Monmouthshire County Council's
Taxi and Private Hire Licensing Policy 2023

Draft - January 2023

Mae'r ddogfen hwn hefyd ar gael yn Gymraeg / This document is also available in Welsh

Further information can be obtained from:
Licensing Section
Monmouthshire County Council
Abergavenny Community Education Centre
Old Hereford Road
Abergavenny
NP7 6EL
Tel: 01873 735420
Email: licensing@monmouthshire.gov.uk
Website: www.monmouthshire.gov.uk/licensing

Monmouthshire County Council Taxi and Private Hire Policy

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Introduction

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

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

This policy and related procedures will advise applicants of the standards and requirements that must be met and guide the Council in the way it carries out its licensing functions. **This policy will be reviewed every 5 years but may be subject to interim reviews should the need arise.**

Application of the Policy:

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

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

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

- ‘driver’ - refers to a hackney carriage or private hire driver
- ‘vehicle’ –refers to a hackney carriage or private hire vehicle
- ‘taxi’ -refers to a hackney carriage
- ‘PHV’ refers to a private hire vehicle
- ‘operator’ –refers to a private hire operator
- ‘proprietor’ –refers to owner of a hackney carriage or private hire vehicle

- ‘Licence holder’ refers to the holder of a hackney carriage/private hire drivers’ licence, a hackney carriage or private hire vehicle licence, or a private hire operator’s licence.
- ‘The council’ means Monmouthshire County Council
- ‘Authorised Council Officer’ means any officer of the Council authorised under the Council’s Scheme of Delegation as contained in the Constitution
- Licence plate’ or ‘the ‘plate’ means the vehicle licence plate issued to all vehicles and required to be displayed externally at the rear of all licensed vehicles, except if the vehicle is exempt
- The Committee’ means the Licensing & Regulatory Committee of the Council

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

- Town and Police Clauses Act 1847
- Local Government (Miscellaneous Provisions) Act 1976,
- Transport Act 1985
- Environmental Protection Act 1990
- Health Act 2006
- The Smoke-free (Premises and Enforcement) Regulations
- The Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007
- The Equality Act 2010
- Crime and Disorder Act 1998
- Data Protection Act 2018
- Immigration Act 2016
- Human Rights Act 1998
- The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002
- Wellbeing of Future Generations (Wales) Act 2015

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

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

Policy Aims & Objectives

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

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

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

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

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

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

Licensing process and delegation of functions

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

The Council operates a scheme of delegation where certain powers are delegated to Authorised Officers and Elected Members who sit on the Licensing & Regulatory Committee. A copy of the Constitution which contains the scheme of delegation is available on the Council's website or upon request. A table of delegation regarding if an applicant or Licence holder is "fit and proper" can be found in Annex 2.

Departure from Policy

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

Where it is necessary for the Licensing Authority to depart significantly from this Policy, clear and substantive reasons for doing so will be given including any statuary guidance issued by the government.

Licence Fees

Licence fees will be set in order for the Licensing Authority to recover the costs associated with the administration, issue and enforcement of each licensing regime, so far as is permissible by statute. The fees will be reviewed periodically, and any surplus or deficit will be taken into account the next time the fees are set.

The current licence fees can be viewed on the Council's website

www.monmouthshire.gov.uk/licensing/taxi-licence

Hackney Carriage and Private Hire Driver Licences

Licence requirements

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

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

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

Monmouthshire County Council will issue a "Dual Licence" to all drivers allowing them to legally drive both Monmouthshire County Council Hackney Carriage & Private Hire Vehicles.

Any reference to 'driver's licence' in this section will refer to both hackney carriage and private hire driver's licences.

The Licensing Authority will issue a driver`s licence to applicants that are considered to be 'fit and proper' to hold a licence, and this will permit the driving of both hackney carriage and private hire vehicles.

Licence Duration

Driver licences will be granted for a period of 3 years; however the Licensing Authority does have the discretion to issue a licence for a shorter duration when it is considered to be appropriate in the circumstances of the individual case, or at the request of the applicant.

Application Process

The application procedure and guidance for obtaining a hackney carriage/private hire driver's licence is detailed in **Annex 1**.

Fitness and Propriety

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

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

Without any prejudice, and based on the information before them, would the Officer/Members charged with the ability to grant a licence allow their son or daughter, spouse or partner, mother or father, grandson or granddaughter, or any other person for whom they care, to get into a licensed vehicle with the applicant alone at any time of day or night.

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

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

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

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

In order to assess the suitability of applicants and licence holders the licensing authority will have regard to the Institute of Licensing's '*Guidance on determining the*

suitability of applicants and licensees in the hackney and private hire trades' April 2018.

The guidance is detailed in **Annex 2**, alongside Council Table of Delegation.

DBS check

In order to satisfy the authority that they are a 'fit and proper' person, all applicants for the role of hackney carriage or private hire vehicle (PHV) driver will undergo an Enhanced Disclosure and Barring Service (DBS) check, which includes a check of the children and adult barred lists. For licensed drivers this check will be repeated every 6 months.

All applicants/licence holders are strongly recommended sign up to the DBS Update Service and maintain their subscription for the duration of their licence. The licence holder must give permission for the Licensing Authority to undertake checks of their DBS status. Failure to provide DBS information every 6 months will result in the Licensing Authority suspending a driver licence until such time the information is provided or is accessed.

Drivers wishing to submit a DBS every six months rather than use the "DBS update service" will be required to take personal responsibility to ensure the DBS is completed and issued to the Authority before the 6 months check is due. Failure may result in the Drivers Licence being suspended until such time a DBS is completed and returned to the Authority. As such the Licensing Authority strongly advise drivers to use the "DBS Update Service."

It should be noted that the Authority may not facilitate portability of DBS checks from one Public Body to another.

Drivers that fail to keep up-to-date payments of the DBS update service, will be suspended till such time a DBS is supplied to the Licensing Authority.

Disclosure and Barring Service certificates will only be accepted if the disclosure is dated within one calendar month prior to the application. To assist in assessing the suitability of applicants and licence holders the licensing authority will have regard to the Institute of Licensing's '**Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades**' April 2018.

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

Overseas criminal record check

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

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

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

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

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

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

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

Driving Experience & Standards

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

At the time of application, all applicants must have held a UK driving licence for Category B vehicles for 12 months. Details on ways to convert a foreign driving

licence to a UK driving licence can be found at: https://www.gov.uk/exchange-foreign-driving-licence

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

Medical checks

The licensing authority recognises that licensed drivers should have more stringent medical standards than those applicable to normal car drivers because they carry members of the public who have expectations of a safe journey; they are on the road for longer hours than most car drivers; and they may have to assist disabled passengers and handle luggage. Therefore, all applicants for a hackney carriage/private hire driver's licence are required to meet the DVLA Group 2 medical standards of fitness to drive. The medical must be carried out by the applicant's own general practitioner (GP) or another GP at the applicant's registered practice or associated (sister) practice that has full access to their medical records.

In very exceptional circumstances, and only with prior agreement from the Licensing Authority, a medical assessment may be carried out by another registered GP practice as long as the applicant's full medical history has been viewed and assessed by that GP.

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

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

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

- Upon application, every 5 years between the ages of 45 and 65
- Every year when the driver is aged 65 years or over
- Or anytime as required by the licensing authority or the medical practitioner.

The medical form is valid for 4 months from the date the examining doctor, optician or optometrist signs it.

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

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

Find the medical form: **Medical report for taxi or private hire vehicle drivers licence: application form**

Equality Act Duties

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

Wheelchairs

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

The types of assistance that may be required include:

- If the passenger wishes to remain in the wheelchair, the driver must help the passenger to get in and out of the vehicle and secure the wheelchair in accordance with the vehicle specification.
- If the passenger wants to transfer to a seat, the driver must help him or her to get out of the wheelchair and into a seat and back into the wheelchair; the driver must also load the wheelchair into the vehicle together with any luggage.

A driver who fails to comply with any of the above duties without valid defence will commit a criminal offence and may be fined up to £1,000 for each offence on conviction. Offences may also lead to revocation or suspension of taxi licences.

A ‘reference wheelchair’ is defined in statute as having the following dimensions: Length: 1200mm (approx. 48”) including footplates Width: 700mm (28”) Total seated height: 1350mm (54”) Height of footrest: 150mm (6”)

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

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

Assistance Dogs

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

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

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

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

Equality Act Medical Exemption policy

In order to improve compliance with the requirements of the Equality Act, and to support drivers that have genuine medical conditions that prevent them from fully undertaking the duties under the Act described above, the Council has adopted the

Taxi and private hire vehicles: Equality Act medical exemption policy detailed in **Annex 3.**

Topographical Knowledge & Licensing Conditions (Driver Knowledge Tests) Policy

Hackney Carriage drivers need a good working knowledge of the area for which they are licensed, because vehicles can be hired immediately, directly with the driver, at Hackney Carriage stands or on the street. In order to maintain the high standards expected of drivers, a licence to drive a Hackney Carriage or Private Hire vehicle will not be granted unless the Licensing Authority is satisfied that the applicant is a fit and proper person. In this context, the ability to find destinations and read maps is seen as fundamental in providing a quality service for passengers.

In order to determine such fitness, applicants will be required to undertake a test, with a training provider approved by the Licensing Authority, as to their knowledge of:

- Basic English
- Basic numeracy
- Verbal communication and comprehension test
- Locations of specific places within Monmouthshire.
- Hackney Carriage drivers are tested on specific routes without the aid of a map or Sat Nav.
- Hackney Carriage and Private Hire Licensing law.
- Driver's Conduct (Separate training, which includes safeguarding, when transporting children and Vulnerable Adults, County lines will be required upon application. Refresher training upon renewal of the licence will also be required)
- Disability awareness training.

If a driver is not able to satisfactorily complete the test due to difficulties with spoken English, support will be offered to them to seek out opportunities for English language instruction. Applicants who fail the knowledge test will be required to re-sit the test and also pay an additional fee.

If a driver licensed by Monmouthshire fails to renew their licence, and allows their licence to lapse, it would be recognised that he/she has a clear disregard for the law and conditions. Therefore, they would be required to resit this element of the knowledge test at their own expense.

Driving Proficiency and Qualifications

The Council believes that at present the standard car-driving test provides sufficient evidence of driving competency for the drivers of Hackney Carriage and Private Hire vehicles. It has previously considered that introducing a requirement that drivers pass the specific DVSA Driving and Vehicle Standard Agency test or indeed any other competency qualification, would not at present produce benefits which are commensurate with the costs involved though this will be reviewed. However, it is felt that all new applicants who have “totted” up 6 penalty points via minor traffic offence(s) will be required to undertake and pass a Pass Plus Course or a course approved by the Licensing Authority and also provide a pass certificate (the test pass must be no older than 12 months old and is at the applicant expense).

Safeguarding training

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

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

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

All drivers 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. In particular, it 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 in the event that such action is deemed necessary, the need to report immediately any such incident or occurrence to the Police and/or social services.

The training provider must be approved by the Licensing Authority. A certificate must be submitted to Monmouthshire County Council as confirmation that the training has been undertaken. Certificates will only be accepted by training providers approved by Licensing Authority.

New applicants will be required to attend the training at their own expense prior to submitting an application.

All drivers that wish to renew the Hackney Carriage and Private Hire Drivers Licence must undertake refresher training in regard to Safeguarding at their own expense prior to submitting an application or within 3 months of the licence being renewed. Failure to attend a safeguarding course within 3 months of the grant of the licence will result in Hackney Carriage/Private Hire licence being suspended.

Disability Awareness

The Council requires all operators and drivers to be compliant with the provisions of the Equalities Act 2010, which has specific sections in relation to Private Hire and Hackney Carriage Drivers and their statutory responsibilities in respect of their service to disabled persons, including those aided by assistance dogs, and non-discrimination towards such persons.

The Council supports vehicles that are able to provide a service for disabled persons and encourages operators and drivers to provide a 24-hour service for disabled persons. The Council strongly encourages the provision of wheelchair accessible vehicles in Monmouthshire's Private Hire and Hackney Carriage trade.

Drivers and operators are expected to have knowledge in safe methods of conveying disabled persons, wheelchair bound or not.

The Council encourages all drivers to attend training on assisting with disabled people; this not only covers people in wheelchairs, but also the needs of people with a wide range of disabilities.

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.

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.

The Council may review the licence of any driver/operator who is found to be deficient in disability awareness. The lack of training/knowledge on the part of the driver/operator will not be accepted as a defence to an allegation of inadequate performance/behaviour or discrimination.

All new driver applicants will be required to undertake Disability Awareness training and will form part of the Knowledge test.

Applicants who speak English / Welsh as a second language

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

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

Right to work check

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

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

The list of acceptable documents for right to a licence are detailed in **Annex 4**

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

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

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

Mandatory tax checks

Licensing Authorities from the 1st April 2022 are statutory required to signpost new drivers to HMRC guidance about their potential tax obligations and obtain confirmation that the applicant is aware of the guidance before considering the application. Where the application is a renewal application the licensing authority is duty bound before considering the application, obtain confirmation from HMRC that the applicant has completed a tax check.

An applicant will carry out a tax check by providing information to enable HMRC to satisfy itself that the applicant has complied with an obligation to notify their chargeability to tax, where such an obligation applied. The check will include a

question about whether income from the licensed activity has been declared to HMRC, where the applicant was chargeable to tax. The check will be completed when HMRC is satisfied the applicant has provided all information requested.

Driver Conduct

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

The Driver Code of Conduct detailed in **Annex 5** has been developed to outline the standards expected of licensed drivers and is an integral part of the 'fit and proper' assessment.

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

Driver Dress Code

It is recognised that the taxi trade, both Hackney Carriage and Private Hire, plays an important role in portraying a positive image of the area. Details regarding driver dress code are detailed in **Annex 6**

Private Hire Driver

The conditions of licence applicable to drivers of private hire vehicles are detailed in **Annex 7** of the Policy**.**

Hackney Carriage Byelaws

Byelaws applicable to the driver and proprietors of hackney carriages are detailed in **Annex 8** of the Policy**.**

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

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

Therefore:

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

The information recorded on NR3 itself will be limited to:

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

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

This is a mandatory part for a hackney carriage / PHV driver licence application being granted. The authority has a published policy on the approach it will take to requests by other authorities for further information about entries on NR3, and about the use it will make of any further information provided to it. You can request advice on this policy at licensing@monmouthshire.gov.uk

Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under NR3 are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom. If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer. This includes submitting a subject access request.

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

Hackney Carriage and Private Hire Vehicles

Application process

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

Proprietor Fitness & Propriety

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

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

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

offences and/or unacceptable conduct committed whilst engaged in hackney carriage or private hire work.

To assist in assessing the suitability of applicants and licence holders the licensing authority will have regard to the Institute of Licensing's '*Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' April 2018.* The guidance is detailed in **Annex 2**.

DBS Check

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

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

To assist in assessing the suitability of applicants and licence holders the licensing authority will have regard to the Institute of Licensing's ' **Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades**' *April 2018.* The guidance is detailed in **annex 2**.

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

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

Overseas Criminal Record Check

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

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

For EU nationals (including UK citizens) suitable checks should be available. For those countries for which checks are not available, the Licensing Authority will require a certificate of good conduct authenticated by the relevant embassy. The certificate must be authenticated, translated and sealed by the Embassy or High Commission. Information regarding certificates of good conduct or similar documents from a number

of countries is available from: https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants

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

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

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

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

General Vehicle Construction

All vehicles to be considered for licensing must comply with:

a. All aspects of the requirements of the Motor Vehicle (type Approval) Regulations 1980

b. The Motor Vehicle (Type Approval) Regulations (Great Britain 1984).

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

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

e. All respects of British and European vehicle regulations and be 'type approved' to the requirements of the **M1 category** of European Community Whole Type Approval Directive 2007/46/EC as amended. http://www.dft.gov.uk/vca/vehicletype/index.asp

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

National Small Series Type Approval category and be unaltered since the type-approval. National Small Series Type Approval http://www.dft.gov.uk/vca/vehicletype/index.asp.

Modifications/additional equipment

No modifications to the vehicle or the fitting of additional equipment may take place without prior written consent from the licensing authority. A written application

explaining the full nature of the modification or equipment must be accompanied by appropriate information and a confirmation from the vehicle's manufactured that the modification/equipment will not compromise the vehicle's safety and specification.

Vehicle specification

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

Vehicle Licence Conditions

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

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

Licence Duration

The Council will grant both Hackney Carriage and Private Hire Vehicle Licences for a 12 month period. The Authority has power to impose conditions on both Hackney Carriage and Private Hire Vehicle licences.

Vehicle Age

Previous DfT Guidance reminds Licensing Authorities that it is perfectly possible for an older vehicle to be in good condition and that the setting of an age limit, beyond which they will not licence vehicles, may be arbitrary and disproportionate. It is, nevertheless, accepted that a greater frequency of testing may be appropriate for older vehicles, for example, twice-yearly tests for vehicles that are more than five years old.

The Council recognises the advice given by the DfT and at this stage does not intend to place any rigid age restrictions on licensed vehicles. Should this position change with the Authority the following Annexes will be added to this policy. The Vehicle Age Policy would be **Annex 14** and Exceptional Conditions to the Age Policy would be **Annex 15**.

Vehicle Emissions / Environmental Policy

Previous DfT Guidance asks Licensing Authorities to consider how far their vehicle Licensing Policies can and should support any local environmental

policies that they may have adopted, bearing in mind the need to ensure that benefits outweigh costs.

The Council aims to ensure that Hackney Carriages and Private Hire Vehicles assist in the suitable improvement of air quality. The Council has adopted the following emission standards for Hackney Carriage & Private Hire vehicles.

- New Hackney Carriage & Private Hire Vehicles licences will only be granted on vehicles that meet Euro 6 Standard.

- Transfer of Hackney Carriage & Private Hire Vehicles licences will only be granted on vehicles that meet Euro 6 standard.

- Replacement of Hackney Carriage & Private Hire Vehicle. An existing vehicle licence holder (a proprietor that has held a current licence before introduction of the policy and has continued to renew this licence) may change the vehicle on that licence if the vehicle meets minimum Euro 5 standards (unless the vehicle meets authority wheelchair accessible policy, thus meaning the vehicle meeting the lower standard of Euro 4). Vehicle licences granted after the introduction of the policy will only be granted to replace vehicles that meet Euro 6 standard.

Euro Standard	Date the standard was introduced
Euro 2	January 1996
Euro 3	1st January 2000 until 31st December 2004
Euro 4	1st January 2005 until 31st August 2009
Euro 5	1st September 2009 until 31st August 2014
Euro 6	1st September 2014

It is also important to note that some vehicle manufacturers introduced the Euro Ratings to their vehicles before the due dates above (i.e. it is possible that a vehicle could be rated as a Euro 5 before the 01/09/2009 and / 1/9/2014 depending on the make/model. Details of Euro ratings can be found on vehicle V5 or V5C log book)

The sale of new petrol and diesel cars will stop in 2030, in accordance with current Government guidance. The sale of hybrids will stop in 2035.It is

important to highlight this to trade so they can prepare long term business plans to coincide with “greener” taxis. Should a further emissions policy be introduced this will be attached to this policy as **Annex 16** – Vehicle Emissions Policy.

