



monmouthshire  
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# Monmouthshire County Council's Taxi and Private Hire Policy and Conditions 2018

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## 1. INTRODUCTION

1.1 This document has been produced pursuant to the powers conferred by the Local Government (Miscellaneous Provisions) Act 1976 as amended, which places on Monmouthshire County Council as the Licensing Authority the duty to carry out its licensing functions in respect of hackney carriage and private hire vehicles.

1.2 In this Policy, the following abbreviations have been used:

DPM	-	Data Protection Mandate
DfT	-	Department of Transport
DBS	-	Disclosure and Barring Service (formerly CRB)
Driver's Licence	-	Dual Driver's Licence
DVLA	-	Driver and Vehicle Licensing Agency
EA	-	Equalities Act 2010
LA	-	Licensing Authority of Monmouthshire County Council
LG(MP)A	-	Local Government (Miscellaneous Provisions) Act 1976
MCC	-	Monmouthshire County Council
The Policy	-	Monmouthshire County Council's Taxi and Private Hire Policy
TPCA	-	Town Police Clauses Act 1847

### **Aims of Licensing**

1.3 The aim of hackney carriage and private hire licensing is to protect the public whilst ensuring that they have reasonable access to hackney carriage and private hire services because of the part they play in local transport provision.

### **Objectives**

1.4 The LA's objectives are:

- To ensure the safety of the public affected by the operation of hackney carriage and private hire services.
- To ensure the safety and comfort of users of hackney carriage and private hire services.
- To encourage the provision of high quality and accessible hackney carriage and private hire services.

## **About the Policy**

- 1.5 This Policy aims to:
- Set out the Licensing Authority's approach to regulation, enforcement and sanction of vehicles, drivers and operators;
  - Define and offer guidance on the legislation in relation to the provision of hackney carriage and private hire vehicles; and
  - Set out the licensing conditions applicable to drivers, vehicles and operators.
- 1.6 In exercising its discretion in carrying out its regulatory functions, the LA will have regard to this Policy document and the aims and objectives set out above. The LA will also take into account the DfT's Best Practice Guidance.
- 1.7 Notwithstanding the existence of this Policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the LA to depart substantially from the Policy, clear and compelling reasons will be given.
- 1.8 This Policy has been prepared in full consultation with all drivers and operators including representatives of Monmouthshire's Taxi Association and with many stakeholder groups. The Policy will be formally reviewed as and when required; however the Policy and its appendices may also be changed in the interim period to accommodate changes in law, corrections of errors and other triggers to policy change. The LA reserves the right to alter this Policy to ensure compliance with the law as a minor policy change without further consultation.
- 1.9 The Policy was approved by the Licensing and Regulatory Committee on 22<sup>nd</sup> March 2016.
- 1.10 The conditions stated within this Policy will apply to both hackney carriage and private hire drivers, vehicles and their operators. This therefore means any licence or badge granted will be known as a Dual Licence and Dual Badge. However, it shall be noted that within this document there are circumstances where conditions relate specifically to private hire drivers and hackney carriage drivers.
- 1.11 Guidance relating to the process for all applications is available from the LA.

## **2. DRIVERS**

### **Dual Driver Licences**

- 2.1 A person must be considered fit and proper to hold a driver's licence with this Authority.
- 2.2 The LA does not issue separate drivers' licences in respect of private hire and hackney carriages. Instead the LA issues a dual driver's licence which gives the holder the flexibility to drive either type of vehicle.
- 2.3 A licence will not be granted to a person who is under 21 years of age. In addition, a licence cannot be granted to anyone over 21 who has not held a full driving licence for a period of 1 year.
- 2.4 The driver's licence shall remain in force for a period of 3 years unless the LA specifies a lesser period, revokes or suspends a licence. The full requirements an applicant must meet for the dual driver's licence can be found in Appendix A.

### **The Knowledge Test**

- 2.5 Drivers must have a good working knowledge of the area within which they intend to work. Therefore to maintain the high standards that the LA expects of its drivers, a licence to drive a hackney carriage or private hire vehicle shall not be granted until the applicant has successfully passed this test.
- 2.6 The test is in four parts, namely (a) Literacy and Numeracy test, (b) Verbal communication test, (C) Law and Conditions and (d) Knowledge of the County. Further information concerning the knowledge test can be found in Appendix A.

### **Conditions**

- 2.7 The LA is not permitted to attach conditions to a hackney carriage driver's licence. However the LA may impose such additional conditions on a private hire driver's licence as it deems reasonable and necessary. A driver must be considered as a fit and proper person to hold a driver's licence with this Authority.
- 2.8 It is considered that the conditions set out in Appendix B are reasonably necessary and appropriate for all licensed drivers but it is accepted that they may only be legally imposed when a licensed driver drives a Private Hire Vehicle. However all drivers are expected to comply with these conditions.

- 2.9 Many of the requirements prescribed within the Hackney Carriage Byelaws are effectively hackney carriage driver's conditions. As the Byelaws are an appendix to this Policy, a full policy review is not considered necessary to make changes to these Byelaws which would be consulted upon separately in any case. The current Byelaws are attached as Appendix C.

### **Grant and renewal of licences**

- 2.10 Holders of existing licences will be reminded at least one month before their licences are due to be renewed. However, the onus is on the driver to ensure an application is submitted prior to expiry of the licence. The procedure for both grant and renewal is set out in Appendix A.
- 2.11 Applicants must provide a DBS enhanced disclosure that is no older than 3 months at the time of grant or when the DBS is reviewed after 3 years. The DBS enhanced disclosure must also have had checks made for those working with vulnerable adults and children.

### **The Driver's Badge**

- 2.12 The LA will supply the driver's badge and photographic A4 licence. The badge and licence remain the property of the LA and must be returned at the expiry of the driver's licence. In any event, both must be returned to the LA should the licence be suspended or revoked following the end of the appeal period unless suspended or revoked with immediate effect.
- 2.13 Where a badge has been damaged, lost or stolen this must be reported to the LA immediately and a new one obtained.

### **Cautions, Warnings, Convictions and Endorsements**

- 2.14 Where offences leading to the above are committed by licensed drivers, it is important in the interests of consistency and transparency that a procedure should be in place to consider what effect this should have on their licence. Part 6 of this document outlines the principles and sanctions that will be applied although each case will be treated on its merit.
- 2.15 Drivers must report cautions, warnings, convictions and endorsements in line with the licence conditions, which are set out at Appendix B.



## **Licence Fees**

- 2.16 The LA shall review all licence fees on an annual basis. All fees shall be based on cost recovery. All licence fees, including administration fees, shall be published on the Council's website.

## **3. VEHICLES**

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

- 3.1 The vehicle licence will remain in force for a period of one year unless the LA specifies a lesser period or revokes or suspends the licence.
- 3.2 Vehicles must be suitable in type, size and design for use as a licensed vehicle. The LA will licence any vehicle manufactured or adapted to carry up to 8 passengers (excluding driver) provided it meets the criteria set out at Appendix D.
- 3.3 Due to material differences between other Licensing Authorities' policies compared to MCC's Policy and Conditions, the LA does not permit a licensed vehicle to be licensed with another Licensing Authority.
- 3.4 In accordance with Section 40 of the TPCA (relating to hackney carriages) and Section 48(1) of the LG(MP)A (relating to private hire vehicles) the applicant for the vehicle licence must be the proprietor or part proprietor of the vehicle.
- 3.5 As part of the application proves for a hackney carriage proprietor's licence, the LA will require proof of proprietorship by way of a bill of sale, a hire/purchase/lease agreement together with the registration document.
- 3.6 Private hire vehicles are licensed to perform pre-booked work only, which is obtained through private hire operator. Hackney carriages are licensed to 'ply for hire', i.e. to pick up passengers in the street or whilst waiting at authorised taxi ranks and may also accept pre-booked fares. There are a number of taxi ranks within the County, the locations of which are available from the Licensing Section or on the Council's web site.
- 3.7 All vehicles must be in a suitable mechanical condition, safe comfortable and approved for licensing by the LA to operate as a hackney carriage or private hire vehicle. All vehicle proprietors will therefore be required to submit a certificate of testing by an approved garage of MCC set out in Appendix E. The vehicle will be exempt from the provisions of Section 44 of the Road Traffic Act 1972 (Annual MOT testing of vehicles) by reason MCC being in possession of a certificate issued by the Secretary of State for Transport pursuant to

regulations 30(m) and 30(n) of the Motor Vehicle (Tests) Regulations 1976 as amended. Applicants are advised to complete the form V112 issued by the DVLA as proof they are not required to have a MOT certificate. All vehicle proprietors will therefore be required to produce a certificate of testing on the following occasions:

- New applications
- The replacement of a vehicle
- Vehicles over 1 year from date of registration and under 5 years – annual tests
- Vehicles over 5 years from date of registration and under 10 years – 6 monthly tests
- Vehicles 10 years and over – 4 monthly tests
- At the request of the LA where deemed necessary

### **Limitation of numbers**

- 3.8 No powers exist for Licensing Authorities to limit the numbers of Private Hire vehicles which they licence. The present legal provisions on restricting the numbers of Hackney Carriage Vehicles are set out in Section 16 of the Transport Act 1985. This provides that the grant of Hackney Carriage licence may be refused, for the purpose of limiting the number of licensed Hackney Carriages “if but only is, the Local Authority is satisfied that there is no significant demand for the services of Hackney Carriage (within the area to which the licence would apply) which is unmet.”
- 3.9 Many local Licensing Authorities, including Monmouthshire, do not impose any quantitative restrictions for Hackney Carriages and the DfT regards this as best practice. Should an Authority elect to impose restrictions on number, the DfT guidance states that such a decision should be reconsidered frequently, taking into account whether the restrictions should continue. It is suggested that the matter should be approached in terms of the interests of those who use the services of such vehicles.
- 3.10 Where quantitative restrictions are imposed, vehicle licence plates can command a premium. This tends to suggest that there are people who want to enter the market and provide a Services to the public but are being prevented from doing so by the limitation of numbers. It may be difficult to justify a quantitative control in such circumstances.
- 3.11 If the Local Authority takes the view that a quantity restriction can be justified in principle, the DfT Guidance advises that the level at which the limit should be set be addressed by means of a survey, which would necessarily involve costs.

- 3.12 The Council has not at this time decided to set a limit on the number of Hackney Carriages which it licence: no evidence has been provided of any difficulty arising from this stance.

### **Intended Use Policy**

- 3.13 It is entirely lawful for a hackney carriage licensed by one authority to undertake pre-booked hirings (private hire) outside of the authority area. This has led to a situation where a significant number of hackney carriages licensed by an authority in some cases undertaking private hire work entirely outside of that Council area. Whilst the current situation is not unlawful, it is not ideal from an enforcement point of view for vehicles to be operating predominantly outside of the local authority area where they are licensed. It is also very difficult to monitor vehicles easily if they rarely operate within their area and this could have huge safety issues. The Authority must be satisfied before a hackney carriage vehicle licence is issued that the hackney carriage will operate within the County and have adopted an intended use policy attached as Appendix F.

### **5-8 Passenger Vehicle Inspection**

- 3.14 In the interest of passenger safety the Council has introduced a further requirement of inspection of vehicles for vehicles that carry 5-8 passengers. This was introduced to ensure safe access and egress from the vehicle. An authorised officer of the Council will inspect the vehicle before an application for a licence is issued. The criteria of inspection are attached as Appendix G.

### **Vehicle Licence Plates**

- 3.15 In accordance with Section 48(6)(a) relating to Private Hire Vehicles and Section 47(1) relating to Hackney Carriages of the LG(MP)A, the vehicle licence plate approved by the LA. Two external plates shall be affixed to the front and rear of the vehicle, directly above, below, to the left or right hand side of the vehicle registration number plate. The plates shall be maintained in a good condition and clear and visible. The plates must be securely fixed onto the vehicle by either nuts and bolts, self tapping screws or rivets, or indirectly by means of the bracket supplied by the Council. The interior plate shall be fixed onto the front window in such a position as to be easily observed by the passengers.
- 3.16 The LA recognises that because of the nature of their business, some owners of these vehicles may wish to apply for exemption from displaying the private hire licence plate. Details of vehicles, make, model and registration numbers must be provided to the LA together with clear reasons for this exemption request whereupon a decision shall be made by the Head of Regulatory

Services or the Principal Licensing Officer acting under delegated powers, the matter may also be deferred to the Licensing and Regulatory Committee if a decision cannot be reached. The licence plate need not be displayed on a licensed car if the vehicle is in connection with a funeral and/or being used in connection with a wedding.

- 3.17 All decisions will authorise specific occasions and each application shall be treated on its own merit. However the following conditions shall always apply to such vehicles:
- (a) The private hire licence plate must be kept within the vehicle at all times and be made available for inspection;
  - (b) The licence plate shall be affixed to the vehicle at all times than that specified in the authorisation letter;
  - (c) The driver shall at all times whilst working wear the driver's badge above any outer clothing and in such a position that is clearly visible to the public;
  - (d) The authorisation letter must be kept in the vehicle at all times and available for inspection; and
  - (e) The internal plate issued by the LA must be displayed onto the front window in such a position as to be easily observed by passengers.
- 3.18 The loss or damage of a vehicle licence plate shall immediately be reported to the LA so that a replacement can be obtained. Until a new licence plate is issued the vehicle shall not be used for the carriage of fare paying passengers.
- 3.19 On revocation, suspension or expiry of the vehicle licence, the plates must be returned to the Council within 7 days (Section 58 LG(MP)A), unless a suspension notice has been issued. It is an offence to transfer a plate without prior consultation with the Licensing Section. If you do not return the plate to the Licensing Section, you could be liable to prosecution. Any authorised officer of the Council or the Police is entitled to remove and retain the said plate immediately.
- 3.20 The vehicle licence plates remain the property of the LA and shall not be copied or used in a fraudulent manner.

### **Taxi Meters**

- 3.21 Any new taximeter shall be fitted with an appropriate device bearing the words "FOR HIRE" on each side thereof and in plain letters at least two inches in height, of the appropriate device, so that the words are conveniently legible. The fitting of the taximeters can use the Meter Calibration Centre's attached as Appendix H

- 3.22 The taximeter shall not begin operation until the hirer's journey has commenced.
- 3.23 Prior to hiring no fares shall be recorded on the face of the meter.
- 3.24 Meters shall be used for charging all journeys that start and finish within the County.
- 3.25 In the case of journeys ending outside the County, a fare greater than that shown on the meter may be charged but only where an agreement to pay more than the metered fare has been made in advance of the hiring commencing. In cases where such an agreement has not been made with the hirer, only the metered fare may be charged.
- 3.26 If a hackney carriage is used under a contract for private hire, the meter shall be used and a fare not greater than that shown on the meter may be charged. In addition the meter may only be engaged from the point in the controlled district where the hirer commences his/her journey.
- 3.27 The taximeter must be programmed with the current tariff as approved by the Council, and when the taximeter is in action there shall be recorded on the face of the meter, in clearly legible figures a fare not exceeding the rate of fare which the proprietor or driver is so authorised to charge.
- 3.28 The word "FARE" or similar, shall be printed on the face of the taximeter in plain letters so as to clearly apply to the fare recorded thereon.
- 3.29 The taximeter shall be 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.
- 3.30 The taximeter and all fittings thereof shall be so affixed so the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them, except by breaking, damaging or permanently displacing the seals or other appliances.
- 3.31 The illuminated roof sign shall be wired to the taximeter so as to enable it to be extinguished during the carrying of a fare for which the meter is in operation.
- 3.32 The proprietor of a Hackney Carriage shall cause the current table of fares, fixed by the Council, to be exhibited inside the carriage in clearly distinguishable

letters and figures, together with a notice displaying the limitations on the fare rates and charges to be made.

- 3.33 The proprietor of a Hackney Carriage shall not tamper with, or permit any person to tamper with, any taximeter which the carriage is provided, with the fitting thereof or with the seals affixed thereto.

