot checked' and tested by the Council's approved examiner. 48 hours' notice will be given to the licensee and if the vehicle fails the test, the licence will be suspended until the faults are rectified.

## **STRETCH LIMOUSINES AND NOVELTY VEHICLES**

### **CONDITIONS OF LICENCE**

1. The licence shall remain in force for a period of one year.
2. The proprietor is advised that the vehicle must at all times operate through a private hire vehicle operator licensed with this Council. The vehicle is not allowed to ply for hire on a street, public road or hackney carriage stand/rank in the same way as a hackney carriage.
3. The proprietor shall notify the Council in writing within seven days, if the information supplied in his application for a private hire vehicle licence is altered for any reason, including any change of private hire vehicle operator. Failure to do so may result in the suspension of the licence.
4. Should the proprietor of a private hire vehicle transfer his interest in the vehicle to a person other than the proprietor whose name is specified in the licence, he shall notify the Council, in writing, within 14 days of the transfer taking place, of the name and address of the person or persons to whom the vehicle has been transferred. The transferee shall, within 14 days from the date of the transfer, notify the Council of the transfer by completing the appropriate application form and submitting the relevant fee. The original licence must be returned to the Council before an amended licence will be issued.
5. The Council may decide to suspend, revoke or refuse to renew any licence in respect of a private hire vehicle for any reasonable cause, including:-
  - (a) that the vehicle is unfit for use as a private hire vehicle
  - (b) any offence under or non-compliance with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 on the part of the proprietor.
6. Licensees must notify the Council within 48 hours of an arrest and release, charge or conviction. Arrests or charges for any sexual offence, any offence involving dishonesty or violence and any motoring offence will result in a review of the licence. Further notifications must be made within 48 hours of any charge and conviction. Failure to do so may be seen as behaviour that questions honesty and the suitability of the licence holder, regardless of the outcome of the initial allegation.
7. Any person who commits an offence against any of the provisions of these conditions or Part II of the Local Government (Miscellaneous Provisions) Act 1976 in respect of which no penalty is expressly provided shall be liable on summary conviction to a fine not exceeding one thousand pounds (£1,000).
8. Children under the age of 16 years shall not be carried in a stretched limousine unless accompanied by the parent or guardian of at least one of the children.

9. The following activities are prohibited in or near the vehicle when the vehicle is in motion or stationary:
  - a) Striptease
  - b) Lap Dancing
  - c) Pole Dancing
  - d) Any other activity or performance of a like kind
10. The proprietor shall ensure that the fire extinguisher and first aid kit fixed in the vehicle are maintained in good working order at all times and readily available for use.
11. The proprietor shall not allow a greater number of persons, exclusive of the driver, to be carried in the vehicle, than the number of persons specified in the licence and the licence plate provided.
12. The proprietor shall, during the period of the licence, keep in force an appropriate policy of insurance for private hire purposes issued in accordance with the requirements of Paragraph VI of the Road Traffic Act 1972.
13. The Council will require proof that the vehicle is insured during the period of the licence and on receipt of a notice, in writing, the proprietor shall produce, within seven days from the date of notice, a current insurance certificate/cover note for private hire purposes to an authorised officer of the Council at Civic Centre, Ebbw Vale, NP23 6XB. Failure to produce proof of insurance, as above, may result in the suspension of licence.
14. The proprietor is advised that, in any event, he should, following the expiry of an insurance certificate/cover note, produce a current insurance policy to the Council.
15. The proprietor shall, during the period of the licence, keep in force a current vehicle excise licence.
16. The proprietor shall report to the Council within 72 hours, any accident to the vehicle, causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. The Council will require any vehicle that has been involved in an accident, to be inspected and tested by the Council's Approved Examiner. If the vehicle is unroadworthy and is therefore unavailable for testing following an accident, the licence will be suspended. If the proprietor fails to produce a current certificate issued by the Council's Approved Examiner confirming the vehicle's mechanical fitness, the licence will be revoked.
17. The proprietor shall permit an authorised officer of the Council or Police Officer to inspect and test a vehicle at all reasonable times. If the officer is not satisfied as to the fitness or condition of the vehicle he may by a written notice, suspend the vehicle and require the proprietor to produce the vehicle for further inspection and testing at such reasonable time and place as may be specified in the notice. The disc and plate shall on suspension of the licence be handed

to or removed by the officer, but will be returned upon reinstatement of the licence. If the officer or Council's Approved Examiner however is not satisfied as to the fitness of the vehicle by the date given on the suspension notice, the licence shall be revoked.

