



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

1st July 2022

CONTENTS

Page No.	Title
3	Introduction
4	Definitions
6	General Information
8	Convictions Policy
19	Hackney Carriage/Private Hire Vehicle Driver's Licence
28	Hackney Carriage Licence
36	Intended Use Policy
40	Private Hire Vehicle Operator's Licence
44	Private Hire Vehicle Licence
51	Private Hire Vehicle Licences – Stretched Limousines and Novelty Vehicles
Appendix	Institute of Licensing's 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades

INTRODUCTION

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.

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.

DEFINITIONS

‘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 Planning, Regulatory and General Licensing Committee

‘licensee’ is the holder of a licence.

‘vehicle’ means a hackney carriage or a private hire vehicle.

‘driver’s licence’ has the same meaning assigned to it by the Local Government (Miscellaneous Provisions) Act 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" 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.

‘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.

‘operator’ means a person who carries on the business of making provision for the invitation or acceptance of bookings for a private hire vehicle or hackney carriage;

‘operator’s licence’ means a licence under section 55 of the Local Government (Miscellaneous Provisions) Act 1976;

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

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.

GENERAL INFORMATION

Contacts

All licence applications or enquiries must be made to the Licensing Section, Public Protection Service, Blaenau Gwent County Borough Council, Municipal Buildings, Civic Centre, Ebbw Vale, NP23 6XB

Tel. No.: 01495 355485

E-Mail: licensing@blaenau-gwent.gov.uk

An appointment system is in operation for personal visits on Tuesday and Thursday between 10.00 am and 12.00 midday and 2.00 pm and 4.00 pm. Please telephone to make an appointment.

Fees and Charges

- All fees will be increased when necessary
- A full list of fees is available on request
- 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

Convictions 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. A copy of the guidance is attached to this policy.
- 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 will be expected to obtain an enhanced criminal record check from the Disclosure and Barring Service (DBS). All applicants and 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. The applicant must consent to the release of information from the DVLA annually. Applicants for private hire vehicle operator's licences and hackney carriage and private hire vehicle licences will be required to produce a basic DBS. If the applicant has obtained an enhanced criminal record check for any other reason and is presented to the council as part of a licence application, it will only be accepted if it is less than one month old.
- 1.5 All new applicants for a hackney carriage/private hire vehicle driver's licence will be required to produce a medical report completed by their own doctor or a doctor in the same practice. Follow up medical reports will be required at regular intervals – every five years from the age of 45, every two years from the age of 60 and annually after age 70. 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 two months old.
- 1.6 Formal cautions and fixed penalty notices will be given equal weight to convictions.
- 1.7 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 three and five 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. Applicants who have been resident in the UK for less than 5 years from the date of application are required to provide a Certificate of Good Conduct, or equivalent document, from any country on which they have lived within the previous 5 years. This must be written in English, at their own expense and in addition to the DBS check.

- 1.8 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.
- 1.9 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.
- 1.10 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.
- 1.11 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.
- 1.12 It is a condition of licence that a hackney carriage driver, private hire vehicle driver or private hire vehicle operator informs the Council of any convictions, cautions or pending charges within seven days.

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 need not 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 9 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 Where the holder of a licence has been charged with an offence, particularly of a serious nature, which may result in the licence being revoked, Licensing officers have, in consultation with the Chairman of the Licensing Committee, power to suspend the licence immediately. The decision to reinstate or revoke the licence will lie with the Licensing Committee.
- 2.11 All decisions made by 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. Probationary licences

- 5.1 The maximum period a licence may be granted is one year. The Licensing Committee may grant a 'probationary' licence for a period of less than one year provided there is reasonable justification to do so.
- 5.2 If a probationary licence is granted, the licence holder will not be required to be re-interviewed by the Licensing Committee on renewal of the licence the licence holder is convicted of further offences.

6. Overseas residents

- 6.1 If an applicant has spent six continuous months or more overseas, the Council will expect to see evidence of a criminal record check from the country or countries covering that period.