### **Trailers**

- 3.34 Trailers can be used in connection with hackney carriages and private hire bookings but cannot be used for plying for hire. The LA has imposed conditions concerning the use of trailers that are set out in Appendix I.

### **Horse Drawn Carriages and Non-Motorised Vehicles**

- 3.35 Any hackney carriage licence granted for use with a horse drawn carriage or a Non-motorised vehicle (eg. Pedicabs, Rickshaws etc) will be subject to the conditions set out at Appendix J.

### **Advertising**

- 3.36 Where a proprietor of a hackney carriage vehicle wishes to place advertisements on or in a vehicle written consent must be obtained from the Head of Regulatory Services or the Principal Licensing Officer acting under delegated powers, the matter may also be deferred to the Licensing and Regulatory Committee if a decision cannot be reached. Any authorisation and all applications shall be approved separately and individually and in accordance with the principles laid down at Appendix K.

### **Replacement Vehicles**

- 3.37 There is no statutory mechanism to change a vehicle once the licence has been issued. The LA however recognises that proprietors may wish to change their vehicle during the period of licence. As such it is necessary for the proprietor to surrender the licence (which include the licence plates) in respect of the original vehicle. Upon receipt of a new application and appropriate fee, the LA will issue a new licence (inclusive of licence plates) in respect of replacement vehicle.
- 3.38 This approach will also be taken in respect of vehicles that have been involved in an accident where a temporary replacement vehicle is required. Regardless of the period of time the replacement vehicle is to be used for, the procedure as outlined above must be undertaken for the replacement vehicle, and again when the original vehicle is returned to service.

- 3.39 If a vehicle is provided on a temporary basis from a leasing/hire company, it will be necessary to provide a hiring agreement specifying the length of the hire; this is to ensure the vehicle licence holder has a proprietorship interest in the vehicle.

### **Conditions**

- 3.40 The LA is empowered to impose such conditions as it considers reasonably necessary in relation to the grant of a hackney carriage private hire vehicle licence. As these vehicles provide a service to the public, it is appropriate to set criteria by way of condition for the external and internal condition of the vehicle, provided that these are not unreasonably onerous. These conditions are set out at Appendix D.

### **Hackney carriage fare table**

- 3.41 The LA shall fix the rates or fares for time and distance and all other charges in connection with the hire of a hackney carriage by means of a fare table.
- 3.42 On receipt of an application for a proposed increase in fares for hackney carriages, the request shall be submitted to MCC's Licensing and Regulatory Committee for determination. Requests shall be fair and proportionate, provide clear reasons and must state a reasonable timescale for implementation. The LA shall then publish a notice on one occasion setting out the proposed table of fares together with a date for the fares to take effect in a newspaper that circulate the County of Monmouthshire. At the end of the period, the LA will consider the application and any objections received. Where there are relevant and valid objections the fare increase will be postponed and will be returned to the LA to determine. Where there are no objections at the end of the consultation period, the LA shall distribute new fare cards to the hackney vehicle proprietors as soon as reasonably practicable.
- 3.43 The current table of fares must be displayed prominently within the vehicle to enable passengers to clearly view at all times.
- 3.44 The proprietor must produce a new calibration certificate to the LA, as proof the new tariff is in operation on the taximeter.

### **CCTV In Vehicles**

- 3.51 MCC recognises that an in-vehicle CCTV system may provide a safer environment for the benefit of the drivers and passengers by deterring and preventing the occurrence of crime; reducing the fear of crime; assisting the

Police in investigating incidents of crime. As such MCC permits the use of CCTV in private hire / hackney carriage vehicles subject to conditions as attaches as Appendix L

### **Licence Fees**

- 3.52 The LA shall review all licence fees on an annual basis. All fees shall be based on cost recovery. Licence fees shall be published on the Council's web site.

## **4 NON-STANDARD VEHICLES**

### **Contract Vehicles**

- 4.1 All stretched limousines, executive and other similar vehicles shall be licensed by the LA and reasonable and proportionate conditions shall be attached to the licences as necessary to ensure that such vehicles are safe to convey members of the travelling public.

### **Stretched Limousines and Novelty Vehicles**

- 4.2 Stretched limousines are elongated saloon cars that have been increasingly used for mainstream private hire work, along with novelty vehicles, such as fire engines and ambulances. These vehicles are considered private hire vehicles by the work they perform and as such this LA shall licence these vehicles in line with the criteria set out in this Policy.
- 4.3 The application process shall be exactly the same as for drivers, vehicles and operators.
- 4.4 Each application will be considered on its own merit and public safety will be of prime importance.

### **Conditions**

- 4.5 The LA consider it necessary to impose additional standard conditions to those specified in Appendix D in relation to these vehicles. These are set out at Appendix M
- 4.6 All other relevant driver's, vehicle's and operator's conditions shall otherwise apply to the licence.



## **Executive and other vehicles**

- 4.7 It is recognised that there is a demand for executive and other vehicles to be used as a private hire vehicle carrying passengers on business contract work and special events. As these vehicles may not fall within this policy the Head of Regulatory Services or the Principal Licensing Officer acting under delegated powers will decide whether or not to grant the licence. The matter may also be deferred to the Licensing and Regulatory Committee.

## **5 OPERATORS**

### **Operator's Licence**

- 5.1 An operator's licence is required for the purpose of making provision for the invitation or acceptance of bookings for a private hire vehicle. The LA may impose any conditions to the grant of an operator's licence as it considers reasonably necessary. The operator's licence will remain in force for a period of five years unless the LA specifies a lesser period, revokes or suspends the licence. The licence is not transferable.
- 5.2 Applications for an operator's licence must be made on the prescribed form, together with the appropriate fee and requested documentation. The LA will then decide whether the applicant is a fit and proper person to hold an operator's licence.
- 5.3 To ensure public safety and effective enforcement is carried out by the LA. MCC requires the Operator base licensed by MCC to be within the County.
- 5.4 Where an Operator uses a second 'satellite' base as an Operator's office (whether it is business or residential address) within the same controlled district they shall inform the LA so that the addresses may be stated on the Licence. The LA reserves the right to charge for every additional office.

### **Conditions**

- 5.5 The LA has the power to impose such conditions on an operator's licence as it considers necessary. The standard conditions applicable to all operators are set out at Appendix N.

### **Licence Fees**

- 5.6 The LA shall review all licence fees on an annual basis. All fees shall be based on cost recovery. Licence fees, including administration fees, shall be published on the Council's web site.

## 6 PRINCIPLES WHEN CONSIDERING APPLICATIONS AND REVIEWS OF EXISTING LICENCES

- 6.1 New and renewal applications together with reviews of licences will be determined in line with the principles set out below. New and renewal applications will either be granted (possibly with conditions) or refused. Reviews of licences can result in additional being placed on the licence, the issuing of a warning, no further action or the suspension/revocation of the licence. Revocation procedures are attached as Appendix O.

### Protection of the Public

- 6.2 The purpose of hackney carriage and private hire licensing is to protect and ensure the safety of the travelling public; there are many instances where an application will be refused, or a licence or revoked or suspended if the person falls short of the fit and proper test. Case law makes it clear that the impact of losing (or not being granted) a driver's licence on the applicant and his family is not a consideration to be taken into account.
- 6.3 The LA makes decisions on the balance of probabilities rather than beyond reasonable doubt.
- 6.4 It is recognised that this policy is not legislation, it is however, the Authority's baseline for acceptability. As such, it will only be departed from in exceptional circumstances and for justifiable reasons which should be recorded.
- 6.5 One common misunderstanding is that if the offence was not committed when the driver was driving a taxi, it is much less serious, or even if it was in a taxi but not when passengers were aboard. This is not relevant: speeding is dangerous, irrespective of the situation; drink driving is dangerous, irrespective of the situation; bald tyres are dangerous, irrespective of the situation. All these behaviours put the general public at risk. Violence is always serious. The argument that it was a domestic dispute, or away from the taxi, is irrelevant. A person who has a propensity to violence has that potential in every situation. Sexual offences are always serious. A person who has in the past abused their position (whatever that may have been) to assault another sexually has demonstrated completely unacceptable standards of behaviour.
- 6.6 Applicants may claim that they have sought employment in other fields and been precluded as a result of their antecedent history particularly if that contains convictions. They therefore seek to become a licensed driver as an occupation of last resort. This is unacceptable as the granting of a licence would place such a person in a unique position of trust. The paramount responsibility of a licensing authority is to protect the public, not provide employment opportunities.
- 6.7 Licensees are expected to demonstrate appropriate professional conduct at all time, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any

way. In no circumstances should Licensees take the law into their own hands. Licensees are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.

- 6.8 There are 5 types of licence: hackney carriage vehicle; private hire vehicle; hackney carriage driver, private hire driver (this authority adopts a dual badge for drivers that permits them to drive a private hire vehicle and a hackney carriage vehicle) and private hire operator. In relation to all of these licences, the authority has the discretion to grant, revoke and suspend a licence.
- 6.9 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 6.10 There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a hackney carriage or private hire proprietor’s licence.
- 6.11 “Fit and proper” means that the individual (or in the case of a private hire operator’s licence, the limited company together with its directors and secretary, or all members of a partnership) is “safe and suitable” to hold the licence.
- 6.12 In determining safety and suitability the licensing authority is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person’s behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual’s attitude and temperament.
- 6.13 Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction. Fixed penalties and community resolutions will also be considered in the same way as a conviction.
- 6.14 It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to “conviction” will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
- 6.15 In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.

- 6.16 In all cases, the licensing authority will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.
- 6.17 Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
- 6.18 As the licensing authority will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.
- 6.19 In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
- 6.20 Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.
- 6.21 It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.
- 6.23 Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.
- 6.24 As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.

- 6.25 Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.
- 6.26 Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.
- 6.27 These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

### **Drivers**

- 6.28 As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.
- 6.29 A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.
- 6.30 As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.
- 6.31 In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

### ***Crimes resulting in death***

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

### ***Exploitation***

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

### ***Offences involving violence***

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

### ***Possession of a weapon***

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

### ***Sex and indecency offences***

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

### ***Dishonesty***

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

### ***Drugs***

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

### ***Discrimination***

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

### ***Motoring convictions***

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

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

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

***Other motoring offences***

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

***Hackney carriage and private hire offences***

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

***Vehicle use offences***

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

***Private Hire Operators***

- 6.48 A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes.

- 6.49 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.
- 6.50 Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority's overall criteria, that will lead to the operator's licence being revoked.
- 6.51 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

### **Vehicle Proprietors**

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

### **Penalty Points And Other Matters To Be Considered**

#### **Warnings and Penalty Points**

- 6.57 The LA will issue warnings as are appropriate to the circumstances. Minor or first time transgressions are likely to attract a written warning, repeated or more serious conduct may lead to a review of the licence.
- 6.58 For uniformity in dealing with minor infringements, penalty points may be issued by the LA. When 12 or more points are issued within a 12 month period a review of the licence will be heard by the Licensing and Regulatory Committee. The criteria for the penalty points is attached as Appendix P.



**Failure to comply with a reasonable request from an authorised officer**

- 6.59 The LA takes failure to comply with a reasonable request from an authorised officer seriously, and is likely to result in a written warning. Repeated instances of non-compliance may justify a review of the licence.

**Failure to comply with dress code**

- 6.60 The LA takes non-compliance of dress code seriously; persistent breaches of the code may result in a written warning. Subsequent offences may lead to a review of the licence.

**Failure to respond to interview request**

- 6.61 The LA considers failure to respond to an officer's request for an interview whether formal or informal to be serious as it prevents the LA from investigating issues and complaints and shows a disregard for the safety of the travelling public. In these circumstances the LA shall consider suspension of a driver's licence pending the outcome of the investigation.

**Failure to report an accident**

- 6.62 A first offence of failure to report an accident within the specified time will normally be dealt with by issuing a written warning. Subsequent and persistent offences may result in a review of the licence and/or prosecution.

**Failure to show a duty of care**

- 6.63 Drivers are expected to show a duty of care to both the passengers and any property they carry in their vehicles. Drivers who fail to demonstrate a duty of care may receive a written warning, or dependent on the circumstances, the LA may consider a review of the licence to be justified.

**Defective vehicles**

- 6.64 If a defect is identified on a vehicle that could affect the safety of that vehicle, a stop/suspension notice will be issued with immediate effect. This will stop the vehicle from being used until the defect is remedied and the repair appropriately certified.
- 6.65 The driver and/or proprietor may be subject to enforcement action where there are found to be defects to a vehicle that may compromise the safety of the public.
- 6.66 In accordance with Section 68 of the LG(MP)A 1976 where a vehicle that is suspended or revoked is not produced for re-examination with two months from the date of the suspension/revocation notice the vehicle licence will be deemed to be revoked.

### **Failure to attend (or co-operate during) a vehicle licensing inspection**

- 6.67 Where a driver fails to attend a vehicle inspection or is un-cooperative during an inspection, a disregard of enforcement authority is shown and may be subject to a written warning or a review of the licence.

### **Refusal to carry a passenger in a hackney carriage vehicle**

- 6.68 In these circumstances the driver will be invited to state the reasons for the refusal. If the LA is satisfied that the driver had a justifiable reason then no action will be taken.

- 6.69 If, however, there appears to be no acceptable justification for the refusal, a first offence will normally be dealt with by the issue of a written warning. Subsequent or repeated offences may, however, be dealt with by way of a review of the licence and/or prosecution.

### **Unauthorised ranking**

- 6.70 Depending on the circumstances, a first offence will normally result in a written warning. Subsequent and repeated contraventions may, however, result in a review of the licence.

### **Private Hire Vehicle plying for hire**

- 6.71 A first offence will normally result in the issue of a written warning. Subsequent and repeated offences may, however, be dealt with by way of a review of the licence and/or prosecution.

### **Exceeding the permitted number of passengers**

- 6.72 This may result in a written warning, a review of the licence and/or prosecution dependent on the circumstances of each case.

### **Unauthorised Advertising on Vehicles**

- 6.73 A first offence will normally result in the issue of a written warning. Subsequent and repeated contraventions may, however, be dealt with by way of a review of a licence. In all cases the unauthorised advertisement shall be removed with immediate effect and future authorisation may not be given to the persistent offender.

### **Failure to display vehicle licence plates or wear badges**

- 6.74 A first offence may result in either the issue of penalty points, a written warning or be dealt with by way of prosecution. Subsequent and persistent contraventions may, however, be dealt with by way of a review of the licence.

### **Failure to produce insurance**

- 6.75 Where a driver fails, for whatever reason, produce insurance to the LA a notice suspending the licence of the PHV or HC shall be issued. This suspension will only be lifted upon receipt of proof of valid insurance.

### **Rude or aggressive Behaviour**

- 6.76 In less serious cases a written warning of future conduct may be given. However, if it persists or the nature or level of the rude or aggressive behaviour leads to the LA to be concerned about public safety, this may result in immediate revocation (pending investigation) and/or a review of the licence.
- 6.77 In other cases where an offence has been committed and not listed within this Policy, the LA will deal with each case in accordance with the Enforcement Policy. Each matter will, however, be dealt with on its own merit.

### **Offence of an unlicensed driver to drive a licensed vehicle**

- 6.78 It is an offence under the LG(MP)A and TPCA respectively for an unlicensed driver to drive a licensed vehicle. Where an operator or vehicle proprietor permits an unlicensed driver to drive his/her vehicle, the LA may issue a written warning, proceed to prosecution and/or review the licence. It is however accepted that a person who does not hold a driver's licence may drive a vehicle in connection with the testing of the vehicle for statutory purposes or for the purpose of work necessary to keep the vehicle in good order. This may only be carried out by a qualified mechanic and no passengers may be conveyed in the vehicle during the test.