Vehicle Testing & Vehicle Testing Frequency

The following testing requirements are therefore proposed:

1. Hackney Carriage and Private Hire vehicles over 1 years old and less than 5 years old (from date of first registration) will be tested annually.*

2. Hackney Carriage and Private Hire Vehicles over 5 years old and under 10years old (from date of first registration) will be tested every 6 months. (Although the vehicle will be issued with a 12 month/yearly licence it will be required to pass the vehicle test 6 months from the initial test upon issue). Failure to submit the vehicle for testing before 6 months has elapsed will have their vehicle licence suspended.*

3. Hackney Carriage and Private Hire Vehicles over 10 years old (from date of first registration) will be tested every 4 months. (Although the vehicle will be issued with a 12 month/yearly licence it will be required to pass the vehicle test at every 4 monthly from the initial test upon issue). Failure to submit the vehicle for testing before each 4 monthly interval has elapsed will have their vehicle licence suspended. *

**(In cases when the Proprietor has a poor history of vehicle maintenance the Licensing Manager may determine that the vehicle(s) licenced by that proprietor is tested on a quarterly basis. Before implementing this condition, a written warning and mediation meeting will take place between the Proprietor and the Licensing Manager/ Licensing Officer.)*

4. Vehicle testing arrangements are currently through a nominated local testing station at which compliance with the requirements is assessed and confirmed by the issue of a certificate. Any authorised Officer of the Council or any Constable has the power at all reasonable times to inspect and test for the purpose of ascertaining its fitness, any Hackney Carriage or Private Hire vehicle licensed by the Council. If the Officer feels the vehicle is unfit for use as a Hackney Carriage or Private Hire Vehicle, or the vehicle is not in compliance with Taxi Legislation or the Council‘s Licensing Policy and Conditions, the vehicle’s licence may be suspended, revoked or not renewed. The Licensing Officer may refer revocations and renewals to the Licensing Panel to determine if the vehicle is fit for purpose. It should be noted that proprietors who purposely cover up brakes/moving parts etc. with under-seal,

similar product or any other method to prevent parts of the vehicle being checked, will not pass the vehicle test.

5. The vehicle will be exempt from the provisions of Section 44 of the Road Traffic Act 1972 (Annual MOT testing of vehicles) by reason Monmouthshire County Council (MCC) being in possession of a certificate issued by the Secretary of State for Transport pursuant to regulation 30(m) and 30(n) of the Motor Vehicle (Tests) Regulations 1976 as amended. The exemption from the requirement to obtain a MOT certificate will only apply following submission of the Certificate of Testing by an approved Testing Station authorised by MCC and the issue of the licence. Applicants are advised to complete the form V112 issued by the DVLA as proof they are not required to have a MOT certificate.

Insurance

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

- The vehicle must have a valid certificate of insurance for public hire and reward in respect of Hackney Carriages, and private hire and reward in respect of private hire vehicles.
- Certificates of insurance or cover notes issued to cover “any vehicle” or “any driver” must be accompanied by a schedule showing all the vehicles and drivers covered by the insurance as detailed in the certificate of insurance.
- With respect to a licensed vehicle, in the event that a proprietor fails to present to the Council a valid certificate of insurance on request the licensing authority may suspend the licence and require the proprietor of that hackney carriage or Private Hire Vehicle to return all the plates to the licensing authority subject to any appeal period.

V5 Registration Certificate

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

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

registration certificate should be obtained and submitted alongside the V5 green section.

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

Accident Reporting

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

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

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

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

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

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

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

Fares

The Licensing Authority sets the maximum rate of fares that can be charged by for hackney carriage journeys that take place within the local authority area. The current table of fares is detailed in **Annex 17.** A copy must be displayed in each vehicle.

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

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

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

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

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

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

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

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

Taximeters

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

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

Taximeters **must** be fitted to all Hackney Carriages and **may** be fitted to private hire vehicles.

Where a taximeter is fitted, it must be:

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

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

GPS meters/management & dispatch systems

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

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

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

Closed Circuit Television Cameras (CCTV)

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

This licensing authority has not mandated the use of CCTV in licensed vehicles, however, can recognise the benefits to both driver and passengers and strongly recommends drivers to obtain CCTV in their vehicles. Future consultation on the

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

Proprietors deciding to fit CCTV systems in their vehicles must ensure full compliance with the Licensing Authority's CCTV Policy details in **Annex 18.**

Video Point of Impact Systems (Dash Cam)

The licensing authority allows the use of VPIS systems in hackney carriage and private hire vehicles. The proprietor of any vehicle fitted with a VPIS system must comply with the conditions set out in **Annex 19.**

Lost Property

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

Within 48 hours of finding lost property, the driver must either hand or report the item(s) into a police station or report the lost property using Police online or phone systems.

Livery & Signage

Some members of the public do not distinguish between Private Hire Vehicles with Hackney Carriages, and do not realise that Private Hire vehicles are not available for immediate hire or able to be hailed in the street. Therefore, it is important that the public are able to easily distinguish each type of vehicle. Creating distinctive livery for Hackney Carriages helps to resolve this difficulty.

Roof-mounted signs on Private Hire vehicles are not seen as best practice even if they indicate 'pre-booked only'. This because as any roof-mounted sign is liable to create confusion with a Hackney Carriage which also has a roof mounted sign.

Monmouthshire Council licensed vehicles, both Hackney Carriages and Private Hire are required to display a 'Council' issued identity external plate to the front and rear of the vehicle. These plates will be predominantly white in colour for private hire vehicles and yellow in colour for hackney carriage. The plates must be securely fixed onto the vehicle by either nuts or bolts, self tapping screws or rivets, or indirectly by means of a bracket supplied by the Council. The vehicle will also have an interior plate that shall be fixed onto the front window in such a position as to be easily observed by the passengers. The design of the plates (livery) can be found in **Annex 20**

A Hackney Carriages licensed by the Council must carry an illuminated roof-mounted sign. The roof sign must state the word 'Tacsi' facing toward the front of the

vehicle and ‘Taxi’ facing towards the rear of the vehicle and must be illuminated when plying for hire.

Advertising

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

Where written consent has been provided, advertising is permitted on hackney carriage vehicles only in accordance with the advertising policy detailed in **Annex 21.**

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

Card Payments

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

Where a vehicle is fitted with a card payment device two, double-sided signs must be displayed, either specifying card company logos or a bilingual (English & Welsh) sign stating ‘This licensed vehicle accepts credit and debit card payments including contactless’

The sign must be positioned internally in both passenger windows.

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

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

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

Card Payments made under the provision of Private Hire Operators Apps systems can also utilised by a passenger. It should be noted if a Private Hire Operator offers such systems, it will be down to the Passenger not the driver if they wish to use cash, app or card payment system.

Accessibility

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

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

http://www.legislation.gov.uk/uksi/2000/1970/schedule/1/made

Section 167 of the Equality Act 2010 permits Local Authorities to maintain a designated list of wheelchair accessible vehicles. This licensing authority has taken the decision to maintain such a list. Which is published on the licensing authority's website. https://www.monmouthshire.gov.uk/licensing/taxi-licence/wheelchair-accessible-vehicles/

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

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

a. The date of the demonstration
b. The name and licence number of the driver
c. A signed and dated acknowledgment by the driver that the demonstrating has taken place and he/she clearly understands how to transport a passenger in a wheelchair into the vehicle

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

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

Hackney Carriage Vehicle Licence Conditions

The licensing authority has the power to impose such conditions on a hackney carriage vehicle licence as it considers reasonable, necessary and proportionate. The conditions of licence are detailed in **Annex 22.**

Horse Drawn Carriages (Hackney Carriage Only)

Horse drawn carriages may also be considered for hackney carriage use. The specification and conditions relating to horse drawn carriages are detailed in **Annex 22.**

Private Hire vehicle Licence Conditions

The licensing authority has the power to impose such conditions on a private hire vehicle licence as it considers reasonable, necessary and proportionate. The conditions of licence are detailed in **Annex 23.**

Executive Hire (Private Hire Only)

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

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

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

- Exclusive business to business contracts, i.e. to transport employees and clients on business related journeys under a written contract to a company or person.

- Bookings for certain clients (for example politicians and celebrities) who, for security or personal safety reasons, would not want the vehicle to be identifiable as a private hire vehicle.

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

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

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

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

Novelty/Special Event Private Hire Vehicles Including Limousines

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

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

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/147836/Guidance_for_Operators_of_Stretch_Limousines__2_.pdf

The specification and conditions relating to limousines is detailed in **Annex 24.**

Novelty vehicles such as vintage cars, decommissioned fire engines, Tuk Tuks, Electric and Cycle Rickshaws (pedicabs) may also be considered for private hire use. The specification and conditions relating to such vehicles are detailed in **Annex 25.**

Additional provisions for Hackney Carriages only:

Quantity Restrictions

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

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

Monmouthshire County Council has determined not to introduce Quantity Restrictions

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

Taxi Ranks (legally referred to as Hackney Carriage stands)

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

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

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

Private Hire Operators

Application process

All applications will be determined on their own merits. The application procedure for obtaining a private hire operator licence is detailed in **Annex 26.**

Licence Duration

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

Responsibilities and Fitness/Propriety of the Operator

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

The following are examples of circumstances that may affect the fitness and propriety of a Private Hire operator:

- Licensed drivers or vehicle proprietors persistently (either individually or as a group) breaching the conditions of their licence whilst working for / under the instruction of a particular operator.

- Vehicles being operated that are in an unsuitable condition.

- Failure by the operator to satisfactorily address concerns in relation to licensed drivers / vehicle proprietors (including matters related to child / adult safeguarding).

- Employment of ancillary staff where a basic DBS check has not been completed for the individual, or the results of which may pose a risk to the public.

- Loss/misuse of personal data

- Any related criminal offences

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

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

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

To assist in assessing the suitability of applicants and licence holders the licensing authority will have regard to the Institute of Licensing's '**Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades**,' *April 2018.* The guidance is detailed in **Annexe 2**.

DBS Check

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

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

Driving offences will not normally be considered as part of the assessment for private hire operator licence holders. Information contained within an enhanced DBS check

that would not be disclosed on a basic check will not be considered as part of the assessment for a private hire operator's licence.

Overseas Criminal Record Check

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

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

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

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

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

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

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

Licence Condition

The licensing authority has the power to impose such conditions on a private hire operator licence as it considers reasonable, necessary and proportionate. The conditions of licence are detailed in **Annexe 27.**

General Compliance & Enforcement

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

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

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

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

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

Licence Holder Self-Reporting

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

Disciplinary Procedure

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

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

a. **To take no action** –If relatively minor complaint with no history of poor behaviour or possible mitigating circumstances.

b. **Warning letter** -for minor/moderate complaints/offences or if a pattern of poor behaviour/conduct is evident. A warning letter may be issued where the seriousness of the complaint/offence doesn't warrant suspension or revocation. A warning letter will stay on the licence holder's file for 6 years (or a period determined appropriate by the Licensing Authority). There is no limit to the number of warning letters a driver can receive however if a driver receives 2 or more warning letters within 3 years for similar complaints the Licensing Authority may wish to consider more serious action such as a final written warning or suspension.

c. **Final written warning** – for minor/moderate complaints/offences whereby a licence holder has received a warning letter(s) regarding a similar matter.

d. **Driver required to undertake further training**. The Licensing Authority may conclude that the complaint or report against a licence holder may be due to lack of knowledge and may recommend that a licence holder undergoes further training to correct behaviour and prevent further misconduct.

e. **Prosecution** – where there is clear evidence and it is in the public interest, a licence holder may be prosecuted for offences under the relevant legislation.

f. **Suspension** –for more serious complaints/offences or cases whereby a licence holder has previously received a warning for a similar complaint/offence in the past 2 years. The length of the suspension will be determined on a case by case basis. Suspension can be considered an option where no previous warning has been issued if the Licensing Authority feel that due to seriousness of the matter it is warranted.

g. **Vehicle suspension (Stop Notice)** – a vehicle licence may be suspended when the vehicle is not meeting the licence conditions or is not roadworthy. The notice requires the vehicle to not be used as a licenced vehicle until the defect has been rectified and the notice has been lifted by the Licensing Authority

h. **Revocation** – for repeat patterns of poor conduct or behaviour where warning(s) or suspension(s) have already been issued. For serious matters whereby the Licensing Authority consider the driver is no longer a fit and proper person to hold a licence.

i. **Immediate suspension/revocation** – when it is the interest of public safety, the Licensing Authority may require the suspension/revocation to have immediate effect.

j. **Refusal to renew a licence** – as for revocation above

k. **Add further conditions onto a licence**- It may be the case that by adding further conditions to a licence would prevent the authority from suspending or revoking a licence.

Penalty Points Scheme

The Licensing Authority operates a penalty points scheme to assist consistent, transparent enforcement action against licensed drivers, vehicle proprietors and operators. The scheme is detailed in **Annex 28**

Appeals

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

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

Working in Partnership

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

The Licensing Authority also aims to work closely with the Hackney Carriage & Private Hire licensed trade to continue to professionalise the industry and improve standards of service.

Service Requests & Complaints

The Licensing Authority will investigate all service requests and complaints made against licence holders, provided details are received that will allow for establishment of the identity of the licence holder. Details would include licence holder's name, licence number, or vehicle registration number.

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

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

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

Details of how to make a complaint are found on the Council's website www.monmouthshire.gov.uk/taxi-licence

Cross Border Enforcement

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

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

- All authorities agree what level of expertise/qualification/skills is the minimum for approval of authorisation of each individual.
- All authorities establish, via their own schemes of delegation, what procedural steps need to be taken to validly authorise (i.e. chief officer's report, sub-committee or full committee decision).
- All authorities agree the form and wording of the 'letter of authorisation' and 'photo warrant card' to be issued.
- Each 'requesting council' formally requests authorisation of named individual officers.
- Each 'receiving council' obtains authorisation and provides a 'letter of authorisation' in respect of the other authority's officers.
- Each employing authority provides its own officers with a photo warrant card specifying that for the purposes of [specify Acts of Parliament] that officer [name] is a duly authorised officer of [list all authorising councils].
- Each authority provides all officers with copies of appropriate byelaws, conditions and agreed methodologies/reporting mechanisms for dealing with defective vehicles and other issues from other areas.
- Each authority seeks political and financial approval for pre-planned joint operations both with each other and police/HMRC Customs & Excise.
- Data sharing protocols, as required, be established between authorities, including standard incident reporting templates/operation logs to be used by all for consistency and scheme recording.

Any local scheme or consideration will be found on
www.monmouthshire.gov.uk/licensing/taxi-licence

Annex 1

Driver Application Procedure/guidance

An application for a Hackney Carriage and Private Hire driver's licence must be made on the specified form. The Licensing Authority will send correspondence to drivers via e-mail, although it should be noted that it is the driver's responsibility to ensure that renewal applications are undertaken in time.

To allow sufficient time for documents to be processed, applicants should ensure that the Licensing Authority receives their complete application, including the fee and any other necessary documents e.g. DBS, at least two weeks before expiry date of a driver's licence. A licence cannot be renewed following its expiry and, in such cases, the applicant will be treated as being a brand new applicant. (If a driver fails to renew the licence on time and allows the licence to lapse, it would be recognised that he/she has a clear disregard to the law and the conditions of the licence and as such may be required to resit this element of the knowledge test).

All drivers are required to have a current and valid E-mail address so the authority can undertake an electronic DBS check and send relevant appointments and reminders to applicants and drivers.

All Applications and full guidance is available on www.monmouthshire.gov.uk/licensing/taxi-licence .

Annex 2

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

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

April 2018

Institute of Licensing

Produced by the Institute of Licensing in partnership with:

LLG Lawyers in Local Government

NALEO

Local Government Association

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Foreword

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

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

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

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

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

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

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

Philip Kolvin QC
Cornerstone Barristers

April 2018

Chapter 1: Introduction

1.1 This guidance has been produced by the Institute of Licensing working in partnership with the Local Government Association (LGA), Lawyers in Local Government (LLG) and the National Association of Licensing and Enforcement Officers (NALEO), following widespread consultation. We are grateful to all three organisations for their contributions. This guidance is formally endorsed by all of those organisations.

1.2 The overriding aim of any Licensing Authority when carrying out its functions relating to the licensing of Hackney or Private Hire Drivers, Vehicle Proprietors and Operators, must be the protection of the public and others who use (or can be affected by) Hackney Carriage and Private Hire services.

1.3 The relevant legislation provides that any person must satisfy the authority that they are a fit and proper person to hold a licence and that is a test to be applied after any applicant has gained any reasonably required qualifications[1]. It is the final part of the process of an application when the decision is made, whether by a committee, sub-committee or an officer under a Scheme of Delegation. It involves a detailed examination of their entire character in order to make a judgment as to their fitness and propriety.

1.4 If a licence holder falls short of the fit and proper standard at any time, the licence should be revoked or not renewed on application to do so.

1.5 There is no recent Statutory or Ministerial guidance as to how such decisions should be approached or what matters are relevant or material to a decision. This guidance complements the LGA's Taxi and Private Hire Licensing Councillor's Handbook and any forthcoming Government guidance. Local authorities should also be aware of the forthcoming National Anti Fraud Network database on refusals and revocations of hackney carriage and private hire licences.

1.6 This document is intended to provide guidance on determining suitability, taking into account the character of the applicant or licensee. It can then be used by local authorities as a basis for their own policies: in particular it considers how regard should be had to the antecedent history of the applicant or licence holder and its relevance to their 'fitness and propriety' or 'character'. As with any guidance it need not be slavishly followed but it provides a starting or reference point from which decisions can be made taking into account the particular merits of each case.

1.7 A licensing authority policy can take a 'bright line approach' and say "never" in a policy, but it remains a policy, and as such does not amount to any fetter on the discretion of the

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

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

1.8 In Chapter 2 this Guidance explores the current thinking behind an individual's tendencies to reoffend. It is clear that this is not an exact science and that there is no meaningful and precise statistical evidence that can assist in the setting of policy. Given the important function of licensing to protect the public, any bar should be set at the highest level which is reasonable, albeit subject to the exercise of discretion as is set out in paragraph 1.7 and Chapters 3 and 4.

1.9 This Guidance contains no detailed list of offences. All offences are allocated to a general category such as 'dishonesty' or 'drugs'. This prevents it being argued that a specific offence is not covered by the Policy as it 'is not on the list' and also prevents arguments that a firearm is more serious than a knife and should lead to differentiation. In each case, appropriate weight should be given to the evidence provided.

1.10 This Guidance cannot have the force of legislation, new or amended; the need for which is both abundantly clear to, and fully supported by the Institute and the other organisations working with it. It is intended to help local authorities achieve greater consistency so that applicants are less able to shop between authorities. It is acknowledged that this cannot be fully achieved without the imposition of national minimum standards.

1.11 In preparing this document the Institute's Working Party has consulted with and considered the issues from all perspectives including, Councillors, Licensing Officers, Lawyers, the Hackney Carriage and Private Hire Trades, Academics, the Probation Service and the Police.

[2] [2007] 1 WLR 2067

Chapter 2: Offenders and Offending - An Overview

2.1 The aim of local authority licensing of the taxi and PHV trades is to protect the public'.[3] With this in mind, Public Protection must be at the forefront of the decision maker's mind when determining whether an individual is considered a "fit and proper person" to hold a licence.