7. Licences issued by other authorities

- 7.1 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.

8. Appeals

- 8.1 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/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) has, for at least 12 months, been the holder of a full driving licence (not being a provisional licence) granted under Part III of The Road Traffic Act 1988 authorising him/her to drive a motor car or held a licence from another EEA state for a minimum of 2 years together with a UK paper counterpart that must have been held for 12 months (to allow officers to check for existing and new motoring convictions)
 - (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 applicants and 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. Applicants who have been resident in the UK for less than 5 years from the date of application are required to provide a Certificate of Good Conduct, or equivalent document, from any country on which they have lived within the previous 5 years. This must be written in English, at their own expense and in addition to the DBS check.
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) attend a safeguarding and protection of children and vulnerable adults awareness session
 - (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 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 (see enclosed list)
 - (j) 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, confirming that he/she is physically fit to drive taxis (see further details below). Applicants are advised not to obtain any other medical certificate without prior approval of the Council. 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, 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.
4. If possible, applicants must visit the Licensing department, in person, when submitting their application.
 5. No application for a licence will 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.
 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.
 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.

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 www.fadv.onlinedisclosures.co.uk 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.

Medical standards for drivers of hackney carriages and private hire vehicles

Medical standards for drivers of hackney carriages and private hire vehicles are higher than those required for other car drivers.

Epileptic attack

Applicants must have been free of epileptic seizures for at least the last ten years and have not taken anti-epileptic medication during this ten-year period. A licence will be refused or revoked if these conditions cannot be met.

Diabetes

Insulin treated diabetics may not obtain a licence.

Eyesight

All applicants, for whatever category of vehicle, must be able to read in good daylight a number plate at 20.5 metres (67 feet) and, if glasses or corrective lenses are required to do so, these must be worn while driving. In addition:

Applicants must have

- A visual acuity of at least 6/9 in the better eye; and
- A visual acuity of at least 6/12 in the worse eye; and
- If these are achieved by correction, the uncorrected visual acuity in each eye must be no less than 3/60.

A licence will also be refused or revoked if an applicant:-

- Has uncontrolled diplopia (double vision)
- Does not have a normal binocular field of vision

Other Medical Conditions

In addition to those medical conditions covered by law, applicants (or licence holders) are likely to be refused if they are unable to meet the national recommended guidelines in the following cases:-

- within 3 months of myocardial infarction, any episode of unstable angina, CABG or coronary angioplasty
- a significant disturbance of cardiac rhythm occurring within the past 5 years unless special criteria are met
- suffering from or receiving medication for angina or heart failure
- Hypertension where the BP is persistently 180 systolic or over, or 100 diastolic or over
- a stroke, or TIA within the last 12 months
- unexplained loss of consciousness within the past 5 years
- Meniere's and other conditions causing disabling vertigo, within the past 1 year, and with a liability to recur
- recent severe head injury with serious continuing after effects, or major brain surgery
- Parkinson's disease, multiple sclerosis or other "chronic" neurological disorders likely to affect limb power and co-ordination
- suffering from a psychotic illness in the past 3 years, or suffering from dementia
- alcohol dependency or misuse, or persistent drug or substance misuse or dependency in the past 3 years
- insuperable difficulty in communicating by telephone in an emergency
- any other serious medical condition which may cause problems for road safety when driving a Hackney Carriage or Private Hire Vehicle
- if major psychotropic or neuroleptic is being taken
- any malignant condition within the last 2 years likely to metastasise to the brain, e.g. Ca lung or malignant melanoma

Applicants are advised to consult their doctor if they are in any doubt.

HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVER'S LICENCE

CONDITIONS OF LICENCE incorporating CODE OF CONDUCT

1. The Licence 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 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.