### **Smoking in vehicle**

- 6.79 Where a driver smokes tobacco or any other like substance in a licensed vehicle or permits smoking in a licensed vehicle the LA shall take a serious view as this demonstrates a clear disregard for the law and for the health of both the driver and customer. Where a driver contravenes this legislation, the LA shall issue a written warning or consider recommending prosecution and/or review of the drivers' licence.
- 6.80 In addition, drivers are not permitted to use electronic cigarettes or similar devices in licensed vehicles as this can be mistaken for smoking tobacco or any other like substance. The LA considers that this does not promote the professional image expected of a licensed driver.

### **Principles of the Rehabilitation of Offenders Act 1974 (as amended)**

- 6.81 Both hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no "spent" convictions and that any and all criminal convictions (apart from "protected convictions" and "protected cautions" where they have been declared) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered by the decision maker.
- 6.82 Under the 1974 Act, criminal convictions can become spent after a certain period of time, and once spent, for many purposes, can be disregarded completely.

- 6.83 The possibility of rehabilitation and the length of time before rehabilitation occurs depends on the sentence imposed, and not the offence committed.
- 6.84 When considering an application, if the Licensing Authority is satisfied that justice cannot be done except by taking into account, all warnings, cautions, convictions, additional information on the DBS disclosure or information provided by the Police, including a person's spent convictions when determining whether or not an applicant or driver is a fit and proper person to hold a licence, it may take such information into account. The rehabilitation periods to which reference is most commonly made are set out below.

### Summary of Rehabilitation Periods Applicable to Certain Sentences

(Section 5 Rehabilitation of Offenders Act 1974 as amended by the Legal Aid, Sentencing and Punishment of Offenders Act 2012)

<b>For Custodial Sentences</b>	
Sentence	Rehabilitation Period (Period of sentence plus the 'buffer' period below which applies from end of sentence)
0-6 months	2 Years
6-30 months	4 Years
30 months – 4 years	7 Years
Over 4 years	Never Spent

<b>For Non - Custodial Sentences</b>	
<b>Sentence</b>	<b>'Buffer' period will apply from end of sentence</b>
Community order (& Youth Rehabilitation Order)	1 Year (If no end of sentence date, 2 years from date of conviction)
<b>Sentence</b>	<b>Period</b>
Fine	1 Year (from date of conviction)
Absolute discharge	None
Conditional discharge, referral order, reparation order, action plan order,	Period of Order

supervision order, bind over order, hospital order	
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The above periods are halved for persons under 18 years at date of conviction (except for custodial sentences of up to 6 months where the buffer period will be 18 months for persons under 18 years at the date of conviction).

## **7. RIGHT OF APPEAL**

7.1 The following rights of appeal are provided by the LG(MP)A 1976 :

- Appeal against conditions imposed on a hackney carriage proprietor's licence: Section 47
- Appeal against the refusal to grant a private hire vehicle licence or conditions imposed on such a licence: Section 48
- Appeal against refusal to grant a private hire driver's licence or conditions imposed on such a licence: Section 52
- Appeal against refusal to grant a private hire operator's licence or conditions imposed on such a licence: Section 55
- Appeal against refusal to grant a hackney carriage driver's licence: Section 59
- Appeal against suspension, revocation or refusal to renew a hackney carriage or private hire driver's licence: Section 61
- Appeal against suspension, revocation or refusal to renew a private hire operator's licence: Section 62

7.2 The statutory rights of appeal in connection with

- Dual Badge Drivers' Licences
- Private Hire Operators' Licences
- Private Hire Vehicle Licences

Are to the Magistrates' Court. These appeals can be both against a refusal to grant or renew a licence and in respect of a decision to suspend or revoke a licence that is in existence, as well as a right of appeal against the conditions that may be imposed on any such licence by the Licensing Authority.

7.3 An appeal against the refusal to grant a Hackney Carriage Proprietor's Licence (the Public Health Act 1875) however lies directly to the Crown Court but an appeal against a failure to renew or suspend or revoke a Hackney Carriage Proprietor's Licence is to the Magistrates' Court.

7.4 Where an appeal is the Magistrates' Court applicants must lodge an appeal within a period of 21 days from the day on which the applicant was notified by the LA of any decision.

- 7.5 Section 52 of the Road Safety Act 2006 gives the LA the power to suspend or revoke a driver's licence **with immediate effect** where they are of the opinion that the interests of public safety require such a course of action. The driver may still appeal against this decision but it shall be noted that as this decision is immediate the driver is unable to drive in the appeal period.

### **Hearings**

- 7.6 Hearings of the Licensing and Regulatory Committee will take place in public save where the Committee considers, that the hearing, or part thereof, be heard in private having regard to:
- (a) any unfairness to a party that is likely to result from a hearing in public; and
  - (b) the need to protect as far as possible, the commercial or other legitimate interests of a party.
- 7.7 In reaching a decision, the Licensing and Regulatory Committee will balance the public interest in the hearing taking place in public against the public interest in ensuring that a party has a fair hearing that does not result in harm to the commercial or other legitimate interests of the party.
- 7.8 The Licensing and Regulatory Committee are at liberty to reconsider at any point within the hearing whether the public interest requires that a part of the hearing take place in the absence of the public or whether documents which are being considered by the Committee should be excluded from publication and make a ruling accordingly.

### **Hearing Procedure**

- 7.9 The procedure to be followed at a hearing is available from the LA.

## **8. COMPLAINTS AND ENFORCEMENT**

### **Inspections**

- 8.1 Any authorised officer of MCC or any constable shall have the power at all reasonable times to inspect and examine any licensed vehicle without prior notice.
- 8.2 Any authorised officer of MCC shall have the right to inspect any licensed driver at all reasonable times without prior notice.
- 8.3 Any authorised Officer of MCC shall have the right to inspect any licensed operator bases including satellite bases without prior notice.

## **Complaints against Officers of the Licensing Authority**

- 8.4 All complaints against a member of the Licensing Team should initially be address to the Head of Regulatory Services, The Drama Centre, Pen-y-Pound, Abergavenny NP7 5UD Tel: 01873 735420. Alternatively the matter can be forwarded to the Customer Relations Team, Monmouthshire County Council, PO Box 106, Caldicot NP26 9AN Tel: 01633 644644.

## **Complaints against Drivers/Operators**

- 8.5 Complaints received from members of the public regarding the conduct of drivers, vehicles and operators will be considered and investigated by the Licensing Office. When a complaint is received in relation to safeguarding, the MCC safeguarding procedures will be followed.
- 8.6 The LA has adopted an Enforcement Policy, available on the Council's web site, in accordance with the principles of consistence, transparency, proportionality and objectivity.
- 8.7 In general, however, where a complaint is received the Licensing Officers **may**:
- Interview the complainant and take witness statements.
  - Investigate the matter by interviewing the driver/operator. This may be done under caution where there is a likelihood of prosecution.
  - Consider the Driver's/Operator's behaviour and public safety issues.
  - Consider the Driver's/Operator's previous history.
  - Decide on whether to take no action, suspend or revoke the licence, suspend or revoke a licence with immediate effect or issue a written warning or simple caution. These actions are not exhaustive.
  - In cases where the public are at risk or public safety is compromised suspension or revocation will be with immediate effect.
  - In cases of proven, repeated and persistent breach of conditions – consider a written warning or a review of the licence.

## APPENDIX A

### DUAL DRIVER REQUIREMENTS

1. All applicants and relevant documentation must be submitted to the LA in its entirety in order to prevent the possibility of documentation going astray. The applicant must have attained the age of 21 years. Therefore, no piecemeal applications will be processed. The application form must submit with the application such fee as may be demanded by the Council for the issue of the licence. The following documentation must be submitted:

### REQUIREMENTS

#### Disclosure and Barring Service (DBS) Enhanced Check

2. This check assists the LA in determining whether or not the applicant is a fit and proper person to hold a licence. DBS disclosure applications must be completed through MCC's LA and disclosures must be less than 3 months old at the time of application. In the event the applicant has already furnished such information to the Council or from another bona fide recognised body, it may be accepted providing the check has been conducted 3 months preceding their application and the DBS is enhanced and also the enquiry has requested details under the Education Act 2002, Protection of Children and Vulnerable and other relevant information. With regard to the disclosure results or information contained in disclosures, the Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002 amends the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 in relation to hackney carriage and private hire drivers. This amendment means that there are no 'spent' convictions and that any and all criminal convictions (apart from 'protected convictions' and 'protected cautions' where they are declared – these are single, minor and elderly matters that do not appear on any DBS certificate) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered by the decision maker.
3. With regard to the employment of Foreign Nationals, the LA recognises that the DBS disclosure will only provide information from the time the applicant has resided in the UK. In such circumstances and where there is a need to check any potential criminal record, which will also include persons who have spent more than 6 months (from the age of 10 years old) living outside the UK or EU country, the LA will seek guidance from the DBS on how to obtain further information. Where the information is not listed in the disclosure, then the applicant may be required to obtain a Certificate of Good Conduct from his or her Embassy. Any costs incurred in this process will be borne by the applicant. MCC shall, however, take all reasonable and proportionate steps to ensure that a foreign national driver is a fit and proper person. Each case shall be judged on its merits.



## **Immigration Checks Policy**

4. **LA's must** check on an applicant's eligibility/right to work before granting a Hackney Carriage or Private Hire driver's licence. MCC will only grant a Hackney Carriage/Private Hire driver's licence to those who have the right to work within the UK. Drivers will be required to provide evidence to the Authority regarding their immigration status. Those drivers who have a right to work within the UK but have lost evidence of this will be required to obtain written approval from the Home Office. (Evidence and Enquiry Unit, Floor 12, Lunar House, Wellesley Road, Croydon CR9 2BY Tel: 020 8196 3011).
5. If an applicant applies for a licence and does not have the right to work within the United Kingdom, their details **will** be passed to the Border and Immigration Agency. Further details can be found on [www.bia.homeoffice.gov.uk/employingmigrants](http://www.bia.homeoffice.gov.uk/employingmigrants)

## **Data Protection Mandate (DPM)**

6. All drivers are required to sign a driver's licence DPM which permits the LA's approved organisation to carry out a check on an individual's driving history upon new and renewal applications. It will be used to confirm that an applicant has held a full driving licence for a period of at least twelve months and to prevent the potential for fraudulent activity of obtaining multiple licences. If the LA has any cause for concern it may carry out additional checks at its own expense.

## **Medical Certification**

7. A medical certificate on application is required. If the applicant is under 45 years of age one medical is required until the person reaches 45 years of age. If the applicant is over 45 years, but less than 65 years a medical is required every 5 years. If any applicant is over 65 years of age a medical is required annually. The medical shall be the DVLA group 2 standard and the examiner undertaking the medical must be carried out by the applicants General Practitioner or by a registered medical practitioner approved by the Council. The practitioner must have access to the applicants/driver's medical history. Reference should be made to the DVLA Medical Examination Report D4 information booklet (available from [www.dvla.gov.uk](http://www.dvla.gov.uk)) for a list of the medical conditions they may prevent an applicant from being certified medically fit to drive a hackney carriage or private hire vehicle. The Medical Practitioner must also refer to the "At a glance guide to the current medical standards of fitness to drive" also available from the DVLA before submitting a result of the examination.

8. Those applicant who have already undertaken and satisfied the requirements of a DVLA Group 2 medical prior to application may not be required to undertake a further medical. Each case will be treated on its own merit however the medical must cover the period of the licence and the LA reserve the right to require an up to date certificate where there are concerns.

### **DVLA Driving Licence**

9. All applicants must hold a full driving licence issued by the DVLA, or the DVNLI (Northern Ireland), for that class of vehicle, granted under Part III of the Road Traffic Act, 1972 or Northern Ireland equivalent, authorising them to drive that class of vehicle. Under the Driving Licences (Community Driving Licence) Regulations 1996, a full driving licence issued by another EC/EEA state will count toward the grant of a licence if the holder has held such a licence for the previous 12 months. In addition MCC will require applicants who hold EC/EEA driving licences to have a GB counterpart document.
10. GB counterparts can be obtained free of charge from the DVLA on submission of the form D9 which is available from [www.dvla.gov.uk](http://www.dvla.gov.uk).

### **Driver Tests**

11. Evidence that the applicant has passed the knowledge test approved by the LA. Payment of this test to be met by the applicant prior to submitting an application. The test comprised of the following:-

**Section 1** – Basic Skills assessment covering Literacy and Numeracy.

**Section 2** – Verbal Communication and Comprehension Test

**Section 3** – Law and Conditions – This will involve all applicants being tested on the basic requirements of hackney carriage and private hire licensing laws and conditions laid down in this Policy.

**Section 4** – Knowledge of the County - Candidates will need to identify places within the County selected at random.

12. If a driver licensed by MCC fail to renew their licence and allow the licence to lapse, it is recognised that he/she has a clear disregard for the Law and Conditions and as such will be required to re-sit Section 3 of the driver test at their own expense.

### **Safeguarding Children and Vulnerable Persons Training**

13. All drivers and operators (including existing licence holders) will be required to attend a training session on safeguarding children and vulnerable persons. The training session will cover the conduct and responsibilities of those licensed and in particular will provide training in identifying when vulnerable people are in need of protection and how to ensure they are taken to a place of safety and the appropriate reports are made to the police and social services. The training provider must be approved by the LA. A certificate must be submitted to MCC

LA as confirmation that the training has been conducted. Certificates will only be accepted by training providers approved by the LA.

14. New applicants will be required to conduct the training at their own expense prior to submitting an application.
15. All drivers and Operators will be required to conduct refresher training , at their own expense, and submit the required certificate as confirmation the training has been conducted prior to submitting a renewal application.

### **Disability Awareness**

16. The council requires all operators and drivers to be compliant with the provisions of the Equalities Act 2010, which has specific sections on private hire and hackney carriages not discriminating on the grounds of disability, including the requirement to carry assistance dogs of disabled people.
17. The council supports any form of transport that provides a service for disabled persons and encourages operators and proprietors to provide a 24 hour service for disabled persons. The council strongly encourages the provision of wheelchair accessible vehicles in private hire and the hackney carriage trade.
18. Drivers and operators are expected to have knowledge in safe methods of conveying disabled persons, wheelchair bound or not.
19. The council encourages all drivers to attend training on dealing with disabled people; this does not only include people in wheelchairs but knowledge of the needs of people with a wide range of disabilities.
20. Disabilities include; limited or restricted movement, sight or hearing disabilities, learning difficulties and mental impairment. This list is not exhaustive; the provisions of the current Equalities Act will be taken into account when determining if a person is classed as disabled.
21. Drivers of wheelchair accessible vehicles are advised to attend a recognised training course to ensure that they comply with health and safety requirements for handling and securing wheelchairs.
22. The council may review the licences of any driver/operator who is found to be deficient in disability awareness following a complaint. The lack of training/knowledge on the part of the driver/operator will not be accepted as a defence to the allegation.

### **Photographs**

23. One recent colour passport sized photograph (as required for passport photographs). The photograph must:
  - Be in sharp focus and clear;
  - Have a strong definition between the face and background;
  - Be printed professionally (Photographs printed at home are not likely to be of an acceptable quality);

- Show full head, without any head covering, unless it is worn for religious beliefs or medical reasons; and
- Show nothing covering the face.

### **Notes**

24. Photocopies of documents will not be accepted unless certified as a true copy of an original by an officer of the Council. The LA does not, however, accept responsibility where original documents are posted back. It is for this reason, wherever possible, the applicants are recommended to collect their documents in person at an agreed office of the Council.
25. The LA will only process DBS disclosure applications for new applicants as part of a valid application and not prior to submission of an application form.
26. Licences to driver Hackney Carriages and Private Hire Vehicles will normally be issued only to persons who are employed full time for that purpose. However, such licences may be issued to persons acting in a part time capacity, providing the applicant is not in full time employment as a driver in some other sphere of activity such as a bus or transport driver. Any licensed Hackney Carriage or Private Hire Vehicle driver must not accept employment in both capacities on the same day. (Any hours spent in employment, as a Hackney Carriage or Private Hire Vehicle Driver must not conflict with any statutory rest periods required by other transport legislation).