2.2 This section aims to provide a brief overview of public protection, how to determine risk and factors to be considered when an applicant seeks to demonstrate a change in their offending behaviour.

2.3 The licensing process places a duty on the local authority to protect the public. Given the nature of the role, it is paramount that those seeking a living in the trades meet the required standards. As the previous offending behaviour can be considered as a predictor in determining future behaviour as well as culpability, it is essential that the decision maker considers all relevant factors including previous convictions, cautions and complaints and the time elapsed since these were committed.

2.4 There has been extensive research into the reasons behind why some individuals commit crimes, why some learn from their mistakes and stop offending whilst others find themselves in a cycle of repeat offending. Several theories have evolved over many years offering insight into the reasons behind offending behaviour. One common theme is that no two crimes are the same and that risk cannot be eliminated, or the future predicted. What can be done, is to examine each case on its individual merits, look at the risks involved along with any change in circumstances since any offences were committed to assist in making the decision.

2.5 A key factor when considering an application from an individual with any convictions, cautions or complaints recorded is Public Protection. This includes assessing the risk of re-offending and harm[4]. Risk assessment tools are regularly employed by those who are responsible for managing individuals who have committed offences. Local Authorities are not always privy to this information so it is important when they are making decisions around suitability that they have an understanding of offending behaviour and risk of re-offending in generic terms.

[3] DfT "Taxi and Private Hire Licensing – Best Practice Guide" para 8

[4] Kemshall, H. (2008). Understanding the Management of High Risk Offenders (Crime and Justice). Open University Press

2.6 Flaud[5] noted that risk is in principle, a matter of fact, but danger is a matter of judgment and opinion. He goes on to note that risk may be said to be the likelihood of an event occurring; danger may be the degree of damage (harm) caused should that event take place[6].

2.7 The National Offender Management Service refers to risk in two dimensions. That being the likelihood that an offence will occur, and the impact / harm of the offence should it happen. Generally, when making a decision around probability and likelihood of re-offending, consideration is needed towards static and dynamic factors.

2.8 Static factors are historical and do not change such as age, previous convictions and gender. They can be used as a basis for actuarial assessments and are fundamental in considering an individual's potential to reoffend in future[7]. For example, recent published statistics revealed that 44% of adults are reconvicted within one year of release. For those serving sentences of less than twelve months this increased to 59%[8]. It is also widely accepted that generally persons with a large number of previous offences have a higher rate of proven reoffending than those with fewer previous offences[9].

2.9 Dynamic factors are considered changeable and can vary over time. They include attitudes, cognitions and impulsivity[10]. It is documented that the greater their unmet need, the more likely an individual is to re-offend. When considering whether an individual has been rehabilitated, it is important to have regard towards the motivation behind their offending and dynamic risk factors present at the time, against the steps taken to address such factors thus reducing the risk of re-offending.

2.10 It is of note that problems and/or needs are more frequently observed in offender populations than in the general population[11]. Many of these factors are interlinked and embedded in an individual's past experiences. This can impact upon that person's ability to change their behaviour, particularly if the areas identified have not been addressed or support has not been sought. Needs will vary from individual to individual and will rely upon their level of motivation and the nature of the offence committed.

[5] Flaud, R. (1982). Cited in, Gendreau, P., Little, T. and Goggin, C. (1996). A meta-analysis of the predictors of adult offender recidivism: what works! Criminology, 34, 557-607.
[6] Gendreau, P., Little, T. and Goggin, C. (1996). A meta-analysis of the predictors of adult offender recidivism: what works! Criminology, 34, 557-607.
[7] Craig, L. A. and Browne, K. B (2008). Assessing Risk in Sex Offenders: A Practitioner's Guide Paperback.
[8] Ministry of Justice (2017) Proven reoffending statistics: July 2014 to June 2015, London: Ministry of Justice.
[9] Ministry of Justice (2015): Transforming Rehabilitation: a summary of evidence on reducing reoffending. London: Ministry of Justice.
[10] McGuire, J. (2008). A review of effective interventions for reducing aggression and violence. Philosophical Transactions of the Royal Society B: Biological Sciences, 363(1503), 2577-2597
[11] Nash, M. (1999) Police, Probation and Protecting the Public. London: Blackwell Press.

Risk of re-offending:

2.11 The issue of recidivism and increase in serious crime rates has given rise to extensive publications, theories and changes in legislation with many focusing upon the need for more rehabilitation projects as a means of reducing re-offending rates. Central to the rehabilitation of offenders is the concept of criminogenic needs. This has been described by the National Offender Management Service as "any area where the offender has needs or deficits, in which a reduction in the need or deficit would lead to a reduction in the risk of re-conviction. An individual's ability to address and reduce such needs relies heavily upon their motivation to change and desist and often takes place over a period of time"[12].

2.12 Kurlychek, 2007 in her study noted that "a person who has offended in the past has been found to have a high probability of future offending, but this risk of recidivism is highest in the time period immediately after arrest or release from custody and, thereafter, decreases rapidly and dramatically with age"[13].

2.13 A consistent finding throughout criminological literature is that male offenders tend to desist from crime aged 30 years and over[14]. It is well documented that the change occurs for various reasons; for example, as a result of successful treatment, natural maturation or the development of positive social relationships[15]. Female offenders are also considered more likely to desist from offending as they mature. The peak age of reported offending for females was 14 compared to 19 for males[16] .

2.14 Desisting from crime for people who have been involved in persistent offending is a difficult and complex process, likely to involve lapses and relapses. Some individuals may never desist[17]. As a result, it is important for individuals to evidence change in their behaviour before they can be considered to present a low or nil risk of re-offending. Often the only way of achieving this is through lapse of time.

2.15 The longer the time elapsed since an offence has been committed, the more likely the individual will desist from crime. It is noted that the more a life is lived crime-free, the more one comes to see the benefits of desistance[18]. Demonstrating a change in offending behaviour and an ability to make effective choices takes time and comes with some

[12] National Offender Management Service (20160. Public Protection Manual Edition. Proven Reoffending Statistics Quarterly Bulletin, October 2015 to December 2015

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

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

[15] Nash, M. (1999) Police, Probation and Protecting the Public. London: Blackwell Press.

[16] Trueman, C.N. (2015). Women and Crime. The History Learning Site. Ingatestone: Essex.

[17] Farrell, S (2005). Understanding Desistance from Crime: Emerging Theoretical Directions in Resettlement and Rehabilitation (Crime and Justice) Paperback.

[18] Maguire, M., Morgan, R. and Reiner, R. (2002). The Oxford Handbook of Criminology. 3rd Edition. Oxford: Oxford University Press.

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

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

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

Chapter 3: 'Taxi' Licensing Overview

3.1 Taxis are used by almost everyone in our society occasionally, but they are used regularly by particularly vulnerable groups: children; the elderly; disabled people; and the intoxicated, and a taxi driver has significant power over a passenger who places themselves, and their personal safety, completely in the driver's hands.

3.2 Local authorities (districts, unitaries and Welsh Councils) and TfL are responsible for hackney carriage and private hire licensing.

3.3 The principal legislation is the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The purpose of taxi licensing is detailed in the DfT *"Taxi and Private Hire Licensing – Best Practice Guide"* para 8 which states:

> "The aim of local authority licensing of the taxi and PHV trades is to protect the public."

3.4 Within the two licensing regimes, there are 5 types of licence: hackney carriage vehicle; private hire vehicle; hackney carriage driver; private hire driver and private hire operator.

3.5 In relation to all these licences, the authority has a discretion over whether to grant. Whilst there is some guidance issued by the DfT, there are no national standards.

3.6 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a "fit and proper person" to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).

3.7 There are no statutory criteria for vehicle licences; therefore, the authority has an absolute discretion.

3.8 In each case, the authority has powers to grant a licence, renew it on application and, during the currency of the licence, suspend or revoke it.

3.9 What is the role of each of these, and how do authorities determine an application, or take action against a licence?

Taxi Drivers

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

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

3.11 An applicant must hold a full DVLA or equivalent driver's licence, have the right to work in the UK, and be a "fit and proper" person[20].

3.12 The driving licence element is a question of fact. Although there are some issues with foreign driving licences, ultimately a person either has, or does not have a driving licence.

3.13 An applicant must also have the right to remain, and work in the UK[21].

3.14 Again, this is ultimately a question of fact and the local authority should follow the guidance issued by the Home Office.[22]

3.15 It is the whole issue of "fit and proper" that causes local authorities the most difficulties. It has never been specifically judicially defined but it was mentioned in *Leeds City Council v Hussain*[23]. Silber J said:

> "'... the purpose of the power of suspension is to protect users of licensed vehicles and those who are driven by them and members of the public. Its purpose [and], therefore [the test of fitness and propriety], is to prevent licences being given to or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their employment to abuse or assault passengers."

3.16 This is reflected in a test widely used by local authorities:

> 'Would you (as a member of the licensing committee or other person charged with the ability to grant a hackney carriage driver's licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?'[24]

3.17 It is suggested that the expression "safe and suitable" person to hold a driver's licence is a good interpretation which neither adds nor removes anything from the original term of "fit and proper" but brings the concept up to date.

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[20] Local Government (Miscellaneous Provisions) Act 1976. Section 51(1) covers private hire drivers, and section 59(1) covers hackney carriage drivers.
[21] Local Government (Miscellaneous Provisions) Act 1976 S51(1)(a)(ii) in respect of private hire drivers and S59(1)(a)(ii) in respect of hackney carriage drivers.
[22] "Guidance for Licensing Authorities to Prevent Illegal Working in the Taxi and Private Hire Sector in England and Wales" - Home Office, 1st December 2016 available at https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks
[23] [2002] EWHC 1145 (Admin), [2003] RTR 199
[24] Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 10.21

3.18 How can a local authority assess and then judge whether or not someone is safe and suitable to hold a drivers' licence?

3.19 The local authority has the power to require an applicant to provide:

> "such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence."[25]

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

3.20 Some of these are universal, such as medical assessments[26]. Others are required by some authorities, but not others. These include:

- Enhanced DBS certificates and sign-up to the update service;
- Knowledge tests;
- Driving tests;
- Disability Awareness;
- Signed Declarations;
- Spoken English tests.

3.21 The provision of information in these terms can satisfy the local authority that a person has the skills and competencies to be a professional driver to hold a licence. However, the concepts of safety and suitability go beyond this. There is the character of the person to be considered as well.

3.22 Both hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no "spent" convictions and that any and all criminal convictions (apart from "protected convictions" and "protected cautions" where they have been declared[27]) 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[28].

3.23 All Applicants/Licensees should be required to obtain an Enhanced DBS Certificate with Barred Lists checks[29] and to provide this to the Licensing Authority. All Licensees should also be required to maintain their Certificates through the DBS Update Service throughout the currency of their licence.

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[25] Local Government (Miscellaneous Provisions) Act 1976 s57(1)
[26] See Local Government (Miscellaneous Provisions) Act 1976 s57(2)
[27] "Protected convictions" and "protected cautions" are single, minor and elderly matters that do not appear on any DBS Certificates.
[28] See *Adamson v Waveney District Council* [1997] 2 All ER 898
[29] "For Taxi [driver] Licensing purposes the correct level of check is always the Enhanced level check, with the Adults and Children's Barred list check. Other Workforce should always be entered at X61 line 1 and Taxi Licensing should be entered at X61 line 2" DBS email 31st August 2017.

3.24 If any applicant has, from the age of 10 years, spent six continuous months or more living outside the United Kingdom, evidence of a criminal record check from the country/countries covering the relevant period should be required.

3.25 Local authorities should have a policy to provide a baseline for the impact of any convictions, cautions or other matters of conduct which concern a person's safety and suitability[30].

3.26 The character of the driver in its entirety must be the paramount consideration when considering whether they should be licensed. It is important to recognise that local authorities are not imposing any additional punishment in relation to previous convictions or behaviour. They are using all the information that is available to them to make an informed decision as to whether or not the applicant or licensee is or remains a safe and suitable person.

3.27 There are occasions where unsuitable people have been given licences by local authorities, or if refused by the authority, have had it granted by a court on appeal.

3.28 Often this is because of some perceived hardship. Case law makes it clear that the impact of losing (or not being granted) a driver's licence on the applicant and his family is not a consideration to be taken into account[31]. This then leads to the question of whether the stance taken by local authorities is robust enough to achieve that overriding aim of public protection.

3.29 However, all too often local authorities depart from their policies and grant licences (or do not take action against licensees) without clear and compelling reasons. It is vital that Councillors recognise that the policy, whilst remaining a policy and therefore the Authority's own guidelines on the matter, is the baseline for acceptability. It should only be departed from in exceptional circumstances and for justifiable reasons which should be recorded.

3.30 One common misunderstanding is that if the offence was not committed when the driver was driving a taxi, it is much less serious, or even if it was in a taxi but not when passengers were aboard. This is not relevant: speeding is dangerous, irrespective of the situation; drink driving is dangerous, irrespective of the situation; bald tyres are dangerous, irrespective of the situation. All these behaviours put the general public at risk. Violence is always serious. The argument that it was a domestic dispute, or away from the taxi, is irrelevant. A person who has a propensity to violence has that potential in every situation. Sexual offences are always serious. A person who has in the past abused their position (whatever that may have been)

[30] As recommended by the DfT "Taxi and Private Hire Licensing – Best Practice Guide" para 59
[31] *Leeds City Council v Hussain* [2002] EWHC 1145 (Admin), [2003] RTR 199 and *Cherwell District Council v Anwar*[2011] EWHC 2943 (Admin)

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

3.31 Applicants may claim that they have sought employment in other fields and been precluded as a result of their antecedent history particularly if that contains convictions. They therefore seek to become a licensed driver as an occupation of last resort. This is unacceptable as the granting of a licence would place such a person in a unique position of trust. The paramount responsibility of a licensing authority is to protect the public, not provide employment opportunities.

3.32 Licensees are expected to demonstrate appropriate professional conduct at all time, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. In no circumstances should Licensees take the law into their own hands. Licensees are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.

3.33 There are those who seek to take advantage of vulnerable people by providing services that they are not entitled to provide; for example, by plying for hire in an area where they are not entitled to do so. Licensees are expected to be vigilant of such behaviour and to report any concerns to the Police and the relevant licensing authority. Passengers should feel confident to check that the person offering a service is entitled to do so. Licensees should willingly demonstrate that they are entitled to provide the offered service by, for example, showing their badge.

3.34 As a society, we need to ask the question "who is driving my taxi?" and be secure in the knowledge that the answer is "a safe and suitable person". The vast majority of drivers are decent, law abiding people who work very hard to provide a good service to their customers and the community at large. However poor decisions by local authorities and courts serve to undermine the travelling public's confidence in the trade as a whole. Unless local authorities and the courts are prepared to take robust (and difficult) decisions to maintain the standards the local authority lays down, and in some cases tighten up their own policies, the public cannot have complete confidence in taxi drivers. This is detrimental to all involved.

Private Hire Operators

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

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

3.36 As with taxi drivers the role of the PHO goes far beyond simply taking bookings and dispatching vehicles. In the course of making the booking and dispatching the vehicle and driver, the PHO will obtain significant amounts of personal information. It is therefore vital that a PHO is as trustworthy and reliable as a driver, notwithstanding their slightly remote role. Hackney carriages can also be pre-booked, but local authorities should be mindful that where that booking is made by anybody other than a hackney carriage driver, there are no controls or vetting procedures in place in relation to the person who takes that booking and holds that personal information.

3.37 How then does a local authority satisfy itself as to the "fitness and propriety" or "safety and suitability" of the applicant or licensee?

3.38 Spent convictions can be taken into account when determining suitability for a licence, but the applicant (or licensee on renewal) can only be asked to obtain a Basic Disclosure from the Disclosure and Barring Service.

3.39 Although this is by no means a perfect system, it does give local authorities a reasonable basis for making an informed decision as to fitness and propriety of an applicant or existing licensee.

3.40 To enable consistent and informed decisions to be made, it is important to have a working test of fitness and propriety for PHOs and a suitable variation on the test for drivers can be used:

> "Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?"[34]

3.41 There is a further point to consider in relation to PHOs and that concerns the staff used on the telephones and radios. There is no reason why a condition cannot be imposed on a PHO licence requiring them to undertake checks on those they employ/use within their company to satisfy themselves that they are fit and proper people to undertake that task and retain that information to demonstrate that compliance to the local authority. Any failure on the part of the PHO to either comply with this requirement, or act upon information that they

[32] See *Dittah v Birmingham City Council, Choudhry v Birmingham City Council* [1993] RTR 356 QBD
[33] Section 55(1) Local Government (Miscellaneous Provisions) Act 1976
[34] Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 12.35

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

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

Vehicle Proprietors

3.43 Similar considerations apply to the vehicle proprietors, both hackney carriage and private hire (referred to here generically as "taxis"). Although the vehicle proprietor may not be driving a vehicle (and if they are they will be subject to their own fitness and propriety test to obtain a driver's licence), they clearly have an interest in the use of the vehicle. They will also be responsible for the maintenance of the vehicle, and vehicles that are not properly maintained have a clear impact on public safety.

3.44 Taxis are used to transport people in many circumstances, and are seen everywhere across the United Kingdom, at all times of the day and night, in any location. Therefore, taxis could provide a transportation system for illegal activities or any form of contraband, whether that is drugs, guns, illicit alcohol or tobacco, or people who are involved in or are the victims of illegal activity, or children who may be at risk of being, or are being, abused or exploited.

3.45 In relation to both hackney carriages and private hire vehicles, the local authority has an absolute discretion over granting the licence[36] and should therefore ensure that both their enquiries and considerations are robust. It is much more involved than simply looking at the vehicle itself and it is equally applicable on applications to transfer a vehicle as on grant applications.

3.46 Again, this is not an exempt occupation for the purposes of the 1974 Act, but exactly the same process can be applied as for private hire operators – Basic DBS, statutory declaration and consideration of spent convictions. This can then be used in the light of a similar policy in relation to suitability as the authority will already have for drivers and PHOs.

3.47 A suitable test would be:

> "Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be

[35] See s57(1)(c) of the 1976 Act.
[36] S37 of the 1847 Act in relation to hackney carriages; section 48 of the 1976 Act to private hire vehicles.

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

[37] Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 8.98

Chapter 4: Guidance on Determination

4.1 As is clear from the overview of Offenders and Offending above, there is no evidence which can provide precise periods of time which must elapse after a crime before a person can no longer be considered to be at risk of reoffending, but the risk reduces over time. In light of that, the suggested timescales below are intended to reduce the risk to the public to an acceptable level.

4.2 Many members of our society use, and even rely on, hackney carriages and private hire vehicles to provide transportation services. This can be on a regular basis, or only occasionally, but in all cases passengers, other road users and society as a whole must have confidence in the safety and suitability of the driver, the vehicle itself and anyone involved with the booking process.

4.3 Ideally, all those involved in the hackney carriage and private hire trades (hackney carriage and private hire drivers, hackney carriage and private hire vehicle owners and private hire operators) would be persons of the highest integrity. In many cases that is true, and the vast majority of those involved in these trades are decent, upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.

4.4 The purpose of this document is to offer guidance on how licensing authorities can determine whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence. As outlined above, a policy can be robust, and if necessary, say never, and each case is then considered on its own merits in the light of that policy.