18. In the event of a vehicle licence being suspended, the licence plates and door stickers shall be immediately surrendered to the authorised officer or Police Officer and shall be held by the Council, pending the testing of the vehicle.
19. The proprietor shall, on receipt of notice in writing from the Council, present the vehicle for inspection and testing to the Council's Approved Examiner.
20. Any alteration in the design of the vehicle, whether to the machinery or to the body, shall be reported to the Council, who may require the proprietor to submit the vehicle for further examination.
21. On the issue of a licence and at all times whilst the vehicle is licensed as a private hire vehicle, the proprietor shall display the licence number on the vehicle. Such licence will be provided by the Council in the form of an internal licence plate and an external licence plate.
22. The internal licence plate shall be fixed and displayed inside the vehicle in such a manner that the particulars are visible to the passengers being conveyed in the vehicle.
23. The external licence plate shall be fixed to the vehicle by the Council's Approved Vehicle Examiner and displayed on the outside rear of the vehicle either immediately above or below the bumper in such a position as the vehicle registration mark is not obscured, with the particulars facing outwards in such a manner and place that the licence plate is clearly visible by daylight from the road. In certain circumstances, upon request from the licensee, the Council will allow for the licence plate and door stickers not to be displayed on the vehicle.
24. Two identification stickers shall be affixed to the centre of both front doors or any other convenient place as agreed with the Council. These identification stickers will be fixed by the Council's Approved Vehicle Examiner.
25. Failure to display the licence plates and stickers in accordance with the above, may result in the suspension of the licence.
26. The licence plates and stickers shall remain the property of the Council and in the event that the licence is suspended, revoked or expired, shall be returned to the Council within seven days from the date of the notice served on the proprietor by the Council. Failure to do so may result in legal proceedings being taken to recover the licence plates.
27. The proprietor shall ensure that a notice displayed in the licensed private hire vehicle advising passengers how they can make a complaint to the Council in respect of the vehicle or the driver.

28. In accordance with the Transport Act 1980, the proprietor shall not display or allow to be displayed on the vehicle or above the roof of a private hire vehicle:-
- (a) any sign which consists of or includes the word 'taxi' or 'cab', whether in the singular or plural, or 'hire' or any word of similar meaning or appearance to any of those words, whether alone or as part of another word; or
  - (b) any sign, notice, mark, illumination or other feature which may suggest that the vehicle is a taxi, i.e. hackney carriage.
29. Any person who knowingly drives a vehicle in respect of which the above is contravened or causes or permits the above to be contravened in respect of any vehicle, shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale under the Criminal Justice Act 1982, which is at present £1,000.

### **NOVELTY VEHICLES ONLY**

#### **ADDITIONAL CONDITIONS OF LICENCE**

1. The driver shall hold a full driving licence suitable for this type of vehicle.
2. Whenever passengers are entering or leaving the vehicle, physical assistance shall be provided by the operator/crew to ensure their safety.
3. The vehicle will have a speed limiter fitted to restrict its maximum speed to 56 m.p.h.
4. Additional and suitable footsteps shall be available for use on the vehicle to facilitate access and egress from the passenger compartment of the vehicle.
5. All passengers shall be required to enter/leave the vehicle via the passenger doorway adjacent to the pavement.
6. Passengers shall be advised at the time of booking and again on the day of hire that they must not embark or disembark from the vehicle without assistance from the operator/crew. Suitable signage visible to customers inside the vehicle should be displayed to remind customers of this.
7. Where the seating arrangements have been changed from the original specification then those seats shall be securely anchored to the floor of the vehicle.
8. Suitable signage shall be prominently displayed in the passenger compartment advising all passengers to wear seatbelts.