## **APPENDIX B**

### **DUAL DRIVERS CONDITIONS**

#### **Badge and Identification**

1. Drivers shall ensure they are familiar and comply with the requirements of this policy.
2. The open display of a drivers badge is important in terms of protecting both the public and the trade. The drivers shall at all times whilst working, wear the driver's badge above any outer clothing to ensure it is clearly visible to the public.
3. To avoid confusion, only the photographic identification card of the driver currently driving the vehicle shall be displayed.

#### **Conduct of Driver**

4. The driver shall at all times behave in a civil, polite and courteous manner. At no time shall a driver use any abusive language or gestures to the general public, pedestrians, other road users, an officer of MCC or the Licensing Authority or any other persons. Where there is a genuine cause for concern the LA will consider whether or not the driver is a fit and proper person to hold a licence.
5. The driver shall not engage in any sexual activity with customers or make any advance that could be construed to be an attempt to procure any special relationship with the customer.
6. The driver shall conduct themselves at all times in a manner that avoids offences, nuisance and any actions that may present a hazard to a member of the public.
7. The driver shall at all times be clean and respectable in his/her dress and person, and shall comply with all reasonable requirements of any person hiring or being conveyed in the vehicle.
8. The driver shall give all reasonable assistance with passengers' luggage loading and unloading and/or in removing it to or from the entrance of any building, station or place which he/she may pick up or set down the passengers.
9. The driver shall not drink or eat whilst carrying fare paying passengers in the vehicle or play any sound reproducing instrument or equipment in the vehicle which would constitute a nuisance to the passenger, other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
10. The driver shall not consume alcohol immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle.
11. The driver shall at all times respond to the LA's request for an interview where there are concerns or where officers wish to investigate a complaint.

### **Acceptable Standards of Dress**

12. MCC is committed to encouraging the professional image of licensed drivers and considers therefore that drivers must conform to a minimum standard of suitable clean clothing. It is expected that such standards will be maintained at all times. It is recognised that drivers may wish to wear hats but these must be of smart appearance and kept clean at all times. Any wording or motif upon clothing must not be of an offensive nature.

### **Medical Condition**

13. The licence holder shall notify the LA in writing without undue delay of any serious illness or accident or deterioration in health that may affect their ability to drive a licensed vehicle safely.
14. The driver shall at any time, or at such intervals as the LA may reasonably require, produce a certificate in the form prescribed by the LA signed by the applicant's registered medical practitioner to the effect that he/she is or continues to be physically fit to be a driver of a vehicle. Any fees will be borne by the driver.

### **Smoking**

15. The driver shall not at any time smoke tobacco, any other like substance in a licensed vehicle. In addition the driver shall not permit smoking by any other person whilst in the vehicle.
16. The driver shall not at any time use electronic cigarettes or similar devices in licensed vehicle as this can be mistaken for smoking or any other like substance. The LA considers that this does not promote the professional image expected of the licensed driver.

### **Vehicle**

17. The driver shall not drive a vehicle unless he/she understands how to operate the vehicle and any equipment fitted to make the vehicle accessible by disabled persons.
18. In accordance with Section 46(1)(b) of the LG(MP)A and Section 46 of the TPCA only licensed drivers are permitted to drive licensed vehicles even when not operating as a hackney carriage or private hire vehicle. No other drivers are permitted to drive this vehicle whilst a licence is in force except those required to carry out legally necessary test on the vehicle.
19. The driver shall at all times drop off passengers in a safe zone and shall not permit passengers, for example, to alight onto a road.
20. The driver shall not use a hand held microphone or telephone handset whilst the vehicle is moving. Drivers shall only speak into a fixed neck slung or clipped on microphone or other suitable hands-free or Bluetooth type system, so as not to distract their attention from the road. Drivers must not stop on the hard shoulder of a motorway to answer or make a call (unless it is to dial 999), however urgent.

It is a criminal offence to use a hand held mobile phone whilst driving and any such offence might impact upon the driver's fitness to hold a driver's licence.

21. The driver shall not drive a vehicle in such a manner so as to cause distress to a passenger or so as to be dangerous or potentially dangerous to passengers, pedestrians, other road users or the general public.
22. The driver shall at all times maintain his/her vehicle in a roadworthy and clean condition both internally and externally. The driver must carry out a spot check on the vehicle lights and condition of tyres in particular, before using the vehicle.
23. The driver shall ensure at all times that the appropriate insurance cover is in force covering him/her to drive such vehicle. Where an insurance cover note has effect the driver shall, on expiry of that cover note, provide evidence to the LA of the new period of cover. It is the responsibility of the driver to provide the LA with a current and valid copy of their insurance policy and/or cover note and to ensure they have the appropriate insurance cover in place. In accordance with Section 60 of the LG(MP)A failure to provide this insurance cover to the LA will result in a suspension notice being served. The suspension shall remain in place until such time as the LA receives documentary evidence of valid and adequate insurance.
24. The driver of a private hire vehicle shall not park on, drop off or pick up at any taxi rank for any reason during the operation times of such rank.
25. The driver of a private hire vehicle shall not ply for hire on any public or private road, or tout or solicit any person to hire or to be carried in his/her private hire vehicle. The driver shall not accept any offer of immediate hire whilst the driver or vehicle is on the road or in any other public place.
26. The driver shall ensure that the licence plate affixed to the front and rear of the vehicle does not become concealed from public view or be so damaged or defaced as to render it illegible.
27. The driver shall ensure that the licence plate is not removed from the vehicle at any time unless an authorisation of exemption has been granted.
28. The driver shall not convey or permit to be conveyed in a vehicle a greater number of persons than that prescribed in the licence for the vehicle.
29. The driver shall not without consent of the hirer of the vehicle convey or permit to be conveyed any other person in that vehicle.
30. The driver shall immediately after the termination of any hiring of a vehicle or as soon as is reasonably practicable thereafter, carefully search the vehicle for any property that may be accidentally been left there. Any lost property shall be handed in to your local police station, where it shall be recorded.
31. The driver of a vehicle shall if he/she is aware that the vehicle has been hired to be in attendance at an appointed time and place or he/she has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that time and place, unless

delayed or prevented by sufficient cause. If the vehicle is to be delayed every effort should be made to contact the passenger and inform them of the reason for the delay. In addition, if the passenger is not immediately available the driver shall make all reasonable efforts to contact that passenger.

### **Fares**

32. The driver shall, if requested by the hirer of a vehicle, provide him/her with a written receipt for the fare paid.
33. The driver shall not demand from any hirer of a vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator, or if the vehicle is fitted with a taxi meter and there has been no previous agreement as to the fare, the fare shown on the taxi meter.
34. Where a vehicle being driven by a driver is fitted with a taximeter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had reasonable opportunity of examining it and has paid the fare (unless credit is to be given).
35. The driver when hired to drive to any particular destination shall, subject to any directions or request made by the hirer, proceed to that destination by the shortest direct route.

### **Change of Details**

36. The driver shall notify the LA in writing within 7 days of any change of his/her address or telephone number whether of a temporary or permanent nature.
37. The driver shall notify the LA in writing within 7 days of any change of operator through whom he/she works.

### **Convictions**

38. The driver shall notify the LA as soon as is reasonably practicable, and in any event within 72 hours, of full details of any convictions, sentencing, fixed penalty fines, driving penalty points, cautions, warnings, binding over or reprimands imposed on him/her during the period of licence. In addition, the driver shall notify the LA of any sentences imposed on him.

### **The Carriage of Animals**

39. A driver must not carry in a hackney carriage or private hire vehicle any animal, which belongs to, or is being looked after by, himself or herself, the owner or operator of the vehicle whilst it is being used as a hackney carriage or private hire vehicle. Animals in the custody of passengers may be carried, at the driver's discretion, provided they are restrained in a safe manner and do not cause an obstruction to the driver.
40. A driver must, however carry assistance dogs as defined in the Disability Discrimination Act 1995 regulations.



41. Any driver with a medical condition, which may be exacerbated by dogs, may apply for exemption from this condition. A certificate of exemption will be granted upon the production of suitable medical evidence. If the exemption is being applied for on the grounds of a chronic phobia of dogs, a psychiatrist or clinical psychologist must provide the report.

### **Equality Act 2010**

42. All drivers will be required to make themselves fully aware of their responsibilities and duties required of them under the Equalities Act to promote equality and opportunity for disabled people.

### **Accidents**

43. The driver shall report all accidents to the LA as soon as is reasonably practicable but in any event within 72 hours of the occurrence of any such accident that may have caused damage materially affecting the safety, performance or appearance of the vehicle or comfort or convenience of persons carried therein. Any driver reporting an accident will normally be required to present the vehicle for inspection at the Licensing Office upon request.
44. Where the damage materially affects the safety or performance of the vehicle and where the vehicle is not roadworthy, the driver shall before carrying fare paying passengers, arrange for the vehicle to be re-inspected at an approved garage of the LA. Where the vehicle is deemed to be unsafe for conveying fare paying passengers the vehicle will be suspended immediately. Following its repair, the vehicle shall be re-inspected by a Licensing Officer and a new vehicle test certificate produced prior to the suspension being lifted.

## **APPENDIX C**

### **HACKNEY CARRIAGE BYE LAWS**

#### **Interpretation**

1. Throughout these byelaws “the Council” means Monmouthshire County Council.

#### **Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence, shall be displayed.**

2. (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage , or on plates affixed thereto.  
  
(b) A proprietor or driver of a hackney carriage shall:
  - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire,
  - (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

#### **Provisions regulating how hackney carriages are to be furnished or provided**

3. The proprietor of a hackney carriage shall:
  - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
  - (b) cause the roof or covering to be kept water-tight;
  - (c) provide any necessary windows and means of opening and closing not less than one window on each side;
  - (d) cause the seats to be properly cushioned or covered;
  - (e) cause the floor to be provided with proper carpet, mat, or other suitable covering;
  - (f) cause the fitting and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
  - (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
  - (i) provide at least two doors for use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached, and maintained as to comply with the following requirements, that is to say:-
  - (a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word “HIRED” to appear on the face of the taximeter;

- (b) such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf;
- (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
- (e) the taximeter shall be so placed that all 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;
- (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

**Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges.**

5. The driver of a hackney carriage provided with a taximeter shall:-

- (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
- (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
- (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972, and also at any other time at the request of the hirer.

6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.

7. 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.

8. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

9. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
10. The driver of a hackney when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
11. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
12. If a badge has been provided by the Council and delivered to the driver of a hackney carriage, he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
13. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage,
  - (a) convey a reasonable quantity of luggage;
  - (b) afford reasonable assistance in loading and unloading.
  - (c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.
14. Where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter.
15. (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by any byelaw in that behalf to be exhibited inside the carriage, in clearly distinguishable letters and figures.
  - (b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time which the carriage is plying or being used for hire.

**Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof**

16. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
17. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him,

- (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council, and leave it in the custody of the officer in charge of the office on his giving a receipt for it.
- (b) be entitled to received from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

### **Penalties**

- 18. Every person shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding one hundred pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction therefore.

### **Repeal of Byelaws**

- 19. The byelaws which were made by the Improvement Commissioners for the district of Abergavenny acting as the Urban Sanitary Authority on the third day of July 1889 and which were confirmed by the Local Government Board on the eighteenth day of September 1889 are hereby repealed.

Council Resolution	16 <sup>th</sup> December 1986
Date of Byelaws	3 <sup>rd</sup> February 1987
Date of Confirmation	10 <sup>th</sup> June 1987

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the 1<sup>st</sup> July 1987.

## APPENDIX D

### HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE SPECIFICATION & CONDITIONS

#### Testing of Vehicles

1. Vehicles will be tested in an appointed garage by the LA. Vehicles under the age of 1 year from the date of registration will not require test. Vehicles over 1 year from date of registration and under 5 years will be tested annually. Vehicles over 5 years from date of registration and under 10 years will require a test every 6 months. Vehicles over 10 years old from date of registration will require a test every 4 months.
2. The exemption from the requirement to obtain a M.O.T. Certificate will only apply following submission of the Certificate of Testing by an appointment garage authorised by MCC and the issue of the licence.
3. Certificates that are received after a period of 10 days from the date of issue, cannot be accepted, after that time a vehicle must be retested, paying a retest fee where necessary.

#### Type of Vehicle

4. Private Hire vehicle shall not resemble a London type hackney carriage.
5. All vehicles shall be of sufficient capacity to carry at least four but no more than eight passengers in addition to the driver. Babies and young children count in respect of seating capacity.
6. Before being licensed a vehicle must meet the technical standard of either;
  - (i) A European Whole Vehicle Type approval
  - (ii) A British National Type Approval or
  - (iii) A British Single Vehicle Approval pre May 2009
  - (iv) A British Individual Vehicle Approval post April 2009

Vehicles in category M1 or M2 (passenger carrying vehicles), will be licensed by MCC. Vehicles in category N1 or N2 (goods vehicles) that have been converted will not be licensed unless the vehicle has been issued with either a British Single Vehicle Approval or a British Individual Vehicle Approval from the Driver and Vehicle Standards Agency to ensure the vehicle is suitable to carry passengers. More information on vehicle categories can be found at [www.dft.gov.uk](http://www.dft.gov.uk)

7. The engine capacity of the vehicle shall not be not less than as recorded on the original registration document (V5), other than in cases approved by the Licensing and Regulatory Committee.

8. Tinted glass on the vehicle shall conform to the legal requirements of the current Road Vehicle (Construction and Use) Regs.

### **Vehicle Insurance**

9. A valid certificate or cover note must be produced before a vehicle licence is issued. The proprietor/operator shall ensure at all times that the appropriate insurance cover is in force for the vehicle. Where an insurance cover note has effect the proprietor/operator shall, on expiry of that cover note, provide evidence to the LA of the new period of cover. It is the responsibility of the proprietor/operator to provide the LA with a current and valid copy of their insurance policy and/or cover note and to ensure they have the appropriate insurance cover in place. In accordance with Section 60 of the LG(MP)A failure to provide this insurance cover to the LA will result in a suspension notice being served. The suspension shall remain in place until such time as the LA receives documentary evidence of valid and adequate insurance.
10. The certificate or cover note must be produced on demand to an authorised officer in accordance with Section 50 LG(MP)A.

### **Requirements for Vehicle**

11. It is essential that vehicles are easily accessible to members of the public. In addition, vehicles must comply with the following requirements:
  - a. Vehicles shall be right hand drive and have at least four doors. All windows must be sufficiently transparent so as not to compromise road safety or prevent clear vision into the vehicle.
  - b. Display a 'No-Smoking' sign in each compartment of the vehicle in which people can be carried. This sign must show the international 'No-Smoking' symbol at least 70mm in diameter.
  - c. Road wheels must be fitted with the manufacturer's recommended tyre type and size. All tyres must be either all cross ply or all radials and have a minimum tread depth of 1.6mm across 75% of the tyre (remould tyres are not acceptable unless they are clearly marked showing that they comply with British Standards and current legal requirements).
  - d. A spare tyre of the same type as fitted to the road wheels; a jack and wheel brace must be carried where originally fitted by the manufacturer except where a gas based tyre repair kit is supplied as standard by the manufacturer.