10. 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.
11. Applications for licences will not be considered until the appropriate fee is paid. Where payment is made by a cheque, which is subsequently dishonoured, any licence will be declared void.
12. 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 days from the date of request.
13. Any private hire vehicle driven by the driver must be operated by a private hire vehicle operator licensed with this Council.
14. 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.
15. 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.
16. The driver of a vehicle shall behave in a civil and orderly manner and adhere to the Council's prescribed Dress Code at all times. 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 manner.
17. When sent to any address, the driver shall knock on the door of the property and not sound their horn.
18. The driver of a vehicle shall take all reasonable precautions to ensure the safety of passengers carried, entering or alighting the vehicle.
19. 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.
20. 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.
21. The driver shall, when requested by the hirer:-
 - (a) convey a reasonable quantity of luggage
 - (b) afford reasonable assistance in loading and unloading, 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.
22. 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 Municipal Buildings, Civic Centre, Ebbw Vale, NP23 6XB, where a receipt for the property will be issued to the driver.
 23. 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.
 24. 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.
 25. 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.
 26. 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.
 27. 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.
 28. The taxi meter must be used at all times even if the vehicle is being used under a private hire arrangement.
 29. 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.
 30. 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.
 31. The driver should check the condition of the following items of the vehicle on a daily basis:-

- seat belts
 - fluid levels
 - tyres
 - windscreen wipers and washers
 - lights.
32. The driver should ensure that the vehicle is kept clean inside and out at all times.
 33. 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.
 34. 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.
 35. 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.
 36. Where unruly or aggressive conduct is displayed by passengers, the driver should warn the passenger of any intended action before taking such action.
 37. 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.

Dress Code

The dress code will be enforced by the Council's Licensing Enforcement Officers. 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. 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 except for any manufacturer name and/or logo as supplied by the manufacturers. 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.
- (d) All clothing shall be 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) 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.

Rules 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 carriages authorised to occupy it
- (c) on arrival at a stand not already fully occupied by the number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand so as to face in the same direction
- (d) from time to time, when any other carriage is driven off or moved forward, drive his carriage forward to fill the space previously occupied which has been driven off or moved forward.

HACKNEY CARRIAGE LICENCES

CONDITIONS OF APPLICATION

1. Before a hackney carriage licence is granted, 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
 - (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 if the vehicle has not been inspected by the Council's Approved 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 hackney carriage purposes in accordance with the requirements of Part VI of the Road Traffic Act 1972
 - (g) a current MOT certificate (where appropriate). The Council offers a MOT service for licensed vehicles. If you wish to obtain a MOT certificate, there will be an additional cost of £19, payable with the licence fee.
 - (h) where applicable, 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
 - (i) proof of meter ownership and a meter calibration certificate, confirming that the meter has been calibrated in accordance with the current Blaenau Gwent County Borough Council hackney carriage fare tariff
 - (j) confirm that he/she will comply with the Council's Intended Use policy for hackney carriages.
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
 - (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.

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).

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. 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.

Hackney Carriage Fare Tariff

Hiring	Charge
<u>Tariff 1</u> (1 to 4 passengers for hirings commencing between 6am and 10pm) For the first mile or part thereof For each subsequent 1/12 th of a mile or part thereof	£4.00 20p
<u>Tariff 2</u> (1 to 4 passengers for hirings commencing between 10pm and 6am) For the first mile or part thereof For each subsequent 1/12 th of a mile or part thereof	£5.00 25p
<u>Tariff 3</u> (1 to 4 passengers for hirings from 6pm Christmas Eve to 6am 27 th December and from 6pm New Years Eve to 6am 2 nd January) For the first mile or part thereof For each subsequent 1/12 th of a mile or part thereof	£8.00 40p
<u>Tariff 4</u> (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 <u>AND</u> for 5 to 8 passengers for hiring between 6am and 10pm) For the first mile or part thereof For each subsequent 1/12 th of a mile or part thereof	£6.00 30p
<u>Tariff 5</u> (5 to 8 passengers for hirings from 6pm Christmas Eve to 6am 27 th December and from 6pm New Years Eve to 6am 2 nd January) For the first mile or part thereof For each subsequent 1/12 th of a mile or part thereof	£12.00 60p
<u>Tariff 6</u> (5 to 8 passengers for hirings commencing between 10pm and 6am) For the first mile or part thereof For each subsequent 1/12 th of a mile or part thereof	£8.00 40p
<u>Tariff 7</u> (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 th of a mile or part thereof	£9.00 45p
<u>Extra Charges</u> 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 Road West
 Ely
 Cardiff
 CF5 5TB
 Tel: 029 20 560278