Pre-application requirements

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

Vehicles:

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

Drivers:

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

Operators:

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

4.6 In relation to each of these licences, the licensing authority has discretion as to whether or not to grant the licence.

4.7 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a "fit and proper person" to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).

4.8 There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a hackney carriage or private hire proprietor's licence.

4.9 "Fit and proper" means that the individual (or in the case of a private hire operator's licence, the limited company together with its directors and secretary, or all members of a partnership[38]) is "safe and suitable" to hold the licence.

4.10 In determining safety and suitability the licensing authority is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person's behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual's attitude and temperament.

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

4.11 Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction[39]. Fixed penalties and community resolutions will also be considered in the same way as a conviction[40].

4.12 It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.

4.13 In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.

4.14 In all cases, the licensing authority will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.

4.15 Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.

4.16 As the licensing authority will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.

4.17 In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.

4.18 Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated

[39] This is because a caution can only be imposed following an admission of guilt, which is equivalent to a guilty plea on prosecution.
[40] This is because payment of a fixed penalty indicates acceptance of guilt, and a community resolution can only be imposed following an admission of guilt.

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

4.19 It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.

4.20 Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.

4.21 As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.

4.22 Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.

4.23 Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.

4.24 These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

Drivers

4.25 As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.

4.26 A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

4.27 As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.

4.28 In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

Crimes resulting in death

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

Exploitation

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

Offences involving violence

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

Possession of a weapon

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

Sex and indecency offences

4.33 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.

4.34 In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

Dishonesty

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

Drugs

4.36 Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

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

Discrimination

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

Motoring convictions

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

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

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

4.41 Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Other motoring offences

4.42 A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

4.43 A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Hackney carriage and private hire offences

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

Vehicle use offences

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

Private Hire Operators

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

4.47 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.

4.48 Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority's overall criteria, that will lead to the operator's licence being revoked.

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

Vehicle proprietors

4.50 Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.

4.51 Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.

4.52 Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.

4.53 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.

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

Acknowledgements

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

The core project group comprised:

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

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

The Institute is delighted to have the Local Government Association, the National Association of Licensing and Enforcement Officers and Lawyers in Local Government contributing to and supporting this project with IoL.

The Institute is also grateful to others who have contributed to the work of the project group, including former probation officer Hannah Jones (now Housing Officer at Flintshire Council) who has assisted the group in providing the chapter on 'Offenders and Offending'.

This project has been further enhanced by invaluable contributions from the following individuals and organisations:

- Ellie Greenwood and Rebecca Johnson, Local Government Association
- Tim Briton, Lawyers in Local Government
- Ben Atrill
- Suzy Lamplugh Trust
- Councillor Richard Wright, North Kesteven District Council
- Professor of Criminology Fiona Measham, Durham University
- Councillor Philip Evans, Conwy County Borough Council
- Councillors Catriona Morris and Mick Legg, Milton Keynes Council
- Louise Scott Garner
- Jenna Parker, Institute of Licensing

Finally, grateful thanks go to all those who responded to the initial fact-finding survey and the subsequent consultation on the draft guidance.

Institute of Licensing
Egerton House
2 Tower Road
Birkenhead
CH41 1FN
T: 0151 650 6984
E: info@instituteoflicensing.org

The Institute of Licensing (IoL) is the professional body for licensing practitioners across the UK.
www.instituteoflicensing.org

The Local Government Association (LGA) is the national voice of local government.
www.local.gov.uk

Lawyers in Local Government (LLG). www.lawyersinlocalgovernment.org

National Association of Licensing and Enforcement Officers (NALEO). www.naleo.org.uk

Table of delegation

Delegation Caution or Conviction	**Licensing Panel /Licensing Sub Committee**	**Licensing Manager/Principal Officer**
Crime Resulting in Death		X
Exploitation		X
Offences Involving Violence		X
Possession of a weapon		X
Sex & Indecency Offences		X
Dishonesty		X
Drugs		X
Discrimination		X
Motoring Convictions (Minor)	X (7 points +)	X (under 7 points)
Motoring Convictions (Major)	X (Licence drivers or renewals)	X(New applicants)
Drink Driving		X
Driving Under the Influence of Drugs		X
Using a Handheld Telephone or Handheld Device whilst Driving.	X	
Hackney Carriage & Private Hire Offences	X	
Vehicle Use Offences	X	
Private Hire Operators	X	X (To add further conditions to Operator's Licence if agreed by the Operator also to suspend the Operator's Licence in the interest of Safeguarding)
Vehicle Proprietors	X	
Other Matters to be Considered, for example conduct of drivers.	X	X (Matters relating Safeguarding * see below)
Matters that fall outside the above policies but are required to be determined in the interests of public safety or the Licensing Manager may if they feel it appropriate to refer any applicant or driver to the Licensing Panel for its consideration in interest of public safety if for any reason the Manager feels he/she cannot determine such an application.	X	

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

Though where considered a matter of urgency regarding safeguarding matters* by Licensing Manager or in their absence a Senior Officer, that the Licensing Manager is required to report to can revoke a Hackney Carriage or Private Hire Drivers Licence.

The Licensing Manager will determine, on receipt of a report from Licensing Officer, 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.

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 Licensing Manager. The responsibility to meet these 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 Licensing Manager.

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 Licensing Manager.

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 Licensing Manager. 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.

Annex 3

Taxi and private hire vehicles: Equality Act medical exemption policy

Hackney Carriage and Private Hire Driver Equality Act 2010 Medical Exemptions Policy

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

Assistance Dogs

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

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

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

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

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

Exemption from carrying assistance dogs which accompany disabled persons, can only be sought on medical grounds. Therefore, applicants will need to demonstrate the grounds for applying this exemption by providing medical evidence to the Licensing Authority.

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

i) if they have a condition such as severe asthma, that is aggravated by contact with dogs.

ii) if they are allergic to dogs; or

iii) if they have an acute phobia to dogs.

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

To apply for an exemption for the carriage of assistance dogs, a required form must be completed by a Specialist Medical Practitioner. The form can be obtained online or requested from the Licensing Authority

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

i) specialist / consultant.

ii) specialist nurse (for example, an asthma nurse).

iii) practice nurses; or

iv) the Council's nominated independent doctor.

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

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

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

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

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

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

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

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

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

Wheelchairs

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

The types of assistance that may be required include:

- If the passenger wishes to remain in the wheelchair, the driver must help the passenger to get in and out of the vehicle and secure the wheelchair in accordance with the vehicle specification.
- If the passenger wants to transfer to a seat, the driver must help him or her to get out of the wheelchair and into a seat and back into the wheelchair; the driver must also load the wheelchair into the vehicle together with any luggage.

A driver who fails to comply with any of the above duties without valid defence will commit a criminal offence and may be fined up to £1,000 for each offence on conviction. Offences may also lead to revocation or suspension of taxi licences.

A ‘reference wheelchair’ is defined in statute as having the following dimensions: Length: 1200mm (approx. 48”) including footplates Width: 700mm (28”) Total seated height: 1350mm (54”) Height of footrest: 150mm (6”)

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

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

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

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

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

Any costs incurred in this process will be borne by the applicant.

Licensing Authority Decision

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

Applicant's that have a temporary condition will be granted a time limited exemption certificate. If the applicant wishes to extend the period of exemption a further medical assessment, will need to be completed prior to the expiration of the exemption certificate.

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

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

Appeal

Any driver aggrieved by the Licensing Authority's decision to refuse the issue of a medical exemption certificate may appeal to the Magistrates' Court within 21 days of the date of the refusal.

Taxi and PHV (Disabled Persons) Act 2022

Previously, drivers of designated Wheelchair Accessible vehicles (WAVs) could apply for an exemption certificate on medical grounds or where their physical condition makes it impossible or unreasonably difficult to perform the section 165 duties under the Equality Act 2010. (As highlighted above)

From the 28 June 2022 The Taxi and PHV (Disabled Persons) Act 2022 came into force.

That now means **All Hackney Carriage and Private Hire drivers (Not just drivers of WAV Vehicles)** may apply for an exemption certificate and notice on medical grounds or where their physical condition prevents them from performing the mobility assistance duties at sections 164a and 165 (as added/amended by the 2022 Act).

• Both existing and new exemption notices, when displayed correctly, will exempt a driver **only** from the **mobility assistance** duties at sections 164a and 165 – meaning, for example, that a driver's medical condition can no longer be used as a justification for charging a disabled person more than a non-disabled person.

From 28 June 2022, all Hackney Carriage and Private Hire Driver and operators – regardless of whether the vehicle is wheelchair accessible – will be subject to duties under the Equality Act. The main changes set out below.

Hackney Carriage and Private Hire drivers will be required to:

• Accept the carriage of any disabled person, provide them with reasonable mobility assistance, and carry their mobility aids, all without charging any more than they would for a non-disabled passenger.

• Provide any disabled passenger who requests it with assistance to identify the vehicle they have booked, at no extra charge.

Private Hire operators will be required to:

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

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

Drivers who believe that they are unable to provide mobility assistance will need to make an application to the Licensing Team for an exemption certificate from providing reasonable assistance to disabled passengers. Please note that this position will have to be certified by your Medical Physician or GP. The application form for exemption is available at **www.monmouthshire.gov.uk/licensing/taxi-licence** or by contacting the licensing team licensing@monmouthshire.gov.uk

Annex 4

Right to Work guidance

The Authority will only grant a Hackney Carriage/Private Hire driver's licence to those who have the right to work within the UK in accordance with national legislation. Drivers will be required to provide evidence to the Authority regarding their immigration status in line with Government Guidance or Legislation.

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

Annex 5

Hackney Carriage/Private Hire Driver Code of Conduct.

This Code should be read in conjunction with the other statutory and Policy requirements set out in this document, it should be noted these are **not conditions. Though as Fit and Proper and Professional drivers should comply with the code.**

Responsibility to the Trade:

Licence holders shall endeavour to promote the image of the hackney carriage and private hire trades by:

- Complying with this Code of Good Conduct.
- Complying with all the Conditions of their Licence, Byelaws and the Authority's Hackney Carriage and Private Hire Licensing Policy.
- Behaving in a civil, orderly and responsible manner at all times.

Responsibility to Clients:

Licence holders shall:

- Maintain their vehicles in a safe and satisfactory condition at all times. Carry out frequent checks of vehicles to ensure compliance with Motor Vehicles Construction and Use Regulations to ensure that the vehicle is a roadworthy condition prior to carrying passengers. Where faults of any description are identified which undermine the roadworthy condition of the vehicle, the driver should not drive the vehicle until such time as the fault has been rectified.
- keep their vehicle clean and suitable for hire to the public at all times.
- Attend punctually when undertaking pre-booked fares.
- Assist, passengers into and out of vehicle where necessary
- Provide passengers reasonable assistance with luggage.
- The driver should have no sexual contact or be sexually explicit, either physically or verbally towards passengers they are transporting. The driver shall at all times ensure that the hirer/passenger is cared for and must not knowingly put them any position that could lead to any physical or moral danger. Any suspicious behaviour or circumstances must be reported to a relevant authority, e.g. Police, Children's Services or licensing officers.
- To be professional and understanding to other road users
- To be polite and courteous to passengers
- Not use a handheld mobile phone are similar devices whilst driving
- Be smart and clean in appearance
- Have awareness of personal hygiene
- Transport passengers by the shortest available route

1. **Responsibility to Residents:**

To avoid nuisance to residents when picking up or waiting for a fare a driver shall:

- not sound the vehicle's horn between 11:30 pm and 07:00am unless danger is presented by another road user or from a stationary vehicle).
- keep the volume of music media player or VHF radio to a minimum
- switch-off the vehicle's engine if required to wait, unless vehicle is installed with stop/start technology.
- Take whatever additional action is necessary to avoid causing disturbance to residents in the neighbourhood.
- Pick up and drop off safely and without risk to pedestrians and other road users.

2. Responsibilities at Ranks and Offices

Licence holders shall:

- Rank in an orderly manner and proceed along the rank promptly
- Remain in attendance of the vehicle
- Not allow their music media players or radios to cause disturbance to residents of the neighbourhood.
- Private Hire Vehicles are not permitted to park or block a Hackney Carriage Rank or vehicle.

5. General

Drivers shall:

- Attend to their personal hygiene and dress so as to present a professional image to the public.
- be polite, helpful and fair to passengers
- drive with care and due consideration for other road users and pedestrians
- obey all traffic regulation orders and directions at all time
- not eat in the vehicle in the presence of customers; and
- Respect authorised Officers during the execution of normal course of their normal duties.
- Within 48 hours of finding lost property, the driver must either hand or report the item(s) into a police station or report the lost property using Police online or phone systems.
- The licensee shall notify the Council immediately in writing (or in any case within 48 hours) if they are subject to any of the following:

•Arrest or criminal investigation,
• summons,
• charge,
• conviction,
• formal/simple caution,
• fixed penalty or speed awareness course,
• criminal court order,
• criminal behaviour order or anti-social behaviour injunction,
• domestic violence related order,
• warning or bind over
• any matter of restorative justice and shall provide such further information about the circumstances as the Council may require.

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

Drivers should inform the Council of any changes of address within 5 working days.

Drivers should inform council of any change of operator within 5 working days.

6. Conduct when working with Vulnerable Passengers

A vulnerable passenger is a passenger whose age or disability means that they are more susceptible to harm than a typical passenger. This may be a child, an elderly person or somebody with learning difficulties. Additionally a person should be considered as vulnerable if their condition is such as to render them more susceptible to harm than may otherwise be the case (e.g. physical or mental illness, as a result of being under the influence of drugs or alcohol).

This code of conduct aims to promote good safeguarding practice for drivers and staff working with vulnerable passengers in the taxi or private hire trade. The following safeguarding principles should be embedded into driver working practice:

- Drivers must carry photo ID at all times and wear it in accordance with the conditions of licence.
- A vulnerable passenger should not be transported in the front passenger seat of the vehicle, unless directed to do so by a Licensing Officer/ Police or Operator.
- The driver / operator must confirm that appropriate provision has been made for the vulnerable person prior to accepting the booking or commencing the journey. This does not necessarily mean that the driver / operator is responsible for the provision of appropriate measures, however if appropriate measures are not in place, then the driver / operator must not undertake the journey.
- If a vulnerable passenger is refused service a responsible person should be informed so that alternative arrangements can be made. For example, this situation may arise if the customer has an assistance dog, and the driver has a medical exemption granted by the council.
- Drivers should always ask if a vulnerable passenger needs help and should not make assumptions.
- Drivers must remain professional at all times
- Should not touch passengers, unless the passenger requires assistance
- Should not use inappropriate or offensive language (swearing or sexualised discriminatory comments)
- Cause any passenger to feel intimidated or threatened.
- Attempt to use any passenger details recorded by the operator for any reason other than associated with that Private Hire Contract.
- Drivers should not behave in an over familiar manner with any passenger and under no circumstances provide any gift or gratuity.
- Drivers should not deviate from the journey allocated to them by their Operator.

These standards are equally applicable when working with vulnerable and non-vulnerable passengers.

- A log should be kept by drivers where there has been an incident occurring / actions taken or refusals of service involving a vulnerable person.
- When a service has been provided to a vulnerable passenger, drivers and operators must remain alert to issues around the safeguarding of children and vulnerable adults. If a driver/operator is concerned about the safety, welfare or behaviour of a vulnerable person, they should report this to the police by telephoning 101 (or in appropriate cases by calling 999).
- If drivers/operators are concerned about someone else's conduct, they should report the concerns to the Council's Licensing Service or Police.

Annex 6.

Hackney Carriage/Private Hire Driver Dress Code

It is recognised that the taxi trade, both Hackney Carriage and Private Hire, plays an important role in portraying a positive image of the area and drivers can be seen as key ambassadors for Wales & Monmouthshire.

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

Though no formal dress code will be set out in this policy, drivers are reminded to dress in a professional manner and have appropriate hygiene at all times when carrying member of the public. Any wording or motif upon clothing must not be of an offensive nature.

Annex 7

Private Hire Driver Conditions

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – PART II PRIVATE HIRE DRIVER'S LICENCE – CONDITIONS OF LICENCE

1. A driver shall at all times maintain 'a high standard of appearance and behaviour', afford assistance with passengers' 'luggage' and take all reasonable steps to ensure the safety of passengers. (Drivers should obtain a medical exception from Licensing authority if they unable to conduct the above duties to medical reasons)

2. The driver shall ensure at all times that the appropriate insurance cover is in force covering him/her to drive such vehicle.

3. A driver shall not operate a radio / music / or electronic device in the vehicle so as to interfere with the comfort of passengers, nor without the express consent of the hirer shall he/she eat or drink in the vehicle.

4. The driver shall not at any time smoke tobacco, any other liked substance in a licensed vehicle. In addition the driver shall not permit smoking by any other person whilst in the vehicle. The driver shall not at any time use electronic cigarettes or similar devices in licensed vehicles as this can be mistaken for smoking and may interfere with the comfort of passengers.

5. A driver shall not convey a greater number of persons than specified in the Licence of the vehicle he/she is using, provided that for this purpose children under the age of ten may be conveyed in the rear passenger compartment.

6. No child under the age of ten, or more than one person over that age may be conveyed in the front of the vehicle. The driver shall not allow any person other than the Hirer to ride in the vehicle (unless school contract escort) when it is on hire, without the Hirer's consent.

7. Within 48 hours of finding lost property, the driver must either hand or report the item(s) into a police station or report the lost property using Police online or phone systems.

8. The driver shall upon request provide the hirer with a written receipt for the fare paid.

9. The driver shall convey no animal except when it is in the custody of the hirer and in this case the animal must be conveyed in the rear of the vehicle. However, this would not apply to assistance dogs as drivers should not try to separate assistance dogs from their owners. Drivers may not convey their own animals in the vehicle when transporting passengers.

10. The driver shall make all attempts to arrive punctually at the time and place specified by the hirer.

11. A driver shall not demand of the hirer a sum in excess of that agreed between the hirer and the Operator. If the vehicle is fitted with a taximeter which is used to determine the

fare, then the driver shall give the hirer the opportunity to examine the fare shown on the taximeter at the termination of the journey.

12. The licensee shall notify the Council immediately in writing (or in any case within 48 hours) if they are subject to any of the following:

    •Arrest or criminal investigation,
    • summons,
    • charge,
    • conviction,
    • formal/simple caution,
    • fixed penalty or speed awareness course,
    • criminal court order,
    • criminal behaviour order or anti-social behaviour injunction,
    • domestic violence related order,
    • warning or bind over
    • any matter of restorative justice and shall provide such further information about the circumstances as the Council may require.

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

    Drivers should inform the Council of any changes of address within 5 working days.

13. The driver should have no sexual contact or be sexually explicit either physically or verbally towards passengers they are transporting. The driver shall at all times ensure that the hirer/passenger is cared for and must not knowingly put them in any position that could lead them into any physical or moral danger. Any suspicious behaviour or circumstances must be reported to a relevant authority, e.g. Police, Children's Services or Licensing Officers.

14. Private Hire Drivers should take no part in the booking procedure between the customer and the Private Hire Operator. This includes supplying a customer with a communication device, i.e. mobile phone, computer device so they can make a booking with the Operator. Unless the driver is also the Operator.

15. The Private Hire Driver shall only work for the Operator(s) they have listed on their application form. If they change Operator, they should inform the Licensing Authority within 5 working days.