- e. Space-saver wheels specifically manufactured for use on that type of vehicle will be accepted for vehicles however the following conditions will apply:
- Drivers shall only use space-saver wheels strictly in accordance with the manufacturer's recommendations;
  - Drivers having to use the space-saver wheel must go directly to the nearest garage to have the puncture repaired, or a new tyre fitted; and
  - Once such a spare wheel is fitted, drivers must adhere to the authorised speed limit. Upon completion of a journey fare-paying passengers must not travel in the vehicle whilst any licensed vehicle has a space-saver wheel fitted.
12. A watertight permanent roof. A factory-fitted sunroof is permitted (e.g. sunroof fitted when new by the manufacturer).
13. Luggage storage must be provided for the number of passengers carried, the minimum space required shall be such as to allow a folded wheelchair to be carried. Luggage shall be stored separately from the passenger compartment without obstructing any emergency exits and must be safely secured to the satisfaction of the Licensing Authority. It is recognised that it may not always be possible to store luggage separately from the passenger compartment in some wheelchair accessible vehicles. Where this is the case, luggage must be safely secured to the satisfaction of the Licensing Authority.
14. Roof rack and boxes may only be used when excess luggage is to be carried, the weight carried must be within the manufacturer's specification.
15. Estate cars or a Multi-Purpose Vehicle must be fitted with a safety grill or cargo net or parcel shelf to prevent luggage entering the passenger compartment area via the top of the rear passenger seats. In the case of other vehicles, luggage shall not be stacked above the height of the rear seats unless the vehicle is specifically designed to safely permit this.
16. Rear seat belts (irrespective of age of vehicle). All seatbelts shall be fitted in accordance with manufacturer's technical requirements.
17. Nearside and offside exterior rear view mirrors.
18. (Hackney Carriages only) A sign mounted on the roof, or just above the windscreen so as to be clearly visible at all times when the vehicle is available for hire. The sign shall have the word "Taxis" facing toward the front of the vehicle and "Taxi" facing towards the rear of the vehicle and shall be illuminated when



plying for hire. The sign must be maintained and in good working order at all times irrespective of whether or not the vehicle is in use after dark.

19. (Private Hire Vehicles only) The vehicle shall not display any roof sign, advertising material (including internet), name plates or notices which consists of the word "Taksi", "Taxi" or "Cab" or similar wording.
20. Sufficient means by which a passenger can communicate with the driver.
21. In the instances of fire in a vehicle in all circumstances, stop the vehicle and escape, retiring to safe distance without straying onto the carriageway.
22. An approved first aid kit that must be placed in such a position so as to be readily available for immediate use in an emergency. The first aid kit shall contain adequate first aid provisions. It shall be noted that due to health and safety legislation, it is advisable not to include ointments or painkillers in the first aid kit. Where the LA has any concerns regarding the contents or state of the first aid kit, the driver may be asked to replace the kit with immediate effect. The registration number of the vehicle shall be marked upon the first aid kit at all times.
23. A clean and smart appearance, both externally and internally. All seats shall be comfortable, properly cushioned or covered and maintained in a good condition with no signs of wear and tear.
24. Proper carpet, mat or other suitable covering for the floor maintained in a good condition.
25. The rear door/boot lid supporting arms/gas struts shall be well maintained and easily capable of supporting the door/lid.

### **Seating Arrangements**

26. The maximum number of passenger seats (including any secured wheelchair) permitted is 8. In the interests of passenger safety and comfort, all passengers must be able to enter and exit the vehicle in safety. For 5-8 passenger vehicle check criteria please refer to Appendix G.
27. All licensed vehicles shall comply with the following minimum standards for seating and internal space:
  - a) All seats shall be designed to carry the weight of an average adult passenger.

- b) Seats shall have a minimum width of 400mm per passenger. With a bench seat for 3 passengers, the minimum of 1200mm shall be measured at the narrowest point e.g. between the armrests.
- c) There must be a minimum of 200mm legroom for all passenger seats measured from the front edge of the seat to the rear of any seat, dashboard or internal panel in front.
- d) There must be a minimum of 860mm headroom for all passenger seats measured from the rear of the seat cushion to the roof lining.
- e) Seats shall face forwards or rearwards to the direction of travel. They may not be sideways facing to the direction of travel.
- f) All seat belts shall be of good condition and in working order.

#### **Applications for vehicles that do not comply with the above conditions**

- 28. All applications for vehicles that do not comply with the standard criteria for hackney carriage and private hire vehicles will be determined by the LA's Licensing and Regulatory Committee who may place upon the licence (if granted) certain conditions to ensure the safety of the travelling public. Each case, however, will be considered on its own merit and public safety will be of prime importance.

#### **Alteration to the Vehicle**

- 29. No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the written approval of the LA at any time while the licence is in force. Alterations including (but not limited to) banners, flags, seasonal decorations etc. must have written approval of the LA. Alterations to the vehicle will not be permitted in or on a vehicle if it potentially compromises public safety and cause offence whilst also detracting from the primary function the vehicle is undertaking.
- 30. The Council does not specify the type of vehicle that can be licensed for carrying wheelchair bound passengers. However, the vehicles must be either purpose built or have the required safety certificates for any mechanical equipment or conversion, which includes a VOSA M1/2 approval.

### **Transfer of Ownership**

31. A request to transfer a vehicle to a person other than that specified on the licence, shall within fourteen days after transfer give notice in writing to the LA. The new owner must comply with this policy and vehicle conditions.

### **Taxi Ranks**

32. Only hackney carriage vehicles are permitted to wait on a Taxi rank/stand. No private hire vehicle shall park, wait, drop off or pick up at any taxi rank during the operating times of such ranks.

### **Wheelchair accessible vehicles**

33. Where a private hire vehicle or hackney carriage is licensed as wheelchair accessible it should only be driven by a licensed driver who has a knowledge of conveying wheelchair bound passengers. Drivers of wheelchair accessible vehicles are advised to attend a recognised training course to ensure that they comply with health and safety requirements for handling and securing wheelchairs.
34. Before any movement of the vehicle takes place the driver must ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system and the brakes of the wheelchair have been applied and the electric motor switched off. A separate, approved, occupant restraint system must also be used.
35. All drivers must ensure that:
  - a) Any wheelchairs, equipment and passengers are carried in such a manner that no danger is likely to be caused to those passengers or to anyone else, in accordance with Regulations. Section 100 of the Road Vehicles Construction and Use Regulations 1986.
  - b) They do not discriminate against any passenger who is disabled.
  - c) If their vehicle is not wheelchair accessible and they are approached or hailed by a passenger requiring to be carried seated in a wheelchair they must either:
    - Divert the passenger to a wheelchair accessible vehicle on the rank if one is available or,

- Where possible use their phone or radio to contact an operator of a wheelchair accessible vehicle to arrange to collect the passenger as soon as possible.
36. It is the driver's responsibility to ensure that disabled passengers are not left unattended during access or egress to or from the licensed vehicle.

## APPENDIX E

### APPROVED GARAGES FOR VEHICLE TESTS

**TEST APPOINTMENTS** must be made by the applicant through one of the Council's appointed test garages (listed below)

**CONDITION OF VEHICLE** The vehicle must be presented at the garage in a thoroughly clean condition inside and out.

**ALL** vehicles for all tests must be fitted with an approved Fire Extinguisher securely fixed within easy reach of the driver and a first aid box

In the case of **RENEWAL** of a licence, they must also: -

- (a) Be fitted with two Identification Plates, issued by the Council, in the correct place
- (b) Display the internal plate, issued by the Council
- (c) Display the Council's fare card (metered vehicles only)

If the applicant is **UNABLE TO ATTEND THE TEST** for any reason, at least 24 hours notice, (excluding Saturday, Sunday and public holidays) must be given to the garage proprietor whereupon a new time and date can be booked.

When a vehicle **PASSES THE TEST** a Certificate as to the Fitness of the Vehicle will be issued to you if the tester is satisfied as to the condition of the vehicle. This must then be forwarded to the Licensing Section. Arrangements will be made for it to be copied and returned to you. **The certificate on its own is of no legal significance. They are not substitute for an M.O.T certificate, the exemption only being available when a licence has been issued by the Council.**

When a vehicle **FAILS THE TEST** the driver will be informed of the reasons for the failure by the issue of a fail certificate listing the defects. Vehicles that fail the test are automatically suspended until such time as they are retested and a new certificate is issued. A subsequent retest will have to be carried out on the vehicle which will include a retest on all items not just those which failed, this must be arranged through the Garage proprietor.

**IMPORTANT** – Vehicles under 1 year old from the date of first registration do not require a test, vehicles over 1 year from first registration must be tested annually, vehicles over 5 years from first registration must be tested every 6 months, vehicles over 10 years from first registration must be tested every 4 months. You are responsible for making arrangements with the appropriate garage for the test to be undertaken. Prior to expiry.

#### APPOINTED TEST GARAGES

**AUTO SERVICE (PONTYPOOL) LTD**  
ROCKHILL ROAD  
PONTYPOOL  
TEL: (01495) 762166/757111  
£54.00 PLUS VAT

**ABERGAVENNY AUTO SERVICES LTD**  
WALNUT TREE GARAGE  
MILL STREET  
ABERGAVENNY  
TEL: 01873 857799  
£45.00

**W G AUTOSERVICES**  
UNIT 9  
PILL FARM INDUSTRIAL EST  
CALDICOT NP26 5XE  
1291 430075  
TEL: 01291 430075  
£50.00

**AUTOCARE CENTRE**  
UNIT 6  
BULWARK BUSINESS PARK  
BULWARK, CHEPSTOW  
TEL: 01291 627137  
£45.00 PLUS VAT

**ABERGAVENNY MOT CENTRE LTD**  
UNIT 2  
UNION ROAD INDUSTRIAL EST  
ABERGAVENNY  
TEL: 01873 855832  
£40.00 PLUS VAT

**KEITH WATKINS**  
POOL GARAGE  
LLANDEVENNY  
MAGOR  
TEL: 01633 880410  
£40.00 PLUS VAT

**DEANS AUTO REPAIRS**  
UNIT 14  
BULWARK BUSINESS PARK  
BULWARK, CHEPSTOW  
TEL: 01291 629302  
£45.00

**AUTOSMART**  
LLANISHEN GARAGE  
CHEPSTOW  
MONMOUTHSHIRE  
TEL: 01600 860870  
£35.00

**R M HOCKEY & SON LTD**  
BRYN GARAGE  
PENPERGWM  
ABERGAVENNY  
TEL: (01873) 840170/840171  
£45.00 PLUS VAT

**MAGOR MOTORS**  
THE MILL  
MAGOR  
MONMOUTHSHIRE  
TEL: 01633 880335  
£37.00

**SEVERN GARAGE SERVICES**  
UNIT 24 BEACON BUSINESS PARK  
NORMAN WAY, SEVERN BRIDGE IND EST  
CALDICOT NP26 5PY  
TEL: 01291 431439  
£45.00

**G/TEC AUTOS LTD  
TREDILLION  
LLANTILIO PERTHOLEY  
ABERGAVENNY NP7 8BG  
TEL: 01873 854707 / 854820  
£35.00 PLUS VAT**

**APPOINTED TEST GARAGES – LIMOUSINES / SPECIALITY VEHICLES**

**AUTO SERVICE (PONTYPOOL) LTD  
ROCKHILL ROAD  
PONTYPOOL  
TEL: (01495) 762166/757111  
£54.00 PLUS VAT**

**R.E.R. TRANSPORT DEPARTMENT  
MONMOUTHSHIRE COUNTY COUNCIL  
RAGLAN DEPOT  
STATION ROAD, RAGLAN  
TEL: 01291 691315  
£54.85**

## **APPENDIX F**

### **HACKNEY CARRIAGE 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. The policy was approved at a meeting of Monmouthshire County Council's Licensing and Regulatory Committee on 17<sup>th</sup> June 2014
- 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 County of Monmouthshire 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 County of Monmouthshire 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 County of Monmouthshire, 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 Should the hackney carriage licence be transferred to another proprietor during the term of the licence, the new proprietor will be asked to inform the Council whether he has a bona fide intention to use the vehicle to ply for hire within the

County of Monmouthshire. New proprietors should note the obligation under section 73 of the Local Government (Miscellaneous Provisions) Act 1976 to give to 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 1976 Act until such information is forthcoming, in addition to its powers under section 73.

- 4.2 New proprietors of licensed hackney carriages will be expected to have a bona fide intention to ply for hire within the County of Monmouthshire under the terms of the licence in respect of the vehicle being transferred.
- 4.3 If the new proprietor of a licensed hackney carriage is found to have a bona fide intention to ply for hire entirely or predominately within the County of Monmouthshire 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 Local Government (Miscellaneous Provisions) Act 1976. Where the new proprietor proposes to operate remotely from the County of Monmouthshire there will be a presumption that his licence will be revoked. Each case will be decided on its merits.

## **5. Applications for the replacement of a hackney carriage licence**

- 5.1 When a proprietor replaces a licensed vehicle, applicants seeking the grant of a hackney carriage licence for a vehicle intended to replace another licensed vehicle will be asked to inform the Council of their intended use of the vehicle. There will be a presumption that applicants who no longer intend to ply for hire entirely or predominately within the County of Monmouthshire will not have the new hackney carriage licence granted. Even where the applicant intends to ply for hire entirely or predominantly in the County of Monmouthshire 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 case, there will be a presumption that the application will be refused.
- 5.2 Where a licence has been granted under the terms that the applicant intends to ply for hire entirely or predominantly within the County of Monmouthshire but is subsequently found not to be plying for hire entirely or predominantly in the County of Monmouthshire and/or 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.

- 5.3 Each application will be decided on its merits. However the presumptions that intended use is to ply for hire entirely or predominantly within the County of Monmouthshire will be rebuttable in exceptional circumstances. Whilst it is neither possible or prudent to draw up a list of what might amount to exceptional circumstances, an applicant who claims that exceptional circumstances exist will be expected to be able to satisfy the Council that it would not compromise the purposes of the legislation or compromise public safety if the licence were granted, renewed or if were not suspended or revoked as the case may be.

## **6. Reasons for Intended Use Policy**

- 6.1 The Council of Monmouthshire County 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 judgment in the case of Newcastle City Council v Berwick upon Tweed Council [2008].
- 6.2 The Council is required to register the name of the new proprietor of a vehicle. It seems to the Council also to open up an obvious route to circumvent the decision of the High Court, unless precautionary steps are taken. It is intended to put the Council in a position to respond responsibly to the transfer of a Monmouthshire County Council hackney carriage into the name of someone who operates outside the County of Monmouthshire or remotely from it.
- 6.3 Unless there has been a change in the proprietor's intentions with regard to plying for hire within a zone of the administrative area of Monmouthshire County Council, there should be no reason why he/she should not be granted a licence for a replacement vehicle. On the other hand, an applicant who obtained the first licence on the expressed intention of plying for hire entirely or predominantly within the administrative area of Monmouthshire County Council, and who on application to replace that vehicle with another discloses that he/she no longer so intends, effectively engages the presumption against grant that is mentioned earlier.

**Request for Information – Intended Usage of Hackney Carriage**

**Local Government (Miscellaneous Provisions) Act 1976, Section 57**

Surname of Applicant (BLOCK CAPITALS)(Mr/Mrs/Miss)

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Forename(s):

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Current Address:

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Email: \_\_\_\_\_ Tel No: \_\_\_\_\_

**PARTICULARS OF VEHICLE**

Make: \_\_\_\_\_ Model: \_\_\_\_\_

Registration No: \_\_\_\_\_ Licence No: HV \_\_\_\_\_

Address where the vehicle is to be stored when not in use if different from above:

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**DECLARATION OF INTENDED USE OF HACKNEY CARRIAGE**, if licensed

Please indicate your intended use of the hackney carriage, if licensed, by answering the following questions and / or by providing any other relevant information (please attach additional information if necessary).