Contact Radio Communications
 Unit 19
 Leeway Court Industrial Estate
 Newport
 NP19 4SJ
 Tel: 01633 270005

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 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.
6. 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).
7. 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.
8. 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.
9. 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.

10. 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.
11. 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.
12. 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.
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 hackney carriage purposes to an authorised officer of the Council at Civic Centre, Ebbw Vale, NP23 6XB. Failure to produce proof of insurance 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, 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.
17. 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.
18. 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.
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. 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.

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 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.
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.
24. Failure to display the licence plates in accordance with the above, may result in the suspension of the licence.
25. 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.

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.

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 every three years.
3. Applicants who have been resident in the UK for less than 5 years from the date of application are required to provide a Certificate of Good Conduct, or equivalent document, from any country on which they have lived within the previous 5 years. 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.

3. 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.
4. 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.
5. 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.

PRIVATE HIRE VEHICLE OPERATOR'S LICENCE

CONDITIONS OF LICENCE

1. The licence shall remain in force for up to a maximum period of five years.
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.
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.
4. The operator shall notify the Council in writing of any change of his address (including any address from which he operates or otherwise conducts his business as an operator) and return his operator's licence for amendments within seven days of such change taking place.
5. 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.
6. 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.
7. The operator shall within seven days disclose to the Council in writing details of any conviction imposed on him during the period of his licence.
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.

9. 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.
10. The operator must ensure that vehicles operating through his/her licence are at all times adequately insured and maintained.
11. 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.
12. 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.

Keeping of Records

13. 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 point
 - (c) the place of destination
 - (d) the name of the hirer
 - (e) details of the vehicle used
 - (f) details of the driver
14. Any abbreviation used for (e) and (f) above must firstly be approved by the Council.
15. Records must be kept in chronological order.
16. 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.
17. 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.
18. 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.
19. 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.
20. The licensee shall 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, 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.

21. 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.

Suspension, Revocation or Refusal of Operator's Licence

22. 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.
23. 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).

PRIVATE HIRE VEHICLE LICENCE

CONDITIONS OF APPLICATION

1. Before a private hire vehicle licence is granted, 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
 - (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) 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 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.
 - (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.

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.

3. 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.
4. 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).

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. 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 together with an external licence plate to be produced to the examiner at the time of the test.

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 and fix the external 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 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.

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 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. 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).
7. 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.
8. 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.
9. 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.
10. 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 Licensing Section, Floor 3A, Municipal Offices, Civic Centre, Ebbw Vale, Gwent. NP23 6XB. Failure to produce proof of insurance, as above, may result in the suspension of licence.
11. 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.
12. The proprietor shall, during the period of the licence, keep in force a current vehicle excise licence.
13. 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.

14. 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.
15. 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.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. 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.
22. Failure to display the licence plates and door stickers in accordance with the above, may result in the suspension of the licence.

23. 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.
24. 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.
25. 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.

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
- (d) be heavier and considerably longer than standard vehicles
- (e) 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
 - (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. 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).

7. 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.
8. 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
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 at Civic Centre, Ebbw Vale, NP23 6XB. 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 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.
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, 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.
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.
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, upon request from the licensee, the Council will 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 identification stickers will be fixed by the Council's Approved Vehicle Examiner.
24. Failure to display the licence plates and 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.
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. 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.