9. It is the driver's responsibility to ensure that all children under the age of 14 years are wearing seatbelts at all times when the vehicle is in motion.
10. All external "lockers" of the vehicle shall be secured to prevent access by passengers or members of the public.
11. The floor area of the vehicle shall be kept clear and unobstructed at all times.
12. All "blue" lights, siren, flashing lights, reflective tape, ladders and any lettering which may give the public the impression that the vehicle is an emergency services vehicle are to be permanently removed.
13. No person involved in the operation of the vehicle may wear a uniform or helmet that may lead a member of the public to believe that that person is a member of the emergency services.
14. Any restrictions on access to certain groups of disabled persons shall be advertised to passengers at the time of booking and in any promotional literature and advertisements.
15. An audible alarm system shall be fitted to the rear passenger compartment doors and shall be in a working condition whenever the vehicle is carrying passengers.

## **Appendix 18**

### **PRIVATE HIRE VEHICLE OPERATOR'S LICENCE**

#### **CONDITIONS OF APPLICATION**

1. To apply for a licence, the applicant(s) must:-
  - (a) be over 18 years of age
  - (b) complete and submit the relevant application form
  - (c) pay the appropriate fee
  - (d) produce, for examination, a current valid driving licence, showing their present home address, issued under the Road Traffic Act 1988
  - (e) produce evidence of planning permission or written confirmation from the Council's planning department that planning permission is not required
  - (f) produce evidence of landlords consent if the premises from which the business is to operated is rented
  - (g) provide other such information the Council considers necessary.
2. Before a licence can be granted, the Council must be satisfied that an applicant is a fit and proper person to hold a licence. In order to do so, the Council will require a basic Disclosure Barring Service (DBS) check on an annual basis. Operator licence holders who are also licensed hackney carriage/private hire vehicle drivers are not required to do so as they must be signed up to the DBS Update Service and the Council will use this facility to check a vehicle licence holders suitability. Information contained within an enhanced DBS would not be considered in this case.

Applicants who have spent more than six or more continuous months outside the UK since their tenth birthday must provide evidence of a criminal record check from the country/countries visited covering the period that the applicant spent overseas. For EU Nationals and UK citizens, suitable checks should be available. For those countries for which checks are not available authenticated, translated and sealed by the Embassy or High Commission must be provided at the applicant's own expense. Further information may be obtained from <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

Overseas criminal record checks must have been obtained within six months prior to the licence application being submitted to the Council. The Council will require any Certificate of Good Conduct regardless of the age of the document. This must be written in English, at their own expense and in addition to the DBS check.

All convictions imposed by a Court must be declared in your application and are subject to the constraints of the Rehabilitation of Offenders Act 1974. Details of any spent convictions must also be declared, however, the Council will not take these into account when your application is determined. Information regarding spent convictions is given below.

4. Applications for licences, whether new or renewal, will not be accepted until the appropriate fee has been paid. Where payment is made by cheque, which is subsequently dishonoured, any application will be declared null and void.
5. The Council has the power to suspend, revoke or refuse to renew a licence where a licence has been obtained by giving false or incomplete information, as well as prosecution for the offence committed.
6. The renewal of a licence should be made in advance to ensure continuity. There is no automatic period of grace. **IT IS AN OFFENCE TO OPERATE PRIVATE HIRE VEHICLES OR HACKNEY CARRIAGES WITHOUT THE NECESSARY LICENCE TO DO SO.** Therefore, any person found operating without a licence may be prosecuted.

### **Spent Convictions**

An applicant must need to disclose all convictions including any which may be spent although spent convictions will not be taken into consideration when applications are determined.

The council is empowered in law to check with the Police for the existence of any criminal record held by an applicant. Information received from the police will be kept in strict confidence while the licensing process takes place and will not be retained for longer than is necessary.

The Rehabilitation of Offenders Act 1974 provides that, after a certain period of time, convictions for offences are to be regarded as spent.