16. Once a Private Hire Driver has accepted a job from a Licenced Private Hire Operator they are not permitted to cancel the job unless they have a reasonable excuse* or are instructed to do so by the Private Hire Operator. The driver is required to notify the Private Hire Operator of the reasonable excuse at the time of cancelling the Job.

    *reasonable excuse would include the behaviour of prospective passanger including a passenger who is abusive,racist, sexist, foul mouthed , threatening or extremely heavily intoxicated, this is also extended to customers refusing to stop smoking or

eating /drinking or have been sick over themselves or soiled themselves in other ways. Or where there were legitimate concerns that the passanger might damage the vehicle.

17. Conduct relating to illegally plying or standing for hire

- The licensee shall ensure that the passenger(s) entering the vehicle is/are the correct person(s) for whom the vehicle has been pre-booked.

The licensee must take precautions against behaviour that may be deemed to be standing or plying for hire, by not plotting or waiting without a booking:
a) in high footfall /high visible locations
b) outside busy venues/businesses or in close proximity to events
c) at the front or back of designated hackney ranks
d) in groups or lines that present as a 'rank' e) in contravention of road traffic orders

18. The licensee shall at all times when driving a private hire vehicle wear the driver's badge issued to them by the Council so that it is plainly and distinctly visible and show it to any passenger(s) if requested.

The badge shall be returned to the Council immediately upon request by an Authorised Officer (i.e. the licence is suspended, revoked or becomes invalid for any reason).

The licensee must wear any lanyard, clip or holder issued to them by the Council.

19. The licensee shall notify the Council of any newly diagnosed or change to a current medical condition which may restrict their entitlement to a driver's licence requiring a DVLA Group 2 medical standard. Notification must be sent to the Council's in writing (or in any case within 48 hours) of the relevant diagnosis or change to medical condition.

The licensee shall at any time (or at such intervals as the Council may reasonably require) produce a certificate in the form prescribed by the Council signed by an appropriate Doctor/Consultant who has access to the driver's full medical records to the effect that he/she is or continues to be fit to be a driver of a private hire vehicle.

Legislation

The holder of a Private Hire Driver's Licence shall comply with the provisions relating to Private Hire vehicles contained in the following legislation:

- Town Police Clauses Act 1847
- Part II Local Government (Miscellaneous Provisions) Act 1976
- Road Traffic Act 1988 Part 11(a) Construction and Use of Vehicles and Equipment
- Equality Act 2010
- Health Act 2006

Annex 8

Hackney Carriage Byelaws

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	16th December 1986
Date of Byelaws	3rd February 1987
Date of Confirmation	10th June 1987

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

Annex 9.

Vehicle Application Process

An application for a Hackney Carriage and Private Hire Vehicle licence must be made on the specified form. The Licensing Authority will send correspondence to vehicle proprietors via e-mail, although it should be noted that it is the driver's responsibility to ensure that renewal applications are undertaken in time.

To allow sufficient time for documents to be processed, applicants should ensure that the Licensing Authority receives their complete application, including the fee and any other necessary documents at least 14 days before expiry date of a vehicle licence. A licence cannot be renewed following its expiry and, in such cases, the applicant will be treated as being a brand new applicant.

It is strongly recommended that Proprietor of vehicle book vehicle tests 3 weeks before expiry of a licence so not to delay the issue of a vehicle licence.

All Applications and full guidance is available on Licensing Teams Taxi web page
www.monmouthshire.gov.uk/licensing/taxi-licence

Annex 10 HC Vehicle Specification and Annex 12 HC Licence Conditions

Hackney Carriage Vehicle Conditions

Hackney Carriage Vehicle Licence Conditions

A Hackney Carriage proprietor is an owner or part owner of a vehicle, or where a vehicle is subject to leasing contract, hiring agreement or hire purchase, a proprietor is the person in possession of the vehicle under the agreement. In all such cases the proprietor requires a Hackney Carriage Proprietor's Licence from Monmouthshire County Council before they are legally entitled to use the vehicle to ply for hire.

Licences can be obtained by making a full application to the Council. Each applicant must submit an application in respect of every vehicle for which a licence is required.

Specification

1. The Proprietor shall ensure that the vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and that all relevant statutory requirements (including in particular those contained in Motor Vehicles Construction and Use Regulations) shall be fully complied with.

a) The vehicle shall have no evident signs of previous significant accident damage. The paint work shall be of a professional finish over the whole of the vehicle's bodywork.

b) The bodywork shall have no significant signs of corrosion. Corrosion includes visible rust and signs of rust by virtue of the paintwork being blistered.

c) Bodywork damage cannot be patched up or fixed with 'Gaffer Tape' etc. (Although the quarter light windows can be affixed by Gaffer Tape in the interest of prevention of crime and wing mirrors can be taped if the mirror has been vandalised, but the mirror should be fixed before any future council tests.)

d) All parts of the passenger compartment shall be kept clean and free of any damage, which may otherwise affect its suitability for the carriage of passengers.

e) Where seat covers are used, they shall be properly affixed to the seat so as not to become loose during use. They shall be kept clean and devoid of damage of any kind.

f) A working heating and ventilation system shall be provided within the Hackney Carriage.

g) If the vehicle is manufactured with opening windows for passenger use the windows on either side of the passenger compartment shall be capable of being opened easily by passengers and/or by the driver.

2. No material alteration or change to the specification, design, condition or appearance of the vehicle shall be made without the prior approval of the Licensing Manager.

Type of Vehicle

3. The vehicle must comply with British and European Vehicle Regulations, be type approved to the standard of M1 whole-vehicle, M1 (Low volume) category and be unaltered since the type-approval was obtained. Wheelchairs can either access the vehicle from the side or from the rear of the vehicle.

PLATE, SIGNS, ADVERTISING, AND LIVERY

4 (a) Vehicles shall at all times display the external plates and the internal plate which are supplied with this licence by the Council. The external plates must be securely attached to the vehicle with the use of a plate bracket provided by the Council or screwed to the front and rear of the vehicle (magnetic or self-adhesive securing of the plate is not permitted). The only exception for not displaying the plate on the bracket is when the bracket breaches the Road Traffic Act, or if the vehicle precludes the use of the bracket; in this case proprietors must contact the Licensing Team in order to obtain an exemption from having to display a plate bracket.

And

(b) Display the Council internal plate at the top left hand corner of the inside front windscreen ensuring that the licence details thereon are visible from both inside and outside the vehicle and in such a way as not to obscure visibility in any way. The inside plate should display the plate number and expiry date.

CHANGE OF CIRCUMSTANCES

5. The licensee shall notify the Council immediately in writing (or in any case within 48 hours) if they are subject to any of the following:

•Arrest or criminal investigation,
• summons,
• charge,
• conviction,
• formal/simple caution,
• fixed penalty or speed awareness course,
• criminal court order,
• criminal behaviour order or anti-social behaviour injunction,
• domestic violence related order,
• warning or bind over
• any matter of restorative justice and shall provide such further information about the circumstances as the Council may require.

All Licence holders are required to notify the issuing authority within 48 hours of any arrest and release for any sexual offence, any offence involving dishonesty or violence and any motoring offence. Further notifications to the licensing authority must be made within 48

hours of any charge and any conviction. Failure to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation. Proprietors should notify the Licensing Authority of any voluntary interview conducted by the Police within 48 hours.

Proprietors should inform the Council of any changes of address within 5 working days.

6. The Proprietor shall, within five days, notify the Council in writing of all changes in circumstances affecting this licence, such as: change of address, phone number, taxi operator for whom he/she is working, owner of the vehicle, change of insurance company, email address. etc.

7. The Proprietor should inform the Licensing Authority within 72 hours in writing of any accident or damage to the vehicle and present the vehicle for inspection upon request of a Licensing Officer.

RETURN OF PLATE

8. The Hackney Carriage external licence plates and internal licence plate, supplied with this licence, is the property of Monmouthshire County Council. The plate should be returned within 14 days after expiry; failure to do so will result in loss of the plate deposit and may result in other action being taken.

INSURANCE

9. The Proprietor shall ensure that a copy of the Insurance Policy or Cover Note is carried in the vehicle at all times. The proprietor shall not use the vehicle, nor permit it to be used as a Hackney Carriage vehicle when there is not in force for the vehicle an appropriate Policy of Insurance, or such security as complies with the requirements of Part VI of the Road Traffic Act 1988 and that the requisite vehicle road tax has been paid for the year. The Proprietor shall produce, when requested, the vehicle registration document and certificate of testing.

SEATING PLAN & LUGGAGE COMPARTMENT

10. The vehicle must be capable of carrying no fewer than four passengers and no more than eight. Cars must have a back seat width (when measured in a continuous line from edge to edge) of at least 1220mm (48 inches). Seats shall have a minimum width of 400mm per passenger. 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.

11. Larger vehicles (MPV, minibus, or people mover types) must have sufficient doors of sufficient size to allow passengers to get in and out quickly and safely. Where exit from the rear seats in vehicles equipped with three rows of seats requires operation of a tip seat mechanism, passengers must be able to exit from either side of the

vehicle and the tip seats at either end of the middle row must be capable of independent operation. Where a vehicle is equipped with pop-up, or auxiliary seats intended for occasional use only, those seats must not be included in the licensed capacity of the vehicle. Where the vehicle configuration requires a whole bench seat to slide and/or tip for access/egress to the rear seats, the rear seats should not be included in the seating capacity and should be removed to avoid pressure from passengers to carry numbers in excess of the licensed capacity.

12. Each passenger shall have direct access to a door without the need to remove or completely fold flat other seating. Where passengers do not have direct access to a door, vehicles that have seats that "tilt" forward by a single operation will be permitted by the Council. A clear sign within the vehicle should clearly indicate the location of the handle that operates the tilt forward seat.

13. The vehicle must have a boot or luggage compartment which provides sufficient space to carry a reasonable amount of luggage, for example prams, wheelchair and luggage. 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.

14. Each passenger seat shall be fitted with a seat belt. No seats may be side facing, other than a wheelchair that has been correctly secured in the vehicle, in accordance with vehicle manufacturer's guidelines.

15. The vehicle should not carry children in pushchairs; the pushchair should be folded up and stored. If the vehicle does not have the correct child restraint, then the child should be placed on the rear seat only. Children under 3 years old may travel unrestrained, but instead held in an adult's arms/lap. Children aged 3 years old or over must use an adult seat belt as in accordance with Road Traffic Act. (Further details can be found on)

http://www.dft.gov.uk/think/focusareas/children/childincar?page=Advice&whoareyou_id=

ALTERATION OF VEHICLE

16. No alteration to the manufacturer's specification for the vehicle including a change of or additional fuel type shall be carried out except with the prior written approval of the Council.

TINTED WINDOWS

17. The front windscreen and front windows must have a visible light transmission (VLT) of not less than 75 per cent and all other windows must not be tinted to the extent that passengers cannot be seen from outside the vehicle.

VEHICLE TESTS

18. Hackney Carriages over 1 year old and less than 5 years old will be tested once every year. Hackney Carriage over 5 years' old and less than 10years old will be tested every 6 month following issue of a 12 month/yearly licence. Hackney

Carriages over 10 years old will be tested every 4 months following issue of a 12 month/yearly licence. Licence holders are permitted to book the vehicle in for testing up to 28 days prior to the due test.

19. If a vehicle fails the Council's vehicle test due it being unroadworthy, the vehicle cannot be used as a Hackney Carriage until such time the vehicle is re-examined and passes the Council test.

VEHICLE EQUIPMENT

20. The vehicle must carry the following equipment:

a. A spare wheel suitable for immediate use and which is properly maintained. If the spare wheel is of the temporary space saver type, it may only be used to complete the particular journey or hiring the vehicle is engaged on when the wheel change is necessary and vehicles that have certain technology may be exempt from this condition at the discretion of the Council (e.g. vehicle is fitted with run-flat tyres).

b. A jack and tools for changing the wheels.

c. Any auxiliary equipment that is fitted to a vehicle shall not impede the driver in any way, or hinder his/her view, or impede, or cause hazard to passengers or other road users

d. 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 Council 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.

ADVERTISING

21. Advertisements are only permitted on the interior if a purpose built Hackney Carriages on the underside of the tip-up seats and across the bulkhead above the dividing glass partition. The permitted sizes are as follows:

- bulkhead 60cm x 8 cm
- tip up seat 33cm x 30.5cm.

No advertisement may be placed on the dividing glass partition (where applicable) other than notices approved by the Council, for example the tariff card.

AUDIO, VIDEO & RECORDING SYSTEMS

22. No audio, video or recording systems which were not installed when the vehicle was manufactured shall be installed or operated in the vehicle without complying with the Council CCTV guidance.

NO SMOKING IN VEHICLE

23. No smoking is permitted in the vehicle by either the driver or passengers (this includes the use of electronic cigarettes or similar devices). The vehicle should

comply with the “smoke free” regulations as stated in the Health Act 2006. The vehicle must display ‘no-smoking’ signs in a prominent position. The sign should include the international red ‘no smoking’ symbol.

METERS AND FARES

24. The vehicle must be fitted with a taxi meter which must comply with the Measuring Instruments (Taximeters) Regulations 2006. The taxi meter shall:

a. shows the fare recorded on the taxi meter in clearly legible figures, and the word ‘FARE’ shall be clearly displayed so as to apply to such figures.

b. The meter should be set in accordance with the Council’s Table contrary of Hackney Carriage fares unless the Proprietor wishes to have a lower tariff. In this case the Proprietor must display the Council Tariff alongside a Proprietor’s Tariff Card. In such circumstances the Proprietor’s Tariff Card must clearly state that the Proprietor does not charge the maximum Council taxi rates. A copy of the Proprietor’s Card should be given to the Council for its own records.

25. The fare tariff must be fixed in such a position so that the fare to be charged is visible to all passengers within the vehicle at all times and the figures shall be illuminated for this purpose. In the case of Hackney Carriage vehicles that have safety shields, the fare tariff should be displayed in the rear compartment of the vehicle.

26. The Proprietor of the hackney carriage shall ensure that there is a receipt book available in the vehicle at all times and a receipt should be provided at the passenger’s request.

LOST PROPERTY

27. The proprietor or driver of a Hackney Carriage shall take all reasonable steps to return any property that has been left in his vehicle to the rightful owner and in any case must report lost property to the Police within 48hours.

28. Environmental Condition

- **New Hackney Carriage licences** will only be granted on vehicles that meet Euro 6 Standard.
- **Transfer of Hackney Carriage licences** will only be granted on vehicles that meet Euro 6 standard.
- **Replacement of Hackney Carriage licences**. An existing vehicle licence holder (a proprietor that has held a current licence before introduction of the policy and continued to renew this licence) may change the vehicle on that licence if the vehicle meets minimum Euro 4 standards. Vehicle licences granted after the introduction of the policy will only be granted to replace vehicles that meet Euro 5 standard.

29. The holder of every Hackney Carriage licence shall comply with the provisions relating to Hackney Carriages contained in the following legislation:

- Town Police Clauses Act 1847
- Part II Local Government (Miscellaneous Provisions) Act 1976

- Road Traffic Act 1988 Part 11 (a) Construction and Use of Vehicles and Equipment.
- Equality Act 2010.
- Health Act 2006

Annex 11 PH Vehicle Specification and Annex 13 PH Licence Conditions

PRIVATE HIRE VEHICLE LICENCE CONDITIONS

A Private Hire vehicle proprietor is an Owner or part-Owner of a vehicle, or where a vehicle is subject to a hiring agreement or hire purchase, the person in possession of the vehicle under the agreement. A Private Hire vehicle proprietor requires a Private Hire vehicle licence from Monmouthshire County Council for each vehicle used for Private Hire. The vehicle can only operate under a Monmouthshire County Council Operator's Licence.

Licences can be obtained by making a full application to the Council. Applicants must submit an application for every vehicle for which a licence is required.

SPECIFICATION

1. The Proprietor shall ensure that the vehicle and all its fittings and equipment and at all times when the vehicle is in use or available for hire kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained in Motor Vehicles Construction and Use Regulations) shall be fully complied with.

a) The vehicle shall have no evident signs of previous significant accident damage. The paint work shall be of a professional finish over the whole of the vehicle's bodywork.

b) The bodywork shall have no significant signs of corrosion. Corrosion includes visible rust and signs of rust by virtue of the paintwork being blistered etc.

c) Bodywork damage cannot be patched-up or fixed with 'Gaffer Tape' etc. (Although the quarter light windows can be affixed by Gaffer Tape in the interest of prevention of crime and wing mirrors can be taped if the mirror has been vandalised, but the mirror should be fixed before any future Council tests.)

d) All parts of the passenger compartment shall be kept clean and free of any damage, which may otherwise affect its suitability for the carriage of passengers.

e) Where seat covers are used, they shall be properly affixed to the seat so as not to become loose during use. They shall be kept clean and devoid of damage of any kind.

f) An adequate heating and ventilation system shall be provided for the driver and the passengers alike.

g) If the vehicle is manufactured with opening windows for passenger use the windows on either side of the passenger compartment shall be capable of being opened easily by passengers when seated.

2. No material alteration or change to the specification, design, condition or appearance of the vehicle shall be made without prior approval of the Licensing Manager.

3. The vehicle must comply with British and European Vehicle Regulations, be type approved to the standard of M1 Whole-Vehicle, M1 (Low volume) and be unaltered since, it received type-approval.

PLATES, SIGNS, ADVERTISING AND LIVERY

4(a) The Private Hire Vehicle Licence shall at all times display the external plates and internal plate which are supplied with this licence by the Council. The external plates must be securely attached to the vehicle with the use of a plate bracket by the Council or screwed to the front and rear of the vehicle (magnetic or self-adhesive securing of the plate is not permitted). The only exception for not displaying the plate on the bracket is when the bracket breaches the Road Traffic Act, or if the vehicle precludes the use of the bracket; in this case proprietors must contact the Licensing Team in order to obtain an exemption from having to display a plate bracket.

And

(b) Display the Council internal plate at the top left hand corner of the inside front windscreen ensuring that the licence details thereon are visible from both inside and outside the vehicle and in such a way as not to obscure visibility in any way. The inside plate should display the plate number and expiry date.

CHANGE OF CIRCUMSTANCES

5. The licensee shall notify the Council immediately in writing (or in any case within 48 hours) if they are subject to any of the following:

- Arrest or criminal investigation,
- summons,
- charge,
- conviction,
- formal/simple caution,
- fixed penalty or speed awareness course,
- criminal court order,
- criminal behaviour order or anti-social behaviour injunction,
- domestic violence related order,
- warning or bind over
- any matter of restorative justice and shall provide such further information about the circumstances as the Council may require.

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

Proprietors should inform the Council of any changes of address within 5 working days.

6. Drivers should inform the Council of any changes of address within 5 working days or change of operator within 5 working days.

7. The Proprietor should inform the Licensing Authority within 72 hours in writing of any accident or damage to the vehicle.

RETURN OF PLATE

8. The Private Hire Licence plate and disc supplied with the licence is the property of Monmouthshire County Council. The plate should be returned within 14 days after expiry. Failure to do so will result in loss of the plate deposit and could result in other action being taken.