1. Do you intend to use the above vehicle, if licensed as a Hackney Carriage, to ply for hire within the area of the Council? **YES / NO**
2. Do you intend to use the above vehicle, if licensed as a Hackney Carriage, entirely or predominantly for Private Hire remotely from the area of the Council? **YES / NO**
3. Do you intend to use the above vehicle, if licensed as a Hackney Carriage, to carry fare paying passengers otherwise than as described in (1) and (2) above? **YES / NO**

**OTHER RELEVANT INFORMATION**

If you have answered “NO” to question (1) and/or “YES” to questions (2) and/or (3) above, there is a presumption that your application will be refused, unless you satisfy the Council that it may grant you a hackney carriage proprietors licence without undermining the purpose of the legislation. If you wish to seek to persuade the Council that it should grant a licence in these circumstances, please explain why you believe that to be the case in the space overleaf (please if necessary, attach additional sheets):-

My reason(s) is / are:

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**Declaration**

- I declare that the contents of this form and any additional information are true.
- I know that if I have knowingly or recklessly made a false statement in connection with this application, I shall be liable to prosecution and/or any licence granted to me as a result of such a false statement may be suspended or revoked by the Council.

Signature: \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**FOR COUNCIL USE ONLY**

Record of decision

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Officer: \_\_\_\_\_

Decision: Granted / Refused

My reason(s) for the above decision is/are:

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**APPENDIX G**

**5-8 PASSENGER VEHICLE CHECK CRITERIA**

**Name of Applicant:**.....

**Address of Applicant:**.....

**Vehicle Make:**..... **Vehicle Model:**.....

**Vehicle Colour:**.....**Registration Number:**.....

	<b>Pass</b>	<b>Fail</b>
1. All vehicles must have at least 3 doors for passenger access/egress.	<input type="checkbox"/>	<input type="checkbox"/>
2. Clear signs indicate how to tilt the seat from the rear row pointing to the handle/lever/or other mechanism.	<input type="checkbox"/>	<input type="checkbox"/>
3. All handles/ leavers or other mechanisms used to fold or tilt a seat are painted illuminous yellow or orange.	<input type="checkbox"/>	<input type="checkbox"/>
4. In a row of seats without clear access to a door there must be windows on both sides of the vehicle and the proprietors must not laminate the glass with any extra window tinting over and above the design of the manufacturer.	<input type="checkbox"/>	<input type="checkbox"/>
5. All door handles must be of the same type and easily accessible and have an interior door release handle and clearly marked.	<input type="checkbox"/>	<input type="checkbox"/>
6. No access may be blocked by luggage.	<input type="checkbox"/>	<input type="checkbox"/>
7. All seats are constructed to seat adults and do not have a weight limit	<input type="checkbox"/>	<input type="checkbox"/>
8. All seats must be fitted with approved seat belts.	<input type="checkbox"/>	<input type="checkbox"/>
9. All seats face forward or backwards to the direction of travel	<input type="checkbox"/>	<input type="checkbox"/>
10. If the vehicle is an Estate Car or a Multi Purpose Vehicle as described on the Vehicle Registration Document (V5), it must be fitted with a grille or a similar device sufficient to prevent luggage carried in the rear compartment from coming into contact with persons in the rear seat:	<input type="checkbox"/>	<input type="checkbox"/>

Officer name: .....

Signature:.....

Date: .....

## APPENDIX H

### METER CALIBRATION CENTRE

#### **Contact Radio Communications Ltd**

Unit 19  
Leeway Court  
Leeway Industrial Estate  
Newport  
Gwent  
NP9 OSJ

Tel : 01633 270005  
Fax : 01633 271305

## **APPENDIX I**

### **TRAILERS**

1. A driver who wishes to tow a trailer must ensure and satisfy the LA that the vehicle's insurance and the driver's driving licence cover this use.
2. The trailer shall at all times comply with all Road Traffic legislation requirements in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986.
3. Any proprietor who wishes to tow a trailer shall present the trailer for inspection at a garage appointed by the LA and documentary proof must be provided to the LA that this has been carried out. Prior to the inspection evidence of insurance to cover such use must have been provided.
4. The licence plate, giving the hackney carriage/private hire licence number, shall be clearly displayed on the rear of the trailer used in addition to the plate on the rear of the hackney carriage/private hire vehicle. The cost of this additional plate shall be borne by the licence holder.

## APPENDIX J

### HORSE DRAWN CARRIAGES

These conditions shall apply to use of hire or reward of any carriages and horses by the licensee. It shall also be the responsibility of the licensee to ensure as far as reasonably practicable that these conditions are complied with by any person employed by him/her to drive horses and carriages on his behalf. These conditions are in addition to the conditions laid out in this Policy.

#### Horse drawn carriages

1. The driver of a horse drawn vehicle and the proprietor of the vehicle licence shall ensure that they are aware of their duties and responsibilities in respect of the vehicle, driver and the LA. He/she shall comply with the provisions of the TPCA and the LG(MP)A, this Policy and any Byelaws and additional conditions in respect of the licensing of horse drawn vehicles.
2. Applicants for a Horse Drawn Carriage licence will be required to make application to the LA and present the following documentation:
  - a Certificate of public liability insurance which must provide cover to a minimum of £2,000,000;
  - a Certificate of insurance covering the carriage for Public Hire and Reward;
  - a veterinary inspector's report covering the fitness and suitability of the horses(s) and the condition of any harness and tack to be used. The certificate to specify how many passengers the carriage is suitable to carry;
  - a Road Driving Assessment Certificate or a valid certificate of driving competency issued by or on behalf of the British Driving Society or the Heavy Horse Training Committee (for assistance refer to <http://wales.britishdrivingsociety.co.uk/> and <https://www.gov.uk/horse-drawn-hackney-licence>); and
  - a copy of the health and safety risk assessment.
3. Any authorised officer of the LA or of the RSPCA shall be free to inspect the carriage; the harnessing, the horses or any accommodation used for stabling horses at any time, and may also advise whether or not the horse and carriage are appropriate to be used together. Where there are any concerns the LA may require a vet or a carriage driving expert to conduct an inspection, the cost to be borne by the licence holder.

#### Proprietor/Driver Conditions

4. The driver shall comply with all other conditions and Hackney Carriage Byelaws laid out earlier in this Policy.
5. In addition, the driver shall be required to undergo a Road Driving Assessment or valid Certificate of driving competency issued by or on behalf of the British Driving Society. This test is the recommended minimum competence for driving horses/ponies and vehicles carrying passengers on the public highway.



Applications for an assessment may be made either to the British Driving Society or the Heavy Horse Training Committee. Any fee for this assessment shall be borne by the applicant.

6. The proprietor/driver shall not allow passengers to be carried in the vehicle unless a driver is in attendance whilst the horse drawn carriage is in motion.
7. The proprietor/driver shall co-operate fully in the investigation of complaints by an authorised Officer and shall attend at the offices of the LA and produce any information reasonably requested during the course of the investigation.
8. The proprietor shall ensure the welfare of any animals and shall ensure that any driver is trained sufficiently to do so.
9. The proprietor/driver shall be responsible for containing or clearing away defecation of his horses in any public place as a result of his operation by virtue of this licence. This could be by way of a dung chute to be affixed to the rear of the horse.

### **Horse(s)**

10. The horse(s) to be used to draw the carriage must be identified to the LA for inclusion on the licence. No horse shall be used for pulling a horse drawn hackney carriage unless a veterinary certificate as to its fitness and suitability has been supplied by the LA and such a certificate shall be required with any new or renewal application. The cost associated with this certificate shall be borne by the applicant.
11. The LA will have regard to veterinary advice on the type of operation and working hours planned for the carriage and the number of horses available to draw the carriage. Only horse inspected and certified may be used to draw the carriage and details of approved horses will form part of any licence issued by the LA.
12. The horse shall be at least six years old; this must be supported by documentary evidence.
13. Any horse used in any one day as a horse drawn carriage horse shall not be used during that day for any other purpose.
14. Horses shall not be fed in any street unless the food is contained in a proper bag or receptacle or is delivered with the hand.
15. Excessive use of the whip is strictly prohibited and its use shall be restricted to controlling the horse.

### **Carriages**

16. The carriage shall be produced for examination and/or inspection by an authorised officer of the Council, at such times and at such places as may be reasonably be required.

17. The carriage shall be fitted with a suitable and sufficient drag chain and slipper or other sufficient brake and parking brake, which shall at all times be maintained in efficient working order.
18. The carriage, shall in all respects, be kept in good order and repair. The interior and exterior shall as far as is reasonably practicable, be kept clean.
19. The LA reserves the right, even after carriage has been passed, if it is found to reveal any defect which in the opinion of the LA renders it unsuitable for public service, to suspend the licence until the defect has been remedied to the satisfaction of the authorised officer of the LA.
20. The LA shall be notified if any alteration is proposed to be made to any part of the carriage, prior to the alteration being carried out.
21. Accidents materially affecting the carriage must be notified to the LA as soon as is reasonably practicable and in any case within 72 hours and drivers shall comply with conditions laid down earlier in this Policy.
22. All carriages submitted for licensing must be of a type suitable for hackney carriage work. They shall comply with the requirements relating to seating space, head and knee room and any other reasonable condition to the satisfaction of the LA,
23. A plate shall be affixed to the rear of the vehicle, designed and approved by the LA, displaying the number of passengers permitted to travel in the vehicle.
24. No advertising, fittings or signs, except such as have been approved by the LA, shall be attached to, or carried either upon the inside or outside of the carriage.
25. The carriage must be constructed and the doors open sufficiently wide as to allow easy access or egress and cause no inconvenience to passengers. The length of the seats measured in a straight line lengthwise on the front of the seat must in the opinion of the LA be adequate and comfortable to seat passengers.
26. The carriage shall have 4 spoked wheels and solid rubber tyres. The floor of the vehicle shall be covered with mats made of suitable material and the vehicle shall have watertight roof (retractable or otherwise). All fittings and furniture shall be kept clean and adequate for the convenience of persons conveyed therein.
27. The seats of the vehicle shall be properly cushioned or covered and kept clean for the conveyance of persons conveyed therein.
28. The vehicle shall be kept in good condition and if any damage or split to the tyres occurs, the vehicle will be removed from service. The number of passengers shall not exceed such numbers as authorised by the LA.
29. A notice shall be affixed to some part of the vehicle, where it is conspicuously visible to the passengers, detailing the fares that will be demanded for the conveyance of persons. It should be noted that hackney carriage fares, set by the LA, are a maximum and can be negotiated downwards by the hirer.

### **Harness, Equipment and Tack**

30. Every part of the harness of animals drawing the carriage shall be kept in good order and repair so that the animal is securely attached to the carriage and is under control. Adequate spares should be carried and lights fitted if driving after lighting up times.
31. The tack must fit the horse properly so as not to cause pain, distress or rubbing of the horse. The rest of the traces must also fit the horse and carriage. Harnesses and tack should be regularly checked for soundness and safety. Where there are any doubts as to the safety or suitability of equipment the Licensing Authority will consult with a vet or carriage expert, the cost to be borne by the applicant or licence holder.

### **Pedicabs, rickshaws and similar non-motorised vehicles**

32. These vehicles are considered to be hackney carriages and are therefore required to be licensed as hackney carriages and in accordance with this Policy.
33. As these vehicles however do not comply with the standard criteria set within this Policy all applications shall be determined by the LA's Licensing and Regulatory Committee. Each case, however, will be considered on its own merit and public safety will be of prime importance. Prior to application, applicants will be required to consult with the Highways Authority.

## **APPENDIX K**

### **HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE ADVERTISING**

1. A wheelchair accessible sign may be displayed on a wheelchair accessible vehicle without authorisation but must not exceed 300mm x 210mm in size.
2. The advertisement of the Hackney Carriage/Private Hire company name and details, which the licence refers to for that vehicle can be displayed without authorisation, providing they follow the basic principles below.
3. The basic principles for approval of all advertising on or within the vehicles are:
  - All advertising shall be uncluttered so as not to cause confusion.
  - Approval will not be given for advertising that may obstruct the windows of the vehicle.
  - There shall be no additional advertising on or within a vehicle such as an operator advertising for drivers.
4. In no circumstances, (other than those not requiring authorisation mentioned in items 1 and 2 above) shall advertising be placed on or within a vehicle without prior written approval from the LA.
5. Advertising approval is not transferable between vehicles and operators. Where a vehicle is changed new approval must be obtained and all decisions will be based on the criteria laid down in this Policy.
6. Advertising authorisations shall be kept in the vehicle at all times and available upon request by an authorised officer.
7. A screen displaying scrolling or moving advertisements may be securely fitted within the vehicle, provided that the screen shall not be within the vision of the driver of the vehicle, and the Council has previously approved in writing the content of any material shown. A notice must be fitted within view of the rear seat passengers stating that the screen will be switched off at the request of the passenger.
8. All advertisement must conform with the standards of the Advertising Standards Council in all matters relating to good taste, both in content and appearance and must not relate to matters concerning tobacco, alcohol or matters of a sexual nature.

## **APPENDIX L**

### **CONDITIONS OF THE USE OF CCTV IN HACKNEY CARRIAGE/PRIVATE HIRE VEHICLES**

#### **GUIDELINES FOR CCTV SYSTEMS IN LICENSED HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES**

##### **Introduction**

These guidelines are set out to ensure that in-vehicle CCTV systems in licensed Monmouthshire vehicles are used to prevent and detect crime, reduce the fear of crime and enhance the health and safety of drivers and passengers alike.

Vehicle owners, who may also be the driver and/or operator, installing in-vehicle CCTV systems must fully comply with the requirements set out in these guidelines.

The purpose of the in-vehicle CCTV system shall be to provide a safer environment for the benefit of the drivers and passengers by:

- Deterring and preventing the occurrence of crime;
- Reducing the fear of crime;
- Assisting the Police in investigating incidents of crime.

##### **General Requirements**

Any in-vehicle CCTV system to be fitted must, as a minimum, meet the requirements set out in this document. Only in-vehicle CCTV systems meeting these requirements can be installed into licensed vehicles.

In-vehicle CCTV systems installed in vehicles will be inspected as part of vehicle inspections carried out by an authorised officer to ensure they do not pose a risk to the safety of the passengers or the driver and are fitted safely and securely.

The installation and operation of in-vehicle CCTV shall comply with the requirements of the Information Commissioner's CCTV Code of Practice, which is available via the following link:

[http://www.ico.gov.uk/upload/documents/library/data\\_protection/detailed\\_specialist\\_guides/ico\\_cctvfinal\\_2301.pdf](http://www.ico.gov.uk/upload/documents/library/data_protection/detailed_specialist_guides/ico_cctvfinal_2301.pdf)

All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations.

All equipment must meet all requirements as regards safety, technical acceptability and operational/date integrity.

All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in the event of a collision or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear.

### **Automotive Electromagnetic Compatibility Requirements (EMC)**

CCTV equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite, or radio system in the vehicle.

Any electrical equipment such as in-vehicle CCTV system fitted after the vehicle has been manufactured and registered, is deemed to be an Electronic Sub Assembly (ESA) under the European Community Automotive Electromagnetic Compatibility Directive and there must meet with requirements specified in that Directive.

CCTV equipment should be e-marked or CE-marked and be confirmed by the equipment manufacturer as being suitable for use in motor vehicles.

### **Camera Design Requirements**

The camera must be fitted safely and securely, should not adversely encroach the passenger area and must not impact on the safety of the driver, passenger or other road users.

The installed in-vehicle CCTV system must not weaken the structure or any component part of the vehicle or interfere with the integrity of the manufacturer's original equipment.

All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers. The camera must be attached by means of a permanent method; i.e. screw fixings or a specifically designed permanent adhesive pad supplied by the CCTV system supplier (pads similar to those used by car manufacturers for the attachment of interior mirrors).

All equipment must be protected from the elements, secure from tampering and located such as to have the minimum intrusion into any passenger area or impact on the luggage carrying capacity of the vehicle.

It is contrary to the Motor Vehicle (Construction and Use) Regulations, 1986, for equipment to obscure the view of the road through the windscreen.

Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, i.e. not mounted on or adjacent to air bags or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems.

Viewing screens within the vehicle for the purposes of viewing captured images will not be permitted.

All wiring must be fused as set out in the manufacture's technical specification and be appropriately routed.