## **Appendix 19**

### **PRIVATE HIRE VEHICLE OPERATOR'S LICENCE**

#### **CONDITIONS OF LICENCE**

##### **1. General**

- 1.1. The licence shall remain in force for up to a maximum period of five years. A discretionary one year licence may be granted in exceptional circumstances.
- 1.2. The licence may not be transferred to any other person or persons. Unless renewed it must be returned on expiry to an authorised officer of the Council.
- 1.3. The operator shall notify the Council in writing, when he wishes to terminate his operator's licence before the expiry date and the licence must be returned to an authorised officer of the Council.
- 1.4. The operator shall, within seven days of such change taking place, notify the Council in writing if they, any company director, or any individual named on the application form
  - a) changes home address
  - b) any company or limited liability partnership changes its registered office
  - c) any changes are made in the ownership/management/partnership of the operation as specified in your application form. Please note that new owners or additional partners will be required to have a basic DBS disclosure. The transfer of the operator's licence will not be completed until the Licensing Authority has received a copy of the disclosure.
  - d) a director or nominated responsible person ceases to be employed in this capacity
- 1.5. The operator must inform the Licensing Authority if they or the person running the business are going to be absent from the day to day running of the business for a period of 2 consecutive months. In doing this, the operator must give the name of the person that will be responsible for the running of the business on their behalf during this temporary period.
- 1.6. The operator must inform the Council of the maximum scale of fares he intends charging and give the Council at least one calendar months' notice of any changes proposed thereto.
- 1.7. A register shall be kept of all staff who are employed to take bookings or despatch vehicles. The licensed operator should carry out Basic DBS checks on these members of staff on an annual basis.

- 1.8. Operators must not use unlicensed drivers or unlicensed vehicles. They should therefore firstly check that a driver has both a current licence and badge issued by the Council and that a vehicle is properly licensed with the Council. Failure to do so will render the operator liable to prosecution and may result in the subsequent revocation of the licence.
- 1.9. The operator must undertake sufficient checks to satisfy themselves that only suitable drivers are used (and continue to be used) in the course of their business. This will include checking and taking a copy of each driver's hackney carriage/private hire driver's licence prior to that driver undertaking any bookings. The failure of an operator to ensure that appropriate checks are carried out may call into question the operator's fitness and propriety. In addition, a failure to take appropriate action in relation to drivers that persistently breach licence conditions may also be detrimental to the continued fitness and propriety of the operator.
- 1.10. Where an operator dismisses or disengages a driver they must report the dismissal and reasons for it to the Licensing Authority within **48 hours** of the dismissal taking effect
- 1.11. The operator shall not display or permit to be displayed on or from his premises or from any other place, any sign or notice which consists of or includes the word 'TAXI' or 'CAB', whether in the singular or plural or any word of similar meaning, except whereby the operator also makes hackney carriages available.
- 1.12. Licensees must notify the Council within 48 hours of an arrest and release, charge or conviction. Arrests or charges for any sexual offence, any offence involving dishonesty or violence and any motoring offence will result in a review of the licence. Further notifications must be made within 48 hours of any charge and conviction. Failure to do so may be seen as behaviour that questions honesty and the suitability of the licence holder, regardless of the outcome of the initial allegation.

What must be reported:-

- any conviction, motoring or criminal
  - any caution issued by the Police or any other agency
  - issue of any Magistrates' Court summons
  - issue of any fixed penalty notice for any matter
  - any harassment or other form of warning or order within criminal law including anti-social behaviour orders or similar
  - arrest for any offence, whether or not charged
  - any acquittal following a criminal case heard by a Court
  - any refusal of any type of licence by any other regulatory authority or any such licence is suspended, revoked or not renewed.
- 1.13. The operator must accept contracts for the hire of hackney carriages/private hire vehicles from disabled persons who wish to be accompanied by their guide, hearing or certain prescribed assistance dogs and to do so without any additional charge.