INSURANCE

9. The Proprietor shall ensure that a copy of the Insurance Policy or Cover Note is carried in the vehicle at all times. The proprietor shall not use the vehicle, nor permit it to be used, as a Private Hire vehicle when there is not in force for the vehicle a Policy of Insurance, or such security as complies with the requirements of Part VI of the Road Traffic Act 1988, covering the use of the vehicle to carry passengers for hire or reward. The proprietor shall produce when requested the vehicle registration document, a valid MOT certificate and shall ensure that the vehicle's road tax has been paid for the year. The Proprietor shall produce, when requested, the vehicle registration document and certificate of testing.

SEATING PLAN AND LUGGAGE COMPARTMENT

10. The vehicle must be capable of carrying no fewer than four passengers and no more than eight. Cars must have a back seat width (when measured in a continuous line from edge to edge) of at least 1220mm (48 inches). Seats shall have a minimum width of 400mm per passenger. 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.

11. Larger vehicles (MPV, minibus, or people mover types) must have sufficient doors of sufficient size to allow passengers to get in and out quickly and safely. Where exit

from the rear seats in vehicles equipped with three rows of seats requires operation of a tip seat mechanism, passengers must be able to exit from either side of the vehicle and the tip seats at either end of the middle row must be capable of independent operation. Where a vehicle is equipped with pop-up, or auxiliary seats intended for occasional use only, those seats must not be included in the licensed capacity of the vehicle. Where the vehicle configuration requires a whole bench seat to slide and/or tip for access/egress to the rear seats, the rear seats should not be included in the seating capacity and should be removed to avoid pressure from passengers to carry numbers in excess of the licensed capacity.

12. The vehicle must have a boot or luggage compartment which provides sufficient space to carry a reasonable amount of luggage, for example prams, wheelchair and luggage. Estate cars or 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.

13. Each passenger seat shall be fitted with a seat belt. No seats may be side facing, other than a wheelchair that has been correctly secured in the vehicle and in accordance with vehicle manufacturer's guidelines.

14. The vehicle should not carry children in pushchairs; the pushchair should be folded up and stored. If the vehicle does not have the correct child restraint, then the child should be placed on the rear seat only. Children under 3 years old may travel unrestrained and instead should be held in an adult's arms/lap. Children aged 3 years old or over must use an adult seat belt as in accordance with Road Traffic Act. (Further details can be found on)

www.dft.gov.uk/think/focusareas/children/childincar?page=Advice&whoareyou_id=

ALTERATION OF VEHICLE

15. No alteration to the manufacturer's specification for the vehicle including a change of or additional fuel type shall be carried out except with the prior written approval of the Council.

TINTED WINDOWS

16. The front windscreen and front windows must have a visible light transmission (VLT) of not less than 75%. Only vehicle manufacture tints are permitted on the rear vehicle windows.

VEHICLE TESTS

17. Private Hire Vehicles over 1 year old and less than 5 years old will be tested once every year. Private Hire Vehicles over 5 years' old and less than 10 years old will be tested every 6 month. Private Hire Vehicles over 10 years old will be tested every 4 months. Licence holders are permitted to book the vehicle in for testing up to 28 days prior to the due test.

18. If a vehicle fails a Council vehicle test due to it being unroadworthy, the vehicle cannot be used as a Private Hire Vehicle until such time the vehicle is re-examined and passes the Council test.

VEHICLE EQUIPMENT

19. The vehicle must carry the following equipment:

    a. a spare wheel suitable for immediate use and which is properly maintained. If the spare wheel is of the temporary space-saver type, it may only be used to complete the particular journey or hiring the vehicle is engaged on when the wheel change is necessary. Vehicles that have certain technology may be exempt from this condition at the discretion of the Council (e.g. vehicle is fitted with run-flat tyres).

    b. a jack and tools for changing the wheels.

    c. any auxiliary equipment that is fitted to a vehicle shall not impede the driver in any way, or hinder his/her view, or impede, or cause hazard to passengers or other road users.

    d. 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 Council 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

AUDIO, VIDEO OR SURVEILLANCE SYSTEMS

20. No audio, video or recording systems which were not installed when the vehicle was manufactured shall be installed or operated in the vehicle without informing the council in writing.

NO SMOKING IN VEHICLES

21. No smoking is permitted in the vehicle by either the driver or passengers (this includes the use of electronic cigarettes or similar devices). The vehicle should comply with the “smoke free” regulations as stated in the Health Act 2006. The vehicle must display ‘no-smoking’ signs in a prominent position. The sign should include the international red ‘no smoking’ symbol.

METERS AND FARES

22. The vehicle is not required to have a meter but if a meter is installed it must comply with The Measuring Instruments (Taximeters) Regulations 2006. The meter shall:

    a) show the fare recorded on the taxi meter in clearly legible figures, and the word ‘FARE’ shall be clearly displayed so as to apply to such figures.

    b) the meter should be set in accordance with the Operator’s Tariff.

23. The fare card must be fixed in such a position in order that the fare to be charged is clearly visible to all passengers within the vehicle at all times, and the figures shall be illuminated for this purpose.

25. The Proprietor of the Private Hire Vehicle must ensure that he/she has a receipt book available in the vehicle at all times and a receipt should be provided at the passenger's request.

LOST PROPERTY

24. The proprietor or driver of a Private Hire Vehicle shall take all reasonable steps to return any property that has been left in his vehicle to the rightful owner and in any case report lost property to the Police within 48 hours.

25. Environment policy

- **New Private Hire Vehicle licences** will only be granted on vehicles that meet Euro 6 Standard.

- **Transfer of Private Hire Vehicles licences** will only be granted on vehicles that meet Euro 6 standard.

- **Replacement of Private Hire Vehicle**. An existing vehicle licence holder (a proprietor that has held a current licence before introduction of the policy and continued to renew this licence) may change the vehicle on that licence if the vehicle meets minimum Euro 5 standards. Vehicle licences granted after the introduction of the policy will only be granted to replace vehicles that meet Euro 5 standard.

  (Unless the vehicle is wheelchair accessible thus meaning the vehicle meeting the lower standard of Euro 4)

26. The holder of every Private Hire licence shall comply with the provisions relating to Private Hire contained in the following legislation:

    - Town Police Clauses Act 1847
    - Part II Local Government (Miscellaneous Provisions) Act 1976
    - Road Traffic Act 1988 Part 11 (a) Construction and Use of Vehicles and Equipment.
    - Equality Act 2010.
    - Health Act 2006

Annex 17.

Table of Hackney Carriage Fares

monmouthshire
sir fynwy

Prisiau Siwrneiau Cerbydau Hacni

Hackney Carriage Table of fares

TARIFF 1	**TARIFF 1**	
6AM – 7PM (HYD AT 4 TEITHIWR)	**6AM – 7PM (UP TO 4 PASSENGERS)**	
Y PRIS AM Y 0.5 (HANNER) MILLTIR GYNTAF NEU RAN OHONI FYDD	THE FARE FOR THE FIRST 0.5 (HALF) MILE OR PART THEREOF SHALL BE	**£4:00**
Y PRIS AM BOB 1/12FED MILLTIR DDILYNOL NEU RAN OHONI FYDD	EACH SUBSEQUENT 1/12TH OF A MILE OR PART THEREOF SHALL BE	**£0:20**
TARIFF 2	**TARIFF 2**	
7PM – 6AM (HYD AT 4 TEITHIWR)	**7PM – 6AM (UP TO 4 PASSENGERS)**	
Y PRIS AM Y 0.5 (HANNER) MILLTIR GYNTAF NEU RAN OHONI FYDD	THE FARE FOR THE FIRST 0.5 (HALF) MILE OR PART THEREOF SHALL BE	**£4:50**
Y PRIS AM BOB 1/14FED MILLTIR DDILYNOL NEU RAN OHONI FYDD	EACH SUBSEQUENT 1/14TH OF A MILE OR PART THEREOF SHALL BE	**£0:20**
TARIFF 3	**TARIFF 3**	
6AM – 7PM (5-8 TEITHIWR)	**6AM – 7PM (5-8 PASSENGERS)**	
Y PRIS AM Y 0.5 (HANNER) MILLTIR GYNTAF NEU RAN OHONI FYDD	THE FARE FOR THE FIRST 0.5 (HALF) MILE OR PART THEREOF SHALL BE	**£4:50**
Y PRIS AM BOB 1/12FED MILLTIR DDILYNOL NEU RAN OHONI FYDD	EACH SUBSEQUENT 1/12TH OF A MILE OR PART THEREOF SHALL BE	**£0:30**
TARIFF 4	**TARIFF 4**	
7PM – 6AM (5-8 TEITHIWR)	**7PM – 6AM (5-8 PASSENGERS)**	
Y PRIS AM - Y 0.5 (HANNER) MILLTIR GYNTAF NEU RAN OHONI FYDD	THE FARE FOR THE FIRST 0.5 (HALF) MILE OR PART THEREOF SHALL BE	**£5:00**
Y PRIS AM BOB 1/14FED MILLTIR DDILYNOL NEU RAN OHONI FYDD	EACH SUBSEQUENT 1/14TH OF A MILE OR PART THEREOF SHALL BE	**£0:30**

YCHWANEGIADAU AR GYFER LLOGI AR WYLIAU BANC A GWYLIAU CYHOEDDUS - UN A HANNER GWAITH Y PRISIAU ARFEROL AR GYFER LLOGI RHWNG 6.00 P.M. NOSWYL NADOLIG A 6:00AM AR 2IL IONAWR YN UNIG – DYBLU'R PRIS ARFEROL YNGHYD AG AMSER AROS - Y PRIS AR GYFER POB CYFNOD O 1(UN) MUNUD NEU RAN OHONI BYDD - £0.40 DIM TÂL YCHWANEGOL AR GYFER (BAGIAU, ANIFEILIAID AC ATI) BAEDDU CERBYD - HYD AT UCHAFSWM O £100.00	**EXTRAS** FOR HIRINGS ON BANK AND PUBLIC HOLIDAYS - ONE AND A HALF TIMES NORMAL FARES FOR HIRINGS BETWEEN 6.00 P.M. CHRISTMAS EVE AND 6.00 A.M. ON 27TH DECEMBER AND BETWEEN 6.00 P.M. NEW YEARS EVE AND 6.00 A.M. ON 2ND JANUARY ONLY -DOUBLE THE NORMAL FARE PLUS WAITING TIME - FOR EACH PERIOD OF 1(ONE) MINUTE OR PART THEREOF THE CHARGE SHALL BE £0:40 NO CHARGE (LUGGAGE, ANIMALS ETC) FOULING OF VEHICLE - UP TO A MAXIMUM OF £100

Annex 18.

CCTV Policy

Specifications and Conditions for Closed Circuit Television Cameras (CCTV)

In Hackney Carriage and Private Hire Vehicles

General

These guidelines set out to ensure that CCTV systems installed in Taxis and Private Hire Vehicles (PHVs) licensed by Monmouthshire County Council are properly managed whilst being used to prevent and detect crime; and enhance the health, safety and security of both licensed drivers and passengers.

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

The installation and operation of CCTV must comply with the requirements of the Information Commissioner's Office (ICO): https://ico.org.uk/media/for-organisations/documents/1542/cctv-code-of-practice.pdf

A signed statement of compliance from the company providing the CCTV system, must be provided confirming that the system meets the required specification detailed in this Policy.

This Policy will apply to any vehicle that contains a CCTV system as described above.

Purpose of CCTV

The Council believes that it will improve driver/passenger safety in licensed vehicles by:

- Deterring the occurrence of crime
- Reducing the fear of crime
- Assisting the police with criminal investigations
- Assisting insurance companies in investigating motor vehicle accidents

CCTV Requirement

The use of CCTV systems in licensed vehicles is voluntary.

Any CCTV system must, as a minimum, meet the requirements set out in the specification in Annexe A of this guide. Only CCTV systems meeting these requirements can be installed into hackney carriage and private hire vehicles.

Download of Data

Data will only be downloaded for the following purposes:

a) In response to a legitimate data access request under the Data Protection Act 2018, in relation to the vehicle/driver

b) In response to a Subject Access Request compliant with the Data Protection Act 2018

c) Where a written complaint has been made to the Licensing Section regarding the vehicle/driver and the complaint cannot be resolved in any other method.

Further information on the downloading of data from CCTV systems is contained within the Licensing Authority's Download Policy [INSERT LINK TO SEPARATE POLICY].

Data Retention

Data retrieved by the Licensing Authority will only be retained for the following periods:

a) Cases leading to prosecution 10 years from date of trial
b) Formal caution 3 years from date of caution
c) Written warning or no formal action 3 years from date of decision
d) Subject Access request 6 years from date of request.

Data Controller

The information Commissioner's Office (ICO) defines a "data controller" as the body which has legal responsibility under the Data Protection Act 2018 for all matters concerning the use of personal data. For the purpose of the installation and operation of a CCTV system in Hackney Carriage and Private Hire Vehicles, the "data controller" is the specified company, organisation or individual which has decided to have in-vehicle CCTV installed.

Third Party 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 however retains full responsibility for the action of the data processor.

All CCTV systems in Monmouthshire licensed Hackney Carriage and Private Hire Vehicles must inform the Licensing Authority of the data control and contact details.

Privacy Impact Assessment (PIA)

The Licensing Authority has produced a PIA to consider the need for CCTV, to ensure that the issue of privacy has been considered, and to put appropriate controls in place to both minimise any intrusion and to protect the data.

Signage

All Hackney Carriages and Private Hire Vehicles with CCTV must display signage within the vehicle to indicate that CCTV is in operation. At least 3 signs must be displayed (1 on the passenger side in the front, and 1 each side of the vehicle in the rear).

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.

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

Audio Recordings

Approved CCTV systems are permitted to record audio but cannot be capable of continuous sound recording.

Sound can only be recorded via a 'panic' button operated by the driver or passenger. The driver can only operate the sound recording in the following circumstances:

- When he/she believes there is a risk to their or their passenger's safety
- When he/she is concerned about potentially harassing or abusive language
- For the purpose of protecting their livelihood e.g. disputes about payment, concern of potential damage to the vehicle.

In these limited circumstances, where the audio recording is justifiable, signs must make it clear that audio recording is being carried out.

Maintenance and Use

The maintenance and use of the system must be in accordance with the hackney carriage/private hire vehicle licence conditions.

Annexe A: CCTV Minimum Specification

1.0 Operational Technical Specifications		
Ref	Specification	Details
1.1	100% solid state design or a proven vibration and shock resistant system	The system should not have any fan and the recording should be vibration and shock proof, i.e.: - Flash-based SSD (100% industrial grade), - Hard disk with both mechanical anti-vibration and anti-shock mechanism and self-recovery and self-check file writing system.
1.2	8 to 15 Volts DC	Operational between 8 and 15 volts DC

1.3	Reverse polarity protected	System to be protected against reverse voltage.
1.4	Short circuit prevention	System to be protected against short circuits
1.5	Over voltage protection	System to be protected against high voltage transients likely to be encountered in the vehicle electrical system.
1.6	Automotive Electromagnetic Compatibility Requirements	The in-vehicle taxi camera system must be compliant with Council Directives: - 2004/108/EC on Electromagnetic Compatibility (CISPR 22/EN55022), - 2004/104/EC on Radio Interference (sections 6.5, 6.6, 6.8 and 6.9) The taxi camera equipment should therefore be e-marked or CE-marked with confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles.
1.7	System activation (on / off) switch to be located in a position where it is not accessible from inside the vehicle (i.e. in the boot / engine compartment)	The system is required to be active at all times that the vehicle is being used as a licensed vehicle. The switch that deactivates the system must be located within the vehicles boot or engine compartment (i.e. it must only be possible to deactivate the system from outside of the vehicle)
1.8	First-in/first-out buffer recording principle	

1.9	Built-in, automatic logging of all access actions, including date and personnel names	
1.10	Security, duration and auto-clearing of log files	
1.11	Image export formats and media	Images must be exported in commercially available formats.
1.12	Image protection during power disruption	Images must be preserved in the event of loss of power. Battery back-up will not be permitted
1.13	Unit must operate without the ignition being turned on.	The Unit must have the ability to operate for at least 2 hours without power from the ignition.
1.14	Image and audio data shall be recorded and stored in a unit separate from the camera head.	
1.15	GPS capability	System must be compatible to allow for GPS capability.
1.16	The system must be capable of recording audio time synchronised to the recorded images.	
1.17	The system shall not record audio except when audio recording is activated by means of an approved trigger.	The system should have the ability to start recording audio data by means of at least two trigger buttons (see also 1.26 below).

		One trigger button must be capable of being activated by the driver. Once the trigger is activated the system must begin to record audio data. The system will continue to record audio until the same trigger is activated again. The second activation of the trigger must result in the cessation of audio recording (e.g. a button could be pressed to begin audio recording, i.e. the trigger, which could for example be a button, would be pressed to begin audio recording, pressing the button again would stop audio recording). The second trigger button must be capable of being activated by the passengers in the vehicle independently of the driver. Once the trigger is activated the system must begin to record audio data. The system will continue to record audio until the same trigger is activated again. The second activation of the trigger must result in the cessation of audio recording (i.e. the trigger, which could for example be a button, would be pressed to begin audio recording, pressing the button again would stop audio recording). Both audio activation triggers must be independent of each other – this means that audio recording can only be deactivated by means of the same trigger (driver or passenger) that was used to activate the audio recording.
1.18	The audio playback, when triggered, shall be in 'real time' and synchronised with the images that are captured.	
1.19	Digital sampling of the audio signal must exceed 8KHz	

1.20	Digital resolution of the audio samples must exceed 10 bits.	
1.21	The audio microphone shall be integrated within the camera head.	
1.22	Audio data and image data must be stored together, not in separate files, and must be protected against unauthorised access or tampering.	
1.23	The system must support testing of the audio function for installation set-up and inspection purposes.	
1.24	The system must 'go to sleep' to reduce battery drain during prolonged idle time. It must be capable of immediate reactivation	
1.25	Images recorded by the system shall not be displayed within the vehicle.	
1.26	The system must have at least two emergency activation triggers (audio activate buttons).	One of the triggers / audio activate buttons must be capable of being operated by the driver – this must be independent of the audio recording activation switch. At least one other trigger / audio activate button must be capable of being operated by a passenger from any passenger seat in the vehicle. Once activated, this switch must trigger the recording of video and audio in accordance with

		section 6.1 below. The passenger must have sight of a notice that advises how to stop the audio recording
1.27	The system must include a visual indicator that will clearly show when audio recording is taking place. This indicator must be visible to all passengers within the vehicle.	This may take the form of an indicator LED built into the audio activation switch, or a remote LED that can clearly be seen by passengers.

2.0 Storage Capacity Technical Specification		
Ref	Specification	Details
2.1	Minimum of Fourteen days i.e. (14 x 24 hours) of recording capacity	The camera system must be capable of recording and storing a minimum of fourteen days of images of HD1 (720/288) size or better. Recordings must be overwritten after 28 days from date of capture, except in exceptional circumstances following a request from Police or Council. However, in such cases the data must be deleted following conclusion of the matter.
2.2	Images must be clear in all lighting conditions	System to provide clear images in bright sunshine, shade, dark and total darkness. Also, when strong back light is present.