All equipment must be checked regularly and maintained to operational standards, including any repairs after damage.

All system components requiring calibration in situ should be easily accessible.

### **Camera Activation Methods**

Activation of the equipment may be via a number and combination of options, such as – door switches, time delay and drivers' panic button. A direct wired link to the vehicles taximeter, in the case of a Taxi, will not be acceptable.

### **Audio Recording**

In-vehicle CCTV systems must not be used to record conversations between members of the public as this is highly intrusive.

### **Image Security**

Images captured must remain secure at all times.

The captured images must be protected using approved encryption software which is designed to guard against the compromise of the stored data, for example, in the event of the vehicle or equipment being stolen. It is recommended by the Information Commissioner's Office (ICO) that "data controllers" ensure any encryption software used meets or exceeds the current FIPS 140-2 standard or equivalent. System protection access codes will also be required to ensure permanent security.

### **Retention of CCTV images**

The in-vehicle CCTV equipment selected for installation must have the capacity of retaining images either:-

- Within its own hard drive;
- Using a fully secured and appropriately encrypted detachable mass storage device, for example, a compact flash solid state card;
- Or where a service provider is providing storage facilities, transferred in real time using fully secured and appropriately encrypted GPRS (GSM telephone) signalling to a secure server within the service provider's monitoring centre

Images must not be downloaded onto any kind of portable media device (e.g. CDs or memory sticks) for the purpose of general storage outside the vehicle.

In-vehicle CCTV equipment selected for installation must include an automatic overwriting function, so that images are only retained within the installed system storage device for a maximum period of 31 days from the date of capture. Where a service provider is used to store images on a secure server, the specified retention period must also only be for a maximum period of 31 days from the date of capture.

### **Notification to the Information Commissioner's Office**

The Information Commissioner's Office (ICO) is the official regulator for all matters relating to the use of personal data.

The ICO defines a "data controller" as the body which has legal responsibility under the Data Protection Act (DPA) 1998 for all matters concerning the use of personal data. For the purpose of the installation and operation of in-vehicle CCTV, the "data controller" is the specified company, organisation or individual which has decided to have in-vehicle CCTV installed. The data controller has the final decision on how the images are stored and used and determines in what circumstances the images should be disclosed.

Notification is the process by which a data controller informs the ICO of certain details about their processing of personal information. These details are used to make an entry in the public register of data controllers.

This means that any specified company, organisation or individual vehicle owner who has a CCTV system installed in a licensed vehicle must register with the ICO (Notification) and obtain documented evidence of that registration. This documentary evidence may be required to be presented to an authorised officer at any time during the term of the vehicle licence.

The Notification requires renewal on an annual basis, and payment of the appropriate fee.

### **Using a third party service provider (data processor)**

Where a service provider is used for the remote storage of CCTV data they will act as a "data processor".

A data processor, in relation to personal data, means any person (other than an employee of the data controller) who processes data on behalf of the data controller, in response to specific instructions. The data controller retains full responsibility for the actions of the data processor.

There must be a formal written contract between the data controller and data processor (service provider). The contract must contain provisions covering security arrangements, retention/deletion instructions, access requests and termination arrangements.



Documentary evidence of the contractual arrangements may be required to be presented to an authorised officer at any time during the term of the vehicle licence.

### **Use of information recorded using in-vehicle CCTV**

The data controller is responsible for complying with all relevant data protection legislation. The data controller is legally responsible for the use of all images including breaches of legislation.

Any images should only be used for the purposes described earlier in these guidelines.

Requests may be made by the Police or other law enforcement agencies, an authorised officer or exceptionally other appropriate bodies to the “data controller” to view captured images. The data controller is responsible for responding to these requests. Police or other law enforcement agencies should produce a standard template request form, setting out the reasons why the disclosure is required. Alternately a signed statement may be accepted.

All requests should only be accepted where they are in writing, specifying the reasons why the disclosure is required.

Under the DPA, members of the public may make a request for the disclosure of images, but only where they have been the subject of a recording. This is known as a ‘subject access request’. Such requests must only be accepted where they are in writing and include sufficient proofs of identity (which may include a photograph to confirm they are in fact the person in the recording). Data controllers are also entitled to charge a fee for a subject access request (currently a maximum of £10) as published in the ICO CCTV Code of Practice.

### **Signage**

All licensed vehicles with in-vehicle CCTV must display clear and prominent signs advertising the use of in-vehicle CCTV. The driver may also verbally bring to the attention of the passengers that in-vehicle CCTV equipment is in operation within the vehicle, if it is felt appropriate.

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

Signs should:-

- Be clearly visible and readable
- Contain details of the organisation/company/individual operating the system, the purpose for using CCTV and who to contact about the scheme
- Be an appropriate size depending on context

To assist individual drivers, owners or companies who are considering installing an in-vehicle CCTV system please use the summary checklist below to ensure all of the approval requirements/standards have been complied with.

- Notification submitted to the Information Commissioner's Office (ICO)  
Telephone Number: 08456 306060 or 01625545745
- Have the ICO provided you with the documentation to evidence notification of the "data controller" associated with your system?
- Do you have documentary evidence regarding contractual arrangements with any data processor or service provider associated with the CCTV system?
- Does the installed in-vehicle CCTV system meet the installation standards as set out above?
- Do you have satisfactory signage and appropriate contact details displayed?

**Note**

Reference to 'Data Controller', 'Data Processor' and 'Encryption Software' information made in this guideline comply with the current Information Commissioner's Office (ICO0 CCTV Code of Practice 2008).

## **APPENDIX M**

### **NON-STANDARD VEHICLES – STRETCHED LIMOUSINES, EXECUTIVE AND OTHER VEHICLES**

#### **Executive Vehicles**

1. The following conditions apply to these vehicles:

##### **Limitations of Use**

2. The vehicle shall only be used for special occasions and executive business contracts. Vehicles licensed within this category shall not be used for everyday private hire use. The vehicle would be licensed as a Private Hire Vehicle only.
3. All other criteria set down within this Policy shall be complied with.

##### **Dress Code**

4. The driver of the vehicle shall be required to observe a formal dress code.
5. Drivers shall comply with all other criteria set down within this Policy.

##### **Appearance and Mechanical considerations**

6. The vehicle shall be maintained to an excellent visual standard. This shall include the quality of paintwork, physical condition including doors, wings, bumpers and interior floor area, all of which shall be in a good condition, free from rust, holes, broken metal and any other visible damage.
7. The interior of the vehicle shall be in an excellent condition, clean and free from any tears, damage, grease or any contamination.
8. An assessment shall be made on the anniversary of the grant of the licence to determine the above criteria has been satisfactorily met. As each annual renewal application will be required to be determined by the LA all renewal applications for this vehicle must be submitted a minimum of two months prior to the licence expiry date.
9. A licence may be suspended, revoked or renewal refused if a vehicle is no longer considered, in the opinion of an authorised officer, to comply with these requirements and all other criteria set down within this Policy.

## **Stretched Limousines**

10. With regard to stretched limousines, these vehicles do not fall within the set criteria for this Policy and many are imported into the UK after they are deemed unfit to be licensed in other countries, primarily the USA. As a result these vehicles are normally only licensed in the USA for 5 years for the following reasons:
  - Safety concerns
  - The operational lifespan of these vehicles is generally 5 years
  - With the substantial weight (over 3 tons), steering, braking and suspension parts tend to wear out much faster than normal and therefore 5 years is the optimum maximum age in the USA.
  - Some insurance companies in the USA will not licence limousines over 5 years old due to concerns regarding reliability and safety
  - The vehicles become too old and unpopular with the travelling public.
11. It is for the above reasons that the LA shall pay special attention to the licensing of such vehicles and conditions shall be attached to the licence to ensure the safety of the travelling public. In particular the LA shall place upon such vehicles the following conditions:

### **Limitations of Use**

12. The vehicle shall only be used for special occasions and executive business contracts. Vehicles licensed within this category shall not be used for everyday private hire use. The vehicle would be licensed as a Private Hire Vehicle only.
13. All other criteria set down within this Policy shall be complied with.

### **Dress Code**

14. The driver of the vehicle shall be required to observe a formal dress code.
15. Drivers shall comply with all other criteria set down within this Policy.

### **Vehicle Design**

16. Stretch limousines shall only be considered for licensing if the applicant can prove that the “stretch” was performed by the manufacturer or by a coachbuilder approved by the vehicle manufacturer. American limousines must have been built by an approved coachbuilder under the QVM programme for Ford vehicles or the CMC programme for Cadillac vehicles.

17. The maximum length of the “stretch” conversion (measured between the rear edge of the front door and the front edge of the rear door) shall not exceed 3048mm (120”)
18. The vehicle shall have at least two doors for use of persons conveyed in the limousine and a separate means of ingress and egress for the driver.
19. For the purpose of calculating the seating capacity of a vehicle the minimum width of 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.

### **Transport of Passengers**

20. As these vehicles are regularly used to carry young persons, for the safety of the passengers and driver, passengers shall not be carried in the front of the vehicle.
21. The transport of children under the age of 16 must be accompanied by at least one responsible adult.
22. All passengers shall remain seated whilst the vehicle is in motion and in accordance with Construction and Use Regulations, where seat belts are fitted they must be worn.

### **Additional Documentation required**

23. The following documentation in original form shall be produced (where available) upon application and prior to licensing:
  - Completed importation documentation where applicable and single vehicle approval (SVA) certificate (pre 31<sup>st</sup> December 2009) or a British Individual Vehicle Approval (BIV) certificate (from 1<sup>st</sup> January 2010). Please Note: a Minister’s Approval Certificate is not acceptable.
  - A Cadillac Master Coachbuilder Qualification (CMC) or a Qualified Vehicle Modifier Certificate (QVM). These are issued by the coachbuilder.
  - DVLA Registration Document (V5)
  - Insurance covering Hire and Reward and Public Liability.
  - 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.
24. The LA recognises that an applicant may not always be in possession of a SVA, BIV or CMC/QVM. However, every effort shall be made to locate these

documents to satisfy the LA that the “stretch” was performed by the manufacturer or by a coachbuilder approved by the vehicle manufacturer and that the vehicle is safe and roadworthy. Failure to produce any of the above documentation may affect any application made.

### **Appearance and Mechanical considerations**

25. Tinted glass shall conform to the legal requirement of the current Road Vehicle (Construction and Use) Regulations.
26. There shall be adequate internal light to enable passengers to enter and exit the vehicle.
27. The vehicle shall be maintained in a sound mechanical and structural condition at all times.
28. The vehicle shall be maintained to an excellent standard. This shall include the quality of paintwork, physical condition including doors, wings, bumpers and interior floor area, all of which shall be in a good condition, free from rust, holes, broken metal and any other visible damage.
29. The interior of the vehicle shall be in a good condition, clean and free from any tears, obstruction, damage, grease or contamination.
30. The vehicle shall be equipped with a minimum of four road wheels and one full sized spare wheel. The tyres shall be of an approved rating as specified by the manufacturer.
31. An assessment shall be made on the anniversary of the grant of licence to determine the above criteria have been satisfactorily met. As each annual renewal application will be required to be determined by the LA all renewal applications for this vehicle must be submitted a minimum of two months prior to the licence expiry date.
32. A licence may be suspended, revoked or renewal refused if a vehicle is no longer considered, in the opinion of an authorised officer, to comply with these requirements and all other criteria set down within this Policy.

### **Fire Engines and Novelty Vehicles**

33. With regard to fire engines and other novelty vehicles, such as ambulances, hearses and army trucks, these vehicles do not fall within the set criteria of this Policy, as a result the following conditions apply:

### **Limitations of Use**

34. The vehicle shall only be used for special occasions and executive business contracts. Vehicles licensed within this category shall not be used for everyday private hire use. The vehicle would be licensed as a Private Hire Vehicle only.
35. All other criteria set down within this Policy shall be complied with.

### **Dress Code**

36. The driver of the vehicle shall be required to observe a formal dress code.
37. No driver shall wear a uniform or helmet that may lead a member of the public to believe that the person is a member of the Fire and Rescue Service or other Emergency Services.
38. Drivers shall comply with all other criteria set down within this Policy.

### **Vehicle Design**

39. The vehicle shall have at least two doors for use of persons conveyed in the vehicle and a separate means of ingress and egress for the driver.
40. For the purpose of calculating the seating capacity of a vehicle the minimum width of 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.
41. Where the seating arrangements have been changed from the original specification then those seats shall be securely anchored to the floor of the vehicle.
42. The vehicle will have a speed limiter fitted to restrict its maximum speed to 56 m.p.h.
43. All external "lockers" of the vehicle shall be secured to prevent access by passengers or members of the public.
44. All "blue" lights, siren, flashing lights, reflective tape, ladders and lettering which may give the public the impression that the vehicle is a fire engine or emergency vehicle are to be permanently removed.

45. An audible alarm system (where applicable) shall be fitted to the rear passenger compartment doors and shall be in a working condition whenever the vehicle is carrying passengers.

### **Transport of Passengers**

46. As these vehicles are regularly used to carry young persons, for the safety of the passengers and driver, passengers shall not be carried in the front of the vehicle.
47. The transport of children under the age of 16 must be accompanied by at least one responsible adult.
48. All passengers shall remain seated whilst the vehicle is in motion and in accordance with Construction and Use Regulations, where seat belts are fitted they must be worn.
49. Additional foot-steps shall be carried and used on the vehicle to facilitate access and egress from the passenger compartment of the vehicle.
50. 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.

### **Additional Documentation required**

51. The following documentation in original form shall be produced (where available) upon application and prior to licensing:
  - A single vehicle approval (SVA) certificate (pre 31<sup>st</sup> December 2009) or a British Individual Vehicle Approval (BIV) certificate (from 1<sup>st</sup> January 2010). Please Note: a Minister's Approval Certificate is not acceptable.
  - DVLA Registration Document (V5)
  - Insurance covering Hire and Reward and Public Liability.
  - 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.
52. The LA recognises that an applicant may not always be in possession of a SVA or BIV. However, every effort shall be made to locate these documents to satisfy the LA that the vehicle is safe and roadworthy. Failure to produce any of the above documentation may affect any application made.



## **Appearance and Mechanical considerations**

53. Tinted glass shall conform to the legal requirement of the current Road Vehicle (Construction and Use) Regulations.
54. There shall be adequate internal light to enable passengers to enter and exit the vehicle.
55. The vehicle shall be maintained in a sound mechanical and structural condition at all times.
56. The vehicle shall be maintained to an excellent standard. This shall include the quality of paintwork, physical condition including doors, wings, bumpers and interior floor area, all of which shall be in a good condition, free from rust, holes, broken metal and any other visible damage.
57. The interior of the vehicle shall be in a good condition, clean and free from any tears, obstruction, damage, grease or contamination.
58. The vehicle shall be equipped with a minimum of four road wheels. The tyres shall be of an approved rating as specified by the manufacturer.
59. An assessment shall be made on the anniversary of the grant of licence to determine the above criteria have been satisfactorily met. As each annual renewal application will be required to be determined by the LA all renewal applications for this vehicle must be submitted a minimum of two months prior to the licence expiry date.
60. A licence may be suspended, revoked or renewal refused if a vehicle is no longer considered, in the opinion of an authorised officer, to comply with these requirements and all other criteria set down within this Policy.