- 1.14. The operator must ensure that vehicles operating through his/her licence are at all times adequately insured and maintained.
- 1.15. The operator shall notify the Council, in writing, within seven days of the termination of employment of any hackney carriage/private hire vehicle or driver, previously working through his licence.
- 1.16. The operator shall on request by an authorised officer or Police Officer provide details of the hackney carriage/private hire vehicle drivers and vehicles working through his private hire vehicle operator's licence.
- 1.17. The Operator must not use, or facilitate the use of, any software, technology or other device that is capable of impeding the lawful activities of enforcement agencies or the regulatory activity of the Licensing Authority.
- 1.18. The Operators must comply with all reasonable requests made by authorised officers of the Licensing Authority.

## **2. DBS Checks**

- 2.1. All applicants for a grant or renewal of a Private Hire Operator's licence must submit a Disclosure & Barring Service basic disclosure (dated within one month of the application) in order to satisfy the authority that they are a 'fit and proper' person. In the case of applications from a company or organisation, all directors of the company/organisation must provide a basic disclosure. The cost of these checks will be covered by the applicant/licence holder.
- 2.2. Following the grant of a licence, licence holders must submit a new basic disclosure to the Licensing Authority annually.
- 2.3. Applicants that already hold a hackney carriage or PHV driver's licence with this authority are not required to provide the basic disclosure as part of their application for a private hire operator's licence. As long as licence holders continue to hold a hackney carriage or PHV driver's licence with this authority they are not required to submit a yearly basic disclosure.
  - a) The operator must view a basic DBS certificate (dated within one month of the check) of any staff that have access to booking records or dispatch vehicles.
  - b) The operator must maintain a register of all such staff which shall include a record of when each DBS check has been undertaken. This register must be available for inspection by an authorised officer of the Licensing Authority upon request. The register should include the following:
    - i. the date that person's employment in that role commenced
    - ii. the date the operator checked the DBS certificate
    - iii. the name of the person that checked the DBS certificate
    - iv. The date the person ceased to perform that role.

- c) The register must be retained for 6 months in line with the booking records.
  - d) Should an employee cease to be on the register and later re-enter the register a new basic DBS certificate (or use of the Update Service) should be viewed by the operator.
- 2.4. Where the applicant/operator employs or intends to employ persons involved in taking bookings or the dispatch of vehicles, the operator must produce a policy on the employment of ex-offenders in those roles. The policy must be available for inspection on request of an authorised officer of the Licensing Authority.
  - 2.5. The Operator must require that all staff employed in taking bookings or dispatching vehicles to report to them within 48 hours of any conviction, binding over, caution, warning, reprimand or arrest for any criminal matter whilst they are employed in this role.
  - 2.6. The operator must make certain that any outsourced booking and dispatch functions have adequate safeguarding measures in place for the protection of children and vulnerable adults. The operator must have required evidence of this from the company before outsourcing these functions.

### **3. Complaints System**

- 3.1. Private Hire Operators or an appointed representative from within the business must initiate an investigation into any complaint received from the public within 48 hours from receipt of the complaint.
- 3.2. The operator must maintain a register of complaints (digital or hard copy), which must include the following information:
  - a. Complainant's name, address/email address
  - b. Details of the complaint
  - c. Time and date of the alleged incident
  - d. Time and date the complaint was received by the operator
  - e. How the complaint was received e.g. phone, email etc
  - f. Name of person that received the complaint.
  - g. Name of the alleged perpetrator
  - h. If the complaint was referred to the Licensing Authority –time and date of when it was referred and who by.
  - i. Details of the action taken to resolve the complaint and by whom
  - j. Date the complaint was resolved
- 3.3. A copy of the complaints register must be available for inspection upon request of an authorised officer of the Licensing Authority. The records must be retained for a period of 6 months.

- 3.4. The operator must on receipt of a complaint concerning a licensed driver, immediately notify the complainant of their right to direct their complaint to the Licensing Authority.
- 3.5. The Operator shall ensure that details of how a customer may contact the operator in the event of any complaint relating to a contract for hire or purported contract for hire relating to or arising from his business, are displayed on the operator's website, booking app or in the absence of online booking platform, at the booking office.
- 3.6. Where a complaint is received by the Licensing Authority, the operator must comply with any reasonable request for information and/or follow any reasonable directions/instructions made by an authorised officer or police officer in respect of the complaint
- 3.7. The Operator must notify the Licensing Authority within **48 hours** if the operator receives a complaint about a driver operated by them when it has been identified that the complaint relates to any of the following:
- a) allegations of sexual misconduct (including the use of sexualised language)
  - b) racist behaviour
  - c) violence (including verbal aggression)
  - d) dishonesty including theft
  - e) Equality breaches
  - f) any other serious misconduct (including motoring related for example dangerous driving or drink driving).