3.0 Camera Head Technical Specification		
Ref	Specification	Details

3.1	Camera installation non-obstructive	The camera and all system components shall be installed in a manner that does not interfere with the driver's vision or view of mirrors or otherwise normal operation of the vehicle.
3.2	Protected cameras disconnect	The camera head shall be designed to disconnect for ease of removal and replacement by maintenance personnel.
3.3	Special tools for adjustment/removal	To prevent inappropriate interference only tools supplied to authorised fitters should be capable of carrying out adjustments or removal.
3.4	Field of view to capture all passengers in the vehicle	The lens of the camera must be of a type that captures the driver and all passengers of the vehicle on the recorded image. The lens must be of a style not to create a "fishbowl" effect.
3.5	Images must be clear	System to provide clear images in all lighting conditions and allow different skin tones to be detected
3.6	Compatible for use in vehicles with a partition (shield)	The camera system must be adaptable to provide clear images when a vehicle is equipped with a shield. This may be accomplished with the use of multiple camera heads.
3.7	Multiple cameras	The unit shall be capable of supporting up to four (4) cameras. Four cameras may be required to provide adequate coverage in larger vehicles and/or certain purpose built vehicles.

4.0 Technical Specification – Storage Device

Ref	Specification	Details
4.1	Impact and shock resistance	The recorder shall be impact resistant, sufficient to withstand a typical car accident, or striking with a large, heavy object such as a suitcase.
4.2	Controller in concealed location	The storage unit shall be concealed from view and effectively inaccessible except by authorised personnel.
4.3	Download port provision	The recorder shall be equipped with a communication port for downloading by authorised personnel.
4.4	Download port shall be located in an easily accessible location such as a glove compartment.	The recorder download port shall be located in the glove box if practicable, if not then in a location that does not require the removal of panels and is accessible.
4.5	Download port cable length (1 foot minimum)	Download port shall be at least one foot in length for ease of download.
4.6	Recorder to be securely affixed to the vehicle	
4.7	Log to register each user access	
4.7.1	Log to register camera system parameter modifications	
4.7.2	Log to register each image download session	

4.7.3	Log to register modification/manipulation of downloaded images	
4.7.4	Log to register exporting of downloaded images	
4.7.5	Log to register exporting of downloaded clips	
4.7.6	Log file protected against unauthorised access	
4.7.7	Time/date stamp	All stored images must be time and date stamped.
4.7.8	Vehicle ID number stamp	All stored images must have two fields for vehicle identification (VIN & number plate).
4.7.9	Controller non-modifiable ID code stamp	Each recorded image shall be automatically stamped with a unique and non-modifiable code that identifies the controller that was used to record the image
4.7.10	Controller (Storage Recorder)	Manufacturer to supply Monmouthshire Council with a supply of specialised tools to allow for removal of the controller and download of data when required.

5.0 Specifications for video & audio recording		
Ref	Specification	Details

5.1	Video image recording on system activation (when audio is not activated).	The system shall record images at a minimum rate of four images per second.
5.2	Video image recording when audio is activated.	The system shall record images at the rate of twenty five images per second during periods when audio recording is activated (either due to time requirement, or through activation by the driver trigger switch or passenger audio button).
5.3	When activated, audio recording must be in real time and synchronised with the video recording.	When activated, audio recording must be in real time and synchronised with the video recording.
5.4	System to continue to record images (and audio when applicable) when engine is off.	System must continue to record images (and audio when applicable) for 30 minutes after engine / ignition is switched off.

6.0 Specification for activation via driver or passenger trigger/audio button		
Ref	Specification	Details
6.1	The activation of a trigger button must provide for overwrite-protected image storage when activated by driver or passenger.	The system must be fitted with at least two trigger buttons that once activated will trigger the protected recording of audio and video (see also 1.17 and 1.26 above).
6.2	Emergency images overwrite protection capability	Image sequences resulting from emergency activation shall be recorded in an area of memory which is protected from being overwritten

6.3	Overwrite protection capacity for at least 3 activations	
6.4	Overwrite protection self-clear on 96 hr timer	

7.0 Downloading Technical Specification		
Ref	Specification	Details
7.1	Time to download complete memory not to exceed 30 minutes	Time to download to be accomplished in 30 minutes or less.
7.2	Provision of necessary software, cables, security keys to Monmouthshire Council Licensing Team.	
7.3	System must be compatible with an IT operating system agreed with the local authority	
7.4	Downloaded images stored in non-volatile media	
7.5	Downloaded images stored in secure format	

7.6	Verifiable image authenticity	Each image shall be stamped with controller ID and vehicle ID and be tamperproof.
7.7	Provision of technical support to Monmouthshire Council Licensing Team when necessary.	To assist in accessing system in case of damage to the vehicle or to the system in case of accident within 1 hour during normal working hours and within 8 hours otherwise.
7.8	Wireless Download Prohibited	Unit must not allow for wireless downloads. Wireless diagnostic may be used. All wireless hardware to be disabled.
7.9	Filter the specific images for events and times for the approximate time of the crime committed.	

8.0 Requirements in relation to System Information		
Ref	Specification	Details
8.1	Provision of service log sheet with each unit shipped	The unit manufacturer shall have a service log shipped with the unit. The manufacturer shall also enclose detailed instructions for the drivers with each unit shipped. An installation manual shall also be furnished to authorised installers and fleet operators.
8.2	Serial number indication on service log	The unit will be marked with a serial number
8.3	Installation date indication on service log	The provision for the installer to indicate the installation date

8.4	Provision of driver instruction card with each unit shipped	
8.5	Provision of installation manual to installers and fleet operators	
8.6	Clarity of operating instructions	The system shall be provided with clear and concise operation instructions which are written with due consideration to varying levels of literacy.
8.7	Installation by authorised agents	The unit shall be installed by manufacturer's authorised agents.
8.8	Provision of authorised agents list to Monmouthshire Council Licensing Team	The manufacturer shall provide a list of all authorised agents to Monmouthshire Council Licensing Team.
8.9	Documentation	The manufacturer must provide clear and concise operating instructions which are written in layman's terms. (Details on how the system records the images)
8.10	Image Protection	All captured images must be protected using encryption software that meets or exceeds the current FIPS 140-2 (level 2) standard or equivalent.

9.0 Vehicle Inspection Facility		
Ref	Specification	Details

9.1	Provision of system status/health indicator	The driver shall have an indicator showing when the system is operational and when there is a malfunction.
9.2	Mounting location of system status/health indicator to be seen by driver only	The indicators shall be mounted/installed for the driver's vision only.
9.3	Additional indicator requirement	Where a system is fitted with an indicator to show that the system is on, this indicator shall be separate to those listed above or of a different colour to avoid any possible confusion on the part of the drivers using the system.
9.4	Designed/Installed to be testable by Monmouthshire Council Licensing Team (or persons acting on behalf of the Council –such as vehicle inspectors)	The system shall be designed and installed such that the system may be easily tested by Monmouthshire Council Licensing Team staff to ensure that all features are operating and that images are being recorded as prescribed.

10.0 General System Requirements		
Ref	Specification	Details
10.1	Vandal and tamper resistance	
10.2	Provision of statement of compliance	In addition to a formal test of all aspects of this requirement specification, a statement of compliance shall be provided and signed by an officer of the company.
10.3	Reliability in operational and environmental conditions	The system shall provide reliable and full functionality in all operational and environmental conditions encountered in the operation of taxis.

10.4	Programmability of image timing parameters	It shall be possible to change timing and parameters without the requirement to change components.
10.5	Training and Technical Support and Equipment	Manufacturer must provide Monmouthshire Council Licensing Team a Training and Technical Manual.
10.6	Software and Hardware	Manufacturer to supply Monmouthshire Council with a supply of cables and software to be installed under the supervision of the Council's authorised staff.
10.7	Agreement between the Camera Manufacturer and Monmouthshire Council	Agreement to allow Monmouthshire Council the relevant software from the Manufacturer so that in the event the Manufacturer goes out of business, the Council will be able to support the system.
10.8	All equipment must comply with any legislative requirements in respect of the Motor Vehicle Construction & Use Regulations	

Annex 19.

Video Point of Impact Systems (VPIS) Policy "Dash Cams"

VPIS systems also known as vehicle dash cams are external facing cameras that record footage external to the vehicle. They are used to capture footage in the event the vehicle is involved in a road traffic incident.

They have many advantages such as identifying who is responsible for causing an accident, providing evidence, resolving disputes, and in some instances, it may lower insurance premiums.

Vehicle proprietors of licensed hackney carriages and private hire vehicles that wish to install a VPIS system must do so in accordance with this policy and conditions.

VPIS/dash cams are subject to the General Data Protection Regulations (GDPR), and before purchasing a system, vehicle proprietors are advised to read the Information Commissioners Officer Code of Practice for Surveillance Cameras and Personal Information and Guide to GDPR, further information can be found at: https://ico.org.uk/

It should be noted that the vehicle proprietor is the data controller of the system and is responsible for the data unless the system incorporates internal CCTV cameras (please see CCTV policy for further details).

Systems that record both internal and external images, must comply with this policy and the Licensing Authority's CCTV policy and specification.

Conditions to be attached to Hackney Carriage and Private Hire Vehicle Licence:

1. No VPIS system shall be installed in a vehicle unless it carries a CE marking and conforms to Council Directive 93/68/EEC or equivalent.

2. The vehicle proprietor must produce a VPIS/dash cam policy that clearly identifies the lawful basis for the processing of personal data collected, and the retention period of the data. The purpose of the system should be communicated to any driver of the vehicle.

3. The vehicle proprietor shall notify the Licensing Authority within 7 days of having a VPIS system fitted. Such notification shall be in writing and will contain details of the vehicle the system has been fitted to and the make, model and CE marking number (or equivalent) of the VIPS system

4. An advisory notice, provided by the supplier, shall be displayed inside the vehicle on each of the rear side passenger windows. The notices shall be positioned in a prominent position where they can be easily read by persons both inside and outside

of the vehicle. The proprietor shall ensure that the notices are maintained in a clean and legible condition.

5. The proprietor shall ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions by a suitably qualified person. Written records of all maintenance and servicing shall be made and retained by the proprietor for a minimum of 12 months. Such written records shall be made available on demand by an authorised officer of the Licensing Authority or a Police Officer.

6. Upon request for image retrieval by an officer of the Licensing Authority or a police officer the proprietor shall ensure that the VPIS system is made available to the system administrator, as soon as reasonably practicable, and in any event within 7 days of the request.

7. The proprietor of the vehicle shall take all reasonable steps to ensure that any driver of the vehicle is made aware of every condition in relation to any installed VPIS system and has been given adequate instruction regarding the need for the system to be made available as soon as reasonably practicable, and in any event within 7 days of any authorised request for any image retrieval.

8. The proprietor shall, where necessary, ensure that notification is lodged with the Information Commissioner to cover the purposes for which the VPIS system is used

Annex 20.

Vehicle Livery Policy

Some members of the public do not distinguish between Private Hire vehicles with Hackney Carriages, and do not realise that Private Hire vehicles are not available for immediate hire or able to be hailed in the street. Therefore, it is important that the public are able to easily distinguish each type of vehicle. Creating distinctive livery for Hackney Carriages helps to resolve this difficulty.

Roof-mounted signs on Private Hire vehicles are not seen as best practice even if they indicate 'pre-booked only'. This because as any roof-mounted sign is liable to create confusion with a Hackney Carriage which also has a roof mounted sign.

Monmouthshire County Council licensed vehicles, both Hackney Carriages and Private Hire are required to display a 'Council' issued identity plate to the rear and front of the vehicle. Currently, the Hackney Carriages plates are rectangular and predominantly yellow. Private Hire Vehicle plates are rectangular and predominantly white. It is proposed to continue using these colours in order to distinguish between the two different types of vehicles.

All Hackney Carriages licensed by the Council must carry an illuminated roof-mounted sign. The roof sign shall have the word “Tacsi” facing toward the front of the vehicle and “Taxi” facing towards the rear of the vehicle and must be illuminated when plying for hire.

The Livery for Monmouthshire County Council as follows;

CYNGOR
monmouthshire
COUNTY COUNCIL
sir fynwy
CERBYD LLOGI PREIFAT
PRIVATE HIRE VEHICLE
RHIF COFRESTRU : REG NO
MATH O GERBYD : VEHICLE TYPE
I GLUDO : TO CARRY
CYNGOR
monmouthshire
COUNTY COUNCIL
sir fynwy
HACKNEY
CARRIAGE
REGISTRATION NO:
VEHICLE TYPE:
LICENSED TO CARRY:

Annex 21.

Vehicle Advertising Policy

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.

Annex 22

Horse Drawn Carriages (Hackney Carriage Only)

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, had 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.

Annex 23

Tuk Tuks, Electric and Cycle Rickshaws (pedicabs)

With regard to Tuk Tuks, Electric and Cycle Rickshaws (pedicabs), these vehicles do not fall within the set criteria for this Policy, as a result the following conditions apply.

Limitations of Use

1. Applications for Tuk Tuks, Electrical and Cycle Rickshaws (pedicabs) shall be deferred to the Licensing and Regulatory Committee for consideration, to allow them to be considered on a case by case basis.

2. The vehicle shall only be used for special occasions and pre-booked 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 except for cycle rickshaws (pedicabs). Non-motorised vehicles cannot be licensed as private hire vehicles, in accordance with Section 48 (1)(a) Local Government (Miscellaneous Provisions) Act 1976. In order for a cycle rickshaw (pedicabs) to be licensed as a hackney carriage vehicle, applicants need to demonstrate how they propose to comply with the Council's Hackney Carriage Vehicle Policy (as far as practicable), which includes tariff and roof signs.

3. The vehicle will be limited to travel at a maximum speed of 30 miles per hour, with specific care exercised when using trunk roads. Such vehicles shall not be used on dual carriageways or motorways.

4. Use of the vehicle will not be permitted if the weather causes hindrance to the stability and use of the vehicle, compromising safety.

5. All other criteria set down within this Policy shall be complied with.

6. The use of the vehicles for weddings and funerals are exempt from the requirement to hold a licence in accordance with Section 75 Local Government (Miscellaneous Provisions) Act 1976. As such, conditions cannot be considered for these purposes.

Vehicle Design

7. Tuk Tuks and Rickshaws whether pedalled, electrically motorised or powered by the traditional two-stroke engine, usually have three wheels. The design of which has the driver/rider to the front and the passengers seated to the rear. Tuk Tuk are the same design as Electric and Cycle Rickshaws (pedicabs). However, Rickshaws are often smaller and can only carry 1 or 2 passengers in the rear of the vehicle

8. For the purpose of calculating the seating capacity of a vehicle the minimum width of passenger seat is 400mm.

Transport of Passengers

9. The number of passengers to be carried shall not exceed the number for which it is licensed, as specified on the licence and the vehicle plate.

10. No person shall be permitted to travel sitting on the lap of any of the passengers. Passengers are to remain seated throughout the journey and be restrained by a lap belt at all times.

11. Children under 16 years of age are not permitted to travel in the vehicle unless accompanied by an appropriate adult. Children under 4 years of age are not permitted in the vehicle.

12. The driver shall not convey any animal unless it is in the custody of the hirer and in any case shall ensure that the animal is securely restrained.

Additional Documents Required.

13. Tuk Tuks and Electric Rickshaws presented for licensing will be required to have either European Whole Vehicle Type Approval (EWVTA) or be approved through the Motorcycle Single Vehicle Approval (MSVA), and be registered with the Driver and Vehicle Standards Agency (DVSA).

14. Cycle-rickshaws must comply, where applicable, with:

    a. The Pedal Cycle (Construction and Use) Regulations 1983 and The Pedal Cycle (Construction and Use)(Amendment) Regulations 2015.
    b. The Pedal Bicycle (Safety) Regulations 2010.
    c. The Electrically Assisted Pedal Cycle Regulation 1983 and The Electrically assisted Pedal Cycle (Amendment) Regulations 2015.

    And, in addition, have two rear position lamps and two rear reflectors; where appropriate.

    The Tuk Tuk and/or Rickshaws must also be presented for examination and inspection at an approved garage.

Appearance and Mechanical Considerations

15. The vehicle licence plate, issued by the Council, must be affixed to the outside of the rear of the vehicle.

16. Licensed Tuk Tuks and Rickshaws must be fitted with seatbelts or lap belts which will be adequate to retain passengers in the vehicle. The seatbelts shall be readily accessible for use by all passengers and must be maintained in a safe condition at all times.

17. Licensed Tuk Tuks and Rickshaws must be fitted with passenger doors on both sides of the vehicle, with at least one door allowing for access/egress.

18. No fittings, except those approved by the Council, shall be attached to the inside or outside of the vehicle.

19. The body-work of the vehicle is in good condition and the paintwork is clean and well maintained.

20. Licensed Tuk Tuks, Rickshaws must be kept in good order, the inside and outside clean and braking machinery efficient, with all fixtures and fittings well maintained at all times to prevent injury to any passengers or damage or soiling of clothing or luggage. The vehicle must also be provided with an audible warning device such as a bell or horn.

21. Licensed Tuk Tuks and Rickshaws must have a watertight roof covering. Any rain coverings must be watertight and cover the passenger area. The vehicles must be fitted with retractable rain coverings that cover both sides and rear of the vehicle and are secured to ensure the vehicle remains watertight. The covers must be transparent to allow the drivers and passengers unrestricted views out of the vehicle.

22. The seats of the vehicle must be properly cushioned or covered; fittings and furniture must be kept clean and adequate for the convenience of persons conveyed therein.

23. The floor of the vehicle must be covered in carpet, mat or other suitable, non slip floor covering which is sound and clean.

24. Wheels in the vicinity of the passenger compartment must be covered for the protection of the passengers and their clothing.

25. The tyres must be suitable for the proposed load being carried and must have a clearly visible tread pattern over the entire circumference, and over the full breadth of the tyre with no exposed cord. A suitable spare wheel and tyre is provided and readily available for use, or an alternative temporary repair system is provided, together with the tools and equipment required to carry out any emergency replacement or repairs required to the vehicle.

26. The condition, fixing and routing or positioning of electric cable and fitting, if any, are such that there is no risk of electrical fire or other incident.

Annex 24.

Limousine Licensing policy

Local Licensing Authorities may be asked to license stretched limousines as Private Hire Vehicles. Though it should be noted many Limousines are PSV Vehicles.

Where a Limousine has been imported from another country, VOSA approved certification will be required. Historically, this has been in a form of Single Vehicle Approval (SVA) inspection regime before becoming registered in the United Kingdom. This is now the Individual Vehicle Approval (IVA) Scheme. The IVA test verifies that the converted vehicle is built to certain safety and environmental standards. The Council will require imported vehicles to meet the IVA standard and require evidence of this in the form of the V5C (Registration Certificate) of the vehicle, which may refer to IVA under the "Special Note" Section; or the proprietor must obtain written confirmation from:

VOSA, Ellipse, Padley Road, Swansea, SA1 8AN, that the vehicle is IVA compliant.

Proprietors will require details of the vehicle's make and model, registration number and VIN number. Consideration may be given to the age of such vehicles, these usually being five years old when imported into the United Kingdom.

Annex 25.

Novelty/Special Event Vehicle Licensing Policy

Due to the individual nature of a “special vehicle” including wheelchair- carrying vehicles, it will inevitably give rise to issues that would not apply to conventional Private Hire vehicles and therefore it will be necessary to consider whether special conditions should be included on any licence including being exempt from the “environmental policy”.