## **General (applicable to Executive, Stretched Limousines, Fire Engines and Novelty Vehicles)**

61. The driver of the vehicle shall not play or knowingly permit to be played, any video, DVD or other recorded image that is unsuitable, having regard to the age of the passengers being carried. In deciding what is suitable regard shall be had to the classification of the video, DVD etc. by the British Board of Film Classification or the Video Standards Council.
62. The following activities are prohibited:
  - Striptease

- Lap Dancing
  - Pole Dancing
  - Any other activity or performance of a sexual nature.
63. Any “glass” drinking-ware in the vehicle shall be made of either toughened glass or plastic. No alcohol drinks shall be sold or included in the price of the booking in line with the Licensing Act 2003 unless a Premises Licence is in force. If this is the case all sales must take place from the premises that is licensed rather than the vehicle.
64. Operators must note that alcohol sold within the price of the hiring/booking fee is considered to be a sale under the Licensing Act 2003 and therefore a Premises Licence for the company offices where the sale is technically taking place and a Personal Licence would be required. Section 156 of the Licensing Act 2003 prevents the sale of alcohol in a moving vehicle, once the drinks are on board, no payment may be taken from any passengers and all alcohol must be paid for in advance at the licensed premises. For further advice on licensing laws related to the sale of alcohol on such vehicles the operator should contact the LA.
65. As these vehicles however do not comply with the standard criteria set within this Policy all applications will be determined by the LA’s Licensing and Regulatory Committee. Each case, however, will be considered on its own merit and public safety will be of prime importance.

## APPENDIX N

### CONDITIONS OF OPERATOR'S LICENCE

#### Operator Base

1. A licence will only be issued by MCC if the Operator base is within the County of Monmouthshire.
2. Where an Operator uses a second 'satellite' base as an Operator's office (whether it is business or residential address) within the same controlled district they shall inform the LA so that the addresses may be stated on the Licence. The LA reserves the right to charge for every additional office.
3. The Operator shall ensure that all his premises have (where planning legislation requires it), a valid planning permission authorising the carrying out of his/her business from the premises.

#### Requirements

##### **Disclosure and Barring Service (DBS) Basic Check**

4. This check assists the LA in determining whether or not the applicant is a fit and proper person to hold a licence. DBS disclosure applications must be completed through MCC's LA and disclosures must be less than 3 months old at the time of application. With regard to the disclosure results or information contained in disclosures, The Rehabilitation of Offenders Act 1974 for Operators apply. Spent convictions can be taken into account when determining suitability for a licence, but the applicant (or licensee on renewal) can only be asked to obtain a Basic Disclosure from the Disclosure and Barring Service. The individual person acting as an Operator will be required to conduct the Basic Disclosure (if a limited company together with its directors and secretary, or all members of the partnership).

##### **Immigration Checks Policy**

5. LA's must check on an applicant's eligibility/right to work before granting a Private Hire Operator licence to an individual person. MCC will only grant a Private Hire Operator's licence to those who have the right to work within the UK. Operators will be required to provide evidence to the Authority regarding their immigration status. Those Operators who have a right to work within the UK but have lost evidence of this will be required to obtain written approval from the Home Office. (Evidence and Enquiry Unit, Floor 12, Lunar House, Wellesley Road, Croydon CR9 2BY Tel: 020 8196 3011).

6. If an applicant applies for a licence and does not have the right to work within the United Kingdom, their details will be passed to the Border and Immigration Agency. Private Hire Operators must also take responsibility to make sure drivers they employ have the right to work within the United Kingdom. Further details can be found on [www.bia.homeoffice.gov.uk/employingmigrants](http://www.bia.homeoffice.gov.uk/employingmigrants)

### **Drivers**

7. The operator shall not operate a private hire vehicle without the driver holding an appropriate licence from the LA. The operator must ensure that the driver's licences of all drivers working from them are valid and shall retain in his/her possession the licence of any driver engaged by him/her.
8. The operator shall bring to the attention of all drivers their legal obligations regarding the use of seatbelts both by adults and children.
9. The operator shall be fully conversant and shall ensure that all drivers remain fully conversant with the conditions stated within this Policy.

### **Vehicles**

10. The operator shall not operate a private hire vehicle without the vehicle being licensed by the LA.
11. The operator must examine the vehicle licences to ensure their validity and that they are compliant with the criteria set within this Policy.
12. There shall be sufficient off-street parking made available for the number of vehicles to which the application relates. The operator shall provide details upon request of the location of all such off-street parking. At no time shall an operator allow vehicles to park illegally at or near the base whilst working as a private hire vehicle.
13. The operator must ensure that all vehicles operated by him/her which are fitted with a taximeter have meters which have been sealed and have used the approved Meter Calibration Centres approved by the LA.

### **Advertising of Business**

14. Any advertising of the operator's business, no matter in what form, shall include the operator's name and/or trade name as approved by the LA in accordance with the name entered on the operator's licence issued by the LA.
15. The operator shall not trade under any name for private hire purposes unless such trade name has been approved by the LA and has accordingly been entered on the private hire operator's licence issued by the LA.

### **Change of Details**

16. Each operator's licence shall show the licensed private hire vehicles to be operated under the terms of the licence. The operator therefore must inform the LA of any change of vehicle details that is different to those stated on the current operator's licence. He/she shall not operate such vehicles without prior written amendment to the licence by the LA.
17. The operator must inform the LA in writing of any change of drivers within 48 hours.
18. The operator shall notify the LA in writing within 7 days of any change of home address whether permanent or temporary.
19. The LA must be informed in writing of any intended change of business premises and approval obtained before any such change.

### **Roadworthiness**

20. The operator shall satisfy themselves of the general condition and roadworthiness of the licensed vehicle, however the driver of the vehicle is responsible at all times. Any operator who knowingly operates a defective vehicle shall be liable for enforcement action.

### **Accidents**

21. Where the operator of the vehicle is also the proprietor they shall report all accidents to the LA as is reasonably practicable but in any event within 72 hours of occurrence of any such accident they may have caused damage materially affecting the safety, performance or appearance of the vehicle or comfort or convenience of persons carried there in. Any driver reporting an accident will present the vehicle for inspection at the Licensing Offices upon request.
22. Where the damage materially affects the safety or performance of the vehicle and where the vehicle is not roadworthy, the proprietor shall before carrying fare passengers, arrange for the vehicle to be re-inspected at an approved garage by the LA. Where the vehicle is deemed to be unsafe for conveying fare paying passengers the vehicle will be suspended immediately. Following its repair and if deemed necessary by an authorised officer, the vehicle shall be re-inspected by a Licensing Officer and a new Certificate of Testing produced prior to the suspension being lifted.

### **Insurance**

23. The operator shall ensure that Public and Employer Liability Insurance are in force throughout the validity of the Licence for each operating base open to the public. This Certificate must be available for inspection upon request.
24. The operator shall ensure that all the vehicles named on the operator's licence are covered by appropriate insurance. Where an insurance cover note is in place, the operator must ensure that the driver on expiry of that cover note advises the LA of the new period of cover. It is the responsibility of both the

operator and driver to ensure that they have the correct insurance cover in place to cover the number of passengers that they are entitled to carry. The operator must therefore monitor insurance on a regular basis and personally examine the insurance certificate to satisfy themselves as to their validity.

### **Bookings**

25. The operator shall maintain records of all bookings in such a manner, whether written or on computer, which enables them to be examined or audited. These records shall be available for inspection by authorised officers upon request.
26. The operator shall record the following:
  - The place at which the booking was received.
  - Whether the booking was made by telephone, in person or other means (to be stated).
  - The name of the hirer.
  - The date of the journey.
  - The address or other place from which it is to commence.
  - The address or place of destination.
  - The requested time, if any, from the hirer's address or other place.
  - The plate number of the vehicle.
  - The driver call sign.
  - The badge number of the driver undertaking the hiring.
  - If the booking was one accepted by another operator, the name and address of that operator
  - The agreed fare, if not calculated by means of a taximeter in the allocated vehicle.
  - Remarks (if any)
27. All records shall be kept by the operator for a minimum of 12 months following the date of the last entry. If the operator uses a computerised record system, hard copies of all records must be maintained in the same way as written records and made available for inspection by authorised officers upon request.
28. The operator shall also keep records of all private hire vehicles and shall record the following:
  - Owners and drivers of vehicles
  - Registration and Plate Number of Vehicles
  - Insurance Certificate/Cover Note
  - Road Fund Expiry date
  - Radio Call sign
  - Remarks (if any)
29. Every contract for hire of a licensed private hire vehicle is deemed to be made with the operator who accepted the booking for that vehicle whether or not he himself provided the vehicle.

30. All drivers and operators (including existing licence holders) will be required to attend a training session on safeguarding children and vulnerable persons. New applicants will be required to conduct the training at their own expense prior to submitting an application. All drivers and Operators will be required to conduct refresher training, at their own expense, and submit the required certificate as confirmation the training has been conducted prior to submitting a renewal application.
31. Operators are expected to take their duties with regard to safer recruitment of drivers and the safeguarding of the public seriously. To aid in this duty, an operator shall record any customer complaint or concerns raised by other drivers they receive regarding the attitude or behaviour of a driver. The operator is expected to make such records available to an authorised officer or Police officer upon request. These records should:
  - Be kept securely and remain confidential for a minimum period of 3 years and confidentially destroyed thereafter;
  - Include the name, address and contact number of the complainant;
  - Record the details of the complaint;
  - Record details of the driver to which the complaint relates;
  - Record the action the operator has taken.
32. Where 3 or more substantiated complaints are received regarding a particular driver in a rolling 12 month period, the operator shall be expected to notify the LA without delay. If any complaints/concerns are received regarding sexual or inappropriate words/behaviour by drivers, these complaints must be reported to the LA without delay, regardless of the number of previous complaints.

### **Standard of Service**

33. The operator shall provide a prompt, efficient and reliable service to members of the public at all times.
34. The operator shall ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall (unless delayed or prevented by sufficient cause) punctually attend at the appointed time and place. Where possible the operator shall contact the customer to inform of any potential delays.
35. The operator shall keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access whether for the purposes of booking or waiting.
36. The operator shall ensure that the premises is not overcrowded at any time and shall manage queues so as to avoid nuisance and/or crime and disorder. In addition, the operator shall ensure that there are sufficient seating facilities.
37. The operator shall ensure the operation of the business does not cause a nuisance to nearby properties.

38. The operator shall ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
39. The operator shall monitor the dress code of all drivers to ensure compliance with the dress code condition in this Policy.

### **Notices**

40. The operator shall affix a properly printed Notice issued by the LA in a prominent place inside the business premises so as to be easily read by any person seeking to hire a private hire vehicle, stating that any complaints regarding a hiring relating to his/her business should be addressed to:

The Principal Licensing Officer  
Licensing Section  
Monmouthshire County Council  
Abergavenny Community Education Centre  
Old Hereford Road  
Abergavenny  
NP7 6EL  
E-Mail [licensing@monmouthshire.gov.uk](mailto:licensing@monmouthshire.gov.uk)  
Tel: 01873 735420

41. Such notice shall also state that the LA does not control the fares for private hire vehicles and that, in the absence of any fare scales published by the operator; the fare should be agreed before the journey commences. Any fare scale in operation must be on prominent display and be an accurate reflection of the charge, including any specific additions, i.e. Bank Holidays, waiting times etc. which the customer may be expected to pay.
42. The operator's licence must be displayed in a prominent position at the premises so as to be on view to members of the public.

### **Convictions**

43. The operator shall notify the LA in writing within 7 days of any convictions, binding over, cautions, fixed penalty notices, penalty points, warnings or reprimands imposed on him/her during the period of the licence.

### **Lost/Found Property**

44. The operator shall ensure that any property left by a customer at the premises, or in any vehicle used for hiring and placed in the operator's safekeeping by the driver is handed in to the LA as soon as is reasonably practicable.



## APPENDIX O

### CRITERIA FOR REVOCATION

#### **Policy To Accept a New Application for A Hackney Carriage / Private Hire Drivers Licence Following Revocation**

This policy will not cover every possible scenario and each case will be considered upon its individual merit.

Revocations will be considered by the Licensing and Regulatory Committee or, where considered a matter of urgency by the Head of Regulatory Service in consultation with the Chair or Vice Chair of the Licensing and Regulatory Committee.

The Head of Regulatory Service will determine, on receipt of a report from the Principal Licensing Officer, (in consultation with the Chair or Vice Chair) whether to allow an applicant to re-apply for a licence following revocation under the terms of this policy. Either officer may refer the matter to the Licensing and Regulatory Committee.

FEE : No fee will be charged for a new application to re-instate a licence following revocation, providing the re-instatement is conducted in what would have been the licensing period if the licence was not revoked and the re-instated licence do not exceed the original licensing period.

The following guidance will be taken into account when determining whether an application should be considered following revocation:-

#### Nature of the grounds for revocation

Revocation is carried out if it is felt the Hackney Carriage / Private Hire driver is no longer 'fit and proper' in accordance with Section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

Consideration of a new application following revocation will only be considered if the applicant fulfils the criteria as a 'fit and proper' person and the original reasons for revocation have been diminished.

The applicant must ensure they fulfil these criteria in addition to the reason for revocation being diminished prior to any consideration being given by the Principal Licensing Officer. The responsibility to meet this criteria will be that of the applicant and may require in some circumstances the applicant to submit new checks to the Disclosure & Barring Service (previously Criminal Records Bureau) and details from the DVLA depending on the nature of revocation. This will be at the discretion of the Principal Licensing Officer.

### Time period that has elapsed since the revocation was imposed

Consideration will not be given to any applicants whose licence has been revoked for a period of six months or longer. In these circumstances, the applicant will be required to undertake the full application process.

### Revocation on Medical Grounds

If the revocation was instigated for medical reasons, the applicant must provide proof that the matter is no longer a concern and details from the applicant's specialist and / or General Practitioner stating that the applicant is fully compliant with the Group II medicals as specified by the DVLA prior to consideration by the Principal Licensing Officer.

### Revocation on Criminal Grounds

The applicant may be requested to provide information to demonstrate they are fit and proper and may be required to undertake further checks at the request of the Principal Licensing Officer. The authority may seek confirmation from Heddlu Gwent Police regarding the applicant's suitability as a 'fit and proper' person to drive a Hackney Carriage / Private Hire. Any concerns from Heddlu Gwent Police would necessitate a hearing with the Licensing and Regulatory Committee.

### Right of Appeal

The applicant has right of appeal to the Magistrates Court within 21 days when any decision to suspend or revoke a licence is made.

## APPENDIX P

### PENALTY POINTS

Date of Issue: \_\_\_/\_\_\_/\_\_\_

Time: \_\_\_\_\_

Location: \_\_\_\_\_

HV / PH: \_\_\_\_\_

Reg No: \_\_\_\_\_

Firm: \_\_\_\_\_

Driver: \_\_\_\_\_

Badge No: \_\_\_\_\_

- 
- |   |                          |                                    |                          |
|---|--------------------------|------------------------------------|--------------------------|
| Failing to wear Driver's Badge (2)  | <input type="checkbox"/> | Driving with illegal tyres (4)     | <input type="checkbox"/> |
| No First Aid Kit (1)  | <input type="checkbox"/> | Licence Plates not displayed (4)   | <input type="checkbox"/> |
| Failing to produce Insurance (3)  | <input type="checkbox"/> | Failing to produce test cert (3)   | <input type="checkbox"/> |
| Failing to produce driving licence (3)  | <input type="checkbox"/> | Failing to keep proper records (4) | <input type="checkbox"/> |
| Officer refused access to records (6)   | <input type="checkbox"/> | Excess Passengers (6)              | <input type="checkbox"/> |
| Failing to notify of change of address (1)                                    | <input type="checkbox"/> | No spare wheel/Repair Kit (1)      | <input type="checkbox"/> |
| Using a mobile phone whilst driving (without the use of a hands free kit) (3) | <input type="checkbox"/> |                                    |                          |

Total Number of Points issued \_\_\_\_\_

When 12 or more points are issued to a Driver/ Proprietor / Operator within any 12 month period, a report will be submitted to the Licensing and Regulatory Committee with a view to the suspension, revocation or refusal to renew such a licence.

Notes following inspection: \_\_\_\_\_

Signature of Authorised Officer: \_\_\_\_\_

Signature of Driver/Proprietor/Operator: \_\_\_\_\_

Date: \_\_\_/\_\_\_/\_\_\_