#### **4. Keeping of Records**

- 4.1. A licensed operator shall provide and keep a permanent record, in a bound book or, in such form approved by the Council, of each booking accepted, containing the following particulars:-
- (a) the date and time of hiring
  - (b) the pick-up points
  - (c) the place of destination including postcode where possible
  - (d) the name of the hirer
  - (e) the agreed fare
  - (f) details of the vehicle used eg registration number and licence number
  - (g) details of the driver, eg name and licence number
  - (h) the contact details of the hirer eg telephone number, email address
  - (i) the name of the person who accepted the booking
  - (j) the name of the person who despatched the vehicle
  - (k) the time and date the booking was made
  - (l) the time the journey was completed
  - (m) the details of the other operator if the booking was sub-contracted

- 4.2. Any amendments to a booking must be made to the original entry by way of an addition.
- 4.3. Any abbreviation used for (f) and (g) above must firstly be approved by the Council.
- 4.4. Records must be kept in chronological order.
- 4.5. Details of all bookings must be entered in the records approved by the Council, immediately they have been accepted. The Council will not accept the practice of records being re-written or entered at a later date.
- 4.6. If a book is used, all entries must be clear and legible, be written in English, with no line spaces or blank pages. If a computerised system is used, it must be able to produce a print out of any records requested by an authorised officer or police officer at any time.
- 4.7. Every contract for the hire of a private hire vehicle shall be deemed to be made with the operator whether or not he has personally accepted the booking.
- 4.8. Every contract for the hire of a private hire vehicle shall be deemed to be made with the operator who has accepted the booking for the vehicle whether or not he himself provides the vehicle.
- 4.9. The records shall be kept for a minimum of six months in date order and must be produced on request to an authorised officer of the Council or a Police Officer for inspection.
- 4.10. The licensee shall provide and keep a record of
  - a) the name, home address, licence number and licence expiry date of every hackney carriage/private hire vehicle driver operated by him
  - b) the name, home address, licence number and licence expiry date of every hackney carriage and private hire vehicle operated by him
- 4.11. The licensee shall also provide and keep a suitable register in a bound book, in which he shall enter for each vehicle operating under his licence, details of make of vehicles, registration number and owner and private hire vehicle or ~~hackney carriage licence number~~, and shall produce the same for inspection on request by an authorised officer or Police Officer.
- 4.12. The operator shall retain the licences of all hackney carriage/private hire vehicle drivers whilst in his/her employment or operating through his licence and shall produce the same for inspection by an authorised officer or Police Officer.

## **5. Business Premises**

- 5.1. The Operator must provide the Licensing Authority with the address of the premises within the Licensing Authority area from which the business will be carried on.

- 5.2. Where the operator's premises is used by the public it must be kept clean, adequately heated, ventilated and illuminated.
- 5.3. The operator shall ensure that any waiting area provided for the use of prospective hirers shall be provided with adequate seating and kept physically separate from any drivers resting area and operations room.
- 5.4. The private hire operator's licence must be displayed in a prominent position at any premises from which the operator operates. Any personal details such as home address of the licence holder should be redacted from the display copy prior to being displayed.
- 5.5. The operator shall provide a copy of these conditions of licence to the public upon request.

## **6. Personal Data**

- 6.11. The loss of personal data by theft or otherwise must be reported to the Licensing Authority in writing within 24 hours, and also immediately to the police in the event of theft being suspected. To note, a data loss may also need to be reported to the Information Commissioner's Office, for more information see: <https://ico.org.uk/for-organisations/report-a-breach/>

## **7. Working Hours**

- 7.1. The operator must take steps to ensure that drivers do not work excessively long hours. Drivers should not be permitted driver for more than 10 hours per day and must have a break lasting at least 30 minutes after driving for 5.5 hours. The driver must also have a break at the end of this period, unless it's the end of the working day.