Funeral Vehicles / Wedding Vehicles

There is no requirement for a vehicle to be licensed when it is used solely in connection with a funeral or is wholly or mainly used by a person carrying on the business of a Funeral Director. A vehicle does not need to be licensed while it is being used solely for the wedding service

Contract Vehicles

Until January 2008, there were no requirements for a vehicle to be licensed when used for a contract with an organisation or firm for a period of at least seven days, for carrying passengers for hire or reward under a contract for the hire of the vehicle. However, this exemption only applied to the vehicle and driver specified by the contract and then only during the period of the contract. Any vehicle being used for a contract with one firm could not be used for any other contract or purpose during the period of that contract. Vehicles carrying out contract work after that date have been required to be licensed by the Council in order to continue to undertake that work: this includes school transport.

Policy On Special Event Vehicle: Including Limousines, Wheelchair & Prestige Type Vehicles

This element of the Policy only applies to Private Hire Vehicles.

1. For the purpose of this Policy, a ‘special event vehicle’ shall mean a vehicle that is used for a particular occasion or occasions of a restricted nature e.g. transport to parties and is not a conventional vehicle used for standard Private Hire work.
2. Examples of vehicles that may fall within the ‘Special Event’ category are stretch limousines, classic cars, vehicle that has fewer than four seats or have wheelchair provisions for example vehicle that have rear operated lifts etc. Proprietors of prestige type vehicles licensed as private hire vehicles or private hire vehicles used in special circumstances may seek the permission of the Authority to waive conditions of their licence relating to the display of licence plates, door stickers and driver badges.
3. This element of the Policy does not apply in relation to vehicles which are used exclusively in connection with weddings and funerals and as such are exempt from Private Hire Licensing.

4. The General Licence Conditions for Private Hire Vehicles will not normally allow for special event vehicles to be licensed for a number of reasons including the style and design of the vehicle and “classic” cars failing to meet admission standards.

5. Any special event vehicle that has not been type approved, which does not meet the requirements of the Construction and Use Regulations, or which otherwise would not meet the standard Private Hire vehicle conditions may apply to be licensed by seeking a variation or exemption from some of the standard conditions which would otherwise apply.

6. Each vehicle will be considered and assessed by **Licensing Manager** on its merit taking account of:

- the overall condition of the vehicle
- the number of passengers for which it is required to be licensed and
- The specific criteria from which an exemption is sought.
- Type of wheelchair access (for example rear lift operating vehicles)
- Type of Work or Contract the vehicle will be used for.
- The Council’s primary consideration will always be the safety and comfort of the travelling public.

Limousine Conditions

The following set of conditions will be attached to all stretched limousines:

1. Limousines are permitted to be Left or Right Hand Drive.

2. The majority of stretched limousines are imported from the U.S.A and are left hand drive. The Department for Transport has recommended that Councils should not refuse to licence limousines simply because they have characteristics which contravene their existing Policy, i.e. left hand drive. Limousines with sideways facing seating will be permitted.

3. A main characteristic of stretched limousines is their sideways facing bench seats. In line with the Department for Transport’s guidance outlined above, the Council will consider the suitability of limousines with sideways seating for Licensing. The vehicle must have a seat belt available for every travelling passenger.

4. Limousines will not be required to display any Council livery but will be required to display the Council’s private hire plate. (The plate serves to distinguish Private Hire Vehicles from ordinary saloon cars and Hackney Carriage vehicles and to make them clearly identifiable to the public. However, the naturally distinctive appearance of stretched limousines means that they are very unlikely to be confused with a Hackney Carriage or a private-use vehicle).

5. Limousines with heavily tinted glass in the rear offside/nearside windows will be considered for Licensing. However, heavily tinted glass in the driver cockpit would remain prohibited in line with legal requirements. It is recognised that the privacy provided by tinted glass in the passenger compartment is a central characteristic of a limousine. However, glass in the driver cockpit must satisfy the standards within the Road Vehicles (Construction and Use) Regulations 1986 as amended.

6. Limousines will be required to hold a valid Single Vehicle Approval (SVA) Certificate or an IVA certificate. (The SVA or IVA test comprises a visual examination of a vehicle and certifies its safety and roadworthiness).

7. The limousine must be fitted with tyres that meet with both the size and weight specification. (Given the increased weight of the vehicle, tyres of the correct weight and size rating must be used at all times).

8. Any seats in the driver's compartment shall not be used to carry passengers. (This is to ensure that passengers are not carried in the front of the vehicle in order to improve driver and passenger safety).

9. In any advertisement publicising any limousine service, the Operator must state that the vehicle is only licensed to carry up to a minimum of 8 passengers. This is in order to inform customers of the maximum carrying capacity of the vehicle).

10. Alcoholic drinks provided in the vehicle shall be under the terms of an appropriate licence issued under the Licensing Act 2003 which relates to the sale and supply of alcohol. In order to comply with alcohol licensing requirements and safeguard public safety bottles of alcohol shall be placed in a secure place and should be removed when any passenger is under 18 years old. Any glassware in the vehicle must be made of either shatterproof glass or plastic, (safeguard public safety).

11. The driver shall not play or permit the performance of any media that, given its age classification or content, is unsuitable for the age of the passengers in the vehicle. (This is in order to safeguard child passengers from viewing unsuitable material).

12. If the limousine parks to provide some form of regulated entertainment for its passengers, a licence must be in place in accordance with the requirements of the Licensing Act 2003.

13. Any vehicle that has been constructed or adapted to seat more than eight passengers cannot be licensed as a Private Hire vehicle.

14. Due to the individual nature of a Limousine vehicle it will inevitably give rise to issues that would not apply to conventional Private Hire Vehicles and, therefore, it will be necessary to consider whether special conditions should be included on any licence. The Licensing Manager will determine any such additional special conditions. If the proprietor is not satisfied with the proposed conditions, the matter will be heard and determined by the Licensing Panel.

Prestige Type Vehicles Conditions

15. Prestige Vehicles that wish to be exempt from the requirements to display licence plates and will have to comply with all Private Hire Conditions other than Conditions relating to the plate (Livery).

16. Vehicles must be under 7 years old though older vehicles will be considered by the Licensing Manager, and this predominately will permit older vintage cars or unique cars to be granted a licence.

17. Vehicle must be of a standard of comfort and be equipped to a level equal to or above that of luxury model vehicles. (Higher specification executive-type saloon and MPV cars from other manufacturers may also be considered for example Mercedes Vito).

18. No advertising is permitted on or in the vehicle at any time.

19. The driver of the vehicle must be appropriately dressed for formal occasion wearing a formal suit (jacket, trousers or skirt) and formal shoes. No casual wear shall be permitted to be worn by the driver.

20. The individual nature of a special event vehicle will inevitably give rise to issues that would not apply to conventional Private Hire Vehicles and, therefore, it will be necessary to consider whether any special conditions should be included on a licence. The Licensing Manager will determine any such special conditions. If the proprietor is not satisfied with the proposed conditions, the matter will be heard and determined by the Licensing Panel.

21. We will allow Prestige Vehicles to be used on school contracts.

It should be noted that Proprietors / Operators found to be breaching the above conditions will be stripped of "executive" status for period of 12 months by the Licensing Manager and the vehicle will be suspended until such time as the vehicle(s) complies with Private Hire Vehicle Conditions.

Annex 26.

Private Hire Operator Application process

An application for a Private Hire Operator licence must be made on the specified form. The Licensing Authority will send correspondence to vehicle proprietors via e-mail, although it should be noted that it is the Operators responsibility to ensure that renewal applications are undertaken in time.

To allow sufficient time for documents to be processed, applicants should ensure that the Licensing Authority receives their complete application, including the fee and any other necessary documents at least 28 days before expiry date of a operator's licence.

All Applications and full guidance is available on www.monmouthshire.gov.uk/licensing/taxi-licence .

Annex 27

Private Hire Operator Licence Conditions

1.1 The operator must undertake sufficient checks to satisfy themselves that only suitable drivers are used (and continue to be used) in the course of their business. This will include checking and taking a copy of each driver's hackney carriage/private hire driver's licence prior to that driver undertaking any bookings. The failure of an operator to ensure that appropriate checks are carried out may call into question the operator's fitness and propriety. In addition, a failure to take appropriate action in relation to drivers that persistently breach licence conditions may also be detrimental to the continued fitness and propriety of the operator.

1.2 Where an operator dismisses or disengages a driver, they must report the dismissal and reasons for it to the Licensing Authority within 48 hours of the dismissal taking effect.

1.3 The Operator must notify the Licensing Office, in writing, within 5 working days if they, any company director, or any individual named on the application form:
a) changes home address
b) if any company or limited liability partnership changes its registered office
c) if any changes are made in the ownership/management/partnership of the operation as specified in your application form. Please note that new owners or additional partners will be required to have a basic DBS disclosure. The transfer of the operator's licence will not be completed until the Licensing Authority has received a copy of the disclosure.
d) If a director or nominated responsible person ceases to be employed in this capacity

1.4 The operator must inform the Licensing Authority if they or the person running the business are going to be absent from the day to day running of the business for a period of 2 consecutive months. In doing this, the operator must give the name of the person that will be responsible for the running of the business on their behalf during this temporary period.

1.5 The Operator must not use, or facilitate the use of, any software, technology or other device that is capable of impeding the lawful activities of enforcement agencies or the regulatory activity of the Licensing Authority.

1.6 The Operators must comply with all reasonable requests made by authorised officers of the Licensing Authority.

2. **Complaints System**

2.1 Private Hire Operators or an appointed representative from within the business must initiate an investigation into any complaint received from the public within 48 hours from receipt of the complaint.

2.2 The operator must maintain a register of complaints (digital or hard copy), which must include the following information:

a. Complainant's name, address/email address

b. Details of the complaint

c. Time and date of the alleged incident

d. Time and date the complaint was received by the operator

e. How the complaint was received e.g. phone, email etc

f. Name of person that received the complaint.

g. Name of the alleged perpetrator

h. If the complaint was referred to the Licensing Authority –time and date of when it was referred and who by.

i. Details of the action taken to resolve the complaint and by whom

j. Date the complaint was resolved

2.3 A copy of the complaints register must be available for inspection upon request of an authorised officer of the Licensing Authority. The records must be retained for a period of 12 months.

2.4 The operator must on receipt of a complaint concerning a licensed driver, immediately notify the complainant of their right to direct their complaint to the Licensing Authority.

2.5 The Operator shall ensure that details of how a customer may contact the operator in the event of any complaint relating to a contract for hire or purported contract for hire relating to or arising from his business, are displayed on the operator's website, booking app or in the absence of online booking platform, at the booking office.

2.6 Where a complaint is received by the Licensing Authority, the operator must comply with any reasonable request for information and/or follow any reasonable directions/instructions made by an authorised officer or police officer in respect of the complaint

2.7 The Operator must notify the Licensing Authority within 48 hours if the operator receives a complaint about a driver operated by them when it has been identified that the complaint relates to any of the following:

a) allegations of sexual misconduct (including the use of sexualised language)

b) racist behaviour

c) violence (including verbal aggression)

d) dishonesty including theft

e) Equality breaches

f) any other serious misconduct (including motoring related for example dangerous driving or drink driving).

3. Driver and Vehicle Records

3.1 The Operator must maintain and keep up to date the following records which must be immediately available for inspection on demand by any authorised officer of the Licensing Authority or police constable:

a) name and home address of every private hire vehicle driver operated by him.

b) details including licence number and date of expiry of the private hire driver's licence of every private hire vehicle driver operated by him.

c) name and home address of the proprietor of every private hire vehicle operated by him.

d) details including the private hire licence plate number and expiry date and vehicle registration number of every private hire vehicle operated by him

4. Disclosure & Barring Service Checks

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

4.2 Following the grant of a licence, licence holders must submit a new basic disclosure to the Licensing Authority annually.

4.3 Applicants that already hold a hackney carriage or PHV driver's licence with this authority are not required to provide the basic disclosure as part of their application for a private hire operator's licence. As long as licence holders continue to hold a hackney carriage or PHV driver's licence with this authority they are not required to submit a yearly basic disclosure.

4.4 a) The operator must view a basic DBS certificate (dated within one month of the check) of any staff that have access to booking records or dispatch vehicles.

b) The operator must maintain a register of all such staff which shall include a record of when each DBS check has been undertaken. This register must be available for inspection by an authorised officer of the Licensing Authority upon request. The register should include the following:

i. the date that person's employment in that role commenced

ii. the date the operator checked the DBS certificate

iii. the name of the person that checked the DBS certificate

iv. The date the person ceased to perform that role.

c) The register must be retained for 12 months in line with the booking records.

d) Should an employee cease to be on the register and later re-enter the register a new basic DBS certificate (or use of the Update Service) should be viewed by the operator.

4.5 Where the applicant/operator employs or intends to employ persons involved in taking bookings or the dispatch of vehicles, the operator must produce a policy on the employment of ex-offenders in those roles. The policy must be available for inspection on request of an authorised officer of the Licensing Authority.

4.6 The Operator must require that all staff employed in taking bookings or dispatching vehicles to report to them within 48 hours of any conviction, binding over, caution, warning, reprimand or arrest for any criminal matter whilst they are employed in this role.

4.7 The operator must make certain that any outsourced booking and dispatch functions have adequate safeguarding measures in place for the protection of children and vulnerable adults. The operator must have required evidence of this from the company before outsourcing these functions.

5. Notification of Convictions

5.1 Within 48 hours of any arrest and release, and then after any subsequent conviction, binding over, caution, warning, reprimand or arrest for any criminal or motoring matter (whether or not charged) imposed on him / her during the period of the licence, the licence holder must notify the Licensing Authority with full details of the matter(s).

What must be reported:-

a. Any conviction (criminal or motoring matter).

b. Any caution (issued by the Police or any other agency).

c. Issue of any Magistrate’s Court summonses against you.

d. Issue of any fixed penalty notice for any matter.

e. Any harassment or other form of warning or order within the criminal law including anti-social behaviour orders or similar.

f. Arrest for any offence (whether or not charged).

g. Any acquittal following a criminal case heard by a court.

h. Any refused of any type of licence by any other regulatory authority or any such licence is suspended, revoked or not renewed.

6. Business Premises

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

6.2 Where the operator's premises is used by the public it must be kept clean, adequately heated, ventilated and illuminated.

6.3 The operator shall ensure that any waiting area provided for the use of prospective hirers shall be provided with adequate seating and kept physically separate from any drivers resting area and operations room.

6.4 The private hire operator's licence must be displayed in a prominent position at any premises from which the operator operates. Any personal details such as home address of the licence holder should be redacted from the display copy prior to being displayed.

6.5 The operator shall provide a copy of these conditions of licence to the public upon request.

7. Booking Records

7.1 The operator must keep a record of every private hire booking either in writing in a suitable durable book which has consecutive page numbers or a computerised booking and dispatch system.

If a book is used, all entries must be clear, in English and easily legible, with no line spaces or blank pages.

If a computerised booking system is used, it must be able to produce a printout of any records requested by an authorised officer or police constable at all times.

7.2 For all accepted bookings an entry shall be made in the record book or computerised booking and dispatch system that shall include:

a) The name of the person making the record (if not made by a computerised system)

b) The time and date on which the booking is made and,

c) The name of the person for whom the booking is made

d) Contact details of the person the booking is made for (email address or phone number)

e) The agreed time and place of collection, or, if more than one, the agreed time and place of the first place of collection

f) The destination –as a minimum this should include the street and/or building name and postal area. Where possible it should include a full postcode.

g) The time the journey was completed

h) The total cost of the completed journey

i) The hackney carriage/private hire driver's name

j) The hackney carriage/private hire driver's licence number

k) The registration number of the vehicle allocated to the booking

l) the name of any individual that responded to the booking request

m) The name of the person that dispatched the vehicle (if not dispatched by computerised system)

n) If applicable, the name of the other operator from whom a booking was received and / or to whom the booking was subcontracted.

7.3 Any amendment must be made to the original record by way of an addition.

7.4 All records of private hire bookings, whether retained in a book or on a digital format, must be retained for at least 12 months from the date of the last entry and be readily available for production to an authorised officer of the Licensing Authority or police constable for inspection at any time during the hours of operation.

8. Personal Data

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

9. Insurance

9.1 Operators must ensure that at all times there is in force, for all private hire vehicles operated, a policy of insurance covering the carriage of passengers for hire or reward by pre-booking only or such security as complies with the requirements of Part VI of the Road Traffic Act 1988.

9.2 Any premises that provide access to members of the public must be covered by Public Liability insurance.

9.3 Operators must ensure that where a vehicle is covered under a fleet insurance policy, drivers are aware of the content of the policy, including its limitations and exclusions. The operator must keep a record, signed by the driver, within each individual's record file when this has been completed. A copy of any individual's

records must be produced, on request, to any authorised officer of the Licensing Authority.

10. Ride Sharing/Car-pooling

10.1 At the time of booking, individual hirers must be made aware of and explicitly consent to bookings that are part of a ride sharing/carpooling journey.

10.2 As part of ride sharing/car-pooling schemes, operators must offer the option to hirers to only share with other passengers of the same sex. If hirers select this option passengers of the opposite sex may not be added to the same booking.

11. Standards of Service

11.1The operator must provide prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose must in particular:

a) Provide adequate information and communications technology, facilities and staff, as appropriate.

b) Ensure the highest level of customer service and care.

c) Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.

d) Ensure that any telephone facilities and radio equipment (for which an OFCOM Radio Licence may be required) are maintained in a sound condition and that any defects are repaired promptly.

12.1. Public Service Vehicles

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

<u>Notes</u>

I. These conditions should be read in conjunction with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

II. Operators must conduct their business in accordance with all relevant statutory provisions. This includes health, safety and welfare legislation, environmental legislation and equalities legislation.

III. The Operator must not fail or refuse to accept a booking by or on behalf of a disabled person accompanied by an ‘assistance dog’ when the reason for failure or refusal is that the disabled person will be accompanied by the ‘assistance dog’

IV. Failure to declare any conviction within the required timescale together with the nature of the conviction will be taken into account in deciding whether a licence holder is a fit and proper person to hold a hackney carriage/private hire driver licence. This may result in the suspension, revocation or refusal to renew the private hire driver licence.

V. Any infringement of the licensing conditions could lead to suspension or revocation of the licence.

VI. Any person aggrieved by any conditions specified in the licence may appeal to a magistrate's court within 21 days of issue.

VII. The renewal of a licence should be made in advance to ensure continuity. There is no automatic period of grace. Unlicensed operation of private hire vehicles is an offence.

All operators must comply with their obligations under the Data Protection Act 2018 and should be registered with the Information Commissioner

Annex 28

Penalty Points Scheme

Date of Issue: ____/____/____ Time: _____

Location: _____ HV / PH: _____

Reg No: _____ Firm: _____

Driver: _____ Badge No: _____

Failing to wear Driver's Badge (3)	☐	Driving with illegal tyres (4)	☐
No First Aid Kit (2)	☐	Licence Plates not displayed (4)	☐
Failing to produce Insurance (3)	☐	Failing to produce test cert (3)	☐
Failing to produce driving licence (3)	☐	Failing to keep proper records (4)	☐
Officer refused access to records (6)	☐	Excess Passengers (6)	☐
Failing to notify of change of address (2)	☐	No spare wheel/Repair Kit (2)	☐

Using a mobile phone whilst driving (without the use of a hands free kit) (3) ☐

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: ___/___/___