## **8. Insurance**

- 8.1. Operators must ensure that at all times there is in force, for all private hire vehicles operated, a policy of insurance covering the carriage of passengers for hire or reward by pre-booking only or such security as complies with the requirements of Part VI of the Road Traffic Act 1988.
- 8.2. Any premises that provide access to members of the public must be covered by Public Liability insurance.
- 8.3. Operators must ensure that where a vehicle is covered under a fleet insurance policy, drivers are aware of the content of the policy, including its limitations and exclusions. The operator must keep a record, signed by the driver, within each individual's record file when this has been completed. A copy of any individual's records must be produced, on request, to any authorised officer of the Licensing Authority.

## **9. Ride Sharing/Car-pooling**

- 9.1. At the time of booking, individual hirers must be made aware of and explicitly consent to bookings that are part of a ride sharing/carpooling journey.
- 9.2. As part of ride sharing/car-pooling schemes, operators must offer the option to hirers to only share with other passengers of the same sex. If hirers select this option passengers of the opposite sex may not be added to the same booking.

## **10. Standards of Service**

- 10.1. The operator must provide prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose must in particular:
- a) Provide adequate information and communications technology, facilities and staff, as appropriate
  - b) Ensure the highest level of customer service and care.
  - c) 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.
  - 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.

## **11. Public Service Vehicles**

- 11.1. Public Service Vehicles (PSVs) may not be used to undertake a private hire vehicle booking, unless with the informed consent of the hirer.

## **12. Suspension, Revocation or Refusal of Operator's Licence**

- 12.1. The Council may decide to suspend, revoke or refuse to renew any operator's licence for any reasonable cause including:-
- (a) any offence under or non-compliance with, the provisions of Part 11 of the Local Government (Miscellaneous Provisions) Act 1976
  - (b) any conduct on the part of the operator which renders him unfit to hold an operator's licence
  - (c) where there has been a material change in the circumstances of the operator or the basis on which the licence was granted
  - (d) where a licence has been obtained by giving false or incomplete information, consideration will be given to using the above powers as well as prosecuting for the offence committed.



- 12.2. Any person who commits an offence against any of the provisions of these conditions, or Part II of the Local Government (Miscellaneous Provisions) Act 1976, in respect of which no penalty is expressly provided, shall be liable on summary conviction to a fine not exceeding one thousand pounds (£1000).

## **Appendix 20**

### **Penalty Points Scheme**

#### **Breach of Licence Conditions Penalty Point system**

1. Where a licence holder fails to comply with a request to provide information, eg. fails to produce motor insurance, registration document, or breaches a licence conditions, eg. fails to wear or carry his/her driver's badge, fails to notify of change of address, one penalty point will be issued. This penalty point will remain on the licence file for as long as the licence is valid and further failure to comply with the request could result in suspension and revocation of licence.
2. If a second penalty point is issued within a 12-month period, a letter of warning will be issued. If a further breach occurs during the same 12-month period, the licence holder will be interviewed by the Council's Licensing Committee, which may result in the licence being suspended or revoked.
3. When the total number of warning letters issued, for any reason, reaches two, during the period of a licence, the licence holder will be interviewed by the Licensing Committee to determine if the licence should be retained.
4. Where a licence holder obtains a conviction, he/she will be issued with two penalty points and be interviewed by the Licensing Committee, who will determine if the licence should be retained. These penalty points will remain on the licence file for as long as the licence is valid.
5. At the Licensing Officer's discretion, where a serious breach of licence conditions has been committed, the matter may be referred to the Licensing Committee.

#### **Offences under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847**

6. A serious view will be taken of convictions under the above Acts when deciding whether an applicant or licence holder is a fit and proper person to hold a licence. In the case of a new application, the applicant will be interviewed by the Licensing Committee in connection with their application and it is possible that the application will be refused. In the case of an offence being committed during the period of an existing licence, the licence holder will be interviewed by the Licensing Committee, as soon as possible following the conviction, which may result in the suspension or revocation of the licence.